

**REGULAR CALLED MEETING**  
**City Council**  
**August 27, 2019**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, August 27, 2019, at 9:00 a.m., in the Council Chambers, City Hall, 501 Center Avenue, Brownwood, Texas, with the following members present:

<b>Stephen E. Haynes</b>	<b>:</b>	<b>Mayor</b>
<b>HD Jones</b>	<b>:</b>	<b>Councilman – Ward 1</b>
<b>Ed McMillian</b>	<b>:</b>	<b>Councilman – Ward 2</b>
<b>Larry Mathis</b>	<b>:</b>	<b>Councilman – Ward 3</b>
<b>Draco Miller</b>	<b>:</b>	<b>Councilman – Ward 4</b>
<b>Walker Willey</b>	<b>:</b>	<b>Councilman – Ward 5</b>
<b>Pat Chesser</b>	<b>:</b>	<b>City Attorney</b>
<b>Emily Crawford</b>	<b>:</b>	<b>City Manager</b>
<b>Christi Wynn</b>	<b>:</b>	<b>City Secretary</b>

with no members absent, constituting a quorum of the City Council.

<b>CALL TO ORDER:</b>	Mayor Haynes called the meeting to order.
<b>PLEDGE OF ALLEGIANCE:</b>	Pledge of Allegiance was led by Councilman Miller.
<b>INVOCATION:</b>	Invocation was given by Councilman Mathis.
<b>ITEMS TO BE WITHDRAWN:</b>	None

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:**

City Manager Crawford recognized and thanked Kathy Lambert and Mikel Cadena for the excellent renovation of the Council Chambers they did.

**Presentation of a plaque to Jerry DeHay**

Mayor Haynes presented a plaque to outgoing Councilman Jerry DeHay and thanked him for his twelve years of dedicated service, insight, and calming presence to the Council. A picture was taken with those who served on committees with him. Mr. DeHay then began to thank the Council and city staff individually. Stating that this was a wonderful place to serve. He then gave the lapel pin that he wore for twelve years to Councilman Willey to wear with pride as he represents this great organization.

**CITIZENS PRESENTATIONS:** None

**APPROVAL OF MINUTES:**

A motion was made by Willey, seconded by Miller, to amend August 1, and August 8, 2019, minutes to reflect that Councilman Willey was there instead of Councilman DeHay, and to approve the minutes of the Regular Called Meeting of August 13, 2019, as presented. Upon vote, motion carried unanimously.

**CLAIMS AND ACCOUNTS:**

Assistant Finance Director, Melanie Larose, was present for questions regarding the checklist. A motion was made by McMillian, seconded by Willey, that the Claims and Accounts dated through August 23, 2019, be approved for payment as submitted. Upon vote, motion carried unanimously.

**PUBLIC HEARING:**

**Conduct a public hearing on the proposed City of Brownwood budget for FY 2019/20 to receive input from the public. Council may set a date for formal adoption of the budget ordinance on first reading on September 17, 2019 (Special called meeting) and on second and third readings on September 24, 2019 (Regular Council meeting).**

Mayor Haynes opened the Public Hearing. Finance Director, Walter Middleton, stated that the summary budget being presented has been changed from the proposed budget published on July 30, 2019, and presented to the City Council during the budget workshops on August 1 and 6, 2019. The new proposed budget includes facility improvements totaling \$44,000, an increase to the library subsidy of \$4,200 and additional revenue from equipment sales. The total proposed budget is \$36,280,868. This is an increase of \$939,603 from the FY 18/19 budget or 2.66%. Mr. Middleton went over the timeline for the budget process beginning in May. The City Council revised budget was posted on the web-site on August 22, 2019. The property tax rate will remain unchanged at \$.7869 per \$100 valuation. The effective tax rate, which will raise the same level of revenue as the prior year after adjustments, is \$.7602. As a result, we will be advertising an increase in tax revenue of 3.4%. We are proposing an increase of \$3.00 per month to the water base rate for a ¾" residential meter with proportional increases for larger meters. No increases are being proposed in the water consumption rate. Mr. Middleton referred to a survey he conducted for comparison among twelve cities. Brownwood is number nine for water usage rates, which is very good, meaning our rates are competitive and low. Mr. Middleton stated that we are proposing a 3% increase in the sewer rate. This would increase the monthly minimum from \$26.88 to \$27.68, an increase of 80¢ per month. We are proposing a 3% increase in sanitation rate. This would increase the monthly residential fee from \$21.74 to \$22.39, an increase of 65¢ per month. We are proposing a \$2.00 per ton increase in the landfill gate rate from \$42 per ton to \$44. In a comparison of sewer rates among cities (the same cities as used before) we are at number nine, which shows that our sewer rates per 10,000 gallons are very good. The impact to an average residence is \$4.45 for water, sewer, and sanitation for the increases in the rates. Mr. Middleton went over expense factors to include a 2% pay increase for non-civil service employees \$204,290; pay increases for Police and Fire \$124,170; and automated meter software, hardware, and additional meters (five-year purchase) at \$100,000. Fleet replacement – Enterprise lease program phase two \$74,065; Enterprise lease program, year two of phase one \$66,232. Fire – additional capital expenses for safety related equipment \$115,178. Landfill – guaranteed buyback for a D8 Dozer of \$175,000. This is offset on the revenue side for the payment from the vendor. A potential tax note – this budget included cuts of \$1,127,300 for facility improvements that are needed and were requested by department heads. We will be proposing a tax note in the upcoming year to fund some or all of these costs. These include items that we have been discussing, such as resurfacing the Camp Bowie Aquatic Center pool, remodeling at

Fire Station 2, and replacement of the HVAC system at the Coliseum. We will begin the process of sizing a potential tax note in November or December with funding to take place during FY 19/20 and the first payment in FY 20/21. Mr. Middleton went over budget totals by fund and a pie chart shows that the General Fund brings in 49% of the budget, Utility Fund 29%, and the Sanitation Fund 17%. A pie chart of total budgeted expenses by fund shows that the General Fund expends 55%; Utility Fund 25%; and the Sanitation Fund 14%. Mr. Middleton went over revenue totals and stated that we anticipate an increase in the General Fund of \$556,052; the Utility Fund \$1,524; the Sanitation Fund \$420,895; and the Airport \$77,000. He then went over projected expenses for the General Fund over the prior year of \$772,276; Utility Fund \$23,328; Sanitation Fund \$186,835; and Airport (\$-11,968). Mr. Middleton stated that water provides the biggest source of revenue of around 18%; then Sales Tax at 16%; Ad Valorem Tax at 16%. He stated that 32% of total revenue comes from Sales and Ad Valorem Taxes. The breakdown of expenses by department shows that Police 15%, Fire 11%, and Street 6%, add up to 32%. Our two largest General Fund revenue sources go to those three departments. All other sources of General Fund revenue have to cover all other General Fund departments and subsidies. Mayor Haynes stated that the budget is going up 2.66% with the largest portion of that going towards employee pay increases. Inflation rates go up around 2% to 3% each year. He explained that the proposed City tax rate is 3.4% higher than the effective tax rate which means that prior existing tax payers received a 3.4% increase, but some tax payers received appraisal increases of up to 25%. Tax payers would have still seen an increase in their taxes due to State mandating the Appraisal District to increase property appraisal values. There is nothing that the City can do about it.

Mayor Haynes asked if there was anyone that wanted to speak. Since none came forward, he closed the public hearing. A motion was made by Mathis, seconded by Jones, to schedule the dates to formally adopt the City FY 19/20 budget on September 17, 2019, at 9:00 a.m. on first reading, and on September 24, 2019, at 9:00 a.m. on second and third/final reading. Upon vote, motion carried unanimously.

**Discuss the tax rate for FY 2019/20. Since the proposed tax rate of \$.7869 per \$100 value exceeds the effective tax rate, Council shall take a vote for record on the proposal to consider a tax increase and may set a date to adopt the rate on September 17, 2019, (first reading) and September 24, 2019, (second and third readings). Council may schedule public hearings on the tax rate on September 5, 2019 and September 10, 2019.**

Mayor Haynes stated that we are not proposing to change the tax rate. It is proposed to stay at \$.7869 per \$100 value.

A motion was made by Willey, seconded by McMillian, to schedule the dates to adopt the 2019 tax ordinance which will increase taxes by adopting a maximum tax rate of \$.7869 per \$100 valuation on September 17, 2019, at 9:00 a.m. on first reading, and on September 24, 2019, at 9:00 a.m. on second and third/final reading. Mayor Haynes took a record vote:

<b>Miller</b>	yes	<b>Jones</b>	yes	<b>Mathis</b>	yes
<b>McMillian</b>	yes	<b>Willey</b>	yes		

Upon vote, motion carried unanimously.

A motion was then made by Miller, seconded by Jones, to schedule two public hearings on the proposed tax rate on September 5, 2019, at 9:00 a.m. and September 10, 2019, at 9:00 a.m. Upon vote, motion carried unanimously.

City Manager Crawford asked if the Council would like to hold an evening public hearing on the budget, Tuesday, September 3, 2019, at 5:30 p.m. A motion was made by McMillian, seconded by Miller, to hold an additional public hearing. Upon vote, motion carried unanimously.

#### **ORDINANCES AND RESOLUTIONS:**

##### **Consider an ordinance on *second* and *third/final* reading regarding the keeping of chickens in the City Limits.**

Mayor Haynes asked if there was anyone to speak. There being no one, he asked for the City Secretary to read the Ordinance. A motion was made by Willey, seconded by McMillian, to approve the ordinance on *second reading* to amend the City Ordinance, Section 98. Upon vote, motion carried unanimously.

A motion was made by Mathis, seconded by Miller, to approve the ordinance on *third/final reading* amend the City Ordinance, Section 98. Upon vote, motion carried unanimously.

#### **ORDINANCE NO. 19-08**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING CHAPTER 98-2 OF THE ZONING CODE REGARDING DEFINITIONS; AMENDING THE CONDITIONAL USE REGULATIONS IN CHAPTER 98-583(B)(3), (4), (5) AND (7) REGARDING THE KEEPING OF CHICKENS IN ALL ZONING DISTRICTS OF THE CITY; AMENDING SECTION 98-561 OF THE CHART OF PERMITTED USES TO PROVIDE THAT CHICKENS MAY BE KEPT IN ALL ZONING DISTRICTS OF THE CITY PROVIDED THAT THEY MEET THE CONDITIONAL USE REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

##### **Consider an ordinance on *second* and *third/final* reading revising the City's animal ordinance regarding rabies vaccinations; dangerous dogs; regulating the care and humane treatment of animals; requiring sanitary conditions for animals and maintenance of the premises upon which they are kept; regulating the confinement of dogs or cats in motor vehicles; prohibiting the defecation by dogs on private or public property without removing or disposing of the excreta.**

Mayor Haynes asked for the City Secretary to read the Ordinance. He stated that he had one citizen approach him last week that was a local veterinarian with some concern about the rabies vaccination being every three years and the public not remembering to keep the vaccination current. Mayor Haynes explained that if the State Board of Veterinary Medicine has allowed three-year vaccinations, it is not our place to make it more restrictive.

Animal Control Officer, Donald Plate, stated that he feels the opposite. He thinks it will help citizens stay in compliance for a longer period of time. Mrs. Crawford stated that the Ordinance does not specify a three-year vaccination, but rather that it be kept current.

There being no others to speak, a motion was made by Willey, seconded by Miller, to approve the ordinance on *second reading* to amend the City's animal ordinance, Chapter 14, regarding rabies vaccinations; dangerous dogs; regulating the care and humane treatment of animals; requiring sanitary conditions for animals and maintenance of the premises upon which they are kept; regulating the confinement of dogs or cats in motor vehicles; prohibiting the defecation by dogs on private or public property without removing or disposing of the excreta. Upon vote, motion carried unanimously.

A motion was made by McMillian, seconded by Mathis, to approve the ordinance on *third/final reading* to amend the City's animal ordinance, Chapter 14, regarding rabies vaccinations; dangerous dogs; regulating the care and humane treatment of animals; requiring sanitary conditions for animals and maintenance of the premises upon which they are kept; regulating the confinement of dogs or cats in motor vehicles; prohibiting the defecation by dogs on private or public property without removing or disposing of the excreta. Upon vote, motion carried unanimously.

**ORDINANCE NO. 19-09**

**AN ORDINANCE AMENDING CHAPTER 14 "ANIMALS" OF THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING SECTION 14-1 "DEFINITIONS"; BY AMENDING SECTION 14-102 REGARDING RABIES VACCINATIONS; BY DELETING DIVISION 3 REQUIRING LICENSES AND TAGS FOR DOGS AND CATS IN ITS ENTIRETY; AMENDING AND REPLACING DIVISION 4 "DANGEROUS DOGS" IN ITS ENTIRETY AND RENUMBERING IT AS DIVISION 3; RENUMBERING DIVISION 5 "IMPOUNDMENT" TO DIVISION 4; AND ADDING A DIVISION 5 "CARE AND PROTECTION OF ANIMALS" REGULATING THE CARE AND HUMANE TREATMENT OF ANIMALS; REQUIRING SANITARY CONDITIONS FOR ANIMALS AND MAINTENANCE OF THE PREMISES UPON WHICH THEY ARE KEPT; REGULATING THE CONFINEMENT OF DOGS OR CATS IN MOTOR VEHICLES; PROHIBITING THE DEFECATION BY DOGS ON PRIVATE OR PUBLIC PROPERTY WITHOUT REMOVING OR DISPOSING OF THE EXCRETA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Discussion of spay/neuter ordinance and the creation of a citizen task force.**

There were no members of the public to speak on this topic. Mrs. Crawford stated that after the last Council Meeting citizens, as well as city staff, recommend that we create a citizens task force made up of interested citizens, animal shelter employees, veterinarians, and city staff (Animal Control and Police Department), in order to come up with suggestions to bring to Council. This would not be an official committee appointed by the Council. Mayor Haynes expressed concern with creating controversy where it doesn't exist. A sample ordinance given in the packet is for a total spay/neuter ordinance and the

only way you can breed dogs is through a breeder's license. That would come with a lot of enforcement and expense. Councilman Willey stated that it was discussed at the last meeting that there could be potential for penalties for repeat offenders where their dog keeps getting loose to find a companion during the breeding season. The penalties could consist of a fine, up to the possibility of spaying/neutering to help control escaping. Mayor Haynes stated that he could see that as a possibility but did not wish to mandate that every person be required to spay/neuter their dogs. He stated that he did not want to create a task force that brings back an ordinance to Council with the impression that it will be passed. ACO, Don Plate, stated that the majority of animals that he puts in his truck are unaltered males. He did not think passing an ordinance would solve the problem. He recommended having a group that could help figure out how we could get a low-cost spay/neuter program in the City. Larger cities that have an ordinance, also have a program. Mayor Haynes suggested having a progressive fine for animals that are picked up multiple times. ACO Plate stated that it is a good idea, but tracking would be difficult and he does not have the manpower to support such. He stated that he contacted A&M to see if their students could put on a spay/neuter clinic, but has not received a response. Mayor Haynes requested to table the item and he and ACO Plate will discuss further. Once they come up with ideas for an Ordinance, we may hold another public hearing.

No action was taken on this item.

**Consider an ordinance on first reading regarding a negotiated settlement between Atmos Cities Steering Committee (ACSC) and Atmos Energy regarding the 2019 rate review mechanism (RRM) filing.**

City Attorney, Pat Chesser, stated that this is an ordinance that will approve a negotiated settlement between Atmos Cities Steering Committee (Brownwood is a member) and Atmos Energy. On April 1, 2019, the company filed a rate increase request pursuant to the RRM Tariff adopted by the committee. The company claimed that its cost of service in a test year entitled it to additional system-wide revenues of \$70 million. After our consultants with the committee reviewed their tariffs and revenues, they have reached a negotiated settlement of an increase of \$35.4 million. The impact of the settlement on average residential rates is an increase of \$2.05 on a monthly basis or 3.7%. The increase for average commercial usage will be \$6.18 or 2.31%. The increase for an industrial customer will be \$159.53 or 1.02%, and the average Transportation customer will have an increase of \$159.53 or 4.01%. This is recommended by our consultants that these rates are reasonable.

Mayor Haynes asked for the City Secretary to read the Ordinance. A motion was made by McMillian, seconded by Miller, to approve the ordinance on *first reading* regarding a negotiated settlement between Atmos Cities Steering Committee (ACSC) and Atmos Energy regarding the 2019 rate review mechanism (RRM) filing. Upon vote, motion carried unanimously.

**ORDINANCE NO. 19**

**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 2019 RATE REVIEW MECHANISM FILING; 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 ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; 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.

**CONSENT AGENDA:**

Mayor Haynes filed a Conflict Disclosure Statement for the item involving Brown County Abstract, Inc. as he regularly does business as an attorney with them. He asked if any items needed to be removed from the Consent Agenda. There being none, a motion was made by Willey, seconded by Mathis, to approve the items on the Consent Agenda as presented. Upon vote, motion carried unanimously.

**Cast vote for Mayor, Stephen Haynes to serve a three-year term on the TML Health Benefits Pool beginning October 1, 2019, through September 30, 2022.**

**Consider ratification of the Brownwood Municipal Development District Board action for a Building Improvement Incentive Program (BIIP) grant to Brown County Abstract, Inc. not to exceed \$16,200 for a property located at 201 S. Broadway.**

At this time, a five-minute break was taken.

**REQUESTS AND PRESENTATIONS:**

**Council may discuss the history and timeline of the City's trash collection system and may hear from citizen Jeff Smith, regarding the change of dumpsters to roll-out carts in his area.**

Assistant City Manager of Public Works, Tim Airheart, stated that the City of Brownwood's trash collection system, prior to 1977 was a mix of curbside and alley collection systems, with the customer providing the trash containers. Most of which were metal trash cans. In 1977 the City purchased an automated system that was mostly side load containers of 1.5 and 3 cubic yards. The system also had approximately 400-500 poly carts with a capacity of 74 gallons. The poly carts were dumped by hand until March of 1980 when then City Manager, Virgil Gray; reported to the council that the rollouts were slowing the collection system down. The Council authorized the purchase of two cart

tippers to be placed on the back of a rear load sanitation truck. This system of collection remained unchanged for the next 20 years. During the budget meetings of 1996, the City Council approved a new system of collection by approving a budget that included over 600 – 95-gallon carts and a Heil Rapid Rail collection truck. The Council was advised by the Director of Public Works, that converting all routes would take years due to funding. The first route converted was the poly cart route that was in existence at the time. Reasons for the conversions were:

1. Carts are cheaper than metal dumpsters. Cost per cart was approximately \$45 each vs. a steel dumpster at \$400. (4 homes per 3CY dumpster @ \$400 or 4 poly carts per \$180)
2. All metal dumpster maintenance was by contract with local welding shops. The shops used the repair of dumpsters as filler work between other contracts, which made it difficult to get repaired dumpsters on a continual basis.
3. Reduction of illegal dumping, if every resident has their own cart.
4. Eliminated neighbors fighting over who overfilled the dumpster.
5. Eliminated hotshot calls due to overfilling.
6. Reduction in fuel consumption and wear and tear on vehicles by moving collection to the street.
7. Curbside collection reduces the amount of litter and debris that typically occurs in alleys with dumpsters (usually due to overfilling the dumpster).

**Dumpster Criteria** – Commercial customers get steel containers where appropriate due to heavy garbage generated by those businesses. Light Commercial customers on residential routes will get 300-gallon plastic containers. Residential customers will get carts. Steel containers not in use will be converted for recycling of cardboard and painted green. Most alleys are not wide enough for a round 300-gallon container as they are wider than the current metal container.

**Color Criteria** – The council's fear was that residents would not be able to see the dark green containers at night, a lighter blue container was selected as the best choice.

**Conversion** – We currently have about 70% of residential pickup converted to carts. The last two routes to be converted are routes 4 and 5. Route 4 will combine all residential containers from routes 4 and 5. Route 5 will combine all commercial containers from routes 4 and 5.

Mr. Airheart stated that with the conversion, he hopes that the City can reduce the number of trash collection trucks by one. Councilman Miller asked how often metal dumpsters are replaced. Mr. Airheart stated that every five to seven years, a new bottom has to be welded on steel containers due to rot. Plastic containers last a lot longer. Abilene has used plastic carts since 1977 and still use some of the original containers. Mayor Haynes stated that he has had both types of containers and prefers roll-outs for his family. When he lived on Austin Avenue, he had problems with the dumpster being full all of the time, people putting yard waste in the dumpster, and four to five times a day people rummaging through the

trash. He has a dumpster at his office that people from the County drive by and throw trash in. If capacity is a problem, a second roll-out can be rented for very little cost.

Jeff Smith addressed the Council and he gave the opinion of his neighborhood. He stated that he did not think plastic carts would be cheaper in the long run and would like to have a black dumpster in his alley rather than roll-out carts. One of his neighbors got a roll-out and the lid broke within two weeks. He sees them all around town with lids hanging off, wheels that don't work and aren't made very well. The system worked well for thirty-years and he doesn't know why it can't continue. He stated that adding 600 more plastic carts to the street is an eye-sore and they stay in the street. Mr. Smith stated that there might be a reduction in illegal dumping in residential areas but people still rummage through the plastic carts. He stated that he didn't see how we would be saving on fuel with more frequent stops. He did see how curbside collections could reduce litter, but thinks collections should still be in the alley where trash is less visible. Mr. Smith expressed his dislike of the color of the roll-out carts. He stated that the City of Early has brown carts with black lids. They should blend in with the neighborhood. He said that dumpsters in the street are a hazard. He sees more overgrowth and less upkeep of alleys and expressed concern for emergency vehicles, utility trucks, etc. getting down the alleys. He requested the current City Council take a look at the system and requested the item be tabled rather than forcing roll-out carts on people. Mr. Smith expressed concern with how the elderly would get their carts to the street and stated that we are putting a burden on the citizens. He asked for Council to make a decision to use the alleys for what they are intended for.

Councilman Willey stated that when he lived in Corpus Christi he had two roll-out carts for around six years. One green roll-out for recycling, and one blue for trash. When he came back to Brownwood, he had a roll-out for four years until he moved to his current location where he has a paved alley and a metal dumpster. He has asked around and sees pros and cons to both. He stated that the metal dumpster he has now is disgusting and doesn't like to touch it. Whereas when he had a roll-out, he kept it clean and was more manageable. It's not just the matter of what type of dumpster you have, but the very large capital item that picks up the trash. He expressed interest in hearing about cost savings. We have to be conscious that we don't spend \$200,000 on a truck to accommodate one type of dumpster or another.

Jerry DeHay expressed concern about people leaving roll-outs in the street after they are emptied and windy days cause them to be all over the street. He expressed concern about the elderly not being able to take their cart to the street. Mr. Airheart stated that if there are people that can't take out the roll-out, a form can be filled out and the driver will get out and get the cart to empty. Mr. DeHay suggested having an extra fee for the people that preferred a metal dumpster. Councilman Jones asked Mr. Airheart if the trucks that pick-up the containers pick-up the dumpsters too? Mr. Airheart stated that the trucks we purchase can pick up to a 300-gallon black dumpster, but are not compatible with the metal dumpsters. He explained a house served by a roll-out cart gets 51 more gallons of disposal space than those with a metal dumpster, and the cart is picked up twice a week rather than once with the metal container. There are normally 1/3 of the number of carts set out on the

second day than the first. Councilman Mathis asked if Mr. Smith could have a black dumpster in his alley. Mr. Airheart stated that there is not enough room in the alley. There needs to be 20' wide alley for a black dumpster, there is 16 ½' clearance to get down the alley, not including the telephone poles, and utility meters that are located in alleys. Most alleys are 14-16'. Trucks are larger now than they used to be and we have no control over the size of the truck that is made.

Mayor Haynes stated that the budget that is before the Council at this time is to move forward with the conversion. If a member of the Council would like to stop the conversion and amend the budget, they could bring forth a proposal and request the item be placed back on the agenda as an action item.

**Consider approving a Chapter 380 Agreement with Jeff Tucker to waive the brewer's permit and manufacturing license fee paid to the City granted by the Texas Alcoholic Beverage Commission for three years for a business located at 100 N. Fisk.**

Jeff Tucker, the owner of 100 N. Fisk, requested a three-year waiver of fees paid to the city after completion of the license from TABC. He explained that start-ups require a great deal of revenue and time to get off the ground. This added fee assessed by the City due to merely applying for the TABC permits and granting of the same add to the start-up costs. The state law reads that a municipality "can" apply an added fee for a permit but not that it "will" or "must". He requests a three-year waiver to his business to allow capital reserve dollars to go toward the start-up needs versus that of obligatory fees. The cost of the TABC permits for sale, distributor, and manufacturing was \$6,000. Between the City and County, they would assess an added \$6,000. Mr. Tucker stated that he will be asking Brown County for the same courtesy.

Councilman Mathis stated that this has been a major renovation. Mr. Tucker stated that he has over \$600,000 in renovations and anticipates opening mid to late September.

A motion was made by Mathis, seconded by Miller, to approve a Chapter 380 Agreement with Jeff Tucker to waive the brewers permit and manufacturing license fee paid to the City granted by the Texas Alcoholic Beverage Commission for three years for a business located at 100 N. Fisk. Upon vote, motion carried unanimously. Mr. Tucker thanked the City for their help with the development of his business.

**REPORTS:**

**Budgetary Control Report**

Mr. Middleton stated that revenue, expenses, and investments, are all down. There are 46 days in reserves. Last year at this time, there was 59. We hope to end the year around 30 days.

**City closed for Labor Day, September 2, 2019.**

**EXECUTIVE SESSION:**

Council convened into Executive Session at 11:35 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 551.071 – Consultation with Attorney**

- A. TML Multistate Intergovernmental Employee Benefits Pool relating to IRS Compliance Matters.
- B. Architectural Contract with BRW Architects.

Council reconvened into open session at 11:50 a.m.

**ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:**

**Section 551.071 – Consultation with Attorney**

- A. A motion was made by Willey, seconded by Miller, to approve a resolution authorizing representation in an IRS matter and delegating authority to execute Form 2848, IRS power of attorney. Upon vote, motion carried unanimously.

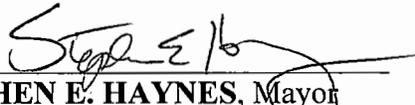
**RESOLUTION NO. R-19-12**

**A RESOLUTION OF THE CITY OF BROWNWOOD, TEXAS,  
AUTHORIZING REPRESENTATION IN AN IRS MATTER AND  
DELEGATING AUTHORITY TO EXECUTE FORM 2848 IRS POWER OF  
ATTORNEY.**

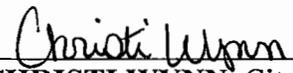
- B. No action was taken.

**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