

**REGULAR CALLED MEETING  
City Council  
July 13, 2021**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, July 13, 2021, 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>Council Member Ward 1</b>
<b>Ed McMillian</b>	<b>:</b>	<b>Council Member Ward 2</b>
<b>Melody Nowowiejski</b>	<b>:</b>	<b>Council Member Ward 3</b>
<b>Walker Willey</b>	<b>:</b>	<b>Council Member 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 Council Member, Draco Miller, 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 Council Member Jones.

**INVOCATION:** Invocation was given by Council Member Nowowiejski.

**ITEMS TO BE WITHDRAWN:** None

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:** None

**CITIZENS PRESENTATIONS:** None

**APPROVAL OF MINUTES:**

A motion was made by Willey, seconded by McMillian, to approve the minutes of the Regular Called Meeting on June 22, 2021, as presented. Upon vote, motion carried unanimously.

**CLAIMS AND ACCOUNTS:**

Finance Director, Melanie Larose, was available for questions regarding the checklist. A motion was made by McMillian, seconded by Nowowiejski, that the Claims and Accounts dated through July 9, 2021, be approved for payment as submitted. Upon vote, motion carried unanimously.

**REQUESTS AND PRESENTATIONS:**

**Discuss engaging with Fire Recovery USA for emergency incident billing for the Brownwood Fire Department.**

Fire Chief, Eric Hicks, stated that the cost recovery for fire-based emergency response services is both an accepted and necessary practice across the United States. The demand for timely and competent emergency response has increased, while the ability to fund these same responses has become difficult in shrinking public budgets. The creation of fees for fire-based emergency response services is one way to try and fund the critical services of the fire

department. It is our recommendation for the establishment of a Fire Cost Recovery Program and recommends outsourcing this task to Fire Recovery USA for their services. Fire Recovery USA is a comprehensive cost recovery solution used nationwide in 1,350 Fire Departments in 42 states (including over 150 departments in Texas). Billing for cost recovery of emergency services used when responding to motor vehicle accidents and hazardous materials incidents is a very common practice. Most auto insurance policies contain language specifying coverage for an automobile accident and emergency incident services. The program would be set up to only charge insurance, nothing comes out-of-pocket from our residents. The insurance industry is regulated by the insurance commission and does not raise rates due to fire departments billing for cost recovery. What may affect your rate is the severity of the accident you are involved in, the kind of car you drive, where you are driving, your age, sex, marital status, and your driving record. The system also allows for 100% transparency in the billing process and city staff can see exactly where Fire Cost Recovery is for each claim in the system. The online portal shows the balance owed to the city at any given time, and it allows the city to budget and plan finances accordingly. An ordinance would need to be in place that gives legal authority to bill for our service. Once an ordinance is established, the City would enter into a service agreement with Fire Cost Recovery. There is no cost to the city for this service and there is no upfront cost. The fees are 22% of what is collected. Fire Recovery USA averages approximately \$600 per billable run back to its clients. Using our department's data, Fire Recovery estimates a possibly of \$41,682 revenue forecasted to be returned from this program. It is recommended if this program is implemented by Council, it would be best to be conservative and estimate additional revenue at approximately \$10,000 to \$20,000. This revenue estimate does not include any calls outside the city limits of Brownwood. If allowed to bill for calls outside the city limits, expect additional revenue.

Chief Hicks explained that the city had a program like this about five years ago. Mrs. Crawford stated that it was stopped using the last company because we provided the majority of the information, and it was very labor-intensive for City Staff. Chief Hicks explained that this company will have access and be able to use the program we have in place and can gather the information themselves. Council Member McMillian stated that we passed an ordinance in the past allowing billing for the Fire Department and we may not be required to pass another. Mayor Haynes explained that residents may still be reflected by this charge by not receiving as much from their insurance companies in return for medical expenses because insurance companies are obligated to pay these fees first.

The Council requested this item be brought back for consideration at a future meeting.

**Consider authorizing the transfer of \$500,000 from old Brownwood Economic Development Corporation funds to the Brownwood Municipal Development District.**

Executive Director of the BMDD, Ray Tipton, stated that currently, the City of Brownwood has a special fund devoted to economic development that was transferred from the BMDD through a Chapter 380 Economic Development Agreement. The funds were designated for projects located in the City's Extraterritorial Jurisdiction (ETJ). With the recent passage of HB 1554, the BMDD is allowed to use its project funds in the ETJ. With this new law in place, there is currently no need for the City to reserve the old BEDC funds

for projects. BMDD staff would like to transfer the remaining funds in the Special Projects fund back to the BMDD for use in the multi-purpose event center project, through an amendment to the Chapter 380 agreement. There is currently \$487,251 in the fund and would be put towards the Event Center project in order to help not borrow as much at the end of the project.

A motion was made by Willey, seconded by Jones, to authorize an amendment to the Chapter 380 Agreement between the City of Brownwood and the Brownwood Municipal Development District (BMDD) to transfer \$487,251 of old BEDC funds to the BMDD. Upon vote, motion carried unanimously.

**Consider authorizing a hydraulic study for the City's drinking water infrastructure and paying for the study out of unspent funds in the Wastewater Collection budget.**

Director of Public Works, Henry Wied, stated that over the years the city has installed new water towers, replacing water distribution lines, made improvements to the Roanoke pump station, and installed numerous large water taps. These improvements were implemented with little to no hydraulic modeling to ensure the proposed improvements would be effective. The City currently has three large water issues that need to be addressed: 1.) the Southwest tank (located by 3M) is not being utilized because of the current condition of the existing booster station and water age issues that occur, 2.) the Walnut tank has water aging issues that are ongoing, and 3.) the ongoing inaccuracy of the BCWID master meter. BCWID water storage tanks directly feed a large portion of the meters in the city as well as Walnut tank, Southwest tank, and Roanoke pump station. Currently, city employees do not have a way to manipulate the water levels in the Walnut and Southwest tanks to reduce the water age in these elevated tanks as we have with the Southeast tank. Staff needs the ability to shut off the water supply to the tanks over a long period of time, so the tanks can drain before adding more water to cycle the water in the tanks. Cycling the tanks means that the tank should fill at the top and drain out of the bottom so that water is always being circulated. Currently, the tanks fill from the bottom and empty at the bottom, leaving water partially circulated at the top, which creates a "water age" problem. The tanks were not built at the proper elevations when originally constructed. The Southwest tank was built too tall and requires a booster pump station to fill it up, and the Walnut Tank was not built tall enough and requires an automatic valve to keep it from overflowing. The other issue that needs to be addressed is that the BCWID master meter does not read correctly. This is caused by a large majority of water meters inside of the city feeding directly off the BCWID tanks. The master meter does not capture low flows very well. The average fixtures in a residential home will only flow 2 to 6 gallons per minute, therefore, over a 12-month period it will appear that the city sells more water than it has purchased. Staff is recommending a Water Hydraulic Model be completed to help prevent similar problems that we are currently experiencing. This model will assist engineers in making better recommendations on improvements such as eliminating the water age problems in the distribution lines, increasing flow to areas that have larger meters, determining if a meter can be installed in an area, improving the master meter readings, and in developing a strategy to correct the Southwest Tank and Walnut tank deficiencies. The cost of the study is \$40,000. Staff proposes that we use unspent funds in the Wastewater Collection budget, specifically sewer

line replacement (40-22-04-50). We have spent \$6,318.04 and have \$53,681.96 remaining in this line item. The city's current supply of pipe is sufficient to last through the existing fiscal year, and with the shortage of pipe and increased cost, we most likely would not spend the budgeted funds this fiscal year. We recommend a year-end budget amendment to conduct the model. An additional benefit to doing the hydraulic study now is that we can use the report to give guidance to any major water infrastructure projects we may undertake using American Rescue Plan funds.

There was discussion about using the American Rescue Plan funds to pay for the study as it is an allowable use.

A motion was made by Jones, seconded by Willey, to approve the hydraulic study for the City's drinking water infrastructure with the source of funding to be determined at a later date. Upon vote, motion carried unanimously.

#### **AGREEMENTS AND CONTRACTS:**

##### **Consider an amendment to the contract with BRW Architects for the Event Center.**

Executive Director of the BMDD, Ray Tipton, stated that BRW Architects is getting close to wrapping up the construction plans for Phase I of the City's new multi-purpose event center project. As the architects and City get close to putting together bid specs for the project, there are additional services needed to move the project to the next steps. These additional services include audio/visual design, signage, and mural design, assessment of furniture, fixtures, and equipment needs, design for the former AA building as office space, and additional concrete testing for the Community Development Block Grant component of the project. The City and BMDD have requested BRW provide these services directly or contract additional services not included in the scope of the original agreement. Additional services include:

**-Baker Street Basic Architectural Services** – This is for the design and remodel of the building located at 611 Baker Street, known as the former AA building. Since the City was unable to acquire another building to use for office space for the event center, this City-owned building will be remodeled for that purpose.

Council Member Jones asked about the cost of tearing down and reconstructing rather than remodeling this structure. Mr. Tipton stated that with the cost of materials at this time and the cost of plans for the building it would be less expensive to use the existing structure.

**-Provide FFE Services for Ice House and Event Center** – BRW will provide this additional service to outline the furniture, fixtures, and equipment needed for the new facility. Outfitting of the event center was not included in the original agreement.

**-A/V Design Consultant** – BRW will contract with Wrighton Johnson Haddon Williams (WJHW) for the design of the audiovisual systems for the outdoor stage/pavilion and the indoor systems for the multi-purpose event center. They will assist with the design of

stage lighting, sound design, and acoustical design. They will also put together bid specifications for the actual equipment to be used inside and outdoors.

**-Event Mural and Signage Design** – BRW will contract with Starr Studios for the design of the event center mural and signage. Many of these signs will be iterations of original signs from the Ice House and Radford Grocery Company in and around the building, and others will keep the 1930s style while still identifying the building for the public.

**-Testing Services** – As part of the Community Development Block Grant that is paying for new sidewalks and lighting, the State requires additional testing on some of the concrete not included in the original agreement. BRW will get SKG Engineering to perform this testing.

Mr. Tipton stated that construction on the Event Center is expected to begin in September or October of this year.

A motion was made by Willey, seconded by Nowowiejski to approve a contract amendment with BRW Architects related to the multi-purpose event center. Upon vote, motion carried unanimously.

**CONSENT AGENDA:**

Mayor Haynes asked if the item on the Consent Agenda needed to be removed. There being none, a motion was made by McMillian, seconded by Jones, to approve the item on the consent agenda as presented. Upon vote, motion carried unanimously.

**Consider amending the Fair Housing Ordinance on second and third/final reading to comply with the federal Fair Housing Act for compliance with the Community Development Block Grant.**

**ORDINANCE 21-08**

**AN ORDINANCE OF THE CITY OF BROWNWOOD, TEXAS DECLARING CITY POLICY AGAINST UNLAWFUL DISCRIMINATION AND PROVIDING FOR PROHIBITION OF UNLAWFUL DISCRIMINATION AND OTHER UNLAWFUL ACTS IN THE SALE OR RENTAL OF HOUSING, FINANCING, BROKERAGE, AND INTIMIDATION; PROVIDING FOR EXEMPTIONS AND EXCLUSIONS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE IN THE AMOUNT OF \$300; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**EXECUTIVE SESSION:**

Council convened into Executive Session at 9:50 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. Police Meet and Confer Contract.

Council reconvened in the Council Chambers at 10:07 a.m.

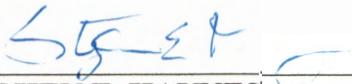
**ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:**

**Section 551.071 – Consultation with Attorney**

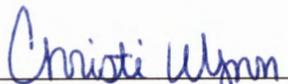
A. No action was taken.

**ADJOURNMENT:**

There being no further business, Mayor Haynes declared the meeting adjourned.

  
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**STEPHEN E. HAYNES**, Mayor

**ATTEST:**

  
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**CHRISTI WYNN**, City Secretary