

**REGULAR CALLED MEETING**  
**City Council**  
**August 10, 2021**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, August 10, 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>Mayor</b>
<b>HD Jones</b>	:	<b>Council Member Ward 1</b>
<b>Ed McMillian</b>	:	<b>Council Member Ward 2</b>
<b>Draco Miller</b>	:	<b>Council Member Ward 4</b>
<b>Walker Willey</b>	:	<b>Council Member Ward 5</b>
<b>Pat Chesser</b>	:	<b>City Attorney</b>
<b>Emily Crawford</b>	:	<b>City Manager</b>
<b>Christi Wynn</b>	:	<b>City Secretary</b>

with Council Member, Melody Nowowiejski, 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 Miller.

**ITEMS TO BE WITHDRAWN:** None

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

**CITIZENS PRESENTATIONS:** None

**APPROVAL OF MINUTES:**

Council Member Willey noted that Larry Mathis was not at the July 20 or 22, 2021, Special Called Meetings and that Melody Nowowiejski was there. A motion was made by Willey, seconded by McMillian, to approve the amended minutes of the Special Called Meeting on July 20, and 22, 2021, and non-amended minutes of the Regular Called Meeting on July 27, 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 Miller, seconded by Jones, that the Claims and Accounts dated through August 6, 2021, be approved for payment as submitted. Upon vote, motion carried unanimously.

**AGREEMENTS AND CONTRACTS:**

**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 for activities to establish, expand, train, and sustain public health workforce in support of Coronavirus 2019 (COVID-19) response.**

Brownwood / Brown County Health Department Administrator, Lisa Dick, stated that the Texas Department of State Health Services is executing a Public Health Crisis Response Cooperative Agreement for Emergency Response grant in the amount of \$563,500. Funds from the grant are used to perform required activities intended to slow the transmission of COVID-19, minimize morbidity and mortality, preserve the function of healthcare workforce and infrastructure, and minimize social and economic impacts. Additionally, funds are intended to build a sustained public health workforce to respond to future public health threats and focus on health disparities relevant to the local community. The grant term allows for reimbursement of allowable expenses in alignment with the Grant Award from July 1, 2021, through June 30, 2023. Mayor Haynes asked if we were committing ourselves after the grant is complete. Mrs. Dick stated that it is her goal to continue funding the additional employees, if possible, but they will be hired as temporary. Mrs. Crawford asked if these employees would receive City benefits. Mrs. Dick stated that they would because it is hard to retain quality staff without offering additional benefits. At this time, the city is not paying for those benefits and the grant will cover them for twenty-one months.

Mrs. Dick stated that their offices are overcrowded, and they may partition a part of the waiting room off for an additional office as there are two people sharing offices at this time.

A motion was made by Willey, seconded by McMillian, to authorize 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 for activities to establish, expand, train, and sustain public health workforce in support of Coronavirus 2019 (COVID-19) response. Upon vote, motion carried unanimously.

**Consider authorizing the City Manager to sign a contract authorizing the purchase and installation of two fuel dispensers at the Service Center from JF Petroleum Group utilizing the monies set aside in the 2020 Tax Note.**

Public Works Director, Henry Wied, stated that the fuel system located at the Service Center has been in operation since the city acquired the facility back in the late 1980s from the National Guard. We believe the fuel system was original to the property, and based on the manufacturer's tag, we believe the dispensers were made in the early 1970s. The original plan was to completely replace the fuel island, which included the concrete pad, a cover, fuel dispensers, and piping but did not include the fuel tanks. We budgeted \$130,000 in the 2020 tax note but bids ranged from \$165,000 and up. Staff has revisited this idea and determined that the original amount in the tax note was not enough to completely replace the system as planned; therefore, staff is recommending only replacing the two fuel dispensers at this time, since they are in the worst condition and cause the fuel service to be unreliable. We have acquired a Buy Board bid to replace both dispensers for \$24,561.62 from JF Petroleum Group out of Edinburg, Texas. Staff will continue to research options for the rest of the fuel island replacement.

A motion was made by McMillian, seconded by Miller, to authorize the City Manager to sign a contract authorizing the purchase and installation of two fuel dispensers at the Service Center from JF Petroleum Group utilizing the monies set aside in the 2020 Tax Note. Upon vote, motion carried unanimously.

**ORDINANCES AND RESOLUTIONS:**

**Consider a resolution approving a negotiated settlement agreement between Atmos Energy Corporation, Mid-Tex Division and Atmos Cities Steering Committee.**

City Attorney, Pat Chesser, stated that on or about April 1, 2021, Atmos Energy Corporation, Mid-Tex Division filed a rate request pursuant to the Rate Review Mechanism (RRM) Tariff adopted by Atmos Cities Steering Committee (ACSC) members. The Company claimed that its cost-of-service in the year ending December 31, 2020, entitled it to additional system-wide revenues of \$43.4 million. An application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to \$40.5 million, \$29.3 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$22.34 million instead of the claimed \$40.5 million. The Executive Committee recommends a settlement at \$22.78 million with an effective date for new rates on December 1, 2021. The impact of the settlement on average residential rates is an increase of \$1.28 on a monthly basis, or 2.2 percent. The increase for average commercial usage will be \$4.03 or 1.61 percent.

A motion was made by Jones, seconded by McMillian, to approve the resolution approving a negotiated settlement agreement between Atmos Energy Corporation, Mid-Tex Division and Atmos Cities Steering Committee. Upon vote, motion carried unanimously.

**RESOLUTION NO. R-21-10**

**A RESOLUTION 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 2021 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 RATE MAKING EXPENSES; DETERMINING THAT THIS RESOLUTION 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 RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

**Consider an ordinance on first reading amending the Industrial Pretreatment Program Ordinance and Procedures to incorporate the required provisions of the Texas Commission of Environmental Quality (TCEQ) Pretreatment Streamlining Rule.**

Public Works Director, Henry Wied, stated that TCEQ initiated a Pretreatment Streamlining Rule which required all municipalities receiving industrial waste to revise their Industrial Pretreatment Program Ordinance and Procedures. City personnel have made all the necessary modifications to the program in which TCEQ has found technically complete and approved. Once the newly revised Industrial Pretreatment Program Ordinance and Procedures are adopted, final copies will be submitted to the TCEQ by the September 16, 2021, deadline.

A motion was made by Willey, seconded by Miller, to approve an ordinance on first reading amending the Industrial Pretreatment Program Ordinance and Procedures to incorporate the required provisions of the Texas Commission of Environmental Quality (TCEQ) Pretreatment Streamlining Rule. Upon vote, motion carried unanimously.

ORDINANCE NO. 21-

AN ORDINANCE AMENDING AND SUPERSEDING SECTIONS 70-90 THROUGH 70-120 OF CHAPTER 70, ARTICLE III, OF THE CITY OF BROWNWOOD CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING A NEW INDUSTRIAL WASTE PRETREATMENT ORDINANCE; PROVIDING A PENALTY OF UP TO \$2,000.00 FOR ANY VIOLATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

**APPOINTMENTS:**

**Consider ratification of a Mayoral appointment to the Board of Trustees of Central Texas Mental Health Mental Retardation dba Center for Life Resources.**

Mayor Haynes stated that a letter was received from Dion White, CEO, of the Center for Life Resources requesting the reappointment of Lisa Dick to serve another 2-year term to the Board of Trustees of Central Texas Mental Health Mental Retardation dba Center for Life Resources.

A motion was made by Miller, seconded by Jones, to approve the appointment to the Board of Trustees of Central Texas Mental Health Mental Retardation dba Center for Life Resources. Upon vote, motion carried unanimously.

**REPORT:**

**COVID-19 Report**

Brownwood / Brown County Health Department Administrator, Lisa Dick, gave an update stating that there were 77 positive cases reported yesterday. There is around 34% of the population that are fully vaccinated. Currently, there are sixteen hospitalized. Two of the sixteen had been vaccinated. Mrs. Dick stated that the virus is more contagious than it was before, and they are seeing younger ages being affected. Mayor Haynes asked what our protocol is for new cases at this time. Mrs. Dick stated that we ask people to isolate

themselves and to notify those they have been in close contact with. They discussed whether to isolate if a family member had a positive test and the length of time. Council Member Willey asked what kind of shot the two people in the hospital were vaccinated with. Mrs. Dick stated they both received the Johnson and Johnson shot. The Health Department will begin releasing reports twice a week.

**EXECUTIVE SESSION:**

Council convened into Executive Session at 9:42 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. Review and discuss the contract with the City of Brownwood and the Brown County Humane Society.

Council reconvened in the Council Chambers at 10:20 a.m.

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

**Section 551.071 – Consultation with Attorney**

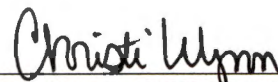
- A. No action taken.

**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