

**REGULAR CALLED MEETING
City Council
August 23, 2022**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, August 23, 2022, at 9:00 a.m., in the Council Chambers, City Hall, 501 Center Avenue, Brownwood, Texas, with the following members present:

Stephen E. Haynes	:	Mayor
HD Jones	:	Councilmember Ward 1
Ed McMillian	:	Councilmember Ward 2
Melody Nowowiejski	:	Councilmember Ward 3
Draco Miller	:	Councilmember Ward 4
Walker Willey	:	Councilmember Ward 5
Emily Crawford	:	City Manager
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.

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was led by Councilmember McMillian.

INVOCATION: Invocation was given by Councilmember Willey.

ITEMS TO BE WITHDRAWN: None

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS: None

CITIZENS PRESENTATIONS:

Sean Moore requested help with a neighboring business regarding nuisance lighting and a security camera directed towards his backyard. He stated that there were two light poles added without permits. City Staff will investigate zoning and other types of ordinances.

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Nowowiejski, to approve the minutes of the Regular Called Meeting on August 9, 2022, as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:

Chief Accountant, Leah Thomas was available for questions regarding the checklist. A motion was made by Willey, seconded by Nowowiejski, that the Claims and Accounts dated through August 19, 2022, be approved for payment as submitted. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:

Council may receive a 2021 Audit presentation from Tony Krischke, CPA.

Tony Krischke, CPA, stated that in his opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the

business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brownwood, as of September 30, 2021, and the respective changes in financial position, and where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States. This is an unmodified opinion, the best you can get, and says to the Council that you can make sound financial decisions based on these financial statements. Mr. Krischke briefly went over financial highlights throughout the booklet.

A motion was made by Miller, seconded by McMillian, to accept the 2021 Audit presented by Tony Krischke, CPA. Upon vote, motion carried unanimously.

Consider authorizing the City to solicit requests for proposals for a Downtown Comprehensive Plan.

Deputy City Manager, Marshal McIntosh, stated that the City of Brownwood is seeking a qualified planning firm or team of firms to provide professional services for the development of the City of Brownwood Downtown Master Plan. The City's last Downtown Plan was completed in 2002/2003 by Freese & Nichols and contained a 20-year action plan which expires this year. The purpose of the Downtown Master Plan is to develop strategies, guiding principles, and action plans that will assist the City of Brownwood in further enhancing our downtown district. The Downtown Plan should establish a guiding vision for the downtown district; provide ample opportunities for stakeholder engagement; analyze the commercial, retail, and residential markets and identify needs and opportunities; analyze zoning, and land use needs, and based on the analysis, complete a site-specific development report for the most impactful opportunities; recommend and prioritize strategies and projects for place-making and public spaces, and provide a plan for implementing recommendations. Included in the deliverables of the plan would be an assessment of current infrastructure and future infrastructure needs of downtown Brownwood, action-oriented recommendations to implement that vision, and identification of a series of near and longer-term public sector catalyst projects to help keep private sector momentum moving in the right direction. Funding for the Downtown Comprehensive Plan will be through American Rescue Plan allocation.

A motion was made by Nowowiejski, seconded by Jones, to authorize the City to solicit requests for proposals for a Downtown Comprehensive Plan. Upon vote, motion carried unanimously.

Consider scheduling public hearings on the tax rate and budget for FY 2022/2023, for August 30, 2022, at 9:00 a.m. and 5:30 p.m.

Finance Director, Melanie Larose, stated that the State statute requires that Council set the date, time, and locations for Public Hearings to discuss the ad valorem tax rate and the budget for FY 22-23.

A motion was made by Willey, seconded by Nowowiejski, to move that the City of Brownwood hold public hearings on the tax rate and budget for FY 2022/2023, a period

beginning on October 1, 2022, and ending on September 30, 2023, on August 30, 2022, at 9:00 am and 5:30 pm at Brownwood City Hall located at 501 Center Ave. Upon vote, motion carried unanimously.

Cast a vote for a candidate for the Texas Municipal League Health Benefits Pool, Board of Trustees representing Region 6.

Mayor Haynes stated that at the July 26, 2022, Council meeting, a nomination was made for him to serve another term on the Texas Municipal League Health Benefits Pool, Board of Trustees representing Region 6. TML received two other nominations for this position. Darwin Archer, City Manager, City of Cisco; Connie Thornton, City Secretary, City of Clyde. Mayor Haynes expressed his desire to continue serving on the board.

A motion was made by McMillian, seconded by Miller, casting a vote for Stephen E. Haynes to serve on the TML Health Benefits Pool, Board of Trustees, representing Region 6. Upon vote, motion carried unanimously.

AGREEMENTS AND CONTRACTS:

Consider authorizing the Mayor to sign the updated Brown County Emergency Operations Plan.

Mayor Haynes expressed a desire to be certain the updated plan doesn't change any cost allocations nor the control mechanisms of who is in charge inside the city limits of Brownwood. Fire Chief, Eric Hicks, stated that there are no increased costs or any additional emergency response demands placed on the City of Brownwood included in the plan update. The agreement declares that there be a Comprehensive Emergency Plan for guidance on how to respond to emergency incidents in place. The new virtual format will make it easier for everyone to have the most current information to work from. Chief Hicks went over a few changes including the updated personal contact information in Basic Emergency Plan; Added Brown County Haz Mat Mitigation Plan- 2019; Organizational charts; Census information, etc. When changes are made to the plan it is required to be signed by each participating entity. The plan updates have recently been approved by the County, and the cities of Early and Bangs. This plan must be in place to receive aid when we need it.

A motion was made by McMillian, seconded by Willey, to authorize the Mayor to sign the updated Brown County Emergency Operations Plan. Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:

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

City Manager Crawford stated that Council approved entering into negotiations for a rate review via the Atmos Cities Steering Committee in April. The initial request from Atmos included a revenue increase of \$141.3 million. The Committee has negotiated and recommends a settlement of \$115 million. The effective date for the new rates is October 1, 2022. The impact of the settlement on average residential rates is an increase of \$4.60

monthly or 6.7%. The increase for average commercial usage will be \$14.34 or 4.3%. Councilmember Nowowiejski asked why the transportation rate is increasing significantly more, 7.4%, compared to the industrial rate of 1.8% and a commercial rate of 4.3%. An Atmos representative in attendance did not know the answer.

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

RESOLUTION NO. R-22-21

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 2022 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 ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; 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.

CONSENT AGENDA:

Mayor Haynes asked if any items on the Consent Agenda needed to be removed for discussion. There being none, a motion was made by Miller, seconded by Willey, to approve the Consent Agenda as presented. Upon vote, motion carried unanimously.

Consider an ordinance on second and third/final reading regarding amendments to the City’s zoning ordinance, Chapter 98 of the Code of Ordinances, regarding the placement of Wireless Telecommunication Facilities, including Towers.

ORDINANCE NO. 22-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING CHAPTER 98 OF THE ZONING CODE WITH REGARD TO THE PLACEMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Consider reappointments to the Brownwood Housing Authority Board.

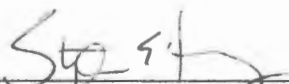
Reappointments of Rita Hairston and Vincent Ornelas.

REPORTS:**Budgetary Control Report**

Finance Director, Melanie Larose, presented the Budgetary Control Report through July 31, 2022. This represents ten months and 83.3% of our fiscal year. The Budget Summary shows we have a surplus of \$3,597,601, up about \$1.5 million compared to last year. The Summary of Revenue shows the franchise tax line is down a little but will come into normal range when the Oncor franchise payment is made. The other governmental fees line item is down due to an A/R software upgrade. The Airport line item is at 183.59%; fuel purchases/sales have been up, especially due to firefighting equipment using the airport in response to fires throughout the State. The Total Revenue graph showed Ad Valorem Tax at 19%, Sales Tax revenue at 17%, Water revenue at 17%, Sewer revenue at 10%, and Sanitation and Landfill gate revenue at 9%. Expenses are in line with where they should be. She pointed out that the Transportation Museum is at 92% due the purchase of gift shop items to sell. The Total Expenditures graph shows Water at 16%, Police at 14%, Fire at 11%, and Landfill at 8%. The Comparative Investment Balance shows we have \$12,888,422 in operating funds. Last year we had \$9,148,295. The total amount of investment funds is \$14,807,079 compared to \$10,929,110 last year. The number of days in reserves is 129 compared to last year's number of 93. Sales Tax Analysis through August shows we have collected \$6,218,201. We are up compared to budgeted expectations by \$535,298 or 9.4%; compared to last year, we are up \$283,316 or 4.8%. The Water Consumption and Sales Analysis show we have collected \$5,594,103 which is up \$480,801 or 9.4% compared to last year.

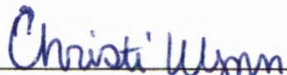
City closed for Labor Day, September 5, 2022**ADJOURNMENT:**

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



STEPHEN E. HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary