

**REGULAR CALLED MEETING  
City Council  
September 13, 2022**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, September 13, 2022, 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>**</b>	<b>HD Jones</b>	<b>:</b>	<b>Councilmember Ward 1</b>
	<b>Ed McMillian</b>	<b>:</b>	<b>Councilmember Ward 2</b>
	<b>Melody Nowowiejski</b>	<b>:</b>	<b>Councilmember Ward 3</b>
	<b>Draco Miller</b>	<b>:</b>	<b>Councilmember Ward 4</b>
	<b>Walker Willey</b>	<b>:</b>	<b>Councilmember Ward 5</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.

**CALL TO ORDER:** Mayor Haynes called the meeting to order.

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

**INVOCATION:** Invocation was given by Mayor Haynes. \*\* Councilmember Jones entered here.

**ITEMS TO BE WITHDRAWN:** None

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:**

Sergeant, Art Shannon with the Brownwood Police Department introduced two new Police Academy graduates that are brand new to the department, Francisco Valencia and Collin Davis.

**CITIZENS PRESENTATIONS:** None

**APPROVAL OF MINUTES:**

A motion was made by McMillian, seconded by Nowowiejski, to approve the minutes of the Regular Called Meeting on August 23, 2022, the Special Called Meetings on August 30, 2022, at 9:00 a.m. and 5:30 p.m., and the Special Called Meeting on September 6, 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 McMillian, seconded by Miller, that the Claims and Accounts dated through September 9, 2022, be approved for payment as submitted. Upon vote, motion carried unanimously.

**REQUESTS AND PRESENTATIONS:****Council may cast a vote in the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.**

Mayor Haynes and City Manager Crawford recommended the following: Place 6, Allison Heyward; Place 7, Mary Dennis; Place 8, Chris Coffman; and Place 9, Opal Mauldin-Jones. A motion was made by Willey, seconded by McMillian, casting the recommended votes in the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. Upon vote, motion carried unanimously.

**Council may discuss and consider a resident's request to pave an alley.**

City Manager Crawford stated that Councilmember Jones has been approached by residents in the Good Shepherd area requesting that their alley be paved. The City's subdivision ordinance states that subdivisions with rear entrances and alleys be paved by the developer. For reasons unknown, the alley serving the residents of Stonebridge Circle and Brownstone Court was not paved by the developer when constructed. Likely, the ordinance was not in place at the time the houses were constructed. Mrs. Crawford gave the following information. Council could consider 1) Chip sealing the alley in-house and doing so out of the Street Department budget; 2) Chip sealing the alley in-house and charging the residents; 3) Paying a contractor to do the job; 4) Allowing the residents to contract with a reputable contractor to pave the alley according to our specifications. The estimated cost for chip sealing the alley is City \$83,428 or a Contractor \$50,000. Council asked why it would be less expensive for a contractor to perform the work than the City. Director of Development Services, Tim Murray, stated that the contractor estimate was for applying an overlay only, while the City's estimate included a full paving of the alley. Mayor Haynes asked Councilmember Jones if he would go back to the residents and see if they would like to pay for the alley paving. If so, the Council could approve that work be done according to our specifications. He stated he did not want to stand in the way of allowing residents to make improvements to the alley at their expense. Councilmember McMillian commented that not all streets are paved in Brownwood, and he did not wish to begin paving alleys as it would take away from other street maintenance and development needs.

**Council may discuss a request to change Clark Street from a one-way to a two-way street from Austin Avenue to West Depot Street.**

Planning and Development Service Coordinator, Gary Hurtado, stated that Mr. Mike Hall at 206 W. Austin Avenue (State Farm Insurance) is requesting the City of Brownwood consider converting Clark Street to a two-way street between Austin Avenue and W. Depot Street. Mr. Hall said that once the TxDOT construction of the intersection improvement of Austin Avenue and Main St. begins, motorists will not be able to enter or exit his property from Austin Avenue. He suggested that making Clark Street a two-way street would allow motorists and residents to enter and exit via W. Depot Street. A cost estimate for materials only is \$9,155 for the City to widen the narrow road, chip seal the surface, and paint with double yellow stripes. The total cost for labor, materials, and equipment is \$62,175. Mr. Hall was informed by management that if he would agree to pay the materials cost for the expansion of the street, the two-way request would be put on the Council



Agenda. Mr. Hall solicited participation from the affected property owners requesting that they share the materials cost, but none of the property owners felt they should pay for the improvements. No neighboring property owners were opposed to the two-way street.

Mr. Hall addressed Council requesting the City convert the above-mentioned portion of Clark Street into a two-way street, and the City absorb the cost of construction. He expressed concern that more people will want or need to utilize side streets in the future and that the TxDOT construction will block access to his business.

There was much discussion about traffic patterns during and after the TxDOT construction. City Attorney, Pat Chesser, stated that if a project's cost is over \$50,000, we are required to have engineered stamped plans and meet ADA requirements. Council asked if City Staff could take down the one-way signs and let people utilize the street as it is for two-way traffic. This could make Clark Street confusing because it is not all two-way traffic. No on street-parking would be allowed if it is changed, as there is no room. Council requested more time for City Staff to gather information and weigh the options.

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

##### **Consider authorizing the City Manager to sign a contract with Andy's Pest Troopers for pest control services.**

Director of Planning and Development, Tim Murray, stated that on August 1, 2022, a request for quotes was published on the City's website and sent out to the following local pest control businesses: Andy's Pest Troopers, TechnaKill Elimination Service, Pest Control Service, and Lone Star Pest Control. Quotes were due by 11:00 a.m. on August 30, 2022. The City received one quote from Andy's Pest Troopers for \$14,146.44 per year which included monthly internal and external treatment of City owned buildings. Mosquito fogging/control would be performed on an as needed basis at a rate of \$39.00 per spray mile. In addition, Andy's Pest Troopers will provide treatment to problem areas and rodent control on an as needed basis as requested by the City of Brownwood at no additional cost. This is a budgeted item in individual departments. The City has not advertised for pest services in the past but did so to provide local contractors with the opportunity to bid and offer the best value to the City.

A motion was made by Nowowiejski, seconded by Jones, to authorize the City Manager to sign a contract with Andy's Pest Troopers for pest control services. Upon vote, motion carried with Councilmember Willey abstaining. A Conflict Disclosure Statement and Affidavit of Conflict of Interest were filed with the City Secretary.

##### **Consider authorizing the City Manager to sign Solid Waste Disposal Contracts with the City of Early, City of San Saba, Waste Connections, and Brasher & Company.**

Public Works Director, Henry Wied, stated that the Solid Waste Contracts are set up on a two-year term commencing October 1, 2022, and ending September 30, 2024, and shall automatically be renewed for one-year terms. The contracts will allow these commercial accounts to dispose of solid waste at 90% of the City scale rate of \$46.00 per ton.

A motion was made by Willey, seconded by Nowowiejski, to authorize the City Manager to sign Solid Waste Disposal Contracts with the City of Early, City of San Saba, Waste Connections, and Brasher & Company. Upon vote, motion carried unanimously.

A break was taken at this time.

**ORDINANCES AND RESOLUTIONS:**

**Consider an ordinance on first/final reading authorizing the issuance of the Certificates of Obligation in the amount of \$8,635,000 for the construction of Landfill Cells 14 and 16.**

Financial Advisor, George Williford of Hilltop Securities, stated that on July 26, 2022, the City Council authorized the publication of a notice that we intended to issue a Certificate of Obligation not to exceed \$20 million to finance the construction of Landfill Cells 14 and 16. The notice was published, and no comments were received. The Certificates of Obligation were sold through a negotiated sale, with Frost as the underwriter. The issue will be structured to fund an \$8.635 million project. Pricing of the Certificates of Obligation issue occurred on Monday, September 12. Initial projections had estimated annual debt service ranging between \$1.1 and \$1.5 million, but we are able to secure a lower rate, so we will be saving \$420,000 per year over initial projections.

A motion was made by McMillian, seconded by Miller, to approve an ordinance authorizing the issuance and sale of the City of Brownwood, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022 for \$8,635,000 to construct Cells 14 and 16 at the Brownwood Landfill, including the adoption of an ordinance authorizing the issuance of such certificates and approving all other matters related thereto. Upon vote, motion carried unanimously.

**ORDINANCE NO. 22-16**

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BROWNWOOD, TEXAS, COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2022; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECRETARY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.**

**Consider a resolution approving the Brownwood Municipal Development District 2022/2023 annual budget.**

Director of the BMDD, Ray Tipton, stated that several budget items were decreased this year to make room for the addition of the debt service payment for the event center project. The items reduced were based on the history of certain line items over the last 3 years. This budget allocates funds for existing agreements/projects, new commercial and industrial development, workforce education initiatives, parks projects, downtown improvements, and the Building Improvement Incentive Program. In revenue, we are projecting a .85% increase over last year's budget. The note with Super Essex is now paid off. Budgeted Revenue is \$2,066,424.50. Mr. Tipton went over projected expenses for the



year including personnel - The City of Brownwood is giving a raise to employees for the new fiscal year to catch up with the substantial increase in the cost of living over the last two years. There is a percentage change in the share of the Deputy City Manager's pay split with the BMDD. There are small decreases in line items for buildings and grounds, new industrial development, and new commercial development. There are ongoing incentives for the existing industries as well as some recent additions, including TJ Maxx. Mr. Tipton decreased totals in the Marketing Campaign line, and it reflects the anticipated new contract with Found Media. There were no significant changes for the Sports Coordinator. In Community Development Projects, housing increased from \$100,000 to \$350,000 because of the Trafalgar project as we are expected to have expenses this year if the timeline is not moved back. Part of this expense will be paid out of reserves from the purchase price of the property. This will cause a deficit budget. Mr. Tipton explained that the Event Center expenses will be paid from reserves. He kept \$100,000 in the Parks and Recreation line item to help enhance the parks in some way. They would like to explore the development of Pickleball courts at Coggin Park. The Downtown Improvements line item was reduced to \$50,000, and the Building Improvement Incentive Program was reduced to \$100,000 as the demand for these programs has declined in recent months. The debt service is \$421,699.00 and budgeted expenses are \$2,300.316. Mr. Tipton stated that any additional expense for any future convention/event center project would be paid out of reserves. The BMDD budget is designed to have more flexibility in responding to economic development needs and allocating funds to current goals and priorities.

A motion was made by Willey, seconded by Nowowiejski, to adopt a resolution approving the Brownwood Municipal Development District 2022/2023 annual budget. Upon vote, motion carried unanimously.

**RESOLUTION NO. R-22-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, APPROVING THE FISCAL YEAR 2022-2023 BUDGET OF THE BROWNWOOD MUNICIPAL DEVELOPMENT DISTRICT.**

**Consider an ordinance on second and third/final reading on a proposal to increase total tax revenues from properties on the tax roll by 10.74% by adopting the proposed tax rate of \$.6864 per \$100 value.**

Mayor Haynes asked if anyone from the audience would like to speak. There being none, he asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Willey, seconded by Nowowiejski, to approve on second reading that the 2022 property tax rate for Tax Year 2022 be increased by the adoption of a tax rate, of \$.6864, which is effectively a 10.74 percent increase in the tax rate, as outlined in the ordinance. At this time, Mayor Haynes took a record vote as follows:

<b>For</b>	<b>Against</b>	<b>Absent</b>
Jones, McMillian, Miller, Nowowiejski, Willey	None	None

A motion was made by Nowowiejski, seconded by Miller, to approve on third / final reading that the 2022 property tax rate for Tax Year 2022 be increased by the adoption of a tax rate, of \$.6864, which is effectively a 10.74 percent increase in the tax rate, as outlined in the ordinance. At this time, Mayor Haynes took a record vote as follows:

<b>For</b>	<b>Against</b>	<b>Absent</b>
Jones, McMillian, Miller, Nowowiejski, Willey	None	None

**ORDINANCE NO. 22-15**

**AN ORDINANCE LEVYING AD VALOREM TAXES FOR THE TAX YEAR 2022 FOR THE CITY OF BROWNWOOD, TEXAS; PROVIDING FOR ENFORCEMENT OF COLLECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BIDS:**

**Consider approving a bid for the construction of Landfill Cells 14 and 16, presented by eHT.**

Public Works Director, Henry Wied, stated that Landfill Cells 14 and 16 construction bids were opened on August 24, 2022, and then scored by City Personnel on August 29, 2022. There were seven bids received that ranged from 6.2 million to 11.4 million. DelHur Industries, Inc. submitted the lowest bid, received the highest score by Staff, and was recommended by our engineer, eHT. Once a contract to proceed is awarded the anticipated timeline for construction of Cells 14 and 16 will begin in October and will be complete in one year. The new cells will last approximately fifteen years and the certificate of obligation will be repaid over twenty years. The total cost of the cell construction is as follows:

- DelHur contract (Base + Alternates A&B): \$6,297,897.18
  - Estimated eHT Phase 2 Contract: \$657,350
  - eHT rollover Design contract: \$50,000
  - Estimated 3<sup>rd</sup> party liner testing paid by City: \$25,000
  - Estimated Diesel fuel costs: \$1,134,225
  - 10% contingency: \$816,447.22
- Totaling - \$8,980,919.40**

A motion was made by Willey, seconded by Nowowiejski, to award a bid for the construction of the Landfill Cells 14 and 16 to DelHur Industries, Inc. per the engineer’s recommendation and approve a contract with eHT to provide construction management and quality control of the project. Upon vote, motion carried unanimously.

**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 McMillian, seconded by Nowowiejski, to approve the Consent Agenda as presented. Upon vote, motion carried unanimously.



**Consider an ordinance on second and third/final reading setting charges for fees, rentals, licenses, and permits for the City of Brownwood for FY 22/23.**

**ORDINANCE NO. 22-17**

**AN ORDINANCE SETTING CHARGES FOR FEES, RENTALS, LICENSES, AND PERMITS FOR THE CITY OF BROWNWOOD; DESIGNATING AN EFFECTIVE DATE; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH.**

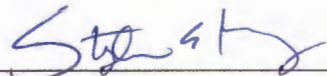
**Consider an ordinance on second and third/final reading setting charges, fees, rates, and deposits for customers on the Brownwood water, sewer, and sanitation system for FY 22/23.**

**ORDINANCE NO. 22-18**

**AN ORDINANCE SETTING CHARGES, FEES, RATES, AND DEPOSITS FOR CUSTOMERS ON THE BROWNWOOD WATER, SEWER, AND SANITATION SYSTEM; DESIGNATING AN EFFECTIVE DATE; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH.**

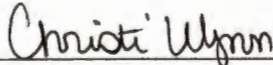
**ADJOURNMENT:**

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



**STEPHEN E. HAYNES, Mayor**

**ATTEST:**



**CHRISTI WYNN, City Secretary**