

**REGULAR CALLED MEETING**  
**City Council**  
**January 8, 2019**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, January 8, 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>Mayor</b>
<b>HD Jones</b>	:	<b>Councilman – Ward 1</b>
<b>Ed McMillian</b>	:	<b>Councilman – Ward 2</b>
<b>Larry Mathis</b>	:	<b>Councilman – Ward 3</b>
<b>Jerry DeHay</b>	:	<b>Councilman – 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 Councilman 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 Councilman Jones.  
**INVOCATION:** Invocation was given by Councilman Mathis.  
**ITEMS TO BE WITHDRAWN:** None  
**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:** None

**CITIZENS PRESENTATIONS:** Sasha Lauren requested the installation of a no parking zone along the 600 block of Third Street. He stated that there is one sign on the opposite side of the street already, but he did not know if it was for both sides of the street. Mr. Lauren stated that there is no room for parking along either side of the street. He operates a business from this location. Mayor Haynes stated that he would pass along the request to the Engineering Department for review.

**APPROVAL OF MINUTES:**  
A motion was made by McMillian, seconded by Jones, to approve the minutes of the Regular Called Meeting on December 11, 2018, and the Joint Allies Meeting on December 18, 2018, 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 DeHay, seconded by McMillian, that the Claims and Accounts dated through January 4, 2019, be approved for payment as submitted. Upon vote, motion carried unanimously.

**PUBLIC HEARING:****Conduct a Public Hearing and consider an Ordinance on *first reading* to change the zoning classification of 3620 Milam Drive, being Lot 29 and ½ of Lot 30, Block 1, of the Turtle Rock Addition, from C-2 General Business District, to MH Manufactured Home/Mobile Home District.**

Mayor Haynes opened the Public Hearing

Engineering Project Coordinator, Jodie Kelly, stated that Mrs. Shirley West and Mr. James Cantrell have requested a rezone of their property located at 3620 Milam Drive, from C-2, General Business District to MH Manufactured Home / Mobile Home District. Neighboring properties are zoned MH, C-2, and M-1. Mrs. West and Mr. Cantrell would like to replace a manufactured home that was on the lot and burned in 2017. They were not the owners of the manufactured home in 2017 when it burned. Other lots in this subdivision have been changed from C-2 to MH. In 2011, seven were rezoned and 2013, there were 18 rezoned. The Planning and Zoning Commission voted to approve the rezoning request at their December 6, 2018, meeting.

Mayor Haynes closed the public hearing and asked for the Ordinance to be read by the City Secretary. After the reading of the Ordinance, a motion was made by Jones, seconded by Mathis, to approve the Ordinance on *first reading* to change the zoning classification of 3620 Milam Drive, being Lot 29 and ½ of Lot 30, Block 1, of the Turtle Rock Addition, from C-2 General Business District, to MH Manufactured Home/Mobile Home District. Upon vote, motion carried unanimously.

ORDINANCE NO. 19-\_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF 3620 MILAM DRIVE, BEING LOT 29 AND ½ OF LOT 30, BLOCK 1 OF THE TURTLE ROCK ADDITION, FROM C-2 GENERAL BUSINESS DISTRICT TO MH MANUFACTURED HOME / MOBILE HOME DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

**REQUESTS AND PRESENTATIONS:****Mark Fenlaw of Rudd & Wisdom may present the actuarial report for the Brownwood Firemen's Relief and Retirement Fund for the year ended 12/31/17.**

Walter Middleton, Chairman of the Firemen's Relief and Retirement Fund, introduced the members of the Board in attendance to include, Matt Campbell, Melanie Larose, Robert Myers, Carey Stewart, and Joe Stieber. Mr. Middleton stated that on October 9, 2018, the Board of Trustees of the Brownwood Firemen's Relief and Retirement Fund received an actuarial report from Rudd & Wisdom, Inc. as of December 31, 2017. The Board asked Mark Fenlaw, one of the consulting actuaries, to present the report to the City Council as well. The report shows that the Fund has an adequate contribution arrangement, but the amortization period increased over the last study. It went from 36.1 years to 38.6 years. The maximum allowable is 40 years. It appears likely that the Texas Legislature will decrease the maximum allowable to a lower number, with 30 years being the most likely but with the possibility of it going to 25 years. The purpose of this presentation is to allow

the Council to hear the information directly from our actuary and discuss possible steps that might be taken to make the Fund sounder and more able to meet future requirements.

Mark Fenlaw presented the report and gave the history of the fund. Mr. Fenlaw stated that this valuation reflects an actuarially assumed total contribution rate of 28%, comprised of 8% by the firefighters and of 20% by the city. The total contribution rate of 28% exceeds the normal cost rate of 14.77%, leaving 13.23% available to amortize the unfunded actuarial accrued liability (UAAL) of \$5,085,187. Assuming that the total payroll increases at the rate of 3.25% per year in the future, the contributions in excess of the normal cost will amortize the UAAL in 38.6 years. In order for a retirement plan to have an adequate contribution arrangement, contributions must be made that are sufficient to pay the plan's normal cost and to amortize the plan's UAAL over a reasonable period of time. Based on the Texas Pension Review Board pension funding guidelines, their professional judgment, and the actuarial assumptions and methods used in making this valuation, they consider periods of 10 years to 25 years to be preferable and 40 years to be the maximum acceptable period. The Pension Review Board (PRB) guidelines will be changing to a maximum of 30 years, allowing for a phase in through 2025. Mr. Fenlaw stated that in order for the fund to decrease to a 30 year period, several options could be considered including an increase from the city in contribution rates, an increase in the number of firemen to the fund, a decrease in benefits from the firemen, or a combination of all. Mr. Fenlaw stated that the firemen have already decreased their benefits once and did not feel this would be a good option. Mayor Haynes asked how we meet the State mandate. Mr. Fenlaw stated that there is a funding restoration plan for plans that exceed the maximum amount of years. It would require the City and the Fund Board to work together on a plan to submit to the PRB. The PRB gives cities time to reduce the number of years within a certain amount of time. There is no State mandate at this time because we are under 40 years, but if the legislature changes the plan limit to 30 years, then we would need to come up with a plan. Mayor Haynes asked if they had any regulatory authority currently over our plan. Mr. Fenlaw stated that they do not at this time.

**Chief Wood will present the fire apparatus deployment policy and statistics.**

Fire Chief Wood spoke about the Fire Department's call volume statistics. He stated that for 2017/18, call volume is up 5.7% or 2,259 calls for service. In 2015/16, the call volume was at 2,450. Chief Wood stated that at that time, the Fire Department was responding to any and all 911 calls for service. The 2,259 calls for service are broken down as follows: Fire calls 11% or 241, Accidents 10% or 230, Hazardous conditions 24% or 546, and EMS calls 55% or 1,242. Chief Wood stated that last year, the Fire Department responded to 85 calls in the County. There is a contracted area of the County that they respond to, as well as mutual aid. We request mutual aid as well from the Early Fire Department. They respond every time we have a structure fire. Chief Wood stated that the County pays the City \$10,000 per year for the contracted area in the County and to assist the other agencies. In September, the Fire Department changed the way they bill for these services. Although we still only receive \$10,000 the Fire Department adopted the FEMA standard rates and began tracking those charges. Once we get a year's worth of data, we will likely see that we are not being compensated adequately for our services. Chief Wood went on to discuss

the changes that have been implemented. He wants to ensure that we are responding to the calls that we need to and that we are maximizing the life of the fire apparatus. By doing so, they decrease the risk to public and responders, prolong the life of the apparatus, and conserve fuel. He identified unnecessary response. For example, one engine goes to a particular call instead of multiple units. If more are needed, they can call. They also restrict Engine 92 from leaving the district for more than one hour. They have been using an Engine at Station 1, which reduces the need for Truck 9 (Ladder Truck) to respond. Truck 9 is the most expensive to operate. They are still working with EMS and Dispatch on which medical calls a first responder needs to respond to. Chief Wood stated that the Fire Department is in the process of training an in-house Emergency Vehicle Technician. Chief Wood went over the number of calls per truck. Engine 9 and Engine 92 went on the majority of the calls. There was one hotel that had over 80 false fire alarms last year, which deploys Truck 9 each time. On average commercial businesses have around four false alarm calls for service per year. Mayor Haynes asked if we had an Ordinance in place to compensate for those calls. Chief Wood stated that we do, and they have been paying. The Fire Department will respond to three false alarm calls for free, after that it is \$75, after three more it is \$100, and after five it is \$125. Last year, the first quarter total at this hotel was \$5,750. There is an outstanding bill from the last quarter of 2018 of \$2,500. There was discussion about increasing the fee.

**Consider the purchase of a Bomag Compactor for \$670,952 on a four-year capital lease with a guaranteed buyback of \$100,000 at the end of the lease term.**

Assistant City Manager, Tim Airheart, stated that the FY 18/19 budget includes the purchase of a landfill compactor. The projected cost was \$660,000 with an anticipated guaranteed buyback by the vendor of \$115,000 at the end of a 4.5-year capital lease. The net cost was approved at \$545,000. The bid we received from Yellowhouse Machinery was for \$670,952 with a guaranteed buyback of \$100,000 at the end of a four-year term. This makes the net cost \$570,952 which exceeds the amount authorized in the budget by \$25,952. Since this is on a capital lease, the cost overrun will be spread out over the four-year term of the note. The quarterly payment will increase from \$35,118 to \$38,738. FY 18/19 had two quarterly payments included in the budget so the cost for this year will increase by \$7,240. This will be included in the year-end budget amendments. The current 2015 Bomag Compactor has a guaranteed buyback of \$117,105 which must be exercised by May 31, 2019. Mayor Haynes asked if it would be better to keep the compactor. Mr. Airheart stated that after four years of use at the landfill, equipment ages at a much faster rate. If we purchased the equipment, we would have to maintain the machine. Maintenance costs can be very expensive. The guarantee we have with this contract is extremely beneficial as it included all maintenance and servicing of the machine. Mayor Haynes asked how long we have been contracting. Mr. Airheart stated that we have been contracting landfill equipment for at least twenty years. If a machine can't be fixed, they will provide another one or similar equipment.

A motion was made by DeHay, seconded by McMillian, to approve the purchase of the Bomag Compactor for \$670,952 on a four-year capital lease with a guaranteed buyback of \$100,000 at the end of the lease term. Upon vote, motion carried unanimously.

**ORDINANCES AND RESOLUTIONS:**

**Consider an Ordinance on *first reading* regarding a change to the political sign requirements.**

City Attorney, Pat Chesser, stated that this Ordinance addresses some of the issues that have come up in recent Elections. In the past, we had a number of trailers that were being parked in the City right-of-way on or near the polling place and even chained to utility poles. We want to make it clear that that is not allowed, as we do not allow signs in our right-of-way. The Ordinance will read that we will not allow poles, posts, portable tents, tables used to support or place signs or distribute political literature, or other sign support structures, including, without limitation, motor vehicles or trailers, shall be placed in the City right-of-way, roadway medians, and City sidewalks. In a recent election, we had a table and tent placed on the sidewalk, which prohibited pedestrian right-of-way. This Ordinance does not prohibit electioneering on the sidewalk, but it has to be done by handing out pamphlets or literature. Another change added is from a State Law change, but does not affect us at this time, because we do not conduct our own elections, “political signs may be placed on public property designated as an official polling place provided such signs shall conform to the following: (a) signs must be located outside the specified distance from the polling place entrance as required by state law; (b) signs may not be larger than nine (9) square feet in area, shall not exceed five (5) feet in height, shall not be illuminated, nor have any moving elements; (c) signs must have wire stands only; wooden or angle iron stakes are prohibited; and (d) signs may be erected no earlier than one (1) day before early voting and must be removed within two (2) days following the election. In the case of a runoff election, signs advertising those candidates who are in the runoff election may continue to be displayed during the interim period but must be removed within two (2) days after the runoff election.”

Mayor Haynes asked for the Ordinance to be read by the City Secretary. After the reading of the Ordinance, a motion was made by McMillian, seconded by Jones, to approve the Ordinance on *first reading* regarding a change to the political sign requirements. Upon vote, motion carried unanimously.

ORDINANCE NO. 19-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING CHAPTER 90, SECTION 168 REGARDING THE LOCATION OF POLITICAL SIGNS; PROVIDING A SAVINGS CLAUSE; PRESCRIBING A PENALTY FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

**Consider a Resolution regarding the annual review of the City’s investment policy.**

Finance Director, Walter Middleton, stated the Public Funds Investment Act requires a review and re-adoption of our Investment Policy at least once per calendar year. Our current investment policy was amended on November 22, 2016. We are not recommending any changes to it at this time.

A motion was made by DeHay, seconded by Mathis, to approve the Resolution re-adopting the City of Brownwood Investment Policy. Upon vote, motion carried unanimously.

**RESOLUTION NO. R-19-01****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, REGARDING THE ANNUAL REVIEW OF THE CITY'S INVESTMENT POLICY AND INVESTMENT STRATEGIES****REPORTS:****Year-End Department Reports: Police, Municipal Court, Fire, Development Services**

City Manager Crawford stated that we will be providing brief year-end reports from every department. The goal is to educate the public and to better inform the Council on the activities of each department.

**Police Department:**

Chief Terry Nichols reported that this last fiscal year, they hired nine-Police Officers, five-Communication Officers, and one-Animal Control Officer. A major accomplishment was that they received re-recognition by the Texas Police Chief's Association and that we are one out of 149 agencies in Texas. There are 2,703 Police Agencies in the State of Texas. Chief Nichols stated that crime is down from the last fiscal year. Burglary of a building is down 32%, rape is down 46%, Larceny/Theft is down 11%, and Assaults are down 12%. The Communications Department (911 Dispatchers) received 19,409 calls last year and is an average of 1,617 per month or 55 per day. There were 32,240 calls for service per year or around 88 per day and includes the Police and Fire Departments, the Sheriff's Department, Early, Bangs and all Volunteer Fire Departments. The property evidence room is manned by one person that logs around 1,800 items every year. The drug take-back program has received over 1,800 items or 193 pounds of unused prescription medications. This program helps keep prescription medications off the streets and is properly disposed of without going into our water and sewer system. The Records Division handles around 500 traffic accident reports per year. A few years ago, the program LexisNexis was implemented where citizens can go online to obtain their accident reports. Last year, they sold 56% online rather than having to go to the Police Department to obtain. Animal Control worked 3,090 calls for service and averages out to around 8.4 calls per day. They have changed their schedule and there is now an Animal Control Officer on duty seven days a week. Community Engagements that the Police Department was involved in were: Wheels that Move the World event, East Elementary Hero Run, children's tour of the Airport, Juneteenth Celebration, Center for Life Resources 5K Run, and National Night Out with around 30 parties. The Patrol division made 4,812 traffic stops last year and worked 652 traffic accidents. The traffic accidents number does not match above because some accidents are so minor they do not generate a report. A second School Resource Officer was added as a partnership with Brownwood Independent School District this last year. There is a full-time Officer at the High School and now one at the Middle School. The Criminal Investigation Division ran 1,087 cases with 868 assigned to a Detective. The Police Department received \$24,645 for a rifle body armor grant. Thirty-one officers were outfitted with the armor. Also a body camera grant of \$22,050. This will be brought to Council soon for a selected vendor. Several grant funded trainings took place. They like to focus on training that they can send one for and come back to train others. Chief Nichols spoke about an entry-level physical requirement for new police

officers that includes ¼ mile sprint, pushing a car 20' and dragging a 205 lb. dummy 50' all to be completed in under four minutes. Last January, Chief Nichols set a goal for all Police Officers within the department to validate this test. He gave everyone six months to get in shape. The median number was 2:25.45, and the best time completed was 1:45.83.

Mayor Haynes asked for more data on drug-related issues to know if we are improving.

### **Municipal Court**

Municipal Court Supervisor, Robyn Williams, gave some history about Municipal Courts in that they are created by the Federal Government and State Constitutions, authorized by State Laws, and are Class C-fine only courts. There are approximately 917 Municipal Courts in the State of Texas, and they handle more defendants and participants than all other courts combined. In 2017, we entered 2,756 cases and in 2018 a little over 2,400. Those include traffic, penal code, code enforcement cases, and animal control cases. Our hours are from 7:30 to 4:00 and the department consists of a Department Head (City Secretary), The Municipal Court Judge, one part-time Judge, three Municipal Court Clerks (one being the Supervisor), a City Marshal, and a Community Service Coordinator. Mrs. Williams stated that she has achieved her Level II Certification. There are around 483 Level II Certified Clerks in the State of Texas and it takes an average of two years to achieve. Two of the Municipal Court Clerks received I SERVE awards this past year (Melissa Simpson and Leslie Ochoa). The Municipal Court Judge or Associate Judge can be seen Monday through Friday 8:00 a.m. to 9:00 a.m. The City Marshal is new to the department. He acts as Bailiff during the court hour, executes warrants of arrest, subpoenas, and other legal processes on cases originating from the City/Municipal Court, provides Municipal Court and City Hall with security, and he helps the Police Department with calls. The Community Service Program performs duties such as cleaning buildings, picking up trash on the roads, washing vehicles for the Police Department, assists City Departments moving furniture/boxes. Most recently they helped the Fire Marshal get buildings ready for the Arson Dog Training held in Brownwood. Community Service workers help decrease the cost of labor to the City. On September 1, 2018, the daily amount for Community Service participation and jail time was raised by the State of Texas from \$50 per day to \$100. In 2018 there were approximately 175 citizens working off various types of City fines.

### **Fire Department**

Chief Wood stated that there were 2,259 calls for service last year. Major accomplishments – they have completed 4,381.25 training hours divided up between 32 personnel. One-hundred percent of their operations staff earned one or more certifications last year. Training is as follows: 17 firefighters as a Driver Operator, 6 fire officers, 5 instructors, 17 members as Incident Commanders, Certified one member as a Paramedic, Recertified 33 Structural Firefighters, Recertified 3 EMT, 1 Advanced and 2 paramedics, and 1 Emergency Vehicle Technician. There was \$21,717.75 in grants received as follows: \$10,000 Burch foundation, \$9,717.75 Training funds TIFMAS, and \$2,000 Fire prevention. They implemented a rigorous fire apparatus vehicle check and preventative maintenance program. The value to the City is that Fire Fighters must be ready for

anything. Their daily duties include training, apparatus check, inventory, and repairs, documentation, clean apparatus and entire fire station, special projects, maintain lawn and entire facility, and physical fitness. Chief Wood stated that modern construction in laboratory tests reflect a flashover time of just 3 minutes and forty seconds. Older homes which were built more sturdy and furnished with less synthetic materials did not flash over for almost 30 minutes. The hazard has changed, so should the fire service as well as our tactics. Chief Wood went over the Fire Marshal's accomplishments for the year to include: 28 County fire investigations, 34 City fire investigations, 456 Inspections, 11 Plan reviews, 4,143 Fire Prevention contacts, 987 Training Hours - 207 for Fire Marshal and 780 Nika (Arson dog). The Fire Marshal is the most highly certified member of the department and attends training equivalent to three firefighters combined to include: Advanced Firefighter, Advanced Investigator, Advanced Inspector, Advanced Instructor, Arson investigator, Basic Peace Officer.

Councilman McMillian asked if the County fire inspections are part of the billing. Chief Wood stated that they do bill the County for those. Fire Marshal Preston stated that a bill is sent on a monthly basis for investigations. Chief Wood stated that there will be a new Emergency Coordinator for the County and he will be trained to do fire investigations in the County.

Mayor Haynes stated that he was glad to see the efficiencies that we are gaining and encouraged them to continue. He requested that EMS calls continue to be looked at and if more can be cut out.

### **Development Services**

Director of Development Services, Tim Murray reported that they wrote 1,634 permits last year, collected \$88,654.36 in permit fees with an annual valuation of \$10,853,644. There were 2,716 inspections conducted. 2,173 inspections were within 30 minutes or less, and 543 inspections were beyond 30 minutes. There were 705 total code cases worked and brought into compliance and 39 substandard structures demolished and property cleaned. The Property Maintenance crew mowed and maintained 396 privately owned and city-owned properties and 569 right-of-ways and waterways mowed and maintained. The Special Projects group is in the process of repairing and repainting the Depot and Harvey House. The Depot has had all the wood rot and termite damage repaired and has been completely repainted inside and out. The Harvey House is estimated to be completed by late spring early summer. The Facility Maintenance crew has been renovating City Hall and is 70% complete. They also responded to 120 additional immediate response type work orders. A Historic Building Review Committee has been established to assist in the development of a flexible building code for older properties to increase downtown business development and investment.

Councilman McMillian complimented the Department and stated that he hears compliments about them often. He is also pleased to see the Historic Building Review Committee. We have spent many years trying to revamp downtown, and he believes this is the key and we will see some improvements downtown. Mayor Haynes asked if there



was an estimated timeline on a recommendation from the committee. Mr. Murray stated that they had a meeting this month and he anticipated they would bring a recommendation to Council around the first meeting in February. Mayor Haynes stated that he would like to see a breakdown of the construction projects, new construction versus remodels.

**Election Packet available online and in the City Secretary's office.**

City Secretary, Christi Wynn stated that this year is the first time for the City to ever have Election Packets on the website. They are also available by paper copy and thumb drive. The filing dates are from January 16 – February 15. Wards 2, 3, and 5, are up for Election.

**State of the City Address – January 18, 2019**

City Manager Crawford stated that the State of the City luncheon is on January 18, 2019.

**City closed on Martin Luther King, Jr. Day – January 21, 2019**

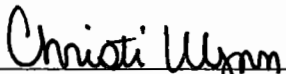
City Manager Crawford stated that Martin Luther King, Jr. Day is a City holiday and the City will be closed. There will be a ceremony at 11:00 at the MLK Plaza if anyone would like to attend. There will not be a parade to the plaza.

**ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor Haynes declared the meeting adjourned.

  
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STEPHEN E. HAYNES Mayor

**ATTEST:**

  
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CHRISTI WYNN, City Secretary