

The Early City Council met in regular session on Tuesday, April 12, 2022 at 6:00 p.m. with the following members present:

Mayor Mangrum  
Council members:  
Leland Acker  
Travis Eoff  
Benny Allcorn  
Garry Forisha  
Travis Eoff

City Administrator Tony Aaron  
Economic Development Director Larry McConn  
City Secretary Brenda Kilgo  
City Attorney Mark Bessent

Councilman Charles Matlock was absent.

Establishing a quorum present, Mayor Mangrum called the meeting to order. Mr. Acker gave the invocation and led the Pledge of Allegiance.

**Consideration of the minutes of regular meeting held on March 22, 2022.**

Mr. Acker made motion, seconded by Mr. Forisha to approve the minutes as written. All members present voted "aye".

**Citizen's comments**

No citizen comments.

**Proclamation – National 9-1-1 Education Month**

Mayor Mangrum read aloud a proclamation encouraging education and support of 9-1-1 service and dispatchers, proclaiming April as National 9-1-1 Education Month.

**Special Presentation – TML Health Longevity Award**

Heather VonGoten of TML Health Benefits Pool presented the City of Early with a Longevity Award marking 40 years of partnership. Mayor Mangrum accepted the crystal award on behalf of the City.

**Consideration to approve final plat for McLaughlin Addition of Lot 1, Block III, Live Oak Acres Subdivision; Volume 1676, Page 247, OPRBCT, Brown County, Texas.**

Mr. McConn stated that this property is located at the corner of Live Oak and Yucca Circle. It is a non-conforming lot and has been subdivided into two lots. It is the owner's intent to place a new manufactured home on lot 2.

The P&Z Board met on April 4<sup>th</sup> to review the plat. The subdivision plat meets all requirement of the UDC and it is the recommendation of the P&Z to approve the final plat as presented.

Mr. Allcorn made motion, seconded by Mr. Acker, to approve the final plat for McLaughlin Addition as presented. All members present voted "aye".

**Consider continuation of the variance granted to City Code Section 8-86, to place a firework stand to sell fireworks at 710 Garmon Drive**

Mr. Aaron stated that this has been an annual variance review for the last couple years. Charlie Cabler is the property owner and operator of the fireworks stand. An inspection of the property was completed and has met all code requirements. In addition, reports for the sales tax collections/payments have been submitted to City Hall in accordance to the conditions of the previous variance approval.

Mr. Allcorn made motion, seconded by Mr. Acker, to approve the continuance of the one-year variance for the fireworks stand and sell of fireworks at 710 Garmon Drive. All members present voted "aye".

**Consider continuation of the variance granted for privacy fence at 305 Sunrise Drive.**

Mr. Aaron stated that the property at 305 Sunrise has a variance for a fence that is reviewed annually to make sure drainage is not an issue or that any future street expansion/improvements are planned. Upon inspection there are no drainage issues and at this time there are no plans for any street improvements that the fence placement would affect.

Mr. Acker made motion to approve the continuance of the one-year variance. Mr. Allcorn seconded the motion and all members present voted "aye".

**Consider accepting Telecommunication Right-of Way Access Line rates as provided by Public Utility Commission.**

2022 right-of-way access rates reflect a 2.538% increase over 2021 rates due to the CPI inflation adjustment.

Residential: from \$0.52 to \$0.54

Non-Residential: from \$1.22 to \$1.26

Point-to-Point: from \$1.612 to \$1.67

Mr. Forisha made motion, seconded by Mr. Allcorn, to accept the 2022 rates as provided by Public Utility Commission. All members present voted "aye".

**Consideration to approve Ordinance 2022-02, to impose a fee for the collection of delinquent utility accounts.**

Council approved the engagement of a collection agency in the February meeting for the collection of delinquent utility accounts. There is a 30% fee assessed for this service and with approval of this Ordinance that fee will be added to the balance of the utility account to be paid by the customer/account holder.

As per City policy, the delinquent accounts (defined as accounts 120 days in delinquency) are written off once a year. This will continue to be the procedure and the time frame in which information is submitted to the collection agency.

Mr. Acker made motion, seconded by Mr. Eoff, to approve Ordinance 2022-02 imposing a fee for the collection of delinquent utility accounts. All members present voted "aye".

**Consideration to award bid proposal for Project 01-2022 WWTP Replacement Equipment-Irrigation Barge.**

One bid was received from Leonard Water Services of Abilene, Texas for a base bid amount of \$81,500. The bid price is in-line with budgeted amount and Leonard was the original sub-contractor on the irrigation system for the wastewater treatment plant construction. It is the recommendation of Jacob Martin Engineers and staff to award bid of the Irrigation Barge to Leonard Water Services.

Mr. Aaron stated that as an approved item within the project requirements for the use of ARPA funds, we will be using those funds for the purchase.

Mr. Allcorn made motion to accept the bid of \$81,500 and award the contract to Leonard Water Services for the irrigation barge. Mr. Forisha seconded the motion and all members present voted "aye".

**Consideration to award bid proposal for Project 01-2022 WWTP Replacement Equipment-Grinder-Materials only.**

Two bids were received for this project with the low base bid amount of \$34,465 submitted by JWC Environmental of Santa Ana, California. JWC was also an original supplier during the construction of the wastewater treatment plant. It is the recommendation of Jacob Martin Engineers and staff to award bid of the Lift Station Grinder to JWC Environmental.

Also an approved item within the project requirements for the use of ARPA funds, we will be using those funds for the purchase.

Mr. Acker made motion to accept the bid of \$34,465 and award the contract to JWC Environmental for the purchase of the lift station grinder. Mr. Forisha seconded the motion and all members present voted "aye".

**Consider approval to solicit for bids for the construction of the Autumn Drive street improvement project.**

Mr. Aaron stated the complete rebuild of Autumn Drive is included within this year's budget. There are three to four contractors that have expressed interest in the project. The project consist of 1300-1400 feet of street to be milled in place, dug down and built up with base, and covered with hot mix. The street will be tied into the driveways. There are some underground drainage that will also be addressed at the Longhorn Drive intersection.

Mr. Forisha made motion, seconded by Mr. Allcorn, to approve the solicitation of bids for the Autumn Drive project. All members present voted "aye".

**Discuss and consider approval for a street lighting plan for Kelcy Way project.**

Mr. McConn explained that lighting is included with in the Kelcy Way project in this current budget. He provided diagrams and information for the light structures and power source for various options.

Option 1 – City purchased/owned light poles, materials and providing power source; allows for design preference and consistency throughout the project; flexibility to add where and when needed/wanted, ability to hang banners, install electrical outlets, etc. on the structures; maintenance would be responsibility of the City. Estimated costs is \$2400/pole, current for this year portion of project approximately \$38,000 one-time payment; plus monthly electricity charge of approximately \$45/month each.

Option 2 – purchase poles through Oncor for a monthly charge per pole of \$29; any additions require requests submitted to Oncor and their timeline and design availability at the time; no banners, electrical outlet boxes or any object can be attached to the pole; maintenance for poles along street but not on the boardwalk.

Mr. Aaron stated that the purpose of this discussion is to provide the information and determine the preference of direction by Council.

Mr. Acker made motion to proceed with the street lighting plan as presented in Option 1. Mr. Forisha seconded the motion and all members present voted “aye”.

**Presentation by Early Municipal Development District regarding batting cage project at Early Town Center.**

Mr. McConn provided a diagram and presentation of the proposed batting cages project in the Town Center recreational use portion of the development. The project consists of a pre-manufactured 5-stall semi-circle design with the automated equipment in the middle; it will be a token per play setup with selection of player level, height and speed; a mono-pole in the center holds a net that ties to a surrounding fence to enclose the ‘cage’; 110-feet long by 80-feet; will be built up out of the flood plain, located at the trailhead at the park area, sitting length-wise from the parking lot toward the fishing pier.

The project is included within this year’s MDD budget. Currently plans are being reviewed by engineers and once approved will be going out for bids. Seems to be a very well received project and will be a great addition to the Town Center development.

**Consider approval to modify the agreement with Volkert, Inc. for Early Town Center Pond project.**

Mr. Aaron explained that the proposed modifications include for an amendment of \$19,000 for the expansion of the foundation pad site for the sidewalks to batting cage and connectivity around the park area and lighting. The original contract was for \$42,470, recommendation to modify amount to \$62,000.

Mr. Allcorn made motion, seconded by Mr. Eoff, to modify the agreement with Volkert to \$62,000. All members present voted “aye”.

Consider Resolution 2022-EDR04, on first reading, approving Municipal Development funding request from JMCA Enterprises, Inc. (First reading only, no Council action may be taken)

Mr. McConn read aloud:

A RESOLUTION OF THE EARLY MUNICIPAL DEVELOPMENT DISTRICT A POLITICAL SUBDIVISION OF THE CITY OF EARLY, TEXAS, APPROVING AN AGREEMENT BETWEEN THE EARLY MUNICIPAL DEVELOPMENT DISTRICT AND JMCA ENTERPRISES, INC. DBA LEON RIVER MERCANTILE, AWARDED ECONOMIC DEVELOPMENT SALES TAX FUNDS TO JMCA ENTERPRISES, INC. DBA LEON RIVER MERCANTILE LOCATED AT 515 EARLY BLVD. IN EARLY TEXAS IN THE AMOUNT NOT TO EXCEED \$33,000 FOR FISCAL YEAR 2021/2022; AND AUTHORIZING THE DIRECTOR OF ECONOMIC DEVELOPMENT TO EXECUTE THE NECESSARY DOCUMENTS; AND PROVIDE AN EFFECTIVE DATE.

This is only the first reading and no action may be taken, however, no further discussion was held regarding this item.

#### Administrator's Report

ICSC – phenomenal response with attendance to this event; excited to see and hear that Early is on the map and know within the retail and development arena; Town Center project has a large impact and all interest is encouraging and exciting; City's booth design was very impressive and complimented throughout the event.

Town Center to-do's as result of ICSC – commercial appraisal; surveyor currently in progress; possible 5-6 real estate deals ready when at that point.

#### Announcements

TMCN Lawmaker Luncheon – May 4<sup>th</sup>


Swearing in of elected officials – May 10<sup>th</sup>

Smart City Expo – May 12<sup>th</sup>

#### Adjourn

Completing all business matters, Mr. Acker made motion to adjourn the meeting. Mr. Forisha seconded the motion and all members present voted "aye", adjourning the meeting at 6:56 p.m.

  
CITY SECRETARY

05-10-2022  
DATE  
  
MAYOR