

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

Mayor Mangrum

City Administrator Tony Aaron

Council members:

Economic Development Director Larry McConn

Leland Acker

City Secretary Brenda Kilgo

Travis Eoff

City Attorney Mark Bessent

Benny Allcorn

Charles Matlock

Travis Eoff

Garry Forisha

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

**Consideration of the minutes of regular meeting held on June 14, 2022.**

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

**Citizen's comments**

There were no citizen comments.

**Consideration to approve Ordinance 2022-06 authorizing a Franchise Agreement with Atmos Energy Corporation.**

With Council's approval, Lloyd Gosselink Attorneys at Law Office was engaged to negotiate the terms of the franchise agreement with Atmos Energy. The franchise agreement is basically an agreement of terms for gas line infrastructure and the compensatory use of public right-of-ways within the City. Concluding approximately six months of negotiations and review, it is the recommendation of Lloyd Gosselink attorneys and staff to approve the franchise agreement presented tonight. The terms of the agreement include a ten year term with two (2), five-year renewal options.

Mr. Allcorn made motion to approve Ordinance 2022-06, authorizing a Franchise Agreement with Atmos Energy as presented. Mrs. Forisha seconded the motion and all members present voted "aye".

**Consideration to approve Ordinance 2022-07 authorizing a Franchise Agreement with Oncor Electric Delivery Company LLC.**

Following suit with the previous item, it is the recommendation of Lloyd Gosselink attorneys and staff to approve the 20-year franchise agreement with Oncor.

Mr. Matlock made motion, seconded by Mr. Allcorn, to approve Ordinance 2022-07 authorizing a Franchise Agreement with Oncor Electric as presented. All members present voted "aye".

**Discuss and Consider to approve Ordinance 2022-08, amending Unified Development Code, Chapter 23, Articles 3 relating to parking requirements for Trailer Sales and Rentals.**

Mr. Aaron explained that during the review of the previous amendment and development plans for the trailer sales business expansion it was determined that the parking requirements also

needed to be addressed for specific business types. This amendment is reflected in Sec.3-2-2 A. Table 3-2-3-2 – Required Off-Street Parking by Land Use as follows:

**Trailer Sales and Rentals - 1 space per 500 sf. PFA sales/showroom + 1 per service bay + 1 space per 30,000 sf. Of inventory storage.**

The P&Z Commission met on July 11<sup>th</sup> regarding this item and it is their recommendation to approve amendment as presented.

Mr. Acker made motion to approve Ordinance 2022-08 amending the UDC for required off-street parking for Trailer Sales and Rentals. Mr. Matlock seconded the motion and all members present voted “aye”.

**Consideration to approve Resolution 2022-R08, authorizing a 380 Agreement between City of Early and Sunrise Property Group, LLC regarding the Longhorn Subdivision development project.**

Mr. Aaron explains that the 380 Agreement is regarding Phase 1 of the Longhorn Subdivision, specifically the eight (8) lots along Skyview. The agreement states that the Sunrise Property Group (developer) will pay for the materials and the City will supply the labor to install a sewer service line for these lots. This will also include replacing the service line for the Windcrest and Monte Vista neighborhoods. The agreement is similar to previous development agreements.

Mr. Forisha made motion to approve Resolution 2022-R08 authorizing the 380 Agreement as presented. Mr. Matlock seconded the motion and all members present voted “aye”.

**Consideration to award bid for Autumn Drive construction.**

Bids were solicited for Autumn Drive construction to include for the resurfacing of the street (approximately 1500 square-feet), drainage and curb/gutter on both sides of the street. Initially an estimate of \$300,000 was budgeted for the resurfacing and once engineering was completed and the drainage remediation was deemed necessary that estimate climbed to \$600,000.

Two bids were received by the opening date of July 8, 2022:

Grider Paving Co.	Base bid:	\$1,169,697 (w/concrete)
	Alternate 1:	\$ 998,225
	Alternate 2:	\$ 20,799

Ribble Concrete	Concrete only: \$284,320
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The amount of the bid prompted an in-depth discussion regarding material cost and options for project alternatives that might lower the cost; however it was clear that no one was in favor of lowering the quality of the construction or overall project that a reduced cost might reflect.

Mr. Aaron stated that he and staff had calculated and reviewed the bids quite intensely and concluded that their recommendation is to reject all bids, revisit the construction plans and develop a strategic method to plan and budget to complete this project.

Mr. Eoff made motion, seconded by Mr. Acker, to reject all bids and to discuss further options for the project. All members present voted “aye”.

**Consider approval to solicit for bids for the construction of the Early Town Center Pond project.**

This project includes approximately six to seven acres of dirt work to dredge, dig and shape the Town Center Pond. A diagram of the pond design and elevations was provided on the smart monitor. Some shoring on the East side of the pond will be required and some of that will be done through the Texas Parks & Wildlife grant funds received.

Mr. Acker made motion, seconded by Mr. Matlock, to approve the solicitation of bids for the Town Center Pond project. All members present voted "aye".

**Discuss Economic Development Assistance Grant eligibility for Town Center Project.**

Mr. Aaron explains that the Economic Adjustment Assistance Program is a Federal funding opportunity up to \$5 million for economic development infrastructure such as streets, and water and sewer lines. Inquiry of the grant deems a favorable chance of award to the City for this project. West Central Texas Council of Governments has offered to write the grant application for the City with no out of pocket cost to the City. If the grant is awarded they are entitled to a fee but it will be paid from the funds received and a breakdown of the cost detail will be provided to the Council for approval.

This item is a discussion only item and no action was taken.

**Consider approval of authorization for EMDD to purchase approximately 1.31 acres on Parkway Drive.**

Upon learning through discussion with the Petco developer that the section of the property along Parkway Drive was not going to be developed or used by Petco or the developer, Mr. McConn approached the EMDD Board about purchasing the tract for future economic development opportunities. Petco offered to sell the approximate 675 square feet tract for \$200,000. The original value, based on Petco lease, is estimated at \$384,000. The EMDD Board authorized Mr. McConn to draft a contract for the purchase at \$200,000 offered price.

The closing is scheduled for December 2022 and it is the intent of the EMDD to find another developer / investor for a retail business prior to the closing.

Mr. Forisha made motion to approve the EMDD to purchase the property as presented. Mr. Matlock seconded the motion and all members present voted "aye".

**Consider appointment of a board member for a vacancy on the Municipal Development District Board.**

Mayor Mangrum stated that a board member has moved outside of the Early city limits, therefore creating a vacancy to be filled. Mayor Mangrum recommended the appointment of Joel Johnson to fill the vacancy on the MDD Board.

Mr. Eoff made motion, seconded by Mr. Forisha, to appoint Joel Johnson to the MDD Board. All members present voted "aye".

**Consider nominees for TML Health Benefits Pool, Region 6, 2022, Board of Trustee Election.**

Members on the Board of Trustees serve a term of three years. Currently Mayor Stephen Haynes of Brownwood is serving as the Region 6 Board of Trustee.

Mr. Matlock made motion to re-nominate Mayor Haynes as Region 6 Board of Trustee. Mr. Forisha seconded the motion and all members present voted "aye".

**Discuss Bank Depository contract, current term ending September 30, 2022.**

Current Bank Depository contract is with MC Bank. City Secretary will prepare to solicit and receive proposals for a new five year contract. Upon receipt and review, the proposals will be presented to the Council for award in September.

This item is a discussion only item and no action was taken.

**Progress update regarding the Crescent neighborhood Sewer line rehab and TWDB project funds.**

Mr. Aaron recapped the balance of TWDB funds to be approximately \$775,000 and the intent of use for those remaining funds would be towards the Crescent Drive neighborhood sewer line rehab project. In a previous meeting, all bids received for this project were rejected and request was submitted to TWDB for a Force Labor account to be approved for use of the funds on the project. A Forced Labor Account would allow the City to be reimbursed for labor and materials from the remaining TWDB funds. After much discussion and deliberation, TWDB denied the request/approval of the Forced Labor Account.

Through the discussion of the item general direction and consensus was to re-visit the project plans and determine the more complex portions of the projects and break up the request for proposal to be more specific to those portions.

Again, this item is a discussion only item and no action was taken.

**Executive Session in accordance with provisions of Chapter 551, Texas Government Code.**

No Executive Session

**Administrator's Report**

- City of Blanket Sanitation Contract – the five-year contract term ends September 30, 2022; it is beneficial to both parties; Blanket is very satisfied with the service and intends to discuss the item at their next Council meeting; they noted that they would request proposals regarding the service to satisfy their procurement requirements and would notify Early City Administrator with their results.

**Budget Workshop**

- John Allen with the Brown County Water Improvement District was present and provided results from their Board meeting tonight, indicating that an estimated increase of 19.9% was eminent; the increase is mainly due to chemical costs increases.
- Sanitation rates from City of Brownwood also estimated to increase by approximately 14% to cover cost of two new cells to be constructed at the Landfill over the next 2 years.
- General Fund:
  - o Estimated fund balance \$1.9 million as compared to \$707,000 budgeted
  - o Revenues – decrease in Property Taxes (due to collection rate based on contested value); increase in Sales Taxes; overall net decrease of 6.7%
  - o Expenditures (does not included for any cost of living increase at this time)
    - Administration – Community partners contributions, increase to library from \$10,000 to \$15,000, add new contribution to Center For Life Resources; Transfer of \$80,000 to General Refunding (debt service) due to large decrease of property tax revenue.
    - Streets - \$520,000 in street improvements to include crack seal and level-up, seal coat project, Orchard intersection, Crescent neighborhood level-up, engineering for Broken Arrow
    - Fire and Police – both request for more staff but not included at this time; mainly equipment purchases (one-time expenditures vs. year-to-year amounts); includes for 2 new patrol vehicles for Police
    - Parks – added 1 full-time position due to Town Center development; equipment purchases for small shredder tractor and side-by-side type unit; decrease in park improvements due to move of funds/expenditures to Town Center improvements (new department)

### Announcements

Wade Walker announced retirement after 37 years of service to City of Early

### Adjourn

Concluding the budget workshop and having no further announcements, Mr. Acker made motion to adjourn the meeting. Mr. Matlock seconded the motion and all members present voted "aye", adjourning the meeting at 7:34 p.m.

07/26/22  
DATE

Robert J. Mangum  
MAYOR

Brenda Kilgo  
CITY SECRETARY