

The Early City Council met in regular session on Tuesday, January 10, 2023 at 6:00 p.m. with the following members present:

Mayor Mangrum

Council members:

Benny Allcorn

Leland Acker

Garry Forisha

Charles Matlock

Travis Eoff

City Administrator Tony Aaron

Economic Development Director Larry McConn

City Secretary Brenda Kilgo

City Attorney Mark Bessent

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 December 13, 2022.**

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

**Citizen's comments**

There were no citizen comments.

**Mr. Tony Krischke will present Fiscal Year 2021/2022 audit for Council review and acceptance.**

Mr. Krischke thanked the Council and staff for the opportunity to do the city's audit again this year. He stated that there were no difficulties in completing the work, no conflicts or issues with management and no control issues to report. He noted that he presented these results to the audit committee yesterday afternoon and there were no questions or concerns regarding the report from the committee.

Mr. Krischke explained that although the structure of the report had changed due to new requirements the basis of the information is still the same. Reporting that the City ended the fiscal year with 207 days of unrestricted cash, 52% equity net position and an increase of \$1.3 million to the change of net position, an Unmodified opinion was given for this 2021-2022 FYE Audit for the City of Early. Resulting in an overall good year with high level of liquidity, ability to service all debt and a negative assurance letter of operating stability.

Mr. Allcorn made motion to accept the audit report as presented. The motion was seconded by Mr. Matlock and all members present voted "aye".

**Consider adoption of a Resolution, 2023-R01, creating 2023 Building Early, Texas Initiative; an economic development program under Chapter 380 of the Texas Local Government.**

Mr. Aaron stated that this program started approximately five years ago and waives all building permits and tap fees for any new single residential construction within city limits. 2022 resulted in less than \$5000 of fees waived but the growth in the property tax value is the added benefit for the city.

Mr. Acker made motion, seconded by Mr. Matlock, to approve Resolution 2023-R01 creating the 2023 Building Early Initiative. All members present voted "aye".

**Consider approving Resolution 2022-R13, authorizing the award of professional service provider contract for the 2023-2024 Texas Community Development Block Grant Community Development Fund application and project implementation, administered by the Texas Department of Agriculture.**

The Community Development Block Grant (CDBG) project, up to \$500,000 funding, is targeted for the road construction of McDonald Drive. Three responses were received for the RFP of professional services to assist with the writing of the grant application and administrative services. The scoring committee reviewed all proposals and recommends awarding Grantworks based on previous relationship and cost proposal being approximately 50% lower than other proposals.

Mr. Eoff made motion, seconded by Mr. Matlock, to approve Resolution 2022-R13 awarding Grantworks for professional service provider as presented. All members present voted "aye".

**Consideration to approve final plat for Early Town Center.**

Mayor Mangrum withdrew this item as it is not ready for presentation or action at this time.

**Consideration to approve the use of American Rescue Plan Act (ARPA) funds for ARPA Project 01-2022 WWTP to include for the pond liner repairs determined after inspection.**

This project, to be paid with the use of ARPA funds, was initially approved for the purchase of a grinder and irrigation barge for the WWTP. This request is for approval to use additional amount of ARPA funds to include for repairs to the pump and valves relating to the irrigation system and to purchase materials to repair the liner of the ponds.

Pump/Valve repairs – Leonard Service approximately \$4000

Liner repair materials – Leister Co. approximately \$6000

Mr. Forisha made motion, seconded by Mr. Matlock, to approve the use of ARPA funds for project ARPA 01-2022 as presented for an amount not to exceed \$10000. All members present voted "aye".

**Consideration to award bid for ARPA Project 08-2022 of a sole source supplier for the purchase of water meter sets with the use of American Rescue Plan Act (ARPA) funds.**

Atlas Supply is the only supplier of the water meter sets currently used for City of Early water system. The intent of this project is to upgrade the current meter sets to ensure continued use with our current reading system. Atlas provided a per unit price of \$310; with an approved amount of \$100,000 of ARPA funds for this project approximately 322 meter sets can be purchased to upgrade the system.

Mr. Allcorn made motion, seconded by Mr. Eoff, to approve the bid from Atlas Supply Company of water meter sets to be purchased with the use of ARPA funds not to exceed \$100,000. All members present voted "aye".

**Consider approval to solicit a Request of Proposal for ARPA Project 05-2023 from a sole source supplier for the purchase of fire equipment with the use of American Rescue Plan Act (ARPA) funds.**

Similar to the water meter sets, the purchase of air packs and bunker gear is limited to specific vendors. The solicitation of sole source bid will be for up to (3) air packs from Casco Fire Equipment and up to (4) sets of bunker gear from Line Apparel.

Mr. Acker made motion to approve the solicitation of a Request of Proposal from a sole source supplier for the stated fire equipment. 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 explained that the previously RFP received for this project exceeded our budget and was rejected so staff revisited the scope of the project to present for a revised RFP. The proposed scope, to include the following, hopes to save \$300,000 to \$400,000 to the overall project.

- City to purchase all materials
- RFP for labor only (paving)
- Drainage system - installed by city employees
- Driveways – asphalt vs. concrete
- Demo of old to prepare for new install – city labor vs. contract

Mr. Eoff made motion to approve the solicitation for bids for the Autumn Drive street improvement project. Mr. Allcorn seconded the motion and all members present voted "aye".

**Consideration to approve the disposal or sale of items as salvage or surplus.**

Items such as bleachers, old score boxes and sections of pipe and metal have been gathered to be listed for bid or auction on an online site. If no bids are received then they will be taken to the scrap yard for market rate based on weight.

Mr. Forisha made motion, seconded by Mr. Matlock, to approve the disposal or sale of the items presented. All members present voted "aye".

**Discuss proposal of an agreement between Early ISD and Early Police Department for a School Resource Officer on campus.**

Early ISD approached Chief Mercer about having a full-time officer on campus. Chief Mercer stated that there has been an increase in activity and investigations in recent years.

A draft memorandum of understanding (MOU) was provided for the purpose of this discussion.

The proposed agreement includes the following details:

- Officer salary and benefits cost will be split 50/50 between City and ISD
- City will provide the officer's vehicle and equipment
- Position will be a 40-hour per week schedule on campus
- ISD to pay all overtime for any school activities attended by the officer
- Officer time and pay will be responsibility of the City during summer, holidays and any non-school schedule times.

Based on the pay scale adopted in October 2022, the School Resource Officer (SRO) would be within a Level 2 Officer with salary and benefits approximately \$60,000 annually; vehicle and equipment estimates around \$60,000 to \$70,000; total cost for the City for Year 1 would be approximately \$100,000. Required training would have to be completed prior to the start of the school year.

The proposed agreement only includes for the one officer to service all 4 campuses at this time. However, Mr. Aaron noted that the approval of this agreement has the potential to begin a path that will require a continued financial plan to support and prepare for growth of this program. (e.g. additional officers for other campuses)

Chief Mercer explained his budgetary approach to the proposed agreement would be to fill the SRO position with a current officer and vehicle and hiring a new officer for the City position and provide one of the new vehicles already on order for that position. Since the School budget year begins in August and the City's in October, it will also be proposed that the salary responsibility will be split to accommodate the difference of budget schedule; such as ISD covering salary for August and September, the City covering October and November and the remaining to be split 50/50 through the end of the school year.

As this was only a discussion item and no Council action to be taken, it was the general consensus the discussion with Early ISD and to fine tune the MOU agreement. It is anticipated to have this item on the February agenda for the financial commitment and then to finalize the full plan by April or May.

#### **Discussion regarding the issuance of debt in the form of Certificates of Obligation.**

Mr. Aaron stated that the process and schedule of the issuance is proceeding on time and that he just wanted to offer the opportunity in a public forum to discuss or answer any questions regarding the issuance of the debt.

As noted in previous discussions, this issuance of debt is a unique instance for a municipality in the fact that the debt is for a development that will also generate revenue that can be used to service the debt. Mr. Acker asked if any base estimates have been predicted or available for the revenues anticipated to service the debt. Mr. Aaron explained that this is a somewhat difficult projection due the current status of the development but that he will have some estimates for the next meeting.

#### **Discuss and consider an encroachment agreement of a city utility easement for property located at 124 Rainbow Drive.**

Approximately two feet of a utility easement is within the concrete driveway for 124 Rainbow Drive. When the house was built in 2012, a verbal agreement was stated by city administration that if the city had to access the easement and dig out the portion of driveway the city would put it back to its previous state.

This request is to formalize the previously verbal agreement, to include a specific area/measurement and value (approximately 2-ft by 50-ft, 100 square feet at \$10/square foot) and to record with the deed upon its execution.

Mr. Matlock made motion, seconded by Mr. Forisha, to approve the encroachment agreement as presented for 124 Rainbow Drive. The motion passed with a vote of 4 “ayes”; Mr. Allcorn abstained as he is the current owner/resident of the property.

### **No Executive Session**

### **Consider Resolution 2022-EDR10, second and final reading, approving Municipal Development funding request from Pate’s Hardware, Inc.**

Mr. McConn provided the second reading of Resolution 2022-EDR10:

*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 PATE’S HARDWARE, INC., AWARDED ECONOMIC DEVELOPMENT SALES TAX FUNDS TO PATE’S HARDWARE, INC. LOCATED AT 1104 EARLY BLVD. IN EARLY TEXAS IN THE AMOUNT NOT TO EXCEED \$30,000 FOR FISCAL YEAR 2022/2023; AND AUTHORIZING THE DIRECTOR OF ECONOMIC DEVELOPMENT TO EXECUTE THE NECESSARY DOCUMENTS; AND PROVIDE AN EFFECTIVE DATE.*

Mr. Allcorn made motion to pass Resolution 2022-EDR10 approving a Municipal Development funding request to Pate’s Hardware, Inc. for an amount not to exceed \$30,000. Mr. Forisha seconded the motion and all members present voted “aye”.

### **2022 Racial Profile Report**

#### **Racial Profile Report**

Police Chief Mercer provided a summary of the following information for the 2022 Racial Profile Report requirements. The full report has been submitted per state requirements.

*Total stops – 2527*

*Race or ethnicity – (144) Black; (1059) White; (596) Hispanic/Latino*

*Race/ethnicity known prior to stop – (253) Yes; (2274) No.*

*Gender – (955) Female; (1572) Male*

*Searches Conducted – (183) Yes; (2344) No*

*Discovered Contraband – (100) Yes; (83) No*

*Results – (1457) Warnings; (974) Tickets*

*Physical force with bodily injury – 0*

*Number of Complaints of racial profiling - 0*

### **Ambulance Advisory Committee Report**

Mr. Allcorn reported that in the last committee meeting the ambulance company proposed a significant price increase for the same level of services currently under contract. The current

contract is within the 1-year extension period approved last year. The County is ultimately responsible for ambulance service within the county but the participating cities contribute a subsidy based on a per capita percentage, City of Early's basis is approximately 6% of the county population. Mr. Aaron stated that the subsidy is still less than the cost of providing our own ambulance service. A special called meeting of the Advisory Committee is scheduled for tomorrow, Wednesday, at 2pm, to discuss the matter further.

#### Administrator's Report

- Volkert, Inc. publishes a calendar with various projects featured for each month and Early's Kelcy Way is featured as the April 2023 project; it is the only Texas location shown in the calendar
- Lake construction making good progress, completion deadline is end of March 2023
- Oncor power still delaying the opening of Kelcy Way and Buena Vista to the public, anticipate within the next 2 months
- Parking lot at Town Center is holding water due to a grade issue; proposed 2-foot concrete flute constructed to resolve the issue
- Town Center plat still awaiting final changes, hope to have by next meeting.
- ICSC is next week; Town Center will be main highlight of the City's booth to target potential investors and developers.
- Hope to share some good development news for the mall location in the near future.

#### Adjourn

Concluding all business, Mr. Allcorn made motion to adjourn the meeting. Mr. Matlock seconded the motion and all members present voted "aye", adjourning the meeting at 7:32 p.m.

Brenda Kilgo  
CITY SECRETARY

02/14/2023  
DATE  
Robt J. Matlock  
MAYOR