

**STATE OF TEXAS**

**COUNTY OF BRAZORIA**

**CITY OF BRAZORIA**

The City of Brazoria convened in Workshop February 2, 2021 at 6:00 p.m. with the following to-witt:

Roger Shugart	Mayor
Marcus Rabren	Councilman Position #1
Gail Logsdon	Councilwoman Position #2
Gary Kersh	Mayor Pro-Tem
Frank Quinty Jr.	Councilman Position #4
Susan Parker	Councilwoman Position #5

City Personnel Present:

Mike Collard	City Manager
Sheila Williams	City Secretary
Neal Longbotham	Police Chief

**A. Call to order Workshop.**

Mayor Shugart called the Workshop to order at 6:00 p.m.

**B. Invocation and pledge to American and State Flags.**

Mayor Shugart gave the invocation and Councilman Quinty led the pledge to the American and State Flags.

**C. Discuss the activity of utility billing to include late payments and cut offs, etc.**

City Manager Collard explained how the utility billing system relates to shut offs, reconnects, bills due and delinquent are done in the city. The ordinance does not match what has been practiced, whether it be a business or a characterized individual. He wanted to let council know what has been practiced and how it differs from what ordinance shows. Businesses are not shut off or elderly which is not in our ordinance. There are restrictive guidance's in our laws that regulate that kind of thing. He recommends we amend our ordinance with legal councils blessing to practice something different than what we have. If we don't change then he recommended we act on it as written in the ordinance. Mayor Pro-Tem Kersh said the city has been doing it this way for 23 years and no one has filed on us or got in trouble by anyone and all of a sudden we are not legal anymore. He can see it if we were losing money every month. Councilman Rabren asked if we have businesses that are late. City Manager Collard explained there are a bunch that are. They have been used to not paying on time. Mayor Pro-Tem Kersh explained the city used to have a list you would sign when you could not pay your bill on time. City Secretary Williams explained we no longer have a list but we do make payment arrangements. Mayor Shugart said people on Social Security are his concern. He said that should be a budgeted item for the citizen. City Manager Collard explained he wants to do the will of council through the ordinance and we can't be discriminatory. He explained you can set up accounts in different classes where they can be treated differently. Mayor Pro-Tem Kersh said with all the construction going on that we need to concentrate on that since your plate is full. Get the contractors and projects done and then attack the ordinances that we have been doing for a long time. He asked if the percentage could be changed on late fees. City Manager Collard said it is not the penalty, it is giving them service beyond your ordinance that says you will shut them off. He suggested talking

to the attorney to see what he says. Councilman Rabren asked what other cities in our area are doing. There are Dollar General Store's in other cities and I am sure other cities face the same problems, it is not only us. Mayor Shugart said he would like to see us do an ordinance that would address different classes of people and businesses. Mayor Pro-Tem Kersh said he would like the City Attorney look at this and see what can be done. He thinks it is a legal thing.

City Manager Collard showed a document that has red lines and he recommends that the language be changed and include "delinquent date". It would be the same as what is on back of our utility bill and what ordinance shows. It is not officially in our ordinance about when the bill is officially delinquent. It is due upon receipt and delinquent after the 15<sup>th</sup> of the month. "When the 15<sup>th</sup> day of the month falls on a nonbusiness day the following business day will be observed in lieu of the 15<sup>th</sup>". He suggests we adopt that language so we are doing what we practice. If anyone has anything else to add he would like them to interject. He will give it to the Attorney and if he agrees then he will have it for council meeting next week.

City Manager Collard explained anytime we are connecting a service up we should be charging a connection fee. It is set at \$35.00 and he is not recommending any changes with that fee. He would like the "or otherwise" be added for anytime you turn water on. He would also request the following line be removed and no longer do, "However, if the utility service has been reconnected three times in one consecutive year, the reconnection fee shall be \$65.00 for one year if the reconnection is made during the regular city business hours on a regular business day". We can't support the analogy or cost because we are supposed to be charging what it costs to provide the service because it does not cost us more money when we shut someone off for more than one month. He would like to see an escalation of deposit instead. Mayor Pro-Tem Kersh asked if the city could do credit checks. City Manager Collard said yes but we should carry enough deposit so it will cover the common average bill.

City Manager Collard explained the dollar amount if less than, we would not shut you off. You would still get a late fee but not get shut off. He recommends \$20.00 or less, then you would not get shut off. There are situations where someone can't pay the total bill. He would also like to look at the late fee not be a flat 10%. It is usually a flat fee and then as the bill increases it goes to a percentage. He would like to see a \$10.00 late fee or 10% whichever is greater if you are shut off. City Manager Collard said during the budget projection that he would like to see a rate and fee study done to help analyze what the costs are and also the different pockets come with recommendations on all the rates and fees. It will help us work our way out of where the General Fund is helping subsidize our Enterprise Fund. The adjustments City Manager Collard is recognizing will be very helpful sooner than later.

Mayor Shugart moved Item E next.

**E. Discuss TCEQ, BWA and participating cities water systems.**

City Manager Collard said he was looking for historical information if anyone can remember. This has been brought to light because of the incident with BWA and more so with the City of Lake Jackson. TCEQ is now taking a look at the entire industry of BWA and its customers. TCEQ will be going around to all the different cities and doing some analysis on their water and looking at their operations with what are they doing and what are they doing and also conducting some training. In the training they talk about the different aspects related to the chlorine disinfectant and how the different member cities should be coordinating with BWA and through BWA. He would like to know if anyone has familiarity with the way and what we have been treating and when we decided to do or stop with certain things. We have the one well out of service and would like to get it back into service so we can use in emergency situations. Mayor Shugart said he doesn't remember any of this information coming up in council. Councilman Rabren said he thought David always made those decisions. As far as he remembers David had complete control of that. City Manager Collard said he has not been able to find these common records around at Public Works or City Hall. Councilman Rabren said he does not remember hydrants not being flushed in 15 years. City Manager Collard said we don't have a good flush control. Mayor Pro-Tem Kersh asked what the man does that we pay \$500 to each month. City Manager Collard said he is basically taking samples for the chlorine residuals that comply with our licensing. These plans may not have been submitted for approval and will probably have to be done. This will all be discovered and unfolded over the next few days. Mayor Pro-Tem Kersh said he agrees on all this but it all comes down to money and you're going to have to find that. He knows we have to do them but if we don't have the bucks you can't go broke. City Manager Collard said you just have to shuffle the coconut shells. When you have \$250,000 allocated for

paving streets that is a big nugget. We have the lift stations is an expense we can't not do. We have to find something else that won't be done or some new money somewhere.

Mayor Shugart moved Item F. here.

**F. Discuss emergency repair of lift station on N. Market with scope and cost.**

City Manager Collard explained the emergency repairs for the lift station has been dwindled down to \$101,915. This is only going to be a repair to the lift station. It is going to be engineered by the contractor. We originally reached out to our engineers to help out in this matter and they could not move as fast as needed. He made a judgement call to say thank you but no thank you. We are going to move forward with the design folks with the contractor. They are very confident and they have an engineering degree. Mayor Pro-Tem Kersh asked what company is the contractor. City Manager Collard said Mercer Construction. Mayor Pro-Tem asked if it would include the small sewer leak. Mayor Shugart said yes. Mayor Pro-Tem Kersh said the fund that we put \$50,000 per year in that so we can use and then pay ourselves back. He doesn't think it would be a problem getting a loan. City Manager Collard said we will be looking at numbers in the budget soon and we may need to look at projecting forward. We are also on the heels of hurricane season. Mayor Pro-Tem Kersh said if we need the other lift station fixed we need to put in the budget. City Manager Collard said he hopes we get the grant. We have received some particular questions on this grant and we hope for the best. We do need a back-up plan also. The lift station we are repairing today has more extensive needs like the control panel that has been basically gutted and rigged up so that it works with the pumps. The new pumps coming in place makes us add some components to the control panel just to get it to work. The concrete has degradation in it to the rebar. In some spots it needs repaired. This can all be done in a sealed bid process rather than getting prices in an emergency situation. We are just getting the lift station operational.

**D. Discuss of how items are added to an agenda.**

Mayor Shugart explained we are going to discuss how we can come up with a policy on adding items to the agenda. They have an example policy from Rockdale City that requires two council to add an item to the agenda. There are things in this policy that we don't need since we are a small city. Councilwoman Logsdon said right now the Mayor decides what can be added on agenda. Mayor Pro-Tem Kersh said the way it used to be was two councilmembers wanted something on the agenda then it would get put on the agenda. When BobbyJo got elected it was it only took one person to put on agenda. Councilman Rabren said he would like two councilmembers be able to add. You could have a full agenda with just one councilmember. Councilwoman Logsdon said before someone has a knee jerk reaction that we have a policy in place. Mayor Pro-Tem Kersh said we always take the Mayor or City Manager side but we always let that citizen come in and talk to us. Mayor Shugart said most of the items the citizens want to talk to council about could be solved in the City Manager office. Mayor Pro-Tem Kersh said a taxpayer has the right to talk to the council. Councilwoman Parker asked if we can take this home and look it over and come back to him with our input. City Manager Collard said yes and he would like another work session. It makes us look more professional if we have a policy in place. He would have anyone of the council come visit with him on the subject one on one. Talk further about what they see in there and then schedule another workshop. After he takes everyone's information and then collectively discuss it. Mayor Shugart said some things are not council business like employees hiring and firing. Councilman Quinty said that any councilman can go to an employee and ask them if they are being paid right or treated right. Mayor Shugart said you are interfering with operation of department when you do that. Councilman Quinty said it is their right. It is in the TML book. Mayor Pro-Tem Kersh said they have the right to appeal. City Manager Collard said our ordinance does not say that. The firing lives and dies with the City Manager. Mayor Shugart said he does not give a directive but just interested in information. Councilman Quinty asked if a resident can still get on the agenda. City Secretary Williams said a resident can get on the agenda but it does not take two residents to get on the agenda. City Manager Collard said if we have something in writing that says a topic has been considered within the last six months then probably would be said that topic has been heard and is not appropriate to keep bringing back to council. It is also important that a City Manager can put something on the agenda so he can say I need your guidance in what I am doing. If a ditch needing to be cleaned that should be in my office not the council chamber. Councilwoman Parker asked if we get our feedback to you when you would need it. City Manager Collard suggested we have another Workshop on the 23<sup>rd</sup> of February. He would like the other item resolved before billing and we will have a list of questions to ask

other cities. Mayor Shugart asked council if they would help Mike by waiting to put anything on the agenda since these contractors are trying to pull every trick in the book. We can't take this water tower down and get it back in right now unless they agree to get it done before hurricane season. We can't allow it to stand empty. He would like the council to consider coming and helping Mike when you can. Mayor Pro-Tem Kersh said he thought we just hired somebody. City Manager Collard said he is no longer with the city. Mayor Shugart said he went blind in one eye and just couldn't do the simple stuff.

G. **Adjourn Workshop.**

Mayor Shugart adjourned the Workshop at 7:27 p.m.

ATTEST:

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Roger Shugart, Mayor

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Sheila Williams, City Secretary