

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF BRAZORIA

The City of Brazoria convened in Regular Meeting on April 13, 2021 at 5:00 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
Bill James	City Judge
R.C. Stevenson	City Attorney

Others Present:

Tina Watts	Citizen
Laura Goolsby	Citizen
Laura Hall	Citizen
Roschelle Hicks	Business Owner
Allen Hill	Citizen
Sarah Hill	Citizen
Bill Lott	Citizen
Sabrina Lott	Citizen
Jesse Knight	Citizen
James Socha	Citizen
Sarah Socha	Citizen
Jamie Hill	Pastor Victory Fellowship
Dan Swords	Business Owner
Diana Segler	Citizen
Sheila James	Citizen
Marie Hicks	Business Owner
Luz Lemus	Citizen
Perla Hernandez	Citizen
Rolando Valles	Citizen

A. Call to order Regular Meeting.

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

B. Invocation to be given by Pastor Greg Smith of First Baptist Church, Brazoria and the pledge to the American and Texas flags by all.

Pastor Jamie Hill of Victory Fellowship gave the invocation due to Pastor Greg Smith not able to attend. Pledges were led by Councilwoman Logsdon.

C. Consideration/Action to approve the minutes of the following meetings:

Mayor Pro-Tem Kersh asked if any of these minutes have been rewrote. City Manager Collard said he only makes comments on them.

Motion was made by Councilwoman Logsdon to approve minutes of the followings minutes, a second was made by Councilman Rabren. Rabren, Logsdon and Parker vote aye, Kersh and Quinty voted nay. Motion passed with 3 aye and 2 nay.

1. Workshop, February 2, 2021
2. Regular Meeting, February 9, 2021
3. Emergency Special Meeting, February 17, 2021
4. Regular Meeting, March 9, 2021

D. Citizens Communication.

Marie Hicks of 114 S. Brooks St. said she is the President of the Brazoria Lions Club. She came to thank the City for the maintenance of the Brazoria Lions Park. She wanted to update the council on the future projects of the Brazoria Lions Club. It is their goal for the future to start purchasing and updating the equipment. They look forward to continuing to work with the city. The park needs border around it, mulch spread and much needed maintenance in and around the park. It has become a concern for the lack of communication between our City Manager and Park Committee Chair. There has been many attempts to have open dialogue. There has been some today but this has been going on for weeks. We would like to ask the council to have the city help us out during this upgrade and the communications become open and available. As long as the council continues to have the city serve its citizens, then this is a great park and it is for the kids. There has been many times the kids can't get into the park because the grounds are in such bad shape. It has been over a long time that the maintenance has not happened. We even had one of our own club members going and doing the mowing. We are responsible for the equipment maintenance but it is her understanding that the city was going to keep the upkeep on the grounds. She hoped we can get on a regular schedule to have the grounds mowed.

Roschelle Hicks of 114 S. Brooks would like to say congrats and congratulations to our City Manager Collard on his hard work on getting the approved grant for the city and his diligent spirited approach to many areas of this town in areas that have needed much attention. Mr. Collard came on board with the city at a very challenging time for the city. When the Mayor took over he had a To Do list that many said could not be accomplished in the time frame set forth. Mr. Collard did not hesitate to roll up his sleeves and accept the challenge. For that she thanked him. She looks forward to his next and biggest challenge of learning the heart of a small town. Take the time to get to know those you serve as well as to let them know a side of you of which many have not seen. Most have only seen the hard side and comes across as a little harsh. On an

outward showing of compassion does not define or portray weakness. Smiling is a good exercise for the soul of all men both giving and receiving. Thank you for your efforts.

Jesse Knight of 110 W. Alabama wanted to comment on someone that is not able to be here. Council made it a priority to look out for some of the elderly people. He appreciates that and he knows they appreciate that. He was dealing with Ms. Janelle Lowe who is in her 80's and her husband recently died. He was under hospice care when we had the freeze. Her daughter has helped her through a lot of that. Ms. Lowe was staying with her daughter Judy Jackson out of town for a while. Her daughter was trying to help her out. That was on a Friday when the city was closed so there wasn't anybody to talk to. He really wished the city could do more to communicate to people that may not have the same abilities to get up to city hall and get that information. They are not sure if their utilities will be cut off or not. Have a recorded answer line or having the phone answered on Friday by someone. Maybe not even a full staff but something to help with the communication. It would help the residences a lot. He really does appreciate the efforts put in by the city. It was great hearing about the grant.

Laura Goolsby of 239 Pecan has lived here her whole life and have paid city bills her whole life and you have never seen me here. She is here today because of the large gas bill. She feels like there needs to be something done with it. This has occurred in the past so we need to figure something out now instead of later.

E. Consideration/Action to approve Re-Plat for Diana Segler at 318 Red Oak St., Brazoria TX.

Motion was made by Mayor Pro-Tem Kersh to approve re-plat for Diana Segler at 318 Red Oak St., Brazoria Tx. A second was made by Councilman Quinty. Motion carried unanimously.

F. Consideration/Action to discuss natural gas bill pricing for freeze and escalated prices for month of February.

Laura Hall of 234 Pecan said she talked to a lot of people and they asked her to help them. She asked when the city took up the extra \$6.00 for the trash bill and tagged it Disaster Fund. So this was a freeze and it is a disaster per the Governor, so why can't wouldn't this money be used for something like this. Mayor Pro-Tem Kersh explained because we can't get refunded. City Manager Collard explained all those type of items are reimbursable but with loss of revenue FEMA typically does not refund. She said she fought to keep the money in the Disaster Fund. Mrs. Hall asked why we are on a variable rate. City Manager Collard explained he was not here and that Teresa Borders signed the agreement we are currently under. His understanding about the industry is a small city like us doesn't have chance to get something that is not a variable rate. We have a block of gas that we buy for a certain price and if you go over you pay whatever the rate is at that time. Mrs. Hall asked if we made money doing this in the past. Mayor Pro-Tem Kersh said the gas part has not made money in the last four years. When we first got into the gas business we made money. When the gas went up our billing system would not adjust to the higher price. So for many years the city took the hit and did not pass it on to the citizens. We started losing money and then we had a problem with the billing system and then got it corrected. With the new software when the gas changes the software changes your bill now. Mrs. Hall asked how the city calculated the bills for these astronomical prices. City Manager Collard explained we

have an ordinance that outlines the actual way it is calculated. It deals with several variables. It starts off with the past three years actual expenses for gas divided by the total budget for gas. It comes up with a number that is less than a whole number. You then take 20% of that number for people in town and 30% for people out of town. Then that number is added to a factor that is also added into an administrative cost that is divided up amongst the gas customers. After you do that calculation then you do a rate per unit we charge or cubic feet. We bill in 100 cubic feet so we have to move the decimal point one place to account for that. We then plug that number into our software that goes back and looks at the actual consumption during the period of time we received the billing for and then calculates the billing. That is why it looks a little hard to understand because when you are looking at your bill you see a date range but that date range is for water and sewer. It is not for gas. Mrs. Hall said we have a serious problem with our billing. Mrs. Hall said the newspaper said it effected a lot of the council members. She would like to know out of curiosity how many council members did this effect. She felt the paper misled the citizens that only the Mayor and one council had gas. She feels that was misrepresentation to The Facts. Mrs. Hall asked how much each citizen is getting charged per unit. City Manager Collard said during that February month the unit cost was \$5.395 per unit. Mrs. Hall felt that was not what they were billed. City Manager Collard said it should have been. If you don't think so then bring them to city hall and we can look at them. We have scattered through randomly and compared bills during that period and other periods and everyone that we have tested have been billed exactly the same. Mrs. Hall asked if we had not been in a normal disaster what the normal rate we would pay per unit. City Manager Collard said outside of that month it was .54 per cubic foot. That is about 10 times increase. Mrs. Hall said the citizens feel they are being charged different prices per unit and the reason is I talked to Sheila who explained it to me. I also talked to Randy Weber office and asked if we were calculating properly and I was told we are since we dividing the number of units into what we are being charged for the gas. According to the bills we received we are charged prices from \$7 to \$39.11 per unit. This is numerous bills from the citizens but it can change because we are going by the units you put on the bill. If you are not giving us the right numbers on the bill then you are misleading on our bills. The dates are from 2/19/21 till 3/21/21 and it does not say for water only. It indicates it is for our gas and water. City Manager Collard said we plan on addressing that. You are 100% right and the City of Brazoria will address that. Mrs. Hall said people feel they are being discriminated against and they are pretty upset. We have gone as far as seeing what it takes to remove city council members. We don't want to do that but we do want to work these problems out. We do not want to be falsely led and have to look at several bills. Mayor Pro-Tem Kersh said he didn't know the gas was 30 days behind. He feels it is time to get rid of this gas company. He said if we get it sold we would pay every citizen back their gas bill. We are working on taking payment plans. This council has always tried to take care of the elderly. Mrs. Hall said when she called up here to get her meter re-read she was told it couldn't be done. Others were told they can't read their meter. She said she had to call Mayor Pro-Tem Kersh to get her meter re-read. She was told the deadline to get on the agenda was Wednesday last week. Others called and were told it was too late on Wednesday to speak tonight deadline was yesterday. Mayor Pro-Tem Kersh explained you don't have to be on the agenda to talk during Citizens Communication. You have 5 minutes to talk and we can't talk back to you but you can say your peace. City Secretary Williams explained if you want to be on the agenda you just need to fill out the paper. She said she didn't talk to anyone on Wednesday

that wanted to be on the agenda. Mrs. Hall said the people with a business on the other end of town were told no on Tuesday. The lady I talked to said she talked to 2 or 3 women at city hall and was told the same thing. City Manager Collard said if anyone comes to see him about that item he can assure them if there is an item on the agenda he can assure them they can talk. He would like to correct any problems that are out there. Mrs. Hall would like council to make a motion to find a fixed rate or to sell the gas company. Mayor Pro-Tem Kersh said we can't get a fixed rate. Mrs. Hall said Randy Weber office said this is being looked at in Washington. She said they were working on trying to get a grant. Mayor Pro-Tem Kersh said we are planning on giving money back to the citizens once we sell the gas. Mrs. Hall said if the gas system had been sold then the federal government would have stepped in and helped the citizens pay the bills. If there is price gouging going on with a municipality the Federal Government can't do anything. City Manager Collard said it is not the municipality raising the rates. We had to pass on what we got billed. Mrs. Hall said when she 7 people in her house she didn't use this much and now she has 2 people and it is higher. During the freeze we had no heat. Mayor Pro-Tem Kersh said we thank you and we are concerned about our citizens.

G. Consideration/Action to approve Manufactured Home Permit for James D. Socha Jr. at 460 Carlton St. Brazoria, TX 77422

Motion was made by Councilwoman Logsdon to approve manufactured home permit for James D. Socha Jr. at 460 Carlton St., Brazoria TX 77422. A second was made by Mayor Pro-Tem Kersh. Motion carried unanimously.

H. Consideration/Action to approve payment to Barclay's Utility Service in the amount of \$63,541.94 contingent upon receiving a signed affidavit of bills paid.

Motion was made by Mayor Pro-Tem Kersh to approve payment to Barclay's Utility Service in the amount of \$63,541.94 contingent upon receiving a signed affidavit of bills paid. A second was made by Councilwoman Logsdon. Motion carried unanimously.

I. Consideration/Action to approve Proclamation proclaiming April 2021 as Fair Housing Month.

Motion was made by Mayor Pro-Tem Kersh to approve Proclamation proclaiming April 2021 as Fair Housing Month. A second was made by Councilwoman Logsdon. Motion carried unanimously.

J. Consideration/Action to discuss and take action on authorization for City of Brazoria to issue requests for proposals (RFP) for Administrative services and requests for qualifications (RFQ) for professional services for the American Rescue Plan Act of 2021.

Motion was made by Councilwoman Logsdon to approve and authorize City Manager to request for proposals for Administrative services and requests for qualifications for professional services for the American Rescue Plan Act of 2021. A second was made by Councilman Quinty. Motion carried unanimously.

- K. Consideration/Action to discuss and take action on replacement generator at the city's water treatment plant site (motion to authorize the City Manager to secure/purchase/cause to be installed a back-up gas powered generator power supply system in an amount not to exceed \$49,500 with Coastal Power Products).

Motion was made by Councilwoman Logsdon to approve replacement generator at the city's water treatment plant site and to authorize the City Manager to secure/purchase/cause to be installed a back-up gas powered generator power supply system in an amount not to exceed \$49,500 with Coastal Power Products. A second was made by Mayor Pro-Tem Kersh. Motion carried unanimously.

- L. Consideration/Action to discuss and take action on 2020 Community Development Block Grant (CDBG) where the city is scheduled to receive 200k for construction related cost, where the city will cover design/study cost for the same. (Authorize the City Manager to complete all required paperwork, project lists, and submit the same on behalf of the city and to secure the services of Strand Engineers as will be necessary for the same).

Motion was made by Councilwoman Logsdon to approve the 2020 Community Development Block Grant where the city is scheduled to receive 200k for construction related cost, where the city will cover design/study cost for the same, and authorize the City Manager to complete all required paperwork, project lists, and submit the same on behalf of the city and to secure the services of Strand Engineers as will be necessary for the same, and to authorize the addendum cooperation agreement with the county. A second was made by Mayor Pro-Tem Kersh. Motion carried unanimously.

- M. Consideration/Action to appoint and introduce City of Brazoria Library Representative.

Mayor Shugart introduced Tina Watts to be approved for new Library Board Representative. Motion was made by Mayor Pro-Tem Kersh to approve Tina Watts as new Library Board Representative. A second was made by Councilman Quinty. Motion carried unanimously.

Item P was moved here.

- P. Consideration/Action to discuss and take action on Mercer Controls Proposal addition of Pressure Control Panel and Variable Frequency Drives at Water Treatment Plant requiring some change's to SCADA work. (Authorize City Manager to sign change to contract not to exceed \$79,950.00).

Motion was made by Councilwoman Logsdon to approve Mercer Controls Proposal addition of Pressure Control Panel and Variable Frequency Drives at Water Treatment Plant requiring some changes to SCADA work and authorize City Manager to sign change to contract not to exceed \$41,950.00. A second was made by Councilman Rabren. Motion carried unanimously.

N. Review of bills paid in March 2021.

Mayor Pro-Tem Kersh asked what is Apache Oil City Manager Collard explained that is the cold mix for patching pot holes.

O. City Department Heads Report.

1. Court Department – Judge James explained the report in packet. He said they did zoom court but now court has opened back up. He explained the average for fines in court are \$20,000 but in the past month we have brought in \$52,000 with 107 cases.
2. Police Department – Police Chief Longbotham explained report in packet.
3. Public Service Department – City Manager Collard explained water & gas leaks, code violations, vehicle repairs, permits issued, equipment repairs, and utility report,
4. Fire Department – no report
5. BWA Report – BWA Rep. Jesse Knight explained the water line work being done on CR 400 has had good results. They plan on tying in on Wednesday or Friday. City Manager Collard explained this is the one and only water line to the city from BWA. He thanked Jesse for all his help.
6. City Secretary Report – City Secretary Williams explained CPA Curtis Craig has been paid \$8,250 out of \$16,400 in contract. He has been paid almost 50%. Leslie May with State Comptroller Office has been at city hall doing a state audit on court fines and fees. We are finally able to do trials, the state has opened up so we can do jury trials. We have 4 jury trials coming up in May. We have done almost 80 payment arrangements with gas customers. Explained we have a new Utility Billing Clerk, her name is Ivett Servin.

Q. City Managers Report.

City Manager Collard handed to council a copy of his report. He reported on each item listed.

Items 1. April 21st Administrative Professionals Day

Item 2. May 2nd thru May 8th is International Institute of Municipal Clerks Week.

Item 3. Public Utility Commission ; based on the 2021 CPI, July 1, 2021 our telecommunications Right-of-Way access line rate will increase by 0.482%.

Item 4. Waste Connections: due to the CPI-U the cost for our contract will increase by 1.36%.

Item 5. Generator Replacement: Water Plant made recommendations to authorize City Manager to order not to exceed \$49,500.

Item 6. WBCDD #11: Inter-Local Agreement completed covering the E. Alabama St. from Erwin St. to Park; coordinated with Rocky Thomas to get project started. Waiting on dry weather period to start cleaning work. Pipes on E. Texas at Erwin extended north, will need to be replaced and lowered. Working to get cost comparison to determine what pipe to use.

Item 7. BWA is complete with the CR 400 water relocation and are scheduled to make the wet connection tomorrow.

Item 8. Lions Club Park – Dan Swords is planning to renovate the park.

Item 9. B-Tel is requesting shirt sizes from council.

Item 10. Engineering & Construction that are active – WWTP Permit Renewal & Diagnosis Report, Trunk Sewer Line Replacement, EST/GST Rehabilitation, On-Call Engineering Services, 2021 GLO WWTP Rehabilitation & Sanitary Sewer Improvements, and 2021 CDBG Lift Station & Sanitary Sewer Improvements.

Item 11. Action Items for Council are the F.O.G. Program and storage of liquefied petroleum gas prohibited and exceptions.

R. Reports from Mayor, City Council and City Attorney.

Councilman Rabren said he has enjoyed his time on council. He wished everyone well and good luck.

Councilwoman Logsdon appreciate Marcus being her elbow partner. She told Bill Lott he has some big shoes to follow. She will miss him and appreciate all his time and effort on council. City Manager Collard said he appreciates Mr. Rabren for his efforts he went to helping him with regards to the budget. It was extraordinary to have someone with the extensive knowledge of budgeting system and bringing him up to speed with that information. He was very instrumental in evaluating where we were and the comfort level of moving forward. Appreciate it and wish I could get many more years from you, but he understands. He thanked all the rest of the council members for everything they do to help.

City Secretary Williams said Marcus will be missed.

Mayor Pro-Tem Kersh said we are going to miss you but know you are not going far. 40+ years in Fire Dept. and knows you will be active with the city. Anytime someone needs you he knows you will be there to help them. He would like to thank Mrs. Hall for bringing up what she has, Mrs. Goolsby and the Hills for coming. It is good to see you hear and put some input in to what we need to do. He would like for our next meeting to put this gas company on the agenda for one way or the other what we are going to do.

Councilman Quinty said he appreciates the audience here tonight. The council is going to take some time to consider it and do something about it. Marcus you are going to be missed.

Councilwoman Parker thanked Marcus and said she has known him for a long time and appreciates everything he has done. Thank you to the citizens that spoke tonight and you are heard. She always makes herself available to reach out. On the website is my phone number and she has a Facebook page. Anytime you need something please reach out.

S. Adjourn Regular Meeting and Call to Order Executive Session.

Mayor Shugart adjourned Regular meeting and called to order Executive session at 7:30 p.m.

T. **EXECUTIVE SESSION:** the council may enter into closed door to discuss the following:

A. PERSONNEL UNDER GOV. CODE SECTION 551.074:

1. Evaluation of City Manager

U. Reconvene in Regular Session and take any action needed on items discussed in Executive Session.

Mayor Shugart reconvened Regular Meeting at 8:59 p.m. Mayor Pro-Tem Kersh made a motion to take no action. A second was made by Councilwoman Parker. Motion carried unanimously.

V. Adjourn Regular Meeting

Mayor Shugart adjourned Regular Meeting at 9:00 p.m.

Roger Shugart, Mayor

ATTEST:

Sheila Williams, City Secretary