

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF BRAZORIA

The City of Brazoria convened in a Regular Council Meeting on November 9, 2021 at 6:00 p.m. with the following to-witt:

Roger Shugart	Mayor
Bill Lott	Councilman Position #1
Gary Kersh	Mayor Pro-Tem
Frank Quinty Jr.	Councilman Position #4
Susan Parker	Councilwoman Position #5

City Personnel Present:

Mike Collard	City Manager
Neal Longbotham	Police Chief
Sheila Williams	City Secretary
RC Stevenson	City Attorney
Duane Stahl	Fire Chief
Sabert Earhart	Public Works Supervisor

Others Present:

Marcus Rabren	Citizen
Mary Harrell	Business Owner
David Keebler	Citizen
Jaime Castillo	Waste Connections
Anne Long	Business Owner
Perry Moin	Business Owner
Mark Rudolph	Strand Engineers
Irv Eddy	Citizen
Jo Conway	Brazoria Librarian
Mary Yacheta	Citizen

A. Call to order Regular Meeting.

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

B. Invocation to be given by Pastor Larry Griggs Sr. of In Gods Care Community Church and the pledge to the American and Texas flags by all.

Pastor Larry Griggs Sr. was not in attendance. Councilman Bill Lott gave the invocation and the pledges to the American and State Flags were led by Mayor Pro-Tem Kersh.

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

Motion was made by Mayor Pro-Tem Kersh to approve the minutes of the following meeting, Regular Meeting, October 12, 2021. A second was made by Councilwoman Parker. Motion carried unanimously.

D. Citizens Communication.

Mary Harrell, is a business owner of two Mobile Home Parks. She thanked the council for their service. She explained she and her husband are both dentists. She explained her husband stood up for law and order after telling a story about a gentleman trying to cheat people. She had Mobile Home parks in many different counties including Colorado and Montgomery County. She has issues with the City of Brazoria that she has never encountered before. She explained she is well aware of Mobile Home Development laws. She said she was told she did not need a building permit for a Mobile Home in a Mobile Home Park. She said she asked three different times to three different people who work here including today. I still have not been given an answer of whether I need a building permit. I have been given a red sticker on all my manufactured homes which were installed in August. They have all been inspected by the State of Texas. I then got a phone call from Jason Ellison telling me I have to have a Windstorm Engineer to engineer the mobile homes so we know they are installed properly. She explained she had a state inspector unless it is in the city law which it is not. She explained to Mr. Ellison that they were all inspected and they are on the state site. Mr. Ellison said he didn't know what inspector she was talking about. He is the only inspector for the city. He also told her she needed a concrete slab installed. It is never required in a manufactured home park. She explained she had them tied down, skirted and porch put on. In a mobile home park there are different size mobile homes that come in so it is hard to put the footing in a mobile home park. That would have cost me \$48,000 to move the Moline homes out and have the footing put in. She explained she had to instruct Jason on what the actual law was. She said she was very concerned about his education level. She said she spoke to the City Manager and he didn't know if I needed a permit. So now she has red sticker on all her mobile homes that say STOP WORK. She still doesn't have an answer of whether she needs a building permit and he has also instructed a Master Electrician she hired to do a job after doing a job. He told him he also needed to fix this which she felt was a gotcha. SO my tenant that was living there went without electricity for 10 days.

E. Consideration/Action to approve Resolution # 21-006 with six (6) votes for Brazoria County Appraisal Board.

Motion was made by Mayor Pro-Tem Kersh to approve Resolution #21-006 with six (6) votes for Brazoria County Appraisal Board to go with Bobby Brown. A second was made by Councilman Quinty. Motion carried unanimously.

F. Consideration/Action to approve Request for Proposal for Garbage Service.

City Manager explained the contract for Waste Connections expires end of March next year. We want to make sure that we want to find out if there are any changes council would like as we go out and look for these services. He also explained it doesn't look very promising for other bids. Other communities he visited with have not received any other bids from companies other than Waste Connections. The City of Brazoria five (5) years ago signed an extension. We may need to do the same thing again. They have stayed the same on pricing but we do have a lot of escalating costs today. Mayor Pro-Tem Kersh said he would like to see in a new contract that they pick up more than five yards of debris. City Manager said he would like to see the frequency of debris pickup not be as much but have larger quantity to pick up. He thinks twice a month instead of twice a week then maybe the quantity could be doubled. Waste Connections Representative Jaime Castillo said they are willing to look at all options. Whatever the city thinks would be better they can look at it. What they are doing now is educating customers what five yards is. We can go back to using the tags now after the storm. We quit using the tags because of the storm and you had a third party here. What he has seen out there now are big piles and some logs and stumps are bigger than 18" in diameter that their truck could not pick up. We can always work together and see what different options there are. Mayor Pro-Tem Kersh explained if the city will make a list of the bigger stumps and logs and turn into the county then they may be able to help. We came through with the Hurricane clean-up but we still have piles that we may have to hire someone else to clean that up. We let the other company de-mobilize out since we are not getting federally funded.

Mayor Shugart said he knows the recycling is getting mixed with regular trash. Is it worthwhile to continue that program? Jaime Castillo explained two years ago we did the program of checking the recycling and removing cans. It got better but as Covid hit it has gotten worse. The cost of recycling has gone up so more places are not doing the recycling. Mayor Shugart said it is a shame we can't get 100% to recycle. Jaime Castillo said it is a lot of work and people aren't willing to do it. Mayor Pro-Tem Kersh said before the storm came there was lots of heavy trash to be picked up. In the contract I would like to see if trash is out before the storm that it gets picked up before the storm. Jaime Castillo explained the storm hit on Tuesday and Heavy Trash wasn't until Thursday so it was hard to determine the difference. Mayor Pro-Tem Kersh said in the new contract he would like to see where neighborhoods put the can on one side of the road so we don't have the truck having to turn around and come down the road twice. It would save a ton of our roads. Jaime Castillo said that would be something we can work with and hope the residences would abide by it. We can look at twice a week service and the other options. Councilman Quinty asked if the cost would go up or be about the same. Jaime Castillo said the cost would go up because it costs more for trash than recycling on disposal. City Manager Collard said if you take the recycling away and just pick up the household garbage the cost should be the same because it would be the same volume. Jaime Castillo said the only difference would be the volume that would be taken to the disposal would change the price. Councilman Lott said in the contract it shows that regular trash is on Tuesday but for recycling there is no date. Jaime Castillo explained at that point in time it wasn't noted in the contract but recycling is every Friday. Councilman Lott asked about single axle trucks being used instead of the heavy trucks since there used to be an ordinance on that. Mayor Shugart said it would be more expensive than the bigger truck because it would take more time to the dump.

- G. Consideration/Action to approve liquidation of itemized city wide surplus, 1990 Ford Super Duty Bucket Truck and small equipment.

Mayor Pro-Tem Kersh asked if the truck can be washed before selling. Motion was made by Mayor Pro-Tem Kersh to liquidate the City wide surplus, 1990 Ford Super Duty Bucket Truck and small equipment. A second was made bby Councilwoman Parker. Motion carried unanimously.

- H. Adjourn Regular Meeting and Call to Order Public Hearing on Unsafe Building.

Mayor Shugart adjourned Regular Meeting and called to order Public Hearing on Unsafe Building at 6:27 p.m.

- I. Unsafe Building at 909 S. Brooks Street, Brazoria, TX.

Police Chief Longbotham explained Weldon Jones at 909 S. Brooks St. Brazoria TX. Has been contacted with letters. Mr. Jones has heart issues and he asked for more time. He has a IRS lien and he is trying to get disability. He says he is not in this area. Police Chief Longbotham was told to give Mr. Jones ten business days to get cleaned up and if not it will be caused to be cleaned and then put a lien on. Motion was made by Mayor Pro-Tem Kersh to send a letter with ten business days to be cleaned or a lien will be put on it for cleaning. A second was made by Councilwoman Parker. Motion carried unanimously.

- J. Adjourn Public Hearing on Unsafe Building and Reconvene Regular Meeting.

Mayor Shugart adjourned Public Hearing on unsafe building and reconvened Regular Meeting at 6:33 p.m.

- K. Discuss, consider, and select **engineering service provider(s)** to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of the Treasury, other Federal or State Agency.

City Manager Collard explained he received three bids. They were from Baker & Lawson, Strand Engineers and J Morales. Motion was made by Councilwoman Parker to award bid to Strand Engineers for engineering services for the American Rescue Plan Act. A second was made Mayor Pro-Tem Kersh. Motion carried unanimously.

- L. Consideration/Action to approve Resolution #21-007 authorizing Professional Service Provider for American Rescue Plan Act.

Motion was made by Mayor Pro-Tem Kersh to approve Resolution #21-007 authorizing Professional Service Provider for American Rescue Plan Act to Strand Engineers. A second was made by Councilwoman Parker. Motion carried unanimously.

M. Consideration/Action for funding for salary adjustments.

Mayor Shugart asked council to reconsider the COLA that they approved in the budget. He would like to see the COLA to be raised to 5.4% and the merit raises to be reconsidered. Mayor Pro-Tem Kersh asked who the performance raise is being given to. Mayor Shugart said depending on their Supervisor what they wanted to give the employee. Councilwoman Parker said she thinks the 3.5% was a good number. In industry that is an average. Mayor Pro-Tem Kersh said we just hired a Building Code employee and we have in the paper to hire a Public Works Superintendent and I want to see the budget amended to not do that. He wants that on the next agenda. City Attorney Stevenson said we would have to amend the budget to do this. Mayor Pro-Tem Kersh said we were supposed to come back and amend the budget and we haven't. He asked what amount they are asking for. City Manager Collard said the 5.6% COLA which would be a \$66,000 expenditure for the city and what was given was the 3.5% which is \$43,000 as a cost to the city. Mayor Pro-Tem Kersh said that is \$43,000 with no insurance. City Manager Collard said that is with insurance and all benefits. Mayor Pro-Tem Kersh said there is retirement also so he thinks the numbers are incorrect. Councilman Quinty said a person getting paid \$60,000 a year with everything that comes with it is making \$82,000 a year. He said insurance is costing the citizens \$750,000 a year. Mayor Pro-Tem Kersh said he doesn't like the % raises because people like Mike and Sheila get more than the person making a little bit. Mayor Shugart said he was counting on a performance raise for those people but that was shot down. Mayor Pro-Tem Kersh said he believes the employees need the raise but until this budget gets worked out and these numbers come back together he has a problem with it. He said he told the City Manager that if he can prove it to me in a budget that he can have the money to hire all these guys to be able to pay for it but he has never proved that in the budget. We can make it this year but in the year coming we are going to be looking at how we can pay all these guys. City Manager Collard said the biggest issue he has is he has no way to reward those that have gone above and beyond employees. He can't support the department heads with their evaluations of employees that have gone above and beyond and asking them to perform at a higher level my hands are tied. Councilwoman Parker said if you evaluate them and bring it back to council. City Manager Collard said he doesn't think bringing evaluations before council is appropriate. It's a day to day operation that the City Manager and department heads are responsible for and we are the ones that understand who is performing and who is not performing. The appropriate way to do it is allocate some money that can be divided up between them and allow those that are working hand in hand with those folks make those determinations. He said \$20,000 is more than adequate to recognize those that are deserving based on where they score at on evaluation.

Mayor Pro-Tem Kersh said he doesn't appreciate them coming in and blindsided us and make us feel like the bad guys because we don't want to give a raise. City Manager Collard said that is not intended. During our budget meeting Gary said to bring it back to council. Mayor Pro-Tem Kersh said we asked you to bring back what employees and you don't want to do that. City Manager Collard said council doesn't have the knowledge to sit and point to an individual and say he deserves this much and you deserve this much. He said you are Legislative and I am Operational. Mayor Pro-Tem Kersh said you forget you work for us and every time we ask for something you never agree with it. City Manager Collard said you want me to bring you back who is getting a raise and their evaluations? Mayor Pro-Tem Kersh said yes. City Manager Collard said that is not

appropriate. Councilman Quinty said the City Manager gets to look at his own evaluation. Councilman Lott said Mike is the City Manager. If he is the City Manager why are we getting into his business? Councilman Quinty said the budget is \$750,000 in the hole. It needs to be fixed. Mayor Shugart said to stop hollering at council or he will shut this meeting down. We don't need to be yelling at each other. Councilman Quinty asked if the Mayor is yelling at him. City Attorney Stevenson said we are only talking about salary adjustments right now. Mayor Pro-Tem Kersh said he would like to table it and come back to next meeting and show us numbers you are looking for and adjust budget to what you are asking for. He wants numbers showing what you want to give for each employee. City Manager Collard said that is inappropriate. Councilman Quinty asked if the \$20,000 included the City Manager. City Manager Collard explained the council gives raises to him. Mayor Pro-Tem Kersh said for the city manager to get a raise we need to evaluate him and we haven't yet. City Manager Collard said they are in the process of it. He also said he wants to see where it is coming out of the budget and see the budget amended. City Manager Collard said the budget has a surplus to cover those costs. Mayor Pro-Tem Kersh said if we are going to give \$20,000 I want to see us amend the budget and take \$20,000 out of somewhere. City Attorney Stevenson said it is not proper for the council to set individual raises for employees but you can design the program that does that. Mayor Pro-Tem Kersh said he just wants to know the number he is going to use and where it is coming from. City Manager Collard explained it will be additional funding in the budget. It is not the intent of doing away with something else. Mayor Pro-Tem Kersh said he doesn't think it is out of line to see where we are taking the \$20,000 from for raises. City Manager Collard said it would be the surplus projected in budget which is well in excess. The numbers are what they are and what was projected. It is in our finances. He will bring back what is not used in the funds available and it will be the same thing today unless you ask me for something different. Motion was made by Mayor Pro-Tem Kersh to table until next council meeting for funding for salary adjustments. A second was made by Councilwoman Parker. Motion carried unanimously.

N. Review of bills paid in October 2021.

Councilman Lott asked what the difference on Envirodyne Lab and Richard McLaren since both are doing the same thing. City Manager Collard explained Envirodyne Lab tests our water and Richard is contract labor going around and pulling samples, flushing and other paperwork. Councilwoman Parker asked what Civic Plus is. City Secretary said it is Web site and it is the yearly fees. Mayor Pro-Tem would like the Maxx Comfort with \$13,000 be put on the agenda for amending the budget. Councilman Lott asked what Newby Enterprises is. He has never heard of them. City Manager Collard explained they are contract to do mowing. They are local people in this area. They mowed Ave I Ditch, 20 acres, behind Magnolia Gardens, Rail Road Track area, Austin Street and Ninth Street. We don't have the equipment they have. Mayor Pro-Tem Kersh said he wants the \$6,300 also to be amended in the budget. Councilman Lott asked what about Tyler Technologies with \$38,000 for Admin, Court and water dept. City Secretary explained those are their annual fees for software. Councilman Lott said he called the City Manager about Kelly at Auto Repair Unlimited doing work on city vehicles. He will make up quotes.

O. City Department Heads Report.

1. Court Department – report in packet
2. Police Department – Police Chief explained report in packet
3. Public Service Department – City Manager Collard explained report in packet.
4. Fire Department – no report
5. BWA Report – no report
6. Brazoria Library – Librarian Conway explained everything is going well. They have their new AC unit, Library Bash went well and they are going to participate in Christmas in Brazoria.
7. City Secretary – Sheila Williams said Councilman Lott’s birthday if Friday. Encouraged everyone to go to the Veteran’s Day Parade and I will be on vacation during Thanksgiving.

P. City Managers Report.

City Manager Collard presented his report. He reported on Raw Sewage Sign, Chlorine conversion by BWA, SB-3 deadline, Debris cleanup status, Grant status on GLO MIT, Flood MIT and American Rescue Plan. He also reported on W T Byler with railroad project, WWTP inspection, Railroad Commission Annual Inspection, ETC gas supplier, Center Point Energy buy on gas, Ditch & acreage mowing, Austin Colony Development, Generator replacement, Building Code Activities and Engineering and Construction on Trunk Sewer Replacement, GLO WWTP Rehabilitation and GLO drainage improvements.

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

Councilman Lott said he was glad to see Susan back, thanked Chief Longbotham for his work and thanked everyone for coming.

Mayor Pro-Tem said he and the Mayor holler at each other but we kiss and make up. Thanked Mary Hollier for coming to town and taking out junk trailers. He wishes her luck. Thanked Susan for all she does.

Councilman Quinty said he was sorry he yelled. Glad Susan is better.

Councilwoman Parker thanked everyone for coming.

Mayor Shugart invited everyone to the Henry Smith Day. American Legion said they will be having a flag retiring ceremony and if anyone has any flags put them in the box at Custom T-Shirts.

R. Adjourn Regular Meeting

Mayor Shugart adjourned regular meeting at 7:35 p.m.

Roger Shugart, Mayor

ATTEST:

Sheila Williams, City Secretary