

STATE OF TEXAS \*\*\*

COUNTY OF HENDERSON \*\*\*

CITY OF BROWNSBORO \*\*\*

The City Council met in the City Hall of the City of Brownsboro, Texas on July 31, 2023 at 5:00 P.M. for a regular meeting.

**I.** Call to order: Mayor ProTem Glen Vest

**II.** Invocation: Mayor ProTem Glen Vest

**III.** Those present included Council members Adam McLean, Charles Cox, and Jason Gardner

Absent: Mayor Dusty Wise

Staff Present: Ronnie Goodson, Maint. Supt., Chief Ivan Medina and Jacob Ashton, Utility Supt.

Absent: None

Guest(s): See attached

**IV.** Motion to approve previous minutes of June 26, 2023 meeting with no errors made by Councilman Jason Gardner, second by Councilman Charles Cox, all were in favor, none opposed, motion carried.

**V.** Motion to approve expenditures made by Councilman Doug Shaffer, second by Councilman Adam McLean, all were in favor, none opposed, motion carried.

**VI.** Presentation by Citizens:

\*Roxie Holley explained the \$1.00 for KBB on water bills each month. The \$1.00 is voluntary, the money raised is used for the park and playground equipment. Went over costs of new lights, mulch and landscape timbers just added at the park with a cost of approximately \$15,000. She mentioned the Facebook page "What's Up Brownsboro" having a post regarding KBB being "fishy". She explained there is nothing fishy about the KBB, when the KBB was started, they are not members of the KTB, they do not have to be members but plan to get the membership reinstated, they would be holding a meeting, it would be posted on Facebook and anyone who cared to attend may do so. She welcomed questions.

Linda Alban stated she felt the KBB should be explained when getting water and that should be made clear it is optional. Mark Davis asked if \$1.00 was tax deductible.

\*Trayce West spoke regarding What's Up Brownsboro page on Facebook - publicly and in front of everyone at the meeting she is not the creator, admin, moderator or affiliated any whatsoever with the page nor does she know who is. She then advised on Saturday at approximately 7:20 am, Councilman Glen Vest went to her home and proceeded to attempt to threaten and blackmail her by demanding "call your minions or people off". She stated he was referring to all the

the meeting at that time asking questions, and also. We have a right, our first amendment, to question our government without fear of retaliation, Glen Vest violated her first amendment right on Saturday morning along with committing for the blackmail and intimidation a class C misdemeanor in the State of Texas under Texas Penal Code 31.02. A police report has been filed and her attorney has been notified.

\*Mark Davis, appreciated the roll call, but not everyone can hear would like for everyone (council) when they vote, to vote by roll call, so would be on record and so constituents could see who voted for what. He asked if council meetings could be video recorded and put on city website.

Several times he has come into City Hall several times to ask questions, city staff would be with city auditor and in a past meeting Mr. Vest praised city staff and auditor, asked how many times city gets audited each year and is there access to the audits for the public, and who has been doing the audits?

\*Brian Reynolds, did find the audits online, the official audits, for the 2021 audit he found..Please see attached. He would like to have these items on the next month agenda to get updates.

The minutes on the website, months are posted a month behind, the month April is missing, would like to see minutes posted correctly. This to include May special meeting minutes. The City spent one million dollars and people still do not know how, where, or when.

\*Amber Cooper would also like to see minutes for May, the purchase of the property on Saylor's does not know if vote was yes or no, supposedly purchased to fix the drainage issues on Browning St and some other streets.

Also as a neighbor of Trayce West, she was disturbed that after investigation and the outcome of this, there should be a vote next month for Glen Vest to be removed from the city council.

\*Tommie Allen would like to see alternative for when water lines or mains break and steps to prevent breaks again.

\*David Fraze complimented the city council for the jobs they are doing.

\*Unknown male stated on that date at about 1:19 his girlfriend was trying to remove glass from the road to prevent busting a tire in doing so in removing glass from her property, two gentlemen came and were screaming profanity at her and proceeded to throw a stone or a piece of a stepping stone, they totally missed, she called the local police department, they responded, or there was lack of response, he felt if it was your daughter or wife had a large object thrown at them, Texas Penal Code chapter 22.01, Assault with Deadly Weapon, considered a large object would be considered a deadly weapon would be threatening bodily injury.. as engineer he could perform calculations to show that it doesn't take much velocity for a large object to cause extreme bodily injury. He felt it was gross negligence on part of Chief Medina. Chief Medina responded that he never told her she could not make a report

Cassandra Massaro stated she had to come to a city council meeting to get something done regarding what had happened that afternoon for the Chief to address the matter. Neither of the men had been charged and this was the second time, with these men, she had 14 year old in the

car and he never asked if they were ok. She stated she felt if the Chief could not do his job any better, he should resign.

\*Mark Massaro addressed the street he lives on, the street has caused him to have to replace many tires. Potholes on both sides of the street, something needs to be done, ditches cleaned.

\*Unknown female, lives on Lone Pine, there is a huge unkept, overgrown lot with dead tree next to her, can anything be done about that and stated it is hard to pull from Lone Pine onto Ingram Street.

\*Linda Alban has asked for 4 years about getting ditches cleaned out, on lot next to her, dead trees, fire risk, a young man walking around taking pictures, nothing has been done, she feels as a police department they should be looking and to see if there is someone as this could be a fire risk and her house is in danger.

\*Unknown male, lives in Chandler, thanked the council for allowing citizens to have a voice, feels the tension but appreciates the opportunity given to the citizens.

#### **VII. New Business:**

1. Mark Davis had several issues to address:

Water issues have been going on but never was concerned as not his water, until last month. He has never used more than 3,000 since he moved into his house, last month used 11,720 gallons of usage. He came to city hall talked Susan, she offered adjustment, he did not want adjustment, would pay the bill, wanted issue fixed, Jacob took smart meter out, put in old meter, he takes pictures of manual meter every other day, shows he uses 100-120 gallons a day, which is more acceptable for one person, he does not have a big yard, does not have sprinkler system, hand waters his front yard and shows uses about 20 gallons each time. Jacob gave him a print out, he was out of town 6/24 - 6/28 (late) or 6/30 whatever day that was, one day showed he used 1,300, when he was not home, wasn't even in the state. On July 5 showed used 50 gallons of water at 8:09a.m. he has a video at Union Hill Church in a meeting with a camera right on him, they will give him an affidavit showing he was at the church, he has receipts from his bookkeeper showing his expenditures, can provide those to city staff. The times showing large usage are absurd. He has been doing some investigations on smart meters, read the results of his investigation.. Jacob stated we do not use wi-fi to read the meters, we use radio reads Mr. Davis would like to see the council ask Jacob to respond, Jason Gardner asked Jacob to respond, Jacob has reached out to the manufacturer.

a. He would like to see sewer rates months of June - October to a fixed rate to be more fair, proposed \$35.00 \$40.00 a month. Mr. Wilkins advised his sewer rates went up to be more than water rates, just he and his wife in the house, that was just not fair.

b. He addressed issues of erosion and drainage issues on Lone Pine Drive and Donna Drive. He is concerned that the 4 new build houses failed inspection with Bureau Veritas, now have passed, he wondered what had been covered up to pass them. There was trash buried on the lots, nothing has been done about it, wants to know why not. Jason Gardner advised we did not have inspector at the time of inspections, we are trying to make the building process better, getting licensed inspectors who are licensed through the state. Mark Davis stated he came with written request for inspections on his house, as required by the state, and there are none. Jason Gardner reminded Mr. Davis he had apologized before but the city can only move forward.

Much conversation between many people.

c. Mr. Davis advised safety concerns regarding entering Ingram from Donna have been taken care of and he appreciates it.

He asked about erosion of sand onto Ingram Street, had recommended hay be put out to help with erosion control. He had spoken to Steve Anderson, about the hay but found later it would not help with the erosion.

d. He addressed the pages on social media, he feels airing dirty laundry online is wrong, he will talk with anyone who might need something brought before the council, he will do it for them, brought up remark made by a councilman "a small town people should not fear a cult, a cult should fear a smalltown people" He asked for clarification, "it was people who are trying to overtake the city government". Three council people who have never been elected, were appointed, Mr. Davis feels it violates civil rights, thinks city council member owes public apology

2. Motion made by Councilman Adam McLean the city should work with the county to repair part of Stuart Street, the city pay  $\frac{1}{2}$ , the county pay  $\frac{1}{2}$ , motion second by Councilman Jason Gardner. All were in favor, motion carried. (4 ayes, 0 nays)

3. Motion to approve Kayla Goodson and Chris Kirkes as EDC board members made by Jason Gardner, motion second by Charles Cox, all were in favor, motion carried. (4 ayes, 0 nays)

4. Jacob Ashton, Utility superintendent suggested lowering sewer rates, but explained reasoning for raising the rates. Motion was made to leave sewer rates as they are, motion second made by Doug Shaffer, all were in favor, motion carried (4 ayes, 0 nays)

5. Motion made by Councilman Charles Cox to approve Petition for Local Option election to Legalize Sale of Off Premise Liquor in Brownsboro, motion second by Adam McLean, all were in favor, motion carried. (4 ayes, 0 nays)

6. Motion to add roof repairs to building permit tabled at this time. No action.

7. Robin Mills presented illustration of problem with water bill amounts not being in conjunction with bill amount. Doug Shaffer suggested table to the next meeting.

#### **VIII.** Old Business:

1. None

**IX.** Discussion by Council Member - Something needs to be done regarding code enforcement in the city, there are several yards needing to be cleaned and/or mowed throughout. Chief Medina will look into a remedy, he is short staffed at this time.

#### **X.** Staff Reports:

Maintenance Dept: Mr. Goodson stated they have been mowing, have taken out several dead trees and have cleaned the sand off Ingram Street.

Utility Dept.: Jacob Ashton advised the work on the lift station on Saylor's has been completed and are working on the sewer plant to get it improved.

Police Dept.: Chief Medina gave statistic report, new office has almost finished field training.

Danny Padgett asked Chief Medina about traffic enforcement on Saylor's street.

**XI.** Announcements: We will check on flashing lights for school zone speed limit signs.

**XII.** Motion to adjourn made by Councilman Doug Shaffer, second by Councilman Charles Cox. All were in favor, meeting adjourned.

ATTEST:

  
\_\_\_\_\_  
Susan Carver, City Secretary

  
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Dusty Wise, Mayor

*Attachment*

CITY OF BROWNSBORO, TEXAS  
SUMMARY SCHEDULE OF PRIOR FINDINGS AND RESPONSES  
FOR THE YEAR ENDED JUNE 30, 2021

**2018-001 Significant Deficiency**

**Recommendation 2018-001.01**

Effective and efficient operations rely on timely financial reporting for internal and external decision making. Internal controls should be established to ensure compliance with Chapter 103.003 of the Texas Local Government Code.

**Corrective Action Plan**

To ensure longevity and integrity of the City's financial infrastructure the City is converting manual financial record keeping to an electronic accounting system to assist with timely preparation.

**Remediation Status**

IN PROGRESS

**Recommendation 2018-001.02**

In order to maintain integrity of the City's financial infrastructure, a succession plan should be developed to ensure essential processes and procedures for public services are performed by the City in the event key personnel become unavailable to perform regular duties.

General effective succession planning activities often include cross training key personnel and/or identifying essential responsibilities and establishing formal procedures.

**Corrective Action Plan**

To ensure public services functions are performed, the City will work to cross train appropriate personnel. In addition, the City will work with key personnel to develop formal procedures that outline their essential functions.

**Remediation Status**

IN PROGRESS

**CITY OF BROWNSBORO, TEXAS  
SCHEDULE OF FINDINGS AND RESPONSES  
FOR THE YEAR ENDED JUNE 30, 2021**

*Attachment*

**2021-001 Compliance**

**Condition:**

The City is not meeting statutory requirements for the following items:

- Internal Revenue Service Information Return Reporting, Form-1099
- Chapter 2256 of the Texas Government Code, the Public Funds Investment Act
- Chapter 2054.519 of the Texas Government Code, Certified Cyber Security Training
- *Robert's Rule of Order* guide to parliamentary procedure when Texas Open Meetings Act does not apply
- Chapter 551.005 of the Texas Government Code, Open Meetings Act Training

**Criteria:**

The Internal Revenue Service, Texas Government Code and Local Government Code have specific requirements for municipalities to follow.

**Cause of Condition:**

The City's key personnel have not had sufficient training to comply with statutory requirements.

**Potential Effect of Condition:**

Noncompliance with statutory requirements could lead to fines and penalties under Federal laws and regulations, as well as Texas Government Code and Local Government Code.

**Recommendation 2021-001**

The City should train key personnel and establish a process to monitor its compliance with statutory requirements of the Internal Revenue Service, the Texas Government Code and Local Government Code.

<b>Management Response</b>	<input checked="" type="checkbox"/> <b>Agree</b>	<input type="checkbox"/> <b>Disagree</b>	
<b>Corrective Action Plan</b>			
<b>Individual Responsible</b>	Dusty Wise, Mayor	<b>Estimated Implementation Date</b>	June 30, 2023

The City is actively facilitating training of its key personnel and City Council to maintain compliance with Federal regulations and Texas statutes.