

**REGULAR CALLED MEETING  
City Council  
February 26, 2019**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, February 26, 2019, at 9:00 a.m., in the Council Chambers, City Hall, 501 Center Avenue, Brownwood, Texas, with the following members present:

<b>Stephen E. Haynes</b>	<b>:</b>	<b>Mayor</b>
<b>HD Jones</b>	<b>:</b>	<b>Councilman – Ward 1</b>
<b>Ed McMillian</b>	<b>:</b>	<b>Councilman – Ward 2</b>
<b>Larry Mathis</b>	<b>:</b>	<b>Councilman – Ward 3</b>
<b>Jerry DeHay</b>	<b>:</b>	<b>Councilman – Ward 5</b>
<b>Pat Chesser</b>	<b>:</b>	<b>City Attorney</b>
<b>Emily Crawford</b>	<b>:</b>	<b>City Manager</b>
<b>Christi Wynn</b>	<b>:</b>	<b>City Secretary</b>

with Councilman Draco Miller absent, constituting a quorum of the City Council.

<b>CALL TO ORDER:</b>	Mayor Haynes called the meeting to order.
<b>PLEDGE OF ALLEGIANCE:</b>	Pledge of Allegiance was led by Councilman McMillian.
<b>INVOCATION:</b>	Invocation was given by Councilman DeHay.
<b>ITEMS TO BE WITHDRAWN:</b>	None

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:**

**Fire Department / Police Department**

Police Chief Terry Nichols and Fire Chief Eddy Wood reported on two serious cases that the departments handled together. The first was an attempted suicide call that Police Officer Matt Thompson responded to where he used his tourniquet on the man's arm. Chief Wood stated that he arrived at this location after Officer Thompson had applied the tourniquet and believes that it saved the man's life. They commended Officer Thompson and the others that were at the scene for a job well done. The second incident involved a runaway child. The Police Department was already looking for the child and requested the help of the Fire Department in order to cover more ground. Both Fire Department crews began looking. Firefighter Dave Thomas was able to find the child in Walmart. He was returned safely back to his family.

Chief Nichols announced that he would be leaving the Brownwood Police Department to take the Chief of Police position in Seguin. His last day will be April 10<sup>th</sup>. This move will get him and his wife closer to their children and family. Chief Nichols thanked City Manager Crawford for having the vision and courage for taking a chance on him when he had not been a Chief or Assistant Chief before. He thanked the Mayor and Council for being dedicated to public safety. Chief Nichols stated that we have a solid foundation to build on and feels that we are in good hands. Mayor Haynes stated that he has not had any

complaints regarding Chief Nichols performance and sincerely appreciates the job he has done for the City.

**CITIZENS PRESENTATIONS:** None

**APPROVAL OF MINUTES:**

A motion was made by McMillian, seconded by Mathis, to approve the minutes of the Regular Called Meeting on February 11, 2019, as presented. Upon vote, motion carried unanimously.

**CLAIMS AND ACCOUNTS:**

Assistant Finance Director, Melanie Larose, was present for questions regarding the checklist. A motion was made by DeHay, seconded by McMillian, that the Claims and Accounts dated through February 22, 2019, be approved for payment as submitted. Upon vote, motion carried unanimously.

**REQUESTS AND PRESENTATIONS:**

**Presentation of the City Audit for the year ended September 30, 2018, from Krischke CPA, PC.**

Tony Krischke of Krischke CPA, PC addressed the Council and stated that the Annual Financial Statements had been distributed for review before the meeting. He stated that he had no difficulties and no disagreements with management. Mr. Krischke gave his unmodified opinion stating that the financial statements were acceptable. He stated that the City received \$763,000 in Federal assistance last year. Mayor Haynes stated that the Audit Committee met last week. He pointed out that we ended the year with a deficit of \$191,641 and is largely because of depreciation on capital item purchases and is not a net operating deficit.

A motion was made by DeHay, seconded by McMillian, to accept the City Audit for the year ended September 30, 2018, from Krischke CPA, PC, as presented. Upon vote, motion carried unanimously.

**The Heartland Cruisers will make a presentation to the City Council regarding a "burn-out pad" at Riverside Park.**

Director of Parks and Recreation, David Withers, stated that the slope stabilization and sidewalk at Riverside Park has been completed. Asphalt is needed to complete the road in the back of the park. The Heartland Cruisers are requesting a concrete burn-out pad to be installed. They are willing to purchase the concrete needed and finish the texture of the concrete.

Donnie Steele, with the Heartland Cruisers, stated that this will be the forty-third year to have the car show in Brownwood. The burn-out is their most popular event and brings in up to 3,000 people to the park. He stated that by having the slab, it will make the event much safer. During the year, the concrete pad can be used for basketball. Mr. Steele stated that proceeds from the event are donated to a local volunteer Fire Department. He



explained that there will be a small dip in the concrete where the tires sit. Safety is their main concern. The cars do not launch, they have to sit still while burning out. They also have security covering crowd control, not allowing people to walk in front of the event, while it is in progress. Mr. Steele spoke about the insurance they are required to have for the event.

A motion was made by McMillian, seconded by Jones, to allow the Heartland Cruisers to install a “burn-out” pad at Riverside Park with the City’s specifications and oversight. Upon vote, motion carried unanimously.

**Prioritize street projects for the 2019 paving season and authorization of funds from the 2016 Certificate of Obligation.**

City Engineer, David Lundy, stated that the estimated cost to repair the proposed street projects is \$548,837. The estimated cost of repairs (\$548,837) and available funds (\$330,204) produce a shortfall of \$218,633. Therefore, prioritization of street projects is necessary to assure the remaining funds are spent in the most judicious manner. A recommended priority list was created and the Staff recommends finishing the projects already started (Riverside Park Drive, 2<sup>nd</sup> Street, Avenue B, and Tannehill). Then addressing streets and entrances in dire need of repair and improvement. Beaver Street Bridge requires box culvert repair and street repair due to heavy truck loads. Service Center Driveway Entrance must have essential repair and upgrade at our earliest convenience due to foreseeable loss of the only other entrance and to improve the entrance to accommodate heavy trucks and trailers. Milam Drive repair is necessary due to road surface failure and numerous citizen complaints. The estimated cost to repair Milam Drive from Indian Creek to Albert Sidney Johnson (FM 2376) is \$481,520 and this repair has been broken into 3 phases to reduce annual costs. Repairs of Milam Drive Phase 1 (Indian Creek Drive to Mustang Drive) is estimated at \$101,530. Sixteenth Street repair is driven by many citizen complaints, failed road surface, and lack of curb and gutter to channel storm water away from citizen houses and structures. After discussion, Mayor Haynes asked to discuss in a future workshop the criteria of how streets are selected for paving.

**PROPOSED PROJECTS**

Priority	Street	Limits	Ward #	Estimated Cost	Status	Running Total
1	Riverside Park Dr.	Inside Riverside Park	Ward 2	\$1,336	Finish Spring 2019	\$1,336
2	2nd Street	Indian Creek Road to Brooks	Ward 5	\$43,608	Finish Spring 2019	\$44,944
3	Ave. B	Vincent to Vine	Ward 2	\$3,825	2019	\$48,769
4	Ave. B	Vine to Tannehill	Ward 2	\$3,025	2019	\$51,794
5	Tannehill	Ave. B to RR	Ward 2	\$6,519	2019	\$58,313
6	Beaver	Commerce to W Austin	Ward 2	\$72,314	2019	\$130,627
7	Service Center	Service Center Driveway Entrance	Ward 5	\$17,370	2019	\$147,997
8	Milam - Phase 1	Indian Creek to Mustang	Ward 5	\$101,530	2019	\$249,527
9	16th Street	Ave. E to Coggin	Ward 4	\$49,437	Design Phase 2019	\$298,964
10	River Oaks	Tulane to FM 45	Ward 5	\$69,632	Design Phase 2019	\$368,596
11	Mathis	W Austin to Maves	Ward 2	\$47,532	2020	\$417,128
12	Milam	Demanche to W Austin	Ward 5	\$39,204	2020	\$516,372
13	Clements	Commerce to Market Place	Ward 2	\$32,466	Waiting for TxDOT 2020	\$548,837

**TOTAL PROPOSED PROJECTS: \$548,837**

A motion was made by Mathis, seconded by Jones, to approve the proposed street projects list numbers one through ten as long as funds are available. Upon vote, motion carried unanimously.

**Discuss the City Ordinance on chickens and proposed changes.**

Director of Development Services, Tim Murray, stated that Councilman McMillan has requested staff to look at revising the current Ordinance Section 98-583 (b) “Keeping of livestock and other animals” to allow more leniency in the restrictions currently enforced on the keeping of chickens inside the City limits. Councilman McMillan stated that in the City of Brownwood, one chicken requires 100 square feet or a 10’ x 10’ size pen. Mr. Murray stated that the bird has to be thirty-feet away from any resident’s house, ten-feet away from the side property lines, and six feet away from the back property line. The Ordinance does not address how many birds you may have. Mr. Murray went over other cities ordinances to include the City of Comanche. They allow five grown fowl. No more than one adult male and four females that shall have a minimum of ten square feet that must be kept in a pen or coop. The City of Lubbock allows six hens, no roosters, and must be kept in an enclosure or coop. They must meet setbacks of five foot from a side or rear property line. The City of Austin does not allow chickens to roam free and must be kept in an enclosure or coop no closer than 50’ to a neighboring structure or that of the bird’s owner. The City of Abilene does not mention the number of birds allowed, but says that one rooster can be kept provided the property is one acre or more. They cannot be free roaming and must be 50’ away from the adjacent property line. Mr. Murray discussed the problems the Code Department and the Animal Control Department have had with chickens. He suggested putting a limit on the number of chickens allowed. Councilman Mathis asked if there was pending legislation in Austin regarding this item. City Manager Crawford stated that there is and stated that it is written for a maximum of six chickens per residential property. Mr. Murray stated that the main complaints they receive are for chickens that are roaming free and noise from roosters. Councilman McMillan stated that the reason this item is being discussed is because of a couple who has had chickens for over thirty years. They have ten chickens (for eggs), no roosters, and someone who was cited for an animal violation complained. He recommended the Ordinance allow for ten hens with less square footage. Mrs. Crawford requested the Council give City Staff direction. Mayor Haynes expressed concern with a “one-size fits all” Ordinance. He suggested the Rural Residential (RR) Zone be reviewed and possibly expanded for certain areas of town. Councilman McMillan suggested there be a variance allowed if there are no health issues. Mrs. Crawford stated that the City Staff will work on options and bring it back as a discussion item on the March 26, 2019, agenda.

**Consider ratification of the Brownwood Municipal Development District action for a Building Improvement Incentive Program (BIIP) grant in the amount not to exceed \$20,000 to Pennissi Taylor for a property located at 205 Center Avenue.**

Executive Director of the BMDD, Ray Tipton, stated that Pennissi Taylor is planning a remodel of the property at 205 Center Avenue. This includes a re-façade of the exterior southwest wall, which is a labor intensive project. Other work will include interior improvements to several rooms (drywall, texture, flooring, etc.) and roof repair. The total estimated cost of the repairs is \$59,526. The building currently houses two businesses – the Taylor Clinic in the front and a Wellness Center in the back. The renovations will benefit both businesses and help beautify a key area in Downtown Brownwood. The



BMDD board approved a 50% matching grant for the project not to exceed the maximum program amount of \$20,000 on February 19, 2019.

A motion was made by DeHay, seconded by McMillian, to ratify the action of the BMDD Board for a BIIP grant in the amount not to exceed \$20,000 to Pennissi Taylor for a property located at 205 Center Avenue. Upon vote, motion carried unanimously.

**Consider ratification of the Brownwood Municipal Development District action for a Building Improvement Incentive Program (BIIP) grant in the amount not to exceed \$20,000 to TB Holdings – Tunnel Construction for a property located at 609 Main Street.**

Ray Tipton stated that Curt Tunnell has purchased the property at 609 Main Street, the former Spring Crest building, and the neighboring lot. Tunnell will be moving his full operations for construction, roofing, and water restoration from Blanket, Texas, to the new location. He plans a full remodel of the property to include a demo of the interior, the demo of trees on the exterior of the building, replacing the metal roof, power wash/paint the exterior of the building, install a new store front, install a new glass windows, electrical work, and new plumbing. His total project costs are estimated to be \$125,000. The BMDD board approved a 50% matching grant for the project not to exceed the maximum program amount of \$20,000 on February 19, 2019.

A motion was made by Jones, seconded by Mathis, to ratify the action of the BMDD Board for a BIIP grant in the amount not to exceed \$20,000 to TB Holdings – Tunnel Construction for a property located at 609 Main Street. Upon vote, motion carried unanimously.

**Consider ratification of the Brownwood Municipal Development District action for an infrastructure incentive in the amount not to exceed \$2,694 for a 2” water tap to Jeff Tucker for a development project at 100 Fisk Avenue.**

Ray Tipton stated that Jeff Tucker is continuing his development in Downtown Brownwood of Teddy’s Brewhaus at 100 Fisk Avenue. For his new establishment, he needs to upgrade his water supply line from a 3/4” line to a 2” line. He has asked for the BMDD to pay for the 2” water tap off of Baker Street, so he can run the line from the tap to the building. The current line will not adequately supply the building with the volume of water he will need to operate his business. The cost of the water tap is \$2,694.20 and the cost of the remaining waterline installation will be approximately \$9,000, which will be at the owner’s expense. Mr. Tucker estimates that he should complete the entire project this summer. The BMDD board approved this as an infrastructure reimbursement incentive for the cost of the tap to be payable on the issuance of Mr. Tucker’s Certificate of Occupancy on February 19, 2019. Mr. Tipton stated that he thinks this is one project in downtown that will help with a domino effect of business to the area. Mayor Haynes asked if there were a limit of incentives that can be received. Mr. Tipton stated that Mr. Tucker has received on building incentive and this will be the second infrastructure incentive. There is a limit of one building incentive per two years, but no limit on infrastructure incentives.



A motion was made by Mathis, seconded by DeHay, to ratify the action of the BMDD Board for an infrastructure incentive in the amount not to exceed \$2,694 for a 2” water tap to Jeff Tucker for a development project at 100 Fisk Avenue. Upon vote, motion carried unanimously.

**ORDINANCES AND RESOLUTIONS:**

**Consider an Ordinance on second and third/final reading accepting a recommendation by the Historic Building Review Committee to designate a 102 block area as a Brownwood Historic District.**

Director of Development Services, Tim Murray, stated that at the last Council meeting, a 96 block area was approved on first reading as a Brownwood Historic District. It was the recommended from Councilman McMillan to include the area from the intersection of US Highway 67/84 and Rush Street down Rush Street to Trapp Street to North Fisk Street back up to N. Main Street and back to the intersection of US Highway 67/84 and Rush Street. Staff has reviewed and revised the map to include the area as requested by Councilman McMillan which will increase from a 96 Block area to a 102 Block area.

A motion was made by McMillian, seconded by DeHay, to amend the Ordinance on *first reading* to reflect the additional blocks added to the designation. Upon vote, motion carried unanimously.

Mayor Haynes asked the City Secretary to read the amended Ordinance. After the reading of the Ordinance, a motion was made by Jones, seconded by DeHay, to approve the Ordinance on *second reading*. Upon vote, motion carried unanimously.

A motion was made by DeHay, seconded by McMillian, to approve the Ordinance on *third/final reading*. Upon vote, motion carried unanimously.

**ORDINANCE NO. 19-04**

**AN ORDINANCE AMENDING CHAPTER 78 OF THE CITY'S CODE OF ORDINANCES REGULATING BUILDINGS AND BUILDING REGULATIONS TO ESTABLISH A HISTORIC DISTRICT IN A 102 BLOCK AREA OF THE CITY FOR THE PURPOSES OF IDENTIFYING APPLICABLE BUILDING CODE REQUIREMENTS FOR STRUCTURES LOCATED WITHIN THE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.**

**Consider a Resolution authorizing the Police Department to apply for a Justice Assistance Grant from the Office of the Governor, Criminal Justice Division.**

Chief Nichols stated that the Police Department would like to apply for a grant totaling \$13,475 through the JAG (Justice Assistance Grant) program offered by the Office of the Governor, Criminal Justice Division. This is the third year we have applied for this grant to equip and outfit members of the tactical team. In 2017, the Department requested \$27,045 and received \$10,600. In 2018, the Department requested \$15,900 and is still awaiting award notification recommended at \$10,000. This grant will be used to purchase equipment that was requested in 2017 and 2018 that was unable to be purchased due to the cut in the awards. The grant will be used to purchase one set of tactical equipment (vest

and helmet) to outfit an additional team member, two (2) communication headsets, one (1) breaching tool, one (1) optic sight for the less lethal launcher, and training funds to conduct joint team training with the Sheriff's Office tactical team. This equipment will be issued to officers who have been selected to the Department's Tactical Team. There is no match requirement for this grant. It is an equipment and training only grant request. The grant period will be from October 1, 2019, through September 30, 2020. The grant will be submitted through and in coordination with the WCTCOG.

A motion was made by DeHay, seconded by McMillian, to approve a Resolution authorizing the Police Department to apply for a Justice Assistance Grant from the Office of the Governor, Criminal Justice Division. Upon vote, motion carried unanimously.

**RESOLUTION NO. R-19-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR A JUSTICE ASSISTANCE GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.**

**CONSENT AGENDA:**

A motion was made by McMillian, seconded by Mathis, to approve the items on the Consent Agenda as presented. Upon vote, motion carried unanimously.

**Consider a Resolution, and authorize the City Manager to sign an agreement from Texas Medicare and any subsequent addendums, amendments, and acceptance of additional funds during the term of the contract for home delivered meals.**

**RESOLUTION NO. R-19-06**

**REPORTS:**

**Investment Report**

Finance Director, Walter Middleton, presented the Investment Report for the fourth quarter of the year that ended December 31, 2018. He stated that the total investments were \$14,365,276 and we earned \$54,417 in interest. There are 58% of investments at TexPool and 42% at TexStar. A pie chart shows that 42% of investments are in Operating Funds and 41% is in Special Use Reserve Funds (BMDD Funds, Fabis Park funds). The Comparison of Investments by Type bar graph shows Operating Fund totals for the fourth quarter of 2018 were \$5,794,905; 2017 were \$6,034,427; 2016 were \$5,041,901; and 2015 were \$3,933,385. A line graph showing Investment Interest Earnings shows that we are down slightly from the last quarter being the fourth quarter at \$54,417 and the third quarter at \$62,693. Interest rates were TexPool 2.2296% and TexStar 2.2522%.

**Racial Profiling Report**

Chief Nichols reported that the University of North Texas analyzed data from the Brownwood Police Department, and there were no findings of any violations of State law.



**BMDD Annual Report**

Ray Tipton reported that sales tax has increased by more than \$1 million since 2013. Employment statistics are a little better than the State average at 3.4% compared to 3.6%. Real Estate sales have been strong over the past several years and are at an all-time record high with 413 real estate sales in 2018 compared to 391 in 2017 and 321 in 2016. Hotel occupancy is down a little due to one Hotel operating without a recognizable brand, causing significant reduction in business. The hotel is working on rebranding. Mr. Tipton went over the annual building valuation and stated that the numbers are collected when projects begin. In 2016 it was \$21,611,613; in 2017 it was \$23,742,761 and included the Hendrick Medical Supply; and in 2018 it was at \$10,097,289. He discussed the Building Improvement Incentive Program. The BMDD funded nine projects in 2018 totaling \$127,146 with \$513,425 in private investments. Mr. Tipton stated that they have been working hard on marketing and promotion to peak interest in what is happening in Brownwood. They have also been working with the Small Business Development Center who has helped create 161 new jobs. Mr. Tipton announced that the BMDD has received an award for Economic Excellence from the TEDC. Out of around 400 Economic Development organizations in the State, they gave 40-50 of these awards with Brownwood being the only MDD receiving the recognition and no others in central Texas with most being larger cities.

**EXECUTIVE SESSION:**

Council convened into Executive Session at 10:30 a.m., in the Haynes Conference Room, pursuant to the provisions of the Open Meetings Law, Chapter 551, Government Code Vernon's Texas Codes Annotated, in accordance with the authority contained therein to discuss the following:

**Section 551.071 – Consultation with Attorney**

**Section 551.072 – Deliberation Regarding Real Property**

A. Amendment to Fire Station sales contract.

Council reconvened into open session at 11:27 a.m.

**ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:**

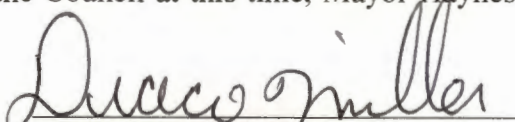
**Section 551.071 – Consultation with Attorney**

**Section 551.072 – Deliberation Regarding Real Property**

A. No action taken.

**ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor Haynes declared the meeting adjourned.

  
DRACO MILLER, Mayor Pro Tem

**ATTEST:**

  
CHRISTI WYNN, City Secretary