

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

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, March 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>Mayor</b>
<b>HD Jones</b>	:	<b>Councilman – Ward 1</b>
<b>Ed McMillian</b>	:	<b>Councilman – Ward 2</b>
<b>Larry Mathis</b>	:	<b>Councilman – Ward 3</b>
<b>Draco Miller</b>	:	<b>Councilman – Ward 4</b>
<b>Jerry DeHay</b>	:	<b>Councilman – Ward 5</b>
<b>Pat Chesser</b>	:	<b>City Attorney</b>
<b>Emily Crawford</b>	:	<b>City Manager</b>
<b>Christi Wynn</b>	:	<b>City Secretary</b>

with no members absent, constituting a quorum of the City Council. Larry Mathis left the meeting early and will be noted in the minutes below.

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ITEMS TO BE WITHDRAWN: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

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:**

**166<sup>th</sup> Aviation Brigade Appreciation to Airport**

Airport Manager, Bobby Burks, showed the Certificate of Appreciation received from the 166<sup>th</sup> Aviation Brigade when they were there for exercises on March 21, 2019.

**CITIZENS PRESENTATIONS:**

Rental property owner, Christy Cox, spoke about issues they were having in the Roselawn and First Street area, across from Coggin Park. She stated that the young people were playing loud music, having burnouts, racing vehicles, fighting, and using offensive language. She suspects they are listening to a police radio because they are calm and quiet when police drive by. Mrs. Cox stated that she is working with the Police Department to increase patrols. She presented pictures of a dumpster that had been hit and moved, deep tire marks across from the parking lot, and dark tire marks along the street.

Property owner, Darla Fletcher, stated that she has spoken to the kids in the past and they were very disrespectful. One of the other neighbors would not attend the meeting due to fear of retaliation. Mrs. Fletcher spoke about the loud music, burnouts, and worried about the kids in the park. She stated that the disturbance begins after school lets out until late in

the evening or early morning hours. She stated that the Police Department has spoken with them, but has not produced a long term solution. Mrs. Fletcher asked the Council for help.

Property Owner, Rick Goodner, stated that he cannot use the front of his house after school is out, because the noise is too loud and he wears earplugs a great deal of the time. He stated that this has been going on for years and it is only getting worse. He stated that it is time to have our neighborhood safe and quiet again.

Christy Cox requested help from the Council. She stated that she will continue to work with the police and plans to install security cameras that point towards the park. She suggested adding a curfew for Coggin Park and a highly visible sign at the back corner of the park encouraging appropriate use.

#### **APPROVAL OF MINUTES:**

A motion was made by McMillian, seconded by Mathis, to approve the minutes of the Regular Called Meeting on March 12, 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 March 22, 2019, be approved for payment as submitted. Upon vote, motion carried unanimously.

#### **REQUESTS AND PRESENTATIONS:**

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

City Manager Crawford went over the proposed Ordinance as follows:

(1) No livestock other than chickens shall be permitted to be kept, harbored or maintained within the following zoning districts of the city: R-1, R-1A, R-1B, R-2, R-3, MH, CN, C-2A, C-U AND CO, excluding ranchette subdivisions established under chapter 94, article VI, division 2 of this Code. Livestock may be permitted as a conditional use in the following zoning districts of the city: RR, C-1, C-2, M-1, M-2 and A-1.

(4) Adequate shelter shall be provided for each animal. The shelter must be of sufficient size to allow each animal to stand up, lie down and turn around in a natural position. With the exception of chicken coops, any structure, pen, shelter, enclosure or other means used to restrain an animal, including, without limitation, a rope, shall be located not less than 75 feet from any street right-of-way or lot line.

(5) Fences for pens, corral fences or similar enclosures must be of a sufficient height and strength to retain animals. Poultry shall be restricted to a maximum of eight (8) hens per residence. All poultry shall be properly penned and contained. There shall be a minimum space for pens, coops and poultry runs of three (3) square feet for each bird, excluding chicks under six months of age. Pens, coops and poultry runs must meet a setback minimum of six (6) feet from neighboring property lines. Barbed-wire fences are not permitted in any zoning districts, except A-1 districts as set forth in subsection (e) (5) of this section.

She stated that the Planning and Zoning Commission meets on April 4<sup>th</sup>. Due to the posting requirements of 20 days, we have already posted this item on their meeting agenda. Should Council wish to proceed, then P&Z may take up this matter at their next meeting. Once action is taken by P&Z, the item will come to the City Council for consideration.

Councilman McMillian stated that this all came about because a couple that he knows has had chickens for over thirty years, and he would like to see them be able to keep them. There was a lengthy discussion about how many chickens should be allowed - eight or ten. It was the consensus of the Council to recommend ten. Mayor Haynes stated that it is difficult to have a “one size fits all” Ordinance and doesn’t mind loosening up a little on this particular issue.

**Consider an emergency repair to the Coliseum chiller or authorize a consultant to develop specifications to go out to bid to replace the Coliseum air conditioning system.**

Parks and Recreation Director, David Withers, stated that they currently have no cooling for the Coliseum. The unit is a York A/C Chiller, it is twenty-six years old, and has two 125 ton compressors used to chill closed loop water into the nine blower units located in the upper balcony. Mr. Withers gave two options. The first is to repair the leaking tube and plug the line. The estimated cost that may or may not fix the system is \$22,646. When requesting quotes, only one company responded, and two other companies said it was a waste to spend money on a twenty-six year old unit and refused to provide a quote. Based on the age of the system, there is no way to determine how long the repairs will last. The second option is to replace the cooling tower that is thirty-two years old and in need of replacement. Three local HVAC companies gave estimates that came in between \$205,675 and \$308,900. Two of the three companies made suggestions for new cooling towers, but an HVAC engineer would need to advise the City of the ideal options for a new HVAC system. The timeline for replacement of the chiller unit and cooling tower will be a minimum of eight weeks. Mayor Haynes expressed concern with several graduations to be held in the Coliseum in the near future. There are nineteen events scheduled between now and July 20<sup>th</sup>. Due to the number of events, and the time it would take to get a new system in place, a motion was made by Miller, seconded by Jones, to approve the emergency repair and come back to the Council with recommendations for an Engineering study and budgeting plan for future replacement. Upon vote, motion carried unanimously.

**Discuss the design for a restroom at Trigg Park.**

City Manager Crawford stated that she and Attorney Pat Chesser met with Councilmen Jones and McMillian regarding the restroom. Staff’s main concern was keeping the building open year around. Councilman McMillian suggested changing the plans to include a wall heater in place of a plumbing chase. City Manager Crawford stated that the plans were drawn by the City Engineers and can be altered. Mayor Haynes stated that he wanted whatever was least expensive and quickest. \*\* Councilman Mathis left the meeting at this time. Councilman Jones stated that we can save \$25,000 to \$30,000 by doing the work ourselves on the building. There was discussion about the requirements of the sub-contractor having Workman’s Comp Coverage. This will be brought back to Council at a later date as an action item.

**Consider the approval of updated bylaws for the Brownwood Municipal Development District (BMDD).**

Executive Director, Ray Tipton, stated that the Board expressed their desire to have input on the Director's evaluation. Therefore, the following wording was added: The BMDD Board of Directors may review the Executive Director annually and submit that review to the city manager for inclusion in the Executive Director's review by the City Manager. Additional wording change is as follows: The District may sell real property pursuant to any method allowed by law, including, without limitation, land that the District wants to have developed by contract with an independent foundation pursuant to Local Government Code Section 272.001(b)(4). Lastly, a change or clarification of the term limits as follows:

b) ~~In initially establishing the Board, three (3) Directors shall be appointed to serve a period of two (2) years and two (2) Directors shall be appointed to serve a period of one (1) year. Thereafter,~~ All Board members shall serve staggered two-year terms or until a successor is appointed as hereinafter provided. Directors shall be appointed to take office on October 1.

c) Each of the Directors shall be eligible for reappointment for up to ~~four (4) consecutive~~ three (3) additional terms. No Director shall serve more than four (4) consecutive terms.

A motion was made by DeHay, seconded by McMillian, to ratify the action of the bylaws of the BMDD. Upon vote, motion carried unanimously, with Councilman Larry Mathis being absent.

**Consider ratification of BMDD board action for a Building Improvement Incentive Program (BIIP) grant to Danette Rae not to exceed \$8,140 for a property located at 207 Fisk Street.**

Executive Director, Ray Tipton, stated that Danette Rae, owner of the Hen House currently located on 825 W. Commerce Street, will be relocating to 207 Fisk. Mrs. Rae plans on spending \$18,500 for installation of AC/ Heat unit, duct work, insulation for warehouse ceiling, tin for the ceiling, replace warehouse lights, lumber, exterior painting of the building, an awning with a metal roof top, along with additional minor improvements – which are improvements that qualify for the BIIP program. The BMDD board approved a 50% matching grant for the project not to exceed \$8,140.

A motion was made by Jones, seconded by DeHay, to ratify the action of the BMDD Board for a BIIP grant to Danette Ray not to exceed \$8,140 for a property located at 207 Fisk Street. Upon vote, motion carried unanimously, with Councilman Larry Mathis being absent.

**Consider ratification of BMDD board action for a Building Improvement Incentive Program (BIIP) grant to Stieber Enterprises, Inc. not to exceed \$18,292 for properties located at 905, 907 and 909 N. Fisk.**

Executive Director, Ray Tipton, stated that the owners of the property are looking to renovate the building to benefit two local businesses – Wilson Cleaners and Honey Bee Natural Foods. Qualifying permanent improvements include stucco repair and exterior painting, repaint lights, installation of a new front door, repair awnings, and replacement

of two HVAC units. Bid amounts for qualifying improvements total \$36,582.94. Non-qualifying improvements included a new sign and sign restoration – which are business specific improvements. This location is in the Downtown Brownwood area and also has high visibility from Main Street. The BMDD board approved a 50% matching grant for the project not to exceed \$18,292.

A motion was made by DeHay, seconded by Miller, to ratify the action of the BMDD Board for a BIIP grant to Stieber Enterprises, Inc. not to exceed \$18,292 for properties located at 905, 907, and 909 N. Fisk. Upon vote, motion carried unanimously, with Councilman Larry Mathis being absent.

**Consider ratification of BMDD board action and approval of a targeted infrastructure project for sidewalk and lighting improvements in Downtown Brownwood along Baker Street and Milton Avenue for a cost not to exceed \$62,000.**

Executive Director, Ray Tipton, stated that with the development of two new businesses along Baker Street, there is a need for targeted improvements to sidewalks and lighting along Baker Street and Milton Avenue to improve aesthetics and allow better access to the businesses. These improvements will help create a safe walkway with the anticipated increase in pedestrian traffic – including required ADA upgrades. The City of Brownwood engineering staff have put together a proposal, at the BMDD's request, for the sidewalk and lighting improvements. Under this proposal, a three-foot section of the sidewalk would be removed to install nine new street lights along Baker Street (three per block) between Center Avenue and CC Woodson on the north side of the street. Those sections of sidewalks would be replaced with brick pavers to match the Center Avenue sidewalk. The pavers would also be used to construct a sidewalk along Milton Avenue. The pavers are owned by the city and were removed from the street in the downtown area from past renovations. These improvements would also include seven new ADA ramps along the same side of Baker and Milton. Under this proposal, Oncor would own and install the new lights and give the city/MDD credit for the majority of the costs. They would charge the city an additional \$261.66 per month for the lights, but Oncor would be responsible for repairs and maintenance. Under this proposal, city street crews would cut out and remove the needed sections of sidewalk for the installation of the pavers and street lights. In addition to increased accessibility and safety in the area, this would also connect and match the street improvements previously completed along Center Avenue and create better connectivity to that part of Downtown Brownwood. The BMDD Board approved this project at their March 19<sup>th</sup> meeting.

A motion was made by DeHay, seconded by Jones, to ratify the BMDD Board action and approval of a targeted infrastructure project for sidewalk and lighting improvements in Downtown Brownwood along Baker Street and Milton Avenue for a cost not to exceed \$62,000. Upon vote, motion carried unanimously, with Councilman Larry Mathis being absent.

**Consider ratification of BMDD board action to conduct a feasibility study for the renovation of the historic Brownwood Hotel.**

Executive Director, Ray Tipton, stated that the BMDD has received a proposal, at the BMDD's request, from Randy McCaslin to conduct a feasibility study for a potential renovation project on the old Brownwood Hotel. A developer has expressed interest in the property and this study is a needed next step of the process in working with this developer. Staff has talked to the owner of the property who has also requested this study and has given consent to move forward. With this study, the City/BMDD will own the information and can use it to recruit investors and developers who can renovate the old Brownwood Hotel. This is similar to the retail market studies that we have obtained in the past to help us recruit new businesses. In addition, Mr. McCaslin is well known for helping to move large projects like this forward with this type of study. He has completed studies in recent years for projects in Tyler, Irving, Dickinson, Conroe, Abilene, Baytown, Pearland, Kerrville, Pflugerville, and Cedar Park. He has also been involved in several historic hotel renovation projects across the state on various levels including the Baker Hotel in Mineral Wells, which is to start construction this year. Studies of this nature are common in initial stages of historic redevelopment projects. The cost of the study is \$30,000 plus out-of-pocket expenses (travel, meals, lodging, etc.) not to exceed \$5,000. Mr. Tipton stated that the hotel is located in an Opportunity Zone and may qualify to receive grants for renovation. The BMDD Board approved this study on March 19<sup>th</sup>.

A motion was made by DeHay, seconded by McMillian, to ratify the BMDD Board action to conduct a feasibility study for the renovation of the historic Brownwood Hotel. Upon vote, motion carried unanimously, with Councilman Larry Mathis being absent.

**AGREEMENTS AND CONTRACTS:**

**Consider authorizing the City Manager to sign the third amendment for a tower and building space lease at 107 Washington.**

City Attorney, Pat Chesser, stated that the City Council previously approved a lease agreement for this property with Dobson Cellular (aka AT&T) on July 13, 2005, that has been amended in 2012 and 2014. Currently, under the existing lease, AT&T pays the City an annual rent of \$33,000. This third amendment will increase the leased premises by a 10' X 9' area to allow AT&T to place a generator at the site. AT&T will pay the City additional annual rent of \$1,800 for this increased space. All other terms of the second amended lease shall continue in effect.

A motion was made by McMillian, seconded by Jones, to authorize the City Manager to sign the third amendment for a tower and building space lease at 107 Washington. Upon vote, motion carried unanimously, with Councilman Larry Mathis being absent.

**REPORTS:**

**Budgetary Control Report**

Due to time constraints, City Manager Crawford stated that everything looked good on the report and if the Council had any questions to ask Finance Director, Walter Middleton.

**Department Reports – Water, Wastewater, Wastewater Treatment Plant**

Due to time constraints, this item was removed.

**EXECUTIVE SESSION:**

Council convened into Executive Session at 10:35 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. Consider termination of the Fire Station sales contract.

**Section 551.071 – Consultation with Attorney**

B. Discussion regarding the interlocal contract between the City of Brownwood and Brown County for jail space and dispatch services.

Council reconvened into open session at 10:48 a.m.

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

**Section 551.071 – Consultation with Attorney**

**Section 551.072 – Deliberation Regarding Real Property**

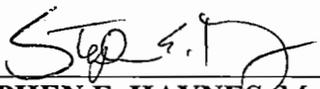
A. A motion was made by Miller, seconded by McMillian, that based upon the fact that the contract to sell real property had expired and Mr. Ruth did not sign the extension agreement approved, voted to terminate the contract and return the earnest money in the amount of \$5,000.00 to Mr. Ruth. Upon vote, motion carried unanimously. Councilman Mathis was not present for this vote.

**Section 551.071 – Consultation with Attorney**

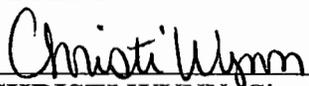
B. No action taken.

**ADJOURNMENT:**

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

  
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STEPHEN E. HAYNES, Mayor

**ATTEST:**

  
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CHRISTI WYNN, City Secretary