

**REGULAR CALLED MEETING  
City Council  
February 11, 2019**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Monday, February 11, 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>Draco Miller</b>	<b>:</b>	<b>Councilman – Ward 4</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 no members 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 Mathis.
<b>ITEMS TO BE WITHDRAWN:</b>	None

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:**

In recognition of Heart Health Month, Councilman DeHay gave American Heart Association t-shirts to those that sit around the podium.

**CITIZENS PRESENTATIONS:** None

**APPROVAL OF MINUTES:**

A motion was made by McMillian, seconded by Mathis, to approve the minutes of the State of the City on January 18, 2019, and the Regular Called Meeting on January 22, 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 8, 2019, be approved for payment as submitted. Upon vote, motion carried unanimously.

**REQUESTS AND PRESENTATIONS:****Consider sponsorship banners at the Massey Sports Complex.**

Sports Coordinator, Roland Soto, introduced David Sheffield, who oversees the Girls Softball Association. Discussions began in early 2018, but the Brownwood Girls Softball Association (BGSA) did not want to move forward until they had a very good option to benefit the complex. Mr. Sheffield handed out some pictures of what the banners will look like and a sample of the banner material. There will be distance markers and a windscreen will run from foul pole to foul pole. The logo BGSA will be in the center of the field. Windscreens have a 3-year warranty. They will run in fifty-foot sections and do not have to be replaced annually. They will be twelve inches off of the ground so that field maintenance can be done without any trouble. Sponsorship banners will be 5x6 and will hang over the windscreen to allow for easy removal from year to year. They will be working with Sullivan Screens on designing the windscreens. It will be for the Yellow Softball Fields located at the Bert Massey Sports Complex. Sponsorships would be sold to local businesses by BGSA annually. BGSA will keep 100% of the sponsorship dollars and desire to donate a portion of the proceeds for complex maintenance and improvements. Currently, the ice machine is over twenty years old and is in need of replacing. They also desire to add air-conditioning and heating in the concession stands and restrooms as they would like to host more tournaments. Mr. Sheffield stated that the BGSA hosted the Down-N-Dirty Softball Tournament in September 2018, which brought a total of 40 teams. This created an estimated economic impact of \$206k and a total of 720 hotel rooms. In 2019, BGSA will have City League play, two District Tournaments, Play Ball for Braden Tournament (moving from Early this year), High School Eligible League Play, the High School Eligible State Tournament and a total of seven other Select Softball Tournaments. Mr. Sheffield stated that the BGSA will find enough sponsors to cover the cost of each field before ordering windscreens. The sponsor levels are as follows: one field \$250; two fields \$500; three fields \$750; and all four fields \$1,000. Mr. Sheffield stated that the windscreens will add to the aesthetic of the already state of the art facilities that Brownwood has. With these windscreens, the Bert Massey Sports Complex will exceed complexes in the Big Country and rival facilities located in the Metroplex. Mayor Haynes asked if the screens would impair vision in center field. Mr. Sheffield stated that it would not be an issue with the maroon coloring of the screen. Councilman Mathis complemented the BGSA for the work they have done and will continue to do. City Manager Crawford stated that she has been working with Mr. Soto and would like to recommend the development of a City Sports Complex Sponsorship Guideline for this and future sponsorship projects to include rules, regulations, and specifications. She feels that the other local leagues will follow with sponsorship signage.

A motion was made by Mathis, seconded by Miller, to approve the sponsorship banners at the Massey Sports Complex subject to the City's right to ask them to be replaced, maintained, or removed. Upon vote, motion carried unanimously.

**Consider granting a waiver from City Ordinance, Chapter 94, Section 2, Paragraph 9, Streets, Alleys and Sidewalks from the request to pave the entire alley where a rear drive entrance will be used.**

**Consider approval of a request from property owner Jim Ferguson for the City to pave the portion of the alley from Shaw Drive to the back of the property line at the property owner's expense for materials and the City providing the construction and paving of the alley.**

City Manager Crawford referred to a photograph of the property on Shaw Drive and stated that there are no other properties being developed behind this house. She then referred to a drawing of the property and where the proposed rear driveway would be. The first item is to consider a waiver of paving an alley. Currently, the Subdivision Ordinance requires homes with rear entrances to pave the entire length of the alley in which the entry will be used. Staff is working on an amended Subdivision Ordinance to bring before Council for consideration that will change this requirement. Mrs. Crawford recommended that the alley only be paved the entire length of the property line. The property owner, Jim Ferguson, plans to install a concrete driveway from their garage to the alley. Mrs. Crawford stated that if the waiver is not granted, the driveway will run alongside the alley with a 90° curve to the garage.

Mrs. Crawford went on to speak about the second portion. Mr. Ferguson is requesting to pay for the material if the City would provide construction and paving of the alley. The estimated cost of materials is \$1,434 and labor \$5,847. Mr. Ferguson did receive some quotes from contractors for the paving.

Mayor Haynes asked if anyone was on the Council when the Ordinance was approved for paving the entire alley. Councilman McMillian stated that he did not understand why we would require a property owner to bear that expense. City Manager Crawford stated that she thought it was for when a neighborhood was being developed and to help with dust, mud, and potholes. There was a discussion about Avenue J not being developed. There was also discussion of who would pick up the cost if a property owner was only required to pave up to their driveway and not the property line and another house is built next to it.

Mayor Haynes stated that he is not in favor of the City paving the alley as it could open up many more alleys wanting to be paved. Councilman McMillian agreed. Mayor Haynes suggested granting the waiver and only requiring the paving to go to the far end of the driveway. He asked Mr. Ferguson if that was acceptable. He stated that it was and asked if we knew what the cost would be. City Manager Crawford estimated it would be around 40% of the estimated expenses, but would look into the cost and get back to him on the estimated length of the project. Mr. Ferguson stated that the City trash truck is the only one using the alley at this time, but explained that he would have a roll out cart to be placed on Shaw Drive.

A motion was made by McMillian, seconded by DeHay to grant a waiver from City Ordinance, Chapter 94, Section 2, Paragraph 9, Streets, Alleys and Sidewalks to allow the Fergusons to only be required to pave the alley from the street to the back corner of their garage. Upon vote, motion carried unanimously.

There was no action taken on the request for the City to partner with Mr. Ferguson to pave the alley. Mayor Haynes stated that he did not mind if City Street crews constructed the alley, but Mr. Ferguson would need to bear the cost for materials and labor.

**Consider authorizing the use of up to \$45,000 from the Development Services fine account to purchase a used excavator for the primary use of conducting demolitions of sub-standard structures within the City.**

Director of Development Services, Tim Murray, stated that in the past four years, the Development Services Department has demolished and removed 188 sub-standard structures within the City. Out of 188 structures, 67 were demolished under a voluntary contract between the City and the property owner. The property owner agrees to reimburse the City for the amount of debris the City landfill receives from the demolition. Historically, Development Services has relied on the Street Department or the Utility Department to conduct the demolitions. Over the past couple of years, demolitions have fallen behind and been delayed due to the non-availability of equipment, because it is tied up on other projects or down for maintenance issues. This keeps the Development Services Department from getting sub-standard structures down in a timely manner resulting in either the property owner selling the property (which causes the Department to have to go through the enforcement process all over again) or the property becoming a habitat for illegal activity. Just in the past two years, the Development Services Department has spent \$15,546.95 in rental fees for equipment to conduct demolitions. The Department currently has a balance of \$65,196.48 from fines collected for code violations throughout the City. The Department would like to request authorization to use up to \$45,000 of the \$65,196.48 to search for and purchase a good used excavator to be primarily designated for demolitions. During periods of downtime when demolitions are not available, the excavator could be utilized to clean out drainage ditches and waterways within the City. Mr. Murray stated that he has been working with Fleet Services to locate a machine. They had a very nice machine located, but it has since been purchased by someone else. Mayor Haynes asked what the useful life span of the machine would be. Assistant City Manager, Tim Airheart, stated that he felt ten years or better depending on use. House demolitions and cleaning creeks do not put a lot of hard use on the machine.

A motion was made by McMillian, seconded by Mathis, to authorize the use of up to \$45,000 from the Development Services fine account to purchase a used excavator for the primary use of conducting demolitions of sub-standard structures within the City. Upon vote, motion carried unanimously.

**Consider authorizing the expenditure of 2016 Bond Funds up to \$6,500 to complete a storm sewer repair at 2508 Good Shepherd Drive.**

Mayor Haynes stated that this had been discussed at a prior workshop. There was no discussion on the item. A motion was made by DeHay, seconded by Miller, to authorize the expenditure of 2016 Bond Funds up to \$6,500 to complete a storm sewer repair at 2508 Good Shepherd Drive. Upon vote, motion carried unanimously.

**ORDINANCES AND RESOLUTIONS:**

**Consider an Ordinance on *first reading* accepting a recommendation by the Historic Building Review Committee to designate a 96 block area as a Brownwood Historic District.**

Director of Development Services, Tim Murray, stated that the Historical Building Review Committee (HBRC) has been discussing ways to allow leniency in the building codes for historical type buildings such as what we have in our downtown area. Currently, we have several historical type buildings in our downtown area that have remained vacant for numerous years simply because it has become too difficult and costly to bring the buildings up to the current building codes. Under the 2015 International Existing Building Code, relief is provided for pre-existing historical type structures but it is limited to what it provides. The 2015 International Fire Code section 102.6 gives additional relief on required Codes for Historical Structures that are either recognized by the State or a Local Jurisdiction (City) as being Historic Buildings. In order to get this additional relief to the required Codes, the HBRC requests Council to designate the proposed 96 block area as the Brownwood Historic District. Mr. Murray stated that local designation of a Historic District does not require buildings be submitted to a Historic Registry; require buildings be renovated to their original state; require compliance with the Texas Historic Commission; and does not prohibit property owners from renovating buildings up to modern codes. Local designation of a Historic District does assist property owners to apply for state and federal grants/incentive programs; provide additional relief on Fire Code under 102.6, and reduces the energy code requirements. Mayor Haynes asked if this would put any additional requirements on property owners. Mr. Murray stated that it will not, but in fact, make it easier to rehabilitate. He has found that in some buildings, it is not feasible to bring them into Code Compliance as it is too costly. By designating the area as a Historic District, it will give some leniency to the owners. The City of Abilene and Fredericksburg have the Historic Building Designation in place. Councilman McMillian stated that this is what downtown needs and believes it will help increase business. He requested the Historic District to be extended a few more blocks down Riverside Drive towards Trapp Street and Rush Street.

A motion was made by DeHay, seconded by McMillian, to approve the Ordinance on *first reading* accepting the recommendation by the Historic Building Review Committee to designate a 96 block area as a Brownwood Historic District. Upon vote, motion carried unanimously.

ORDINANCE NO. 19-

AN ORDINANCE AMENDING CHAPTER 78 OF THE CITY'S CODE OF ORDINANCES REGULATING BUILDINGS AND BUILDING REGULATIONS TO ESTABLISH A HISTORIC DISTRICT IN A 96 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 an Ordinance on second and third/final reading amending the Fire Alarm Ordinance regarding excessive false alarm calls and the City Fee Ordinance regarding false alarm fees.**

Fire Chief, Eddy Wood went over the changes to the Ordinance. 1) Revoke Alarm Permit – The City may revoke the business alarm permit if the alarm system is not in compliance with State and local laws or the inspection is not current (required annually). Already in our Ordinance is that the City may revoke the alarm permit if the business is delinquent on alarm service fees (see Section 30-63(a)3). 2) Revoke Certificate of Occupancy (C.O.) – The City may revoke the C.O. if the business operates after the alarm permit has been revoked. The C.O. will be re-issued once the alarm system is in compliance and all fees have been paid. 3) Notification of Alarm – If the business has 10 or more false alarms per calendar year, the City may require the alarm monitoring company to first call the business to verify the alarm is legitimate prior to notifying 911. This is allowable per State law. 4)

**Proposed Fee Structure:**

First 5 false alarms	Free
False alarms 6-8, each	275.00
False alarms 9-11, each	375.00
False alarms 12-14, each	475.00
False alarms 15 and after	575.00
Failure to provide certification	125.00

**Existing Fee Structure:**

First 3 false alarms	Free
False alarms 4 – 6, each	75.00
False alarms 7- 9, each	100.00
False alarms 10 and after	125.00
Failure to provide certification	125.00

A motion was made by McMillian, seconded by Mathis, to amend the Ordinance on *first reading* to reflect the requested changes. 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 DeHay, seconded by McMillian, to approve the Ordinance on *second reading*. Upon vote, motion carried unanimously.

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

**ORDINANCE NO. 19-03**

**AN ORDINANCE AMENDING CHAPTER 30, *EMERGENCY SERVICES*, ARTICLE II, *ALARM SYSTEMS*, OF THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING SECTION 30-31 DEFINITIONS; AMENDING SECTIONS 30-63 AND 30-64 REGARDING REVOCATION OF A CERTIFICATE OF OCCUPANCY AND APPEAL RIGHTS OF THAT REVOCATION; AMENDING SECTION 30-100 REGARDING SERVICE FEES FOR FALSE FIRE ALARM NOTIFICATIONS AND REQUIRING THAT THE REGISTERED FIRM CONTACT THE ALARM PERMIT HOLDER BEFORE CONTACTING THE CITY AFTER TEN FALSE ALARMS; AND AMENDING THE CITY'S FEE ORDINANCE NO. 18-20 REGARDING FALSE ALARM SERVICE FEES; PROVIDING FOR PENALTIES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Consider a Resolution nominating Kohler Company for the Texas Enterprise Zone Program for a project located at 4601 Highway 377 South, Brownwood, Texas. Tax relief and/or other incentives that could be offered by the City may also be discussed at this hearing.**

Executive Director of the BMDD, Ray Tipton, stated that this was before Council last November, but Kohler changed their timeline for application. The State takes the applications quarterly. Since the date was changed, the Resolution has to be approved again.

A motion was made by McMillian, seconded by DeHay, to approve a Resolution nominating Kohler Company for the Texas Enterprise Zone Program for a project located at 4601 Highway 377 South, Brownwood, Texas. Upon vote, motion carried unanimously.

**RESOLUTION NO. R-19-02**

**A RESOLUTION OF THE CITY COUNCIL OF BROWNWOOD, TEXAS, CONFIRMING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING KOHLER CO. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT ("PROJECT").**

**CONSENT AGENDA:**

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

**Consider authorizing the Mayor to sign Form 2031-G FY20 (Resolution) for Home Delivered Meals with the Texas Health and Human Services Commission (HHSC) and sign a Home Delivered Meals Waiver.**

**RESOLUTION NO. R-19-04**

**Consider a Resolution declaring 102 sections of outdated fire hose as surplus property.**

**RESOLUTION NO. R-19-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, DECLARING CERTAIN FIRE DEPARTMENT EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING THE DISPOSITION OF SAME.**

**REPORTS:**

**Budgetary Control Report**

Finance Director Middleton presented the City's Budgetary Control Report ending December 31, 2018, 25% complete, which included: 1) Budget Summary – we operated at a deficit of (\$112,412). Property taxes usually come in faster. We have not released any

capital item expenditures at this time. Last year we were at \$1,513,051. This represents 21.99% of revenue and 22.25% of expenses. 2) Summary of Revenue – we have only collected \$1.3 million for the year. Last year at this time we had collected \$1.95 million. Mr. Middleton stated that he feels that property owners have put off paying their property taxes until January. Sales Tax, Water Revenue, and Sewer Revenue are all down. The Landfill continues to outperform projections. 3) Expenditures – A pie chart shows Total Expenditures with the Water Department 16%, Police Department 15%, and the Fire Department 11% being the three largest. 4) Sales Tax Analysis through January - The City is up 2.1% from last year and down -2% for the budget. 5) Water Consumption and Sales Analysis – Consumption numbers are down dramatically at around 72,000 units for these four months. This has been a wet winter that effects this amount. We are down (\$228,638) for the year. 6) Comparative Investment Balance Analysis - There are 60 days in operating funds compared to 64 days last year.

**Year-End Department Reports: Health, Parks and Recreation:**

Health Department Administrator, Lisa Dick, gave the year-end report. The Health Department has worked to partner with the Human Resources Department and TML to provide skin and heart health screenings for City Employees. She stated that their budget is around \$840,000 with the City's contribution of 22% of that total budget. It is their goal to promote a healthy community. Mrs. Dick spoke about the Women Infants and Children (WIC) program and the accomplishments towards a paperless system they have made this year. They have cross-trained their employees in the department, and through a grant, have made improvements to the aesthetics of the lobby. The WIC Department provides benefits for over 1,000 participants each month. A customer survey was conducted with the with 96% stating they were comfortable with discussing their health and needs with them, 100% finding the education useful, and 99% stating that they would recommend them to others. There was over \$850,000 in WIC benefits issued to participants to spend in our local economy, mostly grocery stores. No City funds are spent to provide these services. Mrs. Dick spoke about Immunization and Tuberculosis Programs. The department provided vaccine clinics at schools and businesses and partnered with community agencies to provided education. They provided 1,816 vaccines, 493 TB tests, and 509 other services (STD testing, blood pressure checks, glucose checks, rabies vaccines, and blood draws.) They also managed/treated twenty-eight TB cases and responded to two possible outbreaks. They acted as a rabies depot for four group exposures resulting in treatment of thirty-eight individuals. Grant totals were over \$155,000 with the City funding 12.5%. Mrs. Dick went over ways they had prepared and planned for public health needs in case of disaster. She then discussed food safety in that each food establishment is required an inspection twice a year resulting in over 500 inspections for the department. This position also works to combat mosquito control and has worked with the Texas Tech University on a mosquito study.

Mayor Haynes asked if there could be a way to track those who receive services who live inside the city limits, as to those who live outside the city limits.

**Parks and Recreation:**

Director of Parks and Recreation, David Withers, gave the year-end report. There was a total of 464 rentals of community facilities with an increase of 23% compared to the 2016/17 budget year. Adams Street Community Center rentals have increased by 32% due to advertising and marketing. The Allcorn Park Pavilion increased by 79% due to the addition of the splash pad. Mr. Withers stated that there are nineteen City Parks for a total of 153.71 acres. It takes seven days to mow and trim all parks with a crew of four mowers and four seasonal weed-eaters. The Sports Complex had seven Girls Softball Tournaments with 107 teams; two Boys Baseball Tournaments with 44 teams; five Adult Softball Tournaments, Summer and Winter Adult Softball League play; two Cen-Tex Soccer Tournaments with 99 teams, Spring and Fall League play. The estimated economic impact is over \$862,000 to the community. Mr. Withers went over pool attendance with over 22,000 attending the Camp Bowie Family Aquatic Center, and 800 attending Wiggins Pool. Splash Pad usage (estimated per gallons of water used) Allcorn Park 72%, Mayes Park 15%, and Trigg Park 13%. The Learn to Swim classes serve ninety children per summer. Pool staffing requires forty seasonal employees per season. Mr. Withers stated that the Lehnis Museum had around 6,500 visitors last year. There were around 555 children that visited the Museum with field trips, and an additional 200 for two nights in December for a Polar Express Experience. Mr. Withers stated that the Senior Citizens Center served over 30,000 meals at the center and delivered over 27,000 meals to home bound. There are three routes delivering 160 meals per day. The Senior Citizens Program also connected residents with outside sources that provided eleven hearing aids, ten sets of dentures, and repaired two homes.

**EXECUTIVE SESSION:**

Council convened into Executive Session at 10:50 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. Fire Station sales contract

Council reconvened into open session at 11:05 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.

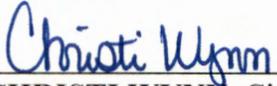
Council was invited to the Lehnis Railroad Museum, 700 East Adams, to see the new miniature locomotive. Councilman DeHay, and City Manager Crawford attended and rode the miniature locomotive.

**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**