

**REGULAR CALLED MEETING
City Council
April 28, 2020**

Due to the COVID-19 pandemic, the City Council of the City of Brownwood, Texas, met via videoconference hosted on ZOOM. The meeting was open to the public by either computer or phone. The following members present:

Stephen E. Haynes	:	Mayor
HD Jones	:	Councilman – Ward 1
Ed McMillian	:	Councilman – Ward 2
Larry Mathis	:	Councilman – Ward 3
** Draco Miller	:	Councilman – Ward 4
Walker Willey	:	Councilman – Ward 5
Emily Crawford	:	City Manager
Pat Chesser	:	City Attorney
Christi Wynn	:	City Secretary

with no members absent, constituting a quorum of the City Council.

CALL TO ORDER:	Mayor Haynes called the meeting to order.
PLEDGE OF ALLEGIANCE:	Pledge of Allegiance was led by Councilman Miller.
INVOCATION:	Invocation was given by Willey.
ITEMS TO BE WITHDRAWN:	None
INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:	None
CITIZENS PRESENTATIONS:	None

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Miller, to approve the minutes of the Regular Called Meeting on April 14, 2020, 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 Mathis, seconded by McMillian, that the Claims and Accounts dated through April 24, 2020, be approved for payment as submitted. Upon vote, motion carried unanimously.

PUBLIC HEARING:

Conduct a public hearing and consider an ordinance on first reading changing the zoning classification of the Parks Estate, Block 6, Lot 5 – Idlewild Addition Block 1, Lots 1 & 2, also known as BCAS property ID# 55659, 54156, and 54155 (located at the corner of Austin Avenue and Bonita Street) from R-1 Single-Family Residential District to C-1 Local Business District.

Mayor Haynes opened the public hearing. Director of Development Services, Tim Murray,

stated that the Planning and Zoning Commission met on April 2, 2020, at 4:00 pm via Zoom Conference to discuss and vote on Brent Mosley's request to rezone property known as Parks Estate, Block 6, Lot 5 – Idlewild Addition Block 1 Lots 1 & 2 also known as BCAD property ID's# 55659,54156 and 54155 from R-1 Single-Family residential District to C-1 Local Business District. Mr. Mosley's request was so that he could place an Ice/Water vending machine on the property and possibly in the future build a storage unit facility. The Commission heard from two residents that were opposed to the zoning change as well as received four letters in opposition to the zoning change. The P&Z Commission voted unanimously to deny Mr. Mosely's request for the rezone. Following the denial of the requested zoning change, Mr. Mosley has asked that the City Council conduct a public hearing and consider the zoning change request pursuant to Section 98-95 of the City's Zoning Code. Because the P&Z Commission denied the requested zoning change, it will take four concurring votes from the City Council to grant the requested zoning change. If the City Council denies the zoning change request, with prejudice against refileing, the applicant cannot refile an application to rezone the property for a period of two years. If the Council denies the request, without stating the denial is with prejudice to refile, then the denial is without prejudice to refile and an application to rezone the property may be filed at any time after the denial.

Requestor, Brent Mosley, asked Council to reconsider the ruling from the Planning and Zoning to deny his request to change the zoning. He stated that commercial property is located all around this location. He intends to have an Ice/Water vending machine and possibly a gated storage facility. Mr. Mosley stated that there are storage facilities in other residential areas of town and named one across from the BISD Administration Building on Fourth Street. He stated that the lots he purchased have been vacant for many years. They are currently overgrown, and he is on a list to have them mowed. Mr. Mosley stated that to have a house built on this property he would have to invest \$170-180,000 and did not feel that anyone would want to have to back onto the busy Austin Avenue traffic.

Opposed - Terry Buzzard, property owner that lives next door to the requested change, stated that she understands his perspective, but does not want these types of businesses next door. She stated that she mowed a portion of his property next to her house because the weeds are over 3' tall. She does not want a fence outside her window. Ms. Buzzard was working with Ann Jones Realty to purchase the lots, but Mr. Mosley was able to purchase them before her. She stated that she backs out on Austin Avenue every day.

Opposed – Graham and Kimberly Allen, property owners that live behind the requested change, stated that they purchased their home two years ago for retirement. They do not want added noise and crime in the neighborhood, and they do not want the property to change to commercial zoning. They stated that they would welcome additional residential property. Mrs. Allen stated that she did not want a storage facility or icehouse outside their kitchen and bedroom windows. Mayor Haynes asked if there was still an operational alley. Mr. Murray stated that there was.

Opposed – Larry and Kathy Smith, property owners that live at 2609 Vincent, directly behind the requested location. Mr. Smith stated that he and his wife have lived at this location for 43 years and do not wish to move. They are very much opposed to a storage facility but are not opposed to a doctor’s office or something that would add value to the neighborhood. Mr. Smith stated that this property is not being maintained and a pile of dirt has recently been dumped on the property.

Opposed – by letter, Brian and Brandy Sotelo. Mr. Allen stated that they were working today but strongly opposed to the change as they have two young children and they do not want increased crime from the storage facilities. Ms. Buzzard stated that the Planning and Zoning Commission unanimously voted to deny this request and asked for Council to do the same.

Mayor Haynes stated that once a property is zoned commercial, we don’t have control as we can’t be more restrictive. Although the Master Plan for Austin Avenue shows it to be all commercial, there are still a lot of Residential properties. He did not see this being in the best interest for Brownwood.

Councilman Mathis stated that the Planning and Zoning Commission voted unanimously to deny the request and he did not wish to go against their decision as he felt they did what was right for the community. Councilman Miller stated that we should not overrule their decision and thinks we need to be consistent for all residential neighborhoods. Councilman McMillian stated that each property has to be considered on a case by case basis. All opposition has come from property owners within 200’. He stated that he has a storage unit by his house and people leave their trash and debris for others to clean up.

Mayor Haynes asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Mathis, TO DENY the request WITH PREJUDICE. The motion was seconded by McMillian. Upon vote, motion carried unanimously.

ORDINANCE NO. 20-_____

D E N I E D	AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF BCAD PROPERTY ID NUMBER 55659, 54156, AND 54155, OF THE PARKS ESTATE, BLOCK 6, LOT 5, IDLEWILD ADDITION, LOCATED AT THE CORNER OF AUSTIN AVENUE AND BONITA STREET, FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-1 LOCAL BUSINESS DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.	D E N I E D
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** Councilman Miller left the meeting.

ORDINANCES AND RESOLUTIONS:

Consider a resolution denying an Oncor Rate increase.

City Attorney, Pat Chesser, stated that on April 3, 2020, Oncor Electric Delivery Company LLC (“Oncor”) filed an Application for Approval of a Distribution Cost Recovery Factor.

In the filing, the Company is seeking an increase in distribution revenues of \$75.9 million annually. This increase will result in an approximately \$0.88 increase to the average residential customer's monthly bill. The City is a member of the Steering Committee of Cities served by Oncor ("OCSC"), and OCSC has engaged the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to the Company's request. The OCSC recommends that Cities deny the requested relief. The Public Utility Commission of Texas's rules allows cities 60 days to act on this application. That deadline is June 2, 2020.

A motion was made by Mathis, seconded by Willey, to deny an Oncor Rate increase. Upon vote, motion carried unanimously.

RESOLUTION NO. R-20-09

A RESOLUTION OF THE CITY OF BROWNWOOD, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

CONSENT AGENDA:

Mayor Haynes asked if the Council desired to take any items off the Consent Agenda. There being none, a motion was made by McMillian, seconded by Jones, to approve the Consent Agenda as presented. Upon vote, motion carried unanimously.

Consider on second and third/final reading changing Ordinance Section 50-68(a) of the City's Code of Ordinances to prohibit dogs in the Bert V. Massey, II Sports Complex while league sanctioned baseball games, softball games, and tournaments are being played.

ORDINANCE NO. 20-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING SECTION 50-68 TO PROHIBIT DOGS IN THE BERT V. MASSEY, II SPORTS COMPLEX WHILE LEAGUE SANCTIONED BASEBALL GAMES, SOFTBALL GAMES AND TOURNAMENTS ARE BEING PLAYED; PROVIDING A PENALTY CLAUSE; PROVIDING A NO WAIVER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Consider ratification of the Mayor's signature on a deed releasing a portion of a maintenance easement adjacent to the Pecan Bayou.

REPORTS:**COVID-19 Cases and Local Response**

Health Department Administrator, Lisa Dick gave the current totals as follows: 310 tested, 34 positive, 267 negative, 3 deaths. The last 6 cases were employees of the affected nursing home. Mayor Haynes spoke about the Governor's orders allowing more businesses to open at 25% capacity with the possibility of more in the near weeks. Churches are allowed to gather. City Manager Crawford stated that at this time, we will continue to keep event centers closed as we are ordered to continue to restrict large gatherings. She stated that we will keep ballparks and parks closed but will open City Hall drive through and lobby on May 4, 2020. There was discussion regarding the Train Museum mini train ride opening or not. Council did not wish to open it up as this is not an essential service and many businesses remain closed under the Governor's Order.

Budgetary Control Report

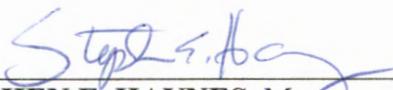
Finance Director, Walter Middleton presented the City's Budgetary Control Report for the month ending March 31, 2020, 50% complete, which included: 1) Budget Summary – surplus of \$4,026,684 and represents 59.65% of revenue \$21,641,586 and 48.55% of expenses or \$17,152,909. Last year we were at \$3,537,327 in surplus. 2) Summary of Revenue – Sewer Revenue is at 47.13%; and the Landfill Gate Revenue is at 54.42%. 3) Expenditures – The City's operating expenses are at 48.55% of the budget. 4) Sales Tax Analysis through April - The City is down -.02% or \$5,666 compared to budget. We are up \$94,534 compared to last year. 5) Water Consumption and Sales Analysis – We are over by 17.3% Units of Consumption sold compared to last year. Actual sales are up \$522,180 or 21.2%. 6) Comparative Investment Balance Analysis - There are 82 days in operating funds compared to 66 days last year.

Budget Calendar

City Manager Crawford asked the Council to look at the Budget Calendar for scheduling purposes. A pre-budget workshop will be held after the next Council Meeting on May 12, 2020.

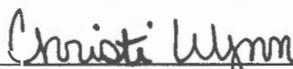
ADJOURNMENT:

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



STEPHEN E. HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary