

**REGULAR CALLED MEETING**  
**City Council**  
**May 23, 2023**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, May 23, 2023, 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>Councilmember Ward 1</b>
<b>Ed McMillian</b>	:	<b>Councilmember Ward 2</b>
<b>Melody Nowowiejski</b>	:	<b>Councilmember Ward 3</b>
<b>Walker Willey</b>	:	<b>Councilmember 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.

**CALL TO ORDER:** Mayor Haynes called the meeting to order.

**PLEDGE OF ALLEGIANCE:** Pledge of Allegiance was led by Councilmember McMillian.

**INVOCATION:** Invocation was given by Willey.

**ITEMS TO BE WITHDRAWN:** None

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:** None

**CITIZENS PRESENTATIONS:**

Susie Flores representing the Strategic Alliance for Leadership and Social Action (SALSA) group asked Council to continue to invest in Ward 4 and Wiggins Park. She also requested a parking lot and pavilion be constructed in the 23/24 budget year at the park.

**APPROVAL OF MINUTES:**

A motion was made by McMillian, seconded by Nowowiejski, to approve the minutes of the Regular Called Meeting on May 9, 2023, as presented. Upon vote, the motion carried unanimously.

**CLAIMS AND ACCOUNTS:**

Chief Accountant, Leah Thomas, was available for questions regarding the checklist. A motion was made by McMillian, seconded by Willey, that the Claims and Accounts dated through May 19, 2023, be approved for payment as submitted. Upon vote, the motion carried unanimously.

**REQUESTS AND PRESENTATIONS:**

**Consider ratifying the Brownwood Municipal Development District Board action to approve a Building Improvement Incentive Program grant in the amount of \$12,500 to WT Legacy Ventures, LLC for a property located at 208 E. Anderson.**

Executive Director of the Brownwood Municipal Development District, Ray Tipton, stated that the property located at 208 E. Anderson has recently been purchased by the Wells Team and will be renovated to serve as a real estate office. Renovation for the building includes new interior and exterior paint, repair of wood rot, new flooring, new HVAC, and roof repair. Allowable expenses under the BIIP program for this application total \$52,338.14, however, to complete the project will likely exceed \$100,000 when completed. Under the BIIP program, this project qualifies for a 50% matching grant not to exceed \$12,500.

A motion was made by Willey, seconded by Jones, to ratify the Brownwood Municipal Development District Board action to approve a Building Improvement Incentive Program grant in the amount of \$12,500 to WT Legacy Ventures, LLC for a property located at 208 E. Anderson. Upon vote, the motion carried unanimously.

#### **AGREEMENTS AND CONTRACTS:**

##### **Council may discuss amending the Facility Use Agreements.**

Mrs. Crawford and the Parks and Recreation Director, Roland Soto, explained that the local softball, baseball, and soccer associations are subject to a facility use agreement with the City for the use of sports facilities for practice, games, tournaments, etc. The current version of these agreements outlines the associations' and City's responsibilities and covers topics such as maintenance, upkeep, concessions, scheduling, utilities, etc. Recent community discussions have highlighted the potential need for additional requirements to assist with the operations of the leagues in relation to the use of City facilities. The suggested additions to the agreements include: Requiring the associations to hold an open, annual meeting. Requiring a defined voting process where association board leadership is determined. Mayor Haynes suggested allowing the membership to vote rather than outgoing board members voting for incoming board members. Requiring some form of presentation or disclosure of association financials to members. And, requiring an annual report to the City Council. City Staff recommends having the City Attorney add provisions to the facility use agreements as the agreements renew for the next season of play.

Mr. Soto stated that after a draft of the facility use agreements are complete, they will be brought to Council for review.

#### **ORDINANCES AND RESOLUTIONS:**

##### **Consider an ordinance on first reading establishing from Austin Avenue to West Depot Street the following: a two-way street, a twenty-five mile per hour speed limit, no parking on both sides of Clark Street, and a right turn only at the intersection of Clark Street and Austin Avenue.**

Mrs. Crawford stated that Mike Hall at 206 W. Austin Avenue (State Farm Insurance) is requesting the City of Brownwood consider converting Clark Street to a two-way street between Austin Avenue and W. Depot Street. Mr. Hall said that once the TxDOT construction of the intersection improvement of Austin Avenue and Main St. begins, motorists will not be able to enter or exit his property from Austin Avenue. He suggested that making Clark Street a two-way street would allow motorists and residents to enter and



exit the block from Depot Street. The proposed ordinance would establish on Clark Street, from Austin Avenue to W. Depot Street the following: 1) a two-way street; 2) a twenty-five miles per hour speed limit; 3) a no parking zone on both sides of the street; and 4) a right turn only at the intersection of Clark Street and Austin Avenue. The City conducted a speed study on Clark Street which established the appropriate speed limit as 24 miles per hour. Therefore, this ordinance proposes to reduce the speed from 30 miles per hour to 25 miles per hour based on the speed study. No neighboring property owners have expressed opposition to the two-way street. Mrs. Crawford stated that there would be a minor expense for signage.

Mayor Haynes stated that St. John’s Church is in favor of the proposed changes.

Mayor Haynes asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by McMillian, seconded by Nowowiejski to approve the ordinance on first reading establishing on Clark Street from Austin Avenue to West Depot Street the following: 1) a two-way street; 2) a twenty-five miles per hour speed limit; 3) a no parking zone on both sides of the street; and 4) a right turn only at the intersection of Clark Street and Austin Avenue. Upon vote, the motion carried unanimously.

ORDINANCE NO. 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BROWNWOOD, TEXAS, ESTABLISHING ON CLARK STREET FROM AUSTIN AVENUE TO WEST DEPOT STREET THE FOLLOWING: A “TWO-WAY” STREET; A TWENTY-FIVE MILE PER HOUR SPEED LIMIT; A NO PARKING ZONE ON BOTH SIDES OF THE STREET; A RIGHT TURN ONLY AT THE INTERSECTION OF CLARK STREET AND AUSTIN AVENUE; AUTHORIZING STAFF TO INSTALL PROPER SIGNAGE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR CONVICTION OF ANY VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

**Discuss and take action to adopt a resolution regarding civil rights policies in connection to the CDBG project.**

Assistant City Manager, Marshal McIntosh, stated that the City of Brownwood was awarded a second TxCDBG Community Development Grant CDBG from the Texas Department of Agriculture in the amount of \$350,000. The original application was prepared and applied for in 2021 and awarded in 2023. As part of the CDBG grant, this resolution is a standard requirement for Texas Community Development Block Grant recipients. The TxCDBG Grant is to replace water and sewer lines within the Valley-San Jacinto neighborhood. The proposed sewer improvements are necessary to replace old, dilapidated clay tile sewer lines and brick manholes and to restore the integrity of the sewer collection system to meet Texas Commission on Environmental Quality (TCEQ) design requirements. The proposed water improvements are planned to provide looping of the existing dead-ended water lines which result in less desired water quality within the project area. This looping will allow better circulation of the water in the distribution system and avoid stagnant water with low disinfectant residual at the service taps. Currently, the grant administrator, Public Management, Inc., is in the process of conducting the Environmental

Review. The engineer for this project, Enprotec / Hibbs & Todd (E-HT), is in the process of constructing plans and specifications for construction activities. The timeline is as follows: Contract Execution March 13, 2023; Environmental Review / Plans and Specs Completed by August 1, 2023; Project Recommended to be Complete by October 1, 2024; Grant Contract Period Ends January 31, 2025; and Administratively Completed / Grant Closed by April 1, 2025. The budget is as follows:

**BUDGET**

<b>HUD ACTIVITY</b>	<b>AWARDED AMOUNT</b>
Construction	\$265,000.00
Engineering	\$50,000.00
Administration	\$35,000.00
<b>TOTAL GRANT AWARDED</b>	<b>\$350,000.00</b>
Committed as Local Match	\$70,000.00 (ARPA FUNDS)
<b>TOTAL PROJECT BUDGET</b>	<b>\$420,000.00</b>
Match Ratio	20%

A motion was made by Willey, seconded by Jones, to adopt a resolution regarding civil rights policies in connection to the CDBG project. Upon vote, the motion carried unanimously.

**RESOLUTION NO. R-23-08**

**A RESOLUTION OF THE CITY OF BROWNWOOD REGARDING CIVIL RIGHTS POLICIES IN CONNECTION TO PARTICIPATION IN FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS AND ADHERENCE TO THE REGULATIONS DESCRIBED THEREIN.**

**Consider a resolution supporting the City of Brownwood's application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-aside (TA) call for projects.**

Mr. McIntosh stated that the City has advanced to Step 2 of the grant process for the TxDOT 2023 Transportation Alternatives Set-aside program. An adopted resolution from the project sponsor's governing board is a required attachment to the detailed application. In Step 1, we submitted a preliminary application in competition with 465 other preliminary applications from 304 unique entities, totaling more than \$1.7 billion dollars in funding requests. TxDOT reviewed all preliminary applications for eligibility by funding the program based on responses provided in preliminary applications and awarded us as an eligible project submitted under the program call. In Step 2, we provide detailed project information, including a written scope of work, location map(s), project layout and context, photograph(s), typical section(s), a comprehensive cost estimate, project timeline, property information, overview of potential environmental concerns, and a resolution commitment for local government project funding. We were also approved for Federal Transportation Development Credits, which cover any local match necessary for the project. The estimated grant is \$2.5M - \$5M with no local match due to the Transportation Development Credits approval. The potential project will be awarded in 2024, then the Engineer Design in 2025, and the construction bid and start date in 2026. The proposed



project is to provide connectivity to Riverside Park and will be two miles of sidewalks or roughly 10,000 feet.

A motion was made by Willey, seconded by McMillian, to approve a resolution supporting the City of Brownwood's application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-aside (TA) call for projects. Upon vote, the motion carried unanimously.

**RESOLUTION NO. R-23-09**

**A RESOLUTION SUPPORTING THE CITY OF BROWNWOOD'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS.**

**REPORTS:**

**Budgetary Control Report**

Finance Director, Melanie Larose, presented the Budgetary Control Report through April 30, 2023. This represents seven months and 58.3% of our fiscal year. The Budget Summary shows revenue at 69.46% and expenses at 58.24%. The Summary of Revenue shows we have collected 69.46% or \$27,510,159. The Total Revenue pie chart showed Ad Valorem Tax at 25%, Sales Tax revenue at 16%, Water revenue at 15%, and Sewer revenue at 9%. The Total Expenditures pie chart shows Water at 16%; Police at 11%, Fire at 10%, and Landfill at 9%. The Comparative Investment Balance shows we have \$15,402,177 in operating funds. In designated funds, we have \$2,144,752 for a total investment of \$17,546,929. The number of days in reserves is 142 compared to last year's number of 128. Sales Tax analysis through May - shows we collected 10.4% compared to budget or 3.4% compared to last year. For the end of May, we are up \$744,535 or 18.1% and up \$384,670 compared to last year or 8.6%. The Water Consumption and Sales Analysis as of the end of April shows we have collected \$3,995,058 which is up \$329,817 or 4.7% compared to last year and \$191,346 or 2.7% compared to budget.

**The City will be closed for Memorial Day, Monday, May 29, 2023**

**EXECUTIVE SESSION:**

Council convened into Executive Session at 9:40 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**

- A. Discuss Meet and Confer Agreements with the Brownwood Municipal Police Association (BMPA), and the Brownwood Professional Fire Fighters Association (BPFFA).

Council reconvened into open session at 10:29 a.m.

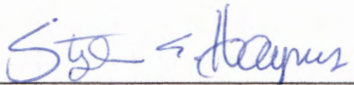
**ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:**

**Section 551.071 – Consultation with Attorney**

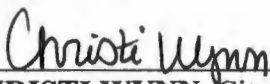
- A. No action was taken.

**ADJOURNMENT:**

There being no further business, Mayor Haynes declared the meeting adjourned.

  
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**STEPHEN E. HAYNES, Mayor**

**ATTEST:**

  
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**CHRISTI WYNN, City Secretary**