

**REGULAR CALLED MEETING
City Council
June 13, 2023**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, June 13, 2023, at 9:00 a.m., in the Council Chambers, City Hall, 501 Center Avenue, Brownwood, Texas, with the following members present:

Stephen E. Haynes	:	Mayor
HD Jones	:	Councilmember Ward 1
Ed McMillian	:	Councilmember Ward 2
Melody Nowowiejski	:	Councilmember Ward 3
Draco A. Miller	:	Councilmember Ward 4
Walker Willey	:	Councilmember Ward 5
Pat Chesser	:	City Attorney
Marshal McIntosh	:	Deputy City Manager
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 Councilmember Jones.

INVOCATION: Invocation was given by Pastor Charles Lowe

ITEMS TO BE WITHDRAWN: None

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS: None

CANVASSING VOTES FOR THE 2023 SPECIAL ELECTION:

Reading tabulated results of the June 10, 2023, Special Election

Elections Administrator, Brenda Arp, read the results of the Special Election and handed the official sealed envelope to the City Secretary.

Draco A. Miller	267 votes or 52.87%
Jim Byars	238 votes or 47.13%

Consider an ordinance on first/final reading canvassing votes for June 10, 2023, Special Election and declaring the results.

Mayor Haynes asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Willey, seconded by McMillian to approve the ordinance on the first/final reading canvassing votes for June 10, 2023, Special Election, and declaring the results.

ORDINANCE NO. 23-05

AN ORDINANCE CANVASSING THE VOTES FOR THE CITY OF BROWNWOOD SPECIAL ELECTION HELD ON JUNE 10, 2023, FOR THE ELECTION OF COUNCIL MEMBER WARD 4; AND DECLARING THE RESULTS OF THE ELECTION.

The City Secretary will administer the Oath of Office to the newly elected Councilmember for Ward 4. (Member seated at the dais.)

City Secretary, Christi Wynn, administered the oath of office to the newly elected Councilmember for Ward 4, Draco A. Miller.

CITIZENS PRESENTATIONS:

Chrys Hawkins and Richard Hodges asked for the City's help to get the Greenleaf Fisk House at 418 Milton Avenue listed in the National Registry of Historic Places by the Texas Historical Commission Recorded Texas Historic Landmark. Ms. Hawkins stated that the house would be available for small gatherings or meetings and has been modernized to add a restroom and heating/air conditioning.

Allen Andrews read a letter in opposition to the Downtown Master Plan and stated that the past Master Plans have not been followed.

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Miller, to approve the minutes of the Regular Called Meeting on May 23, 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 Miller, seconded by Jones, that the Claims and Accounts dated through June 9, 2023, be approved for payment as submitted. Upon vote, the motion carried unanimously.

CANVASSING VOTES FOR THE 2023 SPECIAL ELECTION:

Election of Mayor Pro Tem:

A motion was made by McMillian to nominate Councilmember Willey for Mayor Pro Tem. The motion was seconded by Nowowiejski, and upon vote, the motion carried unanimously.

PUBLIC HEARING:

Conduct a public hearing and consider an ordinance on first reading for a request to change the zoning classification of Abstract 576, Survey 278, Blocks 18 and 19, Kerr County School Land, 15.08 acres, located between the boundary roads of Mustang Drive and Sam Houston Drive; Horseshoe Trail and Longhorn Lane; from R-1 Single Family Residential District to R-2 Two Family Residential District.

Mayor Haynes opened the public hearing.

Director of Planning and Development, Tim Murray, stated that on April 6, 2023, the Planning and Zoning Board met on the zoning change request from Robert Wade, to change the zoning classification of the property from R-1 Single Family Residential to R-2 Two Family Residential District. Mr. Wade presented his request to the Board members stating he and his business partner would like to rezone the property to develop and construct high-

end rentable duplexes. Several residents from surrounding properties attended the meeting and voiced their opposition to the rezoning request. Reasons of opposition were a) did not want two-story houses built that could look into their backyards on Duckhorn, b) did not want the increased traffic, c) liked the undeveloped area as it is scenic and quiet, d) felt they would no longer be able to let their children play safely in their yards. Hearing the citizens' concerns, the P&Z Board tabled the item for two weeks to allow board members additional time to research the request and the surrounding properties that would be affected by the zoning change. The P&Z Board met again on April 20, 2023, to vote on the request for the zoning change. Residents attended the meeting again stating the same reasons for opposition. After hearing all concerns, and an additional presentation from Mr. Wade, the P&Z Board voted unanimously in favor of the zoning change from R-1 Single Family to R-2 Two Family Residential.

Mr. Murray read an email he received from Steve Goodwin, 1908 Duckhorn, who expressed concern about two-story duplexes being able to see in his backyard because Duckhorn was built up to prevent flooding. He sent pictures of the view into his backyard. Mayor Haynes stated that the zoning change will not affect the owners of the property from building two-story houses. They can be built in the current zoning.

Property owner, Robert Wade, explained that he and his wife Kristen have been long-time residents and business owners in Brown County. While looking at retirement and investment options they decided to invest in real estate / rental property. They obtained a strong business partner, purchased the property, and began planning. They would like to build fifty-four, two-story duplexes. The investment will be around \$20 million. The duplexes will be high-end rental property of around \$1,600-\$1,900 a month rent and will be part of a Homeowner Association (HOA). The grounds will be maintained by a Property Management Group. Mr. Wade explained that he wants the best for this neighborhood and the residents in the area. He also stated that he will use as many local contractors as he can.

Laronda Lovel, 3801 Duckhorn, stated that her bedroom is 40' to 50' away from the street and she was concerned about people running into her house. She also expressed concern about increased traffic, too many rentals in the area, and the danger of children playing, and the condition of the roads in the area.

Mayor Haynes explained that this meeting is to decide the zoning, the Planning and Zoning Commission will discuss plating and will be where the ingress and egress of the proposed project could be discussed.

David Ator, 3601 Surrey Lane, requested that the zoning stay R-1 Single Family Residential because he would like the neighborhood to stay quiet. He stated that the roads are not in good enough condition to add additional traffic.

Mayor Haynes closed the public hearing and asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Miller, seconded by McMillian,

to approve the ordinance on first reading for a request to change the zoning classification of Abstract 576, Survey 278, Blocks 18 and 19, Kerr County School Land, 15.08 acres, located between the boundary roads of Mustang Drive and Sam Houston Drive; Horseshoe Trail and Longhorn Lane; from R-1 Single Family Residential District to R-2 Two Family Residential District. Upon vote, the motion carried unanimously.

ORDINANCE NO. 23-

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF ABSTRACT 576, SURVEY 278, BLOCKS 18 AND 19, KERR COUNTY SCHOOL LAND, 15.08 ACRES, LOCATED BETWEEN THE BOUNDARY ROADS OF MUSTANG DRIVE AND SAM HOUSTON DRIVE; HORSESHOE TRAIL AND LONGHORN LANE, FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2 TWO FAMILY RESIDENTIAL DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

ORDINANCES AND RESOLUTIONS:

Consider a resolution declaring excess medical supplies as surplus property to be donated to local educational institutions for training purposes.

Director of the Brownwood/Brown County Health Department, Lisa Dick, stated that Syringes were acquired at no cost to the City of Brownwood or Brownwood-Brown County Health Department, during the COVID-19 Pandemic Response. The Health Department does not use this size of needles for current services offered.

A motion was made by Willey, seconded by Nowowiejski, to approve a resolution declaring excess medical supplies as surplus property (80 boxes of 3mm syringes with needles) to be donated to local educational institutions for training purposes. Upon vote, the motion carried unanimously.

RESOLUTION NO. R-23-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, DECLARING EXCESS MEDICAL SUPPLIES AS SURPLUS AND DONATING THEM TO LOCAL EDUCATIONAL INSTITUTIONS FOR TRAINING PURPOSES.

AGREEMENTS AND CONTRACTS:

Consider awarding an administration contract to Public Management, Inc. related to a Texas Parks and Wildlife Department Local Parks Grant.

Deputy City Manager, Marshal McIntosh, stated that the Texas Parks and Wildlife Department will accept grant applications on August 1, 2023, for the Non-Urban Outdoor Recreation grant (up to \$750,000). The program requires a minimum of \$1:\$1 match (cash, donations, in-kind) and typically have a 3-year contract term. Scoring for these grants has become increasingly *subjective* in recent years, with TPWD generally funding projects that are direct responses to extensive public engagement and have been well thought out. The selection of Riverside Park for the grant follows the City's Parks Master Plan that was recently completed. The grant project scope will be for park amenities, pavilion

reconstruction, bathroom remodeling, signage, potential dock improvements, picnic shelters, and other permissible amenities and improvements. This TPWD grant will essentially be Phase II of the Riverside Park project, to fund park amenities outside of the road reconstruction project through ARPA. As part of the application process, the City may have to complete additional community engagement activities. The City will also have to coordinate with the Texas Historical Commission and other agencies about specific environmental expectations prior to submitting the application. Finally, the City will need to prepare a construction budget and/or receive a quote to be submitted with the application. City Staff and Public Management will work to further identify the grant scope and exhibit to present for Council approval in July. In July, the Council will consider the adoption of a resolution to submit the application and prohibit drilling and mining in City parks, as required by the grant. Once funded, the project will have to follow applicable state and federal guidelines including environmental review, ADA compliance, and federal procurement. We have a strong ongoing relationship with Public Management, Inc. The proposed fee for the application preparation is a fixed fee of \$6,000.

A motion was made by Nowowiejski, seconded by Miller, to authorize the City Manager to sign an administration contract with Public Management, Inc. related to a Texas Parks and Wildlife Department Local Parks Grant. Upon vote, the motion carried unanimously.

CONSENT AGENDA:

Mayor Haynes asked if any items from the Consent Agenda needed to be removed for discussion. There being none, a motion was made by McMillian, seconded by Willey, to approve the items on the Consent Agenda as presented. Upon vote, the motion carried unanimously.

Consider an ordinance on second and third/final 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.

ORDINANCE NO. 23-04

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.

Consider authorizing the City Manager to sign an agreement and any subsequent addendums, amendments, and acceptance of additional funds during the term of the existing grant contract on behalf of Brownwood Brown County Health Department with Texas Department of State Health Services to continue providing Local Public Health Services to our community.

Consider authorizing the City Manager to sign an agreement and any subsequent addendums, amendments, and acceptance of additional funds during the term of the existing grant contract on behalf of Brownwood Brown County Health Department with Texas Department of State Health Services to continue providing Immunization services to our community.

REPORTS:

The City will be closed on June 19, 2023, in observance of Juneteenth.

EXECUTIVE SESSION:

Council convened into Executive Session at 10:06 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. Sale and Chapter 380 Agreement regarding 807 Main Street, 809 Main Street, 809 Booker, and 810 Booker.

Council reconvened into open session at 10:25 a.m.

ACTION TAKEN AS A RESULT OF THE EXECUTIVE SESSION:

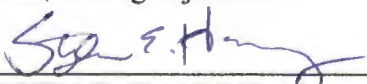
Section 551.071 – Consultation with Attorney

Section 551-072 – Deliberation Regarding Real Property

A motion was made by Willey, seconded by Miller, to approve a sales and Chapter 380 agreement with Common Grounds Coffeehouse, LLC for the sale of City property located at 807 Main Street, 809 Main Street, 809 Booker, and 810 Booker. Upon vote, the motion carried unanimously.

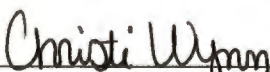
ADJOURNMENT:

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



STEPHEN E. HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary