

REGULAR CALLED MEETING
City Council
February 10, 2020

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Monday, February 10, 2020, 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	:	Councilman – Ward 1
Ed McMillian	:	Councilman – Ward 2
Larry Mathis	:	Councilman – Ward 3
Draco Miller	:	Councilman – Ward 4
Walker Willey	:	Councilman – Ward 5
Pat Chesser	:	City Attorney
Emily Crawford	:	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 Councilman McMillian.
INVOCATION:	Invocation was given by Councilman Willey.
ITEMS TO BE WITHDRAWN:	None
INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:	None
CITIZENS PRESENTATIONS:	None

ORDINANCES AND RESOLUTIONS:

Consider a resolution nominating Brownwood Regional Medical Center as a Texas Enterprise Zone Project.

Consider a resolution nominating 3M Company as a Texas Enterprise Zone Project.

Mayor Haynes requested both items be discussed. Executive Director of the Brownwood Municipal Development District, Ray Tipton stated that there are two resolutions for the designation of the Texas Enterprise Zone Program. The first is for Brownwood Regional Medical Center, and the second is for 3M Company. These are an economic development incentive from the Office of the Governor to promote job creation and capital investment in economically distressed areas of the state. The benefit of the Enterprise Zone Program designation is that a company is eligible to apply for state sales and use tax refunds on qualified expenditures. In order to get the refund, the company must report their capital investments, taxable purchases and number of jobs created or retained.

Brownwood Regional Medical Center is looking to invest \$21 million in the next five years and add sixty new jobs. 3M Company has an annual salary of around \$45 million and is our second largest employer. Both companies are in an Enterprise Zone and meet the

eligibility criteria. The application is a competitive process and twelve designations statewide are awarded each quarter. The nomination does not guarantee the company will be selected, nor does it require the local government entity to provide any additional incentives. A community can have up to six Enterprise Zone Project designations at any one time. BRMC was successfully designated as an Enterprise Zone Project in the past as well as 3M Company. Kohler was designated last year.

A motion was made by Mathis, seconded by Jones, to approve a resolution nominating Brownwood Regional Medical Center as a Texas Enterprise Zone Project. Upon vote, motion carried unanimously.

RESOLUTION NO. R-20-03

A motion was made by Willey, seconded by McMillian, to approve a resolution nominating 3M Company as a Texas Enterprise Zone Project. Upon vote, motion carried unanimously.

RESOLUTION NO. R-20-04

A Resolution of the City of Brownwood, Texas, nominating 3M Company to the Office of the Governor, Economic Development and Tourism (“OOGEDT”) through the Economic Development Bank (“Bank”) for designation as a qualified business and an enterprise project (“Project”) under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (“Act”); and providing an effective date.

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Jones, to approve the minutes of the Workshop or Special Called Meeting on January 21, 2020, State of the City Address on January 24, 2020, and a Regular Called Meeting on January 28, 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 McMillian, seconded by Mathis, that the Claims and Accounts dated through February 7, 2020, be approved for payment as submitted. Upon vote, motion carried unanimously.

REQUESTS AND PRESENTATIONS:

Consider a request from the Central Texas Veterans Memorial Committee for the group to build a restroom at Camp Bowie Memorial Park, and for the City to provide water and sewer services.

Dennis Rumfield stated that it is their goal to help future generations remember and pay tribute to the veterans. He stated that he has spoken to many people at the City regarding the project and has been provided restroom plans from the Engineering Department. He has also worked with Weakley Watson – Ace Hardware for playground equipment and WT Harris Company to provide the base material. Mr. Rumfield requested the City to help with installing sewer and water lines, to provide hauling of the base donated by the WT

Harris Company, and to provide help digging and covering up a trench for both sewer/water, and electrical lines. Councilman Jones stated that he would donate and install ceramic flooring for the restroom. Mayor Haynes stated that the only item before Council is for water and sewer services. Mrs. Crawford stated that the rest could be handled administratively.

A motion was made by Mathis, seconded by Jones, to approve the request from the Central Texas Veterans Memorial Committee for the group to build a restroom at Camp Bowie Memorial Park, and for the City to provide water and sewer services. Upon vote, motion carried unanimously.

PUBLIC HEARING:

Consider an ordinance on first reading to change the zoning classification of the Bailey Addition, Block 16, Lot 8, also known as BCAD property ID 50232 (located at the corner of Austin Avenue and Hall Street) from R-2 Two-family Residential District to C-1 Local Business District.

Director of Development Services, Tim Murray stated that the Planning and Zoning Board met on January 9, 2020, to discuss and vote on Ms. Erma Hall's request to rezone Property ID# 50232 (located at the corner of Hall Street and Austin Avenue) from R-2 Two-Family Residential District to C-1 Local Business District. Ms. Hall had made the request for the zoning change so that she would be compliant in placing and operating a food trailer on the property. After hearing comments from citizens, some were in favor of the zoning change and some were against, the P&Z Board voted 5 to 2 to deny the request for the zoning change. Following the denial of the requested zoning change, Ms. Hall 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 Planning and Zoning 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 refile, 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.

Mayor Haynes opened the public hearing for both properties as they are contiguous. The second property is listed as follows:

Consider an ordinance on first reading to change the zoning classification of the Bailey Addition, Block 16, Lot 7, also known as BCAD property ID 50231 (located at the corner of Almond Street and Beaver Street) and Bailey Addition, Block 16, Lot 6 also known as 709 Almond Street, BCAD property ID 50230 from R-2 Two-family Residential District to C-1 Local Business District.

No one from the audience desired to speak on either item. Mrs. Hall addressed the Council and stated that she has followed the chain of command in speaking with her Councilman and different people in the City. At the Planning and Zoning Meeting, there were concerns

regarding commercial property being near the park and in a residential neighborhood, and regarding traffic. She submitted an open records request to TxDOT and Brownwood Police Department requesting the number of accidents in that area. TxDOT responded that there were none. Brownwood Police Department responded that there have been two in the area since January 2017 but not at the intersection of Hall Street and Austin Avenue. Mrs. Hall stated that out of twenty-seven houses in the neighborhood, she had support from twenty-three. Mrs. Hall passed around pictures of a new food truck she purchased. She stated that she would like to be able to go outside the gate of her house to the property at Austin and Hall, set up her food truck or be able to check on the truck if someone else is running it for her. Mrs. Hall explained that she will not have the truck at the location permanently but would like to be able to set up during events or times when the park is busy. Councilman Willey asked how Mrs. Hall planned to utilize all three lots. Mrs. Hall stated that her first priority was the property at Austin and Hall, and then she would like to have an option to expand to the other lots. The property at Beaver and Austin will require a house to be torn down and the lot to be cleaned. Mayor Haynes expressed concern with changing residential property to commercial property because once the property is rezoned, the residents lose control of what type of business enters their neighborhood. He gave an example of the RV park at Riverside Park. It was a re-zone that passed that he was not in favor of but has done well so far. There was discussion about the former property that Mrs. Hall had rezoned for the food trailer. Mrs. Hall stated that the location did not work because it was not visible. Councilman Miller expressed opposition to change the zoning for a food truck. Councilmen McMillian and Jones walked the area asking residents how they felt about the zoning change and found no one in opposition. After discussion Councilmen Willey and McMillian stated that they were more in favor of seeing Austin and Hall rezoned than the other properties requested as it is a better location for her business.

Mayor Haynes closed the public hearing and asked the City Secretary to read the ordinance. A motion was made by Willey, seconded by McMillian, to approve the ordinance on *first reading* to change the zoning classification of the Bailey Addition, Block 16, Lot 8, also known as BCAD property ID 50232 (located at the corner of Austin Avenue and Hall Street) from R-2 Two-family Residential District to C-1 Local Business District. Upon vote, motion carried as follows:

For: Jones, Mathis, McMillian, Willey **Against:** Miller

ORDINANCE NO. 20-

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF BCAD PROPERTY ID NUMBER 50232, OF THE BAILEY ADDITION, BLOCK 16, LOT 8, LOCATED AT THE CORNER OF AUSTIN AVENUE AND HALL STREET, FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-1 LOCAL BUSINESS DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

Councilman Mathis stated that he would like to see how the location of Austin and Hall works out before agreeing to rezone the other properties. Mayor Haynes asked the City Secretary to read the ordinance. A motion was made by Mathis, seconded by Willey, to

deny the ordinance to change the zoning classification of the Bailey Addition, Block 16, Lot 7, also known as BCAD property ID 50231 (located at the corner of Almond Street and Beaver Street) and Bailey Addition, Block 16, Lot 6 also known as 709 Almond Street, BCAD property ID 50230 from R-2 Two-family Residential District to C-1 Local Business District, without prejudice. Upon vote, motion carried as follows:

For: Mathis, Miller, Willey **Against:** Jones, McMillian

ORDINANCE NO. 20-

D
E
N
I
E
D
w/o
prejudice

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF BCAD PROPERTY ID NUMBER 50231, OF THE BAILEY ADDITION, BLOCK 16, LOT 7, LOCATED AT THE CORNER OF ALMOND STREET AND BEAVER STREET, AND BCAD PROPERTY ID NUMBER 50230, OF THE BAILEY ADDITION, BLOCK 16, LOT 6, ALSO KNOWN AS 709 ALMOND STREET, FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-1 LOCAL BUSINESS DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

REPORTS:

Budgetary Control Report

Finance Director Middleton presented the City’s Budgetary Control Report for the year ending December 31, 2019, 25% complete, which included: 1) Budget Summary - surplus of \$841,653 last year we had a deficit of -\$112,412. 2) Summary of Revenue – we have collected 24.06% of revenue. Ad Valorem Tax – we are up around \$260,000 over last year. Sewer revenue is down around \$46,000 from last year, Sanitation and Landfill rates are both up around \$148,000 from last year. Total revenue is up \$977,000 over last year. 3) Expenditures – The City’s operating expenses were at 21.74% of the budget. 4) Sales Tax Analysis through January – January had a -2.4%, but the previous three months were all ahead and we are \$139,156 ahead of last year and ahead \$60,110 compared to budget. 5) Water Consumption and Sales Analysis – We were up 27.5% in Units of Consumption sold compared to last year. Actual sales were up \$414,042 or 24.8%. We are up 8.2% or \$158,316 compared to budget. 6) Comparative Investment Balance Analysis - There are 74 days in operating funds compared to 60 days last year.

IT Report

Director of IT, Richard McCarter, reported that our software blocks millions of virus attempts, as well as spyware and other multimedia attacks. Accomplishments include: Upgrading all computers to Office 365 Suite; Upgraded to Incode for Human Resources, Finance, and Utility Billing; Implemented the Watch Guard body camera system for the Police Department; Upgraded 20 handheld radios for Fire and Police Departments; and answered 8400 support email requests.

Human Resources Report

Director of Human Resources, David Dalleh, reported that there were 132 total employment postings 2019, down by 11 from 2018. There was one Civil Service Entrance exam for the Fire Department, and three for the Police Department. There were 115 total

employees hired with 53 full-time. That is down 14 from 2018. Terminations, resignations, and retirements were 45 full-time and 5 retirements, down 33 from 2018. Accomplishments included training for all employees, especially new supervisors.

Finance Report

Assistant Finance Director, Melanie Larose, reported that Finance produced 7,831 payroll checks, up 551 from 2018. Collected and processed 2,882 credit card receipts, up 382. In Purchasing they distributed 155,594 units from inventory at the warehouse. They completed 5,206 purchase orders, down 416 from 2018. Processed 36 capital budget requests, down 7. In Utility Billing they set up 269 customers for e-billing, up 103 from 2018. Processed 14,989 web payments, up 1,743. Drafted 7,794 checking accounts, up 931. Drafted 3,178 credit cards, up 447. Posted 4,097 payments towards beautification, down 750. Accomplishments included the Incode software upgrade for all three departments. Despite the software upgrade, they completed the financial audit quicker than before. They began accepting credit cards at the Aquatic Center and Adams Street Community Center. They set up online vendor registration.

City Secretary Report

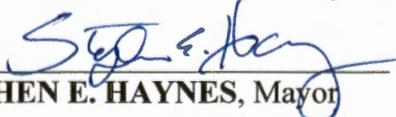
City Secretary, Christi Wynn, reported that she attended 87 City Meetings where minutes were taken. Responded to 156 Open Records Requests. She continues to work with city departments on scanning projects and document retention schedules. Accomplishments included that she was chosen to serve as a Trustee on the Texas Municipal Clerks Association Executive Board. She was nominated for the Texas Municipal Clerk of the Year with only sixteen people being nominated in the State.

Engineering Report

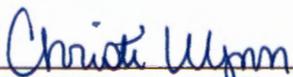
Engineering Tech, Travis Pierce, reported that they received 38 subpoenas and requests for drug-free zone maps from the District Attorney's Office, down 18 from 2018. They were required to give 10 testimonies in District Court for drug-free zone cases, down 4. They performed 247 base density tests to prevent potholes and road failures in alleyways and streets, up 43. Accomplishments included Baker Street sidewalk improvements and installation of decorative streetlights. Milam Drive improvements from Indian Creek to Mustang Drive. Installed pavilion in Mayes Park. Northwest Elementary traffic improvements. And they support BMDD and other internal departments on research and design on numerous projects.

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