

REGULAR CALLED MEETING
City Council
May 24, 2022

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, May 24, 2022, 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 Miller	:	Councilmember Ward 4
Walker Willey	:	Councilmember 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 Councilmember Jones.

INVOCATION: Invocation was given by Councilmember Miller.

ITEMS TO BE WITHDRAWN: City Manager Crawford removed item 14A COVID-19 and Vaccination Update (report). Lisa Dick was unable to attend the meeting.

CITIZENS PRESENTATIONS:

Susie Cantu Flores representing the Strategic Alliance for Leadership and Social Action (SALSA) addressed Council to request several improvements for Wiggins Park be considered for inclusion in the 2022/23 Budget: Parking – secure property in the immediate vicinity to build a parking lot. Curbing to be laid the length of the park property line on three sides along Chestnut, Victoria, and Edwards Streets. Shelter / Pavilion – they request a 40' x 60' multi-purpose shelter with seating for 60-80 people. Infrastructural Improvements – resurfacing the entire length of Melwood Avenue including curbing and sidewalks on both sides of the street. They request State and Federal funds to be used to rebuild Adams Branch from the Round Mountain reservoir to and past the Coleman Avenue bridge, which also should be rebuilt.

OATH OF OFFICE:

The Oath of Office will be given to Councilmember Draco Miller.

City Secretary, Christi Wynn, gave the Oath of Office to Ward 4 Councilmember, Draco Miller.

APPROVAL OF MINUTES:

A motion was made by McMillian, seconded by Nowowiejski, to approve the minutes of the Regular Called Meeting on May 10, 2022, and the Special Called Meeting on May 17, 2022, as presented. Upon vote, 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 Miller, that the Claims and Accounts dated through May 20, 2022, be approved for payment as submitted. Upon vote, motion carried unanimously.

PUBLIC HEARING:

Conduct a public hearing and consider an ordinance on first reading for a temporary moratorium for City acceptance of applications or plans and the issuance of permits and/or special exceptions for the placement of towers supporting wireless telecommunications facilities in non-residential zoning districts in the City limits.

Mayor Haynes opened the public hearing. City Attorney, Pat Chesser, stated that the City has recently experienced a situation where a number of people who resided in an M-1 Zoning District, which allows the construction of towers to support wireless telecommunications facilities, expressed their concern over the construction of a tower close to their homes. The City has numerous residential structures and homes located in industrial and commercial districts which could pose problems and/or concerns about safety and the location of towers nearby. Currently, towers are not allowed to be built in residential zoning districts. They are permitted as a right of use in M-1 and M-2 Zoning Districts and are permitted after a special exception is granted in Commercial Zoning Districts. The setback requirements for a tower are that the tower must be located at least the height of the tower from a residential zone boundary line. Since these homes are located in non-residential zoning districts there is no setback requirement for their home. To preserve the status quo, the City may enact a temporary moratorium on the development of towers to allow us time to amend our zoning ordinance to address setbacks and other tower development regulations. To adopt a moratorium on issuing permits or other authorizations to build towers, the City must comply with certain notice and hearing procedures (two public hearings, one in front of the Council and one in front of the Planning and Zoning Commission) and make written findings of fact justifying the moratorium. The fifth business day after notice of the first public hearing is published, a temporary moratorium takes effect during which the City may stop accepting permits, authorizations, and approvals necessary for the placement of towers in non-residential zoning districts (CN, C-1, C-2, C-2a, M-1, M-2, CU, CO, A-1). To continue the temporary moratorium beyond the 5th day, the City must adopt the ordinance on two readings (at least 4 days apart) within 12 days of the first public hearing. The temporary moratorium implemented by this ordinance does not apply to the development application or plan and/or for placement of a tower in a non-residential zoning district provided the tower is located a minimum of one thousand (1,000) feet from the nearest residential zoning district boundary or line, and/or the nearest residential home or structure used for or designed as a residence, including,

without limitation, duplexes, multi-family structures, and other residential structures. The temporary moratorium expires upon the failure to adopt a moratorium within twelve days of the first public hearing. The City is conducting the first public hearing today and the Planning and Zoning Commission will hold a public hearing on the 26th of May. The temporary moratorium will last 90 days after the adoption of the ordinance. The moratorium may be extended by Council for another 90 days if certain procedures are followed.

Mayor Haynes asked if anyone wanted to address the Council regarding this item. No one came forward either for or against; Mayor Haynes closed the public hearing and requested the ordinance be read by the City Secretary. After the reading of the ordinance, a motion was made by Willey, seconded by McMillian, to approve the ordinance on first reading and enact a temporary moratorium on the City acceptance of applications or plans and the issuance of permits and/or special exceptions for the placement of towers supporting wireless telecommunications facilities in non-residential zoning districts in the City limits of Brownwood. Upon vote, motion carried unanimously.

ORDINANCE 22-_____

AN ORDINANCE OF THE CITY OF BROWNWOOD, TEXAS, (“CITY”) ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS OR PLANS AND THE ISSUANCE OF PERMITS AND/OR SPECIAL EXCEPTIONS FOR THE PLACEMENT OF TOWERS SUPPORTING WIRELESS TELECOMMUNICATIONS FACILITIES IN NON-RESIDENTIAL ZONING DISTRICTS IN THE CITY LIMITS OF BROWNWOOD; PROVIDING FOR FINDINGS OF FACT; DEFINITIONS; APPLICABILITY; ENACTMENT; DURATION; EXTENSION; EXCEPTIONS AND EXEMPTIONS; DETERMINATIONS AND APPEALS; REPEALER; SEVERABILITY; ENFORCEMENT; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

REQUESTS AND PRESENTATIONS:

Consider authorizing a budget amendment for the purchase of a rebuilt blower block for the aeration basins #1 blower at the Waste Water Treatment Plant and fund up to \$17,400.

Director of Public Works, Henry Wied, stated that the extended aeration basins at the WWTP have five blowers that are utilized to keep the oxygen levels in the basin at acceptable levels. These units have been in operation since 2017 with two or three of them running every day continuously accumulating approximately 526,600 hours of run time to date. The #1 blower has had some issues since it was installed all of which have been covered by a warranty, which has now expired. At the first of the year, staff found the unit locked up; the blower block was removed and sent to the manufacturer to determine the problem and to get a quote for repairs. Kaeser determined that the unit would have to be refurbished or replaced, as follows: New complete unit - \$127,000; Typical cost of a new block - \$21,000; New block special pricing - \$14,730.10; Installation charges - \$1,417.25; Freight - \$1,200. The price for the rebuilt blower block is good until June 1st and the factory warranty is two years. The WWTP equipment budget that would normally cover these costs has approximately \$6,000 remaining as of May 1, 2022.

City Manager, Crawford asked if Council would rather simply go over-budget on the equipment maintenance line item or approve a budget amendment. Mayor Haynes expressed his desire to approve a budget amendment.

A motion was made by Jones, seconded by Miller, to authorize a budget amendment for the purchase of a rebuilt blower block for the aeration basins #1 blower at the Waste Water Treatment Plant and fund up to \$17,400. Upon vote, motion carried unanimously.

Consider authorizing an agreement with Common Grounds Coffeehouse, LLC for the parking and display of a 1944 Mack Fire Engine at the new Common Grounds Coffeehouse located at 809 Main Street.

Assistant Fire Chief, Jody Horton, stated that the City currently owns a 1944 Mack Fire Engine that was on display at the Martin and Frances Lehnis Railroad Museum for many years. Storage at the Museum was recently lost due to the growth of the Train Museum and the engine is currently sitting outside of the Fire Station in the elements. This fire engine has a long history of service to the City of Brownwood and should remain a part of Brownwood's history. Unfortunately, due to being stored in the elements for many years, the engine has fallen into disrepair and is currently not in running condition. Marco Sandoval, owner of Common Grounds Coffeehouse, has requested to display the fire engine inside of the newly remodeled coffeehouse located in the old City Fire Station at 809 Main Street. Much like an artifact on loan from a museum, the City would maintain ownership of the fire engine and place the apparatus in the care of Mr. Sandoval to help preserve the historical significance of this important piece of department history.

Mayor Haynes asked Mr. Sandoval when they anticipated opening. Mr. Sandoval stated that they are estimated to be open the second week in June.

A motion was made by Willey, seconded by Nowowiejski, to authorize the loan of a 1944 Mack Fire Engine to Marco Sandoval, owner of Common Grounds Coffeehouse, LLC. Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:

Consider a resolution declaring surplus property and declaring disposition of items.

Director of Public Works, Henry Wied, stated that the City has accumulated numerous old vehicles and equipment that are beyond repair, which have been replaced or are no longer needed. Staff requests that council allow these vehicles, equipment, and furniture to either be sold or scrapped. The Health Department would like to donate some old furniture to the Ark, namely a desk, a computer table, 15 office chairs, a table, a small bookshelf, and a roll-around file. We are recommending that the proceeds be combined into a special purpose fund that will be designated for improvements to the Service Center. Some examples of use are for paving the yard, replacing windows and doors, updating workspaces, updating bathrooms, creating new workspaces, install fencing, improvements to the landscape, and to acquire a back access to the yard from Crockett Drive. The Service Center supports all City departments and is one of the last City facilities that has not had any significant repairs or improvements. Expenditures over \$10,000 will be brought to the

Council for approval. The City is looking at changing uniform vendors. There may be a termination fee for changing vendors. Should that occur, we would like to pay the fee from surplus revenues. Additionally, we are working on establishing a boot program to provide safe footwear for employees who work in dangerous conditions. We currently do not provide boots and would like to use surplus funds to start the program. We will present the program to the Council when developed.

A motion was made by Nowowiejski, seconded by McMillian to approve a resolution declaring old City vehicles, office furniture, and equipment as surplus property and authorizing staff to sell, scrap, or donate specific items to The Ark. The proceeds from the sale of the surplus property shall be combined into a special purpose fund designated for the improvements to the Service Center and personnel protective equipment. Upon vote, motion carried unanimously.

RESOLUTION NO. R-22-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, DECLARING THE ITEMS LISTED IN THIS RESOLUTION AS SURPLUS PROPERTY AND AUTHORIZING THE DISPOSITION OF SAME.

CONSENT AGENDA:

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

Consider an ordinance on second and third/final reading to change the zoning classification of 831 Burkett Street, being the Mamie Johnson Subdivision, Lot 6, Thames Thompson, Block B, Lots 1-6, 13.74 Acres, from M-H Manufactured /Mobile Home District to A-1 Agriculture District.

ORDINANCE NO. 22-08

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF 831 BURKETT STREET, BEING THE MAMIE JOHNSON SUBDIVISION, LOT 6, THAMES THOMPSON, BLOCK B, LOTS 1-6, ACRES 13.74, FROM M-H MANUFACTURED/MOBILE HOME DISTRICT TO A-1 AGRICULTURAL DISTRICT; 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, or acceptance of additional funds during the term of the existing grant contract on behalf of Brownwood Brown County Health Department with the Texas Department of State Health Services to continue providing Immunization services to our community in the amount of \$134,565.

Consider ratification of the Brownwood Municipal Development District Board to approve a Building Improvement Incentive Program grant to Heart of Texas Salon Enterprises not to exceed \$14,415 for a property located at 1601 Coggin Avenue.

Budgetary Control Report

Finance Director, Melanie Larose, presented the Budgetary Control Report through April 30, 2022. This represents seven months of our fiscal year and is 58.3% complete. The Budget Summary shows we are operating with a surplus of \$3,212,320. The Summary of Revenue shows we have collected \$23,512,830 in the General Fund or 64.32%. It is normal to show more revenue for this time of year because we have already collected property taxes. The Total Revenue graph showed Ad Valorem Tax at 27%, Sales Tax revenue at 17%, Water revenue at 16%, Sewer revenue at 10%, Sanitation revenue at 9%, and Landfill gate revenue at 8%. Expenses were \$20,300,511 or 55.53%. The Total Expenditures graph shows Police at 15%, Water at 14%, and Fire at 12%. The Comparative Investment Balance shows we have \$12,855,078 in operating funds. Total investments were \$14,787,037. The number of days in reserves is 128 compared to last year's number of 87. Sales Tax analysis through May shows we have collected \$4,471,002. We are up compared to what we budgeted for by \$393,530 or 9.7% and compared to last year, we are up \$257,379 or 6.1%. The Water Consumption and Sales Analysis show we have collected \$3,665,242 and we are up \$149,148 or 4.2% compared to last year and we are up \$145,283 or 4.1% compared to budget.

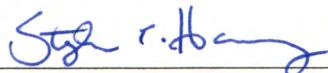
Mayor Haynes announced the following:

City closed for Memorial Day, May 30, 2022

Special Called Council Meeting, May 31, 2022, 4:00 p.m.

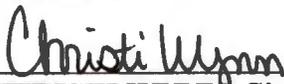
ADJOURNMENT:

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



STEPHEN E. HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary