

**REGULAR CALLED MEETING**  
**City Council**  
**June 14, 2022**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, June 14, 2022, 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>Draco Miller</b>	:	<b>Councilmember Ward 4</b>
<b>Walker Willey</b>	:	<b>Councilmember Ward 5</b>
<b>Emily Crawford</b>	:	<b>City Manager</b>
<b>Pat Chesser</b>	:	<b>City Attorney</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 Miller.

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

**ITEMS TO BE WITHDRAWN:** The re-recognition of the Brownwood Police Department item was withdrawn from the agenda because the certificate has not yet been received. This item will be on the next agenda.

**CITIZENS PRESENTATIONS:** None

**APPROVAL OF MINUTES:**

A motion was made by Miller, seconded by Jones, to approve the minutes of the Special Called Workshop on May 23, 2022; the Regular Called Meeting on May 24, 2022, and the Special Called Meeting on May 31, 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 Willey, that the Claims and Accounts dated through June 10, 2022, be approved for payment as submitted. Upon vote, motion carried unanimously.

**REQUESTS AND PRESENTATIONS:**

**Present findings from citizen concerns about truck traffic on Fourteenth Street and provide options for discussion.**

Police Chief, Edward Kading, stated that the City of Brownwood has received several citizen complaints regarding large trucks (18-wheelers) traveling on 14<sup>th</sup> Street which is predominantly a residential area. City ordinance signs are posted at various points on 14<sup>th</sup> Street, prohibiting trucks over 7000 pounds empty weight. The first sign is at the intersection of FM 2376 and Stephen F. Austin, warning of a load-zoned street approaching. The second sign is located at 14<sup>th</sup> Street and Asbury, designating the start of the load-zoned roadway. The load-zoned road continues along 14<sup>th</sup>/15<sup>th</sup> Streets across Coggin Avenue to Highway 377. In reviewing City Ordinances, commercial vehicles are limited in reference to mainly Chapter 66 (66.45) which restricts a driver “leaving, parking or standing” on certain roadways, a vehicle with a rated capacity of more than one ton. No reference is made in this ordinance restricting large trucks from traveling on a roadway. The City Ordinance refers to vehicles ‘in excess of’ one ton while the posted street sign specifies over 7000 lbs. empty weight. For reference, one-ton equals 2000 lbs., and vehicles reaching 7000 lbs. empty weight would include large ‘dually’ style pickups, motorhomes, and FedEx or UPS delivery trucks. Chief Kading suggests addressing the concern of large trucks traveling on 14<sup>th</sup> Street and the vague City Ordinance reference by amending the City Ordinance to restrict the number of axles able to utilize the roadway and add the word ‘traveling’ to the list of restricted actions. Such restrictions will be easier to enforce than weight-related limits.

Mike Blagg, the resident of 1804 14<sup>th</sup> Street, addressed the Council stating that the large trucks pose safety hazards, wear out the street faster, and may hinder emergency responders from getting to their destination quickly. There was discussion about the trucks not being able to maneuver the sharp S curve without entering the oncoming lane.

Council discussed solutions including speaking to the industries in the area and asking them to re-route truck traffic to US Highway 377 and other route options. They asked for an ordinance addressing the number of axles on designated streets be presented for consideration, that includes exceptions for delivery trucks and moving trucks.

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

##### **Consider an ordinance on first reading amending the City’s Code of Ordinances by adding in Chapter 10, Article IV, entitled Game Rooms and Amusement Redemption Machines.**

Director of Development Services, Tim Murray, stated that the permitting department has seen an increase in inquiries into the rules and regulations about the operation of Game Rooms inside the city limits of Brownwood. Currently, the City does not have an ordinance that speaks directly to the permitting or operation of such Game Rooms. The Texas Penal Code, Chapter 47, makes most forms of gambling illegal including betting money or anything else of value on the outcome of a card game or any game of chance. Our local Law Enforcement has investigated and shut down approximately 10 (gambling) game rooms within the city limits of Brownwood that were in direct violation of Chapter 47 of the Texas Penal Code. The investigations are lengthy, involve several officers, and require overtime to conduct and complete, costing the City several thousand dollars. In addition, this type of business attracts persons that struggle with a variety of addictions including

gambling and drugs. Several investigations involving the purchase, delivery, or use of illegal drugs have been conducted at various game rooms in Brownwood. There have also been firearm incidents involving two game rooms in Brown County (one in Early and one at Lake Brownwood). An amendment of Chapter 10 and the addition of an Article IV entitled Game Rooms and Amusement Redemption Machines would not prohibit game rooms in Brownwood but would address the rules and regulations to be followed to obtain a permit to open a Game Room establishment inside the City limits. Some other cities and counties that have adopted similar game room ordinances include the City of Ballinger, City of Victoria, City of Coleman, City of Odessa, City of Corpus Christi, Harris County, Bell County, and Tarrant County. Mr. Murray stated that most of the time the locations requesting the permits are being leased. The Code Department has begun asking the property owner to come in to obtain the permit since it is their property that can be seized for the duration of the investigation. Most of the property owners do not wish to move forward with the permitting. There are currently two game rooms inside the City Limits.

Mayor Haynes asked if a special zone could be created for these establishments. Mr. Chesser advised that Game Rooms are permitted in commercial and manufacturing zones, but recent case law has made special zoning unenforceable. Councilman Willey noted that the proposed ordinance requires one parking space per gaming machine and does not allow blacked-out windows. Councilman McMillian noted that one Game Room currently in operation could not meet the proposed standards. Mr. Murray stated that the City of Victoria started with 120 game rooms and after adopting this ordinance, they are now down to three. Mayor Haynes requested a copy of the ordinance be given to Brown County. Mr. Murray stated he had already given them a copy. Council spoke about complaints they have received from neighboring businesses and residents of Game Room operations near them.

Mayor Haynes requested the ordinance be read by the City Secretary. After the reading of the ordinance, a motion was made by Willey, seconded by Jones, to approve the ordinance on first reading amending the City's Code of Ordinances by adding Chapter 10, Article IV, entitled Game Rooms and Amusement Redemption Machines. Upon vote, motion carried unanimously.

ORDINANCE NO. 22-

AN ORDINANCE AMENDING CHAPTER 10, AMUSEMENTS AND ENTERTAINMENTS, OF THE CITY OF BROWNWOOD CODE OF ORDINANCES BY ADDING AN ARTICLE IV., ENTITLED GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES; 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 a resolution suspending an Oncor Electric Delivery Company's application for approval of a distribution cost recovery factor to increase distribution rates within the City.**

City Attorney, Pat Chesser, stated that Oncor Electric Delivery Company filed an application around May 13, 2022, with cities retaining original jurisdiction seeking to

increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month. This resolution suspends the June 17, 2022, effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, and determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement, to pursue. The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

A motion was made by McMillian, seconded by Miller, to approve a resolution suspending an Oncor Electric Delivery Company's application for approval of a distribution cost recovery factor to increase distribution rates within the City. Upon vote, motion carried unanimously.

**RESOLUTION NO. R-22-15**

**RESOLUTION OF THE CITY OF BROWNWOOD SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; 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 FOR THE STEERING COMMITTEE.**

**CONSENT AGENDA:**

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

**Consider adopting a resolution authorizing the submission of a DRP grant application and designating authorized representatives.**

**RESOLUTION NO. R-22-16**

**A RESOLUTION OF THE CITY COUNCIL OF BROWNWOOD, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN REVITALIZATION PROGRAM FUND; AND AUTHORIZING THE**

**MAYOR AND THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**Consider adopting a resolution designating an area as having slum and blighted conditions.**

**RESOLUTION NO. R-22-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROWNWOOD, TEXAS, DETERMINING THAT AN AREA OF THE CITY CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND CONSTITUTES A SLUM AND BLIGHTED AREA.**

**REPORTS:**

**Postcards for Council**

City Manager Crawford stated that a postcard has been designed by City Staff to allow Council the opportunity to send it out to businesses or people that have made or are making a difference in our community.

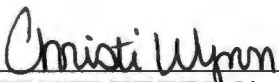
**The City will be closed on June 20, 2022, in observance of Juneteenth.**

**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