

**REGULAR CALLED MEETING
City Council
March 22, 2022**

The City Council of the City of Brownwood, Texas, met in a Regular Called Meeting on Tuesday, March 22, 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 McMillian.
INVOCATION: Invocation was given by Councilmember Willey.
ITEMS TO BE WITHDRAWN: None

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITIONS:
Members of the Council recognized Fire Chief, Eric Hicks and Assistant Fire Chief, Jody Horton, and thanked the Fire Department for their work during the fires.

Councilmember McMillian stated that former City of Brownwood Plumbing Inspector, Jerry Burnett, passed away.

CITIZENS PRESENTATIONS:
Jim Ketchum with Advantage Office Supply requested a designated loading zone in front of his business, with a parking time limit of fifteen minutes. The back entrance to the business is too rough to accept the delivery of furniture. Mayor Haynes asked if it could be certain hours of the day. Mr. Ketchum stated that deliveries come at all times of the day. Mayor Haynes asked City Staff to look at this request.

APPROVAL OF MINUTES:
A motion was made by Nowowiejski, seconded by Miller, to approve the minutes of the Regular Called Meeting on March 7, 2022, as presented. Upon vote, motion carried unanimously.

CLAIMS AND ACCOUNTS:

Assistant Finance Director, Leah Thomas was available for questions regarding the checklist. A motion was made by Willey, seconded by McMillian, that the Claims and Accounts dated through March 18, 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 to change the zoning classification of 2708 Avenue C, being Block 13, Lot 4, Part 3, of the Hillcrest Addition, from M-H Manufactured/Mobile Home District to C-1 Local Business District.

Mayor Haynes opened the public hearing.

Director of Development Services, Tim Murray, stated that the Planning and Zoning Board met on February 3, 2022, to discuss and vote on property owner Jesus Villanueva's request to re-zone the property located at 2708 Avenue C. A presentation was made by Mr. Villanueva requesting the described property be re-zoned to allow for the construction of a multi-family housing unit. Properties on both sides of the requested location, as well as behind the property are all zoned C-1. The Planning and Zoning Board voted unanimously to approve the zoning change request from MH to C-1. Mayor Haynes asked if there was a less restrictive zone that would allow for the multi-family structure. After discussion, Mayor Haynes suggested the property be zoned R-3 Multi-family Residential District, rather than C-1 Local Business District. This neighborhood and its surroundings consist of residential homes.

Mayor Haynes closed the public hearing. A motion was made by Nowowiejski, seconded by McMillian, to reject the proposal for C-1 Local Business District zoning and approve an ordinance on first reading changing the zoning classification of 2708 and 2702 Avenue C, being Block 13, Lot 4, Part 3, of the Hillcrest Addition, from M-H Manufactured/Mobile Home District to R-3 Multi-family Residential District. Upon vote, motion carried unanimously.

ORDINANCE NO. 22-

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF BROWNWOOD, TEXAS, CHANGING THE ZONING CLASSIFICATION OF 2708 AVENUE C, BEING BLOCK 13, LOT 4, PART 3, OF THE HILLCREST ADDITION, FROM M-H MANUFACTURED/MOBILE HOME DISTRICT TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

REQUESTS AND PRESENTATIONS:

Present findings of traffic accidents and make recommendations for the intersection of Fourth Street and Phillips Street.

Police Chief, Ed Kading, stated that the Brownwood Police Department conducted research on reported traffic accidents over the past several years at the intersection of 4th and Phillips. In 2015, there were two reported accidents and one each in 2016 and 2020 on

Phillips at 2nd Street. This intersection is quite congested before and after school at Woodland Heights, but at very low speeds. Looking at the intersection, you can see a slight obstruction from tree branches that should be trimmed. Another option is for the City to install orange reflective panels on each of the stop signs for a total cost of \$30. The Police Department will also place this intersection on its patrol action plan to monitor compliance by vehicles at the four-way stop.

Consider accepting a cash donation from Buckmaster's Brownwood Chapter for the Brownwood Fire Department to be used for future equipment purchases.

Assistant Fire Chief, Jody Horton, introduced Larry Hart with the Buckmaster's Brownwood Chapter. On March 2, 2022, a donation of \$1,500 was received from Larry Hart with the Buckmaster's Brownwood Chapter. The Local Chapter is a group of caring individuals dedicated to helping disabled/terminally ill youth go on hunts of a lifetime by making the sport of hunting accessible to disabled hunters.

Buckmaster's National Director, Larry Hart spoke about the chapter, their work, and how much they put back into the local economy.

A motion was made by McMillian, seconded by Miller, to accept the cash donation from Buckmaster's Brownwood Chapter for the Brownwood Fire Department to be used for future equipment purchases. Upon vote, motion carried unanimously.

Consider ratification of the Brownwood Municipal Development District Board action to approve a Downtown Retail Opportunity Program grant to JGAL Properties not to exceed \$40,000 for a property located in the 200 block of Fisk Street.

Director of Brownwood Municipal Development District, Ray Tipton, stated that the BMDD launched the Downtown Retail Opportunity (DRO) Program in February to incentivize investors and developers to convert buildings that are not usable as retail space into move-in-ready buildings. The hope is to provide businesses moving into the Downtown district easy entry into our market. Much like the Building Improvement Incentive Program grant, it provides for a matching grant for permanent improvements to the building, up to the approved amount. The main difference in the program is that the DRO Program does not have to be tied or scored with a particular business in mind. Mr. Tipton stated that James Galloway has purchased the building on the corner of Fisk Street and Baker which was the former Ranger College Cosmetology building. Mr. Galloway plans to renovate this building and convert it into five separate storefronts – 201/203/205 Fisk Street and 211/213 Baker Street. The unit at 211 Baker Street currently has a tenant which is occupied as Manila Kitchen Asian Market & Café and is around 1200 sq. ft. The four additional units will be renovated for 4 separate rentable spaces of various sizes. The three units facing Fisk will be designed for some type of retail or restaurant space and will be renovated with these types of tenants in mind. Since the application was submitted, the unit at 203 Fisk has secured a tenant – Twisted Axe – which will be an axe throwing business. Renovations for this project include new electrical, interior, and exterior paint, new doors (including a new door facing Baker on the 201 Fisk location), bathroom remodel, front window replacement, new HVAC, and new ceilings. The estimated costs

for the project will be \$114,000. Under the DRO Program, the maximum reimbursement allowed under the approved rules is \$25,000 for a single unit with additional bonus funds applied for the conversion of larger buildings to multi-tenant spaces. The BMDD board approved a 50% matching DRO Program incentive of \$25,000 for the first unit on Fisk and an additional \$7,500 per unit for the other Fisk locations for a total of \$40,000.

A motion was made by Miller, seconded by Willey, to the BMDD action to approve a Downtown Retail Opportunity Program grant to JGAL Properties not to exceed \$40,000 for a property located in the 200 block of Fisk Street. Upon vote, motion carried unanimously.

BIDS:

Consider awarding a bid for the installation of six new HVAC units and two gas heaters to Heart of Texas Mechanical for \$101,238.75 and authorize a budget amendment to utilize funds that had been earmarked for the TxCDBG Sewer Improvement Grant in the Wastewater Collection Department.

Director of Public Works, Henry Wied, stated that on January 26, 2022, City personnel solicited bids for the replacement/installation of six HVAC units and two gas heaters as follows: 1) Replacing the main RTU unit at the service center that services the front offices, existing ductwork can be reused, an in-line blower to be installed for the Utility Secretary's office. 2) Installing a new unit in the street dept breakroom, currently doesn't have one. 3) Replacing the unit at the garage, existing ductwork can be reused, need to add ductwork to the bathroom. 4) Replacing two units in the WWTP office and one unit in the WWTP laboratory, existing ductwork can be reused. 5) Replacing two old heaters in the warehouse with two newer used models that the City will provide. The City conducted a pre-bid meeting on February 28, 2022, and accepted bids on March 7, 2022. Only one bid was submitted by Heart of Texas Mechanical for \$101,238.75. Staff recommends accepting the bid submitted by Heart of Texas Mechanical utilizing the following funds: 40-21-08-66 \$36,306 monies budgeted for service center building improvements. 40-22-03-31 \$35,000 monies budgeted for the TxCDBG Sewer Improvement Grant. The grant may or may not be awarded this fiscal year, and staff recommends utilizing ARP monies to cover the City's portion of this grant if it is awarded. 40-23-08-66 \$15,000 capital monies budgeted for the WWTP A/C. 5-88-06-04 \$14,932.75 monies obtained through the auction of surplus equipment.

A motion was made by Willey, seconded by Jones, to award a bid for the installation of six new HVAC units and two gas heaters to Heart of Texas Mechanical for \$101,238.75 and authorize a budget amendment to utilize funds that had been earmarked for the TxCDBG Sewer Improvement Grant in the Wastewater Collection Department. Upon vote, motion carried unanimously.

Consider approving a quote for the installation of two new HVAC units for the Health Department, authorize a budget amendment for the emergency expenditure and request cost-sharing from Brown County for the units.

Director of Development Services, Tim Murray, stated that on March 10, 2022, he was contacted by Lisa Dick about the HVAC units at the Health Department not operating correctly. Heart of Texas Mechanical was contacted and asked to repair the HVAC system. Heart of Texas reported that one of the RTU units would only work in cooling mode and the other RTU would only work in heat mode. Replacement of both units was recommended. The 3-ton unit is approximately 23 years old, and the 2-ton unit is 19 years old. Mr. Murray contacted additional HVAC contractors, Roberts and Petty, Air Temp, 1 Source, and Tongate Services, via email, for additional quotes. No additional quotes were submitted.

A motion was made by McMillian, seconded by Willey, to approve the installation of two new HVAC units for the Health Department, authorize a budget amendment for the emergency expenditure, and request cost-sharing from Brown County for the units. Upon vote, motion carried unanimously.

ORDINANCES AND RESOLUTIONS:

Consider an ordinance on second and third/final reading closing an undeveloped alley located in the Rankin Addition, Block 14, between Main Street and Booker Street.

Gary Hurtado of Development Services stated that this item was approved on first reading at the January 11, 2022, Council meeting. After further investigation, the City discovered there are existing water and sewer utilities located within the 88' proposed alley closure. City Staff is in favor of moving forward with the requested closure with the understanding that we will retain a utility access easement in the deed to continue service to customers.

Mayor Haynes asked the City Secretary to read the ordinance. After the reading of the ordinance, a motion was made by Jones, seconded by McMillian, to approve the ordinance on second reading closing an undeveloped alley located in the Rankin Addition, Block 14, between Main Street and Booker Street with the City retaining a utility access easement. Upon vote, motion carried unanimously.

A motion was made by McMillian, seconded by Miller, to approve the ordinance on third/final reading closing an undeveloped alley located in the Rankin Addition, Block 14, between Main Street and Booker Street with the City retaining a utility access easement. Upon vote, motion carried unanimously.

ORDINANCE NO. 22-05

AN ORDINANCE ORDERING THE CLOSING, VACATING, AND ABANDONING OF AN UNDEVELOPED ALLEY LOCATED IN THE RANKIN ADDITION, BLOCK 14, BETWEEN MAIN STREET AND BOOKER STREET; FINDING THAT A PROPER PETITION HAS BEEN RECEIVED FROM THE OWNERS OF THE PROPERTY ABUTTING AND ADJOINING SAID ALLEY TO BE CLOSED; FINDING THAT THE CLOSING, VACATING, AND ABANDONING OF SAID ALLEY IS TO THE BEST INTEREST OF THE CITY OF BROWNWOOD AND ITS CITIZENS; FINDING THAT SAME SHOULD BE CONVEYED BY QUITCLAIM DEED TO THE ABUTTING LANDOWNERS AND OWNERS OF RECORD OF THE ALLEY VACATED, AND AUTHORIZING THE MAYOR TO EXECUTE SUCH DEED FOR THE CONSIDERATION SPECIFIED HEREIN.

Consider, discuss, and take action to adopt a resolution approving the Recovery Plan in connection with the American Rescue Plan for contract TX0225.

Deputy City Manager, Marshal McIntosh, introduced the two representatives in attendance from our consultant, Public Management. Mr. McIntosh stated that in March 2021, President Biden signed a coronavirus relief package into law, which included the State and Local Fiscal Recovery Funds of the American Rescue Plan (ARPA). This funding provides formula grants to every state and local government within the country based on its population size. The City is expected to receive a funding total of \$4,572,890. The City is required to obligate all the funds by December 31, 2024, and expend all the funds by December 31, 2026. The City is subject to reporting requirements directly to the Treasury. The initial yearly report is due April 30, 2022. Treasury released the Interim Final Rule for ARPA in the summer of 2021, which identified four expenditure areas: (1) local pandemic assistance; (2) essential worker premium pay; (3) provision of government services; (4) water, sewer, and broadband construction. Treasury released the ARPA Final Rule in January 2022 that expanded eligible expenditures but generally kept the same eligible expenditures and compliance requirements. The most important change with the Final Rule is that Treasury simplified the calculation and reporting requirements to determine revenue loss. This change permits additional allowances for expenditures but still requires the City to apply the compliance requirements to all ARPA expenditures. On February 28, 2022, City Council met in a workshop with staff and Public Management consultants to discuss eligible expenditures, budgetary concerns, and primary needs for the utilization of ARPA funds. Council and staff identified five categories (Infrastructure Improvements, Utilities, Public Health & Safety, General Government Services, Grant Match) to represent the City's allocation. Following this Council workshop, staff and consultants completed the Local Recovery Plan ("Plan") that includes the prioritization of eligible expenditures the City has considered. The Local Recovery Plan is being presented for Council approval and to notify the public of projects the City intends to spend ARPA dollars upon. The acceptance of this Recovery Plan does not commit the City to these expenditures. The Recovery Plan details the total list of potential expenditures that are aligned with eligible activities and project costs as defined by the Treasury. Following a decision, staff will coordinate with consultants to implement the Plan and expend the funds following the approved prioritization. All bids, quotes, and purchase requests to be funded by ARPA as identified in the Plan will be brought back to Council before they are awarded.

A motion was made by Willey, seconded by Miller, to adopt a resolution approving the Recovery Plan in connection with the American Rescue Plan for contract TX0225. Upon vote, motion carried unanimously.

RESOLUTION NO. R-22-09

A RESOLUTION OF THE CITY OF BROWNWOOD, TEXAS, AUTHORIZING THE APPROVAL OF THE CITY OF BROWNWOOD COVID-19 PANDEMIC RELIEF RECOVERY PLAN ASSOCIATED WITH THE IMPLEMENTATION OF THE CITY'S AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) ALLOCATION.

Consider a resolution to name Fire Recovery USA LLC as the agent that would provide emergency incident billing for the Brownwood Fire Department.

Fire Chief, Eric Hicks, requested approval of the resolution to name Fire Recovery as our billing agent for the Fire Department. During the City Council meeting of April 13, 2021, the concept of using a cost recovery company to recover expenses used during Fire and EMS response was discussed and the City Council gave direction to bring a Cost Recovery proposal back for final approval. Billing for cost recovery of emergency services used when responding to motor vehicle accidents and hazardous materials incidents is a common practice. Most auto insurance policies contain language specifying coverage for automobile accidents and emergency incident services. The program would be set up to only charge insurance, with nothing coming out-of-pocket from our residents. A resolution would need to be in place that gives legal authority to bill for our services. Once a resolution is approved, the City would enter into a service agreement with Fire Cost Recovery. There is no cost to the City for this service and there are no upfront costs. The fees are 22% of what is collected.

A motion was made by Nowowiejski, seconded by Jones, to approve a resolution to name Fire Recovery USA LLC as the agent that would provide emergency incident billing for the Brownwood Fire Department. Upon vote, motion carried unanimously.

RESOLUTION NO R-22-10

A RESOLUTION ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE BROWNWOOD FIRE DEPARTMENT FOR SERVICES PROVIDED / RENDERED BY / FOR THE BROWNWOOD FIRE DEPARTMENT.

AGREEMENTS AND CONTRACTS

Consider entering into an agreement with the Texas Department of Transportation (TxDOT) to relocate water and sewer lines within the Highway 377 and Austin Avenue project and approve expenditures related to the intersection project.

Public Works Director, Henry Wied, stated that TxDOT is developing a project around the intersection of Highway 377 and Austin Avenue which will require the City to relocate several feet of water and sewer lines. The cost to relocate utility lines located within TxDOT right-of-way is usually at the owner's expense unless the owner can prove that the utilities were there before the right-of-way, or the road became TxDOT's. Fortunately, we were able to prove that the water and the sewer lines in question were in place before the roads became TxDOT's. TxDOT will reimburse us for most of the cost of materials and labor. In addition, TxDOT gave us the option to upgrade the street signs to lighted street signs. The total cost for line relocation and signage is about \$179,400 and the City's portion will be about \$20,000. We have already relocated one water line in front of Common Grounds so they could move forward with paving their parking lot. The other line at our expense is a two-inch water line that we will lay from Center Avenue to the State Farm building. We are abandoning a 10" water line that crosses there as well. Work will start immediately, and we anticipate being finished with the City's portion of the project by the end of April 2022. Staff recommends charging all water, sewer, and sign

costs to the departments' respective budgets. We expect TxDOT's reimbursement before the end of the fiscal year.

A motion was made by Willey, seconded by McMillian, to enter into an agreement with the TxDOT to relocate water and sewer lines within the Highway 377 and Austin Avenue project and approve expenditures related to the intersection project. Upon vote, motion carried unanimously.

Consider entering into an agreement with Brown County Elections for Election services.

City Secretary, Christi Wynn, stated that the City of Brownwood has contracted with the Brown County Elections Administrator since 2006 for Election services. Elections are held at the Brown County Elections Office located at 613 N. Fisk. The contract being submitted for approval does not change any duties for either party. They will still conduct the election, hire election personnel, use their equipment, canvass the election results, and submit reports on our behalf to the Secretary of State. The City Secretary is still responsible for all legal postings, calling for the election, candidate packets, ballot preparation, campaign finance reporting, and oaths of office. This year, we will be sharing election costs with the City of Bangs, Bangs ISD, Brown County Water Improvement District, Brookesmith ISD, and Early ISD. The estimated cost for the General Election is \$4,020.66.

A motion was made by Nowowiejski, seconded by Miller, to enter into an agreement with Brown County Elections for Election services. Upon vote, motion carried unanimously.

CONSENT AGENDA

Mayor Haynes asked if the item on the Consent Agenda needed to be removed for discussion. Councilmember Nowowiejski asked to remove the following item:

Consider ratification of the Brownwood Municipal Development District Board action to approve a Building Improvement Incentive Program (BIIP) grant to the Axe House not to exceed \$17,775 for a property located at 306 N. Fisk Street.

Councilmember Nowowiejski asked whether a city the size of Brownwood could reasonably sustain two businesses as specialized as ax throwing venues. BMDD Executive Director, Ray Tipton, stated that this was scored as a building improvement incentive and part of the scoring process includes sustainability. The scoring range for this item was 1-4 and they received a 2 for that reason. The lower scoring decreases the investment amount made by BMDD. They would have normally invested \$20,000. Mayor Haynes stated that even if the business didn't make it, the investment is for the improvements made to the location.

A motion was made by Willey, seconded by Nowowiejski, to ratify the Brownwood Municipal Development District Board's action to approve a Building Improvement Incentive Program (BIIP) grant to the Axe House not to exceed \$17,775 for a property located at 306 N. Fisk Street. Upon vote, motion carried unanimously.

The remainder of the items were not removed from the Consent Agenda. A motion was made by Nowowiejski, seconded by Jones, to approve the remaining items on the Consent Agenda as presented. Upon vote, motion carried unanimously.

Consider ratification of the Brownwood Municipal Development District Board action to approve a Downtown Retail Opportunity Program grant to M&S Frontier Properties, LLC not to exceed \$30,000 for a property located at 304 N. Broadway.

Consider authorizing the City Manager to sign an agreement and any subsequent addendums or acceptance of additional funds during the term of the contract with the Department of State Health Services.

A short break was taken at this time.

REPORTS:

COVID-19 and Vaccination Update

Brownwood / Brown County Health Department Administrator, Lisa Dick, gave an update stating that last week, five positive COVID cases were reported. Those fully vaccinated are at 43.71%. There were two deaths reported bringing the two-year total to 250. The Health Department continues to give vaccinations by appointment and continues to have extended hours.

BMDD Annual Report

BMDD Executive Director, Ray Tipton, presented the report stating that sales tax collections between the City of Brownwood and the BMDD were up nearly \$1 million. This increase is credited to new businesses, price increases, and consumer spending. Sales tax continues to increase through the first three months of this year. The housing market is still booming. Unemployment numbers have stabilized at around 4 ½%.

2021 Racial Profiling Report

Police Chief, Ed Kading, stated that the Texas Code of Criminal Procedure requires annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that a “comparative analysis of the information compiled under 2.133” be conducted. The analysis was conducted by Eric Fritsch, Ph.D., and Chad Trulson, Ph.D. of the Professional Development Institute at the University of North Texas. Their analysis shows that the Brownwood Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, an education and training process, a formalized complaint process, and the collection of data in compliance with the law.

Results of traffic control measures around Coggin Park

Police Chief, Ed Kading, stated that approximately a year ago, an ordinance was passed for the installation of four-way stop signs at First Street and Parkway, as well as First Street

and Roselawn. Since that time, there have been one traffic accident and four traffic stops, all occurring after 9:00 p.m. There have been no complaints regarding traffic around Coggin Park since this action was taken.

Budgetary Control Report

Finance Director, Melanie Larose, presented the Budgetary Control Report through February 28, 2022. This represents five months of our fiscal year. The year is 41.67% complete. Currently, we have a surplus of around \$4.7 million. Around 50.5% of revenue has been collected. Collections of Ad Valorem Tax are at 90.87% and Sales Tax at 46.39%. The Landfill gate revenue continues to exceed expectations at 46.37%. Fuel sales at the Airport are trending up at 54.33%. The Total Revenue graph showed Ad Valorem Tax at 32%, Sales Tax revenue at 16%, Water revenue at 15%, Sewer revenue at 9%, and sanitation and Landfill gate rate revenue both at 8%. Expenses are in line with where they should be and are at 37.65% for the year. The Total Expenditures graph shows Police at 15%, Water at 15%, Fire at 11%, Landfill at 8%, and Sanitation at 6%. Sales Tax analysis shows we have collected \$2,875,336. The Water Consumption and Sales Analysis show we are up 18.7%. The Comparative Investment Balance shows we have \$15,939,797 in operating funds. The number of days in reserves is at 159. Without the ARPA funds, we are at 136 days.

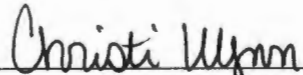
ADJOURNMENT:

There being no further business, Mayor Haynes declared the meeting adjourned. Councilmembers were invited to view the Fire trailer parked outside of City Hall.



STEPHEN E. HAYNES, Mayor

ATTEST:



CHRISTI WYNN, City Secretary