

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, July 7, 2015 at 6:00p.m. at the Ed Davenport Civic Center, 200 Country Club Rd, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Marilyn Gendusa, Latricia Doyal, Kathy Gloria, and Shelly Perkins. Jack Turk joined the meeting at 6:05pm. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steve Miller, City Attorney Raika Rowe, Police Chief Steve Thomas, City Secretary Tina Keys, Administrative Assistant Kim Davee, and Bonney Smith. Also present were James Griffin, Keith Kindle, Amy Greer, Mary Bradshaw, Neal Ulmer, Glen Gee, Curtis Wright, Tommi Ann Wright, Kara Stephan, Traci Convoich, Joe Whitehead, Rick Althoff and John Barnes.

### **1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM**

Mayor Groves called the meeting to order at 6:02pm. Council went into a joint public hearing with Planning & Zoning. Roll was then called for Council and a quorum was certified. City Council was recessed at 6:19pm for Planning & Zoning meeting. Council reconvened at 6:33pm and called the regular meeting to order.

### **2. INVOCATION & PLEDGE OF ALLEGIANCE**

Council Member Doyal gave the invocation, and the Pledge of Allegiance was recited.

### **3. APPROVAL OF AUDIT BOARD**

Council Member Turk made a motion to approve the audit board. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "no". Motion carried.

### **4. APPROVAL OF MINUTES for 6/16/15**

Council Member Gendusa made a motion to accept minutes. Seconded by Council Member Doyal. All Council Members voted "aye" and none "no". Motion carried.

### **5. PUBLIC COMMENTS**

Mary Bradshaw – need help with Lake. Not enough personnel. Needs work.

### **6. JOINT PLANNING & ZONING COMMISSION PUBLIC HEARINGS**

- A. Opened Joint City Council and P&Z Meeting – Call to Order, Roll Call and Certify a Quorum – 6:02pm
- B. Staff delivered presentations of each of the following:
- C. **Open Public Hearing to hear comments FOR or AGAINST proposed amendment to Zoning Ordinance 933, Section 28.10 (Zoning Use Chart) to allow Alcoholic Beverage Liquor by the Drink as a Specific Use Provision (SUP) in the Brady Lake Recreational District (BLR), Retail District (R), Central Business District (CBD), and Commercial District (C).** Questions were answered by staff. No public comments for or against.
- D. **Open Public Hearing to hear comments FOR or AGAINST a zoning change from Single-Family Residential (SF-5) to Industrial District (I) and re-platting as requested by Premier Silica on property located on the East side of Oglebay Norton Drive, 16.62 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483 and consisting of all of Blocks 1 to 6 of Dutton's 1<sup>st</sup> Addition.** A representative from Premier Silica discussed the project. Questions were answered by staff. No public comments for or against.

- E. **Open Public Hearing to hear comments FOR or AGAINST** a Specific Use Provision (SUP) in the Central Business District (CBD) as requested by Rick Althof for property located at 109 North Church for the purpose of a restaurant/sports bar. Mr. Althof spoke. Questions were answered by staff. On letter was received supporting the SUP. No public comments against.
- F. Close Public Hearings at 6:19pm and recessed City Council Meeting for P&Z to meet and deliberate.
- G. P&Z Meeting was concluded and adjourned. City Council Meeting reconvened at 6:33pm.
- H. Presentation of P&Z Commission Recommendations – Staff noted that P&Z recommended 5-0 all items considered.

## 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding first reading of Ordinance 1174 to amend Zoning Ordinance 933, Section 28.10 (Zoning Use Chart) to allow Alcoholic Beverage Liquor by the Drink as a Specific Use Provision (SUP) in the Brady Lake Recreational District (BLR), Retail District (R), Central Business District (CBD), and Commercial District (C). Peter Lamont presented to Council. P&Z voted 5 to 0 to recommend approval to city council. Council Member Doyal made motion to approve recommendation of P&Z and first reading of Ordinance 1174. Seconded by Council Member Gendusa. All Council Members voted “aye” and none “no”. Motion carried.
- B. Discussion, consideration and possible action on re-platting of 16.162 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483, and consisting of all of Blocks 1 to 6 of Dutton’s 1<sup>st</sup> Addition, requested by Premier Silica for property located on Oglebay Norton Drive. P&Z voted 5 to 0 to recommend approval to city council. Council Member Gendusa made motion to approve replatting and authorizing City Manager to sign. Seconded by Council Member Gloria. All Council Members voted “aye” and none “no”. Motion carried.
- C. Discussion, consideration and possible action to approve first reading of Ordinance 1175 to re-zone from Single-Family Residential (SF-5) to Industrial District (I) as requested by Premier Silica on property located on the East side of Oglebay Norton Drive 16.62 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483 and consisting of all of Blocks 1 to 6 of Dutton’s 1<sup>st</sup> Addition. Peter Lamont presented to Council. P&Z voted 5 to 0 to recommend approval to city council. Council Member Gendusa made motion to accept P&Z recommendation to approve Ordinance 1175. Seconded by Council Member Doyal. All Council Members voted “aye” and none “no”. Motion carried.
- D. Discussion consideration, and possible action regarding first reading of Ordinance 1176 for a Specific Use Provision (SUP) in the Central Business District (CBD) as requested by Rick Althof for property located at 109 North Church for the purpose of a restaurant/sports bar. Peter Lamont presented to Council. P&Z voted 5 to 0 to recommend approval to city council. Council Member Gendusa made motion to accept recommendation of P&Z and to approve first reading of Ordinance 1176. Seconded by Council Member Turk. All Council Members voted “aye” and none “no”. Motion carried.
- E. Discussion, consideration, and possible action to approve second reading of Ordinance 1173 to rezone Apartment Complex site from Commercial to Multi-family zoning located at the intersection of West 17<sup>th</sup> and Nine Road. Peter Lamont presented to Council. Council Member Turk made move to approve second reading of Ordinance 1173. Seconded by Council Member Gloria. All Members voted “aye” and

none “no”. Motion carries.

- F. Discussion and consideration on issuing CO’s for the Ed Davenport Civic Center Expansion and Renovation Project. No action taken due to verification of 5% citizen petition as authorized in state law.
- G. Discussion, consideration and possible action regarding Resolution 2015-032 authorizing approval and execution of grant agreement with Texas Water Development Board in the amount of \$1,804,000; approval of a related escrow agreement and other matters related thereto. City Manager Kim Lenoir presented to Council. Council Member Gloria moved to approve Resolution. Seconded by Council Member Gendusa. All Members voted “aye” and none “no”. Motion carries.
- H. Discussion, consideration and possible action regarding Resolution 2015-033 authorizing the City Manager to sign an amendment to existing engineering services Agreement with Enprotec / Hibbs & Todd (eHT of Abilene) as it relates to the Radium reduction project in Brady's groundwater supply. eHT is concluding its preliminary engineering report and in proper project management and planning secured grant funding from the TWDB Economically Distressed Areas Program (EDAP) in the amount of \$1,804,000. Of this amount \$1,623,000 is secured for the final design phase (Amendment) of this project that includes the following:
- |  |                    |
|--|--------------------|
| ➤ Design – Water Treatment Systems                 | \$659,000          |
| ➤ Design – Water Transmission/Distribution Systems | \$460,000          |
| ➤ Design – Water Storage Systems                   | <u>\$329,000</u>   |
| Subtotal   | \$1,448,000        |
| ➤ Services – Surveying / Geotechnical              | \$125,000          |
| ➤ Services – Project Management                    | \$25,000           |
| ➤ Design – Permitting                              | <u>\$25,000</u>    |
| Subtotal   | \$175,000          |
| Grand Total  | <u>\$1,623,000</u> |

Kim Lenoir and Keith Kindle presented to Council. Council Member Gendusa moved to approve Resolution 2015-033. Seconded by Council Member Doyal. All Members voted “aye” and none “no”. Motion carries.

## 8. STAFF REPORTS

- A. Draft FY 2016 Budget Available at [www.bradytx.us](http://www.bradytx.us)
- B. July 8 and 9 - 4pm Council Budget Work Sessions at Brady Housing Authority
- C. July 13 or 14 – possible special BEDC & Council meeting

## 9. ANNOUNCEMENTS

Mayor Groves complimented folks who worked on 4<sup>th</sup> of July festivities.

## 10. EXECUTIVE SESSION

Council recessed at 7:07 pm and entered into executive session at 7:28 pm.

- A. Pursuant to 551.072 (Deliberations about Real Property)
- B. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility) - Electric Competitive Matters

- C. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of (and if necessary, seek advice from City Attorney under 551.071):
  - a. Board Appointments
- D. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters:
  - a. Pending and/or contemplated litigation
  - b. To seek legal advice regarding the city's authority to regulate water supply and groundwater use within the City Limits
- E. Pursuant to Section 551.087 (Economic Development)
  - a. Discussion of potential economic development projects

Executive Session adjourned at 8:32 pm.

Regular Session reconvened at 8:33 pm.

#### 11. ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 8:34 pm.

  
Mayor Anthony Groves

Attest:   
Tina Keys, City Secretary