

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, December 6, 2016, at 6:00 pm at the City of Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Kathy Gloria, Marilyn Gendusa, Shelly Perkins, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, Public Works Director Steven Miller, Community Services Director Peter Lamont, City Attorney Shannon Kackley, City Secretary Tina Keys, Water Superintendent Gary Jacobson and Police Chief Steve Thomas. Others in attendance were Annita Ellison, Tonya Rankin, Mike Whitworth, Barry Deans, Ed Hernandez, James Stewart, Bill Spiller, Biddy Harkrider, Sydnie Rankin, Lynn Farris, Marilyn Waller, Marjie Hunter, and Hazel Hunter.

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

Mayor Groves called the meeting to order at 6:00 p.m. Council quorum was certified.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. PUBLIC COMMENTS

There were no public comments

4. CONSENT AGENDA

- A. Approval of Audit Board for December 6, 2016
- B. Approval of Minutes for November 14 & 15, Special and Regular Meetings
- C. Action regarding second and final reading of Ordinance 1212 of the City of Brady, Texas, to authorize continued operations for 5 years for the Mr. W Fireworks operation.
- D. Action regarding second and final reading of Ordinance 1213 of the City of Brady, Texas, to authorize continued operations for 5 years for the American Fireworks operation.
- E. Action regarding Resolution 2016-056 to adopt Civic Center Reservation Policies and Fees.
- F. Action to award low bid to Jurgensen Pump of Valley Mills, TX at \$61,000 for a submersible pump and motor for Well No. 7 replacing a failed vertical turbine pump and authorizing the city manager to enter into a purchase agreement.

Council Member Gendusa requested items C & D removed. Council Member Perkins requested items B and E be removed. Council Member Gendusa moved to approve the Consent Agenda items A and F only. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried with a 5 – 0 vote.

Item B – Council Member Perkins regarding page 6, 2nd paragraph, Tonya Rankin objected..... land belongs to her husband's parents, not her parents. Council Member Griffin moved to approve Item B as amended. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "nay". Motion carried with a 5 – 0 vote.

Items C and D – Council Member Gendusa stated since we were not going to do any annexation as discussed at last meeting, these items should follow under what Council decided. Kim Lenoir responded that they are under the 1906 annexation and therefore could be in city limits when survey line is defined. Council Member Huffman thinks we should delay until later after annexation item. Mayor agreed to postpone until later.

Item E – Council Member Perkins said we still have civic center policies and fees under an ordinance on 7-A. Thinks we need to pass ordinance first then resolution. Will defer until after item 7.A.

5. PRESENTATIONS

Old Power Plant Site Status Report – Rick Hudson, geologist for Apex TITAN

6. PUBLIC HEARINGS:

There were no public hearings

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding **first reading of Ordinance 1214** of the City of Brady, Texas, to rescind Ordinance 849 Civic Center Rules and Fees from the Code of Ordinances and replace with Civic Center Reservation Policy. Kim Lenoir presented to Council. Council Member Perkins commented the word rescind needed to be changed to repealed. Attorney Kackley was ok with that. Council Member Griffin moved to approve as amended. The motion was seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carries in a 5 - 0 vote.
- B. Discussion, consideration, and possible action regarding **first reading of Ordinance 1215** of the City of Brady, Texas, to rescind Articles 9.100; 9.200; 9.300; 9.400; 9.500; 9.600; 9.800; and 9.900 from Personnel Articles from the Municipal Code of Ordinances due to conflicts with City Home Rule Charter, current State Laws, current ordinance or no longer exist. Kim Lenoir presented to Council. Need to replace the word “rescinding” with the word “repealing”. Council Member Perkins had a hard time understanding end result. If we repeal 9.100-600 but keep 9.700, does it become 9.100? Kim answered yes. If we repeal 9.800, should there be an inclusion to add to Charter. The Departments of Public Works and Community Services are not in charter, should it be added? Charter says any other admin departments can be determined by ordinance. Will be brought to Charter Review. Council Member Gendusa moved to approve as amended. The motion was seconded by Council Member Gloria. All Council Members voted “aye” and none “nay”. Motion carries in a 5-0 vote.
- C. Discussion, consideration and possible action regarding **Resolution 2016-063** approving a Uniform Policy. Kim Lenoir presented. Council Member Gendusa moved to approve Resolution 2016-063 with corrections. The motion was seconded by Council Member Griffin. All Council Members voted “aye” and none “nay”. Motion carries in a 5-0 vote.
- D. Discussion, consideration and possible action of amended Military Operations Contract at Curtis Field Airport. Peter Lamont presented to Council. Council Member Perkins moved to approve. The motion was seconded by Council Member Griffin. Council Member Gendusa asked if airport manager gets overtime. Peter answered no. All Council Members voted “aye” and none “nay”. Motion carries in a 5 – 0 vote.
- E. Discussion, consideration and possible action regarding **Resolution 2016-064** authorizing application for TXDOT - Aviation Automated Weather Observation System (AWOS) Grant for Curtis Field Airport. Peter Lamont presented to Council. Council Member Gendusa moved to approve Resolution 2016-064. The motion was seconded by Council Member Perkins. Council Member Gloria thanked Peter Lamont for all he does. All Council Members voted “aye” and none “nay”. Motion carried in a 5 – 0 vote.
- F. Discussion, consideration and possible action regarding Administrative Projects for 2017. Kim Lenoir

presented to Council. Council Member Perkins asked about status of Ground Survey and Lake Lot leases. No action was taken.

- G. Discussion regarding Proposed Service Plans and Proposed Annexations of Holes 1, 2, 3 and 4. Kim Lenoir presented to Council. Council Member Huffman thought it was agreed to postpone annexation plans for 6 months. Lenoir is asking Council to look at water issues before making a decision. Mayor Groves said an item can be put on next agenda on actions that will or will not be taken. This item is to give Council more information. Mayor Groves thought there would be no action taken on annexation for six months. Staff has recommended we do ground survey based on comments in public hearings about map survey. Council can put action item on agenda. Lenoir said if we don't take action in a certain amount of time, everything starts over. If we take no action, item is dead because action wasn't taken in enough time. No action was taken.
- H. Discussion concerning revising Rest Haven and Live Oak Cemetery Rules and Regulations to address differences in posted rule signage and ordinance rules. Peter Lamont presented to Council. Council Member Perkins asked if we are requiring a vault and Lamont answered "no". She went on to ask about monuments and if you have to have a permit, would that be from the people who you purchase the stone from? Lamont answered yes. Bill Spiller would like a different set of rules for Live Oak Cemetery. Council Member Perkins would like to discuss several changes. This was a discussion item only. No action was taken.
- I. Discussion of a new 501(c)3 non-profit Live Oak Cemetery Association and grant funds received for restoration projects of the historic cemetery. Peter Lamont presented to Council and referred to Bill Spiller for discussion. Bill Spiller brought the Council up to date on the status of Municipal Court. No action was taken.
- J. Discussion of annual review of Municipal Court operations. Bill Spiller mentioned up the old cases that need to be handled. No action was taken.
- K. Discussion regarding City Council meeting procedures and process. There was no discussion.

Consent Agenda items C & D were brought back to the table. Mayor proposes no action be taken. Council Member Perkins moves that we postpone indefinitely Items C & D. Council Member Huffman called for the question. Mayor Groves asked for a motion to postpone the second reading of Ordinance 1212 indefinitely. Council Member Perkins so moved. The motion was seconded by Council Member Griffin. Four Council Members voted "aye" with one Council Member, Gloria, voting "nay". Motion carries in a 4 – 1 vote. Council Member Perkins moved to postpone second reading of Ordinance 1213 indefinitely. The motion was seconded by Council Member Griffin. Four Council Members voted "aye" and one "nay" with Council Member Gloria opposed. Motion carried with a 4 – 1 vote.

Consent Agenda Item E – Civic Center Policy – Council Member Griffin moved to approve Resolution 2016-056 contingent upon approval of second reading of ordinance. The motion was seconded by Council Member Gloria. All Council Members voted "aye" and none "nay". Motion carried with a 5 – 0 vote.

8. STAFF REPORTS

- A. Dec 12 – 11:30am Annual County AgriLife Extension Leadership Advisory Meeting
- B. Dec 13 – ERCOT 46th Annual Membership Meeting – Austin
- C. Dec 13 – Tour of Waste Water Treatment Plant - Aledo
- D. Dec 23, Dec 26 and Jan 2 – City Offices Closed for Holidays
- E. Feb 3, 9am to 2pm, TML Small Cities Problem Solving, Brady hosting
- F. Holiday Trash Service – Dec 22 and 23 Moved up to Wednesday and Thursday

- G. Holiday Trash Service – Dec 26 and Jan 2 Moved Back to Tuesday and Wednesday
- H. January – Leaf Pick-up and Christmas Tree Pick-up Schedules
- I. Upcoming Special Events:
 - Thurs, Dec 8 - Christmas Movie in the Park, Richards Park
 - Sat, Dec 10 – Ugly Christmas Sweater Fun Run – Brady Creek Trail

9. ANNOUNCEMENTS

Council Member Perkins announced the United Methodist Church will hold a Cantata at 10 am and 6pm on December 11, 2016.

Council Member Gendusa announced Larry Farris' grandson Cooper competed in peewee final rodeo and placed first and won 8th in World.

10. EXECUTIVE SESSION –

Open Session was closed at 8:59 pm, for a break before Executive Session. Executive Session was opened at 9:08pm.

- A. Pursuant to Section 551.074 (Personnel), the City Council will deliberate the evaluation of Municipal Judge Bill Spiller.
- B. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person – utility easements and other public facilities.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will discuss or deliberate commercial or financial information the City Council has received from a prospect the City seeks to have locate, stay, or expand in or near the territory of the City and whom the City is conducting economic development negotiations.
- D. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), the City Council will deliberate, vote, or take final action on a competitive matter: the electric contract with Texas Housing Foundation, Trails of Brady Apartments.

11. Open Session Action on any Executive Session

Mayor closed Executive Session at 9:56 p.m. No Action was taken.

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 9:58 p.m.

Anthony W. Groves
Mayor Anthony Groves

Attest: Tina Keys
Tina Keys, City Secretary