

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, January 22, 2019 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Jane Huffman, Jim Griffin, Rey Garza, Missi Davis, and Jeffrey Sutton. City staff present were City Manager Kim Lenoir, Public Works Director Steve Miller, Community Services Director Dennis Jobe, Police Chief Steve Thomas, Assistant City Secretary Valerie Gonzalez and Vernon Canter. Also in attendance were Kimberly Davee, Rhonda Wright, Wayne Wright, Jeanette Tacker, Dru Childe, Sammi Sanchez, R. Tacker, Don Miller, and Jason Valdez.

**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 AND PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Griffin gave the invocation and the Pledge of Allegiance was recited.

**3. PUBLIC COMMENTS**

None

**4. CONSENT AGENDA**

- A. Approval of Minutes for Regular Meeting January 8, 2018.

Council Member Missi Davis moved to approve the Consent Agenda. Seconded by Council Member Jeffery Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

**5. PRESENTATIONS: None Scheduled**

- 1<sup>st</sup> Quarter Financial Report – Lisa Remini presented.

**6. PUBLIC HEARINGS: None Scheduled**

**7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration, and possible action approving agreements with THF Brady Housing, Ltd. d/b/a/ Trails of Brady:

- i. 380 Agreement with the Trails of Brady Apartments in accordance with Resolution 2015-013.
- ii. Promissory Note in relation to a loan of \$53,000 to THF Brady GP, LLC in accordance with Resolution 2015-013.
- iii. Deed of Trust in relation to a loan of \$53,000 to THF Brady GP, LLC in accordance with Resolution 2015-013.
- iv. Intercreditor Agreement with JPMORGAN CHASE BANK, N.A. in relation to a loan of \$53,000 to THF Brady GP, LLC in accordance with Resolution 2015-013.

Kim Lenoir presented and Dru Childe, Trails of Brady Apt Contractor answered questions. Council

Member Ray Garza moved to approve items i-iv. above, authorize the Mayor to sign, subject to final revisions between the parties, conditional upon final approval by the City Attorney. Seconded by Council Member Jeffery Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

- B. Discussion, consideration, and possible action regarding Westar Construction, Inc the bid for flatwork at the Richards Park Ball field Construction Project (\$170,672.60). Kim Lenoir presented. Council Member Ray Garza moved to award bid to Westar. Seconded by Council Member Jim Griffin. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- C. Discussion, consideration and possible action regarding award of LCRA Engineering Services for North Walnut Street overhead power line design specifications and plans for future bidding and construction improvements in the amount of \$60,000. Steven Miller presented. Council Member Jim Griffin moved to approve. Seconded by Council Member Ray Garza. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- D. Discussion, consideration, and possible action regarding first reading of Ordinance 1263 of the City of Brady, Texas adding additional duties to the Tourism Advisory Board the responsibility of accepting and reviewing Hotel Occupancy Tax Grants, adopting the required forms for HOT Grants, and requiring City Council approval of HOT Grants. Kim Lenoir presented. Council Member Jane Huffman moved to approve. Seconded by Council Member Missi Davis. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- E. Discussion, consideration and possible action recommending Type A EDC prepare agreements/documents to either assign, donate sell or transfer remaining assets and contracts to address final closure of the Type A Economic Development Corporation. Kim Lenoir presented and summarized the discussion that the EDC and Council had earlier in the day at the Joint Council and EDC Work Session. Council Member Missi Davis moved to recommend that the Type A EDC: 1) have their Attorney prepare assignment agreements as appropriate for the Thomas Note Receivable and the Old Crossing Building & Lease - and either transfer directly to the Type B EDC or if necessary under the advice of their Attorney, transfer to the City for further transfer to the Type B; 2) transfer Airport Hangar E to the City; and 3) transfer the Capco Land and Building and 502 W. 10th St. (land only) to the City for further transfer to the Type B EDC, all as subject to City Council Action on Item F to address remaining outstanding liabilities and assets.. Seconded by Council Member Jane Huffman. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- F. Discussion, consideration and possible action recommending Type A EDC prepare agreements to address remaining debt to the City of Brady for the 2009 voter approved Civic Center project, needed to address final closure of the Type A Economic Development Corporation. Kim Lenoir presented and summarized the discussion that the EDC and Council had earlier in the day at the Joint Council and EDC Work Session. Council Member Missi Davis moved to recommend that the Type B EDC have their Attorney prepare a 380 agreement in which the City would enter into an Agreement with the Type B EDC to 1) transfer the Thomas Note Receivable and the Old Dodge Crossing Building & Lease (if not already transferred directly to the Type B under advice of their Attorney); 2) transfer the Capco Land and Building and 502 W. 10th Street Residential lot to the Type B EDC under Section 253.012 of the Texas Local Gov't Code; 3) that would include a new agreement attached between the City and the Type B EDC for the Civic Center with payments in the total amount of \$958,029, creating annual payments of  $\frac{1}{4}$  of the  $\frac{1}{4}$  cent annual sales tax for which payment would include the full amount for October 1, 2018 through September 2019, but which would then hold payments in abeyance for a time period which would last until an amount equating to \$219,537 which reflects the Airport Hangar E valuation, (based upon the same payment calculation) is

credited toward the \$958,029, at which time such payments will begin again at the same payment amount with the \$219,537 deducted from the remaining amount owed; 4) transfer of remaining Type A cash as FY2019 business to be completed (approximately \$500,000) to the Type B under conditions imposed by the Statute; and 5) other terms as the City and the Type B EDC deem appropriate. Seconded by Council Member Jane Huffman. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

- G. Discussion, consideration and possible action approving Type A EDC's recommendation to transfer the Airport Hangar E to the City of Brady Curtis Field Airport and for the City of Brady to accept the Airport Hangar E at the Airport (book value \$219,537), presented by EDC President Jason Valdez. No action needed as issue was covered in previous item.
- H. Discussion, consideration and possible action to fill vacancy on the Airport Advisory Board. Council Member Jane Huffman moved to approve appointing Peter Lamont. Seconded by Council Member James Griffin. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote (Council Member Rey Garza had stepped out of the meeting).
- I. Discussion, consideration and possible action accepting revised lease agreement on the replatted lots of the Davee Subdivision current leaseholders. Dennis Jobe presented. Council Member Jane Huffman moved to approve an amended the "Davee Subdivision Lease to Purchase Option" to include correction of typo and the change of 5 years to 7 years lease. Missi Davis seconded. All council members voted "aye" and none "nay". Motion Passed with a 5- 0 Vote.
- J. J. Discussion and summary of City Council action and if procedures and processed worked. There was no discussion.

## 8. STAFF REPORTS

- A. December Board Minutes – BEDC Type A and B (Dec 12)
- B. December Monthly Activity Reports – Visit Brady Report, Sales Tax Receipts, Utility Reports, Seniors, Golf, BPD, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Chronic Code Complaints, and Structures Inhabited without Utilities
- C. Quarterly Reports – EPA for Drinking Water Project
- D. Upcoming Special Events/Meetings:
  - Jan 24 – Brady/McCulloch County Chamber of Commerce Annual Awards Banquet – Civic Center
  - Feb 9 – Hope from the Heart Annual Charity Event – Civic Center
  - Feb 13 – 11:30am – Chamber Good News Luncheon – Civic Center
- E. Upcoming City Calendar:
  - Jan 16 to Feb 15 – Accepting applications to file for a place on City Council Ballot
  - Jan 22 and 23 – Trash Schedule Changes for Mon and Tues to Tues and Wed
  - Jan 23 – Bagged Leaves Pick-up – Thursday Trash Service
  - Jan 23 – Monthly Municipal Court
  - Jan 30 – Bagged Leaves Pick-up – Friday Trash Service
  - Feb 16 – 9am to 4pm EDC Training – Municipal Court Room
- F. Possible Visit by K-9 Officer Sator – Chief Thomas

## 9. ANNOUNCEMENTS

None.

## 10. EXECUTIVE SESSION

Regular Session was closed at 7:08pm and Council took a break before going into Executive Session. Executive

Session was opened at 7:18 p.m. Executive Session was closed at 8:44 p.m.

- A. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Manager Kim Lenoir and Attorney Sarah Griffin duties under the City Charter.
- B. Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: legal opinion(s) regarding Brady Volunteer Fire Department, G Rollie White Complex, and EDC.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective business, retail, and other development projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations, Trails of Brady.
- D. 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: Drinking Water Project.

**11. OPEN SESSION ACTION on any Executive Session Item listed above, if needed.**

Mayor opened regular session at 8:45 p.m. No action was taken

**12. ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 8:45 p.m.

Anthony W Groves  
Mayor Anthony Groves

Attest: Tina Keys  
Tina Keys, City Secretary