

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 September 6, 2022, at 6:00 pm with Mayor Anthony Groves presiding in person. Council Members present were Missi Elliston, Larry Land, Jay May, Jeffrey Sutton and Jane Huffman. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Captain Randy Batten, Police Sergeant Arturo Romero, Utility Billing Supervisor Letha Moore, Code Enforcement Officer Connie Echols, Compliance Coordinator Silvia Diaz, Police Chief Steve Thomas, City Attorney Sharon Hicks and City Secretary Tina Keys. Also in attendance were Brittany Hall, James Griffin, James Stewart, Lance Grove and Lisa Selensky.

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

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

3. PUBLIC COMMENTS

Lance Grove with Brady Cabinet & Heart of Texas Granite Marble said he bought 2 dilapidated houses and wants to fix them up. He started by building a courtyard at 401 Pine St. Somebody complained. He said he is trying to move forward on the home, put landscaping. He started painting it but is also fixing another house on 6th street so stopped work on the Pine Street house. He is trying to get a variance for the house. Mr. Grove said it's a really bad area. He thought the courtyard would make it a safe entrance for his girlfriend who lives there. Code Enforcement Connie Echols let him enclose the back patio. He is asking for a variance for a courtyard and would like to do it on 6th Street also. On all the houses he is going to buy and fix up, he would like to put a courtyard. He has a big courtyard at his house behind the cabinet shop. It's safer with the courtyard and that's what he wants with the houses he buys. He's hoping what he's doing will help the neighborhoods. Mr. Grove said he doesn't know how anybody could complain about him fixing up houses. Erin Corbell said the courtyard doesn't qualify for a variance. City Attorney Hicks said we can address it at the next meeting, but the courtyard does not meet our definitions. Mayor Groves said it will be on the agenda for the next meeting. Mr. Grove said he has read the requirements and believes he complies with them.

4. CONSENT AGENDA

- A. Approval of Minutes for Regular Meeting on August 2, 2022.
- B. St. Patrick's Fall Festival street closure October 2, 2022 from 7:00 a.m. to 3:00 p.m.

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

5. PRESENTATIONS:

Recognition of promotion for Sergeant Arturo Romero. Chief Thomas presented to Council and introduced Sergeant Arturo Romero.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERN ON PUBLIC HEARING

- A. Public Hearing to receive comments for or against a zoning change from Commercial District to Multi Family Residential District for property located at 603 W. Commerce Street, Brady, Texas in the Fulcher Subdivision, Block No. 37, Lot Nos 2 – 3. Public Hearing was opened at 6:14 p.m. Jim Griffin said he lives near that location and believes it will be a huge improvement over what is there now. Public Hearing was

closed at 6:15 p.m.

- B. Public Hearing for the proposed Fiscal Year 2022 Budget. Public Hearing was opened at 6:15 p.m. There were no comments. Public Hearing was closed at 6:16 p.m.
- C. Public Hearing for the proposed 2022 Tax Rate. Public Hearing was opened at 6:16 p.m. There were no comments. Public Hearing was closed at 6:17 p.m.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding the first reading of Ordinance 1345 of the City of Brady establishing a Building Standards Commission and providing for appointments to a Building Standards Commission. Erin Corbell Presented. Council Member Elliston moved to approve the first reading of Ordinance 1345. Seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- B. Discussion, consideration and possible action regarding the first reading of Ordinance 1346 of the City of Brady adopting a zoning change from Commercial District to Multi-Family Residential District for property located at 603 W. Commerce Street, Brady, Texas in the Fulcher Subdivision Block No. 37, Lot Nos 2 – 3 as requested by T. Henderson, H3P, LLC. Erin Corbell presented. Council Member Land asked if it is a full reconstruction. Erin Corbell said yes. Brittany Hall said It's going to be a massive overhaul. She said they have done these in other towns and have a lot of experience. Council Member May moved to approve the first reading of Ordinance 1346. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- C. Discussion, consideration and possible action regarding the first reading of Ordinance 1347 of the City of Brady, Texas to adopt the FY 2023 Budget. Lisa McElrath presented. Council Member Elliston moved to approve the first reading of Ordinance 1347. Seconded by Council Member May. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- D. Discussion, consideration and possible action regarding the first reading of Ordinance 1348 of the City of Brady, Texas to adopt the 2022 Property Tax Rate. Lisa McElrath presented. Council Member Huffman moved to approve the first reading of Ordinance 1348 moving that the property rate be increased by the adoption of the tax rate of 0.374834, which is effectively a 3.5% increase in the tax rate. Seconded by Council Member Elliston. With a roll call vote:

Council Member Huffman	Yes
Council Member Land	Yes
Council Member Elliston	Yes
Council Member Sutton	Yes
Council Member May	Yes

all Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

- E. Discussion, consideration and possible action to approve Resolution 2022-016 acknowledging and ratifying that the adoption of the fiscal year 2022-2023 annual budget will require raising more revenue from property taxes than the previous year. Lisa McElrath presented. Council Member Elliston moved to approve Resolution 2022-016. Seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- F. Discussion, consideration and possible action regarding structure of animal control. Erin Corbell presented. Erin said City staff is requested removing one of the full time Animal Control Officer (ACO) positions and replacing with 2 kennel tech positions and raising the pay of the ACO. Council Member Elliston asked if part time positions are hard to fill. Erin thinks we could find a different kind of employee to fill the roles since it won't have to be set structured hours. Council Member Elliston moved to direct staff with plan to proceed as stated. Seconded by Council Member Huffman. Council Member May said he would not be in favor of giving the animal control officer a raise. Erin Corbell said she believes this employee will flourish since it will be a different opportunity. Council Member Huffman said she thinks absolutely the ACO should be given a raise. Council Member Huffman said the little bit she has dealt with this particular ACO, she has been very responsible. Council Member Elliston agreed. Lisa Selensky said

animal control has done a great job at her location. They had 30 cats and now they're down to three. Letha Moore said she wouldn't do that job. She was skeptical until she had to do it and now she's 100% on board now that she has had to do it. Council Member Elliston said we can do it on a probationary basis. Council Member May said as long as she gets her certification, he will be ok with \$17. Council Member May asked how long it will take to get certification. Erin said we would have to look. Erin said we can say it's 6 months and revisit. Council Member May moved to amend the original motion to approve the pay raise for the animal control officer with the requirement to obtain her certification and to revisit in six months. The amendment was seconded by Council Member Elliston. The motion to amend passed with a 4 – 1 vote with Council Member Sutton voting against. Original motion for the restructuring passed with a 5 – 0 vote.

- G. Discussion, consideration and possible action regarding retiring K-9 Sator to his handler, Captain Randy Batten. Chief Thomas presented and said Captain Batten has taken a failing K-9 program and turned it into something productive. We are blessed to have somebody with over 20 years' experience. Sator has been a great asset. He's just starting to get a little old. He's a great dog and we love him, but we felt it is time to think about retirement. The only logical person to retire him to is Captain Batten. Mayor Groves asked if Sator will be replaced. Chief Tomas said there really isn't anybody else to put a K-9 with on the department. Randy will help choose the next officer to take on a K-9. Right now nobody is selected for that but we don't want to lose the program. Council Member May moved to approve the retirement of K-9 Sator to Captain Randy Batten's care. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- H. Discussion, consideration and possible action regarding moving October 4, 2022 City Council meeting date to allow Council and staff to participate in National Night Out activities. Erin Corbell presented. Council Member Elliston moved to move the 1st regular City Council meeting in October to 5:30. Seconded by Council Member May. All Council Members voted "aye" and none "nay". Motion carried with a 5 – 0 vote.
- I. Discussion, consideration and possible action to engage Haynie & Company to audit the City's financial statements for fiscal year 2022 and issue a formal report of financial statements and findings. Lisa McElrath presented. Council Member Elliston moved to approve the accounting firm Haynie & Company to perform the audit for the Fiscal Year 2022 and authorize the mayor to sign the engagement letter. Seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

September 20	Regular City Council Meeting, 6:00 p.m.
October 4	Regular City Council Meeting, 6:00 p.m.
October 10	Columbus Day Holiday, City Offices closed, altered trash schedule
October 18	Regular City Council Meeting, 6:00 p.m.

9. ANNOUNCEMENTS

Erin Corbell said the road closure for the homecoming parade that was previously approved by Council was not approved by TxDOT.

10. EXECUTIVE SESSION

The City Council of the City of Brady adjourned into Executive Session for the following:

- Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney about pending or contemplated litigation or 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 – EMS contract with County

- Pursuant to Section 551.072 (Deliberation about Real Property), the City Council will deliberate the purchase, exchange, lease or value of real properties of the City as deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person – City owned properties.

Council took a break at 6:58 p.m. Executive Session was opened at 7:17 p.m. and closed at 8:41 p.m. and Open Session was resumed at 8:42.

11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

Council Member May moved to proceed with the City of Brady's calculation of \$213,000 to be paid by County for EMS services based on a contract to be drawn up by the City Attorney to include a penalty if not paid by 2/1/2023. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5 - 0 vote.

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 8:43 p.m.

Anthony Groves
Mayor Anthony Groves

Attest: Tina Keys
Tina Keys, City Secretary