

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 November 15, 2022, at 6:00 pm with Mayor Anthony Groves presiding in person. Council Members present were Missi Elliston, Jay May, Jeffrey Sutton, Larry Land and Jane Huffman. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Interim Police Chief Randy Batten, City Attorney Sharon Hicks, and City Secretary Tina Keys. Also in attendance were Josh Berryhill, Keith Kindle, James Griffin, Aaron Garcia, and Steven Broad.

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

There were no public comments

4. CONSENT AGENDA

A. Approval of Minutes for Regular Meeting on November 1, 2022, 2022

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

5. PRESENTATIONS:

Construction Phase Services Amendment, Radium Reduction Project – Steven Miller presented and introduced Keith Kindle and Josh Berryhill with eHT who reviewed current status of project and projected project delays and cost increases.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERN ON PUBLIC HEARING

There were no public hearings

7. INDIVIDUAL CONCERN

A. Discussion, consideration and possible action authorizing the city manager to execute contract amendment to phase service agreements with Enprotech / Hibbs & Todd (eHT) for services due to field changes and time extension of radium reduction system construction phase. Steven Miller presented. Council Member Sutton moved to authorize the city manager to execute the proposed agreement amendment. 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 awarding overhead powerline improvements related to annual Pole & Cross-Arm maintenance program to Techline Construction, LLC and authorizing the city manager to execute a purchase order for specific work releases. Steven Miller presented. Council Member May asked what areas are being targeted. Miller said Joe Solis determines the areas; we rely on his good judgement and experience. Council Member Sutton moved award to Techline Construction, LLC, Austin, Texas a work release purchase order valued at \$122,500.00. 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 awarding overhead powerline improvements related to annual Pole & Cross-Arm maintenance program to Techline, Inc. and authorizing the city manager to execute a purchase order for specific material purchases. Steven Miller presented. Council Member Sutton moved to award to Techline, Inc., Austin, Texas for overhead powerline material purchases in the form of a purchase order for an amount of \$55,000.00. Seconded by Council Member Land. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

Council took a break at 6:41 p.m. and resumed at 6:50 p.m.

D. Discussion, consideration and possible action determining procedure for sale of certain City owned properties. Erin Corbell presented. Council Member Elliston asked if we need to keep the property that's next to the police department. Erin said we can. Council Member May said he thinks we will be better off listing the properties at 3%. Erin said we won't be able to choose a realtor. Council Member Huffman said there may have to be something like we have a one-time meeting with realtors to meet to our the properties, and if they don't come, they don't sell it. Council Member May said if we have it listed, the realtors can show more than one property. Erin Corbell said the Lakeview property is less than ½ acre so it can't be developed because of the septic requirements. Council Member May said we sell the ½ acre if they do the special septic deal and Council Member May agreed with the one-time meeting. Council Member May said the market has come down. Council Member May said we can list for a specified period of time and if it doesn't work, we can do something else. Council Member Huffman said she thinks the lake house and the 110 acres will sell quickly. Erin Corbell said we already have people interested. Council Member Land asked why we would go with a realtor if we already have interested people. Council Member Huffman said we will get more for the properties if they are listed with a realtor. Council Member Land asked if it's legal for us to get these values if someone walks in and says they want to buy it. Erin Corbell said we can't sell for anything less than appraised values. Mayor Groves asked if somebody walked in and offered an amount greater than fair market value, is there a requirement to have a competitive way to sell. Attorney Hicks said yes. Council Member Huffman asked if we list the properties and someone offers more than fair market value, can we sell. Attorney answered yes. Council Member Huffman said we need to give the city manager directive to wait 48 hours after a bid allowing her time to approve. Sharon said if we chose to go through realtor, then any realtor can participate, and we will pay the fees. Sharon said we would tell the realtor that we would like to have all offers within a week, 10 days, whatever we decide, and we consider the highest value. Council Member May said the realtors can post and reach an audience we can't touch. The chances of a realtor selling is high compared to ours. Council Member Huffman said we need to have a set time period to take offers to take to council. Jane said the buyer shouldn't have to wait 2 weeks until the next council meeting. Sharon Hicks said use appraisals as baseline, and if you know you want to sell, you can authorize the city manager to accept the best offer over appraised values. Council Member Huffman asked about somebody offering cash, option periods, etc. Council Member May said the people who make offers would have to be pre-approved. A cash offer is not worth any more than a bank offer. It doesn't matter. Either party is going to pay at closing. Council Member May said contingencies have to be considered. Some might come in less than appraisals because the market is dropping. Council Member May said he would be glad to help with any of the details. Council Member Huffman feels like there are going to be multiple people interested. She doesn't want Erin Corbell to make the final decision so people don't get mad at her. Council Member Huffman said maybe two council members and Erin could review offers make the decision on who to sell to rather than having to worry with a quorum. Council Members May and Land said they would be interested in working with the city manager to make the decision on the properties. Council Member Elliston moved to go through with selling the properties listing with local realtors, and have Council Members Land, May and the City Manager be the final decision makers with Council Member Sutton stepping in if necessary. Mayor Groves said he would agree to help as well. The motion was seconded by

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

- E. Discussion regarding updates to personnel policy manual. Erin Corbell presented. Erin said it is necessary to update the policy manual and asked council to review. She is going to tighten down on residency requirements, clarification on dress code, fleet management, and vacation payout upon separation. She will be working with attorney to come up with an updated manual.
- F. Discussion, consideration and possible action to approve Resolution 2022-020 voting for McCulloch County Appraisal Board of Directors for the 2023-2024 term. Council Member Elliston moved to approve Resolution 2022-020 giving 62 votes to Brentt Raybion and 61 votes to Channing Booker. Seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

8. STAFF REPORTS

- A. **Monthly Financial / Utility Reports**
- B. **Monthly Activity Reports:** Seniors, Golf, BPD, Fire-EMS Calls, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Chronic Code Complaints and Structures Inhabited without utilities, Municipal Court
- C. **Upcoming Special Events/Meetings:**

November 23	Happy Birthday Jeffrey Sutton
November 24	Thanksgiving Day Holiday, City Offices closed, altered trash schedule
November 25	After Thanksgiving Holiday, City Offices closed, altered trash schedule
December 6	Regular City Council Meeting, 6:00
December 13	Happy Birthday Larry Land
December 20	Regular City Council Meeting, 6:00
December 23	Floating December Holiday, City offices closed, altered trash schedule
December 26	Christmas Holiday, City offices closed, altered trash schedule
Jan 2, 2023	New Year's Holiday, City offices closed, altered trash schedule

9. ANNOUNCEMENTS

Erin Corbell said we're doing Operation Blue and Red Santa toy donation program with fire and police and will collecting toys to be distributed to area children.

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
- 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: Interim Police Chief

Regular session was closed at 7:30 p.m. Executive Session was opened at 7:40 p.m. and closed at 7:53 p.m. Regular session resumed at 7:54.

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

Council Member Sutton moved to approve appointing Randy Batten as Interim Police Chief. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

Council Member Elliston moved to adjust Interim Police Chief Randy Batten's salary to that of Chief of Police retroactive to date Mayor appointed him Acting Interim Police Chief. Seconded by Council Member Sutton. 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 7:56 p.m.

Anthony W. Groves
Mayor Anthony Groves

Attest: Tina Keys
Tina Keys, City Secretary