

**BRADY**  
THE CITY OF  
**TEXAS**

Aaron Garcia  
Mayor

Larry Land  
Council Member Place 1

Missi Elliston  
Mayor Pro Tem  
Council Member Place 2

Jeffrey Sutton  
Council Member Place 3

Felix Gomez, Jr.  
Council Member Place 4

Gabe Moreno  
Council Member Place 5

Erin Corbell  
City Manager

Tina Keys  
City Secretary

Sharon Hicks  
City Attorney

## **MISSION**

The City of Brady strives to share its history and encourage the development of diverse housing, employment, infrastructure, and opportunity through transparent management and financing for all residents and employees.

# **CITY OF BRADY COUNCIL AGENDA**

## **REGULAR CITY COUNCIL MEETING**

### **JUNE 6, 2023 AT 6:00 PM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at **6:00 p.m. June 6, 2023**, at the City of Brady Municipal Court Building located 207 S. Elm St., Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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

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

#### **3. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda**

*Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.*

#### **4. CONSENT AGENDA: Reserved for routine items to save time**

*Any item may be removed from the Consent Agenda at the request of a Council Member and considered separately following the Consent Agenda approval. All items listed on the Consent Agenda are to be with one motion "Move to approve Consent Agenda."*

- A. Approval of Minutes for Regular Meeting on May 16, 2023
- B. Discussion, consideration and possible action approving a Noise Variance at Richards Park for Friday and Saturday, June 16 – 17, 2023 until 12:00 midnight both nights as requested for Smoke on the Hill

#### **5. PRESENTATIONS**

- Airport Advisory Board
- Police Department Construction Progress
- Fire Department relocation

#### **6. PUBLIC HEARING:**

Public Hearing to receive comments from the public on a request for a zoning change from Commercial District to Single-Family Residential District for property located at 617 N. Bridge St. in the Fulcher Subdivision, Block 66, Lot no. 13

Public Hearing to receive comments from the public on a request for a zoning change from Single-Family Residential District to Manufactured Home district, for property located at 801 E. 8<sup>th</sup> Street, in the Luhr Subdivision, Block 60, Lot No. 2

## 7. INDIVIDUAL CONCERNS

**City Council Members are to deliberate the following items.** Staff will present the item and are prepared to answer City Council Member questions. The Mayor will recognize Council Members as the council discuss the item so everyone is heard. Once the City Council Members finish discussion, the Mayor will recognize attendees who have comments. Attendees and council members need to direct comments to the Mayor as they are recognized. When all comments are complete, the Mayor will call for a motion.

- A. Discussion, consideration and possible action regarding the **first reading of Ordinance 1358** of the City of Brady, Texas granting a zoning change from Commercial District to Single-Family Residential District for property located at 617 N. Bridge Street, in the Fulcher Subdivision, Block 66, Lot No. 13
- B. Discussion, consideration and possible action regarding the **first reading of Ordinance 1359** of the City of Brady, Texas to amend the FY2023 Budget for municipal purposes.
- C. Discussion, consideration and possible action regarding the **first reading of Ordinance 1360** of the City of Brady, Texas granting a zoning change from Single-Family Residential District to Manufactured Home District for property located at 801 E. 8<sup>th</sup> Street in the Luhr Subdivision, Block 60, Lot 2.
- D. Discussion, consideration and possible action regarding City board appointments to fill vacancies. Applicants for consideration – Heath Evans, Jane Huffman, Erin Betts
- E. Discussion regarding allowing possession and consumption of an open container in public areas in the **Central Business District** of the City of Brady and allowing temporary use of City sidewalks outside of local businesses and restaurants within the Central Business District.

## 8. STAFF REPORTS

### A. Upcoming Special Events/Meetings:

June 4	Happy Birthday Felix Gomez!!
June 22	City Employee Appreciation Pool Party – 6:00 p.m.
June 20	Regular City Council Meeting, 6:00 p.m.
July 1	July Jubilee Parade & activities
July 4	Independence Day, City Offices closed, altered trash schedule
July 5	Regular City Council Meeting – <b>WEDNESDAY</b> – due to July 4 <sup>th</sup> Holiday
July 10	Budget Work Session, 10:00 a.m. – 4:00 p.m.
July 13	Budget Work Session, 10:00 a.m. – 4:00 p.m.
July 17	Budget Work Session, 10:00 a.m. – 4:00 p.m. – IF needed
July 18	Regular City Council Meeting, 6:00 p.m.
July 20	Budget Work Session, 10:00 a.m. – 4:00 p.m. – IF needed

## 9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include: Expressions of thanks, congratulations, or condolence; an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

## 10. EXECUTIVE SESSION

The City Council of the City of Brady will adjourn 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: Police Department / Airport Advisory Board / EMS agreement with McCulloch County

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

Discussion, consideration or possible action as a result of Executive Session, if any

## 12. ADJOURNMENT

*I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on \_\_\_\_\_ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.*

\_\_\_\_\_  
*Tina Keys, City Secretary*

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or [tkeys@bradytx.us](mailto:tkeys@bradytx.us)

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding prospective Gifts or Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices), 551.086 (Deliberate, vote or take final action on competitive matters of the public power utility), and 551.087 (Deliberation regarding Economic Development).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.104(c) and the meeting is conducted by all participants in reliance on this opinion.

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 May 16, 2023 at 6:00 p.m. with Mayor Pro Tem Huffman presiding. 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, City Attorney Sharon Hicks, Police Chief Randy Batten and City Secretary Tina Keys. Also in attendance were James Griffin, Aaron Garcia, Debra Luebano, Mary Gomez, Felix Gomez, Sr., Diane Manahan, Denise Owens, Tony Groves, Vickie May, Ingred McDonald, Patty Pringle, Charles R. Bush, David A. Ortiz, Feliz Gomez, Jr., Roxanne Gomez, Kelsey Garcia, James Stewart, Albert Luebano, John & Lisa Berglund.

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

Mayor Pro Tem Huffman 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**

Tony Groves thanked Jay May and Jane Huffman for all they've done over the years and offered congratulations to the new council members.

#### **4. CONSENT AGENDA**

- A. Approval of Minutes for Regular and Work Session Meeting on May 2, 2023.
- B. Discussion, consideration and possible action regarding a noise variance at Brady Lake for Friday, June 23, 2023 and Saturday, June 24, 2023 until 1:00 a.m. both days for the annual Bradshaw Family Reunion as requested by Stephanie Bradshaw.
- C. Discussion, consideration and possible action regarding the temporary closure of Blackburn and Elm Streets at 3<sup>rd</sup> and 4<sup>th</sup> Streets from 10:00 a.m. to 2:00 p.m. on July 1, 2023 for the First United Methodist Church Annual July Jubilee BBQ

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

#### **5. PRESENTATIONS:**

There were no presentations

#### **6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS ON PUBLIC HEARING**

There were no public hearings

#### **7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration and possible action regarding approval of Resolution 2023-009 to Canvass the May 6, 2023 City of Brady General Election for City Council Place 4 and Unopposed City Council Place 5, and Special Election to fill the unexpired Mayor term. Erin Corbell presented which declared Felix Gomez Jr. as City Council Member Place 4 and Gabe Moreno as City Council Place 5 and declared that no one person received a majority of votes for Mayor but that Aaron Garcia and James Griffin received the most votes of the four (4) candidates so a runoff would be held between them. Council Member Elliston moved to approve Resolution 2023-009. Seconded by Council Member May. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

B. Reception and recognition of outgoing Council Members Jane Huffman and Jay May. City Manager Corbell thanked Council Members Huffman and May for their many years of service and dedication to the City. Council took a recess at 6:05 p.m. for a reception honoring Council Members May and Huffman. Regular Session resumed at 6:17 p.m.

Attorney Hicks said Council need to go back to item 7.A. James Griffin turned in his Certificate of Withdrawal for the Runoff Election. Council Member Sutton moved to accept the withdrawal of Griffin. The motion was seconded by Council Member Elliston. Griffin's withdrawal culminated with Aaron Garcia receiving a majority of votes in the Special Election held on May 6, 2024, Aaron Garcia is declared elected to the position of Mayor and no run-off election is necessary.

- C. Administer Oath of Office and Swearing in of newly elected officers. City Secretary Tina Keys swore in Aaron Garcia as Mayor, Felix Gomez Jr. as City Council Member Place 4 and Gabe Moreno as City Council Place 5. The new Mayor and Council Members took their seats at the dais and the meeting resumed.
- D. Discussion, consideration and possible action to elect Mayor Pro Tem. Council drew numbers to determine order of vote.

Council Member Moreno nominated Council Member Elliston

Council Member Elliston nominated herself

Council Member Sutton nominated Council Member Land

Council Member Gomez nominated Council Member Elliston

Council Member Land nominated himself

Mayor Garcia nominated Council Member Elliston

Council Member Elliston received the most nominations. Council Member Gomez moved to appoint Council Member Elliston as Mayor Pro Tem. The motion was seconded by Council Member Moreno. Four Council Members voted "aye" and one, Council Member Sutton, voted "nay". Motion passed with a 4 – 1 vote.

- E. Discussion, consideration and possible action regarding approval of Resolution 2023-010 to call a Run-off Election for Mayor. As James Griffin turned in his withdrawal from this election, this item was removed from the agenda.

- F. Discussion, consideration and possible action regarding City board appointments to fill vacancies.

Erin Corbell presented. Council Member Elliston moved to appoint Anthony Groves to Planning & Zoning and also as an alternate to Building Standards. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

Tony Groves also volunteered to serve on the Airport Advisory Board. Council said they would bring that back after Executive Session.

Council Member Moreno moved to appoint Curtis Owens to Building Standards. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

Erin Corbell volunteered to serve on Charter Review Commission as did Council Member Elliston and they said Jane Huffman did as well. James Stewart said he would also volunteer for Charter Review. Council Member Sutton said he thought any council member could go to any of the board meetings but now we're voting to appoint council members to boards? Erin Corbell said we're trying to put together a committee.

Council Member Elliston moved to appoint J.T. Owens, Erin Corbell, Jane Huffman and James Stewart to Charter Review Commission. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote. Attorney Hicks said she would not recommend approving two council members to a board.

Chris Martin also volunteered to serve on Charter Review Commissioner. Council Member Moreno moved to approve. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

G. Discussion, consideration and possible action regarding FY24 Budget Work Session Schedule. Erin Corbell reviewed the proposed schedule and said we are looking at Monday, July 10, Thurs, July 13, Mon July 17 if necessary and July 20<sup>th</sup> if absolutely necessary from 10:00 a.m. to 4:00 p.m. Council Member Moreno moved to accept. Seconded by Council Member Elliston. 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, Municipal Court

### C. Upcoming Special Events/Meetings:

May 25	Last day of school, early release
May 29	Memorial Day Holiday, City offices closed, altered trash schedule
June 6	Regular City Council Meeting, 6:00
June 20	Regular City Council Meeting, 6:00

## 9. ANNOUNCEMENTS

There were no announcements.

## 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:

Regular Session was closed at 6:46 p.m. Executive Session was opened at 6:55 p.m. and closed at 7:17 p.m. Regular Session resumed at that time.

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

Attorney Hicks said the City ended up demolishing a structure at 1304 S. High St. That property has been sold. We discovered the lis pendens and judgement had not been released. We do not believe the amount is collectible. Council Member Elliston moved to release. Seconded by Council Member Gomez. All council members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

Council Member Moreno moved to appoint Tony Groves to Airport Advisory Board. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

Erin Corbell said we will invite the Airport Advisory Board chair and one other airport advisory board member to participate in our next executive session.

## 12. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 7:19 p.m.

---

Aaron Garcia, Mayor

Attest: \_\_\_\_\_

Tina Keys, City Secretary

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	06/06/2023	<b>AGENDA ITEM</b>	4.B.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action approving a noise variance at Richards Park for Friday and Saturday, June 16 – 17, 2023 until 12:00 midnight both nights as requested for Smoke on the Hill.		
<b>PREPARED BY:</b>	Tina Keys	<b>Date Submitted:</b>	05/31/2023
<b>EXHIBITS:</b>	Request email		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b> Jessica Valdez has requested a noise variance be granted for Smoke on the Hill to be held at Richards Park on Friday, June 16, 2023 and Saturday, June 17, 2023 for music that could extend until 12:00 midnight on both days			
<b>RECOMMENDED ACTION:</b> Move to approve noise variance			

## **Tina Keys**

---

**From:** Erin Corbell  
**Sent:** Thursday, May 25, 2023 10:11 AM  
**To:** Jessica Valdez; Tina Keys  
**Subject:** Re: Smoke On The Hill (Noise Ordinance)

Thank you. We will get it added to the consent agenda.

Erin Corbell, CPM, IOM, CTE  
City Manager  
Director of Economic Development  
325-597-2152 ext. 212  
City of Brady  
PO Box 351  
Brady, TX 76825

Get [Outlook for iOS](#)

---

**From:** Jessica Valdez <jessica@heartoftexasrestoration.com>  
**Sent:** Thursday, May 25, 2023 10:03:36 AM  
**To:** Erin Corbell <ecorbell@bradytx.us>; tinakeys@bradytx.us <tinakeys@bradytx.us>  
**Subject:** Smoke On The Hill (Noise Ordinance)

Good moring,

We would like to request a Noise Ordinance form for Smoke On The Hill. The dates for the request will start Friday June 16th until midnight, Sat June 17th until midnight. Please let me know what information you will need.

Thank you,

Jessica Valdez  
Heart of Texas Restoration  
Administrative Clerk  
(325) 240-892



# Brady Police Department and Fire Department

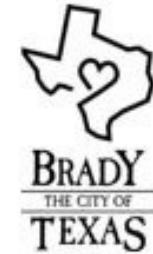
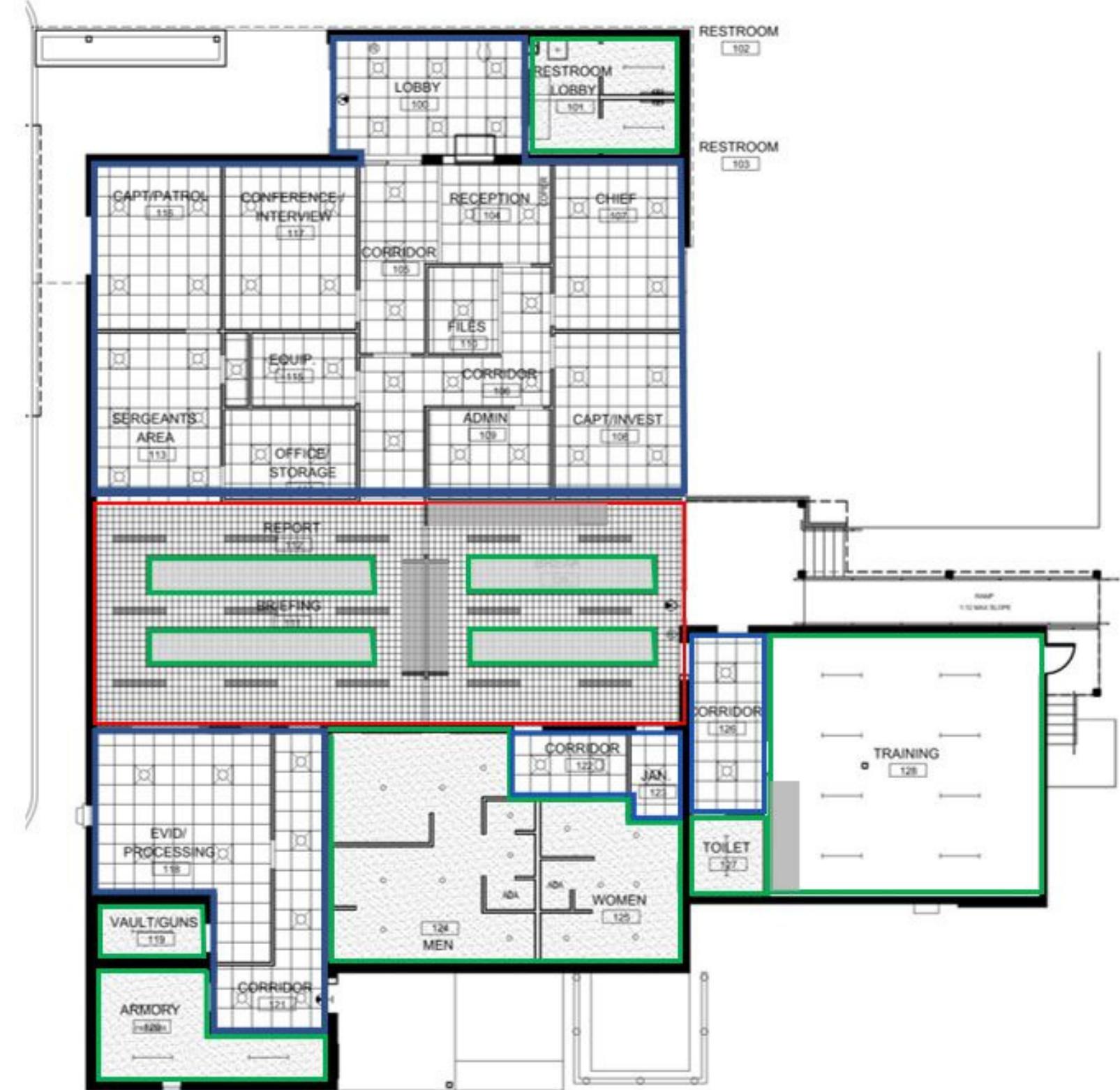
Pre-Construct Progress Update



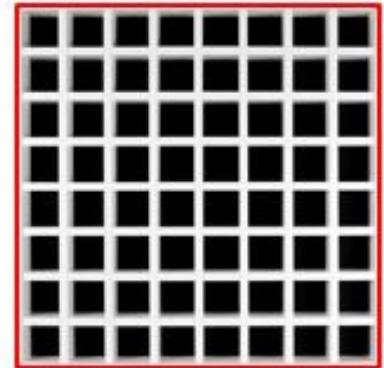








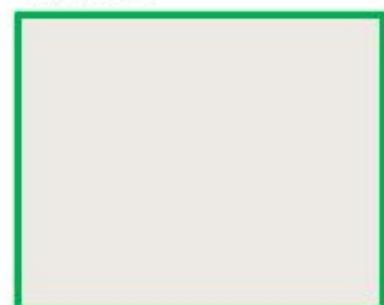
OPEN GRID



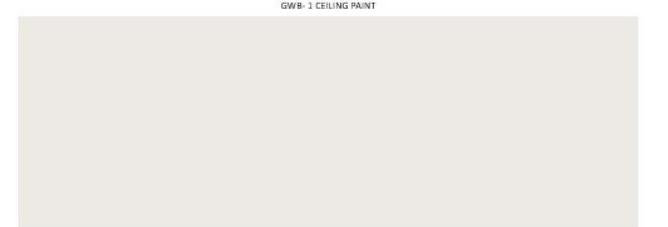
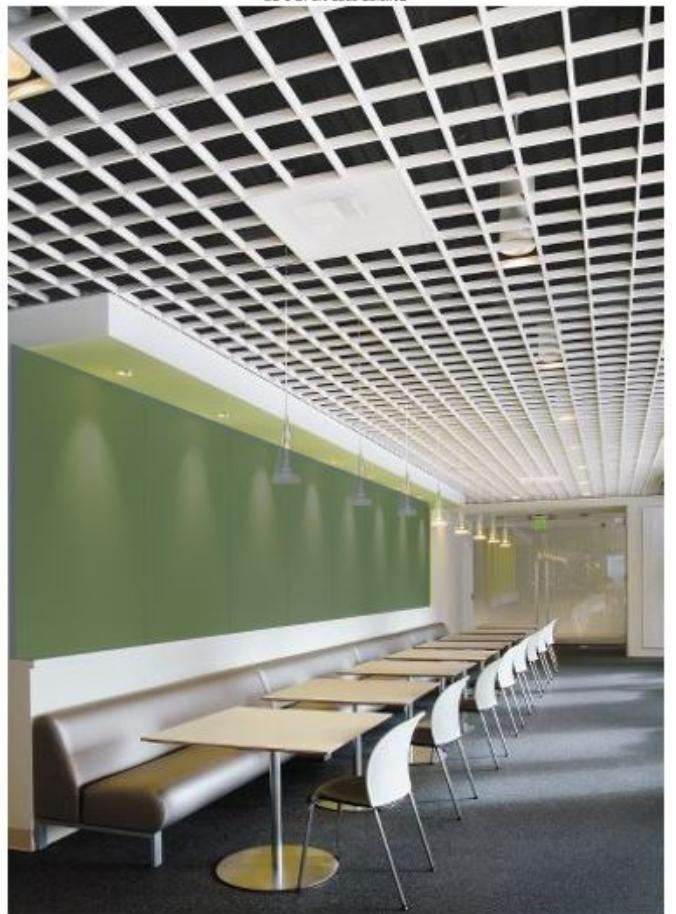
CEILING TILE

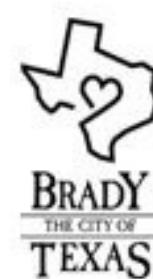


PAINT



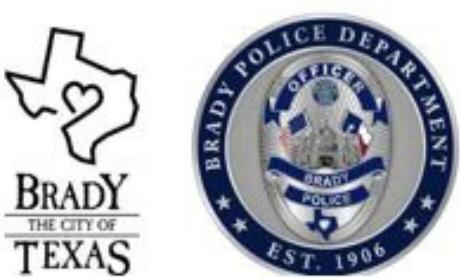
CEILING PLAN





... 100% more storage space within the original floor space area!





#### AIR EXTRACTION READY

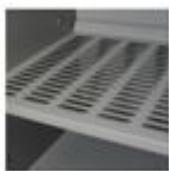
All full-height lockers and accessories include a number of standard features, which naturally promote air circulation through the locker. Add air extraction mechanicals now or later.



**Visibility/Circulation**  
Diamond perforated doors offer visibility as well as natural air circulation and ventilation.



**Adjustable Shelf with Integral Garment Hanger**  
Provides clothing separation for better drying.



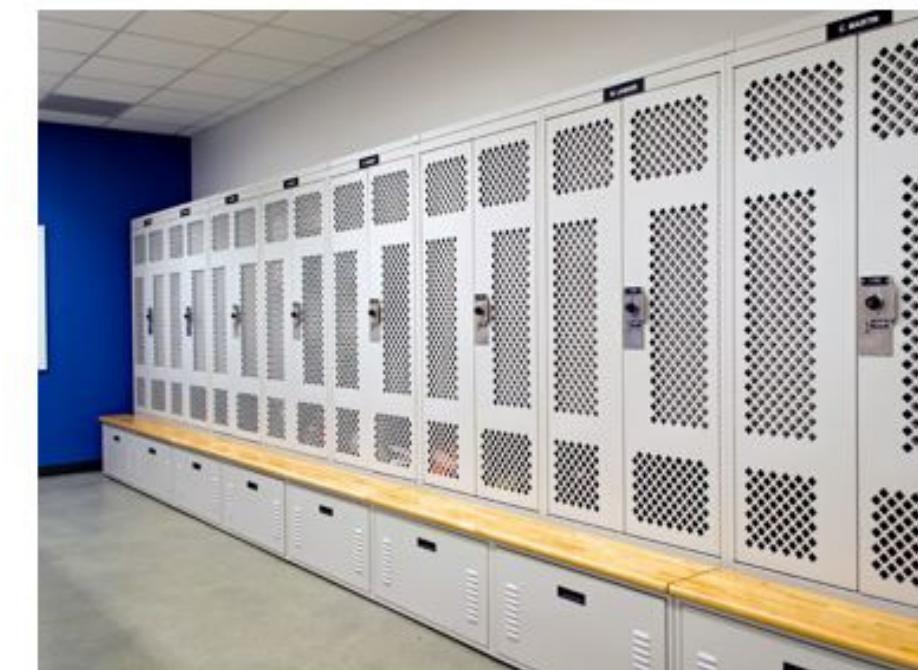
**Louvered Shelf**  
For ventilation and drying – great for body armor.



**Ventilation Rack**  
Sliding rack that sits in bench drawer for ventilation.



**Louvered Doors and Drawers**  
Louvers help direct optimal air circulation.



PERSONAL LOCKERS



# PD Remodel Timeline

June 5-23, 2023: Permitting and Plan Review Process

June 19-July 10, 2023: Bid Solicitation

July 13, 2023: Bid Opening at City Hall

Bids will be evaluated and presented to council for budgeting purposes

August 1, 2023: Bids can be awarded at City Council and contracting can begin

16-18 month timeline for completion

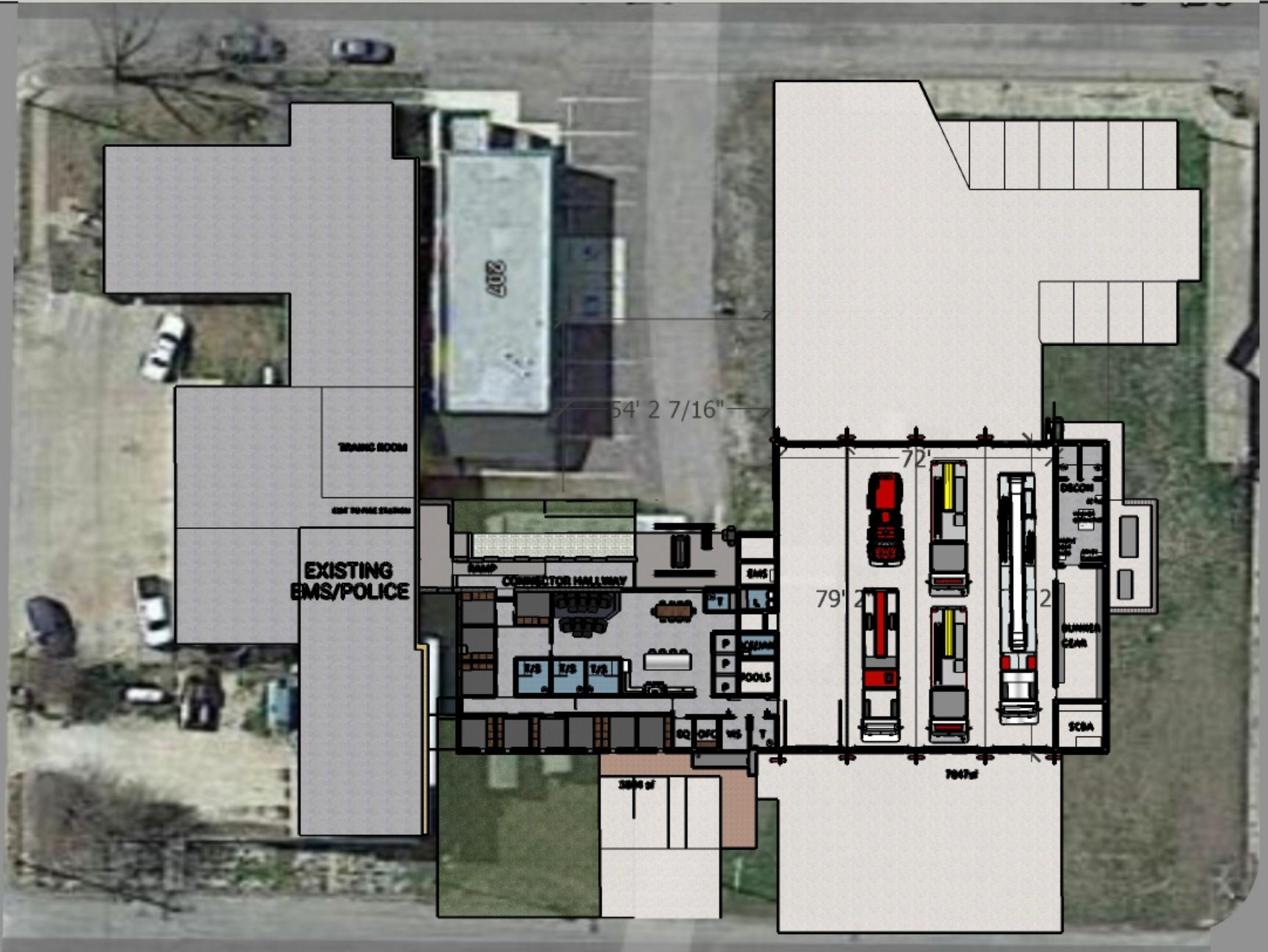


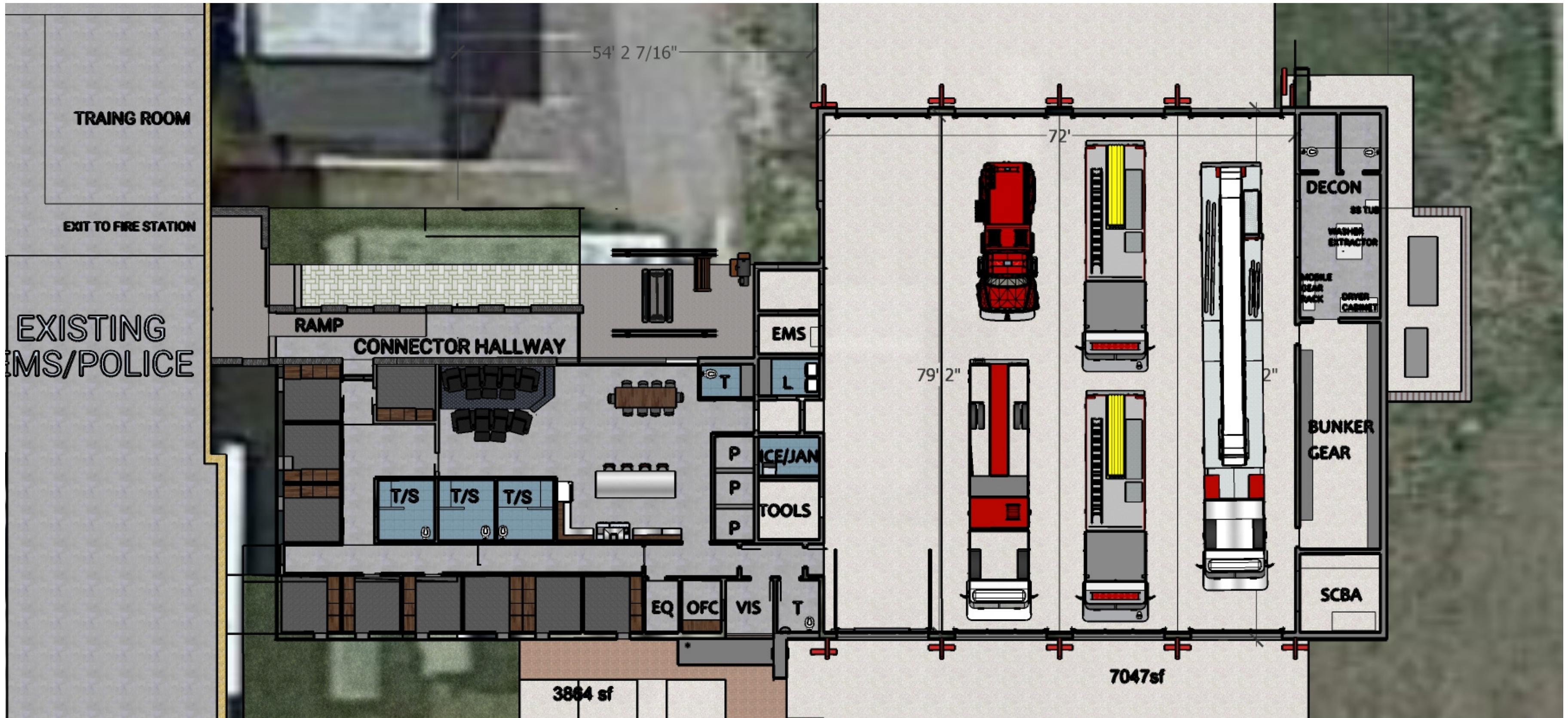












# FD Build and Remodel Timeline

100% design completion by December 2023

December 2023: Permitting and Plan Review Process

January 2024: Bid Solicitation

January 2024: Bid Opening at City Hall

Bids will be evaluated and presented to council for any additional  
budgeting purposes

February 2024: Bids can be awarded at City Council and contracting can begin

22 month minimum timeline for completion

**City Council  
City of Brady, Texas**

**Agenda Action Form for Ordinance**

<b>AGENDA DATE:</b>	06/06/2023	<b>AGENDA ITEM</b>	7.A.
<b>AGENDA SUBJECT:</b> Discussion, consideration, and possible action regarding the <b>first reading of Ordinance 1358</b> of the City of Brady granting a zoning change from Commercial District to Single-Family Residential District for property located at 617 N Bridge Street, Brady, Texas in the Fulcher Subdivision Block No. 66, Lot No. 13.			
<b>PREPARED BY:</b> T. Keys / S. Diaz		<b>Date Submitted:</b>	5/22/23
<b>EXHIBITS:</b> Ordinance 1358 Zoning Application			
<b>BUDGETARY IMPACT:</b>		<b>Required Expenditure:</b>	0.00
		<b>Amount Budgeted:</b>	0.00
		<b>Appropriation Required:</b>	0.00
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

Tracy Spaeth contacted the Code Office requesting a zoning change to Single-Family Residential District for his property located at 617 N. Bridge Street. This property is currently zoned as Commercial District.

The property to the East, South and North are Commercial District, and to the West is Single Family Residential.

The zoning application was filed on March 27, 2023.

The City immediately published the proper notice for property located at 617 N. Bridge Street in the Fulcher Subdivision, Block 66, Lot 13, Brady Texas, for the purpose to rezone and gave proper notice to all property owners within 200 feet.

**RECOMMENDED ACTION:**

**Mayor will ask:** “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” “Secretary reads preamble”

**Mayor calls for a motion:**

Move to approve the **first** reading of Ordinance 1358.

**ORDINANCE NO. 1358**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS, GRANTING A ZONING CHANGE FROM COMMERCIAL DISTRICT TO SINGLE-FAMILY RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 617 N. BRIDGE STREET IN THE FULCHER SUBDIVISION BLOCK 66, LOT NO. 13.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers the City of Brady, Texas to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, Chapter 14 of the Brady Code of Ordinances constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

**WHEREAS**, Tracy Spaeth has requested a zoning change to Single-Family Residential District, and

**WHEREAS**, the Planning and Zoning Commission of the City provided adequate notice and held a public hearing on June 6, 2023 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission of the City recommended approving the zoning change of the designated property and confirmed that the zoning change is uniform and does conform to the plan design of the City's Zoning regulations; and

**WHEREAS**, the City Council believes the zoning change will not adversely affect the character of the area of the neighborhood in which it is proposed; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, THAT:**

A Zoning Change from Commercial District to Single-Family Residential District is granted for property located at 617 N. Bridge Street in the Fulcher Subdivision, Block No. 66, Lot No 13.

**PASSED AND APPROVED** on its First Reading on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**PASSED AND APPROVED** on its Second reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

---

Aaron Garcia, Mayor

ATTEST:

---

Tina Keys, City Secretary

Brady Code Enforcement  
Division  
325-597-2152 Ext. 200 (phone)  
325-597-2068 (fax)

City of Brady  
Zoning Application

City of Brady  
201 East Main St.  
P.O. Box 351  
Brady, TX 76825

**Property Owner Information:**

Owner: LED Energy Solutions Phone No.: 806 535 8544  
Cell No.:  Email: tracy.spaeth@gmail.com  
Address: 617 N Bridge Brady, TX 76824  
Owner Signature: TJ Spaeth

If the property owner is represented by an authorized agent, please complete the following:

Agent: \_\_\_\_\_ Phone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
Cell No.: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
Agent Signature: \_\_\_\_\_

**Existing Property Information:**

Lot: 1 No. of Lots: 1 Block: 66 Subdivision: NE corner of Blk 66  
Survey Abstract & Acreage: .75 acre Fulcher Addition

Address: \_\_\_\_\_

Current Zoning District (Please note chart below): \_\_\_\_\_

(A) Agriculture (BLR) Brady Lake Recreational (SF-5) Single Family Residential (2F) Two Family Residential  
(MF) Multi-Family Residential (MH) Manufactured Home District (C) Commercial District (O) Office District  
(R) Retail District (CBD) Central Business District (I) Industrial District (PD) Planning Development District  
(SUP) Specific Use Permit

**Application Request:**

Zone Change  Specific Use

Use or Zoning Requested: Residential

Reason for Request: This house was residential from 1940 to 2016 when city turned off electricity & changed zoning w/o notifying owners. Terry Norman says should not need survey not affordable by owner.

The Code Enforcement Division will only accept complete applications. This includes a completed application form, proof of ownership, non-refundable filing fee made payable to the City of Brady, legal description or surveyed plat drawn by a Licensed Surveyor, and a Comprehensive Site Plan (if applicable). Planning and Zoning Commission meetings are held on the 2nd Thursday of each month at 4:00 p.m. Applications are due thirty (30) days prior to the meeting date.

**Office Use Only:**

<input type="checkbox"/> Complete Application	Received by: <u>Silvia Diaz</u>
<input type="checkbox"/> \$200.00 Fee	Filing Date: <u>3-27, 2023</u>
<input type="checkbox"/> Proof of Ownership	P&Z Date: <u>May 9, 2023</u>
<input type="checkbox"/> Surveyed Plat	1st City Council Date: <u>May 16, 2023</u>
<input type="checkbox"/> Comprehensive Site Plan (for PD or SUP)	2nd City Council Date: <u>June 6, 2023</u>

**City Council**  
**City of Brady, Texas**  
**Agenda Action Form for Ordinance**

<b>AGENDA DATE:</b>	6-6-23	<b>AGENDA ITEM</b>	7.B.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding first reading of Ordinance 1359 of the City of Brady, Texas, to amend the FY2023 Budget for municipal purposes.		
<b>PREPARED BY:</b>	L. McElrath / Erin Corbell	<b>Date Submitted:</b>	5-31-23
<b>EXHIBITS:</b>	Ordinance 1359 Exhibit A – Amendment Summary		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$ .00	
	<b>Amount Budgeted:</b>	\$ .00	
	<b>Appropriation Required:</b>	\$ .00	
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>
<p>The City has successfully sold 3 properties this year totaling \$1,257,194.75. After netting out appraisal, survey, commission and closing fees the City cleared \$1,175,320.91.</p> <p>Staff is recommending to transfer \$1,175,300 from the General Fund to the General Construction Fund to establish fund balance that can be utilized for the construction phase of the future Police and Fire/EMS stations.</p> <p>The City was the recipient of a generous donation of funds from the Lt. Conway Family in 2016 to purchase new playground equipment. Staff has installed the playground equipment and would like to use the remaining \$16,000 to build a pickle ball court at Richards Park near the soccer fields.</p> <p>Interest earnings are significantly more than projected as the Federal Reserve continues to raise interest rates. The City's rate of earnings is tied to the 13-week T-Bill rate plus 0.25 basis points. As of April 30, the rate of interest on the City's cash accounts was 4.93%, and interest earnings are \$396,000 over budget projections. Staff would like to recognize that interest revenue sources are likely to be \$725,000 more than originally budgeted to more closely project ending fund balances for FY 2023.</p>

<b>RECOMMENDED ACTION:</b>
<p><b>Mayor will ask:</b> “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” (City Secretary reads preamble)</p> <p><b>Mayor calls for a Motion:</b> Do I have a Motion to approve the first reading of <b>Ordinance 1359?</b></p>

**ORDINANCE NO. 1359**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE FISCAL  
YEAR 2022-2023 BUDGET FOR MUNICIPAL PURPOSES:**

An ordinance amending the 2022-2023 Fiscal Year Budget as follows for municipal purposes:

Transfer net proceeds from the sale of General Fund city property to General Construction Fund to construct Fire/EMS and Police station improvements and transfer donation funds from the Special Revenue Fund to the General Fund to construct additional park improvements, detailed by Fund and Division in Exhibit A, attached.

**WHEREAS:** The City of Brady City Council desires to improve existing structures to support public safety and recreation options for the citizens of Brady; and

**WHEREAS:** The City Council recognizes that interest earnings are significantly more than original revenue projections:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
BRADY TEXAS** that the FY 2022-2023 budget be amended accordingly.

**APPROVED UPON FIRST READING THIS THE 6th DAY OF June 2023,**

**APPROVED AND PASSED UPON SECOND READING THIS THE 20th DAY OF June 2023.**

---

Aaron Garcia, Mayor

ATTEST: \_\_\_\_\_  
Tina Keys, City Secretary

**CITY OF BRADY**  
**Ordinance 1359 - EXHIBIT A**  
**Budget - FY 23 Amendment Summary**  
**6-6-23 First reading / 6-20-23 Second reading**

**REVENUES**

**EXPENDITURES**

<u>REQUEST</u>	<u>AMOUNT</u> INC/(DEC)	<u>BUDGET NUMBER</u>	<u>BUDGET DESCRIPTION</u>	<u>AMENDED BUDGET</u>
<b>GENERAL FUND -10</b>				
Funding for resurfacing an old tennis court	\$ 16,000	10-4-01-910.80	Transfers in	\$ 16,000
	<u>\$ 16,000</u>			
Resurface old court for Pickle Ball play	\$ 16,000	10-5-01-401.00	Capital Project	\$ 16,000
Transfers out to Fund 11 General Construction	\$ 1,175,300	10-5-01-910.11	Transfers out	\$ 1,175,300
	<u>\$ 1,191,300</u>			
<hr/> <b>GENERAL CONSTRUCTION FUND - 11</b>				
Funding for future Police, Fire/EMS stations	\$ 1,175,300	11-4-28-910.10	Transfers in	\$ 1,175,300
	<u>\$ 1,175,300</u>			
<hr/> <b>SPECIAL REVENUE FUNDS -80</b>				
Transfer remaining donation \$ to PPM-Fund 10	\$ 16,000	80-5-43-910.10	Transfers out	\$ 16,000
Lt. Conway Park project complete	\$ (16,000)	80-5-43-280.00	Lt.Conway(Stanburn) Park	\$ -
	<u>\$ -</u>			
<hr/> <b>REVENUE SOURCES ONLY</b>				
Interest income is significantly more than expected				
GENERAL FUND	\$ 175,000	10-4-01-898.00	Interest Income	\$ 220,000
ELECTRIC FUND	\$ 180,000	20-4-22-898.00	Interest Income	\$ 200,000
SEWER FUND	\$ 130,000	30-4-23-898.00	Interest Income	\$ 140,000
WATER FUND	\$ 135,000	30-4-31-898.00	Interest Income	\$ 155,000
GAS FUND	\$ 15,000	40-4-42-898.00	Interest Income	\$ 20,000
UTILITY SUPPORT FUND	\$ 35,000	50-4-50-898.00	Interest Income	\$ 40,000
SOLID WASTE FUND	\$ 55,000	60-4-14-898.00	Interest Income	\$ 75,000
	<u>\$ 725,000</u>			

**City Council  
City of Brady, Texas**

**Agenda Action Form for Ordinance**

<b>AGENDA DATE:</b>	06/06/2023	<b>AGENDA ITEM</b>	7.C.
<b>AGENDA SUBJECT:</b> Discussion, consideration, and possible action regarding the <b>first reading of Ordinance 1360</b> of the City of Brady granting a zoning change from Single-Family Residential District to Manufactured Home District for property located at 801 E. 8 <sup>th</sup> Street in the Luhr Subdivision, Block 60, Lot 2.			
<b>PREPARED BY:</b>	T. Keys / S. Diaz	<b>Date Submitted:</b>	5/22/23
<b>EXHIBITS:</b>	Ordinance 1360 Zoning Application		
<b>BUDGETARY IMPACT:</b>		<b>Required Expenditure:</b>	0.00
		<b>Amount Budgeted:</b>	0.00
		<b>Appropriation Required:</b>	0.00
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

Shawn Holmes contacted the Code Office requesting a zoning change to Manufactured Home District for property located at 801 E. 8<sup>th</sup> Street. This property is currently zoned as Single-Family Residential District.

The property to the East, West, North is Single Family Residential and South is Manufactured Home District.

The zoning application was filed on May 12, 2023.

The City published the proper notice for property located at 801 E. 8<sup>th</sup> Street in the Luhr Subdivision, Block 60, Lot 2, Brady Texas, for the purpose to rezone and gave proper notice to all property owners within 200 feet.

**RECOMMENDED ACTION:**

**Mayor will ask:** “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” “Secretary reads preamble”

**Mayor calls for a motion:**

Move to approve the **first** reading of Ordinance 1360.

**ORDINANCE NO. 1360**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS, GRANTING A ZONING CHANGE FROM SINGLE-FAILY RESIDENTIAL DISTRICT TO MANUFACTURED HOME DISTRICT FOR PROPERTY LOCATED AT 801 E. 8TH STREET IN THE LUHR SUBDIVISION BLOCK 60, LOT NO. 2.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers the City of Brady, Texas to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, Chapter 14 of the Brady Code of Ordinances constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

**WHEREAS**, Shawn Holmes has requested a zoning change to Manufactured Home District, and

**WHEREAS**, the Planning and Zoning Commission of the City provided adequate notice and held a public hearing on June 6, 2023 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission of the City recommended approving the zoning change of the designated property and confirmed that the zoning change is uniform and does conform to the plan design of the City's Zoning regulations; and

**WHEREAS**, the City Council believes the zoning change will not adversely affect the character of the area of the neighborhood in which it is proposed; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, THAT:**

A Zoning Change from Single-Family Residential District to Manufactured Home District is granted for property located at 801 E. 8th Street in the Luhr Subdivision, Block No. 60, Lot No 2.

**PASSED AND APPROVED** on its First Reading on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**PASSED AND APPROVED** on its Second reading this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

---

Aaron Garcia, Mayor

ATTEST:

---

Tina Keys, City Secretary

Brady Code Enforcement  
Division  
325-597-2152 Ext. 200 (phone)  
325-597-2068 (fax)

City of Brady  
Zoning Application

City of Brady  
201 East Main St  
P.O. Box 31  
Brady, TX 76826

**Property Owner Information:**

Owner: Shawn Holmes Phone No.: (651) 600-0584 Fax \_\_\_\_\_  
Cell No.: (651) 600-0584 Email: Shawn.holmes@yahoo.com  
Address: 10545 9th pl. S  
Owner Signature: [Signature]

If the property owner is represented by an authorized agent, please complete the following:

Agent: \_\_\_\_\_ Phone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
Cell No.: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
Agent Signature: \_\_\_\_\_

**Existing Property Information:**

Lot: 2 No. of Lots: \_\_\_\_\_ Block: 60 Subdivision: Lohr

Survey Abstract & Acreage: \_\_\_\_\_

Address: 801 E. 8th St

Current Zoning District (Please note chart below): Single Family

(A) Agriculture (BLR) Brady Lake Recreational (SF-5) Single Family Residential (2F) Two Family Residential  
(MF) Multi-Family Residential (MH) Manufactured Home District (C) Commercial District (O) Office District  
(R) Retail District (CBD) Central Business District (I) Industrial District (PD) Planning Development District  
(SUP) Specific Use Permit

**Application Request:**

Zone Change  Specific Use

Use or Zoning Requested: Manufactured Home

Reason for Request: Purchase of Modular Home

The Code Enforcement Division will only accept complete applications. This includes a completed application form, proof of ownership, non-refundable filing fee made payable to the City of Brady, legal description or surveyed plat drawn by a Licensed Surveyor, and a Comprehensive Site Plan (if applicable). Planning and Zoning Commission meetings are held on the 2nd Thursday of each month at 4:00 p.m. Applications are due thirty (30) days prior to the meeting date.

**Office Use Only:**

Complete Application  
 \$200.00 Fee  
 Proof of Ownership  
 Surveyed Plat  
 Comprehensive Site Plan (for PD or SUP)

Received by: May 12, 2023 Silvia Diaz  
Filing Date: May 12, 2023  
P&Z Date: June 6, 2023  
1st City Council Date: June 6, 2023  
2nd City Council Date: June 20, 2023

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	06/06/2023	<b>AGENDA ITEM</b>	7.D.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding City board appointments to fill vacancies. Applicants for consideration – Heath Evans, Jane Huffman, Erin Betts		
<b>PREPARED BY:</b>	E. Corbell / T. Keys	<b>Date Submitted:</b>	5/22/2023
<b>EXHIBITS:</b>	Board Roster Board Applications		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

#### **SUMMARY:**

The City of Brady has boards with vacancies that need to be filled. In accordance with the City of Brady Home Rule Charter 3.05, “*The Mayor or two City Council Members shall recommend to the Council appointees for the boards and commissions. The Council shall approve appointees for boards and commissions.*”

#### **RECOMMENDED ACTION:**

Mayor will recommend appointees.

# CITY OF BRADY

## FY 2023 Boards & Commissions

PLANNING AND ZONING COMMISSION (3 yr term)		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Lisa Selensky	6/26
2	Ronnie Aston, Vice Chair	6/23
3	Amy Greer	6/23
4	Thomas Flanigan	6/25
5	Lauri Smith	6/24
6	Connie Easterwood	6/25
7	Tony Groves	6/26
* ALT	James Griffin	6/26

ZONING BOARD OF ADJUSTMENT (ZBA/BOA)		
Charter & Zoning Ord. Sec. 9.1 (2 yr term)		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	vacant	6/21
2	Rod Young, Vice Chair	6/22
3	vacant	6/20
4	Holly Groves	6/23
5	James Stewart	6/23
* Alt 1	Lauri Smith	6/23
* Alt 2	open	6/20
* Alt 3	open	6/20
* Alt 4	open	6/20

AIRPORT ADVISORY BOARD (Ord 1149 - 2 yr term)		
Lisa Perry, Staff Liaison 325/597-2152 ext. 211 lperry@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Clint Rejsek	6/23
2	Stan Amyett, Chair	6/23
3	Tony Groves	6/25
4	Richard Jolliff	6/24
5	Billie Roddie	6/24
6	Dale Scott	6/24
7	David Morton	6/25

MUNICIPAL COURT JUDGES (2yr term)		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
Judge	JT Owens	12/19

BRADY YOUTH SPORTS ASSOCIATION (1yr term)		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
Council	BOARD MEMBER NAME	CURRENT TERM
Council	Jay May	1/22

Concho Valley Council of Governments Annual Board (1yr term)		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
Council	BOARD MEMBER NAME	CURRENT TERM
Council	Jeffrey Sutton	6/22

TOURISM ADVISORY BOARD (2yr term)		
Attraction	BOARD MEMBER NAME	CURRENT TERM
Hotelier	VACANT	6/2021
City Council	VACANT	6/2021
EDC	VACANT	6/2021
Chamber	VACANT	6/2020
County	VACANT	6/2020
Tourism	VACANT	6/2020

CHARTER REVIEW COMMISSION (4 year term)		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	J. T. Owens	2023-2027
2	Jane Huffman	2023-2027
3	Erin Corbell	2023-2027
4	James Stewart	2023-2027
5	Chris Martin	2023-2027
6	vacant	2023-2027
7	vacant	2023-2027

INVESTMENT COMMITTEE (1 yr term)		
Lisa McElrath Liaison 325/597-2152 ext. 204 lmcelrath@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Finance Director	FY 2023
2	City Manager	FY 2023
3	Jane Huffman	FY 2023

CITY COUNCIL (3 yr term) - transition to 4 year terms May 2019		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
PLACE	MEMBER NAME	CURRENT TERM
MAYOR	Aaron Garcia	5/24
1	Larry Land	5/24
2	Missi Elliston	5/25
3	Jeffrey Sutton	5/25
4	Felix Gomez	5/27
5	Gabe Moreno	5/27

Brady Type B Economic Development Corporation		
3 - 1 year terms / 4 - 2 year terms		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Lauri Smith	6/23
2	Michael Cook	6/24
3	Chuck Jividen	6/23
4	vacant	6/23
5	Don Miller	06/24
6	Chris Martin	06/24
7	vacant	6/23

MCCULLOCH COUNTY SENIOR CITIZEN ASSOCIATION		
Sunset Center Advisory Board (2 year term)		
Rosie Aguirre, Staff Liaison 325/597-2946 raguirre@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Evelyn Pitcox - Vice President	10/23
2	Janice Crawford - Treasurer	10/23
3	Mercy James	10/23
4	Gerald Huffman	10/23
5	Alvin Bolton	10/23
6	Fay Lawler	10/23
7	Marcy Dunham	10/23
8	Lindell Smith	10/23
9	Rosie Aguirre-Secretary	Director
10	Erin Corbell	City Manager
11	Frank Trull	County Judge

BUILDING STANDARDS BOARD		
Erin Corbell, Liaison 325/597-2152 ext 212 ecorbell@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Tonya Rankin	5/25
2	James Griffin	5/25
3	Tony Bucholz	5/25
4	Chad Walters	5/25
5	Curtis Owens	5/25
Alt	Tony Groves	5/25
Alt	vacant	5/25

\* Alternates serve 1 year terms and can serve on two boards

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	06/06/2023	<b>AGENDA ITEM</b>	7.E.
<b>AGENDA SUBJECT:</b>	Discussion regarding allowing possession and consumption of an open container in public areas in the Central Business District of the City of Brady and allowing temporary use of City sidewalks outside of local businesses and restaurants within the Central Business District.		
<b>PREPARED BY:</b>	E. Corbell	<b>Date Submitted:</b>	05/31/2023
<b>EXHIBITS:</b>	Copy of Adopted Ordinance from Taylor Excerpt of Texas Alcoholic Beverage Code		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b> <p>The City has received a request from Heather Craigmyle, owner of the TruCounty Inn, to allow temporary closures of public sidewalks adjacent to her building to create an outdoor smoking area/patio for her patrons to use while at the restaurant and bar. She indicates that such areas will be created by temporary barriers that can be set up and removed each day.</p> <p>TABC regulations do not allow for consumption of alcohol to be moved from inside a licensed business to a designated outdoor area without a municipality adopting an ordinance to allow consumption in the public area.</p>			
<b>RECOMMENDED ACTION:</b> <p>Direct staff as desired regarding creation of ordinance</p>			

ORDINANCE NO. 2020-07

**AN ORDINANCE OF THE CITY OF TAYLOR TEMPORARILY SUSPENDING PORTIONS OF ORDINANCE NO. 2018-09 IN ORDER TO ALLOW POSSESSION OF AN OPEN CONTAINER OR THE CONSUMPTION OF AN ALCOHOLIC BEVERAGE IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF TAYLOR, TEXAS.**

**WHEREAS**, the City of Taylor, Texas, adopted Ordinance No. 01-03-94, prohibiting the consumption and possession of an open container and consumption of alcoholic beverages in the Central Business District; and

**WHEREAS**, the City of Taylor, Texas, adopted Ordinance No. 2018-09, amending Ordinance No. 01-03-94 in order to allow the possession of an open container and consumption of alcoholic beverages in the Central Business District under limited circumstances as stated in Section 2 of Ordinance No. 2018-09;

**WHEREAS**, the City Council of the City of Taylor, Texas, has determined that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Taylor and also to provide its local business owners the ability to continue to provide services to their customers in a safe manner; and

**WHEREAS**, it is recommended by the Centers for Disease Control and Prevention, Governor Greg Abbot, and Williamson County Health officials that when possible restaurants and bars should provide outdoor seating and service to their customers; and

**WHEREAS**, by allowing alcoholic beverage consumption outside of local businesses and restaurants within the Central Business District, the businesses will be better able to provide their customers a safer outdoor environment to dine or congregate; and

**WHEREAS**, in order to make this option available for many downtown business within the Central Business District, it is the desire of the City Council to temporarily suspend the prohibition of the possession of open containers or the consumption of alcoholic beverages in the Central Business District and permit such activity unless it is otherwise not allowed under state law or local ordinances; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, AS FOLLOWS:**

**SECTION 1.** The prohibition against alcoholic beverages and open containers, as defined by the Texas Alcoholic Beverage Commission ("TABC) and Ordinance No. 01-03-94, on any public street or right of way as ordered in Section 2 of Ordinance 2018-09 of the City of Taylor, Texas, is hereby temporarily suspended so long as:

    A. the alcoholic beverage is sold to the public by a business licensed by the TABC authorizing the public sale of such alcoholic beverage ("Business"); and

    B. the consumption of any alcoholic beverage in the Central Business District does not violate any other ordinance or law.

**SECTION 2.** The Businesses are encouraged to not allow their customers to leave the Business or the area adjacent to the business with a glass container and to provide plastic or paper cups to their customers if the customer is leaving the area adjacent to the business. If businesses and customers do not follow this recommendation and broken glass and litter become a problem within the Central Business District, then the City Council will consider amending this ordinance to include enforcement measures to address the problem.

**SECTION 3.** The City Council authorizes the City Manager for administrative purposes to make administrative decisions and rules and regulations regarding implementation and enforcement of the ordinance. The City Manager shall determine such rules and regulations and notify the public by publishing said rules and regulations on the city website and making them publicly available at city hall.

**SECTION 4.** Nothing herein is intended to abrogate or supersede any law regarding alcoholic beverages including, without limitation, the TABC, which shall be a requirement of the Business under this Ordinance.

**SECTION 5.** All provisions of any Ordinance of the City of Taylor, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all

other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** Unless further action is taken by the City Council extending this ordinance, then this suspension shall terminate on \_\_\_\_\_, 2020.

PASSED, APPROVED, and ADOPTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

Brandt Rydell, Mayor

ATTEST:

---

Dianna Barker, City Clerk

APPROVED AS TO FORM:

---

Ted W. Hejl, City Attorney

## ALCOHOLIC BEVERAGE CODE

### TITLE 3. LICENSES AND PERMITS

#### SUBTITLE A. PERMITS

##### CHAPTER 28. MIXED BEVERAGE PERMIT

Sec. 28.10. CONSUMPTION RESTRICTED TO PREMISES;  
EXCEPTIONS. (a) Except as provided by this section or Sections 28.01 (b) and 28.1001, a mixed beverage permittee may not sell an alcoholic beverage to another mixed beverage permittee or to any other person except for consumption on the seller's licensed premises.

(b) A mixed beverage permittee may not permit any person to take any alcoholic beverage purchased on the licensed premises from the premises where sold, except that:

(1) a person who orders wine with food may remove the container of wine from the premises whether the container is opened or unopened; and

(2) a mixed beverage permittee who also holds a brewpub license may sell or offer without charge on the premises of the brewpub, to an ultimate consumer for consumption on or off the premises, malt beverages produced by the permittee, in or from a lawful container in an amount that does not exceed one-half barrel, provided that the aggregate amount of malt beverages removed from the premises under this subdivision does not exceed 1,000 barrels annually.

(c) A mixed beverage permit holder who holds a food and beverage certificate may designate as part of the permit holder's premises a secured noncontiguous area located on a public sidewalk adjoining the premises if the designation is authorized by city ordinance. The ordinance may specify and limit the areas of the municipality in which this subsection is applicable. Alcoholic beverages may be delivered by an employee of the permit holder to patrons for consumption in the designated sidewalk area.