

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 June 20, 2023 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Larry Land, Gabe Moreno, Jeffrey Sutton and Felix Gomez, Jr. 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, Police Officers Arturo Romero, Zachary Johnson, Aaron Thoreson and City Secretary Tina Keys. Also in attendance were James Griffin, Tony Groves, Jane Huffman, David Ortiz, Terry Phillips, Charlie Bush, Annita Ellison, Allison Beard and Helen Motts.

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

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

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

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

#### **3. PUBLIC COMMENTS**

Tony Groves spoke regarding item G, ordinance for open carry/ consumption of alcohol. Mr. Groves said he attended the meeting when Heather Myles presented and understands what she's trying to do. He feels like one might have a view of someone sophisticated with a glass of wine strolling down the street, but he feels like it will be more like intoxicated people on the square. He feels like it would be a mistake to allow open carry / consumption of alcohol.

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

- A. Approval of Minutes for Regular Meeting on June 6, 2023.
- B. Discussion, consideration and possible action approving the temporary closure of W. 3<sup>rd</sup> Street between Bridge Street and Church Street for a Block Party to be held on June 30, 2023 from 12:00 noon to midnight as requested by Heather Jo Ashton and St. Patrick's Church.

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

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

- Introduction of new Brady Police Department Officer Aaron Thoreson – City Manager Erin Corbell introduced newest Brady Police officer Aaron Thoreson who just graduated from the Concho Valley Regional Law Enforcement Academy and was top in his class. His wife Victoria was also introduced. City Manager Corbell said Aaron has been part of a pilot program to allow us to bring in police academy cadets before graduation, so he has been here for a little while working with our officers. He's also active Army National Guard reserves.

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

There were no public hearings.

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

- A. Discussion, consideration and possible action regarding the second and final 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. Erin

Corbell presented. Council Member Elliston moved to approve second and final reading of Ordinance 1358. Seconded by Council Member Moreno. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

- B. Discussion, consideration and possible action regarding the second and final reading of Ordinance 1359, as amended of the City of Brady, Texas to amend the FY2023 Budget for municipal purposes. Lisa McElrath presented. Council Member Land moved to approve the second and final reading of Ordinance 1359. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- C. Discussion, consideration and possible action regarding the second and final 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. Erin Corbell presented. Council Member Sutton moved to approve the second and final reading of Ordinance 1360. Seconded by Council Member Gomez. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- D. Discussion, consideration and possible action to approve Hotel Occupancy Tax (HOT) Funding Application from Brady Youth Sports Foundation for a TTAB 8U & 10U District Tournament to be held June 26 – 28, 2023. Erin Corbell presented. Council Member Elliston asked if she was seeing correctly that there is \$7,000 left in the fund, and asked when the end of the fiscal year is. Erin Corbell said September 30<sup>th</sup>. Council Member Elliston asked Allison Beard with BYSF if they could use extra funds. Mayor Garcia asked council to be aware that there was a tournament 2 weeks ago. He and his son emptied the trash cans because city staff said they won’t do it. The trash cans are locked in place so they cannot be dragged to dumpsters. BYSF is expected to haul bags of trash. Mayor Garcia said we’re holding tournaments with sub-par fields. Council Member Sutton said he has been to three tournaments. There are a lot of people there and it brings in a lot of business. Mayor Garcia agreed and said the improvements are amazing. Mayor Garcia also said BYSF is not allowed to drag fields. Allison Beard said the city mows and brings in dirt. BYSF marks the fields and all of that, but they pick up nails and glass and it has been an issue when kids are sliding. BYSF would like to be allowed to drag fields to help with that. Erin Corbell said we need to draft an agreement. Allison said the \$1,500 requested will pay for umpires for 2 days. They need umpires for 4 days but BYSF was going to pay for the other 2 days. Council Member Elliston asked if there are HOT funds left over that would not be used by the end of the fiscal year, if BYSF can have the extra funds to pay for the other umpires. Erin said there are. Allison said they weren’t going to ask for any funds. Erin Corbell said she would make sure the trash situation is handled. Allison said this is the first step to be able to hold a state tournament here. Recommended motion is to move to award \$1,500 to BYSF for the TTAB 8U and 10U District Tournaments to be held on June 26 – 28, 2023. Council Member Elliston moved to amend the motion to \$3,000. Seconded by Council Member Moreno. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- E. Discussion, consideration and possible action regarding Dodge Heights appraisals and plans for sale of Dodge Heights lots. Erin Corbell presented. Erin pointed out the difference in appraisal amounts for people who have leases. Council Member Elliston said she thinks we should be very gracious with these people that have leases. Erin said she will send a letter to leaseholders with this information. Erin said we need to set a timeline for them to secure financing and let us know their intent to purchase. Corbell suggested a December 31, 2023 deadline. Council Member Elliston said she feels like we cannot put these people out when they have paid all this money leasing this property. Some of them are older and are on a fixed income. We need to be very gracious in that situation especially since they’ve been trying for years to buy their

properties. Council Member Sutton said they've known for years that this time was coming. Council Member Elliston said she is ok with the December 31<sup>st</sup> deadline as long as we agree to discuss further if somebody can't meet that deadline and be willing to grant an extension on a case by case basis. Council Member Sutton asked if the City can finance. Erin said they did with the Davee subdivision. Council Member Elliston asked if there is a reason we wouldn't allow Dodge Heights residents the same. Council Member Moreno said he thinks we do 3 months and then a case by case basis. Council Member Moreno moved to allow 90 days with the discretion to extend. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

- F. Discussion, consideration and possible action regarding McCulloch County contribution to EMS expenses. This item will be considered after Executive Session.
- G. Discussion, consideration and possible action regarding the **first reading of Ordinance 1361** allowing the possession and consumption of an open container in public areas in the Central Business District of the City of Brady. Erin Corbell presented. City Attorney Hicks said we can expand or narrow the ordinance. Council Member Elliston said she kind of agrees with Mr. Groves. She thought it was mainly at this one particular establishment. Erin Corbell said it allows the potential to expand additional entertainment areas. Mayor Garcia said we might get there some day, but he doesn't think we're there today. Council Member Elliston said we can do it on a case by case basis. Mayor Garcia said to attract business, if we were to approve case by case, on a Saturday, D&J's, for example, could hand out a glass of wine as people walk around. Council Member Moreno said Corsicana had something similar. On a Saturday morning, businesses were handing out mimosas and people loved it. Mayor Garcia said the alcohol would have to be purchased on site at a downtown location. Council Member Elliston said she doesn't think we're there yet. Council Member Moreno said we can always change it. Erin said she and Sharon would fine tune and bring back to council. Council Member Gomez said he doesn't think a lot of people would be buying a cases of beer and hanging out on our square. Council member Moreno moved to table the item. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion to table passed with a 5 – 0 vote.
- H. Discussion, consideration and possible action accepting the donation of 1000 N. Grant to the City of Brady. Erin Corbell presented. Council Member Land moved to accept donation of the property. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- I. Discussion, consideration and possible action accepting the donation of 314 and 316 W. Commerce to the City of Brady. Erin Corbell presented. Council Member Elliston said the owners have the means to take care of the property. We could use the property or sell the lot, but if it has asbestos, it's going to cost a lot more. Erin said the building on Bridge Street that was just torn down was approximately \$20,000 cleanup with asbestos abatement. Erin said the inspector said there isn't much there that could have asbestos, but the property could have some. Council Member Elliston said if we could get a definite that there is not asbestos, then it would be different. Erin said we can ask the property owners to have it tested for asbestos. Mayor Garcia said he would like Code Enforcement to go after them. Council Member Elliston moved to table. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion to table 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:

June 22	City Employee Appreciation Pool Party – 6:00 p.m.
July 1	July Jubilee Parade & activities – <b>COUNCIL &amp; FAMILIES BE AT FIRE STATION AT 9:00 A.M. IF YOU WANT TO RIDE IN THE FIRE TRUCKS IN THE PARADE</b>
July 4	Independence Day, City Offices closed, altered trash schedule
July 5	Regular City Council Meeting – WEDNESDAY – due to July 4th 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

Council Member Elliston said there has been talk that our senior center is not being utilized because of the location. That is not true. Council Member Elliston said the Senior Center served more onsite customers than the previous year.

## 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 agreement with McCulloch County

First Session. Council recessed into Executive Session at 6:07 p.m. Former Councilmember Jane Huffman was asked to stay. Regular session resumed at 6:26 p.m. No action was taken as a result of Executive Session

Second Session. Regular Session was closed at 7:16 p.m. Executive Session was opened at 7:36 p.m. and closed at 8:46 p.m. Regular Session resumed at that time.

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

Council Member Elliston moved to approve

1. Payment of \$17,000 on or before July 18, 2023 to bring current the present operations through September 30, 2023. Upon this payment, all issues for service provided prior to September 30, 2023 are resolved.
2. For the service years beginning October 1, 2023, the County may avail themselves of one of the following two options after taking into consideration the County's discussion regarding a longer term agreement:
  - a. 2 Year Agreement.
    - i. For the service year of October 1, 2023—September 30, 2024, a percentage payment of eighteen percent (18%) for EMS services.

- ii. For the service year of October 1, 2024—September 30, 2025, a percentage payment of twenty percent (20%) for EMS services.
- b. 3 Year Agreement: For the service years of October 1, 2023—September 30, 2024, October 1, 2024—September 30, 2025, and October 1, 2025—September 30, 2026, a percentage payment of twenty percent (20%) for EMS Services per year.

Seconded by Council Member Moreno. Four Council Members voted “aye” with one Council Member, Land, voting “nay”. Motion passed with a 4 to 1 vote.

## 12. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 8:48 p.m.

  
Aaron Garcia, Mayor

Attest:   
Tina Keys, City Secretary

