

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 July 5, 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, Electric Superintendent Joe Solis, City Attorney Sharon Hicks, Police Chief Randy Batten, and City Secretary Tina Keys. Also in attendance were David Ortiz, Coby Gee, Tony Groves, Charles Bush, James Griffin, Helen Motz, James Stewart, Michele Folse, Lisa Folse, Linda Deans, Dal Pace, Phyllis Sewell, Ingrid McDonald, Sabrina Edwards, Willa Row, Tammy Watters, Patty Pringle, Linda Medrano, Rhonda Wright, Jan Gardner, and Will Enger.

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

Jan Garner addressed council on Pickleball and said it is the fastest growing sport in the country. It can be enjoyed by young, old and families. Their group is a wide range of ages. They've been painting lines on the tennis court at the middle school. They are concerned about what will happen when school starts. They are asking to possibly resurface the tennis courts at Richards Park. The addition to pickleball would be another asset to the city.

Helen Motz said she has been to Brownwood several times to play pickleball. She would like to be able to play here.

Ingrid McDonald said it's a lot of fun and a really good sport. It will bring in revenue to the City.

Linda Deans & Rhonda Wright – will wait for the discussion item.

4. CONSENT AGENDA

- A. Approval of Minutes for Regular and Work Session Meetings on June 20, 2023.

Council Member Elliston said on item D, she wanted to clarify the reason they opted to offer the additional funds to BYSF is there were no pending requests for the remainder of the HOT funds and it's the end of the fiscal year, so the funds would go unused.

Also, under number 9 announcements – Council Member Elliston said the Senior Center served more onsite customers than the previous year.

Council Member Elliston moved to approve the Consent Agenda as amended. Seconded by Council Member Sutton. 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 awarding change order no. 3 to Integrated Water Services, Inc. (IWS) concerning WWTP Replacement Project – Bid Package No. 3 (BP#3), a price increase adjustment to contract. Steven Miller presented and introduced Coby Gee. Council Member Elliston asked if there was

a contingency built in. Miller said the savings is the \$735,218. This job is very complicated. Miller said we had 3 bid packages and also had to approach the TWDB for additional funding. Miller said this money would come from the contingency. Mayor Garcia asked if there is a contingency for missed items. Miller said we did not pay for contingency. These are hard bid jobs. These are unassigned funds, that's where we would access money for the change order. Council Member Elliston asked what would happen to unused funds at the end of the project. Miller said TWDB wants us to use the funds so we would have to look for additional improvements at the plant, or we could look at improvements in the city for wastewater purposes. Coby Gee said there is an contingency item on the loan. Miller said we've used those for change orders. Miller said the plans are not 100% perfect, Freese & Nichols has a history of maintaining change orders to this low percentage. Miller said he doesn't foresee anything else coming up. Council Member Elliston moved to approve change order no. 3 in the amount of \$111,661.00 to Integrated Water Services Inc. Seconded by Council Member Land. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

- B. Discussion, consideration and possible action authorizing the City Manager to execute a construction phase services amendment with Freese and Nichols, Inc. (FNI) for time extension and associated fee concerning ongoing construction and startup for the new WWTP. Steven Miller presented and said we experienced the same issue with the water project. It has to do with the unavailability of computer chips. Coby Gee said originally, they estimated 18 months then split out to 3 bid packages and it ended up closer to 21 months. Now we're adding an additional 10 months. They're asking for monthly administrative funds for those additional 10 month, not trying to double charge for anything. They also have a full-time inspector and are not asking for additional funds for that. The inspector will be out there on average 2 days per week. Miller said this is a critical stage with the engineering services. Council Member Elliston asked if the funds will come out of the remaining \$735,218. Miller said yes. Council Member Elliston asked what happens in 10 months if we don't have that chip. Miller said he believes we will get it in. Miller said they are huge manufacturing companies that we're dealing with. They will come in on time. He feels certain of that. Council Member Sutton moved to authorize the city manager to execute the proposed agreement amendment to Freese and Nichols, Inc, in the amount of \$93,202.00. 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 installation of high voltage air switches at City's South Substation to Techline Construction, LLC and authorizing city manager to enter into agreement for same at \$58,000.00. Steven Miller presented and asked Joe Solis to explain the situation. Joe said there is no way to cut off the power when they have to work on the south substation. Installing air switches will allow them to cut power to this substation and move it over to North substation. They would be able to safely do the work they need to do. Council Member Elliston asked where we will get the funds. Miller said we approved it as a capital improvement project. Council Member Sutton asked how long the substation will be down for installation. Joe said maybe a day or day and a half. Council Member Elliston asked when it will be done. Miller said once approved, they will sign our contract and set up a pre-construction conference to determine the best time. Council Member asked about doing it in the fall. Joe said that would be nice. Council Member Moreno asked if the North substation already has the air switches. Joe said yes. Council Member Elliston moved to award to Techline Construction, LLC of Austin, Texas, the South Substation Air Switches improvement project in the amount of \$58,000.00. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- D. Discussion, consideration and possible action approving Resolution 2023-011 authorizing the creation of an employee benefit trust. Erin Corbell presented and said the City insurance broker suggested this item. Erin said it's a commonly adopted practice. Council Member Moreno asked what that savings amount would be

based on last year's figures. Erin said she would have to figure it. Council Member Moreno asked if the broker was present at the meeting. Erin said no, we can table if we need to. Council Member Sutton asked if this will be discussed in Budget. Erin Corbell said the figure she came up with based on last year's figures is \$20,255 that it would have saved us. Council Member Moreno said each council member would be responsible for those funds if anything were to happen. Attorney Hicks said all council members should be bonded. Council Member Elliston moved to table. 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 lots. Erin Corbell presented. Erin said each lease holder should have received a letter asking them to let us know if they are interested in purchasing their lot. Rhonda Wrights thanked Council for the opportunity to purchase their lots. Ms. Wright said the packet was vague. They know the situation with the Davee addition, and they knew there were payment options available. They want to know how to go about purchasing for some who maybe cannot pay within the 90 days. Also, some of them are on long term leases and still have several years remaining. Linda Deans asked about the other lots that don't have a lease, if they would be able to purchase those lots. Erin said if they will be up for a sealed bid. Sabrina Edwards asked about the road between their property and the lake. They've had issues with people on that road. She is assuming their property would only go to the road. There is more property between the road and the lake. They've kept it up all these years. Ms. Edwards asked if the City is going to keep up with all of that. Ms. Edwards asked how far back does their lot go. Erin said there is a preliminary survey that has not been fully completed. Council Member Elliston asked if there will be a completed survey. Erin said generally the buyer will pay for a survey at closing. Council Member Elliston asked if that road were not there, would those people still be there? Ms. Edwards said no. They would like that road blocked off. She would be happy to take anybody who wants to look at it. Rhonda Wright said they brought it up at a previous meeting. She kept saying there wasn't a name for that road, but the map on the screen showed it's Melvin St. also, like it loops around. They've cleared it to be able to get down to the lake. Erin said we can address the situation with the road.

Council took a brief recess at 7:12 p.m. and resumed at 7:19 p.m.

Erin said she needs council to let her know if the council will allow payments. She said it was allowed in Davee. Council Member Elliston said the citizens have not been treated very graciously and we need to work with them and give them those options. We should offer those options for those properties that are currently leased and allow them a payment plan. Erin said to make it easier on staff, if could set at a monthly payment to get them paid out, that would help. Council Member Sutton said we're a city, not a bank, and said we should set a time for everyone to pay and if they haven't paid, they can go to a bank. Mayor Garcia said he would suggest offering an opportunity to purchase, or maybe give them a 5 year term. Sabrina Edwards asked how much the closing costs would be. Mayor Garcia said for those with current leases, we could offer them 5 years to pay, and split the closing costs 50/50 between buyer and seller. Any sealed bid has to be paid in full and closing costs paid by buyer. Erin said when they let us know they intend to purchase, we will have a contract. We would go by the original survey. Sharon Hicksk asked if we are going to add any interest. Erin said no. Sabrina Edwards asked if somebody moves out an old mobile home, could they bring in another one. Erin said no, it's zoned single family residential. Council Member Elliston asked if they could petition the zoning to get it changed. Mayor Garcia clarified, the one mobile homes that are currently there are grandfathered. They wouldn't have to be moved. To put in a new one, there is a process to through with Planning & Zoning to change the zoning. Council Member Elliston said she thinks they should be able to put a new mobile home. It would improve the property. Council Member Elliston said they would have to own the property to request a zoning change. A citizen asked what if a mobile home

burns down? Council Member Elliston said they could petition to have the zoning changed or could build a single family.

Council Member Elliston moved to table the item. Seconded by Council Member Moreno. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

- F. Discussion, consideration and possible action regarding a request from Joe Sanchez to reduce a city lien on his property located at 1210 S. Elm St. Erin Corbell presented and said Sanchez requested to be put on this agenda, but he is not in attendance. Erin asked if Council wanted to discuss the item or wait until Sanchez was present. Council Member Elliston said we have had other requests from other property owners whose properties we have cleaned and filed a lien against the property. We have historically declined their requests. Erin said she could not support releasing the original amount of the lien based on the other Sanchez properties that we’re having to clean. Council Member Land said there is work being done on the neighboring lot. Erin said with interest, the amount due the City is \$12,135. Council Member Elliston moved to deny the request. Seconded by Council Member Land. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

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 19	Good News Luncheon, 11:30 a.m. – TruCountry Inn
July 20	Budget Work Session, 10:00 a.m. – 4:00 p.m. – IF needed
August 1	Regular City Council Meeting, 6:00 p.m.
August 15	Regular City Council Meeting, 6:00 pm.

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: EMS agreement with McCulloch County

Regular Session was closed at 7:45 p.m. Executive Session was opened at 7:54 p.m. and closed at 8:36 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 clarify to the county that:

1. If the county pays the \$17,000 remaining balance, that payment forgives all past payment issues, specifically the non-payments that occurred during fiscal years 2019 and 2020.
2. For service year beginning October 1, 2023, offer a proposed 1 year interlocal agreement:
 - a. A percentage payment of 18% for EMS services in the amount of \$243,438.19:
 - i) 25% payable on or before November 15, 2023
 - ii) remaining 75% balance paid on or before March 1, 2024.

The motion was seconded by Council Member Gomez. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

12. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 8:42 p.m.


Aaron Garcia, Mayor

Attest: 
Tina Keys, City Secretary