



## CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING DECEMBER 5 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. December 5, 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 and Work Session meetings on November 21, 2023.

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

### 5. PRESENTATIONS

### 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.

### 6. PUBLIC HEARING:

## 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. REMOVE FROM THE TABLE:

Discussion, consideration and possible action regarding the first reading of Ordinance 1363 of the City of Brady, Texas to allow the open consumption of alcohol on the sidewalks adjacent to the property located at 202 W. Main St.

### B. City Manager update and discussion regarding Personnel Policy Manual, May 4, 2024 Election, Police and Fire Department facilities, Dodge Heights, Waste Water Treatment Plant

## 8. STAFF REPORTS

### A. Upcoming Special Events/Meetings:

December 13	Happy Birthday LARRY LAND
December 13	City Employee Christmas Party, 6:00, Civic Center
December 15	Joint City Council / Charter Review Committee meeting with C. Zech, 1:30
December 19	Work Session Meeting, 5:00
December 19	Regular City Council Meeting, 6:00
Dec. 25-26	Christmas Holiday, City offices closed, altered trash schedule
Jan 1, 2024	New Year's Day Holiday, City offices closed, altered trash schedule
January 9	Work Session Meeting, 5:00 – <b>NOTE DATE CHANGE – 2<sup>ND</sup> TUESDAY</b>
January 9	Regular City Council Meeting, 6:00 - <b>NOTE DATE CHANGE – 2<sup>ND</sup> TUESDAY</b>
January 23	Work Session Meeting, 5:00 – <b>NOTE DATE CHANGE – 4<sup>TH</sup> TUESDAY</b>
January 23	Regular City Council Meeting, 6:00 - <b>NOTE DATE CHANGE – 4<sup>TH</sup> TUESDAY</b>
January 28	Happy Birthday AARON GARCIA

## 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:
- Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person: Police / Fire Department

## 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 Work Session Meeting on Tuesday November 21, 2023 at 5:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Larry Land, Gabe Moreno, Felix Gomez, Jr. and Jeffrey Sutton. City staff present were City Manager Erin Corbell, Finance Director Lisa McElrath, Fire Chief Lloyd Perrin, Police Chief Randy Batten, Airport Manager Lisa Perry, and City Secretary Tina Keys.

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

Mayor Garcia called the meeting to order at 5:03 p.m. Council quorum was certified.

### **2. PUBLIC COMMENTS**

There were no public comments.

### **3. INDIVIDUAL CONCERNS**

- A. Discussion regarding designation of essential and non-essential personnel for hiring purposes during a hiring freeze. Erin Corbell said she brought the item before council for clarification. Staff feels like there are certain situations where we might need to hire personnel during a hiring freeze and would like a designation of essential vs non-essential for the purposes of a hiring freeze. Mayor Garcia said he feels the hiring freeze was to look from a budget standpoint if we were heavy in any areas. Mayor Garcia said in solid waste, we have 2 CDL drivers with one about to retire plus one more. Mayor Garcia went on to say, are we holding all of the staff responsible for their duties. Are we holding everybody accountable to their positions. There are things that are essential, but there are some people who can't help. Mayor Garcia said what is essential to getting the job done. On Wednesdays we don't need 2 CDL drivers. We need to hire whatever we need to hire to get the job done but we need our supervisors to step in. Mayor Garcia said he doesn't know that we need all the positions listed on Erin's sheet. Council Member Sutton said he thinks council's job is more to set budget not micromanage each department. Mayor Garcia said he would like to look to make sure we're being efficient. Council Member Moreno said we are trying to see where we can be more efficient. Erin said she is bringing it because we're short at PD and on Fire/EMS. She is trying to operate some departments with some clarity. Council Member Elliston said she doesn't think PD is overstaffed. She thinks we need more officers. Council Member Gomez said he heard we're not having many people apply. Council Member Elliston said we need to establish that the hiring freeze does not include PD. Council Member Elliston said council determined that fire EMS, and PD are considered essential. If they have a position open, they have the authority to fill those positions. Non-essential is administration, a part time cook, maybe somebody at the golf course. Council Member Elliston said we're going to have to have a longer work session. Council Member Land said he doesn't think this needs to even be before council. Administration was hired to do their job. It's great that Mayor Garcia is asking questions, but he thinks it's better to have discussions with city manager and HR. Council Member Moreno said we need to do it in budget. We're trying to make it efficient. Council Member Sutton said if the job isn't getting done, we don't know about it. That's when we need to do something. We need to let Erin manage the whole deal and if there's a deficiency then it's her fault. We don't need to micromanage the whole plan. Council Member Gomez said we can hire a plethora of workers, if there is some kind of disconnect, then there's an issue. The supervisor needs to communicate to the workers. They need to be guided in the right direction. Council Member Moreno said if someone complains to us then we need to look into it. Council Member Land said we had budget workshops with supervisors and they meet and discuss what's required. Council Member Land asked when this hiring freeze was done. Erin said it was discussed during one of her evaluations. It wasn't voted on. Council Member Elliston said

fire, EMS and police are 100% not included in the hiring freeze. The positions must be filled. We can be active in filling those without bringing to council. We can't function without those departments. Council Member Elliston said as far as the trash truck, Mayor Garcia should tell us if it's essential. Mayor Garcia said there are a lot of issues in that department. Council Member Elliston said Erin needs to be aware of the issues. Mayor Garcia asked where is the supervisor. Council Member Elliston said you might not always get the whole story. Our supervisors need to efficiently run their departments and the city manager needs to be told what's going on and she needs to handle it. Erin said in the meantime, she will take on a study of efficiencies and how to determine where the deficiencies exist, and she will work closely with the directors that it affects. Council Member Land said he doesn't think it needs to go to council if we need someone in the trash department. Council Member Elliston said it was discussed in budget maybe where we can move some staff around. So, if we have an employee who leaves, maybe their duties can be divided among other employees. Council Member Sutton said it's Erin's job to manage her people. If council wants to know more, they can sit down with the city manager. Erin is supposed to handle staffing and if somebody says something to council about staff, council should take it to the city manager.

B. Discussion regarding funding opportunities at Curtis Field Airport. Lisa Perry asked if the ARPA funds were still an option. Erin said there was previous concerns about grant assurances. We've been hesitant to move forward. Mayor Garcia said a previous council had approved certain staffing levels so that's where we are going. Previous council disapproved this. Erin said if we're going to reject this funding it can't be staff who rejects it. Council Member Elliston said our world changed in 2020 and she would vote against anything with this wording. Lisa said every federal grant will have that language, so do we no longer accept any grant money? Council Member Land said he is over federal phobia. Mayor Garcia said he would vote to approve grants, but previous council was not in favor of these grants. Mayor Garcia said Lisa has done a fantastic job out there. Erin said Lisa needs to bring federal grant requests to council for consideration.

#### 4. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 6:03 p.m.

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Aaron Garcia, Mayor

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

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 21, 2023 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Gabe Moreno, Larry Land, Jeffrey Sutton and Felix Gomez, Jr. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Chief Randy Batten, Solid Waste Superintendent Jim Kidd, Airport Manager Lisa Perry, Airport Lead Lineman Scott Griffin and City Secretary Tina Keys. Also in attendance were Daniel Mendoza, James Griffin, Charles Bush, Shiela Hemphill, Jamey West, Elaine Quinn, John Quinn, Terry Phillips, and Amanda and Fred Nuncio.

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

Mayor Garcia called the meeting to order at 6:12 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**

Shiela Hemphill thanked council. She has seen mayors come and go and one of the biggest obstacles has been not allowing public to speak so she appreciated the mayor for giving opportunity to speak. She handed out a consolidated debt of political subdivisions. She was not prepared for it to equate to \$66,000,000 for McCulloch county. She was shocked by that number. She was expecting the city number to be high with the water projects. She would ask the council to put a moratorium on spending with the uncertainty of our nation. She is very concerned that we don't know what we will be looking at.

Elaine Quinn regarding new police building. She agrees with Sheila. We are so far in debt it's like we are following the nation with 73 trillion in debt with no way to pay and our city seems to be going down the same road. People can't pay their water and utility bills. She doesn't know how the fire and police department thinks adding another 6 million in debt is going to help our city. She would like to balance our budget. We have exploded our spending in years past, let's not add to it.

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

- A. Approval of Minutes for Regular Meeting on November 7, 2023

Council Member Sutton 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:**

Warren CAT representative Jamey West presentation of heavy equipment sales & services supporting city landfill – Steven Miller introduced Jamey West with Warren CAT who presented to Council.

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

There were no public hearings

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

- A. Discussion, consideration and possible action approving Resolution 2023-021 authorizing the city manager to execute an equipment lease extension with Caterpillar Financial Services Corporation for the existing

816K Compactor at the city land. Lisa McElrath presented and said we normally do a 5 year capital lease and at the end of that period, there is a balloon payment and Warren CAT buys that back. There is not a compactor readily available, so we need to extend the current lease with the current compactor. We made the last payment of the current lease in October. We would need to make 11 more payments in this fiscal year. It is in our budget. If a compactor is acquired prior to lease expiring, we will be able to return that machinery to Warren Cat. We will not likely go the full two years. We need to extend the lease to keep our compactor at the landfill. Jamey West said you gain equity with each payment. These machines are constantly being used in a rough environment. Council Member Sutton moved to approve Resolution 2023-021 authorizing the city manager to enter into a lease agreement with Caterpillar Financial Services Corporation in the amount not to exceed \$146,904.36. Seconded by Council Member Elliston. 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 sign a sales quote with Warren CAT, San Angelo, TX, an action committing City Council to a future lease/purchase agreement with Caterpillar Financial Services Corporation for an 816K Compactor for city landfill operations. Steven Miller presented. Miller said we have to get this material pushed down into the ground. Council Member Sutton moved to have city manager enter into a sales quote with Warren CAT – San Angelo. 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 to approve the **second and final reading of Ordinance 1372** amending the average monthly payment agreement billing program for the payment of water, sewer, gas, electric and/or trash services. Lisa McElrath presented. Council Member Moreno moved to approve the second and final reading of Ordinance 1372. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- D. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1369** of the City of Brady, Texas to adopt Minimum Standards for Commercial Operators and Airport Tenants at the Curtis Field Airport in Brady Texas and repealing Ordinance 840. Erin Corbell presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1369. Seconded by Council Member Gomez. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- E. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1370** of the City of Brady, Texas providing Rules and Regulations for the efficient and safe operation of the Curtis Field Municipal Airport and repealing Ordinance 841. Erin Corbell presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1370. 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 the **second and final reading of Ordinance 1371** of the City of Brady, Texas amending Ordinance 1366, a Schedule of Fees for the Administration of Utility Rates, Programs, Regulations and other Operations of the City; adding a Ramp/Landing Fee for Curtis Field Municipal Airport. Erin Corbell presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1371. Seconded by Council Member Gomez. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- G. Discussion, consideration and possible action regarding City board appointments to fill vacancies. Applicants for consideration – Lisa Moreno. Council Member Elliston moved to appoint Lisa Moreno to the Tourism Advisory Board. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

H. REMOVE FROM THE TABLE:

Discussion, consideration and possible action awarding bid for remodel of 607 W. 11<sup>th</sup> to house Brady Police Department. Mayor Garcia asked for a motion to remove from the table – there was no motion. Motion failed. No action was taken

**8. STAFF REPORTS**

**A. Upcoming Special Events/Meetings:**

November 23	HAPPY BIRTHDAY JEFFREY SUTTON
Nov. 23, 24	Thanksgiving Holiday, City offices closed, altered trash schedule
December 5	City Council Work Session – Personnel Policy Manual review
December 5	Regular City Council Meeting, 6:00 / Work Session, 5:00 p.m.
December 13	City Employee Christmas Party, 6:00, Civic Center
December 15	Joint City Council / Charter Review Committee meeting with C. Zech
December 19	Regular City Council Meeting, 6:00
Dec. 25-26	Christmas Holiday, City offices closed, altered trash schedule
Jan 1, 2024	New Year's Day Holiday, City offices closed, altered trash schedule

**9. ANNOUNCEMENTS**

Erin said she put in a vacation request for December 27, 28, 29<sup>th</sup> but she will be in town and available. The first 2 meetings of 2024 follow after holidays. Staff would like to request to move those meetings to January 9 and 23<sup>rd</sup>. Council Member Sutton asked who they will contact while Erin is off. Erin said they could contact her, but Mayor Garcia said he would rather they not contact Erin unless it's something catastrophic. Mayor Garcia thanked staff for their work for the employee luncheon. Council Member Moreno thanked the citizens for attending and speaking up. James Griffin commended staff for recognizing all the City departments on Facebook.

**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 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person: Police Station / Fire Station

Regular session was recessed at 7:00 p.m. Executive Session was opened at 7:11 p.m. and closed at 7:50 p.m.

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

There was no action as a result of Executive Session.

**12. ADJOURNMENT**

There being no further business, Mayor Garcia adjourned the meeting at 7:51 p.m.

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Aaron Garcia, Mayor

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

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

<b>AGENDA DATE:</b>	12/05/2023	<b>AGENDA ITEM</b>	7.A.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding the <b>first reading of Ordinance 1363</b> of the City of Brady, Texas to allow the open consumption of alcohol on the sidewalks adjacent to the property located at 202 W Main St.		
<b>PREPARED BY:</b>		<b>Date Submitted:</b>	7/27/2023
<b>EXHIBITS:</b>	Ordinance 1363		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	0.00	
	<b>Amount Budgeted:</b>	0.00	
	<b>Appropriation Required:</b>	0.00	

<b>SUMMARY:</b>
<p>Heather Craigmyle with TruCountry Hotel and Hair of the Hog Saloon approached the city about creating an outdoor seating area on a public sidewalk for her establishment. According to TABC regulations, in order for beverages to be consumed in her outdoor area, the city must adopt an ordinance to allow consumption on said sidewalk.</p> <p>The attached ordinance would establish such an area for that specific business.</p>

<b>RECOMMENDED ACTION:</b>
<p><b>Mayor Pro Tem</b> will ask: “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 Pro Tem</b> calls for a Motion: Do I have a Motion to approve the first reading of <b>Ordinance 1363</b>?</p>

## **ORDINANCE NO. 1363**

### **AN ORDINANCE OF THE CITY OF BRADY PROHIBITING OPEN CONSUMPTION OF ALCOHOL IN CERTAIN PLACES; ALLOWING THE OPEN CONSUMPTION OF ALCOHOL IN CERTAIN PLACES; PROVIDING A PENALTY FOR VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, state law allows for public consumption of alcohol between certain hours unless prohibited by cities; and

**WHEREAS**, city of Brady desires to prohibit open consumption of alcohol in public except in certain authorized places as being in the best interest of its citizens and to discourage underage drinking or other violations of state law; now therefore,

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS**

#### **PART 1. Consumption of Alcoholic Beverages on Streets, Sidewalks and Parks.**

That after the effective date of this Ordinance, public consumption of alcoholic beverages is unlawful in the city limits of Brady on city property except as allowed in Parts 3 and 4.

#### **PART 2. Hours of Consumption.**

That if allowed pursuant to Parts 3 and 4, the hours of public consumption of alcohol on city property and in city parks shall not be before or after as follows:

- Monday – Friday: Before 7 a.m. or after 12:15 a.m.
- Saturday: Before 7 a.m. or after 1:15 a.m.
- Sunday: Before noon or after 12:15 a.m.
- Exception: Consumption is legal between 10a.m. and noon Sunday:
  - At an on-premise establishment when it is sold along with the service of food to a customer.
  - At a winery, fair, festival, concert or sports venue.

Should the state of Texas change its hours of consumption, these hours shall remain in effect unless and until the City Council adopts the new hours.

#### **PART 3.**

#### **PUBLIC CONSUMPTION ALLOWED IN CERTAIN AREAS**

That after the effective date of this Ordinance, public consumption may be allowed on the sidewalk adjacent to and abutting the east side of the property located at 202 W. Main.

#### **PART 4.**

#### **PUBLIC CONSUMPTION ALLOWED AT CITY CIVIC CENTER AND IN CITY PARKS:**

That after the effective date of this Ordinance, public consumption may be allowed in the City Civic Center.

- a. Consumption of alcoholic beverages at the Ed Davenport Civic Center and in City Parks must end at midnight.
- b. Glass containers are not permitted in City Parks.

#### **PART 5.**

#### **FURTHER EXCEPTION TO PUBLIC CONSUMPTION:**

That after the effective date of this Ordinance, public consumption is not allowed if any areas authorized under Parts 3 or 4 have restrictions against consumption that the City has no authority to waive.

#### **PART 6.**

#### **SALE OF ALCOHOL PROHIBITED IN AUTHORIZED AREAS.**

That after the effective date of this Ordinance, no vendor unless an already authorized business holding a liquor license in the authorized area may sell alcohol in the area unless the city council grants a permit for sale during an event. Any application must be submitted at least ten (10) business days before the desired sale.

#### **PART 7.**

#### **ENFORCEMENT OF NON-COMPLIANCE, CRIMINAL PENALTIES**

The city manager, all employees of the parks department, and sworn members of the city police department are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of this ordinance and/or parks or community center departmental rules and regulations to immediately leave from any city-owned park, community center or the public areas affected by this ordinance. Any person who upon such notice fails to depart from any such property shall,

upon conviction, be fined not more than \$500.00. Prosecution under this section shall not preclude prosecution for any other crime that the person may have committed at the city-owned property, park, or Civic Center.

#### **SECTION 8. - SEVERABILITY**

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

#### **SECTION 9. CONFLICT REPEALED.**

All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

#### **SECTION 10. EFFECTIVE DATE.**

This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

**PASSED ON FIRST READING, the \_\_\_\_ day of December 2023.**

**PASSED, APPROVED AND ADOPTED ON SECOND READING, the \_\_\_\_ day of December 2023.**

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Aaron Garcia, Mayor

**ATTEST:**

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City Secretary, Tina Keys