

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 7, 2023 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Gabe Moreno, Larry Land, and Felix Gomez, Jr. Council Member Jeffrey Sutton was absent. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Chief Randy Batten, Airport Manager Lisa Perry, Airport Lead Lineman Scott Griffin, and City Secretary Tina Keys. Also in attendance were Charles Bush, Lynn Farris, Chris Martin, Heath Evans, Amanda Nuncio, Fred Nuncio, Lisa Selensky, Lawrence Selensky, and Tony Groves.

**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**

Amanda Nuncio and Fred Nuncio elected to make their comments during the agenda item.

**4. CONSENT AGENDA**

- A. Approval of Minutes for Regular and Work Session Meetings on October 17, 2023

Council Member Elliston said the change requested on the previous minutes should reflect Misty Boggs and not Missy Boggs. Council Member Elliston moved to approve the Consent Agenda as amended. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

**5. PRESENTATIONS:**

There were no presentations

**6. PUBLIC HEARINGS AND INDIVIDUAL CONCERN ON PUBLIC HEARING**

Public Hearing for comments from the public regarding request for a zoning change from Commercial District to Two Family District for property located at 300 S. Pecan St. in the Luhr Subdivision, Block 18, Lot No. E/2.

There was no Public Hearing as the P & Z meeting was cancelled - will be brought back at a later time

**7. INDIVIDUAL CONCERN**

- A. Discussion, consideration and possible action regarding the second and final reading of Ordinance 1368 of the City of Brady, Texas to amend FY 2024 Budget transferring unfinished FY 2023 projects to the FY 2024 Budget Cycle. Lisa McElrath presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1368. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- B. Discussion regarding short term rentals in the City of Brady. Erin Corbell presented with Attorney Sharon Hicks and Planner Jon James on zoom. Erin said our current ordinance was presented in 2003 before short term rentals were popular. The gentleman asking P & Z for the zoning change, none of our zoning uses allows him what he wants to do. City Council needs to have a conversation on how to manage short term rentals. Erin said she doesn't think short term rentals need to be heavily regulated, but does think we need to have them registered and make sure appropriate taxes are collected. Planner James said he was looking for

direction on how the City wants to proceed. Erin said this discussion is just intended to get the thought process going and there will be further discussions. In the city of Abilene, it's treated like any other house but you have to register with the city. There has been some recent legislation on how short-term rentals are addressed. Council Member Land asked about the current airbnb's in Brady. Erin said they opened without checking with the city. Sharon Hicks said we would want to put out a notice on what is required so they can register. Council Member Moreno said how do we determine if it's a short term rental. Erin said there is a company that does our hotel motel audits and they do a comprehensive overview of our area. Erin said we will address in our zoning use charts. No action was taken. Sharon Hicks introduced Jon James as a certified planner who recently joined their firm and will be assisting the City in its planning updates.

- C. Discussion, consideration and possible action regarding the **first reading of Ordinance 1367** of the City of Brady, Texas granting a zoning change from Commercial District to Two Family District for property located at 300 S. Pecan St. in the Luhr Subdivision, Block 18, Lot No. E/2. There was no action taken
- D. Discussion, consideration and possible action regarding **Resolution 2023-018** voting for McCulloch County Appraisal District Board of Directors for 2024-2025. Erin Corbell presented. Council Member Elliston moved to approve Resolution 2023-018 giving 91 votes to Gabe Moreno and 92 votes to Larry Land. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- E. Discussion, consideration and possible action regarding the **first 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. Lisa Perry presented. Council Member Land moved to approve the first reading of Ordinance 1369. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- F. Discussion, consideration and possible action regarding the **first 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. Lisa Perry presented. Council Member Elliston moved to approve the first reading of Ordinance 1370. Seconded by Council Member Land. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- G. Discussion, consideration and possible action regarding the **first 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. Lisa Perry presented. Council Member Elliston moved to approve the first reading of Ordinance 1371. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- H. Discussion, consideration and possible action regarding approval of **Resolution 2023-020** authorizing the Mayor to approve submission and acceptance of a grant through the Texas Department of Transportation for Routine Airport Maintenance (RAMP Grant) at Curtis Field Airport for Fiscal Year 2024, in an amount not to exceed \$100,000 and authorizing compliance with the grant terms; and providing an effective date. Lisa Perry presented. Council Member Elliston asked if one of the requirements to get the grant is that we have a 20 year obligation to own the airport. Lisa said every grant does. Council Member Moreno moved to approve Resolution 2023-020. Seconded by Council Member Land. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- I. Discussion, consideration and possible action authorizing the city manager to execute a purchase order for a 623K Scraper from Warren CAT, San Angelo, TX and approve **Resolution 2023-019** to enter into a

lease/purchase agreement with CAT Financial Services. Steven Miller presented. Council Member Gomez moved to have city manager execute a purchase order for 623K Scraper with Warren CAT – San Angelo for \$1,009,472.90 and approve Resolution 2023-019 to enter into a lease purchase agreement with CAT financial. Seconded by Council Member Land. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

J. Discussion, consideration and possible action to approve the **first 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 Elliston moved to approve the first reading of Ordinance 1372. Seconded by Council Member Land. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

K. REMOVE FROM THE TABLE: Council Member Elliston moved to remove item from the table. Seconded by Council Member Land. Three Council Members voted “aye” and Council Member Moreno voting “nay”. Motion passed with a 3-1 vote .

Discussion, consideration and possible action awarding bid for remodel of 607 W. 11<sup>th</sup> to house Brady Police Department. Mayor Garcia said nobody on council wants to raise taxes. Staff did discuss the possibility. Mayor Garcia said he has worked with staff and they believe they have come up with another possibility that will not affect taxes. Amanda Nuncio said people should have a choice and asked why a C.O. instead of a Bond. Nuncio asked if all options have been looked at. She said council was just going to sign a C.O. and that's not right. Council Member Elliston said that's not true, the options were discussed. Amanda said to award the bid, you have to have the financing. Where is it going to come from. Council Member Elliston said we have cash to pay for the majority of the police station already. It has been discussed to reduce the fund balance as well. Erin said Friday C.O and bonds both were discussed. It was just a discussion. Council could choose. Amanda asked what Council decided. Mayor Garcia said they did not decide. Erin said there is a process for C.O.'s which include having a public hearing, that also gives voters the right to petition that the issuance of C.O.'s be placed on a ballot. Erin said they were just giving multiple options. Council Member Elliston said they did not vote to raise taxes. Council Member Elliston said if we have to raise anything, she would rather raise utility rates. The majority of people have utilities. If we put the burden on taxpayers only, it's not fair. Mayor Garcia said we understand we are in a recession. We see it, we feel it. Staff has to offer every option available and that's where this came from. Nobody wants to raise taxes. There was some confusion that got out. We are not looking at raising taxes. We will exhaust every option before it would come to that. Fred Nuncio said when they get these bids, they would like to look at some of that. There are ways to do things a lot cheaper. Erin gave Fred a copy of the bid documents to look at. Mayor Garcia said past councils and this council does want more work to stay in Brady. He doesn't know if it was a lack of communication or a lack of local bids, but they want to try to get the local people. They delayed awarding a previous bid on a separate topic because they wanted to give an opportunity for local people to bid. Council Member Moreno said staff did reach out to local companies and we didn't get one bid on it. Sheila Hemphill said the public is not aware of the mandates that are put on municipalities. She would like to put a moratorium on any new debt. She would plead with council to be very cautious on expenditures. Mayor Garcia said we understand and are having to get creative. Public safety is our main concern and we have to make sure we can handle that. We want to be as transparent as possible. Erin said we have an email distribution list for council agendas and Amanda can be added. Heath Evans asked about costs. Council Member Elliston said cost comparisons for new build was over \$8 million and that was in 2020. The prices

just keep going up. Prices for PD came in under anticipated amount. Amanda asked what was being done at the cafeteria. Erin reviewed and told her we have plans they can look at. Council Member Elliston said that building was purchased for the senior center. Because of regulations, it wasn't feasible. It was going to be \$1 million to benefit only a few citizens. We need to utilize what we currently have. Council Member Moreno said we think it's a lot of money too but there are a lot of regulations and rules. Shiela asked what are the rules. Erin said they're listed on the bid documents. Mayor Garcia said on Monday we are meeting with the contractor to see where we can cut costs. Mayor Garcia said previous council has thoroughly looked at all the options. There were issues that need to be considered. He believes the financing side will be handled. Council Member Land asked the Nuncios what type of construction work they do? Fred said everything. Council Member Land asked if they have bid on public works before. They said yes. He asked if they monitor when they come up for bid. Amanda said you would think they would get a phone call. They have never bid here. Council Member Land said stuff goes out and we would love to get input from local contractors. Erin said they can register with the purchasing office and when something comes up within their scope, they will be notified. Amanda said these contractors are not building the buildings. Council Member Moreno asked Steven Miller how that works. Miller said the issue is the bonding requirements that have to be met. Miller said the general contractor hires the subs, but they front the bonding aspect. Amanda said they can bond and insure. Erin said again, she had to present all options to council. The intention was always to pay cash. Currently we are short moving forward on the fire department, so she had to present options. Erin said we can wait on the fire department, so we're ok with sitting on the sale of the land until we can get the best price. Council Member Land said we're just looking at our options. Council Member Elliston said the costs of these projects just keep going up. We have got to do something. Our fire department is in very bad shape. Council Member Elliston suggested they tour the facility and see what they're working with. Erin said on the west side of the wall, the wall is separating, and the top floor is sliding. There is a sewage issue we haven't been able to get a plumber to touch. There is mold. Heath Evans said you can build a metal building that will suffice for less than 6 million dollars. James Stewart said if a non-profit can build, can the city lease? We're dealing with a volunteer dept mixing with a municipality and all the complications. Erin said there is nothing to prevent that. James Stewart said the volunteer fire department has discussed it for years but it has never been followed through. James said speaking on behalf of the VFD, that idea has been kicked around, but he will see what they can come up with. Heath said tear down the fire station and build a new one on the same site. Erin said that if they build on the same site, it will still need to be a two story facility. James said a lot of ideas have come up. Shiela Hemphill asked James Stewart if the G. Rollie White Foundation has been approached. James said no because there is so much dealing with paid fire, volunteer fire, EMS. Mayor Garcia said there are a ton of ideas. He thinks there are things we could do that could change that \$4M price tag and we will address that. Amanda asked if PD is having problems too. Chief Randy Batten said yes, they are having issues too. Mayor Garcia said there are security issues with the police department; a lot of different state regulations. Mayor Garcia said he agrees the price is a shock. We need to work through the plans. He advised the public to continue to come to these meetings so they can stay informed. Heath Evans asked who does the city have construction wise that can be the eyes of the city. Council Member Moreno said some of the issues with contractors you get the low bid, then there are add on's. They know what our budget is, all of a sudden our bill is higher. We do need somebody. Our Public Works director usually does that. Council Member Moreno said we just hired Bureau Veritas, that should be in the conversations. Miller said the schedule values is the most important document – the line by line. That

will be your road map on how to reduce costs. Mayor Garcia said council does question everything. Council Member Moreno said we are going to ask questions when it comes to this kind of money. Council Member Moreno said there is so much more to getting things done. He understands the older council wants to get things done, but the new council is going to ask all the questions. Council Member Gomez said he is learning and soaking it all in. His goal is to do what's right for the citizens. He feels like sometimes we get rushed. He has seen the fire department. It really is unsafe. It's pretty sad. It's time. But he doesn't know if we have to do everything all at once. Council Member Elliston said that's why it is broken up into two projects. Council Member Gomez said we do try to go through everything we can to make the right decisions. We will work together. His goal is to keep everybody informed. Council Member Moreno moved to table. Seconded by Council Member Gomez. Council Member Elliston said she wanted to clarify how much time we have on the bid. Erin believes the low bid will be honored for about 45 additional days. All Council Members voted "aye" and none "nay". Motion passed with a 4 - 0 vote.

## 8. STAFF REPORTS

### A. Upcoming Special Events/Meetings:

November 10	Special Joint Meeting with Charter Review Commission, 1:00 p.m.
November 10	Veteran's Day Holiday, City offices closed, altered trash schedule
November 21	Regular City Council Meeting, 6:00
November 23	HAPPY BIRTHDAY JEFFREY SUTTON
Nov. 23, 24	Thanksgiving Holiday, City offices closed, altered trash schedule
December 5	Regular City Council Meeting, 6:00
December 19	Regular City Council Meeting, 6:00
Dec. 25-26	Christmas Holiday, City offices closed, altered trash schedule

## 9. ANNOUNCEMENTS

Erin said our annual employee Thanksgiving lunch is Friday the 17<sup>th</sup> and council is welcome to attend.

## 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:

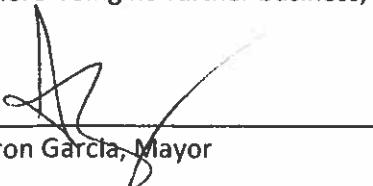
Regular session was recessed at 7:39 p.m. Executive Session was opened at 7:50 p.m. and closed at 8:30 p.m.

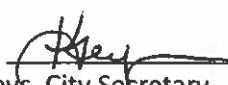
## 11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

There was no action as a result of Executive Session.

## 12. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 8:31 p.m.

  
Aaron Garcia, Mayor

Attest:   
Tina Keys, City Secretary