



CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING JANUARY 9, 2024 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. January 9, 2024, 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 Joint Meeting with Charter Review Commission on December 15, 2023 and Regular and Work Session Meetings on December 19, 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

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.

5. PRESENTATIONS

- State of the City – City Manager Erin Corbell
- USDA Community Funding – Jason Luna

6. PUBLIC HEARING:

None

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 second and final 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. Discussion, consideration and possible action approving the first reading of Ordinance 1373 repealing Ordinance 1198 regarding a youth curfew.
- C. Discussion, consideration and possible action regarding Interlocal Agreement with McCulloch County for labor and equipment sharing to improve/maintain infrastructure of public facilities.

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

| | |
|------------|---|
| January 15 | Martin Luther King Holiday – City offices closed, altered trash schedule |
| January 17 | Good News Luncheon, 11:30, TruCountry Ballroom |
| January 23 | Work Session Meeting, 5:00 – NOTE DATE CHANGE – 4th TUESDAY |
| January 23 | Regular City Council Meeting, 6:00 - NOTE DATE CHANGE – 4th TUESDAY |
| 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

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 Joint Work Session Meeting with Charter Review Commission on Friday December 15, 2023 at 1:30 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Larry Land, Felix Gomez, Jeffrey Sutton and Gabe Moreno. City staff present were City Manager Erin Corbell, City Attorney Sharon Hicks, Police Chief Randy Batten, and City Secretary Tina Keys. Also in attendance was Charles Zech with Denton, Navarro, Rocha, Bernal and Zech, P.C.

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

Mayor Pro Tem Elliston called the meeting to order at 1:30 p.m. Council quorum was certified. Charter Review Commission quorum was certified. Mayor Garcia arrived at 1:48 after a quorum was certified.

2. PUBLIC COMMENTS

There were no public comments.

3. INDIVIDUAL CONCERNS

- A. Charter Review processes / legal review with Charter Review Committee and Charles Zech of Denton, Navarro, Rocha, Bernal and Zech P.C.. Charles Zech went over his history and qualifications. He then reviewed the different types of cities in Texas being Home Rule and General Law A, B, C. General Law cities are usually less than 5,000 in population. Attorney Zech went on to explain General Law cities look to the Texas legislature for everything. Home rule cities adopt their own local charter and create their own government. If you have a home rule charter you no longer have to look to the legislature for power and authority except where the legislature has told you that you cannot do something. The charter commission is the most important authority a city can put together. A commission should be looking at what works and what doesn't work. Don't make change for change sake. Attorney Zech said he recommends never putting anything in the charter that is already state law because state law changes. Charters should be minimal and create the basic framework of government. Remember the charter review committee is not the decision maker and needs to ask if this is something that should be put before the community to decide whether something is in or out of the charter.

Sec 1.04 – none of that is necessary. You have all the power of a home rule city and you do not have to list them separately. Attorney Zech said he recommends deleting. All changes would be one proposition reading shall the city charter be amended to delete provisions unnecessary to being in charter. It could be misleading if a citizen thinks only these powers are allowed. So much of how we are regulated is by statute.

Charter Commissioner Chris Martin asked if they would get a copy of the proposed changes. Attorney Zech said absolutely yes.

Section 1.05 – you have the power regardless of if it's listed

2.01 – never recommends putting boundaries in charter

2.02 – unnecessary and inconsistent with state law. State law has made multiple changes over the past 10 years that highly restrict home rule cities to annex properties. The list of how things happen has been made inconsistent with state law.

3.04 – it's a salary and it needs to be treated as a salary and should be deleted. Civil office of emolument – what is emolument - means paid. It's already state law and can be deleted.

3.05 the mayor may take command of police..... that is state law and unnecessary. State law dictates the mayor's powers in an emergency. Council Member Elliston stated that council has control over an emergency and can revoke an emergency unless the governor declares an emergency.

3.08 – any vacancies shall be filled by special election – about 6 years ago the legislature changed the law to allow for appointment to a vacancy in a city who has 3-year terms or more, but only if there is one year or less left in a vacancy. He recommends giving city council the flexibility to appoint or hold an election. You cannot appoint if it is prohibited in your charter.

3.09 the council shall hold meetings as necessary to conduct the business of the city. It doesn't make any sense to dictate that you have to meet twice.

3.10 – not necessary. You can't meet without a quorum and can't take action without a quorum.

3.11 – we don't define conflict of interest. State law defines it, our charter doesn't. Conflicts of interests are completely subjective. Define to state "conflict of interest as defined by state law". If you don't vote, then it's a no vote. If you have an actual conflict of interest under state law, you don't count under a quorum.

3.14 – does not need to be in the charter. The council has all the power and authority under state law.

3.16 – Attorney Zech said he thinks the 3rd reading could be a special meeting. Administrative things can be done by resolution, law things by ordinance.

3.20 – it's unnecessary but you can leave it in if you want. The council can require this even if it's not in the charter. It says council may require.

4.07 – Attorney Zech said he never seen that a city secretary has to be a resident of the county and doesn't even think it's legal. Attorney Hicks said council has been talking about requiring certain personnel live in the city. Attorney Zech doesn't think we can make the city secretary. With emergency responders we can require them to live within a certain distance. That's a state statute issue. This is the only charter he has ever seen with that requirement. State law says an appointed department head appointed by mayor or council. Attorney Hicks said final decisions regarding this should be contained in the personnel policy rather than in the charter.

4.08 – should be removed

5.01 – already state law

5.05 – not legal – needs to be removed

5.06 – inconsistent with state law. The council does not have that authority. Attorney Zech said he would recommend striking. It's already state law. State law gives board of adjustment its jurisdiction.

6.02 – delete – state law

6.03 – state law dictates the process for adopting your budget. Should read "the city's budget shall be submitted adopted and amended in compliance with state law."

6.04 – This is a list of policies and procedures. It's not really charter material. It should be adopted by policy. Beginning with Financial Reports.

6.07 – run by Bond Council to make sure it's consistent with law.

6.08 & 6.09 – both should policy rather than charter

Article 7 – all governed by State Law and recommend it all be removed.

Article 8 – use a percentage of voters registered to vote at the last election. If you use a number that's the percentage of registered voters, it wouldn't be significant to change the number of people to sign the petition.

Initiative and referendum –

9.08 – last line – what about an ordinance that was amended. If an ordinance was amended, you're out of luck, it has to go back to voters to amend. He would add the word amend to make it consistent.

10.01 – none of this is necessary

Article 11 – all is unnecessary – can be removed. It's all state law. Board of Equalization is not even consistent with state law.

Article 12 – needs further discussion. There is quite a bit that could be a problem under state law. He would recommend removing entire article.

City Manager Corbell asked Attorney Zech to provide a more in-depth analysis. Attorney Zech said he will go through it.

13.01 – is repetitive of state law

13.03 – there is a statute in state law

13.04 – he would like to delete. It's inconsistent with state law.

13.05 – unnecessary

13.06 – doesn't need to be listed – already have the power without it being in the charter

13.08 – (3) – doesn't think we can prohibit a council candidate from going to an employee, they have a right. He thinks it should be deleted – inconsistent with state and federal law. (4) – it's unenforceable. Penalties - You would have to adopt an ordinance. And the definition of "willfully" needs to be defined. No court has jurisdiction over a charter violation.

13.10 – unnecessary

13.11 – unnecessary

13.13 – not required to be in charter

13.15 – last part, never seen this before. People have a right to representation – should be deleted.

Transitional Provisions – can be deleted.

City Manager Corbell asked about 12.16 – council would like to be able to lease for longer than 50 years. Attorney Zech said yes, we can change that.

Attorney Zech said if there are specific things council thinks the charter committee should look at, they should make a list for discussion.

City Manager Corbell asked Charter Review when they could meet – Charter Commissioner Huffman said Friday is best for her and Commissioner Evans. Commissioner Stewart said Friday at 1:00. City Manager Corbell asked if 10:30 works. Commissioner Huffman said yes. Friday, January 5th, 10:00 would be our first meeting. Commissioner Huffman said she will be gone that day. January 12 – 10:30 a.m. was agreed upon by all commissioners

4. 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:

There was no Executive Session.

5. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 3:20 p.m.

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 Work Session Meeting on Tuesday December 19, 2023 at 5:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Larry Land, and Gabe Moreno. 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, City Attorney Sharon Hicks and City Secretary Tina Keys. Also in attendance was David Ortiz and James Stewart.

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

Mayor Garcia called the meeting to order at 5:05 p.m. Council quorum was certified.

2. PUBLIC COMMENTS

There were no public comments.

3. INDIVIDUAL CONCERNS

- A. Discussion regarding update on approved 2024 Supplements. Erin Corbell presented.

Steven Miller talked about the Road Assessment Service and told council we are currently getting information from the 7 vehicles that the systems are installed on.

Lisa Perry said they are working with a TxDOT senior planner. Their stand is they won't replace an existing fuel farm. She is working to get that assistance. Regarding the \$20,000 for ramp grant for bathroom, she is working with Taylor Hoffpauir and Connie Echols to make sure we meet code. There are utilities that need to be upgraded. They are trying to get a pilots lounge along with bathroom. They need to identify where the sewer lines are and need to get a bid for a slab.

Fire command vehicle, a lot of the dealers said they have vehicles but not with the requested specs.

Council Member Moreno confirmed we did not approve gas line replacement.

Council Member Land asked about the process to sell gas system. City Manager Corbell said she did the resolution to call the election in May.

Mayor Garcia said City Manager Corbell is doing a State of the City for the January 9th meeting. He doesn't know what other items will require a work session. City Manager Corbell said she has a list of projects she has been working on and would like council to prioritize and then we can have work sessions if needed.

Mayor Garcia said if work sessions are only going to be 30 minutes, then we can just add items to the regular sessions rather than hold work session. Council Member Land said work sessions before the meetings are fine, but we don't need to be looking for items for work sessions. Mayor Garcia said he's good with not having work sessions if we don't have specific items. City Manager Corbell said she can bring supervisors in for each work session. Council Member Moreno said we have a lot of projects going on and would like to see project managers come in and get big projects done. Council Member Elliston said she thinks it's a good idea to go through the list and prioritize and added if we don't have anything for a work session, then we shouldn't have one. Mayor Garcia asked if now is a good time to discuss charter review priorities. City Manager Corbell said we will have it on the January 9th agenda, but if anyone wants to send them before the 9th, that will be better. Council Member Moreno said if there were discrepancies, we might need more time to discuss. City Manager Corbell said she could add to a work session on January 9th along with personnel policy.

4. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 5:36 p.m.

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 December 19, 2023 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Gabe Moreno, Jeffrey Sutton, and Larry Land. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Chief Randy Batten, City Attorney Sharon Hicks, and City Secretary Tina Keys. Also in attendance were David Ortiz, Terry Phillips, Ed Hernandez, Chuck Jividen, Daniel Mendoza, Heather Myles, Leon and Anita Reingard, Tracy Pitcox, James Stewart, Daniel Mendoza, Charles Bush, Scott Bush and Becky Smith.

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

There were no public comments.

4. CONSENT AGENDA

- A. Approval of Minutes for Regular and Work Session Meetings on December 5, 2023

Council Member Elliston moved to approve the Consent Agenda. Seconded by Council Member Moreno. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

5. PRESENTATIONS:

End of the Fiscal Year 23 Budget Reports – Lisa McElrath presented to Council. Mayor Garcia thanked Lisa for putting the numbers together and said we couldn’t do it without Lisa and her staff.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERN ON PUBLIC HEARING

There were no public hearings

7. INDIVIDUAL CONCERN

- A. REMOVE FROM THE TABLE: Mayor Garcia moved to remove from the table. Seconded by Council Member Sutton.

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. City Manager Corbell presented and said the fence is bolted into the sidewalk. Heather Myles said it is portable. She had someone come in who is knowledgeable for ADA compliance. It is screwed into the concrete with bolts but they can come out and go back in, but she wouldn’t want to do that every night. People really enjoy it. It’s for anybody who wants to come in and relax. It is wide enough for a wheelchair. Council Member Moreno said originally they thought it would be easily moved and would be moved every night. He asked when people want to build on city sidewalks and have permanent fixtures, where do we stop it. He asked Council if this could possibly be an issue down the road. He has a problem with a structure on city property being permanent. Heather said she understands which is why she came

to council with a drawing and an architect. Council Member Land said he doesn't see an issue and doesn't consider it a permanent structure. Mayor Garcia said the railing is a TABC requirement and told Ms. Myles that we do appreciate what she is doing down there. We're not trying to stifle anything. Some of the worries is that if we say it's ok, even though it was agreed to be taken down every night. Heather said it was a misunderstanding. It's not practical for them to take it down every night. But it can be taken down as needed. Mayor Garcia said he doesn't have an issue, but we need to be clear moving forward. Council Member Moreno said it's not originally what we thought it was. Ms. Myles said she wants to promote the square. Council Member Elliston said we can have further discussion before the next reading. Council Member Moreno said his only issue is if everybody on the square wanted to do that. Council Member Sutton said we need to look at each request case by case. Council Member Moreno said we could allow open consumption of alcohol on the square. City Manager Corbell said we can look at that if council wants to. Council Member Elliston moved to approve the first reading of Ordinance 1363. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 4–0 vote.

B. Mayor Garcia moved to remove from the table. Seconded by Council Member Elliston.

Discussion, consideration and possible action awarding bid for remodel of 607 W. 11th to house Brady Police Department. City Manager Corbell presented. Council Member Elliston said we spent a lot of time to get to this point in the project. City Manager Corbell said the bid expires at the end of the year. Council Member Elliston said letting the bid expire could potentially cost us a lot of money. It came in less than budgeted. Council Member Land said we really don't know what we're looking at yet. Council Member Moreno agreed and said he thinks we have too many things going on to make a decision today. City Attorney Hicks said she recommends not taking any action and if it expires, it expires. We could postpone until January. Council Member Moreno moved to postpone. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 4–0 vote.

C. Discussion, consideration and possible action awarding loan 2023-003 to Sandy's Kitchen and Catering in the amount of \$43,000 at 2% interest for a period of 10 years. Mayor Garcia stepped away from the dais and Mayor Pro Tem Elliston took over meeting. Daniel Mendoza presented and said Sandy's came to them with this request. The EDC did approve but it was held off due to the Mayor race. There was also some discrepancies with payment that have been taken care of. He is up to date on current loan. City Manager Corbell said the required public hearing was held with EDC. City Attorney Hicks said it was approved prior to Mayor Garcia being elected. Council Member Sutton asked if the EDC approved a second time. Daniel Mendoza said they did. Council Member Moreno wanted to make it clear that it was not applied for during his mayor term. Mayor Garcia said he originally approached EDC for the first loan in July of 2022 and went through the process. Before it was funded, he was approached about purchasing Down Home. It was approved by EDC. Council Member Sutton said this was approved by EDC first and is now being presented to council. Council Member Elliston said EDC held off at Mayor Garcia's request. Council Member Sutton wanted to clarify it was approved before Garcia was elected as mayor. Council Member Land asked Mayor Garcia what his plans were. Mayor Garcia said they are hoping to expand a patio and bar in the back area. Council Member Sutton moved to approve BEDC loan 2023-003 in the amount of \$43,000. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 4–0 vote. Mayor Garcia resumed presiding over the meeting. Council Member Moreno said we have an EDC board and it's their decision whether to take an item to council and we take their advice.

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:

| | |
|-----------------|--|
| 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, 2024 | Work Session Meeting, 5:00 – NOTE DATE CHANGE – 2 nd TUESDAY |
| January 9, 2024 | Regular Session Meeting, 6:00 – NOTE DATE CHANGE – 2 nd TUESDAY |
| Jan. 23, 2024 | Work Session Meeting, 5:00 – NOTE DATE CHANGE – 4 th TUESDAY |
| Jan. 23, 2024 | Regular Session Meeting, 6:00 – NOTE DATE CHANGE – 4 th TUESDAY |
| January 28 | Happy Birthday AARON GARCIA |

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:
- 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 6:44 p.m. Executive Session was opened at 6:56 p.m. and closed at 7:43 p.m. Regular session resumed at that time.

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 7:44 p.m.

Aaron Garcia, Mayor

Attest: _____

Tina Keys, City Secretary

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

| | | | |
|--------------------------|---|------------------------|-----------|
| AGENDA DATE: | 01/09/2024 | AGENDA ITEM | 7.A. |
| AGENDA SUBJECT: | Discussion, consideration, and possible action regarding the second and final 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. | | |
| PREPARED BY: | | Date Submitted: | 7/27/2023 |
| EXHIBITS: | Ordinance 1363 | | |
| BUDGETARY IMPACT: | Required Expenditure: | 0.00 | |
| | Amount Budgeted: | 0.00 | |
| | Appropriation Required: | 0.00 | |

| | |
|---|--|
| CITY MANAGER APPROVAL: | |
| SUMMARY: | |
| <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> | |

| |
|--|
| RECOMMENDED ACTION: |
| <p>Mayor Pro Tem 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>Mayor Pro Tem calls for a Motion: Do I have a Motion to approve the second and final reading of Ordinance 1363?</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.

Aaron Garcia, Mayor

ATTEST:

City Secretary, Tina Keys

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

| | | | |
|-------------------------------|--|------------------------|------------|
| AGENDA DATE: | 1-9-2024 | AGENDA ITEM | 7.B. |
| AGENDA SUBJECT: | Discussion, consideration and possible action to approve the first reading of Ordinance 1373 repealing Ordinance 1198 regarding a youth curfew. | | |
| PREPARED BY: | Erin Corbell | Date Submitted: | 12-20-2023 |
| EXHIBITS: | Ordinance 1373 | | |
| BUDGETARY IMPACT: | Required Expenditure: | \$00.00 | |
| | Amount Budgeted: | \$00.00 | |
| | Appropriation Required: | \$00.00 | |
| CITY MANAGER APPROVAL: | | | |

SUMMARY:

The City Council adopted Ordinance 1198 on July 19, 2016, Chapter 8, Article II MINORS, City of Brady Code of Ordinances, providing a curfew for juveniles and providing penalties for violation of such.

In 2023, the Texas Legislature passed House Bill 1890, amending Chapter 370 to read:

Sec. 370.007. JUVENILE CURFEWS PROHIBITED. (a) Notwithstanding any other law, a political subdivision may not adopt or enforce an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

This ordinance is to repeal Chapter 8.02 MINORS, in accordance with State Law.

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 1373.

ORDINANCE NO. 1373

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY REPEALING CHAPTER 8,
ARTICLE II, CODE OF ORDINANCES, CITY OF BRADY, TEXAS, REGARDING A YOUTH
CURFEW; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING
ORDINANCES AND RESOLUTIONS.**

WHEREAS, the City of Brady, Texas, previously enacted provisions in its Codes of Ordinances relating to juvenile curfew hours; and

WHEREAS, Chapter 370 of the Local Government Code now prohibits a political subdivision from enforcing juvenile curfews, except for purposes of emergency management;

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

I.

That Chapter 8, Article II, Code of Ordinances, City of Brady, Texas, is hereby repealed in its entirety. The effective date of this repeal is immediate.

II.

- A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.
- B.** The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof
- C.** The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Passed and approved on the FIRST READING this _____ day of _____ 2024.

Passed and approved on the SECOND READING this _____ day of _____ 2024.

Aaron Garcia, Mayor

ATTEST:

Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

| | | | |
|---|---|--------------------|------------|
| AGENDA DATE: | 01/09/2023 | AGENDA ITEM | 7.C. |
| AGENDA SUBJECT: | Discussion, consideration, and possible action regarding Interlocal Agreement between City of Brady and McCulloch County for labor, material and equipment sharing to improve/maintain infrastructure of public facilities. | | |
| PREPARED BY: | T. Keys/S. Miller | date | 12/28/2023 |
| EXHIBITS: | Agreement prepared by City Staff | | |
| BUDGETARY IMPACT: | Required Expenditure: | \$00.00 | |
| | Amount Budgeted: | \$00.00 | |
| | Appropriation Required: | \$00.00 | |
| CITY MANAGER APPROVAL: | | | |
| SUMMARY: <p>The City of Brady and McCulloch County have approved annual cooperative agreement with each other for several years in order for the County to provide equipment and labor and material as needed on City owned public property and infrastructure projects to better serve the residents of the City; and for the City to provide equipment and labor as needed on County owned public property and infrastructure projects to better serve the residents of the County.</p> <p>The City and the County will exchange only services, equipment, and labor as part of this Interlocal Agreement and only when both entities feel the arrangement is of benefit to both. In the past, the County has helped at the GRW grounds with large equipment and the City has helped with some road patching adjacent to city limits.</p> <p>This Interlocal Agreement is in accordance with the Interlocal Cooperation Act contained in Chapter 791 of the Texas Government Code.</p> <p>City Attorney drafted the attached agreement in 2017.</p> | | | |
| RECOMMENDED ACTION: <p>Approve agreement as desired.</p> | | | |

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
CITY OF BRADY AND MCCULLOCH COUNTY, TEXAS**

This Interlocal Cooperation Agreement (Agreement) is made and effective this ____ day of _____, 20____ by and between the City of Brady, Texas, (City), and McCulloch County, Texas (County), hereinafter collectively referred to as the "Parties", upon the premises and for the consideration stated herein.

RECITALS

WHEREAS, the City and the County desire to cooperate with each other in order for the County to provide equipment and labor as needed on City owned public property and infrastructure projects to better serve the residents of the City; and

WHEREAS, the City and the County desire to cooperate with each other in order for the City to provide equipment and labor as needed on County owned public property and infrastructure projects to better serve the residents of the County; and

WHEREAS, the City and the County will exchange only services, equipment, and labor as consideration as part of this Agreement; and

WHEREAS, the Parties intend to conform this Agreement in all respects in accordance with the Interlocal Cooperation Act contained in Chapter 792 of the Texas Government Code.

NOW THEREFORE, the Parties agree as follows:

AGREEMENT

A. *Recitals*

The foregoing recitals are hereby incorporated into this AGREEMENT and shall be considered mutual covenants that are part of and incorporated within the terms and conditions that are relied upon and bind the Parties.

B. *Term*

The term of this Agreement is one year. This Agreement shall terminate on the first anniversary of its effective date.

C. *City Responsibilities*

At the request of the County, the City may provide services, equipment, and labor to repair and maintain County roads and infrastructure.

D. *County Responsibilities*

At request of the City, the County may provide services, equipment, and labor to repair and maintain City roads and infrastructure.

E. *Supervision*

All work performed under this Agreement shall be supervised by both a City designated supervisor and a County Commissioner for the location in which the work is being performed.

F. *Termination*

The Agreement may be terminated by either Party by providing the other Party with thirty (30) day's written notice.

G. *Choice of Law and Venue*

This Agreement shall be interpreted and construed according to the laws of the State of Texas. All disputes involving this Agreement shall be riled in a district court in McCulloch County, Texas.

H. *Notice*

All notices provided under this Agreement shall be in writing and may be effected upon personal delivery or by registered or certified mail, return receipt requested when mailed to the Party at the following addresses:

CITY: City of Brady
Attn: Erin Corbell, City Manager
P O Box 351
Brady, TX 76825

COUNTY: McCulloch County, Texas
199 Courthouse Square, RM 302
Brady, TX 76825

APPROVED AND EXECUTED this _____ day of _____, 20____ by City of Brady.

APPROVED AND EXECUTED this _____ day of _____, 20____ by McCulloch County.

CITY OF BRADY, TEXAS

BY: _____
Aaron Garcia, Mayor

DATE: _____

Attest: _____
Tina Keys, City Secretary

MCCULLOCH COUNTY, TEXAS

BY: _____
Frank Trull, County Judge

DATE: _____

ATTEST: _____