

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 CONCERNS ON PUBLIC HEARING

There were no public hearings

7. INDIVIDUAL CONCERNS

- 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 washeld off due to the Mayor race. There was also some discrepancies with payment that has 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 in December of 2022. 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 – 2nd TUESDAY
 - January 9, 2024 Regular Session Meeting, 6:00 – NOTE DATE CHANGE – 2nd TUESDAY
 - Jan. 23, 2024 Work Session Meeting, 5:00 – NOTE DATE CHANGE – 4th TUESDAY
 - Jan. 23, 2024 Regular Session Meeting, 6:00 – NOTE DATE CHANGE – 4th 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

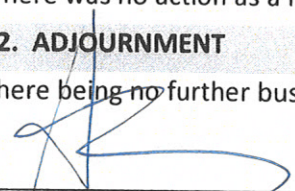
Regular session was recessed at 6:44 p.m. Executive Session was opened at 6:56 p.m. and closed at 7:43 p.m.

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