

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 January 23, 2024 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Felix Gomez, Jeffrey Sutton and Larry Land. City staff present were City Manager Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Electric Superintendent Joe Solis, City Attorney Sharon Hicks, Police Chief Randy Batten, and City Secretary Tina Keys. Also in attendance were Terry Phillips, Will Davidson, Scott Bush, Charles R. Bush and Becky Smith.

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

Mayor Garcia called the meeting to order at 6:08 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 January 9, 2024

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

### **5. PRESENTATIONS:**

- First Quarter Financial Report – FY 24 – Lisa McElrath 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 the second and final reading of Ordinance 1373 repealing Ordinance 1198 regarding a youth curfew. City Manager Corbell presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1373. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.
- B. Discussion, consideration. and possible action on awarding engineering services agreement to Centurion Planning and Design, San Angelo, Texas to develop professional plans and specifications for public bidding purposes describing water main improvements for the Irish Addition. Steven Miller presented and introduced Will Davidson with Centurion Planning and Design. Council Member Sutton moved to authorize the city manager to execute engineering services agreement with Centurion Planning and Design, San Angelo, Texas in the amount of \$50,470.00. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

- C. Discussion, consideration and possible action authorizing the city manager to execute a contract amendment with Pepper Lawson Waterworks, LLC (Construction Manager-at-Risk) for the radium reduction project to include a revised completion time and cost increase to guarantee maximum price (GMP) contract. Steven Miller presented. City Manager Corbell said we had a meeting over this previously. PLW was asking for an additional 2 million dollars, and it was negotiated down to this amount. It did push us further back than we would have liked. Mayor Garcia asked how many times we have moved this project back. Miller said this will be the 3<sup>rd</sup> time. Council Member Elliston said the delays were their fault. Attorney Hicks said we can go after them for liquidated damages. Steven Miller said one of the things they said that delayed them is we did not have FAA approval which they had no control over. This was the amount EHT thought was necessary to get this finished. They would have a valid argument about the FAA delay. Council Member Land asked if they have stopped working out there. Miller said we are experiencing some issues with the chlorine system, but we are getting that fixed so we can start seeing completion. City Manager Corbell said there were items that we did have to descope that we think we can use local contractors for that will reduce the cost. They are anticipating an earlier completion date. Steven Miller said we are covered under our contingency. Attorney Hicks said she has never experienced a job that didn't have a quirk or two. We had some delays on our part that they could use against us. Council Member Elliston asked if we chose not to go this route, what would we do. City Manager said arbitration with the expense of fighting it. Council Member Hicks said industry standard on contingency is 5 – 10%. Steven Miller said at the beginning of this job, they were looking to save the city money. Their project management slipped, and we ended up with these delays and we were faced with how do we get the project back on track. Miller said this is fully funded and stays within our budget. Council Member Elliston said we agreed on this amount in a work session. Mayor Garcia said he wants to make it clear that it looks to him like eHT is trying to get as much out of us as they can. Council Member Sutton moved to authorize the city manager to execute CMAR Contract Amendment No. 4 with Pepper Lawson Waterworks, LLC, describing a change to contract time and associated increase to the GMP in the amount of \$766,034.71. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- D. Discussion, consideration and possible action on a resolution to request financial assistance from the Texas Water Development Board under the Drinking Water State Revolving Fund (DWSRF) Lead Service Line Replacement (LSLR) Program for securing funding for planning, design and construction for the replacement of lead service lines; to authorize the officers, staff and consultants to file an application, and other documents for financial participation in the program; and making certain findings in connection therewith. Lisa McElrath and Steven Miller presented and said this is an EPA regulated issue. We brought forth what the regulation was about. The EPA wants all iron pipe that is servicing houses out of the ground in the next decade. We have an opportunity with TWDB to acquire funding, we need to set this in motion. The federal government sets rules in place that we're going to have to meet. Lisa McElrath said this resolution is authorizing the city manager to apply to TWDB for funding. The terms have not been established. The TWDB does want a commitment from us if the council is interested in applying. It would be brought back to council for approval. Council Member Sutton said it sounds like an unfunded mandate. City Manager Corbell said it is. Attorney Hicks said the EPA has said you will do this and you need to figure out how to do it. We can't fight the EPA. Council Member Elliston said if we are selected, the agreement then comes back to council. If council at that time chooses not to move forward, is it one of those deals where if you don't

accept it when it's offered, you don't get funding moving forward? Lisa McElrath said she isn't not sure. City Manager Corbell said we are going to be tasked with going to our citizens and asking for 6 million dollars. Council Member Land moved to approve Resolution 2024-001 by record vote, authorizing City Manager Erin Corbell to submit a financial application to the TWDB-DWSRF funding program. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

- E. Discussion, consideration and possible action to award the purchase of a ¾ Ton Crew Cab F-250 4x4 Pickup Truck from Mac Haik Ford, Georgetown, Texas to be used as a Command Truck by the Fire Division (\$70,027). Lisa McElrath presented. Council Member Elliston said it looks like we're saving almost \$50,000. Lisa McElrath said yes we are. Council Member Elliston moved to award Mac Haik Ford Lincoln of Georgetown, Texas the purchase of a 2024 ¾ ton Crew Cab F-250 4x4 pickup in the amount of \$70,027. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- F. Discussion, consideration and possible action regarding adoption of the new City of Brady Personnel Manual. Erin Corbell presented and said we have taken council suggestions and incorporated them into the policy. Council Member Sutton moved to approve the adoption of the new City of Brady Personnel Manual. Council Member Elliston moved to amend section 3.14 to read "all employees serving in positions for which standby pay is budgeted must reside within 30 minutes of the McCulloch County Courthouse, provided that written exceptions may be granted by the City Manager. The City Manager shall be a resident of Brady, Directors and Division Supervisors shall all be residents of McCulloch County, unless exceptions are made by City Council or City Manager. Current employees as of the effective date of this manual are grandfathered. Amended motion was seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- G. Status on the purchase of a Cab/Chassis with Pressure Digger Unit for the Electric Distribution fleet approved by City Council on March 21, 2023. Lisa McElrath presented. Joe Solis said if we had to wait for a new one, the price would go up and delivery date was at least 2 years out. Council Member Gomez thanked Joe and his crew for getting power back on during the football game. Council Member Land said he got a text message thanking the crews as well. No action was taken.
- H. Discussion, consideration and possible action approving adoption of EMS Charity Care Policy. Erin Corbell presented. She said this policy will allow us to recoup some of the indigent care funds. It's a tool that we and our billing company can use for our EMS billings. Mayor Garcia asked if we have any idea how much. City Manager Corbell said it varies year to year. Council Member Land moved to approve the adoption of the EMS Charity Care policy. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

## 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:**

January 28	Happy Birthday AARON GARCIA
February 6	Regular City Council Meeting, 6:00 p.m.
February 19	President's Day Holiday, City Offices Closed, Altered trash schedule
February 20	Regular City Council Meeting, 6:00 p.m.

**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 7:07 p.m. Executive Session was opened at 7:20 p.m. and closed at 8:30 p.m. Regular session reconvened 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 8:30 p.m.

  
Aaron Garcia, Mayor

Attest:   
Tina Keys, City Secretary