



**CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MARCH 5, 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. March 5, 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.

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.

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 Meeting on February 20, 2024.

5. PRESENTATIONS

None

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 approving **Resolution 2024-007** declaring unopposed official elected.
- B. Discussion, consideration and possible action approving renewal of a 5-year lease agreement with Redeemer Church for the old K-Life (Boy Scout) building to conduct a community Youth Program.
- C. Update on sale of Dodge Heights lots.
- D. Discussion, consideration and possible action to approve Hotel Occupancy Tax (HOT) Funding Application from the Heart of Texas Country Music Association for the annual Heart of Texas Country Music Festival.
- E. Discussion regarding complaint concerning conduct of Mayor and retained special council / outside investigator Jesse Prado to investigate said complaint.

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

March 19	Regular City Council Meeting, 6:00 p.m.
March 29	Good Friday Holiday, City offices closed, altered trash schedule
April 2	Regular City Council Meeting, 6:00
April 8	Eclipse
April 12	LCRA Steps Forward Day at Willie Washington Park
April 16	Regular City Council Meeting, 6:00 p.m.
April 23	Happy Birthday Missi Elliston

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:
 - 1) Consider complaint concerning conduct of Mayor and retaining special counsel / outside investigator to investigate said complaint
- 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

- Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee:
 - 1) Consider complaint concerning conduct of Mayor and retaining special counsel / outside investigator to investigate said complaint
 - a. Directing all officers or employees deemed relevant by the Council or investigator to cooperate with an investigation concerning said complaint pursuant to Section 3.21 of the Brady City Charter.

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 Regular Meeting on Tuesday February 20, 2024 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Felix Gomez, Jeffrey Sutton and Gabe Moreno. City staff present were City Manager Corbell, Public Works Director Steven Miller, City Attorney Sharon Hicks, Police Chief Randy Batten, and City Secretary Tina Keys. Also in attendance were Mark Mayfield, Tony Groves, Daniel Mendoza, Terry Phillips, Charles Bush, Rusty Bush, Chris Martin, James Griffin and Ken Keen.

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 Sutton gave the invocation, and the Pledge of Allegiance was recited

3. PUBLIC COMMENTS

Tony Groves said he thinks it's important, as council considers fire and EMS facilities, if these fire fighters and police officers risk their lives to save our citizens, they should have a nice facility. Money should be spent to get them the facility they need.

4. CONSENT AGENDA

- A. Approval of Minutes for Regular and Work Session meetings on February 6, 2024
- B. Discussion, consideration and possible action regarding approval of Resolution 2024-006 to request TxDOT / City street closures for the 97th Annual July Jubilee parade to be held on Saturday, July 6, 2024

Council Member Sutton moved to approve the minutes in Item A. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

Item B – Council Member Elliston moved to approve. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

5. PRESENTATIONS:

- EMS summary from FY 23 – Erin Corbell presented.

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 2024-004 supporting the development and allocation of housing tax credits for 218 Lynn Gavit. Erin Corbell introduced Mark Mayfield with the Texas Housing Foundation who presented to Council. Mr. Mayfield said they are the owners of the Sagebrush Apartments. They have applied multiple times seeking housing tax credits that are awarded to the State of Texas. The applications are very hard to get funded. They have tried for 6 or 7 years in a row. The region is very large so there is a lot of competition with a limitation of \$600,000 per region. This action is simply showing support of the City of Brady. They will submit their plans to the City,

and start their rehab process if they are successful. Council Member Sutton asked how many of these type of units are there in Brady. Mr. Mayfield said maybe 250. The Brady Housing Authority has several but they receive funding from the federal government. They have 124 units with the Texas Housing Foundation. Council Member Elliston asked if they got the award the last time they applied and came before council. Mr. Mayfield said no. This year there were no other pre submitted applications so that's a good sign. Mayor Garcia said that's where he moved when he first came to Brady and it's a great place with great people. Council Member Elliston moved to approve Resolution 2024-004. Seconded by Council Member Moreno. Three Council Members voted "aye" and one, Council Member Sutton voting "nay". Motion passed with a 3 – 1 vote.

- B. Discussion, consideration and possible action regarding City board appointments to fill vacancies. Applicants for consideration – Terry Phillips and McKenna Behrens. Daniel Mendoza said the EDC did meet and recommends Terry Phillips for the position. Council Member Elliston said she was questioning the term and thought it expired June of 2024. Mr. Mendoza said it would be for a full term. Council Member Elliston said we currently have Chris Martin who is on the board and running for council and if Terry Phillips is appointed tonight, whoever wins the election, there will be a council member on the EDC board, is there not a conflict? City Manager Corbell said there is typically a council member on EDC. Mr. Mendoza said the EDC did talk about it and said it would probably good to have one member of council on EDC so there is good communication. Council Member moved to accept the EDC recommendation of Mr. Phillips. 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 approving Resolution 2024-005 to request TxDOT/City street closures for a Cinco de Mayo Celebration Street Dance to be held on May 5, 2024 from 8:00 a.m. to 1:00 a.m. as requested by the Brady/McCulloch County Chamber of Commerce and approval of a noise variance for same. Daniel Mendoza clarified it is actually May 4th until 1:00 a.m. on May 5th. Mr. Mendoza said City Manager Corbell did call and tell him that May 4th is election day, so their plan is to move it over in front of Brady National Bank and reviewed the map with Council. City Manager Corbell said we should be able to set the barricades and move them later. Mr. Mendoza said if it's not approved, their plan is to move it to the park. Mayor Garcia asked if it's necessary to close it at 8:00 a.m. City Manager Corbell said the artist they are bringing takes a very long time to set up and take down. Mr. Mendoza said are working with the Nandin's because they do a Cinco de Mayo as well. Council Member Elliston asked if there is a plan for the businesses that are open on that Saturday. Mr. Mendoza said he has talked to several of the businesses and there are a few who have concerns, but they will continue to work with them. Council Member Moreno asked why they would not consider moving to the west side of the square. Mr. Mendoza said he understood the east side was the TxDOT truck route. City Manager Corbell said no and said moving by TruCountry is not a bad back up plan. Council Member Elliston moved to approve Resolution 2024-005 with approval to change to the west side if necessary. Mr. Mendoza said his concern was people leaving Tru Country with alcohol. 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:

March 5	Regular City Council Meeting, 6:00 p.m.
March 19	Regular City Council Meeting, 6:00 p.m.
March 29	Good Friday Holiday, City offices closed, altered trash schedule
April 2	Regular City Council Meeting, 6:00 p.m.
April 8	Eclipse
April 16	Regular City Council Meeting, 6:00 p.m.
April 23	Happy Birthday Missi Elliston

9. ANNOUNCEMENTS

Council Member Elliston said the Senior Center, year after year, the numbers continue to go up, 200-300 meals per month over the previous year. The location has not been a problem at all.

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 6:38 p.m. Executive Session was opened at 6:47 p.m. and closed at 8:10 p.m. Regular session reconvened 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 8:10 p.m.

Aaron Garcia, Mayor

Attest: _____
Tina Keys, City Secretary

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

AGENDA DATE:	03/05/2024	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration and possible action approving Resolution 2024-007 declaring unopposed official elected.		
PREPARED BY:	T. Keys	Date Submitted:	3/1/2024
EXHIBITS:	Resolution 2024-007 Certification of Unopposed Candidate		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			
SUMMARY:	<p>The City Council of the City of Brady adopted Resolution 2024-002 on February 6, 2024 ordering a General Election to be held on May 4, 2024 for the purpose of electing one official to the City, to wit: Mayor and Council Member Place 1.</p> <p>Pursuant to Section 143.007 and 146.054 of the Texas Election Code, the deadline for filing application for a place on the ballot and declaration of write-in candidacy for the City's General Election have expired.</p> <p>Section 2.053 of the Texas Election Code authorizes the governing body of a political subdivision by order or ordinance to declare each unopposed candidate elected to the office.</p>		
RECOMMENDED ACTION:	Move to approve Resolution 2024-007		

RESOLUTION 2024-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS DELCARING THE UNOPPOSED CANDIDATE FOR THE OFFICE OF MAYOR AS ELECTED.

WHEREAS, the City Council of the City of Brady adopted Resolution 2024-002 on February 6, 2024 ordering a General Election to be held on May 4, 2024 for the purpose of electing one official to the City, to wit: Mayor and Council Member Place 1; and

WHEREAS, pursuant to Section 143.007 and 146.054 of the Texas Election Code, the deadline for filing application for a place on the ballot and declaration of write-in candidacy for the City’s General Election have expired: and

WHEREAS, Section 2.053 of the Texas Election Code authorizes the governing body of a political subdivision by order or ordinance to declare each unopposed candidate elected to the office; and

WHEREAS, the City Secretary in accordance with Section 2.052 of the Texas Election Code has certified in writing to the City Council that Anthony Groves is unopposed for election to the office of Mayor.

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

In accordance with Section 2.053(a) of the Texas Election Code, the following unopposed candidate is hereby duly elected to the respective office shown and shall be issued a certificate of election on May 4, 2024:

Mayor – Anthony Groves

PASSED AND APPROVED this the _____ day of _____, 2024

CITY OF BRADY:

Aaron Garcia, Mayor

Attest: _____
Tina Keys, City Secretary

CITY OF BRADY

**Certification of Unopposed Candidates
By the City Secretary**

I, TINA KEYS, certify that I am the city secretary of the City of Brady and the authority responsible for preparing the ballot for the May 4, 2024 General Election. I further certify that no person has made a declaration of write-in candidacy, and the following candidate is unopposed:

ANTHONY GROVES – Mayor



City Secretary
City of Brady

Dated this _____ day of _____, _____.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	03/05/2024	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action approving renewal of a 5-year lease agreement with Redeemer Church for the old K-Life (Boy Scout) Building to conduct a community Youth Program.		
PREPARED BY:	T. Keys	Date Submitted:	2/29/2024
EXHIBITS:	Lease Agreement		
BUDGETARY IMPACT:	Required Expenditure:		\$0.00
	Budget Amount Available:		\$0.00
	Appropriation Required:		\$0.00
CITY MANAGER APPROVAL:			
SUMMARY:	<p>For 20 years the K-Life Program has leased this facility from the City of Brady. K-Life closed their doors on February 28, 2019. Redeemer Church is requesting to renew their 5-year lease under the same terms.</p>		
RECOMMENDED ACTION:	<p>Move to approve lease agreement</p>		

LEASE AGREEMENT

THE STATE OF TEXAS

COUNTY OF McCULLOCH

THIS LEASE AGREEMENT is made and executed this 5th day of March, 2024, in duplicate between the City of Brady, whose address is 201 E. Main Street, Brady, Texas 76825, herein called "Lessor", and Redeemer Church, herein called "Lessee", whose address is 200 W. 4th St., Brady, Texas 76825.

DESCRIPTION OF PREMISES

1.01 Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, that certain real property, including the improvements thereon, in McCulloch County, Texas, formerly known as the Boy Scouts Lodge, herein called the "leased premises", and described as follows, to-wit:

All of Block Number 141, Luhr Addition to the City of Brady, less 67 feet by 100 feet out of the Southeast corner of said block.

TERM

2.01 The term of this lease shall be for a period of five years and shall commence on the 5th day of March, 2024, and shall terminate on the 4th day of March, 2029, subject however to earlier termination as herein provided. Upon termination of the term, Lessor grants to Lessee an option to lease the leased premises for an additional five years on the same terms and conditions as this lease except the amount of rent which will be negotiated by Lessor and Lessee at that time.

2.02 The foregoing option must be exercised by giving written notice of such intention to Lessor not less than thirty nor more than ninety days prior to the end of the then-expiring term. After notice is given, Lessee and Lessor will redetermine the rent and, if an agreement is reached, Lessor and Lessee shall both execute an Addendum setting forth the rental rate for the succeeding five-year term and the renewal of the lease.

2.03 Lessee shall not be allowed to exercise the herein above referenced option if the lease is in default at the time the notice is given. If the lease or any covenants contained herein are breached as of the option notice date or thereafter, the option provision shall lapse and become null and void.

USE AND OCCUPANCY

3.01 The leased premises shall be used only as a center for education, training, counseling, and meeting with area youth, including their teachers, counselors, and family members, as well as any other lawful purpose. Lessee shall not permit the leased premises or any part thereof to be used for (a) the conduct of any offensive, noisy, or dangerous activity that would increase the premium for fire insurance on the leased premises; (b) the creation or maintenance of a public nuisance; (c) anything which is against laws, regulations or rules of any public authority at any time applicable to the leased premises; or (d) any purpose or in any manner which will obstruct, interfere with, or infringe on the rights of other tenants of adjoining property.

LESSOR'S COVENANTS

4.01 If the leased premises, or any part thereof, shall be partially damaged by fire or other casualty, the premises promptly shall be repaired by Lessor. If the leased premises should be damaged to the extent that Lessor shall decide not to rebuild or repair, the term of this lease shall end and the rent shall be prorated up to the time of the damage. Lessor shall have no liability for loss or destruction of personal property.

4.02 Lessor agrees to pay all utilities during the term of this lease not to exceed \$200.00 per month.

LESSEE'S COVENANTS

5.01 Lessee, during the term of this lease, shall use reasonable efforts to make all necessary and reasonable repairs to the leased premises unless Lessee determines that such repairs are not economically feasible. No liability shall result from its failure to keep said leased premises in repair as aforesaid, unless Lessee has had a reasonable time to make repairs and notice has been given to it by Lessor in writing requesting same. Lessor shall have the right to enter upon the leased premises at all reasonable times for the purposes of examination of the leased premises and equipment and in making necessary repairs and alterations.

5.02 Lessee shall commit no act of waste and shall take good care of the leased premises and the fixtures and appurtenances thereto. Lessee agrees, at its own expense, to perform the consideration herein and thereafter, to maintain the leased premises, fixtures and appurtenances thereto in good repair, and in at least as good a condition as that in which they were delivered, allowing for ordinary wear and tear. Except in the case of repair, replacement, or remodeling, Lessee shall not sell nor remove any portion of the leased premises, including, without limitation, hot water heater, air conditioning unit, appliances, furniture and fixtures.

5.03 Lessee shall maintain the yard by mowing and watering on a timely basis and shall water all trees on a regular basis so as to maintain vigor and promote growth. No automobiles or motorcycles may be parked on the lawn. No wrecked, junked or inoperable automobiles or motorcycles may be stored on the property. Lessee shall bear the expense of mowing and watering except as provided in Paragraph 5.02 above. The proper maintenance of the yard, trees and shrubs and visible appearance of the leased premises is a significant consideration for rental of the leased premises to Lessee.

5.04 Lessee shall not, without first obtaining the written consent of Lessor, make any major structural alterations, additions or improvements in, to or about the leased premises except for the repair, replacement, or remodeling provided for herein. All improvements made by Lessee to the leased premises which are so attached to the leased premises that they cannot be removed without material injury to the leased premises shall become the property of Lessor upon installation.

5.05 Lessee shall not assign the lease nor sublet the leased premises or any interest therein without first obtaining the written consent of Lessor; however, Lessor expressly consents to the use by the Boy Scouts as provided herein. This provision shall not operate to prevent Lessee from allowing church or civic groups to utilize the premises from time to time. A consent by Lessor to one assignment or subletting shall not be deemed to be a consent to any subsequent assignment or subletting. An assignment or subletting without the written consent of Lessor, or an assignment or subletting by operation of law, shall be void, and shall, at the option of Lessor, terminate this lease.

5.06 Lessee shall pay, before delinquent, all taxes assessed against furniture, fixtures and other personal property owned or placed by Lessee in or on the leased premises.

5.07 Lessee accepts the premises in their present condition "AS IS".

5.08 Lessee agrees to move out of the premises at the end of the term, provided a new term has not been agreed upon.

5.09 Lessor agrees to continue to allow the Boy Scouts to store their equipment and hold their meetings in the building the subject of this lease provided such meetings do not conflict with Redeemer Church activities.

INSURANCE

6.1 Lessor shall have no duty to obtain fire or casualty insurance of any kind upon any

property belonging to Lessee, including, without limitation, furniture, clothing, jewelry, equipment, fixtures or any other personal property, and Lessor shall have no liability for any loss or damage to any property owned by Lessee.

6.2 Lessor shall maintain hazard insurance coverage on the building in an amount not less than \$150,000.

ABANDONED PROPERTY

7.01 Lessor may retain, destroy, or dispose of any property left on the Premises at the end of the Term.

LESSOR'S REMEDIES ON DEFAULT

8.01 If Lessee shall default hereunder and remain in default for more than thirty (30) days after written notice of such default, or should any other person than Lessee secure possession of the premises, or any part thereof, by reason of any receivership, bankruptcy proceedings, or other operation of law in any manner whatsoever, Lessor may at its option, without notice to Lessee, terminate this lease, or in the alternative, Lessor may reenter and take possession of said premises and remove all persons and property therefrom, without being deemed guilty of any manner of trespass, and relet the premises or any part thereof, for all or any part of the remainder of said term, to a party satisfactory to Lessor, and at such monthly rental as Lessor may with reasonable diligence be able to secure.

8.02 All rights and remedies of lessor under this lease shall be cumulative, and none shall exclude any other right or remedy at law. Such rights and remedies may be exercised and enforced concurrently and whenever and as often as occasion therefor arises.

HOLDOVER BY LESSEE

9.01 If Lessee does not vacate the premises following termination of this lease, Lessee will become a tenant at will and must vacate the Premises on receipt of notice from Lessor. No holding over by Lessee, whether with or without the consent of Lessor, will extend the Term.

9.02 Should Lessee remain in possession of the leased premises with the consent of Lessor after the expiration of this lease, a new tenancy from month to month shall be created between Lessor and Lessee which shall be subject to all the terms and conditions of this lease but which shall be terminable by 30 day's written notice served by either Lessor or Lessee on the other party to this lease.

INDEMNITY

10.01 Lessee agrees to indemnify and hold Lessor harmless against any and all claims, demands, damages, costs and expenses, including reasonable attorney's fees for the defense thereof, arising from the conduct or management of Lessee's occupancy of the leased premises or from any breach on the part of Lessee of any conditions of this lease, or from any act or negligence of Lessee, its guests, agents, contractors, employees, subtenants, concessionaires, or licensees in or about the leased premises. In case of any action or proceeding brought against Lessor by reason of any such claim, Lessee, upon notice from Lessor, covenants to defend such action or proceeding by counsel acceptable to Lessor.

MISCELLANEOUS

11.01 All notices provided to be given under this agreement shall be given by certified mail or registered mail, addressed to the proper party, at the following address:

TO LESSOR:

City of Brady
201 E. Main Street
Brady, TX 76825

TO LESSEE:

Redeemer Church
200 W. 4th Street
Brady, Texas 76825

11.02 This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this agreement.

11.03 This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in McCulloch County, Texas.

11.04 In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

11.05 This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

11.06 No amendment, modification, or alteration of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

11.07 The rights and remedies provided by this lease agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its right to use any or all other

remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

11.08 No wavier by the parties hereto of any default or breach of any term, condition, or covenant of this lease shall be deemed to be waiver of any other breach of the same or any other term, condition, or covenant contained herein.

11.09 In the event Lessor or Lessee breaches any of the terms of this agreement whereby the party not in default employs attorneys to protect or enforce its rights hereunder and prevails, the defaulting party agrees to pay the other party reasonable attorney's fees so incurred by such other party.

11.10 Time is expressly declared to be of the essence of this lease.

11.11 Neither Lessor nor Lessee shall be required to perform any term, condition, or covenant in this lease so long as such performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by any governmental authority, civil riot, floods, and any other cause not reasonably within the control of Lessor or Lessee and which by the exercise of due diligence Lessor or Lessee is unable, wholly or in part, to prevent or overcome.

IN WITNESS WHEREOF, the undersigned Lessor and Lessee hereto execute this agreement as of the day and year first above written.

LESSOR:

LESSEE:

City of Brady, Texas
A Municipal Corporation

Redeemer Church

By: _____
Aaron Garcia, Mayor

By: _____
Paden Behrens

Attest: _____
Tina Keys, City Secretary

Attest: _____

City Council City of Brady, Texas Agenda Action Form

AGENDA DATE:	03/05/2024	AGENDA ITEM	7.C.
AGENDA SUBJECT:	Discussion regarding update on sale of Dodge Heights lots.		
PREPARED BY:	E. Corbell	Date Submitted:	03/01/2024
EXHIBITS:	Spreadsheet		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:	Update to council of sale of Dodge Heights lots to current leaseholders and update on staff plan to sell unpurchased lots via sealed bid.
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RECOMMENDED ACTION:	Discussion item only.
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Blk	Lot	Address	Sold to Leaseholder	Available for Sealed Bid	Notes
1	1	101 Melvin	Yes		
1	2	103 Melvin		Yes- \$5,460	Has improvements on lot
1	3	201 Melvin	Yes		
1	4	203 Melvin	Yes		
1	5	205 Melvin	Yes		
1	6	207 Melvin	Yes		
1	7	209 Melvin	Yes		
1	8	211 Melvin	Yes		
1	9	213 Melvin	Yes		
1	10	215 Melvin	Yes		
1	11	217 Melvin		Yes- \$6,510	
1	12	219 Melvin		Yes- \$6,430	Has improvements on lot
1	13	221 Melvin		Yes- \$6,230	
1	14	223 Melvin	Yes		
1	15	225 Melvin	Yes		
1	16	227 Melvin	Yes		
1	17	229 Melvin	Yes		
1	18	301 Melvin	Yes		
1	19	303 Melvin	Yes		
1	20	305 Melvin	Yes		
1	21	307 Melvin	Yes		

2	1	100 Melvin	Yes		
2	2	102 Melvin	Yes		
2	3	205 Fife			Storm shelter
2	4	2891 Fife	Yes		
2	5	no # Fife			
2	6	211 Fife	Yes		
2	7	n/a	Yes		
2	8	300 Melvin		Yes- \$4,910	
2	9	2901 Fife	Yes		
2	10	300 Melvin		Yes- \$5,520	
2	11	210 Eden	Yes		
2	12	208 Eden	Yes		
2	13	206 Eden	Yes		
2	14	204 Eden		Yes- \$5,620	Has improvements on lot
2	15	202 Eden	Yes		

3	1	201 Eden	Yes		
3	2	203 Eden	Yes		
3	3	205 Eden		Yes- \$4,920	
3	4	207 Eden		Yes- \$4,570	Has improvements on lot
3	5	204 Melvin	Yes		
3	6	202 Melvin	Yes		
3	7	200 Melvin		Yes- \$6,370	Has improvements on lot

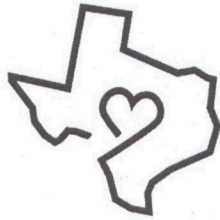
City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	03/05/2024	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion, consideration and possible action to approve Hotel Occupancy Tax (HOT) Funding Application from the Heart of Texas Country Music Association for the annual Heart of Texas Country Music Festival.		
PREPARED BY:	E. Corbell	Date Submitted:	03/01/2024
EXHIBITS:	HOT Funding Application		
BUDGETARY IMPACT:	Required Expenditure:		\$0.00
	Budget Amount Available:		\$0.00
	Appropriation Required:		\$0.00
CITY MANAGER APPROVAL:			
SUMMARY:	<p>Ordinance 1262 passed on 12/4/2018 established the Tourism Advisory Board and set the guidelines for the Board. Ordinance 1263 passed on February 5, 2019 added HOT Tax Grant applications and recordkeeping as duties of the Tourism Advisory Board including making recommendations to Council for HOT Tax Grant applications. The Tourism Advisory Board has not had an opportunity to meet to discuss this request.</p> <p>The Chamber of Commerce has budgeted \$25,000 for tourism grants for this fiscal year, as approved by the City Council. The Chamber is bringing to council one grant application for the Heart of Texas Country Music Festival in the amount of \$15,000.</p>		

RECOMMENDED ACTION:
Consider and approve an amount to award to the Heart of Texas Country Music Association for the annual Heart of Texas Country Music Festival.



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Hotel Occupancy Tax (HOT) Funding Application

Today's Date: _____

In order to ensure funding consideration, applications must be returned 3 months prior to event. Please note that if your event dates change, you must submit a new application for re-approval. Events that do not occur as specified in the application are not eligible for HOT reimbursement.

Organization Information

Event Name: 35th Heart of Texas Country Music Festival	
Event Date: March 14, 2024-March 24, 2024	Year Event Began: 1989
Event Location: Ed Davenport Civic Center/Heart of Texas Events Center/HOT CMA Museum	
Sponsoring Organization Name: Heart of Texas Country Music Association	Website & or Facebook page: www.heartoftexascountry.com
Tax I.D. Number: 46-4501531	

Please check one

Is your organization tax exempted? Yes No

Is your organization: Non Profit For Profit Private

Contact Information

Name of Contact: Tracy Pitcox		
Mailing Address (must match address on W-9): 1701 South Bridge Street		City, State, Zip: Brady, Texas 76825
Daytime Phone#: 325-597-1895	Alternate Phone#: 325-456-5316	E-mail Address: tracypitcox@yahoo.com

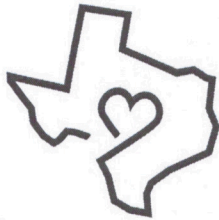
Please check one

Contact Preference: Email Mail Fax

Event Funding Request

HOT Funds Requested: \$ 15,000.00 _____

Describe in detail, exactly how funds will be used. Please be Specific. (Refer to Guidelines for authorized expenditures) Advertising/promotion/artists fees of the nine day Heart of Texas Country Music Festival



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Who are you targeting in your advertising and promotion efforts to attend?

Primarily Country Music Fans and Retirees with expendable income

What percent of total costs will be covered by this HOT?

15%

Please list other organizations, government entities, grants, and funding sources that have offered financial support for the event noted above.

N/A

Estimated Total Attendance at Event listed Above: This Year 4,000 Last Year 4,000

Last 3 Dates & Years of Event

1. March 17-26, 2023
2. March 19-28, 2022
3. March 21-30, 2021

Last 3 Cities of Event

1. Brady
2. Brady
3. Brady

Hotels Used

1. All
2. All
3. All

You must reserve a room block for this event at a Brady hotel. List how many rooms you anticipate you will use nightly? 10/Night Best Western Brady Inn 5/Night Gold Key Inn

How will your hotel bookings be measured? By Survey

***Your attendees will be required to complete hotel locator cards provided if funding is approved.**

How did you/your organization hear about Brady? _____

Are you considering any other locations/cities for your event? If so, which others? No

In order to receive hotel occupancy tax, you must contact Brady hotels for room blocks. If overflow hotel rooms are necessary, after Brady hotels are booked, arrangements can be made with the Brady Chamber of Commerce to contact hotels in outlying areas. It is imperative that you make every attempt to encourage your attendees to stay in Brady properties. Your total room night usage in Brady could determine future funding.

Signature of Event Representative: _____

Date: 1/7/2024

Please Submit to: Brady Chamber of Commerce
106 W Main St
Brady, TX 76825
Phone: 325-597-3491 Fax:
325-276-4330 taylor@bradytx.com



BRADY/McCULLOCH
★★ COUNTY ★★
CHAMBER of COMMERCE



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TEXAS

HOTEL OCCUPANCY TAX USE GUIDELINES UNDER TEXAS STATE LAW AND FUNDING APPLICATION FORM

State Law: By law of the State of Texas, the City of Brady collects a Hotel Occupancy Tax (HOT) from hotels, motels, and bed & breakfasts and inns. Under state law, the revenue from the HOT may be used only to directly promote tourism and the convention and hotel industry. **The use of HOT funds must generate additional room nights for local lodging establishments and is limited by Chapter 351 of the Tax Code to certain items including the below list.**

✓ **Please Check the Applicable Category that your organization will use funding:**

- Registration of Convention Delegates:** the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
- Advertising, Solicitations and Promotions that Directly Promote Tourism and the Hotel and Convention Industry:** advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- Promotions of the Arts that Directly Promote Tourism and the Hotel and Convention Industry:** that the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms, and
- Historical Restoration and Preservation Activities that Directly Promote Tourism and the Hotel and Convention Industry:** historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
- Sporting Event Expenses that Substantially Increase Economic Activity at Hotels:** expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the city or its vicinity.

City Policy: Visit Brady accepts applications from groups and businesses whose events fit into one or more of the above categories. All requests for funds should be submitted by a completed and signed application form. The application will be reviewed and acted on in a timely manner. The applicant may be asked to make a presentation at a meeting and answer any questions regarding the application. If so, applicants will be notified at least one week prior to the meeting of its time and place.

Eligibility and Priority for Hotel Tax Funds: Priority will be given to those events based on their ability to generate overnight visitors in Brady. If an event will not generate any meaningful hotel night activity, it is not eligible for receipt of hotel occupancy tax funds. Events can prove this potential to generate overnight visitors by:

- a) Historic information on the number of room nights used during previous years of the same events;
- b) Current information on the size of a room block that has been reserved at area hotels to accommodate anticipated overnight guests attending the event requesting hotel tax funds;
- c) Examples of marketing of the event that will likely generate and encourage overnight visitors to Brady lodging properties;
- d) Examples and historic information on the number of room nights generated by similar events in other similarly situated cities.

Recognition of Sponsorship: All events receiving HOT funds must recognize Visit Brady as a sponsor. A Visit Brady logo is available for this use upon request.

PLEASE INITIAL EACH REQUIREMENT BELOW.

	1. Must agree to recognize Visit Brady as a funding source in all materials; radio, TV and website, and social media.
	2. Must provide a visual link to the Visit Brady website on the event/organization website.
	3. Must allow Visit Brady the option to have a Welcome Booth at the Entrance or Registration of your event.

Use of Local Vendors: We encourage all event organizers to patronize Brady businesses for food, supplies, materials, printing, etc. to the extent feasible. Applicants may be asked to explain why items that are available locally were purchased elsewhere. Please contact us for help locating businesses and resources, or at www.bradytx.com.

Payment of HOT Funds: Approved HOT funds will be paid upon submission of a Post Event Report, due within 60 days of the event completion. For this reason, event organizers are encouraged to save proceeds from each event to be used as initial operating funds for the same event in the future.

Use of Revenues from Event: No other outside event(s), project, charity, etc., sponsored by the host organization may profit from the Visit Brady funding of a particular event unless it has been outlined in the original HOT application. **No funding approved may be used for the operating budget of any organization.**

Post Event Report: All entities that are approved for HOT funds must submit a Post Event Report within 60 days of each funded event in order to receive the approved funds. The report will be reviewed by the tourism board to determine how well the entity met its goals and will be used in consideration of future HOT funding requests. Priority in the future will be given to those events that demonstrate an ability to generate overnight visitors as applicable in Brady.

By signing this form, you are agreeing that Brady may use pictures and/or video from your event for promotional purposes.

I have read the above rules mandating the HOT and agree to the terms:

Signature: _____

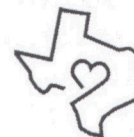
Date: 1/7/2024

Reminder: Attach or include the proposed schedule of your events and activities.

Please sign and return the above copy with your application for funding. Retain a copy for your records.

Please submit to:

Brady Chamber of Commerce
106 W Main St
Brady, TX 76825
Phone: 325-597-3491 Fax: 325-276-4330
taylor@bradytx.com



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