

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 March 5, 2024 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Gabe Moreno, Felix Gomez and Larry Land. Council Member Sutton was absent. City staff present were City Manager Erin Corbell, City Attorney Sharon Hicks, Police Chief Randy Batten, and Court Clerk Valerie Gonzalez, serving as City Secretary as City Secretary Keys was working the 2024 March election. Also in attendance were Frann Leonard, Jenna Walker, Rikki Gott, Daniel Mendoza, Chris Martin, David Smith, Aiden Allen, Noah Gauna, David Smith Jr., Josh Guana Jr., Mason Whaley, Casey Walters, Ed Hernandez, Lisa Moreno, Shiela Hemphill, David Ortiz, Charlie Bush, R. S. Bush, Jasper Allen, Charles Hodges, Terry Phillips, Tracy Pitcox and Lynn Farris.

#### **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**

James Stewart spoke on behalf of the Brady Volunteer Fire Dept. who has been tasked with grant fundraising and wanted to make the City aware that they are actively seeking a long-term solution to build a new fire station. Stewart stated that they are on step 1 of 20 and have looked at a couple of different locations and are finalizing blueprints to bring a proposal forward in the future.

#### **4. CONSENT AGENDA**

- A. Approval of Minutes for Regular meeting on February 20, 2024.

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

#### **5. PRESENTATIONS:**

There were no presentations.

#### **6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS ON PUBLIC HEARING**

There were no public hearings.

#### **7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration and possible action approving Resolution 2024-007 declaring unopposed official elected. City Manager Corbell presented. Unopposed candidate Tony Groves for the position of Mayor taking effect the first Tuesday after the election in May. Council Member Missi Elliston moved to approve Resolution 2024-007. Seconded by Council Member Felix Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- B. Discussion, consideration and possible action approving the renewal of a 5-year lease agreement with Redeemer Church for the old K-Life (Boy Scout) building to conduct a community Youth Program. Erin

Corbell presented. Council Member Gabe Moreno requested a review of selling the building versus continuing to rent it and moved to postpone approving the proposed lease agreement for the next meeting. Seconded by Council Member Missi Elliston. All Council Members voted “aye” and none “nay”. Motion to postpone to the next meeting passed with a 4 – 0 vote.

- C. Update on sale of Dodge Height lots. Erin Corbell presented. Regarding the remaining lots, certified notices will be sent and sealed bids are to be accepted.
- 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. Erin Corbell presented. Council Member Missi Elliston moved to approve \$15,000 to the Heart of Texas Country Music Association for the annual Heart of Texas Country Music Festival. Seconded by Council Member Felix Gomez. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.
- E. Discussion regarding complaint concerning conduct of Mayor and retained special council / outside investigator Jesse Prado to investigate said complaint. Council Member Elliston requested an executive session on this matter; Mayor Garcia wanted to proceed in open session. City Attorney Hicks was asked about the process to hire a 3<sup>rd</sup> party to investigate the complaint and Ms. Hicks stated that when there is a written complaint of an elected official, that the process is to hire a neutral third party individual to investigate. Mayor Garcia asked under what authority is the City Attorney allowed to seek Jesse Prado. Council Member Elliston suggested the discussion be moved to executive session, with no response. Mayor Garcia stated that he was told that he was creating a hostile work environment and discussed his expired registration sticker, and that he was told that an investigation is already taking place. Council Member Moreno stated his concern of having an unbiased process. Personnel complaints are to be investigated. Mayor Garcia questioned the process in hiring this investigator. City Attorney Hicks discussed that the matter was discussed in executive session, and she believed authority was given and Council Member Elliston agreed. City Manager Erin Corbell, stating she had made the complaint, made her way to the podium where she read the complaint aloud to the entire room. The complaint consisted of various encounters between City Manager and Mayor Garcia. Mayor Garcia spoke in his defense and his belief that this matter was a political ploy. Council Member Moreno read the definition of Hostile Work Environment to the council and audience. City Attorney Hicks explained her policy of investigations proceeding as discreetly and quietly as possible to protect both the complaining party and the accused. Mayor Garcia called a 5 minute break at 6:53pm. Returning from break, Mayor Garcia stated he was going to continue to seek accountability and felt he had done nothing wrong but that he was guilty about the registration sticker. Ms. Hicks reiterated that it was her opinion that the best course of action was to hire an outside investigator because of the high level of the positions involved. Mayor Garcia then moved the discussion into Executive Session.

Mayor Garcia Adjourned to executive session at 7:05PM

## 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

## 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:
  - 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 Station / Fire Station
- 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

Regular session was recessed at 7:05 p.m. Executive Session was opened at 7:06 p.m. and closed at 9:50 p.m. Regular session reconvened at 9:51p.m. where council had no votes or actions. Following a question regarding closing the matter, Mayor Pro Tem Elliston requested to go back into executive session. Executive session was reconvened at 9:53pm. Regular session reconvened at 11:13PM where it was announced that no votes or actions were taken in executive session.

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

Mayor Pro Tem Elliston read a statement that: Council heard the complaint and the response to it earlier this evening. Council believes that an outside investigation would not result in any additional information to arrive at a resolution. Council is directing both parties to communicate in writing going forward. Council is therefore closing this matter with no further action or retaliation to all parties and staff.

Council Member Gabe Moreno moved to accept the statement as closing the matter which was Seconded by Council Member Felix Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

## 12. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 11:15 p.m.

  
Aaron Garcia, Mayor

Attest:   
Tina Keys, City Secretary