

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, September 17, 2024 at 6:00 p.m. with Mayor Anthony Groves presiding. Council Members present were Missi Elliston, Felix Gomez, Terry Phillips, Jeffrey Sutton and Gabe Moreno. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Chief Randy Batten, Golf Course Superintendent R.S. Bush, City Attorney Lloyd Newton, and City Secretary Tina Keys. Also in attendance were Keith Kindle, Shiela Hemphill, Charles Hodges, Charles Bush, and James Griffin.

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

Mayor Groves called the meeting to order at 6:00 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Phillips gave the invocation, and the Pledge of Allegiance was recited

3. PUBLIC COMMENTS

Shiela Hemphill said she provides property maintenance for several properties and has encounters with city employees and meter people. For a gas line that has been detected as having a leak and has been disconnected from house, the city locked the meter down and started doing pressure testing. There is a leak from the house to the alley. There was a request was for the city to bring the sniffer to isolate where the issue is. The city said they could not do that with the potential liability of turning it on. Instead of using a sniffer, which would take 10 minutes, the response was it would be a liability to the city to turn it on. Ms. Hemphill said she thinks that's lame and said she doesn't see why there is any liability to the city. She wants to find out how she would go about appealing a decision on how the city responds to that. It's a viable needed service of the city. To force everybody to replace an entire line when it could be one section to be fixed that could be identified by turning on gas and using the sniffer. Erin Corbell said we spoke to our insurance provider and TML told us not to turn the gas on. If we turned that line on it could be a liability to the city. Corbell said there was a meeting with the gas superintendent and TML. Council Member Phillips said he had the same situation and the city's position is if it's on the owners side of the meter, they don't do anything to it because they don't own the line and for liability. He has had it happen both ways. Sheila thanked Erin.

4. CONSENT AGENDA

A. Approval of Minutes for Regular Meeting on September 3, 2024.

Mayor Groves said there were typos pointed out that will be corrected. Council Member Sutton moved to approve the Consent Agenda with the necessary typographical corrections. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

5. PRESENTATIONS:

- Rural Water Assistance Fund – TWDB – Steven Miller introduced Keith Kindle with EhT who presented to Council.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERN ON PUBLIC HEARING

- Public Hearing to receive comments from the public regarding a zoning change request from Multi-Family District to Single Family Residential District for property located at 1305 S. College Street, Jones Subdivision, Block 7, Lots 7 – 12.
Public hearing was opened at 6:31 p.m. Charles Hodges asked if that will affect addressing in any way with adding new housing. Erin Corbell said the appraisal district assigns those addresses but it shouldn't affect any existing addresses. Charles Hodges said he thinks the new houses will be good for the area and encouraged council to pass. Public hearing was closed at 6:32 p.m.
- Public Hearing to receive comments from the public for a zoning change from Commercial District to Single Family Residential District for 1404 S. High St., in the Jones Subdivision, Block 14, Lots 1-2.
Public hearing was opened at 6:32 p.m. There were no public comments. Public hearing was closed at 6:33 p.m.

7. INDIVIDUAL CONCERNS

A. Discussion, consideration and possible action consideration and possible action regarding the **second and final reading of Ordinance 1384** of the City of Brady, Texas to adopt the FY 2025 Budget. Mayor groves said this requires a roll call vote and a super majority of 4 people. There is one particular item dealing with the golf course and \$200,000 that is overall a \$850,000 project over a 3 year period. The vote was 3 – 2 so it passed. For the folks that voted against, you now have a chance to cause the second reading to fail which would cause a push to a discussion about changes to be made to budget and would revert back to a first reading then a second reading on the 1st of October. If you are still opposed to the \$200,000 you should vote no. Council Member Moreno asked for clarification on a super majority vote. What would cause that to be a super majority vote, and was there a veto on first vote? Council Member Elliston said no. Council Member Moreno said it shouldn't have to be a super majority vote. Council Member Elliston said even if the two council members in opposition voted not to approve the budget, staff could still operate under same budget anyway. Mayor Groves said there is a statement in the Charter that says if council has not decided on a budget, the working budget becomes the budget. Council Member Moreno said this is very alarming when you've had a majority vote twice. Council Member Moreno said we voted 3 – 2 twice and you're trying to make it go to a 4 – 1 vote. Mayor Groves said he's not trying to make it; four people have to decide. Council Member Moreno said the Charter says majority vote unless mayor vetoes then it has to be a 4 – 0 vote. Attorney Newton agreed it's a majority vote. This is not a super majority. Attorney Newton said he can still veto it; he has the authority to veto. Mayor Groves said the Charter says he can exercise the veto. Council Member Sutton apologized for not being present at the last vote and asked if the money is in the budget. Mayor Groves said it was reserve funds that can be used anywhere. Council Member Elliston clarified and said it is additional funds, not drawing down on reserve fund balance. Erin Corbell said it is excess electric funds. It's excess revenue in next year's budget. Erin Corbell said it does not lower the reserve fund balance policy. Council Member Moreno moved to approve the second reading of Ordinance 1384. The motion was seconded by Council Member Gomez. With a roll call vote of:

Terry Phillips - Aye

Missi Elliston - Aye

Jeffrey Sutton - Aye

Felix Gomez - Aye

Gabe Moreno - Aye

all Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

B. Discussion, consideration and possible action consideration and possible action regarding the **second and final reading of Ordinance 1385** of the City of Brady, Texas to adopt the 2024 Property Tax Rate. Lisa McElrath presented. Council Member Sutton moved to approve the second reading of Ordinance 1385. The motion was seconded by Council Member Phillips. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

Missi Elliston - Aye

Jeffrey Sutton - Aye

Felix Gomez - Aye

Gabe Moreno – Aye

Terry Phillips - Aye

C. Discussion, consideration and possible action consideration and possible action regarding the **second and final reading of Ordinance 1386** of the City of Brady, Texas adopting the Utility Rates and Fee Schedule for City Services. Erin Corbell presented. Corbell said our twilight fee is set at \$5.00. During the summer months, folks can still play a full round of golf. Golf personnel would like the twilight fee increased during summer. Lisa McElrath said we can't make a change on the 2nd reading of the ordinance. Council Member Elliston moved to approve the second and final reading of Ordinance 1386. The motion was seconded by Council Member Phillips. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

D. Discussion, consideration and possible action regarding the **first reading of Ordinance 1388** of the City of Brady, Texas, granting a zoning change from Multi-Family District to Single Family Residential District for property located at 1305 S. College Street in the Jones Subdivision, Block 7, Lots 7-12. Erin Corbell presented Council Member Sutton moved to approve the first reading of Ordinance 1388. The motion was seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

E. Discussion, consideration and possible action regarding the **first reading of Ordinance 1389** of the City of Brady, Texas, granting a zoning change from Commercial District to Single Family Residential District for 1404 S. High St., in the Jones Subdivision, Block 14, Lots 1-2. Erin Corbell presented Council Member Elliston moved to approve the first reading of Ordinance 1389. The motion was seconded by Council Member Phillips. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

F. Discussion, consideration and possible action to approve the lease purchase of an 816 Compactor from Warren CAT of San Angelo, TX in the amount of \$624,591.56. Steven Miller presented. Council Member Elliston moved to approve the lease purchase of an 816 compactor from Warren CAT, San Angelo, TX in the amount of \$624,591.56. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

G. Discussion, consideration and possible action to approve **Resolution 2024-016** authorizing the City Manager to execute a lease-purchase contract with Caterpillar Financial Services Corporation for the use of an 816

Caterpillar Compactor. Lisa McElrath presented. Council Member Sutton moved to approve Resolution 2024-016 authorizing the city manager to execute a lease purchase contract with Caterpillar Financial Services Corporation in the amount of \$624,891.56. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

H. Discussion, consideration and possible action regarding approval of **Resolution 2024-017** to request financial assistance from the Texas Water Development Board (TWDB) under the Rural Water Assistance fund (RWAF) for securing funding for replacement of dilapidated or undersized waterlines, irrigation lines and appurtenances; 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 presented. Council Member Elliston moved to approve Resolution 2024-017 authorizing the city manager as a Designated Representative of the City, with the assistance of various staff and consultants to execute an application with the TWDB-RWAF Grant Program in an amount not to exceed \$5,000,000. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 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:**

Oct. 1		Regular City Council Meeting, 6:00 p.m.
Oct. 1		National Night Out
Oct. 14		Columbus Day Holiday – City Offices Closed, Altered Trash Schedule
Oct. 15		Regular City Council Meeting, 6:00 p.m.
Nov. 5		Regular City Council Meeting, 6:00 p.m.
Nov. 11		Veteran's Day Holiday – City Offices Closed, Altered Trash Schedule
Nov. 19		Regular City Council Meeting, 6:00 p.m.
Nov. 23		HAPPY BIRTHDAY JEFFREY SUTTON
Nov. 28		Thanksgiving Holiday, City Offices Closed, Altered Trash Schedule
Nov. 29		After Thanksgiving Holiday, City Offices Closed, Altered Trash Schedule

9. ANNOUNCEMENTS

Erin Corbell said she would like to hold a work session to discuss the fire station now that we have additional cash funding and also the golf course well and asked if there is a date next week. Council Member Elliston said she can do any day after 5:00. Erin Corbell asked council if Tuesday, September 24th at 5:00 worked. All were ok.

Corbell said also, our regular council meeting on 10/1 coincides with National Night Out. We could move meeting time to 5:00 and keep agenda short. Council Member Elliston said she liked keeping meeting brief and start early.

Council Member Elliston said we also have a meeting on the 19th. Erin Corbell confirmed at 5:30.

Mayor Groves said there is also a meeting midday tomorrow at the coffee shop and at 6:00 p.m. with people doing comprehensive plan. Erin Corbel advised council not to go at the same time since notice of possible quorum was not posted. Erin said the come and go is 12:00 noon to 2:00 at coffee shop and an open house from 6-8pm in the ballroom.

Council Member Moreno said he wanted to know if we heard anything about tournament this weekend. R.S. Bush said it was a success. Gabe asked how many out of towners. Answer was 82.

Council Member Gomez thanked Chief Batten and Chief Perrin and first responders for their participation in the 9-1-1 memorial.

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:

There was no executive session.

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

12. ADJOURNMENT

There being no further business, Mayor Groves adjourned the meeting at 7:14 p.m.



Missi Elliston, Mayor Pro Tem

Attest: 
Tina Keys, City Secretary

