

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 June 7, 2022, at 6:00 pm with Mayor Anthony Groves presiding in person. Council Members present were Missi Elliston, Larry Land, Jay May and Jeffrey Sutton. City staff present were Acting City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Chief Steve Thomas, Code Enforcement Officer Connie Echols, Building Inspector Sonny McGinn and City Secretary Tina Keys. Also in attendance were Norma & James Zumwalt, Karen Kimball, Lanell Stehle, Diane Long, Lisa Dodd, Todd Dodd, Joe Sanchez, Mary Ramos, James Griffin, Lisa Berglund, Cindy Willmann, Felix Gomez, Jr., Candy Weatherman, Randy Rankin, Joe Solis, Aaron Garcia, James Stewart and Pamela Brown.

### **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 May gave the invocation, and the Pledge of Allegiance was recited.

### **3. PUBLIC COMMENTS**

Felix Gomez – gave a recap on the Brady Crawfish and Drag Boat Throwdown. Gomez was a great success and thanked the Council, City Manager and City Staff for their support.

### **4. CONSENT AGENDA**

- A. Approval of Minutes for Work Session Meeting on May 16, 2022 and Regular Meeting on May 17, 2022.
- B. Discussion, consideration and possible action approving a noise variance as requested by Sharon Tinney for the Cox Reunion to be held on June 11, 2022 at the Brady Lake Pavilion until 1:00 a.m. both days
- C. Discussion, consideration and possible action regarding the temporary closure of Blackburn and Elm Streets at 3<sup>rd</sup> and 4<sup>th</sup> Streets from 10:000 a.m. to 2:00 p.m. on July 2, 2022 for the First United Methodist Church Annual July Jubilee BBQ.

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

### **5. PRESENTATIONS:**

- Animal Control – Jamie Klenin was ill so there was no presentation

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

- a) Public Hearing to hear comments for or against demolition of property located at 901 Bombay, Lot 9, Block 3 of the Janell Subdivision and to determine if the structure complies with standards set out in Chapter 3, Article 3.200 for demolition of a dangerous premises. Public Hearing was opened at 6:20 p.m. and closed at 6:47 p.m. Jerel Malstrom said he is the owner. Mr. Malstrom he has had problems from the beginning. He is talking with contractors for roof and electric repairs and is asking for 30 days to get the roof put on. He said is serious about getting the property into livable conditions. Council Member Sutton asked if that includes all the work that needs to be done to make it livable. Malstrom said there is not one wall in the whole house that didn't have a hole in it. There will be new walls, new a/c, new roof, new everything. Malstrom said he is willing to put up a bond with the City. Council Member Sutton asked what took him so long. His response was “Joe Davidson”. Council Member Elliston asked Malstrom if he tried to evict him, and he said yes; he has been to PD and to Maggie Sawyer. Malstrom went on to say that Joe should be out of the picture now. Council Sutton asked if Davidson has any contractual ties to the

house. Maelstrom said no he does not and said PD told him if he shows up, they will arrest him. Council Member Elliston asked how long Joe has been out. Maelstrom said he was told December, but it looks like he came back this weekend. Maelstrom said he has hauled off 12 – 15 loads of his junk out of that property and has complied with all code orders. He tried to keep it picked up. Council Member Sutton asked Maelstrom if we decide to give you a shot, how long can we expect before it's finished. Maelstrom said he doesn't have a number, but for street and neighborhood appeal, the roof will be on in a month and he is asking council for 45 days and it will have a new roof and street appeal. Council Member Elliston said going back to 2017, the City has been making contact and trying to get something done. That's 5 years just with just the current owner, Maelstrom, and there has not been any change. Maelstrom said it is because of Joe. Council Member Elliston said in 5 years Maelstrom could have taken legal action. Council Member Sutton said it looks to him like the best thing would be to tear it down and start over. Maelstrom said what he plans on doing, it will be like a framed house with nothing in it, and again Maelstrom asked for 30 days. Council Member Elliston said if they give 30 days for a roof, it is going to be another 5 years to get anything else done. Mayor said we need to stick with public comments rather than a discussion. Maelstrom again asked for 30 days. Lisa Dodd said she has been before Council several times over several years. She knows for a fact that several years ago there were many violations and Maelstrom was going to take care of it time and time again. Mrs. Dodd said he does a little bit and it stays where it is. Mrs. Dodd said her husband offered to buy him out several times but he has said no. Code Enforcement Officer Connie Echols said she went in 60 days ago and told him what needs to be done since Joe is gone. Nothing has been done. Echols said it's a druggie house; stench is there. It needs to go. Fred Johnson said he has been to Council several times. He lives next door. Has called numerous times to PD for various reasons; dogs, dope, junk house, dope house, has been for years. Has been documented that there have been several calls to police. Mr. Johnson asked why the roof not been replaced by now when it has been almost a year. Mr. Johnson said Council needs to stand up and obey city ordinance and do something. That house has cost the neighborhood a 20% decrease in property values. Pamela Brown said she moved to Brady July 15 and lives at 806 W. 16<sup>th</sup> Street behind this house. She has seen the fence torn down. There were people there trying to fix the roof but all they did was yell at her. They never got it done. There was a generator that was so loud you couldn't even hear the TV inside her house. She knows it has been frightful and does know there have been some dealings in there. It's a very big eyesore, plus the metal fence that came down, it's an eyesore. Joe Solis said a roof isn't going to fix it. You put a roof and there's still no siding. They have been dealing with this for years. The first of the month, you can tell when the dope comes in due to the increase in traffic at the house. Last time he was in there, somebody else was in there as well. There were needles. Solis said it's got to go; it's not healthy. It has been ongoing for 17 years. Fixing it isn't going to help. The smell is still there. They're tired of it. James Stewart said he was in attendance on behalf of his employee who lives across the street. Stewart said law enforcement has had stake outs. In 2013, the first formal action was filed. Maelstrom has owned the house for 6 years. Pleading ignorance won't work. People choose to live in Brady and live by the ordinances. Part of the rules are having utilities. What has transpired over the past 11 years has been documented. These people are held hostage by an eyesore that is dangerous to the committee. The rules are there. Stewart said demolish it and charge him for it because he hasn't taken care of it. It's his responsibility, and council needs to take care of the citizens of the community. Jim Griffin said he did a study a few years ago of property values within 2 – 3 lots of each other. Every single property went down in value. Another said if this has been a work in progress for this long; it's a slap in the face that they have to deal with that. They have hosted national night out on Bombay street. They care for each other and look out for each other and want support from council. Karen Kimball said she doesn't live by the Bombay house but urges them to hold the line on this house. We need to do this all over town and asked "are we going to protect Brady or not"? Please hold the line. Maelstrom asked again for 30 days. Murry Stehle said he lives on 15<sup>th</sup> street. Trash from the roof ends up in his backyard. It's more than the roof, it's the fence, the grass, everything. Danny Long of 910 Bombay said he has live there all his life. Nothing has

been done. He said they put plastic on the roof and it's now all over the neighborhood. Kids are scared to walk down the street. He has seen no improvements; he has seen repairs, but they are thrown up there. Mr. Long went on to say he knows the way he put in a stove in is illegal. He also hears the generator, and it affects his sleep. At Christmas, everybody decorates, but that house is the first thing or the last thing people see. It looks bad. It needs to be torn down to give a sense of security to the neighborhood. Maelstrom said all of these comments are related to Joe Dirt, not the house. Don Dodd said city council over a month ago put notices on the building giving him a list of things of what needed to be done. None of it has been done. He was supposed to board doors and windows, clean yard, none has been done. There is still roofing material in his father in laws yard. He has been given a lot of time. It has to stop. Another citizen said she lives on the corner and one time heard a gunshot. She said (Sheriff) Daegen said they're cooking meth and it blew up on them. She said she is concerned about all that chemical stuff that's in there.

- b) Public Hearing to hear comments for or against a Specific Use Provision (SUP) to allow for a Bed and Breakfast Inn or Facility, in a Single-Family Residential (5,000 S.F.) District for property located at 1004 S. College Street in the Luhr Subdivision, Block 176, Lot 1 as requested by Lisa Berglund. Public Hearing was opened at 6:10 p.m. and closed at 6:11 p.m. There were no comments.
- c) Public Hearing to receive comments for or against a zoning change from Single Family Residential to Manufactured Home District for property located at 1817 Old Mason Rd., Brady Texas in the Callison J.C. Subdivision, Block 403 as requested by Olee Teague. Public Hearing was opened at 6:11 p.m. and closed at 6:13 p.m. There were no comments.

## 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding the second and final reading of Ordinance 1339 of the City of Brady, Texas to deny and disapprove the proposed rate schedules and service regulations filed with the City of Brady by Oncor Electric Delivery Company, LLC as requested by Oncor Electric Delivery Company LLC. Mayor Groves presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1339. Seconded by Council Member May. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- B. Discussion, consideration and possible action regarding **Demolition Order 2022-001** in accordance with the City of Brady Code of Ordinances Section 3.217 to authorize demolition of dilapidated structures at 901 Bombay, Lot 9, Block 3 of the Janell Subdivision. Erin Corbell presented. Erin said we do have ordinances that pertain to landlord / tenant relationships and while a lot of this was on Davidson, the owner of the property bears the burden of the structure. Connie Echols said when she first came to work in Brady, she was told about Bombay St. She started in September. She went over there and the grass was mowed, there was a building permit posted, a ladder in the window, paint cans, ect., so she figured somebody was doing something, so she left it alone. A few months later, there was still nobody in there, then all of a sudden somebody was living there. She sent a letter to Malstrom and it was returned. She called several times and finally spoke with him. He came in on the 26<sup>th</sup> of April to talk with her. He told her about issues with Davidson. Building inspector, Sonny McGinn explained to Malstrom that it is his responsibility. Ms. Echols said Street Superintendent Manny Perez went in with her; they should have had on haz mat suits, it was that bad. Manny gave him an estimate to demolish the structure. Ms Echols said she Maelstrom to board up the house from the inside to keep people out. If anybody breaks one of those boards, they're breaking and entering. Chief Thomas agreed, however, he said the difference is, Mr. Davidson did reside there. A former dweller is sometimes considered a present dweller which is why it falls on the landlord. Connie said she and Sonny McGinn told him he has 15 days to show them a plan of action. He said he was going to start right away on the repairs, but he never did anything. She called several times, but Malstrom wouldn't answer her calls until she sent notice stating it was going to be torn down. Connie said he did go to City Hall wanting landfill passes but Silvia didn't give him any because we

don't do that. Connie called him again and he said he would go over the weekend and put a roof on to appease the neighbors. She said that wouldn't work. He did clean it. The second time it was clean. He did clean it, but he never boarded it back up so it was right back to the same thing again, not as bad. But somebody was going in there. Erin Corbell said we've heard from the citizens about how it's an eyesore, but it's a safety issue at this point. What if some kids get in there or anybody in the back yard, they can get hurt. There are other properties that need to be addressed but we've been addressing this one for decades. We have structures that we are not holding up to standards because it hasn't been enforced as strongly as our ordinances allow. Connie said there's no wiring left in there, it's just a mess. The pictures don't do it justice. It's really bad. Said several people have offered to buy it but he doesn't want to sell, but he doesn't want to fix it. Council Member Sutton said there are no utilities either. Erin Corbell said the deed for the property was filed February 2015 so Malstrom has owned it for 7 years. Aaron Garcia said again go back on what Erin said about all the things on paper, he would be surprised if the City wasn't held liable if something were to happen. If somebody got hurt or OD'd or something, the City could be held liable since they haven't done anything. Malstrom said he would post a bond and if it's not done, the City can keep the bond money. Council Member Elliston said she doesn't support that. She doesn't see how he could not have gotten Joe out of there in 7 years. Council Member Elliston said personally, she feels like we doesn't have any choice. There have been reports of a lot of drug activity and if a structure is left there, that will continue to happen; it's a health and safety issue and there will continue to be drug activity. Council Member Land asked who the previous owner was. Joe Davidson was the answer. They were foreclosing on the property and Malstrom bought it. Council Member Land asked Malstrom if he has had thoughts about demolishing the structure himself and rebuilding. Malstrom said he wants to rebuild. Council Member Elliston moved to approve Demolition Order 2022-001. Seconded by Council Member May. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

Council took a break at 7:02 p.m. and resumed at 7:04 p.m.

- C. Discussion, consideration and possible action regarding the **first reading of Ordinance 1340** of the City of Brady, Texas adopting a Specific Use Provision (SUP) as requested by Lisa Berglund to allow for a Bed and Breakfast Inn or Facility, in a Single Family Residential (5,000 S.F.) District for property located at 1004 S. College St. Erin Corbell presented. Council Member Land asked if the B&B is the home or apartment. Erin said it's the apartment behind the house. Erin Corbell passed out photos for Council to review. Council Member Elliston moved to approve the first reading of Ordinance 1340. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- D. Discussion, consideration and possible action regarding the **first reading of Ordinance 1341** of the City of Brady, Texas adopting a zoning change from Single Family Residential District to Manufactured Home District for property located at 1817 Old Mason Rd. Erin Corbell presented. Council Member Elliston moved to approve the first reading of Ordinance 1341. Seconded by Council Member May. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- E. Discussion, consideration and possible action on scope of Small Diameter Water Replacement Project. Steven Miller presented. Mayor Groves said there's no clear choice so it's a hard decision to make. Miller said we're taking the first step; the reason we're here is to take to Council something of this nature. We can make some good decision. Mayor Groves asked which is the oldest and Miller said Luhr. Mayor Groves said maybe those with the oldest pipes should get the newer ones. Mayor Groves asked if we are looking to go with the red program or light turquoise. Council Member Land asked if the S. China section is it having similar problems. Miller referred Council to the historical map and showed where the 1" lines are. It's the northern end of Chin Street. Going south from 11<sup>th</sup>, there's a 10" water main. Miller said there are a lot of homes that are under served. A lot of lines all the way to Commerce are under sized.

Council Member May moved to direct staff to prioritize the China Street project for excess funds. Seconded by Council Member Elliston. Three Council Members voted “aye” with one, Council Member Elliston voting “nay”. Motion passed with a 3 - 1 vote.

- F. Discussion, consideration and possible action regarding the **first reading of Ordinance 1342** to amend the FY 22 Budget to allow for municipal purposes. Lisa McElrath presented. Council Member Land moved to approve the first reading of Ordinance 1342. Seconded by Council Member May. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.
- G. Discussion, consideration and possible action approving BEDC Project 2022-001, Joe Sanchez. Erin Corbell presented and said it’s the best business plan she has seen. Council Member Land asked if they own the property now. Joe Sanchez said they’re taking possession of it. There were a lot of issues going in. They’ve been trying to help customers of the previous owners and are still working on some of those contracts. They’re going to put people to work and help the community. Erin Corbell said the EDC board voted unanimously to approve the project. Council Member Elliston moved to approve BEDC project 2022-001, Joe Sanchez, in the amount of \$125,000. Seconded by Council Member Land. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.
- H. Discussion, consideration and possible action approving BEDC Project 2022-003, Sandy’s Kitchen and Catering. Erin Corbell presented and introduced Aaron Garcia. Erin said the EDC unanimously approved the request. Aaron Garcia the amount requested is to improve and be able to do onsite catering. They currently don’t have that capability. They have secured the 7 positions that was discussed. Council Member Elliston moved to approve BEDC project 2022-003, Sandy’s Kitchen and Catering, in the amount of \$40,543. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

Council took a break at 8:27 and resumed at 8:42

## 8. STAFF REPORTS

### A. Upcoming Special Events/Meetings:

June 16	City Employee Pool Party, 7:00
June 21	Regular City Council Meeting, 6:00
July 4	Independence Day Holiday, City offices closed, altered trash schedule
July 11, 13, 14	Budget Work Sessions, 10:00 a.m. to 4:00 p.m.
July 18	Possible additional Budget Work Session, if needed
July 28	HAPPY BIRTHDAY JAY MAY

## 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 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Acting City Manager Erin Corbell

Regular Session was closed at 8:42 p.m. Executive Session was opened at 8:42 p.m. and closed at 8:52 p.m. and Open Session resumed.

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

Council Member Sutton moved to hire Erin Corbell as City Manager. Seconded by Council Member Elliston. All Council Members voted aye, and none nay. Motion carried with a 4 – 0 vote.

**12. ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 8:54 p.m.

  
Mayor Anthony Groves

Attest:   
Tina Keys, City Secretary