

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, November 3, 2015 at 6:00p.m. at the Ed Davenport Civic Center, 200 Country Club Rd., Brady, Texas with Mayor Anthony Groves presiding. Council members present were Latricia Doyal, Marilyn Gendusa, Jack Turk, Kathy Gloria and Shelly Perkins. City staff present were City Secretary Tina Keys, Director of Public Works Steven Miller, Director of Finance Lisa Remini, Director of Community Services Peter Lamont, Police Chief Steve Thomas, Asst Fire Chief William Cox, ACO Katherine Mitchell, Bonney Smith and City Attorney Shannon Kackley. Others in attendance were Lynn Farris, Trooper Smith, George Matula, Mary Bradshaw, Beverly Sherwood, S.B. Ross, Layra Greenwood, Kinnan Golemon, Cherise Carter, Hank Lee, Richard Hemingway, Ronnie Reinisch, John Daegen, Anita Ellison, Janabeth Hanson, Charles Hanson, Anna Cox, Eddie Cox, Jeanagayle Smith, Jackie Behrens and Don Miller.

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

Mayor Groves called the meeting to order at 6:00 p.m. Roll was then called for Council and a quorum was certified.

### **2. INVOCATION & PLEDGE OF ALLEGIANCE**

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

### **3. APPROVAL OF AUDIT BOARD**

Council Member Gendusa moved to approve the audit board. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried.

### **4. APPROVAL OF MINUTES for October 20, 2015**

Council Member Gendusa moved to approve the minutes. Seconded by Council Member Doyal. Council Member Perkins questioned item D which is a Resolution. Per the Charter Chapter 3.16, an ordinance must be used for an item requiring funding, not a resolution. Peter Lamont commented we aren't committing funds at this time. It allows staff to apply for a grant. The ordinance will come once we are awarded the grant. All Council Members voted "aye" and none "nay". Motion carried.

### **5. PUBLIC COMMENTS**

No public comments

### **6. PRESENTATIONS AND PUBLIC HEARINGS**

- A. Retail Coach Brady Study – Demographic Profile, Primary/Secondary Retail Trade Areas and GAP/Opportunity Analysis – Peter Lamont presented to Council
- B. Wastewater Treatment Plant Replacement Project (Clean Water) Status Report. Steve Miller and Trooper Smith Presented
- C. WWTP Current Conditions – Steve Miller presented. Mayor Groves discussed what could happen if plant fails.
- D. Drinking Water Project (Radium Reduction) Status Report – delayed until next meeting

### **7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration, and possible action regarding **second and final** reading of Ordinance 1182 to amend FY 2014-15 Final Budget (reducing budget by \$2,615,982). Lisa Remini presented to Council. **Mayor:** "Do I have a motion to read the full ordinance?" **No motion was made, Mayor stated in accordance with City Charter:** "A majority of the City Council has dispensed with the full reading of the ordinance." **Mayor asked:** "Madam City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter." **City Secretary read the preamble. Mayor called for a motion:** Council Member Gendusa moved to approve second and final reading of Ordinance 1182. Seconded by Council Member Doyal. All Council Members voted "aye" and none "nay". Motion carried.
- B. Discussion, consideration, and possible action regarding **first** reading of Ordinance 1183 to revise Fee Schedule for Animal Services. Peter Lamont presented to Council. Council recommended changing wording on Impound Fees from "\$150 all subsequent offenses" to "\$150 each subsequent offense" and change to "\$50 if altered or \$90 if not altered". **Mayor:** "Do I have a motion to read the full ordinance?" **No motion was made, Mayor stated in accordance with City Charter:** "A majority of the City Council has dispensed with the full reading of the ordinance." **Mayor asked:** "Madam City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter." **City Secretary read the preamble. Mayor called for a motion:** Council Member Gendusa moved to approve first reading of Ordinance 1183 with correction. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried.
- C. Discussion regarding City of Brady Sales Tax Rebate Economic Development Incentives for the proposed/possible US Cement Plant, not to exceed \$297,000 over 9 years or \$33,000 per year. Peter Lamont presented to Council. Council Member Doyal asked if this is for the City of Brady and EDC. Lamont responded that yes, these obligations are being proposed for both but the details are slightly different. Council Member Doyal asked how the sales tax grant is based. Lamont replied if they bring in 175 jobs the \$33,000 grant will be reduced by 12.5%. Council Member Perkins suggested paragraph no. 4, the word "City" should be inserted and would like to increase the buffer zone to 100 feet. Peter Lamont advised that an industrial setback is 50 feet in the City but they may agree to 100 feet. Council Member Gendusa would like to see more than 100 feet. Council Member Turk questioned if all this works out and they build the plant, what happens if they sell it to somebody else? Will the negotiations stand? Lamont responded, yes, we can include that in the agreement. Mayor Groves commented that this would be an agreement with US Cement so if US Cement no longer owns it, the agreement would go away. Attorney Kackley confirmed we can put a clause in the agreement. Council Member Perkins would like the City of Brady obligations made clearer by saying they would provide 9 annual grants of \$33,000 each. Council Member Perkins would like to see something that says US cement would provide a public relations officer or something along those lines. Lamont said we will make sure they have a local contact point. Council Member Perkins has concerns about safety and explosions. Mayor Groves suggests Peter Lamont check into requirements. George Matula would like explained how much money would be coming from City and EDC – City \$297,000 over 9 years. EDC - \$556,000 over 10 years. \$250,000 plus \$34,000 over 9 years or \$306,000. Mayor Groves reiterated that is money paid after plant is complete and a there is a \$33,000 increase in sales tax and employees are hired. If they don't reach those amounts, they don't get those amounts. Mayor Groves stated the money is already on hand in reserves. Council Member Doyal stated the \$33,000 is based on sales tax increase. Don Miller asked Peter Lamont if we can index growth to consumer price index if that's what we want to pursue. Council Member Gendusa asked are you thinking it should be 34% more than what we normally have? The new business will increase sales tax? We are saying increase is due to US cement so they get a percentage of that. If it's less they get less, if it's more they get \$33,000. Mayor Groves replied that there are several ways we can do it. We can go back 5 years. As of now, we are talking an increase over last year. Kennan Golemon stated he is trying to make it clear that this is a nuisance. George Matula stated he has done a tremendous amount of research. This is a start up company. Maggie & Larry Sawyer stated a 50 or

100 foot buffer will make no difference. Dale Matthews commented that folks are opposed to that site Mike Rice said he has been to Buda and Waco. Anna Cox who lives on small ranch asked Council to look at what you're doing to your neighbors and has concerns about value of property and impact of potential omissions.

- D. Discussion regarding revisions to Junked Vehicle Ordinance. Peter Lamont presented to council. Council Member Perkins noted the first paragraph, the word "off" should be "of" and in the third paragraph, regarding an "attractive nuisance" is this legal term? Council replied yes. It is following state statutes. Also, under section 8.206 – item A – any authorized person may remove – is that police department? Should it be elaborated? Lamont responded that we can define authorized person.

Council took a recess at 8:55 p.m. and returned at 9:10 p.m.

## 8. STAFF REPORTS

- A. City Council Meetings will move to the Service Center, 1405 North Bridge Street
- B. Nov 11, City Offices Closed – Veterans Day (no changes to trash schedule)
- C. November 21 – Hunter's Appreciation Dinner
- D. Nov 26 & 27 – City Offices Closed – Thanksgiving Holidays
- E. City will open for Utility Payments Only Friday, Nov 27, 10am to 2pm
- F. Thursday and Friday trash pick-up moved to Wednesday, Nov 25
- G. Landfill will be closed – Thurs (Nov 26), Fri (Nov 27) , and Sat (Nov 28)

## 9. ANNOUNCEMENTS

No announcements

## 10. EXECUTIVE SESSION

Council closed open session at 9:13 p.m. and went into executive session at 9:14p.m.

- A. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), the City Council will deliberate, vote, or take final action on a competitive matter regarding its electric utility – proposed contract with LCRA.
- B. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective cement plant (US Cement Plant) development project that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from prospective retail and other development projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.
- D. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real property as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person.

Executive Session adjourned at 10:52 p.m.


**11. Open Session Action on any Executive Session Item listed above, if needed**

Regular Session reconvened at 10:52 p.m. No action was taken during or as a result of executive session.

**12. ADJOURNMENT**

There being no further business the Mayor adjourned the meeting at 10:54 p.m.

  
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Mayor Anthony Groves

Attest:   
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Tina Keys, City Secretary