

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 17, 2015 at 6:00p.m. at the City of Brady Service Center located at 1405 N. Bridge Street, Brady, Texas with Mayor Anthony Groves presiding. Council members present were Latricia Doyal, Marilyn Gendusa, Kathy Gloria and Shelly Perkins. Council member Jack Turk joined meeting after a quorum was certified. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Director of Public Works Steven Miller, Director of Finance Lisa Remini, Director of Community Services Peter Lamont, Asst City Secretary Jessica Sutton, Police Chief Steve Thomas and City Attorney Shannon Kackley and Bonney Smith. Others in attendance were Beverly Sherwood, S.B. Ross, Eddie Wilson, Woody Pennington, Annita Ellison, George Matula, Pat Matula, Ovita Bratton, Bill Bratton, James Griffin, Neal Ulmer, Joe Sanchez, Alfredo Gonzales, Charles Hanson, Janabeth Hanson, Richard Hemingway, Cerise Carter, John Dagen, Donald Lee, Travis Gary, Pat Gary, Erin Corbell, Billy Cavin, Lou Alexander, Karen Behrens, Jason Behrens, Nanette Morgan, Richard Morgan, Anna Cox, Eddie Cox, Ed Burk, Neeley Taylor, Dub Smith, Lee Reinisch, Lynn Farris, Joe Whitehead, Jerlene Smith, Jackie Behrens, Jeanagayle Behrens, Dale Matthews.

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 Doyal gave the invocation, and the Pledge of Allegiance was recited.

3. APPROVAL OF AUDIT BOARD

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

4. APPROVAL OF MINUTES for November 3, 2015

Council Member Gendusa moved to approve the minutes. Council Member Perkins stated Council Doyal needs to be added to roster of attendees. Council member Gendusa moved to approve as amended. Seconded by Council Member Doyal. All Council Members voted "aye" and none "nay". Motion carried.

5. PUBLIC COMMENTS

John Dagen – concerns about dust, view, noise, traffic from the proposed cement plant. Suggests spending funds on bringing other businesses to town.

Lou Alexander – property owner at 1019 W 11th concerned about pecan trees removed by City.

Billy Cavin – concerned about pecan trees at 1019 W 11th

Nanette Morgan – Armed Forces Weekend and Fly-in concern about proposed building of hangar at Curtis Field. No closer to breaking ground now than 18 months ago.

Charlotte Harper – proposed hunt at Brady Lake.

6. PRESENTATIONS AND PUBLIC HEARINGS

- A. Housing Study – James Griffin presented. Woody Pennington suggested discount dumping. Charlotte Harper discussed church program to help. Council member Perkins suggested providing copies of presentation to council, realtors and at City Hall. Will also be available on website.
- B. Drinking Water Project (Radium Reduction) Status Update – Steven Miller introduced Josh Berryhill and Keith Kindle with eHT

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding Resolution 2015-044 to canvass Special Election Vote. Council Member Turk moved to approve Resolution 2015-044. Seconded by Council Member Gendusa. All Council Members voted “aye” and none “nay”. Motion carried.
- B. Discussion, consideration, and possible action regarding first reading of Ordinance 1184 to authorize the sale of the electric substations to LCRA. Section 2 needs to be changed to read “authorize to sign contract and other supporting documents”. Kim Lenoir 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 first reading of Ordinance 1184 as amended by the city attorney. Seconded by Council Member Turk. All Council Members voted “aye” and none “nay”. Motion carried.
- C. Discussion, consideration and possible action regarding first reading of Ordinance 1185 Junked Vehicle Ordinance Changes. Kim Lenoir presented. **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 Turk moved to approve first reading of Ordinance 1185. Seconded by Council Member Doyal. All Council Members voted “aye” and none “nay”. Motion carried.
- D. Discussion, consideration, and possible action regarding second and final reading of Ordinance 1183 to revise Fee Schedule for Animal Services. Kim Lenoir 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 1183. Seconded by Council Member Doyal. All Council Members voted “aye” and none “nay”. Motion carried.
- E. Discussion, consideration, and possible action 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 up to \$33,000 per year. Peter Lamont presented. Council Member Gendusa asked if questions asked in October meeting were answered by US Cement. Peter Lamont responded he is not sure which questions. Council Member Doyal stated she believes proposal included in council packet does include everything discussed on Nov. 3rd. Council Member Perkins still wants buffer changed to 100’. Council Member Perkins spoke to five different people at TCEQ and they stated a 400’ buffer for blasting is required. Would like representatives from TCEQ to speak with council and citizens. Believes more research needs to be done. Council member Turk reiterated that TCEQ will be responsible; they are in charge of it and not us. Council Member Turk stated he understands the concern but we can’t keep hashing it out. Council member Doyal commented we are discussing proposed terms and this in no way binds us to anything. We need to deal with what’s on the agenda. TCEQ can come in later and see if there are issues. Lamont stated we can change the buffer requirement, but they have to comply with TCEQ regulations. Attorney Kackley informed council they need to make a motion to amend to 100 feet. Council Member Gendusa moved to change buffer to 100’. Seconded by Council Member Perkins. Council Member Perkins commented this agreement does not apply to any particular site. Lamont confirmed. All voted “aye” and none “no”. Proposal will be changed to reflect a 100 foot buffer. Council Member Perkins asked if the sales tax figures are based on a

calendar year or fiscal year. Lamont answered that we will measure the sales tax increase based on 1 year after significant completion and hiring of employees. If it's January 10, 2019 we will look at January 10, 2020. The payment will be August 30, 2020.

Session was opened for public comments: Phil Graves: question is have you completed your due diligence on the company known as US Cement? Have you checked them and the courts? Kim Lenoir answered "yes, we feel comfortable with moving forward". Mr. Graves asked who wrote document? Mr. Graves asked if this will be the binding document? No, it's just the beginning of the negotiations. It's up for grabs? Shannon Kackley responded no. Mr. Graves asked why are we doing this. Asked who the real estate agent is. No answer. US Cement had an option to review other property at Voca. Why is this site so important? You are dealing with our tax money. And government money. All of this is designed around a government program and it's not a good program. Joe Whitehead: if they hire 200 people, how are we going to monitor that they keep 200 people employed? Lamont responded that they have to provide reports to Texas Workforce Commission as part of the training program. Peter Lamont stated that we can require them to report on it. Shelly Perkins responded that the agreement states they have to report to the Department of Labor. They have to follow all laws. Joe Whitehead: Blasting zone, go to Fredericksburg to the gypsum mine and ask them how far their buffer is. Need to go talk to them and see what it looks like. George Matula: distance proposing won't make any distance whatsoever to Sawyers and Jones'. Nothing in permit process that specifies distance. Rock crusher can be no closer than 200 feet from property lines and 440 yards from nearest residence. They will have a rock crusher on west side of hwy. \$33,000 a year is equal to one low paying job with no benefits. \$250,000 from EDC is 10 years of one low paying job. As soon as they realize they can get by with less employees or realize they can get their own utilities, it will all stop. Trudy Banister – has 85 acres a mile and a half from site. It will not increase value, help livestock or wildlife. Stated Council had asked for a list of employee positions, have they received that? Lamont replied that it has been provided to Texas Workforce Commission. They issued a commitment for training based on the list. Steve Turco we don't need this. Sand plants didn't ask for any incentives. Concerns who these people are. Who will they bring into this state? Anna Cox: due diligence has not been done. What is regulation of feet vs. a property owners fence line on a berm on a quarry. Mayor Groves answered that TCEQ knows. Cox commented it's your job to know. This company is not of good character. No owner of the company has come here. There are concerns about eminent domain and devaluations of land. Woody Pennington: Who showed the property? Lamont replied that Judge Neal and Kim Lenoir went out with them. Pennington stated the concern is a county commissioner holds real estate broker license. Nobody can answer who broker is. Peter Lamont's understanding is it was handled between lawyers. No broker was used. Joe Sanchez – why is the city spending money on something in the county. We couldn't get additional police and fire personnel because of lack of funding. But now you are spending money on a project in the county. Will have to put in water and gas lines. White cement bags say there is silica in the cement. And asbestos. People will be contaminated. Do a proper evaluation then vote. Jackie Behrens: Council and city leaders won't be here in 5 years. Stated "you hurt me, I will hurt you". Attorney Dale Matthews: regarding proposed terms and conditions – assuming starting point is the offer, ending point is the agreement. Most questions have still not been answered. What kind of assessment has been done on economic benefits? What is expected sales tax revenue? Who is US Cement? These questions haven't been answered. To believe there won't be any problems is naïve. To think TCEQ will take care of problems is naïve. They won't be there every day. You have the responsibility to do your due diligence before making any decisions. Terms and conditions - No. 2 doesn't say anything about where job are going to be. Are they here in Brady? Yes. Need to specify. No 3 – one is the cement plant and the other is the quarry. Regulations will be different. No 5 – buying from City No 7 – the light pollution will be horrific with size and location of site. Need 2000 acres. The selection of this site raises issues on EDC project. Doesn't recall any guidelines or criteria for economic incentive project. Take a look at long term effect. Charlotte Harper: You have heard some bad information. From personal research, major concern for a sand plant is they have to re-cover top

soil and recover contour or property. Pits are not lined and goes back down to resource. Never heard about asbestos being an issue here. Council will need to ask US cement for an environmental impact statement. There will still be disagreements to be worked out. There is a public comment period for an environmental statement or assessment. Need to decide if level of information provided is sufficient to make a decision. Will help find company to do this assessment. Mike Rice: air quality concerns. Eddie Wilson: asking council to delay vote until air quality people come to Brady.

Council Member Doyal moved to approve agreement as amended. Seconded by Council Member Gendusa. Motion is to approve amended incentive and direct staff to proceed. Council Member Perkins commented she believes there are too many unanswered questions. Four council members voted “aye” and one, Shelly Perkins, “nay”. Motion carried 4-1.

- F. Discussion, consideration, and possible action regarding approval of the Brady Economic Development Corporation (BEDC) recommended Economic Development Incentives for the proposed/possible US Cement Plant (Maximum cost of \$556,000 over 10 years - \$250,000 one time, plus 9 years up to \$34,000 per year). Peter Lamont presented. Council Member Gendusa moved to amend agreement to change buffer to 100 feet and change words to EDC portion instead of City of Brady. Seconded by Council Member Doyal. Four council members voted “aye” and one, Shelly Perkins, “nay”. Motion carried 4-1. Council Member Gendusa moved to approve EDC incentives and direct staff to proceed. Seconded by Council Member Turk. Gloria asked if EDC has approved, answer yes. Four Council members voted “aye” and Perkins “nay”. Motion carried 4-1.
- G. Discussion, consideration, and possible action regarding acceptance of BEDC Annual Report. Kim Lenoir presented to Council. Council Member Turk moved to approve. Seconded by Council Member Gendusa. All Council members voted “aye” and none “nay”. Motion carried.
- H. Discussion, consideration, and possible action regarding acceptance of McCulloch County/Brady Chamber of Commerce Annual Tourism Report. Erin Corbell presented to Council. Council Member Gendusa moved to approve. Seconded by Council Member Turk. All Council members voted “aye” and none “nay”. Motion carried.
- I. Discussion, consideration, and possible action regarding acceptance of the City Manager’s Annual Report on the status of the City of Brady Comprehensive Plan, and authorize publishing the report. Kim Lenoir presented. Council Member Perkins wants to change DOR to DRT and asked if the lake dam and storm water study are in preparation for flood plain designation. The plan will help clarify storm water/drainage issues. Council Member Turk moved to approve as amended. Seconded by Council Member Gendusa. All Council members voted “aye” and none “nay”. Motion carried.
- J. Discussion, consideration, and possible action regarding appointment of members to the McCulloch County Appraisal District. All voted for Reed Williams and Cynthia Quinn. Vote 5-0.
- K. Discussion, consideration, and possible action regarding Resolution 2015-045 authorization for street closures for first Lighted Christmas Parade, Dec 5. Erin Corbell presented to council. Council Member Gendusa moved to approve Resolution 2015-045. Seconded by Council Member Gloria. All Council members voted “aye” and none “nay”. Motion carried.
- L. Discussion regarding proposed Distributed Generation (DG) Ordinance and advise Staff as necessary. Steve Miller presented. A final ordinance and education campaign will be forthcoming.

- M. Discussion regarding proposed revisions to City of Brady Personnel Policy and advise Staff as necessary. Kim Lenoir presented. Updated policy will be provided to council at a later time for review and mark-up before returning to city council for final action.
- N. Discussion regarding adopting city limit map updates/corrections and advise Staff as necessary. Kim Lenoir presented to Council. The 1906 Western Boundary was still being clarified, but all other annexations were correctly recorded by GIS maps. Plan to bring forward Dec 1 and 15 for an ordinance.

8. STAFF REPORTS

- A. Monthly Financial Reports for October
- B. Monthly Activity Reports – Seniors; Golf; BPD; Animal Control Services (24 animals to PAWS and 70 by City)
- C. November 21 – Hunter’s Appreciation Dinner
- D. Set Nov 30, 1pm – City Council Work Session to discuss Municipal Court Operations / FY 2016 Budget Amendments and executive session.
- E. Nov 26 & 27 – City Offices Closed – Thanksgiving Holidays
- F. City Hall will open Friday, Nov 27, 10am to 2pm for utility payments only.
- G. Thursday and Friday trash pick-up moved to Wednesday, Nov 25
- H. Landfill will be closed – Thurs (Nov 27), Fri (Nov 27), and Sat (Nov 28)

9. ANNOUNCEMENTS

There we no announcements

10. EXECUTIVE SESSION

Due to late hour, Council will discuss executive session items at the November 30 Special Meeting.

11. ADJOURNMENT

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


Mayor Anthony Groves

Attest: 
Tina Keys, City Secretary