

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, August 21, 2018 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Jane Huffman, Jim Griffin, Missi Davis, Rey Garza and Jeffrey Sutton. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, Public Works Director Steve Miller, Police Chief Steve Thomas, Interim Fire Chief Lloyd Perrin, City Attorney Cameron Cox, Code Compliance Officer Walter Holbert and City Secretary Tina Keys. Also in attendance were Charlie Bush, Joe Sanchez, Brian Crabb, Lynn Farris, J.T. Owens, Diego Subia, Lee Roy Chaney, Virgil Webb, Annie Lenoir, James Stewart, Jamey Boyd, Damon Boyd and Heather Jo Aston.

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

Mayor Groves called the meeting to order at 6:02 p.m. Council quorum was certified.

#### 2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### 3. PUBLIC COMMENTS

There were no comments

#### 4. CONSENT AGENDA

- A. Approval of Minutes for Regular and Work Session Meeting August 7, 2018
- B. Approval of Minutes for Special Joint City – County Meeting August 7, 2018

Council Member Davis moved to approve the Consent Agenda. Seconded by Council Member Garza. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

#### 5. PRESENTATIONS

There were no presentations

#### 6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS

Public Hearing from 4-17-18 to receive comments to authorize abatement of dilapidated structures at 102 West Shore Drive, of the Simpson Lake Subdivision, Block 4, Lot 13. Public Hearing was opened at 6:07pm. Walter Holbert presented. There were no public comments. Public Hearing was closed at 6:09pm.

#### 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding **Abatement Order 2018-32** in accordance with Code of Ordinances Section 3.207 to authorize abatement of dilapidated structures at 102 West Shore Drive, of the Simpson Lake Subdivision, Block 4, Lot 13. (Public Hearing held 8-21-18). Walter Holbert presented. Council Member Griffin moved to approve Abatement Order 2018-032. Seconded by Council Member Garza. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- B. Discussion, consideration, and possible action regarding final **Demolition Order 2018-22** in accordance with Code of Ordinances Section 3.207 to authorize abatement of dilapidated structures at 306 West Marie Street. (Public Hearing held 12-19-17). Walter Holbert presented and told Council that significant progress had been made to secure property. Holbert said he believes owner will continue to make progress and will bring up to code. Holbert recommended giving additional time for continued repairs. Owner Joe Sanchez went over what has been done so far and improvements that will continue to be made. Council Member Davis moved

to allow approve 30 additional days and bring back before Council at the second meeting in September. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

- C. Discussion consideration, and possible action regarding **Resolution 2018-026** to establish the new Brady Type B Economic Development Corporation and submit revised Articles of Incorporation to the Secretary of State and initial By-laws. Kim Lenoir presented. Council Member Griffin moved to approve Resolution 2018-026. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- D. Discussion, consideration, and possible action regarding **award of Buyboard Bid Contract** with Texas Multi-Chem Sports Turf from Kerrville, TX for renovation of Richards Park Ballfields #1 and #2 demo, new fencing, backstop netting, dug-outs, all new irrigation, 4 inches of new topsoil and infield dirt, and solid sod turf grass for \$280,355 or \$274,355 (if performance bond not required). Kim Lenoir presented. Council Member Huffman asked about the differences in the original bid and what they currently have in the packet. Lenoir explained after all bids were denied, city employees, local contractors looked at the project again to determine the new approach to the project. Lenoir reviewed the grant elements in the budget and current cost savings is expected in rebidding the concrete flatwork. Steve Caraway with Texas Multi-Chem discussed fencing requirements and why the plan is now to totally replace all fencing. Council Member Huffman asked if we could do ground work on the softball field. Lenoir and Caraway explain irrigation must first be done on the softball field. Caraway discussed that the outfield on the softball field is higher than the infield so substantial dirt work will also need to be done. Council Member Griffin asked if netting could be put on Field 3. Caraway showed photos of the netting and how it is erected. Council Member Garza moved to award Buyboard Bid Contract to Texas Multi-Chem Sports Turf at \$280,355 for Fields 1 & 2 only as originally proposed in the grant. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.
- E. Discussion, consideration, and possible action regarding Brady Volunteer Fire 501(c)3 Organization request for \$27,558.00 by JT Owens, Chief of BVFD. Lisa Remini presented several pages of formal documents that supported the city staff's belief that the BVFD funds given to the city on 2-1-17 was to help pay for the new city fire engine. Council Member Huffman said she reviewed the documents a few months ago and remembers she was opposed to the City buying a vehicle after the BVFD decided to buy their own truck. Her interpretation was, with what they were presented with, the BVFD was going to donate monies and it was approved. Then the \$200,000 Texas Forest Service grant came in, which had been denied the past 4 years. Huffman remembers being opposed to buying a City vehicle, although she voted in favor. Council Member Huffman feels the money needs to be reimbursed even if we have to wait until the new budget year and feels it may have been poor communication. Chief Owens said the BVFD minutes show a cash donation up to \$100,000. Chief Owens said Chief Daniels told BVFD they needed a down payment on the trucks so that's why BVFD wrote the check to the City. Remini said finance wasn't aware of any discrepancy in how the check from the BVFD was to be used since nobody said anything until now. Remini also stated that the city cannot pay an invoice for any other entity's equipment. Council Member Huffman thinks the cost of returning the funds is a small price to pay for the use of these volunteer's equipment and manpower. Remini said we will know at the end of the budget year if there are funds left over to return the funds, and that it may be possible at that time to accommodate the request. Council Member Sutton asked about the comingling of funds between the City and BVFD. Remini said that is correct, BVFD is a stand-alone entity. The City of Brady does not pay anyone else's invoices. Council Member Davis looked over the city documents and agrees with Council Member Huffman that the intent was not ever to give the money to the City. Council Member Garza agrees that they should get their money back. Remini said she is just stating policy and procedures and her professional understanding on what happened. The proposed budget has already been presented for FY

2019. Remini does not think we can fund the \$27,558 request in the FY 19 budget because there is not enough fund balance available. Council Member Huffman suggested we adjust this year's budget since we are not spending all of the Community Services Director salary position. Attorney Cox agrees and said we can move to change current budget and reallocate money. City Manager Lenoir said we may be able to do this without a budget amendment if we calculate funds currently not spent but budgeted in the General Fund. Council Member Huffman moved to approve refunding the money to the BVFD with direction to staff to find the money in FY-2018 and return to BVFD by September 30, 2018. Seconded by Council Member Davis. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

F. Discussion, consideration and possible action regarding Brady Volunteer Fire 501(c)3 Organization FY2019 Budget Request. Lisa Remini presented. Council Member Davis would like to approve their budget request due to all they do for the City of Brady. Chief Owens said a lot of the monies do benefit the city as the city uses equipment purchased by the BVFD. Mayor confirmed a government entity cannot donate funds and went on to say we are going to pay for the services needed by the volunteer department. Council Member Huffman moved to direct the finance department to put \$23,500 in the fire budget for payment of services to the BVFD into the FY19 draft budget to be considered on Sept. 4, 2018. Seconded by Council Member Davis. Council Member Davis asked if it's a lump sum. Mayor Groves said it's a budget amount to be used as necessary. Remini asked and Chief Owens said it has been a lump sum in years past, and then changed to a monthly payment. Either way is fine. All council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

G. Discussion and summary of City Council action and if procedures and processes worked.

## 8. STAFF REPORTS

- A. Status Report of TCEQ Agreed Judgement for Old Power Plant located at North Substation
- B. Status Report capital funding for devices and equipment to support ERCOT regulatory requirements as a Transmission Operator (\$28,000).
- C. Status Report of Public-Private Partnership Agreement with TruCountry Inn - Downtown Public Parking Lot Paving Project.
- D. July – Board Minutes – GRW Steering Committee; BEDC Meeting
- E. July Monthly Activity Reports – Sales Tax Receipts, Utility Reports, Hotel/Motel Occupancy Tax (HOT) Receipts, Seniors, Golf, BPD, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Chronic Code Complaints, and Structures Inhabited without Utilities
- F. Upcoming Special Events/Meetings:
  - Summer Farmer's Market – Saturdays on The Square, 9:00 a.m. – 11:00 a.m.
  - August 27 – BISD First Day of School
  - August 31 – Sept 2 45<sup>th</sup> Annual World Championship BBQ Goat Cook-off – Richards Park
- G. Upcoming City Calendar:
  - August 30 – 11:30am – Annual Employee Hamburger Lunch – Richards Park
  - Sept 3 – City Offices Closed for Labor Day
  - Sept 3 – Trash Schedule Changes (Mon pick-up moved to Tues/Tues pick-up moved to Wed)
  - Sept 4 - Public Hearing for FY 2019 Budget is scheduled
  - Sept 4 - First Vote on FY 2019 Budget, Fees & Utility Rates, Tax Rate
  - Sept 18 - Second Vote on FY 2019 Budget, Fees & Utility Rates, Tax Rate

**9. ANNOUNCEMENTS**

Council will add a called Special Meeting August 29, 12noon to deal with changing insurance for city employees. Council Member Griffin said the sales tax collection should be an increase over last year.

**10. EXECUTIVE SESSION**

The City Council of the City of Brady closed the Open Meeting at 8:07 p.m. to adjourn into Executive session for the following:

A. 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: City Manager Lenoir and Attorney Sarah Griffin duties under the City Charter.

B. Pursuant to Section 551.071 (Consultation with Attorney) the City Council will consult with the City Attorney 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: legal opinion(s) regarding Brady Volunteer Fire Department's relationship with the City or with the Brady Fire Department.

Executive Session was opened at 8:19 p.m. and closed at 9:15 p.m.

**11. OPEN SESSION ACTION on any Executive Session Item listed above, if needed**

Regular Session was opened at 9:16 p.m. No action was taken.

**12. ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 9:17 p.m.

  
Mayor Anthony Groves

Attest:   
Tina Keys, City Secretary