

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 2, 2020 at 6:00 pm via zoom video/teleconference as authorized by the Office of the Governor in response to COVID-19, with Mayor Anthony Groves presiding in person. Council Members calling in to participate were Jeffrey Sutton, Jay May, Rey Garza and Missi Elliston. Council Member Huffman was present at the meeting. City staff present were City Manager Dennis Jobe, Community Development Manager Erin Corbell and City Secretary Tina Keys. Calling in was also, Finance Director Lisa Remini, Public Works Director Steven Miller, Keith Kindle, Josh Berryhill and Don Bailey. Other were invited to call in as well.

### **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**

There were no public comments

### **4. CONSENT AGENDA**

- A. Approval of Minutes for Work Session and Regular Meetings on May 19, 2020.
- B. Discussion, consideration and possible action regarding a noise variance at Richards Park on Saturday, July 11, 2020 from 8:00 p.m. to midnight as requested by Veronica Mireles

Council Member Garza moved to approve the consent agenda. Seconded by Council Member Elliston. All Council Members voted "aye" and none "nay". Motion passed with a 5- 0 vote.

### **5. PRESENTATIONS:**

Radium Reduction Project – Construction Manager-at-Risk – Guaranteed Maximum Price No. 1 – Steven Miller presented. Keith Kendall, Josh Berryhill with Enprotec / Hibbs & Todd and Don Bailey with PLW Waterworks called in and presented as well

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

There were no Public Hearings

### **7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1299** temporarily reducing the speed limit for portions of US Hwy 87 within the City limits of Brady which will be under construction. Mayor Groves presented. Council Member Garza dropped out of the meeting at this time, 6:49 p.m. Council Member May moved to approve. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

- B. Discussion, consideration and possible action regarding **Resolution 2020-014** authorizing the City Manager to execute necessary contract documentation with Pepper Lawson Waterworks, LLC related to first Guaranteed Maximum Price No. 1 (GMP No. 1) proposed from PLW Waterworks as established through CMAR Agreement dated August 20, 2019 and approved by City Council on July 16, 2019 said Resolution setting the GMP No.1 contract price at \$25,849,159 to complete construction phase services for the Radium Reduction System Project for treatment of groundwater for public water supply. Steven Miller and Keith Kindle presented. Council Member May moved to approve Resolution 2020-014. Seconded by Council Member Sutton. Two Council Members, Sutton and May, voted “aye” and Council Members, Huffman voted “nay”. Council Member Elliston didn’t feel comfortable because she couldn’t hear all of the discussions so she wanted to abstain but Mayor told her she had to vote, so she voted “nay” resulting in a tie vote. Mayor Groves broke the tie with an “aye” vote. Motion passed with a 3 – 2 vote.
- C. Discussion, consideration and possible action authorizing the city manager to execute CMAR Contract Amendment #2 with Pepper Lawson Waterworks, LLC (PLW Waterworks) for Construction Manager-at-Risk (CMAR) contractor services at a Guaranteed Maximum Price (GMP) No. 1 of \$25,849,159.00 to implement construction phase improvements for Radium Reduction System – Groundwater Treatment and Associated Improvements. Steven Miller & Keith Kindle presented. Council Member Huffman moved to table. Seconded by Council Member Elliston. Council Members Huffman and Elliston voted “aye” and Council Members Sutton and May voted “nay” resulting in a tie vote. Mayor Groves broke the tie and voted “aye”. Motion to table passed with a 3 – 2 vote.
- D. Discussion, consideration and possible action regarding **Ordinance 1303** extending Emergency Disaster Declaration pursuant to City’s Home Rule authority under Texas Health and Safety Code, Section 122.006 and providing for rules thereunder. Mayor Groves presented. Council Member May moved to approve Ordinance 1303. Seconded by Council Member Elliston. Three Council Members voted “aye” and one Council Member, Huffman, voting “nay”. Motion passed with a 3 - 1 vote.
- E. Discussion, consideration and possible action regarding the first reading of **Ordinance 1304** to amend FY2019 Brady Type B EDC Budget to include a COVID Relief Grant Program. Erin Corbell presented. Council Member Huffman moved to approve Ordinance 1304. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.
- F. Discussion, consideration and possible action regarding review of Ordinance 1062 adopted 3/3/2010, Utilities, as requested by Council Member Missi Elliston. Missi Elliston asked questions about the requirement to have all utilities connected. Lisa Remini reviewed the policy. Council Member Sutton moved to ask the utilities department to look at the ordinance and make a recommendation or explanation back to Council. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.
- G. Discussion, consideration and possible action regarding review of Ordinance 1231 adopted 08/01/2017, Emergency Services, as requested by Mayor Groves. Mayor Groves referenced Ord 1231, Sec. 4.101. Mayor proposed a change to reflect, that Fire/EMS service would be provided outside the Brady city limits based on sharing the net cost of the Fire/EMS service. The cost for the county would be based on total net cost multiplied by the percent of service

provided outside the Brady city limits. Mayor Groves explained the original wording was meant to keep “un-reputable, fly-by-night” ambulance companies, that were prevalent at the time, from coming into the County. Council Member Elliston moved to direct staff to work on the ordinance. Seconded by Council Member May. Motion passed with a 4 – 0 vote.

- H. Discussion, consideration and possible action regarding donating old Civic Center stage, currently stored a G. Rollie White, to the Brady Clergy Association. Erin Corbell presented. Council Elliston moved to approve the donation. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

**8. STAFF REPORTS**

None

**9. ANNOUNCEMENTS**

Mayor Groves said we would work on the technical issues we had with tonight’s meeting.

**10. EXECUTIVE SESSION**

There was no Executive Session

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

N/A

**12. ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 8:01 p.m.

  
Mayor Anthony Groves

Attest:   
Tina Keys, City Secretary