

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 March 2, 2021 at 6:00 pm with Mayor Anthony Groves presiding in person. Council Members present were Jeffrey Sutton, Jay May, Larry Land and Missi Elliston and Jane Huffman. City staff present were City Manager Dennis Jobe, Deputy City Manager Erin Corbell, Finance Director Lisa McElrath, Public Works Director Steven Miller, Police Chief Steve Thomas, Fire Chief Lloyd Perrin, Asst. Fire Chief Jeremy Ramon and City Secretary Tina Keys. Also in attendance was Joe Sanchez.

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

Joe Sanchez spoke on the economy and crime. Mayor Groves said we will look at having a workshop or a future meeting on crime sprees.

4. CONSENT AGENDA

- A. Approval of Minutes for Work Session and Regular Meeting on February 2, 2021
- B. Proclamation – Dunbar School
- C. Discussion, consideration and possible action regarding approval of Resolution 2021-009 to cancel the May 1, 2021 General Election for City Council Places 2 and 3.

Council Member May 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:

Cash vs. Debt Analysis, a presentation and consideration on funding City facilities – Lisa McElrath presented. There were discussions regarding facilities that need to be improved; fire station, police, animal control. James Stewart said this has been going on for way to long and something needs to be done. Council Member Huffman said go out to GRW, pour concrete, build kennels, put up a temporary office and get it done. Lisa McElrath said if the projects cost \$2.7 million, and we have a million in excess fund reserves over City requirements, one option would be to finance \$1.7 million if we used the cash to pay for some of the project cost. A tax rate could be established at 7 cents to support the debt service cost. Other funding options were also presented. Council Member Huffman said we’re earning very little interest on the \$1 million but the amount we would be paying to borrow \$1 million would be a lot more. Huffman went on to say we need to think when we raise property taxes, that falls on a handful of people; say 40% of our community owns property. But if you slightly increase electric, 100% of our community uses electricity. Mayor Groves reminded everyone this is a presentation item, not an action or discussion item. Mayor Groves said we need to have a work session before next council meeting and have numbers, then put it on the next agenda as a discussion item. Mayor Groves asked Lisa McElrath to provide Council with a copy of her presentation.

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 1316** amending the City of Brady Code of Ordinances Chapter 1, General Provisions, Article 1.20 Parks and Recreation and Community Facilities, Section 1.10.041 Construction and Location of Boat Docks. Dennis Jobe presented. Council Member Land moved to approve the second and final reading of Ordinance 1316. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- B. Discussion, consideration and possible action regarding approval of **Resolution 2021-007** authorizing negotiations to JACOB | MARTIN, Abilene, Texas for professional engineering services related to a future application for funding to the Texas Department of Agriculture for the 2021-2022 Texas Community Development Block Grant. Steven Miller presented. Council Member Land moved to approve Resolution 2021-007 to authorize the City staff in conjunction with GrantWorks to negotiate a scope of work and fee with JACOB | MARTIN, Abilene, Texas for professional services and inclusion into a TDA-TxCDBG funding application for the 2021-2022 TxCDBG Fund. Seconded by Council Member May. All Council Members voted “aye” and none “nay”. Passes 5 – 0.
- C. Discussion, consideration and possible action regarding approval of disposition of City-owned assets and give the City Manager the authority to dispose of the assets in the manner most advantageous to the City through the Public Surplus online auction (www.publicsurplus.com) or recycle. Lisa McElrath presented. Council Member Sutton inquired if funds will go back to the department that sells the item. Lisa McElrath confirmed it would. Council Member Elliston asked if our City logos will be removed and Lisa said yes. Council Member Elliston moved to approve the disposition of City-owned assets listed and give the City Manager the authority to dispose of the confirmed city surplus property in the manner most advantageous to the City through the Public Surplus online auction (www.publiccurplus.com) or recycle. 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 approval of **Resolution 2021-008** to enter into a finance contract with Government Capital Corporation for the purpose or procuring a Ford F-250 regular cab truck (25,000). Lisa McElrath presented. Council Member May moved to approve Resolution 2021-008 to enter into a finance contract with Government Capital Corporation for a total principal amount not to exceed \$25,000. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- E. Discussion, consideration and possible action regarding approval of the purchase of (9) Rugged Tablets to include peripherals, installation and 2-year free software subscription from Peacemaker Technologies. Lisa McElrath presented. Chief Thomas went over request. Mayor Groves said we can budget for software updates. The lifespan is 3 years for the equipment. James Stewart asked if it will be another \$60,000 investment in 3 years. Chief Thomas said they will take the equipment back as a trade in. The 5- year contract with CopSync was \$105,000. This will be less money for almost the same time frame. Mayor Groves asked if this equipment will interface with Sheriff’s Dept. Chief Thomas said this is the same software they use. Council Member Sutton moved to approve the award to purchase (9) Rugged Tablets to include peripherals, installation and 2-year free software subscription from Peacemaker Technologies for a net price of \$61,205. Seconded by Council Member

May. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

- F. Discussion, consideration and possible action regarding approval of **Resolution 2021-010** to enter into a finance contract with Government Capital Corporation for the purpose of procuring 9 tablets (\$61,205). Lisa McElrath presented. Council Member May asked about buying them outright instead of financing. Council Member Huffman said she struggles with borrowing money for laptops. Lisa McElrath said we probably did that (finance) because that’s what we did with CopSync. She went on to say at the time, we didn’t think the budget could handle a \$61,000 expenditure but now it does appear we have some excess funds. But if you spend it on this, it won’t be available to use for the other projects. Council Member Huffman said there is always savings throughout the year that we could use. We always can come up with money when we need it. Council Member Elliston asked about some vacant positions that should be in the budget already. Lisa McElrath said she doesn’t disagree. Lisa said we can figure it out or leave the budget as approved. Council Member Huffman said we have several police positions that aren’t filled yet so we should be able to use those funds. Lisa agreed. Mayor Groves called for motion. There was no motion. Motion failed.
- G. Discussion, consideration and possible action to award the purchase for a T370 12yd End Dump Truck to MHC Kenworth, Tye, Texas through the BuyBoard – Texas Local Government Purchasing Cooperative. Steven Miller presented. Council Member May moved to approve awarding the purchase of a 12yd End Dump Truck with heavy duty cab & chassis and end dump bed of \$115,373.30 to MHC Kenworth, Tye, Texas. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- H. Discussion, consideration and possible action regarding approval of **Resolution 2021-011** to enter into a finance contract with Government Capital Corporation for the purpose of procuring a Kenworth T370 dump truck with a 12 cubic yard capacity (\$115,373.30). Lisa McElrath presented. Council Member Land moved to approve Resolution 2021-011. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

Council Recessed at 7:54 and resumed at 8:06

- I. Discussion regarding recent weather-related power outages and other emergencies. Dennis Jobe presented. Dennis gave kudos to our crews during the severe weather. They were fixing streets and broken water lines day and night. We’re going to set up some emergency plans and have a command center and have a discussion about a plan of action. We’re also going to have to go back to handheld radios since cell service was out half the time. Jobe went on to say efficiency was not as good as it could have been. Overall, we’re fortunate that we didn’t loose electricity. Council Member May said they did a great job and went on to say power went out by the hospital and was back on within an hour. Chief Perrin said they put together some notes on what they did. They followed the emergency management plan and were working with the state and the city manager. Perrin said we to think about a building that’s not a liability to open up to the public. The Civic Center was good to have and it worked out fine and there was no power outage. Perrin agreed we need a better way of communication. They had to loan radios to the gas department which shorted the fire department on radios, but they managed to get by. Perrin going to take some money. We did fairly well with what we had, but to plan for the next big event, we need to think ahead and designate an area. It was discussed in LEPC meetings about radios and an established emergency management room. Sheriff’s office offered theirs. They were using the airport but they’re not set up properly. Perrin said wanted to instill the importance. He said “we need a central location to be able to gather where everybody knows where to meet.” Council Member Elliston said Kylie and her crew are amazing. Chief said he is

very proud of the fire department. They are a good bunch of people. City Manager Jobe said he wants to do some mock disasters for training. Council Member Huffman asked, if we had lost water, if there's a fire, we're out of luck, right? Chief said yes but said they do count on county fire departments for their tankers. Dennis said there is concern about electric rates, but said ours are not going up, however consumption went up. We're not effected by the increases throughout the state. Council Member Elliston said citizens are really concerned. She would like us to put something out to our customers. Erin Corbell said she would get with Lisa McElrath to get details tomorrow, but consumption will be higher. Council Member Huffman agreed that we do need to release something saying rates are not changing but be aware your usage will be higher. Council Member Elliston wants the City to be more proactive in giving customers information. Lisa McElrath said they did kindof look and nothing looked horrible and said February is typically higher anyway. Mayor Groves said we buy electricity at a fixed rate from LCRA and our rates didn't go nuts because we buy at a fixed rate. The people who are getting the high bills are buying cheap power with the understanding their prices could go way up. Council Member Huffman asked if we can adjust the water rates. Lisa said council can direct staff not to re-average in October. December, January and February water average is used to base sewer rates for the next year. Huffman said rather than take a new average this year, use last years for next year and it won't take into count the higher usage in February. Mayor Groves said it needs to be an action item on the next agenda.

- J. Discussion of Texas Water Development Board delays in review/approval processes affecting both drinking water and clean water capital improvement projects. Steven Miller presented. Miller said we are experiencing delays in both the sewer project and the water project. On the sewer project, we submitted review packages to work on bid numbers to understand how much the debt will be. We have 3 bid packages with the TWDB to try to acquire better bid numbers. The 3rd package has to be approved by the TWDB; it has been at TWDB for 4 months now and doesn't seem like it will be released any time soon. The Water Board has the authority to ensure the packages are properly structured. We feel the submission is adequate. There has been some turnover at the TWDB. We now have a new project manager assigned to this region, but we have not received any news on our bid package 3. Coby Gee, our contact at Freese & Nichols, has been talking to finance folks and they have said they will try to work with us on moving these dates and still be in compliance for release of COs.

The drinking water delay has to do with the release of important monies. The contractor, PLW Waterworks, began working on the project in September of last year. They have pursued to meet EPA deadlines and have taken a risk of releasing sub-contractor contracts to keep project on schedule. They have only received appx \$1.7 million in payments. Our latest request is over \$5 million; they have \$5 million worth of work that needs to be paid. TWDB has had staff turnovers, reassignments, and they're going piece by piece. CMAR has to release work packages to TWDB. They send in the checklist. The CMAR contractor is more than capable and has met all checklists. Water Board staff is going through every item on checklist. Enprotech Hibbs & Todd (EhT) has been trying to tell the TWDB that they're all the same. TWDB is delaying. There is over \$5 million due and it has been adding up. PLW is very angry and are reaching a breaking point and have indicated they may not release certain work and there is a potential that we won't meet EPA deadline. Miller is worried how far this contractor will go before contractors stop work because of non payment which we have no control over. EhT developed and wrote a letter to TWDB for the Mayor's signature. Staff has reviewed the letter and it was sent to the president of TWDB and board members seeking action to get our project back on track. The letter was released via email yesterday morning and we haven't heard anything back yet. A lot of work was done, pipelines, mobilization, and now there's this issue with release of funds. Council Member Sutton asked if

our attorney has been made aware of the situation. Miller said we contacted our attorney before we wrote the letter. Miller said we do have a performance and payment bond, but you really don't ever want to activate something like that. Dennis Jobe said COVID could have something to do with it since a lot of people were working remotely, and it could change now that the Governor is opening Texas. TWDB website says they are working remotely. Council Member Huffman asked what the Water Developments Board's authority is with this project. Lisa McElrath explained and said they're our banker. Council Member Huffman asked "they're just ignoring us"? Miller said "yes". Mayor Groves said he thinks the board really doesn't have a detailed idea of what's going on and thinks the letter will help. Mayor Groves said he doesn't think the governor opening Texas will make a difference, but we've stirred the pot to get some attention. Mayor Groves said it's probably reasonable for us to notify our senator and state representative after giving TWDB a little time to react. Mayor Groves said he will be happy to go visit TWDB and explain to them we waited a long time to send this letter, but we are in dire straits. Mayor Groves asked if the money has to come from the Board? What if we used our reserves to pay? Lisa McElrath said it's not recommended. It's not a good idea. Miller said it could get very complicated. EHT and PLW were competing with RFPs and became very interested in the Brady job. They have a lot of experience with EHT. But he feels TWDB wasn't even working on our project at all for a while because of all the changes and turnovers at the TWDB. Miller said he feels like the job could come to a grinding halt and that could be a problem. Miller said PLW is just a subsidiary of a huge conglomerate out of Spain, a global business entity. They have millions and millions of dollars in work. They're not going to fold. But it's coming to a slowdown or possibility of no work until it's cleared up. TWDB is our banker. When they issue the money, they require it's put into escrow so they can review actions to make sure the money goes where it's supposed to go, and all regulations are followed. Mayor Groves asked Steven to relay to Keith Kindle that he really wants to go see Mr. Lake at the Water Development Board.

8. STAFF REPORTS

A. Monthly Financial / Utility Reports:

B. Monthly Activity Reports: Visit Brady Report, Seniors, Golf, BPD, Fire-EMS Calls, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Chronic Code Complaints, and Structures Inhabited without utilities

C. Upcoming Special Events/Meetings:

March 2	Regular City Council Meeting 6:00 p.m.
Mar 8 – 12	BISD Spring Break
March 16	Regular City Council Meeting 6:00 p.m.
April 2	Good Friday – City Offices Closed
April 4	Easter
April 6	Regular City Council Meeting 6:00 p.m.
April 20	Regular City Council Meeting 6:00 p.m.
April 23	Happy Birthday MISSI ELLISTON

9. ANNOUNCEMENTS

There were no announcements

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 9:03 p.m.


Mayor Anthony Groves

Attest: 
Tina Keys, City Secretary