



**CITY OF BRADY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
MAY 5, 2015 AT 6:00 PM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 6:00pm on May 5, 2015, at the Ed Davenport Civic Center located at 200 Country Club Road, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5. Chapter 551. of the Texas Government Code.

Tony Groves  
Mayor

Latricia Doyal  
Mayor Pro Tem

Kathy Gloria  
Councilmember

Linda Lott  
Councilmember

Marilyn Gendusa  
Councilmember

Jack Turk  
Councilmember

Kim Lenoir  
City Manager

Raika Rowe  
City Attorney

Christy Badilla  
City Secretary

Platinum  
Level



Texas Comptroller  
Leadership Circle

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

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AUDIT BOARD**

**4. APPROVAL OF MINUTES - 4/20/15 and 4/21/15**

**5. PUBLIC COMMENTS**

Public comments are reserved for items NOT listed on the agenda. Please address public comments regarding items ON the agenda under "Individual Concerns" during public comments and discussion of those items. To speak, please fill out notecard and give to City Secretary.

**6. PRESENTATIONS**

- A. Proclamation for Public Works Week
- B. Proclamation for Motorcycle Safety and Awareness Month
- C. Curtis Field Airport Master Plan and Update – Peter Lamont

**7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration, and possible action on to authorize Jacob & Martin, LTD Consulting Engineers to include City of Brady as a bid participant in the multiple local governments entities 2015 Seal Coat Overlay Street Project (estimated \$90,000).
- B. Discussion, consideration, and possible action on Article 1.600 concerning Rules and Regulations of Resthaven and Live Oak City cemeteries.
- C. Discussion establishing a youth curfew for City of Brady.
- D. Discussion, consideration, and possible action to approve Resolution 2015-022 regarding a financing agreement for the purpose of procuring "vehicles". (Loan for \$151,622.10, bids awarded 4/21/2015)

- E. Discussion, consideration, and possible action regarding a Resolution 2015-023 authorizing "Notice of Intent to issue Certificates of Obligation" for the renovation and construction project of the Ed Davenport Civic Center. The City intends for Debt Service to be funded by the Brady Economic Development Corporation (BEDC) ½ cent sales tax, where the voters in the City of Brady approved a proposition on May 9, 2009 to authorize the BEDC 4A revenues for this community 4B project.(estimated par amount not to exceed \$1,555,000)
- F. Discussion, consideration, and possible action regarding Resolution 2015-024 to grant approval of a noise variance for the Iron Horse Motorcycle Club Motorcycle Awareness Month Celebration at the City of Brady Gun Range on Friday, May 15<sup>th</sup> until 12 am, through Saturday May 16 and until 1am Sunday May 17, 2015

## 8. STAFF REPORTS

- A. May 9 – Election Day
- B. May 12 – City Council Work Session – 5 year Capital Improvement Plans and Mid-year budget review
- C. May 15, 16 – 5<sup>th</sup> Annual Armed Forces Day Celebration and Fly-In

## 9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

## 10. EXECUTIVE SESSION

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development). Additionally, the following items are anticipated for Executive Session:

- A. Pursuant to 551.072 (Deliberations about Real Property)

- B. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility) - Electric Competitive Matters
- C. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of (and if necessary, seek advice from City Attorney under 551.071):
  - a. City Manager
  - b. City Secretary
- D. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters:
  - a. Charter Election
  - b. Pending and/or contemplated litigation
  - c. To seek legal advice regarding the city's authority to regulate water supply and groundwater use within the City Limits
- E. Pursuant to Section 551.087 (Economic Development)
  - a. Discussion of potential economic development projects

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

**12. ADJOURNMENT**

I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on \_\_\_\_\_ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Tina Keys, Assistant City Secretary

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City Facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or citysec@bradytx.us.

**NOTICE is hereby given of possible quorum:** There may be a quorum present of the Brady Economic Development Corporation, Planning and Zoning Commission, Airport Advisory Board, Zoning Board of Adjustments and/or the Charter Review Commission during this meeting, but they will not deliberate on any city business.

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a special session on April 20, 2015 at 1:30pm at the Brady Housing Authority, located at 405 E Main, Brady, Texas. Council Members present were Mayor Groves, Council Members Gendusa, Gloria, Doyal, Lott, and Turk. City staff present were EDC Director Peter Lamont, City Manager Kim Lenoir, Treasurer Lisa Remini, and Secretary Christy Badilla. Others in attendance were a quorum of the Economic Development Corporation, and a quorum of the McCulloch County Commissioners Court.

**1. CALL TO ORDER, Open Special Joint Session with EDC and County**

Mayor Groves called the meeting to order at 1:32pm and the meeting immediately went adjourned into a joint executive session with BEDC and McCulloch County Commissioners Court.

**2. EXECUTIVE SESSION**

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code 51.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), and 551.087 (Economic Development).

- A. 551.087 (Economic Development)
  - a. Discussion of potential economic development projects

Executive Session recessed at 3:50pm. Councilmember Jack Turk left.

Mayor Groves called only the City Council into Executive Session at 3:58pm to discuss Chief of Police and City Secretary.

- B. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of
  - a. Police Chief
  - b. City Secretary

Executive Session was adjourned at 4:06 pm.

Open Session Action on Any Executive Session Item listed above.

Open Session was reconvened at 4:07pm.

City Manager Kim Lenoir recommended Stephen S. Thomas to be offered the job of Police Chief.

Council Member Gendusa made a motion to approve Lenoir's recommendation. Seconded by Doyal. Motion passed with a vote of 3 "ayes" to 2 "nayes" with Council Members Lott and Gloria voting no.

**3. ADJOURNMENT**

There being no further business, the meeting adjourned at 4:08pm.

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Anthony Groves, Mayor

Attest: \_\_\_\_\_

Tina Keys, Acting City Secretary

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, April 21, 2015 at 6:00 p.m. at the Ed Davenport Civic Center, 200 Country Club Rd, Brady, Texas with Mayor Pro Tem Latricia Doyal presiding. Council members present were Marilyn Gendusa, Kathy Gloria, and Linda Lott. City staff present were City Manager Kim Lenoir, City Secretary Christy Badilla, Asst. City Secretary Tina Keys, Director of Public Works Steven Miller, Police Sergeant Mike Hudson, Director of Finance Lisa Remini, Water Superintendent Gary Jacobson, and City Attorney Raika Rowe. Others in attendance were Joe Sanchez, Sheila Hemphill, Shelly Perkins, Skye Smith, Frank Gendusa, Lynn Farris, Bill Derrick, Kyle Trammel, Joe Whitehead, and Dub Smith.

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

Mayor Pro Tem Latricia Doyal called the meeting to order at 6:02 p.m. A quorum was certified.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

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

**3. APPROVAL OF AUDIT BOARD**

Council Member Gendusa made a motion to approve the audit board. Seconded by Council Member Gloria. All Council Members voted "aye" and none "no". Motion carried.

**4. APPROVAL OF MINUTES for 4/7/2015**

Council Member Gendusa made a motion to approve the minutes. Seconded by Council Member Lott. All Council Members voted "aye" and none "no". Motion carried.

**5. PUBLIC COMMENTS**

Sheila Hemphill - City Newspaper Publication

Joe Sanchez – Crime in the City of Brady

**6. PRESENTATIONS**

- A. Steven Miller, Director of Public Works – Hickory Aquifer

**7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration and possible action regarding Resolution 2015-019 for the 89<sup>th</sup> annual July Jubilee Street dance and parade, TXDOT permit: Skye Smith, Brady Chamber of Commerce, presented to council. Councilmember Gendusa made motion to approve. Seconded by Councilmember Lott. All Council Members voted "aye" and none "no". Motion carried.
- B. Discussion, consideration, and possible action regarding Resolution 2015-020 for the 42<sup>nd</sup> Annual World Championship BBQ Goat Cook-off street dance, TXDOT permit: Skye Smith, Brady Chamber of Commerce, presented to council. Councilmember Gendusa made motion to approve. Seconded by Councilmember Lott. All Council Members voted "aye" and none "no". Motion carried.
- C. Discussion, consideration, and possible action to award bids for 5 pickup trucks to service the Code Enforcement, Water, Gas, and Solid Waste divisions (\$151,622.10). Finance Director Lisa Remini presented to council. Councilmember Gendusa made motion to approve. Seconded by Councilmember Lott. All Council Members voted "aye" and none "no". Motion carried.

- D. Discussion, consideration and possible action regarding Resolution 2015-021 Authorizing the City, with the City Manager acting as its agent, to accept a grant from Texas Department of Public Safety, Division of Emergency Management for Dam Breach and Inundation Study. (\$70,000). Public Works Director Steven Miller presented to Council. Councilmember Gendusa made motion to approve. Seconded by Councilmember Gloria. All Council Members voted "aye" and none "no". Motion carried.
- E. Discussion, consideration and possible action on the second reading of Ordinance No. 1171: An order declaring unopposed candidates in the City of Brady May 9, 2015 general election for City Council Place 2 and City Council Place 3; providing for cancellation of the City Council portion of the general election; and providing for an effective date. Councilmember Gloria made motion to approve. Seconded by Councilmember Lott. All Council Members voted "aye" and none "no". Motion carried.

## 8. STAFF REPORTS

- A. Monthly Finance Report
- B. Monthly Reports
- C. April 22 – Municipal Code Court
- D. April 25 - 5K Run for The Son at Richards park
- E. April 27 – Early Voting begins (Monday – Friday 8am to 5pm)
- F. April 28 – BEDC Quarterly Meeting, 6 p.m.

## 9. ANNOUNCEMENTS

There were no announcements

## 10. ADJOURNMENT

There being no further business, Mayor Pro Tem Doyal adjourned the meeting at 6:48 p.m.

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Mayor Pro Tem Latricia Doyal

Attest: \_\_\_\_\_  
Tina Keys, Assistant City Secretary

City of Brady

## ***Proclamation***

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, airport, flood control, public buildings, electric, gas, parks, and solid waste collection and recycling services; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

Now, therefore, I, Anthony Groves  
Mayor of the City of Brady and the City Council Members  
do hereby proclaim the week of May 17-23 as

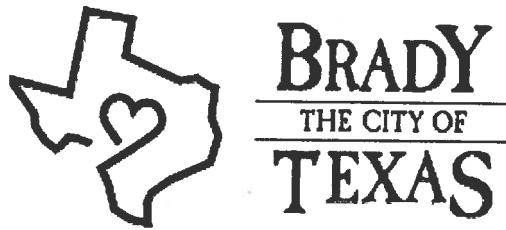
## **“National Public Works Week”**

in The City of Brady and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and Seal of the City of Brady,  
Texas, this 5th day of May, 2015.

Mayor Signature

SEAL



## *Proclamation*

### *Motorcycle Safety and Awareness Month*

*WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and*

*WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and*

*WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and*

*WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and*

*WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;*

*NOW, THEREFORE I, Anthony Groves, Mayor of the City of Brady do hereby proclaim the month of May 2015, as **Motorcycle Safety and Awareness Month** in this city. Further, I urge all residents to do their part to increase safety and awareness in our community.*

*IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 5th day of May in the year 2015.*

  
Anthony W. Groves  
Anthony Groves, Mayor

# City Council

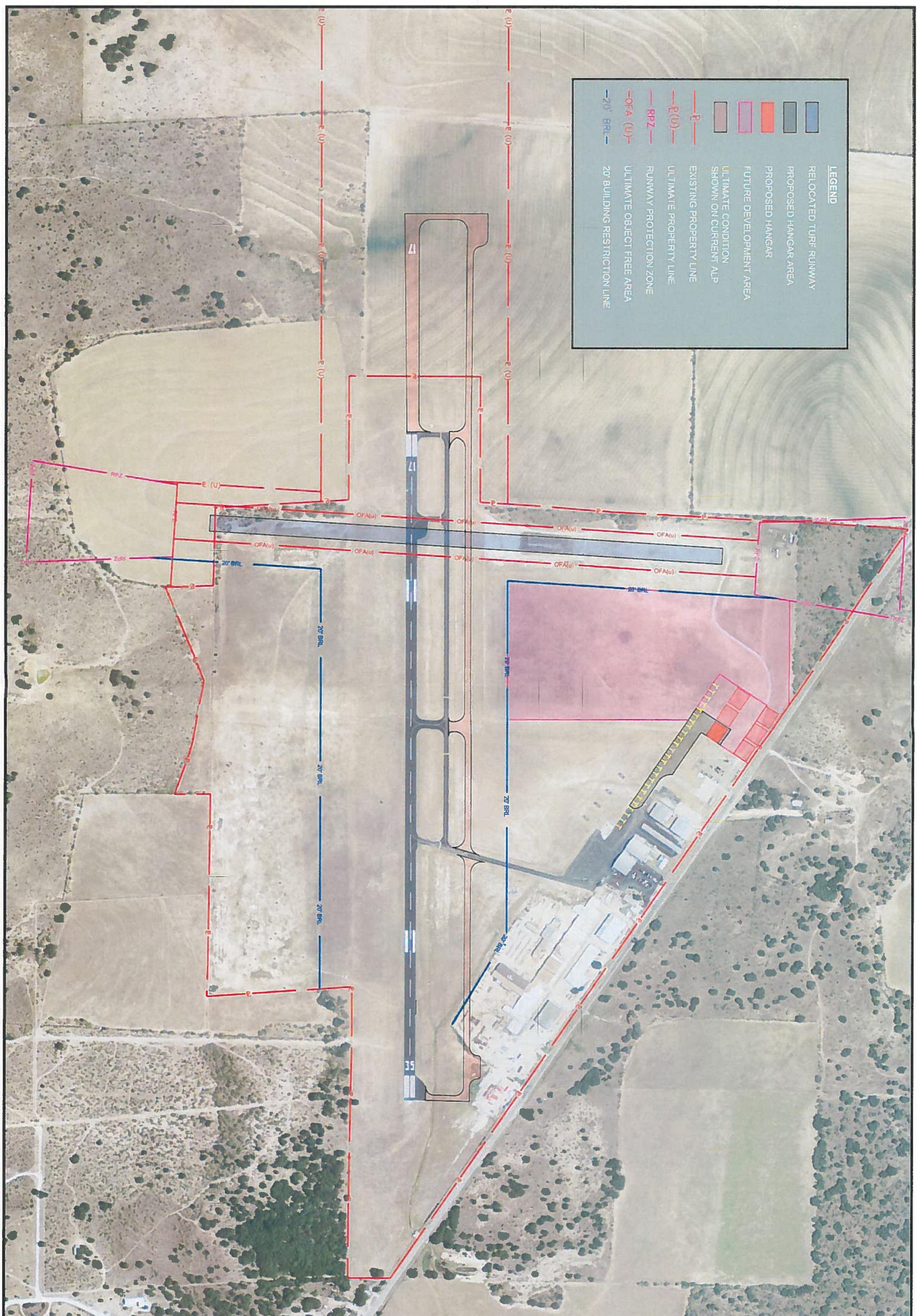
## City of Brady, Texas

### Agenda Action Form

AGENDA DATE:	5-5-2015	AGENDA ITEM	<i>6.C.</i>
AGENDA SUBJECT:	Presentation, and discussion, on new future airport layout, customer service improvements and proposed hangar fee increases		
PREPARED BY:	Peter Lamont	Date Submitted:	5-1-2015
EXHIBITS:	Proposed Airport Layout Plan Hangar Rate Letter Customer Service Improvement Ideas		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	<p>At the March 25<sup>th</sup> meeting of the Airport Advisory Board several items of interest were discussed. During an update on the new hangar project, a new, more efficient layout of future development was discussed. Instructions were conveyed to the project engineer, KSA and a new layout plan was developed. This plan is preferred by the Texas Department of Transportation Aviation Division.</p> <p>The board also reviewed hangar rental rates and approved recommending the rates to the Council. These rates will be brought forward as part of the budget process for approval.</p> <p>Finally, several customer service improvement ideas were discussed. Each of these ideas could be implemented fairly easily and have the opportunity to not only increase customer service but in several cases, revenues as well.</p>
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RECOMMENDED ACTION:	<p>Receive staff's report and provide additional feedback</p>
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**KSA**  
ENGINEERS

58 Buck Street  
San Angelo, Texas 76901  
T.325-947-1555  
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[www.ksaeng.com](http://www.ksaeng.com)

**CURTIS FIELD AIRPORT**  
**HANGAR IMPROVEMENT PROJECT**  
**BRADY, TEXAS**

**RWY 8-26 RELOCATION EXHIBIT**

DRAWN BY:	AMO
DESIGNED BY:	KUN
REVISION:	04/26/15
NSA JOB NO.:	BRA-042

To: Airport Tenants

From: Airport Manager

Subject: Hanger rent.

Effective January 1, 2015 the rate structure for storage of aircraft in the City owned hangers will be revised in accordance with City Fire Marshal Rules, City of Brady Ordinance's 840 and 841, and FAA Order 5190.6a, Chapter 3, Sub-part e, paragraph 4.e and assurances related to federal capital improvement grants.

**The Hangar rate for actively flying aircraft will be:**

- The hanger rent for single engine will be 70.00 per month.
- The hanger rent for multi-engine will be 150.00 per month.
- For aircraft above Cabin Class Twins the rent will be 400.00 a month.
- For aircraft above 11,000 pounds the rent will be 500.00 a month.
- Large Aircraft the rent will be negotiated between the Operator and the Airport based upon the amount of square footage the aircraft will utilized.
- Aircraft owners with more than one airplane will be charged an appropriate hanger rent for each Aircraft.

**Daily Hanger Rent For Non Based Aircraft**

- Single Engine will be \$ 20.00 per day.
- Twin Engine will be \$ 40.00 per day.
- Turbine Aircraft will be \$ 50.00 per day
- Jet Aircraft will be \$ 75.00 per day
- Large aircraft over 12,500 \$ 120.00 per day

Aircraft in Hanger A or Hanger B will be moved in and out of the hangers by airport staff.

Aircraft in the T Hangers will be moved in and out by the tenant, if service is required for the aircraft when it returns from a flight the airport staff will place the aircraft back into the hanger for the tenant after it is serviced if requested by the tenant. After normal business hours this will be done the next business day. If immediate servicing is required after business hours there will be an additional call out fee charged of 15.00 dollars per occurrence.

Commercial operations based at Curtis Field Airport shall meet the requirements of the Minimum Operations Standards as set in City Ordnance Number 840 and 841. The rent for a commercial operation will be negotiated by the tenant and the airport manager on an annual basic. This must be approved by the city management.

Statements not paid for 90 days becomes a cash only customer and the airport has the option to terminate the hanger space, T Hangers or the tie down spot and re-lease it to another tenant. To reestablish an open credit line it must be approved by the city finance officer and the airport manager.

Any hangers without an aircraft in them for a period of 90 days will be considered vacant and will be leased to another tenant.

**Storage for non-flying aircraft will be double the stated rate for storing a like size aircraft.**

**Storage of non-aviation related items, equipment material will not be allowed.**

Automobiles will be allowed in the T Hangers when the tenant is flying his aircraft for safe keeping. The keys for that vehicle shall be given to the airport staff in case of an emergency needing to move that vehicle. This also applies to all vehicles' inside the main hanger's, or parked inside the fence.

Long term parking of cars inside the fence for aircraft owners' is available if they contract for hanger space.

If you have any questions on this please feel free to contact me at 325-597-1461, or come by the office during office hours.

Joe Mosier  
Airport Manager  
Brady Curtis Field Airport

## **Customer Service Improvements at Curtis Field**

Quarterly Pancake Breakfast to attract General Aviation aircraft

Make Air Conditioner Cart and have available for precooling of aircraft parked on ramp

Develop catering menu with delivery options for transient aircraft

Develop a café or relationship with mobile food vendor to provide on airport dining

Advertise availability of conference rooms

Recruit additional services as hangar space increases

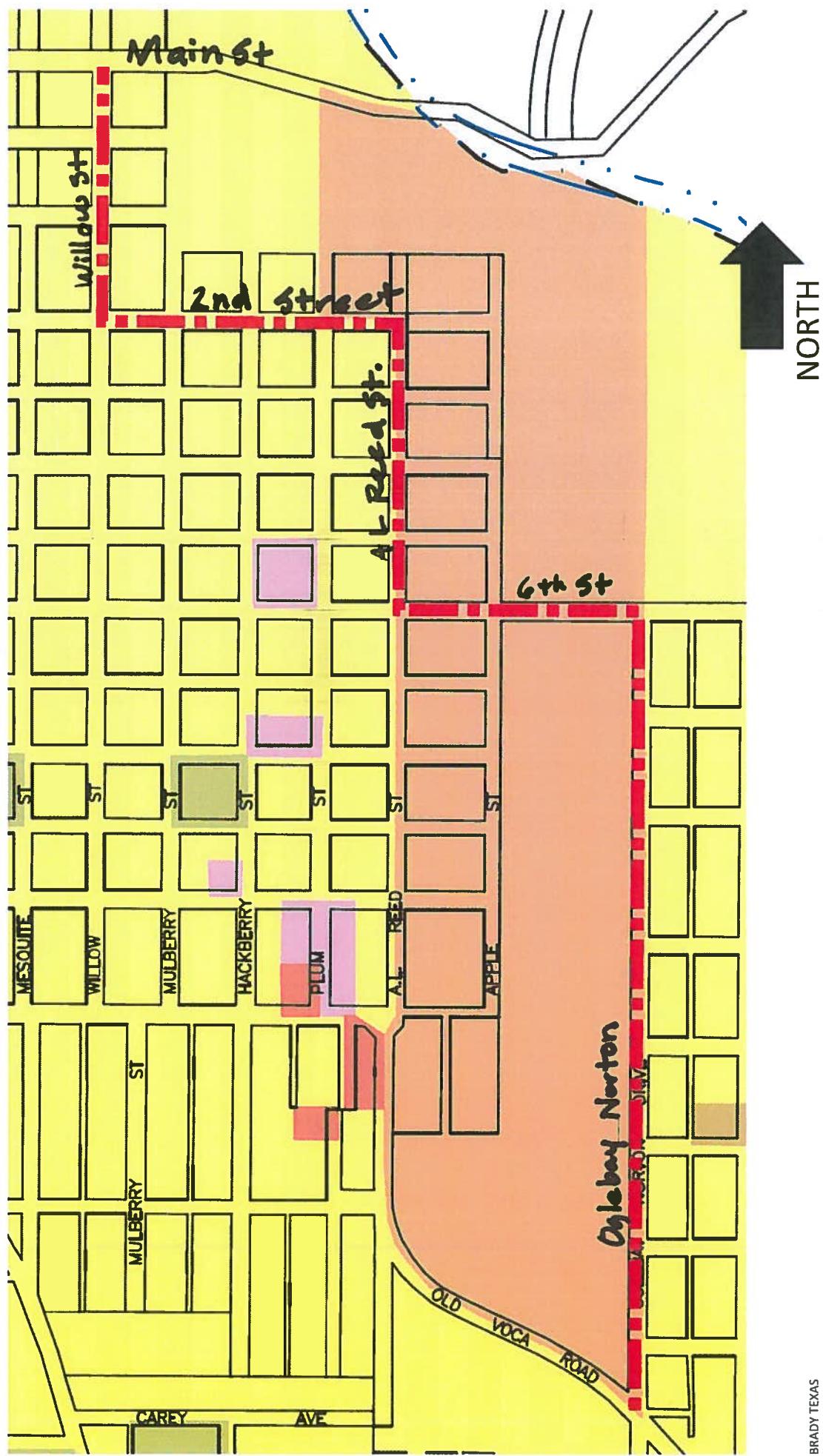
# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	05/05/2015	<b>AGENDA ITEM</b>	7.A.
<b>AGENDA SUBJECT:</b>  Discussion, consideration, and possible action on to authorize Jacob & Martin, LTD Consulting Engineers to include City of Brady as a bid participant in the multiple local governments entities 2015 Seal Coat Overlay Street Project (estimated \$90,000).			
<b>PREPARED BY:</b>	K Lenoir / S Miller	<b>Date Submitted:</b>	04/10/2015
<b>EXHIBITS:</b>	Map of proposed street overlay project		
<b>BUDGETARY IMPACT:</b>		<b>Required Expenditure:</b>	\$82,000.00
		<b>Amount Budgeted:</b>	\$90,000.00
		<b>Appropriation Required</b>	\$90,000.00
		<b>Mid-Year Budget Adjustment:</b>	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b>  Jacob & Martin, LTD. Consulting Engineers of Abilene solicits every year monetary commitments levels for seal coat contracting services for rural communities in the Texas Hill Country including Brady. Seal coating (or chip seal) is a small rock aggregate applied to the surface of selected city's streets via an asphalt emulsion sealing spray. The city's street superintendent has selected the Olgebay-Norton truck route as the preferred street to overlay (see attachment). The engineer's estimate for construction is \$77,500.00 with a 5% engineering charge or \$3,875.00 for a total of approximately \$82,000.00. The expected bid date is mid-May 2015 with contractor services to start in July 2015 and will be completed no later than September 31, 2015.			

<b>RECOMMENDED ACTION:</b>
City staff recommends the council authorize Jacob & Martin, LTD Consulting Engineers to include City of Brady as a bid participant in the multiple local governments entities 2015 Seal Coat Overlay Street Project (estimated \$90,000).



BRADY TEXAS

April 27, 2015  
D.SEWELL, STREET SUPT.

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	5-5-2015	<b>AGENDA ITEM</b>	1. B.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action on Article 1.600 concerning rules and regulations Resthaven and Live Oak Cemetery rules		
<b>PREPARED BY:</b>	Peter Lamont	<b>Date Submitted:</b>	5-1-2015
<b>EXHIBITS:</b>	Article 1.600 of the Brady Municipal Code – “Rules and Regulations of Resthaven and Live Oak Cemetery Copy of Maintenance Rules & Regulations posted at Resthaven Cemetery Copy of Rules and Regulations of Resthaven Cemetery and Live Oak Cemetery		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b>			
<p>On April 27<sup>th</sup> the Public Property Maintenance crew began a “Clean Up” of the Resthaven Cemetery. This project included removal of items installed and placed on and around grave sites that were not in compliance with the above referenced ordinances and the municipal code.</p> <p>Examples of the items removed -</p> <p>Vases – “All Vases must be attached to headstones, no vases may be attached to footstones” –Sjjec. 1.606 (d) (5).</p> <p>Plants – “All grading, landscape work and improvements of any kind and all care of plots shall be done by the city and all trees, shrubs and all herbage of any kind shall be planted trimmed, cut or removed by the city or under its direct supervision.” Sec 1.605 (a)</p> <p>Benches – “No wooden bench, chair, or trellis shall be permitted to be placed upon the cemetery grounds.” Sec 1.608 (d)</p> <p>Miscellaneous Items – “The city reserves the right to remove all flowers, potted plants, summer wreaths or baskets when they become withered or for any other reason.” Sec 1.608 (k)</p> <p>Memorials – “To properly perpetuate memory, all monuments, markers, mausoleums and tombs will be of first quality granite, limestone, marble or bronze. The supplier must assure the City that such materials will be free from sap which causes rust, stains and natural fault which might cause checks or cracks. No granite shall be inferior in any way...” Sec 1.606 (b)</p> <p>Memorials – “Monuments and markers shall be placed in a manner that is conducive with the maintenance of the lot.” Sec 1.606 (d) (2)</p> <p>The purpose of the clean up was to insure that the City Cemeteries remain respectful places of repose for those who have passed. The loss of a loved one is always a difficult time and the city tries to remain respectful of the grieving process but must also be mindful of our duty to maintain the cemeteries in a manner that respects their</p>			

purpose.

At this time staff is proposing the following immediate changes to our procedures for continuing clean ups.

- 1) Post a temporary sign at the entrance to the cemetery notifying the public of its intent to clean up and allowing individuals to remove any items of sentimental, personal or monetary value placed in the cemetery prior to the clean up
- 2) Notify the public through newspaper and radio PSA's and social media of upcoming clean ups.
- 3) Schedule recurring clean ups in the same week every two months to reduce the collection of items on the cemetery grounds.
- 4) Develop a more substantial temporary marker than the current metal posts supplied by the funeral homes. This may include an engraved brick, set in concrete as a footstone. This will require a fee increase.

Our cemeteries should provide peaceful respectful resting places. These resting places should provide a serene almost park like setting for loved ones to visit their family. As such staff is recommending the following long term items.

- 1) Remove all individual irrigation systems and install a new professionally designed and installed irrigation system for the entire cemetery to insure proper watering of all areas of the cemetery
- 2) Installation of additional shade trees throughout the Cemetery and in future expansions to provide shade for visitors.
- 3) Provide benches throughout the cemetery for people to sit on while visiting versus individual benches at each grave site.
- 4) Pave all access roads throughout the cemetery to provide a cleaner look and feel while easing maintenance.
- 5) Install a pavilion that can be used as a gathering point for families that can be used for services in lieu of graveside services should a family choose.
- 6) Develop an endowed trust fund for the Cemetery to fund maintenance and expansions separate from the City's general fund.

#### **RECOMMENDED ACTION:**

Receive staff's report and provide additional feedback.

## CHAPTER 1 GENERAL PROVISIONS

### ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

#### Sec. 1.601 Definitions

Cemetery. Refers to both Resthaven Cemetery and Live Oak Cemetery.

City. The City of Brady.

Contractor. Any person, firm or corporation engaged in placing, erecting or repairing any memorial or performing any work in the cemetery grounds other than an employee of the city.

Interment. Entombment or burial of the remains of a deceased person.

Memorial. Any marker, monument or structure upon or in any lot or niche, placed thereupon or partially therein for the purpose of identification or in memory of a deceased person.

Owner. A person who has purchased from the city a right of interment in Resthaven Cemetery or Live Oak Cemetery for the remains of a deceased person.

### ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

#### Sec. 1.602 Ownership; Payment Options

(a) The price for a plot shall be set by and subject to change by action of the city council. The cost of a plot for persons living outside the city limits shall be increased by \$75.00 per plot.

- (1) Sale to persons residing within the city limits is \$250.00 per grave space.
- (2) Sale to persons residing outside the city limits is \$325.00 per grave space.

(b) The purchase price for a plot shall be paid for in cash at the time of purchase. However, the purchaser may pay the purchase price over a period of time on the following schedule:

- (1) Ten percent (10%) of the purchase price shall be paid at the time of purchase.
- (2) The remaining balance with interest thereon at the rate of ten percent (10%) per annum shall be due and payable in equal monthly installments until the whole of said sum, with

interest, has been duly paid, said balance payable as follows:

- (A) If one or two plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed 12 months.
- (B) If three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed 18 months.
- (C) If more than three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed 24 months.
- (D) In the event that the purchaser elects to pay for the plots over a period of time, no deed shall be given to the purchaser until the purchase price is paid in full.

(c) The purchase price of the plot must be paid in full before interment of a deceased person.

(Ordinance 846 adopted 8/15/00)

(d) Opening and closing of graves shall be done only by the city, payment for which shall be made prior to interment. The charge for opening and closing a grave shall be:

- (1) Normal work hours: \$350.00.
- (2) Other than normal work hours, Saturday and city recognized holidays: \$425.00.

(e) No Sunday services or Monday morning services before 10:00 a.m. shall be allowed.

(Ordinance 1049 adopted 9/2/09)

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### Sec. 1.603 Supervision of Cemetery

- (a) The city shall take reasonable care to protect property rights of owners from loss or damage; but it distinctly disclaims all responsibility for loss or damage caused by the elements, an "act of God," common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, whether the damage be direct or collateral, other than herein provided.
- (b) Persons within the cemetery grounds shall use only the avenues, walkways and roads.
- (c) Automobiles shall not be driven through the grounds at a greater speed than fifteen miles per hour.
- (d) The right to enlarge, reduce, replot or change the boundaries or grading of the cemetery and the right to lay, operate or change pipelines (except sprinkler systems) or gutters is expressly reserved to the city. The city reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over the entire cemetery grounds for the purpose of passage.
- (e) Owners may be allowed to have sprinkler systems installed in compliance with the following

requirement:

- (1) A permit must be obtained from the city;
- (2) Installation must meet code requirements and pass inspection by the city inspector;
- (3) Sprinkler systems must be placed near outside curb and not over grave;
- (4) A cut-off valve must be installed between first sprinkler head or vacuum breaker and supply;
- (5) Installation must be done by licensed plumber or irrigator;

All maintenance and repair to the system will be the responsibility of the owner and not the city, regardless of source of damage to the system.

(f) Any water left on or unattended will be cutoff by city personnel if watering is excessive or running down the roadway, in order to conserve water and protect the roadways.

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### **Sec. 1.604 Sale and Purchase of Interment Rights**

The sale or transfer of an interment right by any owner or purchaser shall not be binding upon the city unless same shall first be duly approved in writing by the city and in such event which the city shall issue a deed to the new owner. The same rule shall apply in all cases of assignment of a purchase contract of interment rights. This procedure is required in order that the city may at all times have a complete and accurate record of all owners and purchasers. The subdivision of interment rights is not allowed. No person shall be buried in any lot not having an interest therein, except by written consent of all parties interested in such lot and of the city.

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### **Sec. 1.605 Maintenance of Cemetery**

- (a) All grading, landscape work and improvements of any kind, and all care of plots shall be done by the city and all trees, shrubs and all herbage of any kind shall be planted, trimmed, cut or removed by the city or under its direct supervision.
- (b) No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or plot. Grave mounds will not be allowed and no plot shall be raised above the established grade.
- (c) If any tree, shrub or plant is or becomes detrimental to adjacent lots, avenues, walkways or roads, or if for any other reason the city deems its removal necessary, the city shall have the right to remove

such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as it deems necessary.

(d) No person shall remove any plant or flower, either wild or cultivated, from any part of the cemetery.

(e) From and after the date of adoption of these rules by the city council, no tree, shrub, plant or bush shall be placed on the cemetery grounds except those placed therein by the city for landscaping purposes. The purpose of this prohibition is to reduce maintenance time so that the cemetery can be maintained in a clean and attractive condition by the city. This prohibition shall not apply to flowers placed on a grave.

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### Sec. 1.606 Memorials

(a) For the protection of all plot owners, it is required that persons, firms or corporations erecting, cleaning or repairing memorials obtain a permit, and in doing such work, to comply with the directions of the city. The person, firm or corporation requesting such permit may be required to furnish evidence of their ability to properly perform the work. The charge for this permit shall be \$25.00 and shall allow such person, firm or corporation holding the permit to perform such work for a period of time from January 1st until December 31st of the year in which the permit is obtained, such permit to be renewed on an annual basis. Before any work is commenced on any particular job, the person, firm or corporation performing such work shall notify the city that a memorial is to be erected and/or what grave site.

(b) To properly perpetuate memory, all monuments, markers, mausoleums and tombs will be of first quality granite, limestone, marble or bronze. The supplier must assure the city that such materials will be free from sap which causes rust, stains and natural fault which might cause checks or cracks. No granite will be inferior in any way. Should any stone develop any of the above mentioned faults within five (5) years from date of placement, the supplier will be required to replace same without cost to the owner.

(c) All monuments shall be erected so that the foundations will extend three (3) inches on each side of the monument and said foundation must be flush with the turf. The size of a monument will be governed according to the size of the family plot. A monument will be of such size that when erected on a plot, either end of such monument shall not be placed less than one (1) foot from the property lines of said plot, or within two (2) feet of any existing monument. However, this shall apply only to a monument which protrudes above the surface of the ground. A monument which is flush with the turf may extend to the property line. Should any monument, mausoleum or tomb become unsightly, dilapidated or a menace to visitors, the city shall have the right, at the expense of the plot owner, either to correct the condition or to remove the same.

(Ordinance 846 adopted 8/15/00)

(d) In addition to other requirements regulating memorials, all memorials erected after November 15, 2010 in Resthaven Cemetery shall conform to the following:

(1) Upright monuments, beveled markers and flat markers shall be on foundations that are cement and must be flush with the turf;

- (2) Monuments and markers shall be placed in a manner that is conducive with the maintenance of the lot;
- (3) Bevel markers shall be used as headstones, not footstones;
- (4) Flat markers shall be flush with the turf or no higher than two (2) inches above the existing grade; and
- (5) All vases must be attached to headstones, no vases may be attached to footstones.

(Ordinance 1073 adopted 11/3/10)

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### Sec. 1.607 Funeral Regulations

- (a) All grave sites within a plot must be located by the family or its representatives and written authorization signed by the lot owner or his legal representative shall be given to the city to open the grave space.
- (b) When removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights and ownership therein shall remain with property owner. The removal of said bodies shall be done in strict compliance with all state requirements regulating same. Arrangements for the removal of a body must be made by someone other than the city. Application for the removal permit must be signed by the next of kin, properly notarized prior to removal.
- (c) The burial of two bodies in one grave space will not be permitted except where one body occupies a space less than three (3) feet in length.
- (d) Disinterments are the responsibility of the funeral director. If done within the city cemeteries, the funeral director will be responsible for opening and closing the graves, with city authorization.

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### Sec. 1.608 Miscellaneous

- (a) No dogs shall be permitted in the cemetery.
- (b) No alcoholic beverages shall be allowed within the cemetery.
- (c) The city is not responsible for theft or damage to anything placed on grave plots.
- (d) No wooden bench, chair or trellis shall be permitted to be placed upon the cemetery grounds.

- (e) The city shall have the authority to enter upon any plot and to remove any objectionable thing or any erection that may have been placed there contrary to these regulations.
- (f) No person shall be permitted to enter or leave the cemetery except by the public gates.
- (g) All persons found on the grounds after dark shall be liable for prosecution for trespassing.
- (h) All persons are strictly forbidden to mar any landmark, marker or memorial or in any way deface the grounds of the cemetery.
- (i) No person or persons other than an employee of the city shall be permitted to bring or carry firearms within the cemetery except a military guard of honor and then only when in charge of an officer and during a military service.
- (j) The digging of holes for any purpose whatsoever is strictly prohibited.
- (k) The city reserves the right to remove all flowers, potted plants, summer wreaths or baskets when they become withered or for any other reason.

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### **Sec. 1.609 Memorial Gifts**

The city and its citizens recognizes a need for the creation of a memorial fund for the Brady Cemeteries. The funds shall be deposited in an interest bearing account and the earned interest will be used for the maintenance of the Brady Cemeteries. At the council's discretion, the principal can be used for capital improvement projects. The city will initiate the fund with a deposit of \$1,000.00. Donations to this fund may be made at the city hall, any of the local funeral homes and monument companies.

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

### **Sec. 1.610 Indigent Veterans Fee**

- (a) City will charge for opening and closing only. The county will pay  $\frac{1}{2}$ , and the city will pay  $\frac{1}{2}$  of this fee.
- (b) Family must not be able to pay for any charges.

## ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*

**Sec. 1.611 Modifications and Amendment**

(a) The city may, and it hereby expressly reserves the right, at any time or times, with or without notice to owners to adopt new rules and regulations or amend, alter and/or repeal any rule, regulation and/or sentence in these rules and regulations

(b) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The city therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations when, in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these rules and regulations.

(Ordinance 846 adopted 8/15/00)

**ARTICLE 1.600 RULES AND REGULATIONS OF RESTHAVEN CEMETERY AND LIVE OAK CEMETERY\*****Sec. 1.612 Fees for Funeral Processions**

(a) Funeral processions using on-duty officers will be at no charge. Due to the officer being on-duty, the officer may be called away from the procession.

(b) Funeral processions using off-duty officers will constitute a charge of \$25.00 per hour with a two (2) hour minimum. Payment will be made to the city prior to the service. The funeral procession utilizing the off-duty officer will extend to the county line boundaries.

(Ordinance 1067 adopted 7/21/10)

# MAINTENANCE RULES & REGULATIONS

## MAINTENANCE:

1. *All grading, landscape work and improvements of any kind, including curbing and all care of plots shall be done by the City. All trees, shrubs and all plants of any kind shall be planted, trimmed, cut or removed by the City or under its direct supervision.*
2. *No enclosure of any kind such as a fence, curbing, hedge, or ditch shall be permitted around any grave or plot.*
3. *If any tree, shrub or plant is or becomes detrimental to adjacent lots, or for any reason the City deems its removal necessary, the City shall have the right to remove such tree, shrub, or plant.*
4. *No person shall remove plant or flower, either wild or cultivated, from any part of the Cemetery.*
5. *No tree, shrub, plant, or bush shall be placed or planted on the Cemetery grounds.*

## SUPERVISION:

*Owners may be allowed to have sprinkler systems installed in compliance with the following requirement*

1. *Installation must meet code requirements and pass inspection by the City Inspector.*
2. *All Maintenance and repair to the system will be a responsibility of the owner and not the City, regardless of source of damage to the system.*
3. *In order to conserve water and protect the roadway, City personnel will cut off any water left unattended.*
4. *All garden hoses and watering apparatuses must be removed after each use.*

## MISCELLANEOUS:

1. *No alcoholic beverages shall be allowed within the Cemetery.*
2. *Nothing but approved markers may be on Cemetery grounds.*
3. *No bench of any kind shall be permitted or placed on Cemetery grounds.*
4. *The City shall have the authority to enter upon any plot and to remove any objectionable objects that may have been placed there prior to these regulations.*
5. *To maintain appearance of the Cemetery the City reserves the right to remove all flowers, potted plants, summer wreaths or baskets after they have died.*

## MODIFICATIONS:

1. *The City may, and hereby expressly reserves the right, at any time or times, with or without notice to owners to adopt new rules and regulations or amend, alter and/or repeal any rule, regulation and/or sentence in these Rules and Regulations.*

## RULES AND REGULATIONS OF REST HAVEN CEMETERY AND LIVE OAK CEMETERY

**THE FOLLOWING RULES AND REGULATIONS ARE HEREBY ADOPTED FOR  
REST HAVEN CEMETERY AND LIVE OAK CEMETERY. ALL OWNERS OF  
INTERMENT RIGHTS, VISITORS AND CONTRACTORS PERFORMING WORK  
WITHIN THE CEMETERY SHALL BE SUBJECT TO SAID RULES AND  
REGULATIONS**

### DEFINITIONS

1. Owner shall refer to a person who has purchased from the City a right of interment in Rest Haven Cemetery or Live Oak Cemetery for the remains of a deceased person.
2. Interment shall be defined as entombment or burial of the remains of a deceased person.
3. Memorial shall be defined as any marker, monument or structure upon or in any lot or niche, placed thereupon or partially therein for the purpose of identification or in memory of a deceased person.
4. Contractor shall be defined as any person, firm or corporation engaged in placing, erecting or repairing any memorial or performing any work in the cemetery grounds other than an employee of the City.
5. City shall mean the City of Brady.
6. Cemetery shall refer to both Rest Haven Cemetery and Live Oak Cemetery.

### OWNERSHIP

1. The price for a plot shall be set by and subject to change by action of the City Council. The cost of a plot for persons living outside the City limits shall be increased by \$75 per plot.
2. The purchase price for a plot shall be paid for in cash at the time of purchase. However, the purchaser may pay the purchase price over a period of time on the following schedule:
  - A. Ten percent (10%) of the purchase price shall be paid at the time of purchase.
  - B. The remaining balance with interest thereon at the rate of ten (10%) per annum shall be due and payable in equal monthly installments until the whole of said sum, with interest, has been duly paid, said balance payable as follows:
    - (1) If one or two plots are purchased the remaining balance, principal and interest, shall be paid monthly over a period not to exceed 12 months.
    - (2) If three plots are purchased the remaining balance, principal and interest, shall be paid monthly over a period not to exceed 18 months.
    - (3) If more than three plots are purchased the remaining balance, principal and interest, shall be paid monthly over a period not to exceed 24 months.
  - C. In the event that the purchaser elects to pay for the plots over a period of time, no deed shall be given to the purchaser until the purchase price is paid in full.
3. The purchase price of the plot must be paid in full before interment of a deceased person.

4. Only the City, payment for which shall be made prior to interment, shall do opening and closing of graves. The charge for opening and closing a grave shall be:

Weekday service	\$350
Saturday service	\$425

5. No Sunday services or Monday morning services before 10:00 a.m. shall be allowed.

### SUPERVISION OF CEMETERY

1. The City shall take reasonable care to protect property rights of owners from loss or damage; but it distinctly disclaims all responsibility for loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, whether the damage be direct or collateral, other than herein provided.
2. Persons within the Cemetery grounds shall use only the avenues, walkways and roads.
3. Automobiles shall not be driven through the grounds at a greater speed than 15 mph.
4. The right to enlarge, reduce, replot or change the boundaries or grading of the Cemetery; the right to lay, operate or change pipelines (except sprinkler systems) or gutters in expressly reserved to the City. The City reserves to itself, and to those lawfully entitled, thereto, a perpetual right of ingress and egress over the entire cemetery grounds for the purpose of passage.
5. Owners may be allowed to have sprinkler systems installed in compliance with the following requirements:
  - (a) a permit must be obtained from the City;
  - (b) installation must meet code requirements and pass inspection by the City inspector;
  - (c) sprinkler systems must be placed near outside curb and not over grave;
  - (d) a cut-off valve must be installed between first sprinkler head or vacuum breaker and supply;
  - (e) installation must be done by licensed plumber or irrigator;
  - (f) all maintenance and repair to the system will be the responsibility of the owner and not the City, regardless of source of damage to the system.
6. Any water left on or unattended will be cut off by City personnel if watering is excessive or running down the roadway, in order to conserve water and protect the roadways.

### SALE AND PURCHASE OF INTERMENT RIGHTS

The sale or transfer of an interment right by any owner or purchaser shall not be binding the City unless same shall first be duly approved in writing by the City and in such event which the City shall issue a deed to the new owner. The same rule shall apply in all cases of assignment of a purchase contract of interment rights. This procedure is required in order that the City may at all times have a complete and accurate record of all owners and purchasers. The subdivision of interment rights is not allowed. No person shall be buried in any lot not having an interest therein, except by written consent of all parties interested in such lot and of the City.

## MAINTENANCE OF CEMETERY

1. All grading, landscape work and improvements of any kind, and all care of plots shall be done by the City and all trees, shrubs and all herbage of any kind shall be planted, trimmed, cut or removed by the City or under its direct supervision.
2. No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or plot. Grave mounds will not be allowed and no plot shall be raised above the established grade.
3. If any tree, shrub or plant is or becomes detrimental to adjacent lots, avenues, walkways or roads, or if for any other reason the City deems its removal necessary, the City shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as it deems necessary.
4. No person shall remove any plant or flower, either wild or cultivated, from any part of the Cemetery.
5. From and after the date of adoption of these rules by the City Council, no tree, shrub, plant or bush shall be placed on the Cemetery grounds except those placed therein by the City for landscaping purposes. The purpose of this prohibition is to reduce maintenance time so that the City can maintain the Cemetery in a clean and attractive condition. This prohibition shall not apply to flowers placed on a grave.

## MEMORIALS

1. For the protection of all plot owners, it is required that persons, firms or corporations erecting, cleaning or repairing memorials obtain a permit, and in doing such work, to comply with the directions of the City. The person, firm or corporation requesting such permit may be required to furnish evidence of their ability to properly perform the work. The charge for this permit shall be \$25 and shall allow such person, firm or corporation holding the permit to perform such work for a period of time from January 1<sup>st</sup> until December 31<sup>st</sup> of the year in which the permit is obtained, such permit to be renewed on an annual basis. Before any work is commenced on any particular job, the person, firm or corporation performing such work shall notify the City that a memorial is to be erected and on what gravesite.
2. To properly perpetuate memory, all monuments, markers, mausoleums and tombs will be of first quality granite, limestone, marble or bronze. The supplier must assure the City that such materials will be free from sap which causes rust, stains and natural fault which might cause checks or cracks. No granite will be inferior in any way. Should any stone develop any of the above mentioned faults within five (5) years from date of placement the supplier will be required to replace same without cost to the owner.
3. All monuments shall be erected so that the foundations will extend three (3) inches on each side of the monument and said foundation must be flush with the turf. The size of a monument will be governed according to the size of the family plot. A monument will be of such size that when erected on a plot either end of such monument shall be placed less than one (1) foot from the property lines of said plot, or within two (2) feet on any existing monument. However, this shall apply only to a monument, which protrudes above the surface of the ground. A monument, which is flush with the turf, may extend to the property line. Should any monument, mausoleum or tomb become unsightly,

dilapidated or a menace to visitors, the City shall have the right, at the expense of the plot owner, either to correct the condition or to remove the same.

### FUNERAL REGULATIONS

1. All gravesites within a plot must be located by the family or its representatives and written authorization signed by the lot owner or his legal representative shall be given to the City to open the grave space.
2. No cremations may be placed at the cemetery without first notifying the City.
3. When removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights and ownership therein shall remain with the property owner. The removal of said bodies shall be done in strict compliance with all State requirements regulating same. Someone other than the City must make arrangements, for the removal of a body. Application for the removal permit must be signed by the next of kin and properly notarized prior to removal.
4. The burial of two bodies in one grave space will not be permitted except where one body occupies a space less than three (3) feet in length.
5. Disinterment is the responsibility of the Funeral Director. If done within the City cemeteries, the Funeral Director will be responsible for opening and closing the graves, with City authorization.

### MISCELLANEOUS

1. No dogs shall be permitted in the Cemetery.
2. No alcoholic beverages shall be allowed within the Cemetery.
3. The City is not responsible for theft or damage to anything placed on grave plots.
4. No wooden bench, chair or trellis shall be permitted to be placed upon the Cemetery grounds.
5. The City shall have the authority to enter upon any plot and to remove any objectionable thin or any erection that may have been placed there contrary to these regulations.
6. No person shall be permitted to enter or leave the Cemetery except by the public gates.
7. All persons found on the grounds after dark shall be liable for prosecution for trespassing.
8. All persons are strictly forbidden to mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
9. No person or persons other than an employee of the City shall be permitted to bring or carry firearms within the Cemetery except a Military Guard of Honor and then only when in charge of an Officer and during a Military Service.
10. The digging of holes for any purpose whatsoever is strictly prohibited.
11. The City reserves the right to remove all flowers, potted plants, summer wreaths or baskets when they become withered or for any other reason.

### MEMORIAL GIFTS

The City of Brady and its citizens recognize a need for the creation of a Memorial Fund for the Brady Cemeteries. The funds shall be deposited in an interest bearing account and the earned interest will be used for the maintenance of the Brady Cemeteries. At the Council's discretion

the principal can be used for capital improvement projects. The City of Brady will initiate the fund with a deposit of \$1,000. Donations to this fund may be made at the City Hall, any of the local funeral homes and monument companies.

#### INDIGENT VETERANS FEES

1. City will charge for opening and closing only. The county will pay  $\frac{1}{2}$ , and the city will pay  $\frac{1}{2}$  of this fee.
2. Family must not be able to pay for any charges.

#### MODIFICATIONS AND AMENDMENTS

1. The City may, and it hereby expressly reserves the right, at any time or times, with or without notice to owners to adopt new rules and regulations or amend, alter and/or repeal any rule, regulation and/or sentence in these Rules and Regulations.
2. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations when, in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Rules and Regulations.

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	05/05/2015	<b>AGENDA ITEM</b>	7.C.
<b>AGENDA SUBJECT:</b>	Discussion on establishing a youth curfew for City of Brady.		
<b>PREPARED BY:</b>	Lupe Carrazales	<b>Date Submitted:</b>	04/30/2015
<b>EXHIBITS:</b>	Sample Ordinances		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00	
	<b>Amount Budgeted:</b>	\$00	
	<b>Appropriation Required:</b>	\$00	
<b>CITY MANAGER APPROVAL:</b>			

#### **SUMMARY:**

There are actually some positive aspects of curfews. For one, curfew hours are usually reasonable and law enforcement are also reasonable when enforcing the curfew. They realize that kids are sometimes out after curfew because of jobs or school activities, and they allow for that. Curfews are designed to make sure a parent is with a teenager if after a certain time. There is no harm in fostering parents' responsibilities to supervise their child's activities and whereabouts. The purpose of a curfew is also to require neglectful or careless parents to meet the community standards of parental responsibility.

Another pro is that kids who are out late at night are more likely to be victims of the crimes by adults. In that respect, curfews actually protect the safety of kids and teens. Curfews are also intended to support time needed for homework and sleep. In today's world, kids get tons of homework and often complain they can't complete it all. But if home, they could spend more time studying and go to bed earlier. Being well rested helps kids complete the school day and go to part time jobs. Being rested reduces accidents on the job or in vehicles. One thing teenagers don't consider about a curfew is, no one can make them an easy target to blame when crime does occur! If they are at home, they won't be a suspect. Besides, there are plenty of hours for socializing during the afternoon or early evening. Give yourself 10 years and you'll be grateful to be home in the evening.

#### **RECOMMENDED ACTION:**

Discussion Only. May want to direct new Police Chief to bring a recommendation forward.

## SAMPLE YOUTH CURFEW ORDINANCE - Division 2. Curfew†

### Sec. 8.02.031 Definitions

For the purpose of this division, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

**Establishment.** Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

**Juvenile.** Any person under the age of seventeen (17) years of age, or, in equivalent phrasing, any person of the age sixteen (16) years old or younger.

**Operator.** Any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment, and, whenever used in any clause prescribing a penalty, the term as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

**Parent.** Any natural parent of a juvenile, a legal guardian, or any adult person, eighteen (18) years or older, in whose care the juvenile has been placed by the natural parent or legal guardian.

**Public place.** Any public street, highway, road, alley, park, playground, public building, parkway or vacant lot.

**Remain.** To stay behind, to tarry and stay unnecessarily upon a public place, including congregating in groups totaling four (4) or more juveniles in which any minor included would not be using the public place for an ordinary or serious purpose such as passage or going home. To implement this definition with more precision and precaution, numerous exceptions will be provided hereinafter to indicate that this is not a mere prohibitory or presence type curfew ordinance. More exceptions become available to juveniles with increasing years and advancing maturity as appropriate in the interest of reasonable regulation.

**Time of night.** The prevailing local standard time at the date in question, whether central standard time or central daylight savings time, as observed by the public. The time maintained by the city police department shall be the *prima facie* evidence of the time of day for continued implementation of this division.

**Years of age.** The time from one birthday, such as the sixteenth, to the next, but not including the day of the next birthday. Thus, upon a person's seventeenth birthday, he or she will cease to be a juvenile regulated by this division.

(2001 Code, sec. 8.701)

Sec. 8.02.032 Curfew established

It shall be unlawful for any person sixteen (16) years of age or younger to be or remain in or upon any public place or in or upon any establishment within the city during the following times:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(Ordinance 410 adopted 3/13/07)

Sec. 8.02.033 Exceptions

(a) In the following exceptional cases a juvenile in or upon any public place or in and upon an establishment shall not be deemed in violation of this division; this section is intended as a clear guide for juveniles, their parents, and law enforcement officials:

- (1) When the juvenile is accompanied by his parent, legal guardian or authorized adult supervisor.
- (2) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the rights of assembly. It shall be deemed a bona fide exercise of such rights if the assembly, whether parade or demonstration, has been permitted by the city or other bona fide religious, social or school activities involving the right to assemble.
- (3) When engaged in performing an errand or other legitimate business at the direction of a parent, guardian or supervisory adult, including travel to and from such location by a direct route.
- (4) When the juvenile is on the sidewalk at the place where such juvenile resides, or on the sidewalk of either next-door neighbor, when said neighbors do not object to such presence.
- (5) When the juvenile is engaged in employment activities, such as, but not restricted to, newspaper delivery.

(b) All of the above-cited exceptions to the curfew ordinance include travel to and from such activity by a direct route, and this division is in no way to be construed as limitation upon normal travel by a juvenile engaged in interstate movement.

(c) Each of the foregoing exceptions are severable, and in addition other possible exceptions may be added hereto in the future as warranted by experience as illuminated by the views of students, school personnel, citizens, neighborhood spokesmen, parents, officers and persons in authority concerned positively with minors as well as juvenile delinquency.

(2001 Code, sec. 8.703)

#### Sec. 8.02.034 Parental responsibility

It shall be unlawful for a parent knowingly to permit or by insufficient control to allow a juvenile in his or her care to be or remain in any public place or to be or remain in any establishment other than for excepted activities during the curfew hours established by this division. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a juvenile in such parent's custody. It shall be *prima facie* evidence of violation of this section if a responsible parent has no knowledge of a juvenile's whereabouts during the hours of curfew established by this division. The purpose of this section is to require neglectful or careless parents to meet the community standard of parental responsibility. (2001 Code, sec. 8.704)

#### Sec. 8.02.035 Duties of business operators

It shall be unlawful for the owner or operator of a business establishment to allow a juvenile to remain upon such business premises during the hours of curfew established in this division beyond the time necessary to conduct an excepted activity. It shall be no defense to this section that juvenile made a purchase, if the juvenile did not immediately make such purchase upon arrival and depart immediately thereafter. It shall be a defense to prosecution under this section that the owner or operator of such business establishment has promptly notified the city police department that juveniles present on the premises after hours have refused to depart. (2001 Code, sec. 8.705)

#### Sec. 8.02.036 Enforcement procedures

(a) A law enforcement officer, upon finding or having his or her attention called to any juvenile in or on a public place or in or on the premises of a business establishment in a *prima facie* violation of this division, may take the juvenile into custody. Such juvenile may be transported to the city police department. Upon arrival at the police department, a parent, legal guardian or other responsible adult shall be immediately notified to pick up such juvenile. An officer taking a juvenile into custody shall also have discretion to release such juvenile to a parent, legal guardian or other responsible adult under circumstance deemed appropriate by the officer. An officer may also issue a warning notice to the juvenile in accordance with section 52.01 of the Texas Family Code and order such juvenile to go directly and promptly to his or her home. Delinquent conduct or conduct indicating a need for supervision under sections 51.03 and 52.01 of the Texas Family Code shall be handled in accordance with applicable provisions of the Family Code.

(b) Upon picking up a juvenile in custody, said parent, legal guardian or other responsible adult may be questioned about the circumstance of the juvenile's activities. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility for accurate, effective, fair, impartial and uniform environment and recording, thus making available experienced supervisory personnel, the best of facilities, and, if required, referral to social agencies equipped to handle family problems that may be disclosed by investigation. In the absence of convincing identification, an officer on the street may use his or her best judgment in determining age. Procedures

shall be constantly refined in the light of experience, and changes herein may be made on the basis of such experience.

- (c) In any event, an officer shall within twenty-four (24) hours file a written report on the juvenile incident or shall participate to the extent possible in the preparation and filing of such a report by his supervisor.
- (d) When a parent, legal guardian or other responsible adult has come to take charge of a juvenile and the appropriate information has been received, the juvenile shall be released to the custody of the parent, legal guardian or other responsible adult. If a parent, legal guardian or other responsible adult cannot be located or fails to take charge of the juvenile, then the juvenile shall be released to appropriate authorities. However, the police department shall have the discretion to refuse to release a juvenile to an adult other than the parent or legal guardian of the juvenile.
- (e) A juvenile may not be held at the police department for more than six (6) hours; during such time, the following procedures shall be observed:
  - (1) The office must be an unlocked, multipurpose area that is not designated, set aside, or used as a secure detention area or part of a secure detention area;
  - (2) The juvenile may not be secured physically to a cuffing rail, chair, desk, or stationary object;
  - (3) The juvenile may not be held longer than necessary to accomplish the proposes of identification, investigation, processing, release to parent, guardians or custodians, and arrangement of transportation to school or court; and
  - (4) The office may not be designated or intended for residential purposes.

(2001 Code, sec. 8.706)

#### Sec. 8.02.037 Penalty

Prevailing community standards as reflected by this division require the availability of criminal penalties in order for this division to be a viable instrument for the maintenance of such standards. Consequently, violation of this division by a juvenile, parent or business establishment owner or operator shall be deemed to be a misdemeanor punishable by a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each day any violation continues constitutes a separate offense.

(2001 Code, sec. 8.707)

† State law references—Juvenile curfew in general-law municipality, V.T.C.A., Local Government Code, sec. 341.905; review of juvenile curfew order or ordinance, V.T.C.A., Local Government Code, sec. 370.002; children taken into custody for violation of juvenile curfew or order, Tex. Code Crim. Proc., art. 45.059.

## **ARTICLE 7.500 ADOPTION OF STATE OF TEXAS PENAL CODE**

The Penal Code, as amended by the State Legislature of the State of Texas, is hereby adopted and shall be applicable within the city limits of the City of Seymour. (1988 Seymour City Code, Chapter 14, Section 14-1)

## **ARTICLE 7.600 FIREWORKS\***

### **Sec. 7.601 Casting, Throwing, Firing Fireworks Unlawful**

No person, firm, company, corporation or association shall cast, throw or fire any rocket, firecracker, or other combustible fireworks of any kind in the city. (1988 Seymour City Code, Chapter 14, Section 14-2)

### **Sec. 7.602 Possession, Exhibition of Fireworks Unlawful**

No person, firm, company, corporation or association shall exhibit or have in his possession with intent to give away or sell or offer for sale within the city, any rocket, firecracker or other combustible fireworks of any kind. (1988 Seymour City Code, Chapter 14, Section 14-3)

## **ARTICLE 7.700 CURFEW FOR MINORS†**

### **Sec. 7.701 Definitions**

*Chief of Police.* The chief of police of the city or a designated representative.

*Curfew Hours.*

- (1) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day beginning with the first day of school of the Seymour Independent School District and ending on the next to the last day of school of the Seymour Independent School District;
- (2) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day beginning with the last day of school of the Seymour Independent School District and ending on the day before school commences in the Seymour Independent School District; and

\*State law references—Authority of municipality to regulate the use of fireworks, V.T.C.A., Local Government Code, sec. 342.003; fireworks and fireworks displays, V.T.C.A., Occupations Code, ch. 2154.

†State law references—Juvenile curfew in general-law municipality, V.T.C.A., Local Government Code, sec. 341.905; review of juvenile curfew order or ordinance, V.T.C.A., Local Government Code, sec. 370.002.

- (3) 12:01 a.m. until 6:00 a.m. on any Saturday (Friday night) or Sunday (Saturday night).

**Direct Route.** The shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

**Emergency.** A fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**Establishment.** Any privately owned place of business operated for a profit to which the public is invited, including, but, not limited to any place of amusement or entertainment.

**Holding Location.** A place designated by the chief of police to which a minor taken into custody for a violation of this article will be delivered to await pickup by a parent or juvenile authorities.

**Minor.** Any person less than 17 years of age.

**Operator.** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

**Parent.** A person who is:

- (1) A natural or adoptive parent of another person;
- (2) A court-appointed guardian or another person; or
- (3) At least 21 years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.

**Public Place.** Any street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.

**Remain.** To:

- (1) Linger or stay unnecessarily; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

## **Sec. 7.702      Offenses**

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of an establishment within the city during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

**Sec. 7.703      Defenses**

(a) It is a defense to prosecution under Section 7.702 that the minor was:

- (1) Accompanied by the minor's parent;
- (2) On an errand at the direction of the minor's parent and was using a direct route;
- (3) In a motor vehicle involved in interstate or intrastate travel;
- (4) Engaged in an employment activity, including, but, not limited to newspaper delivery, and was using a direct route;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;
- (7) Attending an official school or religious activity or returning home by a direct route from an official school or religious activity;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under Section 7.702(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

**Sec. 7.704      Enforcement**

- (a) A police officer, upon finding a minor in violation of Section 7.702(a), may either/or;
  - (1) Ascertain the name and address of the minor, issue to the minor a written citation that the minor is in violation of Section 7.702(a).
  - (2) May take the minor to a holding location.
- (b) When a minor is taken into custody under this section, the police department shall immediately notify a parent to pick up the minor at the holding location. After a parent arrives at a holding location and provides the information required by the chief of police to file an incident report, the minor shall be released into the custody of the parent. If a parent cannot be located or fails to take charge of the minor, the minor shall be released to the juvenile authorities.
- (c) If a minor is not taken into custody for a violation of Section 7.702(a), the police department shall by certified mail, return receipt requested, notify a parent of the minor that the minor has violated Section 7.702(a) and include a warning that any subsequent violation may result in prosecution of the minor and the parent under this section. If the minor was found in violation of Section 7.702(a) at an establishment, the police department shall by certified mail, return receipt requested, notify the owner, operator, or employee of the establishment of the violation and include a warning that any subsequent violation may result in prosecution of the owner, operator, and employee under this section.
- (d) A police officer shall, within 24 hours after finding a minor in violation of Section 7.702(a), file a written report on the incident or assist to the extent possible in the preparation and filing of the report by a supervisor.

**Sec. 7.705      Penalties**

- (a) A parent of a minor who violates Section 7.702(b) in this section is, upon conviction, punishable by a fine not to exceed \$500.00.
- (b) The owner, operator, or employee of an establishment who violates Section 7.702(c) of this article is, upon conviction, punishable by a fine not to exceed \$500.00.
- (c) A minor may be prosecuted in municipal court for a violation of Section 7.702(a) by a fine not to exceed \$500.00.

(Ordinance 2013-04 adopted 8/22/13)

**City Council  
City of Brady, Texas  
Agenda Action Form**

<b>AGENDA DATE:</b>	5-5-2015	<b>AGENDA ITEM</b>	7.D
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action to approve Resolution 2015-022 regarding a financing agreement for the purpose of procuring "vehicles". (Loan for \$151,622.10, bids awarded 4/21/2015)		
<b>PREPARED BY:</b>	Lisa Remini <i>(initials)</i>	<b>Date Submitted:</b>	5-1-2015
<b>EXHIBITS:</b>	Resolution 2015-022 Financing Quotes Bid Tabulation Sheet		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$161,701.83	
	<b>Amount Budgeted:</b>	\$192,940.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

Council awarded bids for 4 trucks to Caldwell Country and a bid for 1 truck to Jim Bass Nissan at the regular 4-21-2015 City Council meeting.

Staff has obtained 2 financing quotes.

- Government Capital Corporation offers: 2.987%
- Providence Capital Funding, Inc. offers: 3.93%

The current budget reflects \$42,140 in available funds for debt service based on providing for almost a full year of debt servicing; however, only 3 months of debt service, or \$10,079.73, will be required in FY 15.

**RECOMMENDED ACTION:**

It is recommended that City Council approve Resolution 2015-022 to finance the 5 vehicles through Government Capital Corporation.

## RESOLUTION #2015-022

### A RESOLUTION REGARDING A FINANCING AGREEMENT FOR THE PURPOSE OF PROCURING "VEHICLES"

WHEREAS, City of Brady desires to enter into certain Financing Agreement, by and between Government Capital Corporation and the City of Brady, for the purpose of financing "Vehicles." The City of Brady desires to designate this Agreement as a "qualified tax exempt obligation" of the City of Brady for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City of Brady desires to designate the Mayor as an authorized signer of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BRADY:

Section 1. That the City of Brady enters into a Financing Agreement with Government Capital Corporation for the purpose of procuring "Vehicles."

Section 2. That the Financing Agreement, by and between the City of Brady and Government Capital Corporation is designated by the City of Brady as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the City of Brady designates the Mayor as an authorized signer of the Financing Agreement, by and between the City of Brady and Government Capital Corporation.

This Resolution has been PASSED and APPROVED by the Council of the City of Brady in a meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

City of Brady	Witness Signature
X Mayor Signature	X Interim City Secretary Signature
Printed Name: Anthony Groves  Title: Mayor	Printed Name: Tina Keys  Title: Interim City Secretary



April 28, 2015

Mrs. Lisa Remini  
Brady City Hall  
(325) 597-2152  
[Finance@bradytx.us](mailto:Finance@bradytx.us)

Dear Mrs. Remini,

Thank you for the opportunity to present proposed financing for the City of Brady. I am submitting for your review the following proposed structure:

LENDER:	Government Capital Corporation
ISSUER:	City of Brady, Texas
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005
EQUIPMENT COST:	\$ 151,622.10
TERM:	48 Monthly Payments
TRUE INTEREST COST:	2.987%
PAYMENT AMOUNT:	\$ 3,359.91
PAYMENTS BEGINNING:	July 1, 2015, and monthly thereafter

**Financing for these projects would be simple, fast and easy due to the fact that:**

- ✓ We have an existing relationship with you and have your financial statements on file, expediting the process. Please keep in mind we may also need current year statements.
- ✓ We can provide familiar documentation for your legal counsel.

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time.

Our finance programs are flexible and my goal is customer delight. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

**Drew**

Drew Whitington  
Client Services

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.

## Lisa Remini

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**From:** Jim Koo <Jim.Koo@providencecapitalfunding.com>  
**Sent:** Monday, April 27, 2015 1:28 PM  
**To:** Lisa Remini  
**Subject:** RE: Financing bid

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Lisa,

Thank you for the opportunity to earn your business! I called you earlier and left a voice mail.

Here is what my underwriter's came up with:

Total financed amount:	\$151,622.10
Term:	48 Months
Rate:	3.93%
Monthly:	\$3,655.16

I have your audited financials for 2014 from your website.

All I will need to move forward are current interim statements (P&L and balance sheets).

Let me know if you want to move forward!

Best regards,

**Jim Koo - 95% referral business "Tell a friend"**  
*Vendor Relations Manager*  
*Providence Capital Funding, Inc*  
*3020 Saturn Street, Suite 203*  
*Brea, CA 92821*

*Direct: 714.985.6233*  
*Fax: 714.985.6283*  
*Email: [jim.koo@providencecapitalfunding.com](mailto:jim.koo@providencecapitalfunding.com)*

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**From:** Lisa Remini [mailto:[lremini@bradytx.us](mailto:lremini@bradytx.us)]  
**Sent:** Monday, April 27, 2015 8:22 AM  
**To:** Jim Koo  
**Subject:** Financing bid

Mr. Koo,

**BID TABULATION SHEET**

**CITY OF BRADY**  
INVITATION TO BID 2015-01  
(TO BE ATTACHED TO PURCHASE ORDER FORM)

Date: April 17, 2015

**FLEET VEHICLES FOR THE CITY OF BRADY**

VENDOR	ITEM	DESCRIPTION	QTY	UNIT PRICE	EXTENDED PRICE	Delivery
Jim Bass Nissan	1	Pick-up, 3/4 Ton, Crew Cab, V8, Automatic, Service Body	2	No bid	\$ -	
Butch Strain	2	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Service Body	1	No bid	\$ -	
325-949-4621 Ext. 384	3	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Long Bed	1	No bid	\$ -	
<a href="mailto:butch.strain@bassbunch.com">butch.strain@bassbunch.com</a>	4	Pick-up, Light Duty, Crew Cab, V6, Automatic, Short Bed	1	\$ 20,717.10	\$ 20,717.10	8/28/2015
Heart of Texas Ford, Inc.	1	Pick-up, 3/4 Ton, Crew Cab, V8, Automatic, Service Body	2	\$ 41,493.05	\$ 82,986.10	9/21/2015
John Reavis	2	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Service Body	1	\$ 36,082.66	\$ 36,082.66	9/21/2015
325-597-2124	3	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Long Bed	1	\$ 32,142.61	\$ 32,142.61	9/21/2015
<a href="mailto:jreavis@suddenlinkmail.com">jreavis@suddenlinkmail.com</a>	4	Pick-up, Light Duty, Crew Cab, V6, Automatic, Short Bed	1	\$ 25,254.39	\$ 25,254.39	9/21/2015
Caldwell Country	1	Pick-up, 3/4 Ton, Crew Cab, V8, Automatic, Service Body	2	\$ 35,945.00	\$ 71,890.00	150 days
Averyt Knapp	2	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Service Body	1	\$ 31,470.00	\$ 31,470.00	150 days
979-567-6116	3	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Long Bed	1	\$ 27,545.00	\$ 27,545.00	120 days
<a href="mailto:aknapp@caldwellcountry.com">aknapp@caldwellcountry.com</a>	4	Pick-up, Light Duty, Crew Cab, V6, Automatic, Short Bed	1	No bid	\$ -	
Caldwell Country Chevrolet	1	Pick-up, 3/4 Ton, Crew Cab, V8, Automatic, Service Body	2	No bid	\$ -	
Averyt Knapp	2	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Service Body	1	No bid	\$ -	
979-567-6116	3	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Long Bed	1	No bid	\$ -	
<a href="mailto:aknapp@caldwellcountry.com">aknapp@caldwellcountry.com</a>	4	Pick-up, Light Duty, Crew Cab, V6, Automatic, Short Bed	1	\$ 22,580.00	\$ 22,580.00	120 days
Lubke's Cars & Trucks	1	Pick-up, 3/4 Ton, Crew Cab, V8, Automatic, Service Body	2	\$ 40,756.08	\$ 81,512.16	9/21/2015
Steve Lawrence	2	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Service Body	1	\$ 36,243.69	\$ 36,243.69	9/21/2015
325-597-2116	3	Pick-up, 3/4 Ton, Extended Cab, V8, Automatic, Long Bed	1	\$ 32,189.04	\$ 32,189.04	9/21/2015
<a href="mailto:aburt@lubkes.com">aburt@lubkes.com</a>	4	Pick-up, Light Duty, Crew Cab, V6, Automatic, Short Bed	1	\$ 23,164.48	\$ 23,164.48	9/21/2015

**PLEASE JUSTIFY BELOW IF LOW BID IS NOT SELECTED**

Low bid meeting specifications is highlighted in yellow.

I, the undersigned, attest that I received the above quotes for purchase of the item(s) described above and request authorization to purchase said item(s) from the vendor designated as low bid meeting specification(s).

*Barney Bustamante 4/17/2015*  
Purchasing Agent Approval/Date

# City Council

## City of Brady, Texas

### Agenda Action Form

AGENDA DATE:	5-5-2015	AGENDA ITEM	7.E
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding a Resolution 2015-023 authorizing "Notice of Intent to issue Certificates of Obligation" for the renovation and construction project of the Ed Davenport Civic Center. The City intends for Debt Service to be funded by the Brady Economic Development Corporation (BEDC) ¼ cent sales tax, where the voters in the City of Brady approved a proposition on May 9, 2009 to authorize the BEDC 4A revenues for this community 4B project. (estimated par amount not to exceed \$1,555,000)		
PREPARED BY:	Lisa Remini <i>(initials)</i>	Date Submitted:	4-30-2015
EXHIBITS:	Resolution 2015-023 Debt Service Estimate Time Table of Events		
BUDGETARY IMPACT:	Required Expenditure:	Not to exceed \$1,555,000.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	Not to exceed \$1,555,000.00	
CITY MANAGER APPROVAL:			

#### **SUMMARY:**

The Brady Economic Development Corporation (BEDC) Board met in a regular session Tuesday, April 28, and voted to enter into an agreement with the City of Brady to fund the Civic Center Renovation and Expansion Project. The expansion, authorized by the voters in May of 2009, will increase the size of the present building to accommodate approximately 700 people.

Cost projections for the expansion and renovation have decreased since KSA Engineering began developing the plans. Interest rates for debt have also declined from approximately 4% to approximately 3%.

Based on the 40% design completion, the current projected cost of the new Civic Center is \$1.48 million. The BEDC will also fund extending sewer service out to the Civic Center area at an estimated cost of \$152,000 as well as \$150,000 for furniture and fixtures for the Civic Center.

The BEDC anticipates utilizing about \$425,000 (50% of BEDC fund balance) for a down payment and provide no more than \$100,000 for debt service payments over the next 20 years.

Resolution 2015-023 acknowledges that the City intends to issue debt to provide funds for the construction cost of the Civic Center improvements in an amount that will not require more than total annual principal and interest payments of \$100,000. The amount of the Certificates of Obligation will be determined once the debt is formally priced.

**RECOMMENDED ACTION:**

It is recommended that the Council approve Resolution #2015-023 authorizing the city to issue a "Notice of Intent to issue Certificates of Obligation", estimated par amount not to exceed \$1,555,000.

**RESOLUTION NO. 2015-023**

**RESOLUTION AUTHORIZING PUBLICATION  
OF NOTICE OF INTENTION TO ISSUE  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

**THE STATE OF TEXAS §  
COUNTY OF MCCULLOCH §  
CITY OF BRADY §**

WHEREAS, the City Council of the City of Brady, Texas deems it advisable to give notice of intention to issue combination tax and revenue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF BRADY, TEXAS:

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit "A" is a form of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least thirty (30) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED THIS 5TH DAY OF MAY, 2015.

Mayor

**ATTEST:**

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## City Secretary

[CITY SEAL]

Exhibit "A"

**NOTICE OF INTENTION TO ISSUE**  
**COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Brady, Texas, will convene at its regular meeting place of said City Council located in the Civic Center, 200 Country Club Road, Brady, Texas for a regular meeting called at 6:00 p.m. on July 7, 2015, and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and revenue certificates of obligation in an aggregate principal amount not to exceed \$1,555,000 for the purpose of paying contractual obligations of the City to be incurred for the expansion and renovation of the City's Ed Davenport Civic Center and for payment of professional services and costs of issuance related thereto. The combination tax and revenue certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and a limited pledge (not to exceed \$1,000) of the surplus revenues from the City's Electric System. The combination tax and revenue certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et seq.

/s/ Anthony Groves  
Mayor, City of Brady, Texas

## BOND DEBT SERVICE

**City of Brady, TX**  
**Certificates of Obligation, Series 2015**  
**\$100,000 Annual Revenue for Debt Service**  
**Preliminary**

Period Ending	Principal	Interest	Debt Service
09/30/2016	65,000	32,589.56	97,589.56
09/30/2017	70,000	28,903.50	98,903.50
09/30/2018	70,000	28,623.50	98,623.50
09/30/2019	70,000	28,084.50	98,084.50
09/30/2020	70,000	27,440.50	97,440.50
09/30/2021	70,000	26,649.50	96,649.50
09/30/2022	70,000	25,718.50	95,718.50
09/30/2023	75,000	24,717.50	99,717.50
09/30/2024	75,000	23,562.50	98,562.50
09/30/2025	75,000	22,295.00	97,295.00
09/30/2026	75,000	20,915.00	95,915.00
09/30/2027	80,000	19,460.00	99,460.00
09/30/2028	80,000	17,788.00	97,788.00
09/30/2029	80,000	16,036.00	96,036.00
09/30/2030	85,000	14,164.00	99,164.00
09/30/2031	85,000	12,090.00	97,090.00
09/30/2032	85,000	9,931.00	94,931.00
09/30/2033	90,000	7,687.00	97,687.00
09/30/2034	90,000	5,266.00	95,266.00
09/30/2035	95,000	2,755.00	97,755.00
	<b>1,555,000</b>	<b>394,676.56</b>	<b>1,949,676.56</b>

Note: \*Approximately \$1,455,000 in construction proceeds.

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### 2015 Calendar

May 2015						
S	M	T	W	T	F	S
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June 2015						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2015						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2015						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

## City of Brady, Texas

### Certificates of Obligation, Series 2015

#### TIMETABLE OF EVENTS

	<b>EVENT</b>
Tuesday, 5/5	Council meeting to consider a Resolution authorizing Notice of Intent to issue Certificates of Obligation
Wednesday, 5/13 & Wednesday, 5/20	First publication of Notice of Intent to Issue Certificates of Obligation to occur (at least 31 days prior to authorization of issuance). Second publication of Notice of Intent one week later
Thursday, 5/21	Preliminary Official Statement in final form and submitted to rating agency
Tuesday, 5/26	Call with Rating Agency
Thursday, 6/4	Receipt of rating
Monday, 7/6	Anticipated pricing of issue by Underwriter, overseen by FirstSouthwest
Tuesday, 7/7	<b>Council meeting to consider action authorizing issuance of Certificates and approving sale</b>
Thursday, 8/6	Closing, receipt of proceeds

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	05-05-2014	<b>AGENDA ITEM</b>	7.F.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding Resolution 2015-024 to grant approval of a noise variance for the Iron Horse Motorcycle Club for a Motorcycle Awareness Month Celebration at the City of Brady Gun Range on Friday, May 15 <sup>th</sup> until 12 am, through Saturday, May 16, and until 1am Sunday, May 17, 2015		
<b>PREPARED BY:</b>	T. Keys	<b>Date Submitted:</b>	05/05/2015
<b>EXHIBITS:</b>	Resolution 2015-024		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b>	Consider a noise variance for the Iron Horse Motorcycle Club for a Motorcycle Awareness Month Celebration at the City of Brady Gun Range on Friday, May 15 <sup>th</sup> until 12 am, through Saturday, May 16, and until 1am Sunday, May 17, 2015. This is the second year for this event at the Brady Gun Range.		
<b>RECOMMENDED ACTION:</b>	It is recommended that City Council approve Resolution 2015-024		

**RESOLUTION 2015-024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO  
GRANT APPROVAL OF A NOISE VARIANCE FOR THE IRON HORSE MOTORCYCLE  
CLUB MOTORCYCLE AWARENESS MONTH CELEBRATIONS AT THE CITY OF  
BRADY GUN RANGE ON FRIDAY MAY 15<sup>TH</sup> UNTIL 12AM, THROUGH SATURDAY  
MAY 16 AND UNTIL 1AM SUNDAY MAY 17, 2015 AS REQUESTED BY THE IRON  
HORSE RIDING CLUB**

**WHEREAS**, the City Council of the City of Brady wishes to support Motorcycle Awareness Month; and

**WHEREAS**, the Iron Horse Motorcycle Club Motorcycle Awareness Month celebrations will be held within the City of Brady incorporated area at the Brady Gun Range until 12:00am on Friday, May 15<sup>th</sup>, through Saturday, May 16<sup>th</sup>, and until Sunday May 17<sup>th</sup> 1:00 a.m. and the noise levels will be greater than normal, thus requiring a variance from Council.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
BRADY, TEXAS:**

That the City Council grant a noise variance for the celebrations held the Brady Gun Range until 12:00am on Friday, May 15<sup>th</sup>, through Saturday, May 16<sup>th</sup>, and until Sunday May 17<sup>th</sup> 1:00 a.m.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of May, 2015.

**CITY OF BRADY:**

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Anthony Groves, Mayor

Attest: \_\_\_\_\_  
City Secretary, Christy Badilla