



**CITY OF BRADY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
JULY 7, 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 July 7, 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  
Council Member

Shelly Perkins  
Council Member

Marilyn Gendusa  
Council Member

Jack Turk  
Council Member

Kim Lenoir  
City Manager

Raika Rowe  
City Attorney

Tina Keys  
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 6-16-15**

**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. JOINT PLANNING & ZONING COMMISSION PUBLIC HEARINGS**

A. Open P&Z Meeting – Call to Order, Roll Call and Certify a Quorum

B. Staff presentations of the following:

C. Open Public Hearing to hear comments FOR or AGAINST proposed amendment to Zoning Ordinance 933, Section 28.10 (Zoning Use Chart) to allow Alcoholic Beverage Liquor by the Drink as a Specific Use Provision (SUP) in the Brady Lake Recreational District (BLR), Retail District (R), Central Business District (CBD), and Commercial District (C)

D. Open Public Hearing to hear comments FOR or AGAINST a zoning change from Single-Family Residential (SF-5) to Industrial District (I) and re-platting as requested by Premier Silica on property located on the East side of Oglebay Norton Drive, 16.62 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483 and consisting of all of Blocks 1 to 6 of Dutton's 1<sup>st</sup> Addition

E. Open Public Hearing to hear comments FOR or AGAINST a Specific Use Provision (SUP) in the Central Business District (CBD) as requested by Rick Althof for property located at 109 North Church for the purpose of a restaurant/sports bar

- F. Close Public Hearings, recess City Council Meeting for P&Z to Meet and deliberate (approximately 20 minutes)
- G. Reconvene City Council Meeting
- H. Presentation of P&Z Commission Recommendations
- I. P&Z Meeting Adjourns

## 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding first reading of Ordinance 1174 to amend Zoning Ordinance 933, Section 28.10 (Zoning Use Chart) to allow Alcoholic Beverage Liquor by the Drink as a Specific Use Provision (SUP) in the Brady Lake Recreational District (BLR), Retail District (R), Central Business District (CBD), and Commercial District (C).
- B. Discussion, consideration, and possible action regarding re-platting approval of 16.162 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483, and consisting of all of Blocks 1 to 6 of Dutton's 1<sup>st</sup> Addition, requested by Premier Silica for property located on Oglebay Norton Drive.
- C. Discussion, consideration, and possible action regarding Ordinance 1175 to re-zone from Single-Family Residential (SF-5) to Industrial District (I) as requested by Premier Silica on property located on the East side of Oglebay Norton Drive, 16.62 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483 and consisting of all of Blocks 1 to 6 of Dutton's 1<sup>st</sup> Addition.
- D. Discussion, consideration, and possible action regarding first reading of Ordinance 1176 for a Specific Use Provision (SUP) in the Central Business District (CBD) as requested by Rick Althof for property located at 109 North Church for the purpose of a restaurant/sports bar.
- E. Discussion, consideration, and possible action regarding second reading of Ordinance 1173 to rezone Apartment Complex site from Commercial to Multi-family Zoning located at the intersection of West 17<sup>th</sup> and Nine Road.
- F. Per published public notices for July 7 – Consideration of issuing CO's for the Ed Davenport Civic Center Expansion and Renovation Project. (Due to receipt of 5% citizen petition against issuing CO's, no action proposed).
- G. Discussion, consideration and possible action regarding Resolution 2015-033 authorizing the City Manager to sign grant agreement with Texas Water Development Board for EDAP funding grant in the amount of \$1,804,000
- H. Discussion, consideration and possible action regarding Resolution 2015-033 authorizing the City Manager to sign an amendment to existing engineering services Agreement with Enprotec / Hibbs & Todd (eHT of Abilene) as it relates to the Radium reduction project in Brady's groundwater supply. eHT is

concluding its preliminary engineering report and in proper project management and planning secured grant funding from the TWDB Economically Distressed Areas Program (EDAP) in the amount of \$1,804,000. Of this amount \$1,623,000 is secured for the final design phase (Amendment) of this project that includes the following:

## 8. STAFF REPORTS

- A. Draft FY 2016 Budget Available at [www.bradytx.us](http://www.bradytx.us)
- B. July 8 and 9 - 4pm Council Budget Work Sessions at Brady Housing Authority
- C. July 13 or 14 – possible special BEDC & Council meeting

## 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 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters:
  - a. Pending and/or contemplated litigation
  - b. To seek legal advice regarding the city's authority to regulate water supply and groundwater use within the City Limits
- D. 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 7-2-15 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, 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 Work Session on Tuesday, June 16, 2015 at 4:30 p.m. at the Ed Davenport Civic Center, 200 Country Club Rd, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Jack Turk, Latricia Doyal, Marilyn Gendusa, Kathy Gloria, and Shelly Perkins. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Public Works Director Steven Miller, Finance Director Lisa Remini, Community Services Director Peter Lamont, Police Chief Steve Thomas, Andrew Williams. Also present were Lauren Bedwell, Jeff Bedwell, Charlotte Harper, Pam Burns, Janette Calk, Gary Ray, Jon Chase, Michelle Derrick, James Stewart, Dru Childers and Josh Valenta.

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

Mayor Groves called the meeting to order at 4:34 p.m. Roll was then called for Council and a quorum was certified.

#### DISCUSSION

Discuss and review staff reports for agenda items:

- A. Continue from June 2 discussion regarding first reading of Ordinance 1173 to Rezone Apartment Complex site from Commercial to Multi-family Zoning located at the intersection of West 17<sup>th</sup> and Nine Road. City Manager Kim Lenoir and Developer Dru Childers, project engineer Josh Valenta, and Pam Burns of Sage Brush Apartments, presented reports to council and answered questions.
- B. Discussion on revising agreement with the BEDC to use  $\frac{1}{4}$  cent sales tax to fund the Civic Center Renovation and Expansion Project, as authorized by the voters in May 2009 (not to exceed \$1,871,000), due to citizen petition prohibiting the City sale of Certificates of Obligation. Kim Lenoir and Lisa Remini presented some suggested financials for EDC and City Council to review for funding the Civic Center project with surplus unrestricted reserve funds and EDC payback the City over time.

#### ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 5:55 p.m.

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Mayor Anthony Groves

Attest: \_\_\_\_\_  
Tina Keys, 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, June 16, 2015 at 6:00p.m. at the Ed Davenport Civic Center, 200 Country Club Rd, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Jack Turk, Marilyn Gendusa, Patricia Doyal, Kathy Gloria and Shelly Perkins. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Public Works Director Steven Miller, Finance Director Lisa Remini, Community Services Director Peter Lamont, City Attorney Raika Rowe, Police Chief Steve Thomas, and Andrew Williams. Also present were Jeff Bedwell, Charlotte Harper, Lauren Bedwell, James Griffin, Joshua Berryhill, Eddie Wilson, Joe Whitehead, Bill Neslage, Jon Chase, Tracy Pitcox, Michele Derrick, James Stewart, Joshua Valenta, Howard Loveless, Anna Whitesell, Diane Jones, Pam Burns, Janette Calk, Joan Keeling, and Velma Neal.

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

Mayor Groves called the meeting to order at 6:03 p.m. Roll was then called for Council and a quorum was certified.

#### **2. INVOCATION & PLEDGE OF ALLEGIANCE**

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

#### **3. APPROVAL OF AUDIT BOARD**

Council Member Doyal 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 6/2/2015 and 6/9/2015**

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

#### **5. PUBLIC COMMENTS**

Bill Nesledge – PAWS. Additional comments were made by Steve Thomas

#### **6. PRESENTATIONS**

100% Funded Drinking Water Design Plan – eHT Engineers – Steve Miller discussed and Joshua Berryhill gave a presentation to council.

#### **7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration, and possible action regarding first reading of Ordinance 1173 to Rezone Apartment Complex site from Commercial to Multi-family Zoning located at the intersection of West 17<sup>th</sup> and Nine Road. Council Member Turk made a motion to approve first reading of Ordinance 1173. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "no". Motion carried.
  
- B. Discussion, consideration and possible action on revising agreement with the BEDC to use ¼ cent sales tax to fund the Civic Center Renovation and Expansion Project, as authorized by the voters in May 2009 (not to exceed \$1,871,000), due to citizen petition prohibiting the City sale of Certificates of Obligation.

Kim Lenoir presented to council. James Stewart commented. Charlotte Harper commented. Gary Ray also had comments. Discussion was to make a new agreement with EDC for funding. Staff was directed to work on a new agreement with EDC to fund the project.

- C. Discussion, consideration and possible action to approve Resolution 2015-029 regarding a financing agreement for the purpose of procuring a “Cab and Chassis only” for the Street Division to be used with a usable dump bed from the Wastewater Treatment Plant (Street Division transferred a dump truck that fit the needs for the WWTP, financing \$54,672.50. Lisa Remini presented to Council. Council member Gloria made motion to approve the purchase and financing of a “Cab and Chassis only”. Seconded by Council Member Perkins. All Council Members voted “aye” and none “no”. Motion carried.
- D. Discussion of a youth curfew ordinance – Chief of Police Steve Thomas presented to Council. All Council Members directed staff to put together a more in-depth ordinance to present to citizens.
- E. Discussion, consideration, and possible action to approve Resolution 2015-030 to temporarily close street for First United Methodist Church BBQ Fundraiser on July 4 from 10:30 a.m. to 2:00 p.m. Peter Lamont presented to Council. Council member Turk made motion to approve Resolution 2015-030. Seconded by Council Member Gendusa. All Members voted “aye” and none “no”. Motion carries.
- F. Discussion, consideration and possible action to approve Resolution 2013-031 to clarify the process for hiring professional services for city projects. Peter Lamont presented to Council. Council member Turk made motion to approve Resolution 2015-031. Seconded by Council Member Gendusa. All Members voted “aye” and none “no”. Motion carries.
- G. Discussion, consideration and possible action on appointment of board members for P&Z, ZBA, EDC, and Airport Advisory Board. Deferred action to after Executive Session. By acclamation, the City Council approved the following Board members:

**Planning & Zoning:** Nick Blyshack and Jeff Bedwell were reappointed. JoAnn Coffee was appointed as alternate

**Economic Development Board:** Jon Chase and Tracy Pitcox were reappointed

**Zoning Board of Adjustments:** Melanie Franco was appointed to Place 1. Holly Groves moves up from Alternate to Place 4

**Airport Advisory Board:** Bob Rice was appointed to Place 1. Rick Morgan and John Morgan were reappointed to their positions.

## 8. STAFF REPORTS

- A. Monthly Financial Reports for May
- B. Monthly Activity Reports – Seniors, Golf, BPD
- C. June 19 – Annual Juneteenth Celebration at Willie Washington Park
- D. June 19 – Smoke on the Hill at Richards Park
- E. July 3 – City Offices Closed for July 4 Holiday
- F. July 1 and 2 – Residential Trash Services Move for Friday Holiday – Thursday pick-up moves to Wednesday; Friday pick-up moves to Thursday
- G. July 3 – Fireworks, 9:00 p.m., Brady Lake
- H. July 4 – Parade, 10:00 a.m.
- I. July 4 – Street Dance, 8:00 p.m.

- J. July 7 – Joint P&Z Public Hearings for 1) zoning change requested by Premier Silica for property located on Oglebay Norton Drive, 16.162 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483, and consisting of all of Blocks 1 to 6 of Dutton's 1<sup>st</sup> Addition from Single-Family Residential (SF-5) to Industrial District (I) and for 2) a Specific Use Provision (SUP) in the Central Business District as requested by Rick Althof for property located at 109 North Church for the purpose of a restaurant/sports bar.
- K. FY2016 Budget Calendar – July 1, Draft FY2016 Budget will be available
- L. July 8, 9, 14 - 4pm Council Budget Work Sessions at Brady Housing Authority

## 9. ANNOUNCEMENTS

Marilyn Gendusa announced that the VFW held an official flag destruction ceremony was held. Give old flags to VFW. Also, Ham Radio field day next Saturday at 1:00 p.m.

Mayor Groves announced that the Old Rosenbergs Building has been leased, in the middle of the eastern side of the Downtown Square, contains WWII memorabilia. There are 7 new businesses on the square. Streets and square are looking good with the Street Sanitation / Sweeping Program.

## 10. EXECUTIVE SESSION

Council recessed at 7:58 pm. Went into executive session at 8:25 pm.

- 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. Board Appointments
- 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. Pending and/or contemplated litigation
  - b. 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

Executive Session adjourned at 8:53 pm.

Regular Session reconvened at 8:54 pm.

## **11. ADJOURNMENT**

There being no further business the Mayor adjourned the meeting at 8:55 pm.

**Mayor Anthony Groves**

Attest:

Tina Keys, City Secretary

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	07/07/2015 <b>AGENDA ITEM</b>   7.A.		
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding the first reading of Ordinance 1174 to change the zoning ordinance to include liquor by the drink businesses in specific zoning districts in the Zoning Use Chart of the Zoning Ordinance		
<b>PREPARED BY:</b>	Kimberly Davee	<b>Date Submitted:</b>	06/29/2015
<b>EXHIBITS:</b>	Amended Zoning Use Chart Ordinance		
<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> The current zoning use chart does not include liquor by the drink businesses as a use; therefore it is not allowed in any district. Changing the Use Chart will allow for these businesses in the Brady Lake District (BLR), Retail District (R), Central Business District (CBD), and Commercial District (C).			

**RECOMMENDED ACTION:**

It is recommended that City Council accept the recommendation of the Planning and Zoning Commission.

**ORDINANCE NO. 1174**

**AN ORDINANCE OF THE CITY COUNCIL, CITY OF BRADY, TEXAS AMENDING  
THE CITY OF BRADY ZONING ORDINANCE TO ALLOW FOR LIQUOR BY THE  
DRINK BUSINESSES AS SPECIFIC USE PROVISIONS IN CERTAIN ZONING  
DISTRICTS**

**Whereas**, the CITY held a public hearing and posted public notices and mailed letters to land owners as required by law; and

**Whereas**, the CITY received a final report and recommendation from the Planning and Zoning Commission; and

**Whereas**, the CITY desires to update the Use Charts to the current zoning ordinance, as attached; and

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

**Section 1.** The City Council of the City of Brady, Texas hereby authorizes the Mayor of the City of Brady to execute said Zoning Ordinance Amendment pursuant to his authority set forth in Section 3.05 of the City of Brady Home Rule Charter.

**Section 2.** This ordinance shall become effective upon passage on its second reading.

**Section 3.** If any section or part of this ordinance is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance but shall be confined in its operation to the specific section or sections that are held unconstitutional or invalid.

Passed and Approved on FIRST READING on the 7th day of July, 2015.

Passed and Approved on SECOND READING on the 21st day of July, 2015.

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Mayor

ATTEST:

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City Secretary

APPROVED AS TO FORM:

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City Attorney

Legend for Interpreting Use Charts

**P** Designates use permitted in District indicated

Designates use prohibited in District indicated

**S** Indicates use may be approved as Specific Use Provision (SUP)

**USE CHART  
CITY OF BRADY, TEXAS  
ZONING ORDINANCE**

**SECTION 28.10**

**RETAIL & SERVICE USES**

	AGRICULTURE		BRADY LAKE RECREATION		SINGLE-FAMILY RESIDENTIAL (5,000 S.F. LOTS)		TWO-FAMILY RESIDENTIAL (DUPLEX)		MULTI-FAMILY RESIDENTIAL		MANUFACTURED HOME		OFFICE		RETAIL		CENTRAL BUSINESS DISTRICT		COMMERCIAL		INDUSTRIAL	
	A	BLR	SF-5	2F	MF	MH	O	R	CBD	C	I											
ALCOHOLIC BEVERAGE RETAIL SALES *		P							P	P	P											
ALCOHOLIC BEVERAGE LIQUOR BY THE DRINK		S						S	S	S												
ANTIQUE SHOP, SALES INDOORS *								P	P	P												
APPLIANCE RENTAL (INDOOR ONLY) *								P	P	P	P											
ART SUPPLY STORE *								P	P	P	P											
BAKERY OR CONFECTIONERY SHOP (RETAIL) *							S	P	P	P	P											
BANKING, AUTOMATIC TELLER ONLY							P	P	P	P	P											
BOOK OR STATIONERY SHOP OR NEWSSTAND							S	P	P	P	P											
BUILDING MATERIALS, HARDWARE OR HOME IMPROVEMENT (OUTDOOR STORAGE)								P	S	P	P											
CELLULAR HOME/PAGER SALES (INDOOR)							S	P			P											
CLEANING SHOP OR LAUNDRY PICK-UP AND SELF-SERVICE (SMALL SHOP)								P	P	P	P											
CLEANING PLANT (COMMERCIAL OR WHOLESALE)									P	P												
COMPUTERSALES								P	P	P	P											
CONSIGNMENT STORE								P	P	P												
CONVENIENCE STORE WITH GASOLINE SALES		P						P	P	P	P											
COPY SHOP							S	P	P	P	P											
CUSTOM PERSONAL SERVICE SHOP								P	P	P	P											
DISCOUNT OR DEPARTMENT STORE								P	P	P	P											
DONUT SHOP							S	P	P	P	P											
DRAPERY, NEEDLEWORK OR WEAVING SHOP								P	P	P	P											
DRUG STORE OR PHARMACY							S	P	P	P	P											

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	7-7-15	<b>AGENDA ITEM</b>	7.B.
<b>AGENDA SUBJECT:</b> Discussion, consideration, and possible action regarding replatting approval of 16.162 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483, and consisting of all of Blocks 1 to 6 of Dutton's 1 <sup>st</sup> Addition, requested by Premier Silica for property located on Oglebay Norton Drive.			
<b>PREPARED BY:</b>	Kim Lenoir	<b>Date Submitted:</b>	7-2-15
<b>EXHIBITS:</b>	Re-plat		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$0	
	<b>Amount Budgeted:</b>	\$0	
	<b>Appropriation Required:</b>	\$0	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b> The replatting of 16.162 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483, and consisting of all of Blocks 1 to 6 of Dutton's 1 <sup>st</sup> Addition, has been requested by Premier Silica for property located on Oglebay Norton Drive. Staff has reviewed the replat, identified utilities and ROWs needed by the city to provide surrounding areas utilities and access to city and private property. Upon final staff review and approval, staff recommends signing and filing of the replat survey documents.			
<b>RECOMMENDED ACTION:</b> Staff recommends approval of the replat. Motion to approve and authorize City Manager to sign the replat of the Premier Silica Property, as staff has completed final review and acceptance of all documented ROWs and utilities.			

**PLAT SHOWING A SURVEY OF A PORTION OF DUTTON'S 1ST.  
ADDITION TO THE CITY OF BRADY, TEXAS,  
MADE FOR PREMIER SILICA**

THE PURPOSE OF THIS PLAT IS TO VACATE THIS 16.162 ACRE PORTION OF DUTTON'S 1ST. ADDITION,  
AND TO RE-ZONE FROM RESIDENTIAL TO INDUSTRIAL.

**6TH. STREET (66' R.O.W.)**

THE STATE OF TEXAS  
COUNTY OF McCULLOCH

I, Kim Lenoir, City Manager in and for the City of Brady, McCulloch County, Texas, do hereby approve and authorize the filing for record of this plat on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Kim Lenoir, City Manager  
City of Brady, McCulloch County, Texas

Before me, the undersigned authority, on this day personally appeared Kim Lenoir, City Manager of the City of Brady, known to me as the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for McCulloch Co., Texas  
Commission Expires \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF McCULLOCH

I, Christine A. Jones, Chief Deputy County Clerk of McCulloch County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and duly recorded on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_ o'clock \_\_\_\_\_ m. in the Plat Records of McCulloch County, Texas in Book \_\_\_\_\_, Page \_\_\_\_\_.

Witness my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

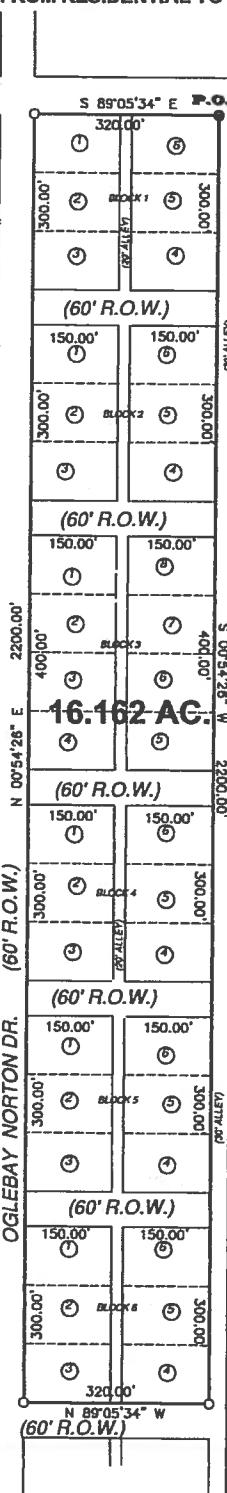
Christine A. Jones  
Chief Deputy County Clerk  
McCulloch County, Texas



**NOTES:**

1. Bearings herein are based on NAD83, Central Zone, Texas Coord. System.

0' 200' 400' 600'



**DESCRIPTION OF 16.162 ACRES IN THE CITY OF BRADY,  
McCULLOCH COUNTY, TEXAS,  
MADE FOR PREMIER SILICA**

**Being** 16.162 acres in the City of Brady, McCulloch County, Texas out of the H. & T.C. Railroad Company Survey, Abstract No. 1483, and consisting of all of Blocks 1-6 of Dutton's 1<sup>st</sup> Addition to the City of Brady for which the official plat is recorded in Volume Z, Page 562 of the McCulloch County Deed Records.

**Beginning** at a  $\frac{1}{2}$ " steel stake found at the intersection of the south line of 6<sup>th</sup> Street and the west line of a 30 feet wide alley for the N.E. corner of Lot 6 of said Block 1, and the N.E. corner hereof;

Thence along the west line of said 30 feet wide alley, the east line of said Blocks 1-6, and the east line hereof S 00°54'26" W a distance of 2200.00 feet to a  $\frac{1}{2}$ " steel stake in the north line of a 60 feet right-of way for the S.E. corner of Lot 4 of said Block 6, and the S.E. corner hereof;

Thence along the north line of said 60 feet right-of-way, the south line of said Block 6, and the south line hereof N 89°05'34" W a distance of 320.00 feet to a  $\frac{1}{2}$ " steel stake in the east line of Oglebay Norton Drive, and the west line of said Dutton's 1<sup>st</sup> Addition for the S.W. corner of Lot 3 of said Block 6, and the S.W. corner hereof;

Thence along the east line of Oglebay Norton Drive, the west line of said Dutton's 1<sup>st</sup> Addition, the west line of said Blocks 1-6, and the west line hereof N 00°54'26" E a distance of 2200.00 feet to a  $\frac{1}{2}$ " steel stake at the S.E. corner of the intersection of 6<sup>th</sup> Street and Oglebay Norton Drive for the N.W. corner of said Dutton's 1<sup>st</sup> Addition, the N.W. corner of Lot 1 of said Block 1, and the N.W. corner hereof;

Thence along the south line of 6<sup>th</sup> Street, the north line of said Dutton's 1<sup>st</sup> Addition, the north line of said Block 1, and the north line hereof S 89°05'34" E a distance of 320.00 feet to the point of beginning, having an area of 16.162 acres.

I, Kenneth H. Ross, a Registered Professional Land Surveyor, do hereby certify that the description hereon, with accompanying plat, represents an on the ground survey made under my direction in May, 2015, and that this survey substantially conforms to the current Texas Board of Professional Land Surveying Standards.

Witness my hand and seal this the 21<sup>st</sup> day of May, 2015.

---

KENNETH H. ROSS, R.P.L.S. NO. 2012

# City Council

## City of Brady, Texas

### Agenda Action Form

AGENDA DATE:	07/07/2015	AGENDA ITEM	7.E.C
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding first reading of Ordinance 1175 to re-zone 16.162 acres out of the H. & T.C. Railroad Company Survey, Abstract No. 1483, and consisting of all of Blocks 1 to 6 of Dutton's 1 <sup>st</sup> Addition from Single-Family Residential (SF-5) to Industrial District (I), as requested by Premier Silica located on Oglebay Norton Drive		
PREPARED BY:	Kimberly Davee	Date Submitted:	06/20/2015
EXHIBITS:	Zoning Application Plat		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

#### SUMMARY:

Premier Silica has bought new property on Oglebay Norton Drive which will be used for Industrial purposes. These properties were originally zoned Single-Family Residential (SF-5)

#### RECOMMENDED ACTION:

It is recommended that City Council accept the recommendation of the Planning and Zoning Commission

**ORDINANCE NO. 1175**

**REZONING CERTAIN PROPERTY FROM SF-5-SINGLE FAMILY RESIDENTIAL TO I-INDUSTRIAL DISTRICT UPON APPLICATION BY PREMIER SILICA, APPLICANT.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, the Brady Code of Ordinances Chapter 14 constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

**WHEREAS**, the Planning and Zoning Commission of the City of Brady provided adequate notice and held a public hearing on July 07, 2015 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission of the City of Brady has recommended approval of the re-zoning of the designated properties and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of Brady's Zoning regulations; and

**WHEREAS**, the City Council of the City of Brady held a public hearing on July 07, 2015 regarding the re-zoning on affected properties and complied with notice provisions of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Brady believes the re-zoning of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to re-zone; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Brady;

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

1. Property being described as 16.162 acres out of the H. & T. C. Railroad Company Survey, Abstrat No. 1483, and consisting of all of Blocks 1 to 6 of Dutton's 1<sup>st</sup> Addition located on Oglebay Norton Drive from Single Family Residential to Industrial District.
2. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

**PASSED and APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

---

Anthony Groves, Mayor

**ATTEST:**

---

Tina Keys, City Secretary

Brady Code Enforcement  
Division  
325-597-2244 Ext. 201 (phone)  
325-597-0556 (fax)

# City of Brady Zoning Application

City of Brady  
1405 N Bridge St.  
P.O. Box 351  
Brady, TX 76825

### **Property Owner Information:**

Owner: Premier Silica Phone No.: 972-969-5638 Fax

Cell No.: 972-345-8272 Email: [glen.gee@pxd.com](mailto:glen.gee@pxd.com)

Address: 5205 N. O'Connor Blvd Suite #200 Irving, Texas 75039

Owner Signature: \_\_\_\_\_

*If the property owner is represented by an authorized agent, please complete the following:*

Cell No.: 972-345-8272 Email:

Address: As above

**Existing Property Information:**

Lot: Multiple No. of Lots: 1 Block: Subdivision: Button

**Survey Abstract & Acreage:** See plat attached.

Address: All on Oglebay Norton Drive

Current Zoning District (Please note chart below): SF-15

(A) Agriculture (BLR) Brady Lake Recreational (SF-5) Single Family Residential (2F) Two Family Residential  
(MF) Multi-Family Residential (MH) Manufactured Home District (C) Commercial District (O) Office District  
(R) Retail District (CBD) Central Business District (I) Industrial District (PD) Planning Development District  
(SUP) Specific Use Permit

### **Application Request:**

XXX  Zone Change  Specific Use

Use or Zoning Requested: Premier Silica is building a Silo Storage facility on this site in 2015.

Reason for Request: Land is currently zoned Residential. PS has purchased all tracts shown on the attached plat

Request the zoning be changed from Residential to Industrial. This includes alleys and roads owned by the City.

PS plans to construct a silo storage facility to store and truck sand on the property. See example picture attached. Facility will allow transfer of processed products to storage facility allowing trucks to drive through and load sand. The Code Enforcement Division will only accept complete applications. This includes a completed application form, proof of ownership, non-refundable filing fee made payable to the City of Brady, legal description or surveyed plat drawn by a Licensed Surveyor, and a Comprehensive Site Plan (if applicable). Planning and Zoning Commission meetings are held on the 2nd Thursday of each month at 4:00 p.m. Applications are due thirty (30) days prior to the meeting date.

**Office Use Only:**

<input type="checkbox"/> Complete Application	Received by: _____
<input type="checkbox"/> \$200.00 Fee	Filing Date: _____
<input type="checkbox"/> Proof of Ownership	P&Z Date: _____
<input type="checkbox"/> Surveyed Plat	1st City Council Date: _____
<input type="checkbox"/> Comprehensive Site Plan (for PD or SUP)	2nd City Council Date: _____

## Premier Silica



**Disclaimer:** This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

June 30, 2015

**Parcels**

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

McCulloch County Appraisal District & BIS Consulting - [www.bisconsultants.com](http://www.bisconsultants.com)

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# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	07/07/2015 <b>AGENDA ITEM</b> 7.D.		
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding first reading of Ordinance 1176 to allow a Specific Use Provision (SUP) in the Central Business District as requested by Rick Althof for property located at 109 North Church for the purpose of a restaurant/sports bar		
<b>PREPARED BY:</b>	Kimberly Davee	<b>Date Submitted:</b>	06/29/2015
<b>EXHIBITS:</b>	Application for SUP Site Photos		
<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> The owners are requesting a Specific Use Provision since Alcohol by the Drink is not listed as a use in the Zoning Use Chart. The property is in the Central Business District so a Specific Use Provision would allow this restaurant/sports bar to be in this district until the Planning and Zoning Commission rescinds the SUP.
--

<b>RECOMMENDED ACTION:</b> It is recommended that City Council accept the recommendation of the Planning and Zoning Commission.
--

**ORDINANCE NO. 1176**

**DESIGNATING CERTAIN PROPERTY AS A SPECIFIC USE PROVISION IN  
THE CENTRAL BUSINESS DISTRICT UPON APPLICATION BY RICK  
ALTHOF, APPLICANT.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, the Brady Code of Ordinances Chapter 14 constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

**WHEREAS**, the Planning and Zoning Commission of the City of Brady provided adequate notice and held a public hearing on July 07, 2015 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission of the City of Brady has recommended approval of the Specific Use Provision of the designated properties and has confirmed that the Specific Use Provision is uniform and conforms to the plan and design of the City of Brady's Zoning regulations; and

**WHEREAS**, the City Council of the City of Brady held a public hearing on July 07, 2015 regarding the Specific Use Provision on affected properties and complied with notice provisions of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Brady believes the Specific Use Provision of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to allow the Specific Use Provision; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Brady;

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

1. Property being described as 109 North Church in the Fulcher Addition, Block 16, Lot S 5 be allowed as a Specific Use Provision in the Central Business District.
2. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

**PASSED** and **APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

---

Anthony Groves, Mayor

ATTEST:

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Tina Keys, City Secretary

Brady Code Enforcement  
Division  
325-597-2244 Ext. 201 (phone)  
325-597-0556 (fax)

City of Brady  
Zoning Application

City of Brady  
1405 N BridgeSt.  
P.O. Box 351  
Brady, TX 76825

**Property Owner Information:**

Owner: RICK ALTHOF Phone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
Cell No.: 325-456-7289 Email: ralthof738@gmail.com  
Address: 1303 S. Pine St., Brady TX 76825  
Owner Signature: Rick Althof

If the property owner is represented by an authorized agent, please complete the following:

Agent: \_\_\_\_\_ Phone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
Cell No.: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
Agent Signature: \_\_\_\_\_

**Existing Property Information:**

Lot: S. Part of 5 No. of Lots: 1+ Block: 16 Subdivision: Fulcher Addition  
Survey Abstract & Acreage: All of 16 .06 Acres  
Address: 109 N. Church St., Brady TX 76825  
Current Zoning District (Please note chart below): CBD

(A) Agriculture (BLR) Brady Lake Recreational (SF-5) Single Family Residential (2F) Two Family Residential  
(MF) Multi-Family Residential (MH) Manufactured Home District (C) Commercial District (O) Office District  
(R) Retail District (CBD) Central Business District (I) Industrial District (PD) Planning Development District  
(SUP) Specific Use Permit

**Application Request:**

Zone Change  Specific Use

Use or Zoning Requested: Restaurant / Bar

Reason for Request: \_\_\_\_\_

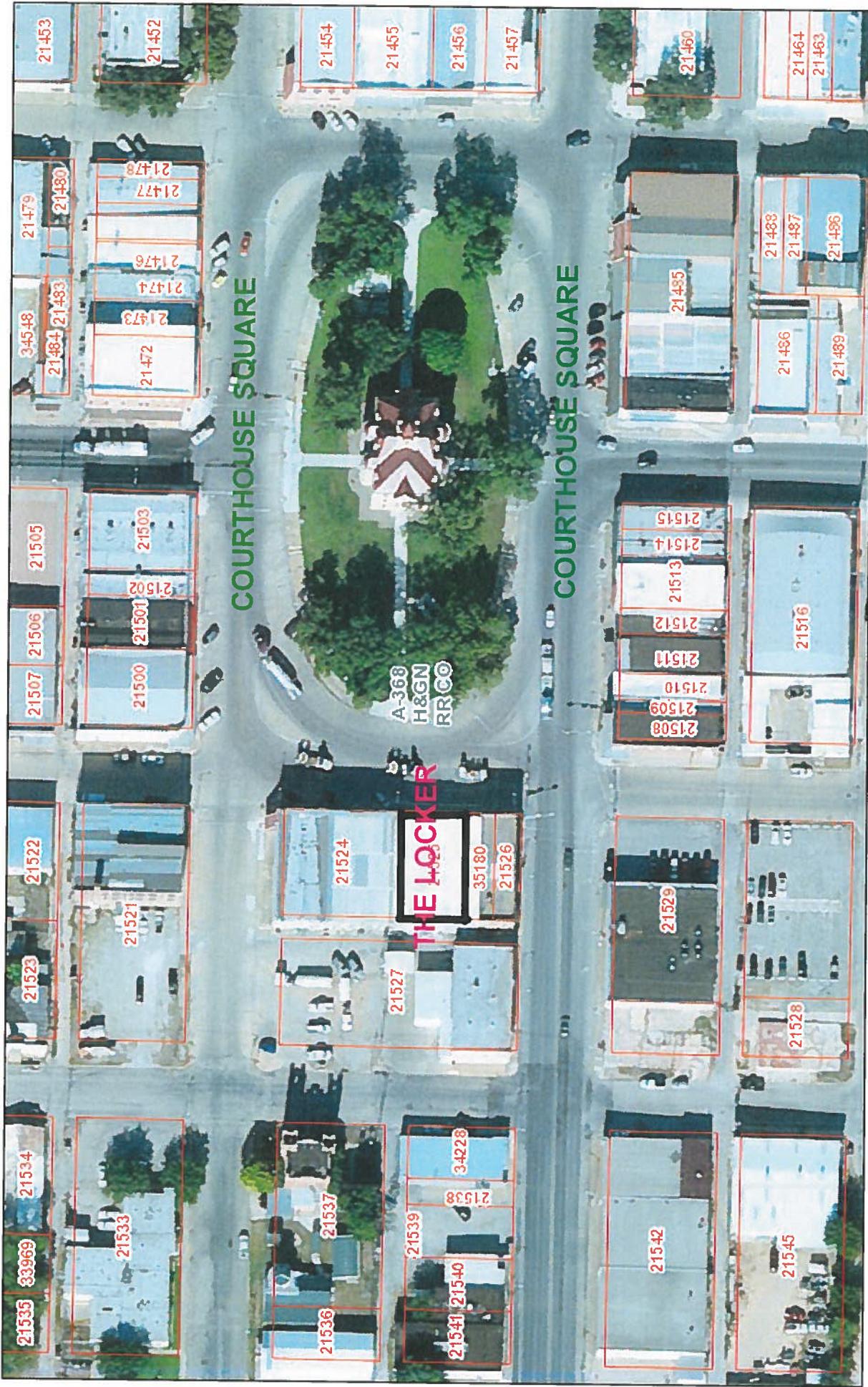
The Code Enforcement Division will only accept complete applications. This includes a completed application form, proof of ownership, non-refundable filing fee made payable to the City of Brady, legal description or surveyed plat drawn by a Licensed Surveyor, and a Comprehensive Site Plan (if applicable). Planning and Zoning Commission meetings are held on the 2nd Thursday of each month at 4:00 p.m. Applications are due thirty (30) days prior to the meeting date.

**Office Use Only:**

Complete Application  
 \$200.00 Fee  
 Proof of Ownership  
 Surveyed Plat  
 Comprehensive Site Plan (for PD or SUP)

Received by: Kimberly Davis  
Filing Date: \_\_\_\_\_  
P&Z Date: \_\_\_\_\_  
1st City Council Date: \_\_\_\_\_  
2nd City Council Date: \_\_\_\_\_

# The Locker



Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

1:1,634  
0 0.0125 0.025 0.05 mi  
0 0.02 0.04 0.08 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, iGP, swisstopo, and

McCulloch County Appraisal District & BIS Consulting - [www.bisconsultant.com](http://www.bisconsultant.com)

DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, iGP, swisstopo, and

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# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	07/07/2015	<b>AGENDA ITEM</b>	7.E.
<b>AGENDA SUBJECT:</b> Consideration and possible action on a zoning change from Commercial District (C) to Multi-Family Residential (MF) in the Zoning Ordinance for property located at the intersection of West 17 <sup>th</sup> Street and Nine Road as requested by the Texas Housing Foundation for the purpose of residential construction of an apartment complex.			
<b>PREPARED BY:</b> Tina Keys		<b>Date Submitted:</b>	7/2/15
<b>EXHIBITS:</b> Zoning Application Report			
<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>			
<p><b>SUMMARY:</b>            The Texas Housing Foundation has requested a zoning change from Commercial District (C) to Multi-Family Residential (MF) on the property at the intersection of West 17<sup>th</sup> and Nine Road. They will be submitting plans for an apartment complex if the zoning change passes.</p> <p>On June 2, 2015, after the joint public hearing, Planning &amp; Zoning met and recommended not to rezone the property. On June 9, 2015 City Council held a worksession to review P&amp;Z concerns. On June 9, 2015, City Council approved 1<sup>st</sup> reading of ordinance to rezone the property, as requested.</p>			

<b>RECOMMENDED ACTION:</b>
Motion to approve second reading on Ordinance 1173

## Zoning Application Report

**Request:** The Texas Housing Foundation is requesting a zoning change from Commercial District (C) to Multi-Family (MF) for property located at the intersection of West 17<sup>th</sup> Street and Nine Rd, legal description being 1412 F. Welleghausen Addition, Block 400

**Owner:** George Nasso is reported to be the owner but does not live in town so James Long Real Estate is acting on behalf of Mr. Nasso.

### Statement of Facts:

The current zoning in the area is predominantly Commercial District (C) with the Northern half being Single-Family Residential (SF-5) across West 17<sup>th</sup> Street. The East, West, and South sides are not in the City limits but the Eastern and Southern portions are occupied with residential homes. The West side is vacant with the Heart of Texas Hospital on the South side of the vacant lot which is in the City limits.

The current zoning of the property is Commercial District (C) which is designed to provide for commercial service-related establishments, such as wholesale product sales, welding shops, automotive repair services, upholstery shop restaurants, feed and grain store, kennel, distribution centers, motels, retail sales, and other similar commercial uses.

The proposed zoning change to Multi-Family Residential (MF) is an attached residential district intended to provide the highest residential density of twenty-five dwelling units per acre. Multi-Family Residential (MF) should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

Multi-Family Residential (MF) also allows for recreational, religious, health and educational uses as well as the multiple family dwellings.

This property is a prime location for the MF District since it would be a buffer between commercial development and medium to low density residential development.

**ORDINANCE NO. 1173**

**REZONING CERTAIN PROPERTY FROM C - COMMERCIAL DISTRICT TO  
MF – MULTI-FAMILY RESIDENTIAL UPON APPLICATION BY THE TEXAS  
HOUSING FOUNDATION, APPLICANT.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, the Brady Code of Ordinances Chapter 14 constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

**WHEREAS**, the Planning and Zoning Commission of the City of Brady provided adequate notice and held a public hearing on June 02, 2015 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission of the City of Brady has not recommended approval of the re-zoning of the designated properties and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of Brady's Zoning regulations; and

**WHEREAS**, the City Council of the City of Brady held a public hearing on June 02, 2015 regarding the re-zoning on affected properties and complied with notice provisions of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City of Brady believes the re-zoning of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to re-zone; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Brady;

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

1. Property being described as Block 400 of the F. Wellegehausen Addition, Abstract 1412, located at the intersection of West 17<sup>th</sup> Street and Nine Road from Commercial District to Multi-Family Residential.
2. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

**PASSED and APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

---

Anthony Groves, Mayor

ATTEST:

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Tina Keys, City Secretary

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	7-7-15	<b>AGENDA ITEM</b>	7.F.
<b>AGENDA SUBJECT:</b>	Per published public notices for July 7 – Consideration of issuing CO's for the Ed Davenport Civic Center Expansion and Renovation Project. (Due to receipt of 5% citizen petition against issuing CO's, no action proposed).		
<b>PREPARED BY:</b>	Kim Lenoir	<b>Date Submitted:</b>	7-2-15
<b>EXHIBITS:</b>	Copy of Petition was in June 16, 2015 Council Packet		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$0	
	<b>Amount Budgeted:</b>	\$0	
	<b>Appropriation Required:</b>	\$0	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b> Due to public notice publishing requirements, this item must be on the agenda. City Council should take "no action" since a 5% citizen petition was submitted.			
<b>RECOMMENDED ACTION:</b> No action			

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	07-07-2015	<b>AGENDA ITEM</b>	7.G.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding Resolution 2015-032 authorizing approval and execution of grant agreement with Texas Water Development Board in the amount of \$1,804,000; approval of a related escrow agreement and other matters related thereto.		
<b>PREPARED BY:</b>	T. Keys	<b>Date Submitted:</b>	07/07/2015
<b>EXHIBITS:</b>	Resolution 2015-032		
<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> Authorizing the City Manager to sign grant agreement with TWDB, escrow agreement and other matters related to the EDAP grant award.
--

<b>RECOMMENDED ACTION:</b> It is recommended that City Council approve Resolution 2015-032
---

**CITY OF BRADY, TEXAS**

**RESOLUTION NO. 2015-032**

**Authorized Representative Agreement Execution Resolution**

A RESOLUTION by the City Council of the City of Brady authorizing Kim Lenoir, City Manager, as the Designated Representative of the City of Brady to execute an agreement with the Texas Water Development Board for funding in the amount of \$1,804,000.

WHEREAS, the Texas Water Development Board made a commitment to provide financial assistance in the form of a grant in the amount of \$1,804,000 to the City of Brady to finance a water system project upon execution of a grant agreement; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY:

SECTION 1. Approval of Agreement. The agreement setting out the terms and conditions of the financial assistance between the Texas Water Development Board and the City of Brady is approved and the City of Brady's Designated Representative is authorized to execute the agreement on behalf of the City of Brady.

SECTION 2. Approval of Escrow Agreement. The agreement setting out the escrow terms related to the Texas Water Development Board funding.

SECTION 3. This Resolution shall become effectively immediately after its adoption.

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015

By: \_\_\_\_\_  
Anthony Groves, Mayor

ATTEST: \_\_\_\_\_  
Tina Keys, City Secretary

(Seal)

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	07/07/15	<b>AGENDA ITEM</b>	7.H.								
<b>AGENDA SUBJECT:</b> <p>Discussion, consideration and possible action regarding Resolution 2015-033 authorizing the City Manager to sign an Amendment to existing engineering services Agreement with Enprotec / Hibbs &amp; Todd (Abilene) as it relates to the Radium reduction in Brady's groundwater supply. eHT is concluding its preliminary engineering report and in proper project management and planning secured grant funding from the TWDB Economically Distressed Areas Program (EDAP) in the amount of \$1,804,000.00. Of this amount \$1,623,000.00 is secured for the final design phase (Amendment) of this project that includes the following:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;"> <ul style="list-style-type: none"> <li>• Design – Water Treatment Systems</li> <li>• Design – Water Transmission/Distribution Systems</li> <li>• Design – Water Storage Systems</li> </ul> </td> <td style="width: 30%; text-align: right; padding: 5px;"> \$659,000.00  \$460,000.00  <u>\$329,000.00</u> </td> </tr> <tr> <td style="width: 70%; padding: 5px;"> <ul style="list-style-type: none"> <li>• Services – Surveying / Geotechnical</li> <li>• Services – Project Management</li> <li>• Design – Permitting</li> </ul> </td> <td style="width: 30%; text-align: right; padding: 5px;"> Subtotal  \$1,448,000.00  \$125,000.00  \$25,000.00  <u>\$25,000.00</u> </td> </tr> <tr> <td style="width: 70%; padding: 5px;"> </td> <td style="width: 30%; text-align: right; padding: 5px;"> Subtotal  \$175,000.00 </td> </tr> <tr> <td style="width: 70%; padding: 5px;"> </td> <td style="width: 30%; text-align: right; padding: 5px;"> Total  <u>\$1,623,000.00</u> </td> </tr> </table>				<ul style="list-style-type: none"> <li>• Design – Water Treatment Systems</li> <li>• Design – Water Transmission/Distribution Systems</li> <li>• Design – Water Storage Systems</li> </ul>	\$659,000.00 \$460,000.00 <u>\$329,000.00</u>	<ul style="list-style-type: none"> <li>• Services – Surveying / Geotechnical</li> <li>• Services – Project Management</li> <li>• Design – Permitting</li> </ul>	Subtotal \$1,448,000.00 \$125,000.00 \$25,000.00 <u>\$25,000.00</u>		Subtotal \$175,000.00		Total <u>\$1,623,000.00</u>
<ul style="list-style-type: none"> <li>• Design – Water Treatment Systems</li> <li>• Design – Water Transmission/Distribution Systems</li> <li>• Design – Water Storage Systems</li> </ul>	\$659,000.00 \$460,000.00 <u>\$329,000.00</u>										
<ul style="list-style-type: none"> <li>• Services – Surveying / Geotechnical</li> <li>• Services – Project Management</li> <li>• Design – Permitting</li> </ul>	Subtotal \$1,448,000.00 \$125,000.00 \$25,000.00 <u>\$25,000.00</u>										
	Subtotal \$175,000.00										
	Total <u>\$1,623,000.00</u>										
<b>PREPARED BY:</b>	K Lenoir / S Miller	<b>Date Submitted:</b>	06/21/15								
<b>EXHIBITS:</b>	<p>Resolution Amendment No. 1 – Agreement for Consulting Services</p>										
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$1,623,000.00									
	<b>Amount Budgeted:</b>	\$1,623,000.00									
	<b>Appropriation Required:</b>	\$0.00									
<b>CITY MANAGER APPROVAL:</b>											
<b>SUMMARY:</b> <p>City recommends the authorization of the City Manager to sign an Amendment to the Agreement for consulting services from Enprotec / Hibbs &amp; Todd for developing the Final Design Contract Documents as it relates to the City of Brady Radium Reduction Project</p>											
<b>RECOMMENDED ACTION:</b> <p>Approve Resolution 2015-033. A resolution of the City Council of the City of Brady, TX authorizing the City Manager to sign an amendment to existing agreement with eHT relating to the Radium Reduction Project.</p>											

**RESOLUTION # 2015-033**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO EXISTING AGREEMENT WITH ENPROTECH / HIBBS & TODD RELATING TO THE RADIUM REDUCTION PROJECT.

WHEREAS, the City wishes to amend the existing agreement with Enprotech / Hibbs & Todd; and

WHEREAS, the City wishes to allow the City Manager to enter into an amendment to Agreement for Consulting Services for developing the Final Design Contract Documents; and

WHEREAS, the engineering company, Enprotec/Hibbs & Todd, Inc (eTH) has delivered extraordinary services to the City; and

WHEREAS, the City wishes to proceed with this final design stage of the Radium Reduction Project.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS,** the City Manager has authorization to sign an Amendment to existing engineering services agreement with Enprotech/Hibbs & Todd, (eHT) as it relates to the Radium Reduction Project in Brady's groundwater supply .

PASSED and APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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Anthony Groves, Mayor

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Tina Keys, City Secretary

**AMENDMENT NO. 1  
AGREEMENT FOR CONSULTING SERVICES**

**STATE OF TEXAS** §  
**COUNTY OF McCULLOCH** §  
**CITY OF BRADY, TX** §

This is an **Amendment to Agreement** (dated June 19, 2014) by and between the City of Brady, Texas, (CITY), a home rule municipal corporation located at 201 E. Main Street, Brady, Texas 76825, and, Enprotec / Hibbs & & Todd, Inc., (eHT) 402 Cedar, Abilene, Texas 79601, (325) 698-5560.

WHEREAS, CITY desires to obtain certain engineering professional services; and

WHEREAS, Enprotec / Hibbs & & Todd, Inc. is in the business of providing such services,

NOW, THEREFORE, the CITY and Enprotec / Hibbs & & Todd, Inc. mutually agrees as follows:

That Section II, **COMPENSATION**, is hereby amended and replaced as shown below for the Final Phase.

**II. COMPENSATION**

CITY shall compensate ENGINEER for its services in the amount and manner as described by the individual work orders. A fee summary follows:

Work Order No. 9, Water Treatment Systems	\$ 659,000.00
Work Order No. 10, Water Transmission/Distribution Systems	\$ 460,000.00
Work Order No. 11, Design of Water Storage System Design	<u>\$ 329,000.00</u>
Subtotal Basic Services	<b>\$1,448,000.00</b>
Work Order No. 12, Design Surveying/Geotechnical Services	\$ 125,000.00
Work Order No. 13, Project Management, Final Design Phase	\$ 25,000.00
Work Order No. 14, Permitting, Final Design Phase	<u>\$ 25,000.00</u>
Subtotal Special Services	<b>\$ 175,000.00</b>
<b>TOTAL FEE BASIS</b>	<b>\$1,623,000.00</b>

Unless otherwise stated or agreed to in writing by both parties, ENGINEER shall invoice CITY at the end of each month for the services performed under the scope of services in each work order during that month.

Additional services shall be billed at an hourly rate based on **Attachment B** as attached to this **Agreement**. ENGINEER reserves the right to update the charges annually.

ENGINEER shall invoice the CITY monthly and will reflect the percentage of the project completed at the

date of the invoice. The CITY shall process payments of amounts due for Basic Engineering Services, Special Services, Additional Services and Reimbursable Expenses, if any, under this **Agreement** within 60-days after ENGINEER's presentation of payment invoice. ENGINEER understands payment administration is coordinated with the Texas Water Development Board and release of reimbursements to CITY is through OUTLAY EXPENDITURE REPORTS.

Reimbursable expenses shall mean the ENGINEER's cost of reproduction of reports, drawings and similar project related items. Reimbursable expenses are controlled or otherwise limited as shown in the Reimbursable Expense Addendum as attached and made a part of this **Agreement**.

Section IV, **TERM**, is hereby amended and replaced as shown below for the Final Design Phase.

#### IV. TERM

ENGINEER shall complete all Work Orders and Special Services on or before August 1, 2016.

Either party may terminate the **Agreement** or Contract at any time upon thirty (30) days written notice. Upon ENGINEER's receipt of such Notice by the CITY, ENGINEER shall cease work immediately.

If this **Agreement** is terminated by the CITY, the ENGINEER will be paid for services performed to the date of termination. If this **Agreement** is terminated by the ENGINEER, the ENGINEER will be paid for services performed on the completed portions of the project which are usable to the CITY.

If, through any cause, ENGINEER fails to fulfill its obligations under this **Agreement**, or if the ENGINEER violates any of the conditions or requirements of this **Agreement**, CITY has the right to terminate this **Agreement** or Contract by giving the ENGINEER five (5) days written notice the ENGINEER will be compensated for the services satisfactorily performed before the termination date.

CITY OF BRADY, TEXAS

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Kim Lenoir, City Manager

ATTEST:

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Tina Keys, City Secretary

ENPROTEC / HIBBS & TODD, INC.

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Keith P. Kindle, Chief Operating Officer

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Date

ATTACHMENT A

\_\_\_\_\_, 2015

Enprotec/Hibbs & Todd, Inc.  
402 Cedar  
Abilene, Texas 79601  
Attn: Keith P. Kindle, P.E.

**Re: Work Order No. 9 under Consulting Services Agreement  
Water Treatment System Design**

Dear Mr. Kindle:

The City of Brady is requesting Enprotec/Hibbs & Todd, Inc. (eHT) to provide the following services for the *City of Brady Radium Reduction Project*. The services to be performed include *design of water treatment systems* as detailed in the Preliminary Engineering Report (PER) and scope of services shown in Exhibit A attached. The work is authorized under the terms and conditions of the General Services Agreement dated June 19, 2014 between the City of Brady and eHT and any subsequent amendments of the General Services Agreement thereto. The scope of work is further described below.

eHT will complete preliminary and final design for the PER Groundwater Alternative No. 11 and Surface Water Alternative No. 9 that includes the following items listed below at the City's Surface Water Treatment Plant (SWTP). It is understood that the general description below is based on a planning level effort and may be modified through agreement by both parties during design to respond to conditions, operational changes or issues discovered during the design phase.

- ✓ Addition of new 3.0 MGD radionuclide treatment system;
- ✓ Addition of a new 4.0 MGD iron removal system at the SWTP;
- ✓ Addition of a modification to SWTP building to house the radionuclide and iron removal systems;
- ✓ Addition of a new polyphosphate chemical feed system;
- ✓ Modification of the City's existing SCADA system to be multi-platform, authentication web base with remote sensing to include flow, pressure, power status, pump on-off and H.O.A. manual override;
- ✓ Modification of piping and valves;
- ✓ Modification of existing High Service Pump Station if needed;
- ✓ Modification of chlorine feed system if needed;
- ✓ Addition of new RO feed pump;
- ✓ Addition of new permeate storage and flushing system;
- ✓ Modification of the existing RO CIP system;
- ✓ Modification of the existing chemical feed system (if needed); and,
- ✓ Modification of existing piping and valves (if needed).

The compensation for services shall be in on a *lump sum basis* in the amount of \$659,000.00. The duration of the assignment is 365 calendar days. Upon execution, this Work Order authorizes eHT to proceed with the above-referenced services.

Please sign this Work Order, keep a copy for your files, and return a copy to me.

**City of Brady**

**Enprotec/Hibbs & Todd, Inc.**

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Kim Lenoir  
City Manager

Date: \_\_\_\_\_

Attach: *Exhibit A*

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Keith P. Kindle, P.E.  
Chief Operating Officer

Date: \_\_\_\_\_

**Work Order No. 9**

**Exhibit "A"**

**Scope of Services**

Attached to and Incorporated into by Reference the Work Order No. 9

*Dated:* \_\_\_\_\_

**I. Preliminary Design Phase – Water Treatment System Design**

- A. After acceptance by OWNER of the Engineering Feasibility Report, selection by OWNER of a recommended solution and indication of character, or design requirements of the Project desired by OWNER, ENGINEER shall:
  1. On the basis of the above acceptance, selection, and authorization, prepare Preliminary Design Phase documents consisting of final design criteria, preliminary drawings, outline specifications and written descriptions of the Project.
  2. Provide necessary field surveys and topographic and utility mapping for design purposes via a separate work order. Utility mapping will be based upon information obtained from utility owners or operator.
  3. Advise OWNER if additional reports, data, information, or Services of the types not contained in this Agreement are necessary and assist OWNER in obtaining such reports, data, information, or Services.
  4. Based on the information contained in the Preliminary Design Phase documents, submit a revised opinion of probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER.
  5. Perform or provide the following additional Preliminary Design Phase tasks or deliverables:
    - a. Furnish the Basis of Design report – Water treatment System Design
    - b. Furnish the Preliminary Design Phase documents to and review them with OWNER.
    - c. Submit to OWNER 5 final copies of the Preliminary Design Phase documents and revised opinion of probable Construction Cost.
- B. ENGINEER's performance for developing Preliminary Design Phase – Water Treatment System Design documents and the basis for ENGINEER's compensation under this Agreement is one (1) project:
  1. Water Treatment System Design.
- C. ENGINEER's Services under the Preliminary Design Phase will be considered complete on the date when final copies of the Preliminary Design Phase – Water Treatment System Design documents have been delivered to OWNER.

II. Final Design Phase – Water Treatment System Design

- A. After acceptance by OWNER of the Preliminary Design Phase documents and revised opinion of probable Construction Cost as determined in the Preliminary Design Phase, but subject to any OWNER-directed modifications or changes in the scope, extent, character, or design requirements of or for the Project, ENGINEER shall:
  - 1. On the basis of the above acceptance, direction, and authorization, prepare final Drawings indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. Specifications will be prepared, where appropriate, in general conformance with the 16-division format of the Construction Specifications Institute.
  - 2. Advise OWNER of any adjustments to the Opinion of Probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER.
  - 3. Prepare and furnish Bidding Documents for review and approval by OWNER, its legal counsel, the TWDB, the Texas Commission on Environmental Quality, and other advisors, as appropriate, and assist OWNER in the preparation of other related documents.
  - 4. Submit 5 final copies of the Bidding Documents and a revised opinion of probable Construction Cost to OWNER. Print additional copies of documents as required during bidding.
- B. ENGINEER's performance for developing Final Design Phase – Water Treatment System Design documents and the basis for ENGINEER's compensation under this Agreement is one (1) project:
  - 1. Water Treatment System Design.
- C. ENGINEER's Services under the Final Design Phase – Water Treatment System Design will be considered complete on the date when the final submittals required above have been delivered to OWNER.

III. Additional Services Requiring OWNER's Authorization in Advance

- A. If authorized in writing by OWNER, ENGINEER shall furnish or obtain from others Additional Services of the types listed below. These services will be paid for by OWNER.
  - 1. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by ENGINEER or its design requirements including, but not limited to, changes in size, complexity, OWNER's schedule, character of construction, or method of financing; and revising previously accepted studies, reports, Drawings, Specifications, or Contract Documents when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date of this Agreement or are due to any other causes beyond ENGINEER's control.
  - 2. Services attributable to multiple prime construction contracts, in excess of the one (1) contemplated under this Agreement.

3. Services during out-of-town travel required of ENGINEER other than for visits to the Site or OWNER's office, or the Texas Water Development Board / Texas Commission on Environmental Quality.
4. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering, and constructability review requested by OWNER; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
5. Assistance in connections with Bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
6. Providing assistance in resolving any Hazardous Environmental Condition in compliance with current Laws and Regulations.
7. Preparing to serve or serving as a consultant or witness for OWNER in any litigation, arbitration or other dispute resolution process related to the Project.
8. Other services performed or furnished by ENGINEER not otherwise provided for in this Agreement.

ATTACHMENT A

\_\_\_\_\_, 2015

Enprotec/Hibbs & Todd, Inc.  
402 Cedar  
Abilene, Texas 79601  
Attn: Keith P. Kindle, P.E.

**Re: Work Order No. 10 under Consulting Services Agreement  
Water Transmission and Distribution System Design**

Dear Mr. Kindle:

The City of Brady is requesting Enprotec/Hibbs & Todd, Inc. (eHT) to provide the following services for the *City of Brady Radium Reduction Project*. The services to be performed include *design of water transmission and distribution improvements* as detailed in the Preliminary Engineering Report (PER) and scope of services shown in Exhibit A attached. The work is authorized under the terms and conditions of the General Services Agreement dated June 19, 2014 between the City of Brady and eHT and any subsequent amendment of the General Services Agreement thereto.

eHT will complete the preliminary and final design for PER Transmission/Distribution Alternative 3.D as described below. It is understood that the general description below is based on a planning level effort and may be modified through agreement by both parties during design to respond to conditions, operational changes or issues discovered during the design phase.

- ✓ Addition of 7,500 linear feet of 24-inch diameter finished water transmission piping;
- ✓ Addition of 25,000 linear feet of 16-inch finished water piping;
- ✓ Addition of 4 RPZ assemblies at proposed transmission tie-in points into the existing distribution system;
- ✓ Addition of a new SCADA control system to be multi-platform, authentication web base with remote sensing to include flow, pressure, power status, pump on-off and H.O.A. manual override at each tank and RPZ tie-in site (7 locations); and,
- ✓ Modification of piping and valves at each tank and RPZ tie-in site (7 locations).

The compensation for services shall be in on a *lump sum basis* in the amount of \$460,000.00. The duration of the assignment is 365 calendar days. Upon execution, this Work Order authorizes eHT to proceed with the above-referenced services.

Please sign this Work Order, keep a copy for your files, and return a copy to me.

**City of Brady**

**Enprotec/Hibbs & Todd, Inc.**

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Kim Lenoir  
City Manager

Date: \_\_\_\_\_

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Keith P. Kindle, P.E.  
Chief Operating Officer

Date: \_\_\_\_\_

Attach: **Exhibit A**

**Work Order No. 10**

**Exhibit "A"**

**Scope of Services**

Attached to and Incorporated into by Reference the Work Order No. 10

*Dated:* \_\_\_\_\_

**I. Preliminary Design Phase – Water Transmission and Distribution System Design**

- A. After acceptance by OWNER of the Engineering Feasibility Report, selection by OWNER of a recommended solution and indication of character, or design requirements of the Project desired by OWNER, ENGINEER shall:
  - 1. On the basis of the above acceptance, selection, and authorization, prepare Preliminary Design Phase documents consisting of final design criteria, preliminary drawings, outline specifications and written descriptions of the Project.
  - 2. Provide necessary field surveys and topographic and utility mapping for design purposes via a separate work order. Utility mapping will be based upon information obtained from utility owners or operator.
  - 3. Advise OWNER if additional reports, data, information, or Services of the types not contained in this Agreement are necessary and assist OWNER in obtaining such reports, data, information, or Services.
  - 4. Based on the information contained in the Preliminary Design Phase documents, submit a revised opinion of probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER.
  - 5. Perform or provide the following additional Preliminary Design Phase tasks or deliverables:
    - a. Furnish Basis of Design Report – Water Transmission and Distribution System Design
    - b. Furnish the Preliminary Design Phase documents to and review them with OWNER.
    - c. Submit to OWNER 5 final copies of the Preliminary Design Phase documents and revised opinion of probable Construction Cost.
- B. ENGINEER's performance for developing Preliminary Design Phase – Water Transmission and Distribution System Design documents and the basis for ENGINEER's compensation under this Agreement is one (1) project:
  - 1. Water Transmission and Distribution System Design.
- C. ENGINEER's Services under the Preliminary Design Phase will be considered complete on the date when final copies of the Preliminary Design Phase – Water Transmission and Distribution System Design documents have been delivered to OWNER.

II. Final Design Phase – Water Transmission and Distribution System Design

- A. After acceptance by OWNER of the Preliminary Design Phase documents and revised opinion of probable Construction Cost as determined in the Preliminary Design Phase, but subject to any OWNER-directed modifications or changes in the scope, extent, character, or design requirements of or for the Project, ENGINEER shall:
  - 1. On the basis of the above acceptance, direction, and authorization, prepare final Drawings indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. Specifications will be prepared, where appropriate, in general conformance with the 16-division format of the Construction Specifications Institute.
  - 2. Advise OWNER of any adjustments to the Opinion of Probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER.
  - 3. Prepare and furnish Bidding Documents for review and approval by OWNER, its legal counsel, the TWDB, the Texas Commission on Environmental Quality, and other advisors, as appropriate, and assist OWNER in the preparation of other related documents.
  - 4. Submit 5 final copies of the Bidding Documents and a revised opinion of probable Construction Cost to OWNER. Print additional copies of documents as required during bidding.
- B. ENGINEER's performance for developing Final Design Phase – Water Transmission and Distribution System Design documents and the basis for ENGINEER's compensation under this Agreement is one (1) project:
  - 1. Water Transmission and Distribution System Design.
- C. ENGINEER's Services under the Final Design Phase will be considered complete on the date when the final submittals required above have been delivered to OWNER.

III. Additional Services Requiring OWNER's Authorization in Advance

- A. If authorized in writing by OWNER, ENGINEER shall furnish or obtain from others Additional Services of the types listed below. These services will be paid for by OWNER.
  - 1. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by ENGINEER or its design requirements including, but not limited to, changes in size, complexity, OWNER's schedule, character of construction, or method of financing; and revising previously accepted studies, reports, Drawings, Specifications, or Contract Documents when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date of this Agreement or are due to any other causes beyond ENGINEER's control.
  - 2. Services attributable to multiple prime construction contracts, in excess of the one (1) contemplated under this Agreement.

3. Services during out-of-town travel required of ENGINEER other than for visits to the Site or OWNER's office, or the Texas Water Development Board / Texas Commission on Environmental Quality.
4. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering, and constructability review requested by OWNER; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
5. Assistance in connections with Bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
6. Providing assistance in resolving any Hazardous Environmental Condition in compliance with current Laws and Regulations.
7. Preparing to serve or serving as a consultant or witness for OWNER in any litigation, arbitration or other dispute resolution process related to the Project.
8. Other services performed or furnished by ENGINEER not otherwise provided for in this Agreement.

ATTACHMENT A

\_\_\_\_\_, 2015

Enprotec/Hibbs & Todd, Inc.  
402 Cedar  
Abilene, Texas 79601  
Attn: Keith P. Kindle, P.E.

**Re: Work Order No. 11 under Consulting Services Agreement  
Water Storage System Design**

Dear Mr. Kindle:

The City of Brady is requesting Enprotec/Hibbs & Todd, Inc. (eHT) to provide the following *services* for the *City of Brady Radium Reduction Project*. The services to be performed include *design of water storage improvements* as detailed in the Preliminary Engineering Report (PER) and scope of services shown in Exhibit A attached. The work is authorized under the terms and conditions of the General Services Agreement dated June 19, 2014 between the City of Brady and eHT and any subsequent amendments of the General Services Agreement thereto.

eHT will complete the preliminary and final design for PER Transmission/Distribution Alternative 3.D for the water storage system as described below. It is understood that the general description below is based on a planning level effort and may be modified through agreement by both parties during design to respond to conditions, operational changes or issues discovered during the design phase.

- ✓ Addition of a new 0.5 MG EST at the FM 2028 tank site;
- ✓ Addition of a new 100,000 gallon EST adjacent to Curtis Field;
- ✓ Addition of a new 100,000 gallon GST at the Well No. 7 site;
- ✓ Addition of a new EST transfer Pump Station at the Well No. 7 site;
- ✓ Demolition of the City's existing EST; and,
- ✓ Demolition of the City's existing North Standpipe.

The compensation for services shall be in on a *lump sum basis* in the amount of \$329,000.00. The duration of the assignment is 365 calendar days. Upon execution, this Work Order authorizes eHT to proceed with the above-referenced services.

Please sign this Work Order, keep a copy for your files, and return a copy to me.

**City of Brady**

**Enprotec/Hibbs & Todd, Inc.**

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Kim Lenoir  
City Manager

Date: \_\_\_\_\_

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Keith P. Kindle, P.E.  
Chief Operating Officer

Date: \_\_\_\_\_

Attach: **Exhibit A**

## Work Order No. 11

### Exhibit "A"

#### Scope of Services

Attached to and Incorporated into by Reference the Work Order No. 11

*Dated:* \_\_\_\_\_

I. Preliminary Design Phase – Water Storage System Design

- A. After acceptance by OWNER of the Engineering Feasibility Report, selection by OWNER of a recommended solution and indication of character, or design requirements of the Project desired by OWNER, ENGINEER shall:
  1. On the basis of the above acceptance, selection, and authorization, prepare Preliminary Design Phase documents consisting of final design criteria, preliminary drawings, outline specifications and written descriptions of the Project.
  2. Provide necessary field surveys and topographic and utility mapping for design purposes via a separate work order. Utility mapping will be based upon information obtained from utility owners or operator.
  3. Advise OWNER if additional reports, data, information, or Services of the types not contained in this Agreement are necessary and assist OWNER in obtaining such reports, data, information, or Services.
  4. Based on the information contained in the Preliminary Design Phase documents, submit a revised opinion of probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER.
  5. Perform or provide the following additional Preliminary Design Phase tasks or deliverables:
    - a. Furnish the Basis of Design Report – Water Storage System Design
    - b. Furnish the Preliminary Design Phase documents to and review them with OWNER.
    - c. Submit to OWNER 5 final copies of the Preliminary Design Phase documents and revised opinion of probable Construction Cost.
- B. ENGINEER's performance for developing Preliminary Design Phase – Water Storage System Design documents and the basis for ENGINEER's compensation under this Agreement is one (1) project:
  1. Water Storage System Design.
- C. ENGINEER's Services under the Preliminary Design Phase – Water Storage System Design will be considered complete on the date when final copies of the Preliminary Design Phase documents have been delivered to OWNER.

II. Final Design Phase – Water Storage System Design

- A. After acceptance by OWNER of the Preliminary Design Phase documents and revised opinion of probable Construction Cost as determined in the Preliminary Design Phase, but subject to any OWNER-directed modifications or changes in the scope, extent, character, or design requirements of or for the Project, ENGINEER shall:
  - 1. On the basis of the above acceptance, direction, and authorization, prepare final Drawings indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. Specifications will be prepared, where appropriate, in general conformance with the 16-division format of the Construction Specifications Institute.
  - 2. Advise OWNER of any adjustments to the Opinion of Probable Construction Cost and any adjustments to Total Project Costs known to ENGINEER.
  - 3. Prepare and furnish Bidding Documents for review and approval by OWNER, its legal counsel, the TWDB, the Texas Commission on Environmental Quality, and other advisors, as appropriate, and assist OWNER in the preparation of other related documents.
  - 4. Submit 5 final copies of the Bidding Documents and a revised opinion of probable Construction Cost to OWNER. Print additional copies of documents as required during bidding.
- B. ENGINEER's performance for developing Final Design Phase – Water Storage System Design documents and the basis for ENGINEER's compensation under this Agreement is one (1) project:
  - 1. Water Storage System Design.
- C. ENGINEER's Services under the Final Design Phase will be considered complete on the date when the final submittals required above have been delivered to OWNER.

III. Additional Services Requiring OWNER's Authorization in Advance

- A. If authorized in writing by OWNER, ENGINEER shall furnish or obtain from others Additional Services of the types listed below. These services will be paid for by OWNER.
  - 1. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by ENGINEER or its design requirements including, but not limited to, changes in size, complexity, OWNER's schedule, character of construction, or method of financing; and revising previously accepted studies, reports, Drawings, Specifications, or Contract Documents when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date of this Agreement or are due to any other causes beyond ENGINEER's control.
  - 2. Services attributable to multiple prime construction contracts, in excess of the one (1) contemplated under this Agreement.

3. Services during out-of-town travel required of ENGINEER other than for visits to the Site or OWNER's office, or the Texas Water Development Board / Texas Commission on Environmental Quality.
4. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering, and constructability review requested by OWNER; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
5. Assistance in connections with Bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
6. Providing assistance in resolving any Hazardous Environmental Condition in compliance with current Laws and Regulations.
7. Preparing to serve or serving as a consultant or witness for OWNER in any litigation, arbitration or other dispute resolution process related to the Project.
8. Other services performed or furnished by ENGINEER not otherwise provided for in this Agreement.

ATTACHMENT A

\_\_\_\_\_, 2015

Enprotec/Hibbs & Todd, Inc.  
402 Cedar  
Abilene, Texas 79601  
Attn: Keith P. Kindle, P.E.

**Re: Work Order No. 12 under Consulting Services Agreement  
Design Survey Services and Geotechnical Investigations**

Dear Mr. Kindle:

The City of Brady is requesting Enprotec/Hibbs & Todd, Inc. (eHT) to provide the following *services* for the *City of Brady Radium Reduction Project*. The services to be performed include *design survey and geotechnical investigations for water treatment, transmission, distribution and storage improvements* as detailed in the Preliminary Engineering Report (PER) and scope of services shown in Exhibit A attached. The work is authorized under the terms and conditions of the General Services Agreement dated June 19, 2014 between the City of Brady and eHT and any subsequent amendments of the General Services Agreement thereto.

eHT will provide design survey and geotechnical engineering services to support the preliminary and final design of Work Orders No. 9, No. 10 and No. 11 included in this Amendment No. 1 of the General Services Agreement and generally described as the City of Brady TWDB-EDAP Radionuclide Removal Project.

The compensation for services shall be in on a *time and material basis* in the not-to-exceed amount of \$125,000.00. The duration of the assignment is 365 calendar days. Upon execution, this Work Order authorizes eHT to proceed with the above-referenced services.

Please sign this Work Order, keep a copy for your files, and return a copy to me.

**City of Brady**

**Enprotec/Hibbs & Todd, Inc.**

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Kim Lenoir  
City Manager

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Keith P. Kindle, P.E.  
Chief Operating Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attach: **Exhibit A**

## Work Order No. 12

### Exhibit "A"

#### Scope of Services

Attached to and Incorporated into by Reference the Work Order No. 12

*Dated:* \_\_\_\_\_

- I. Provide necessary field surveys and topographic and utility mapping for design purposes work for water treatment, transmission, distribution and storage improvements. Utility mapping will be based upon information obtained from utility owners or operator.
- II. Provide necessary geotechnical investigations, sampling and analysis to support the structural and overall design for water treatment, transmission, distribution and storage improvements. The number of samples eHT collects, or the number of tests it performs are necessarily limited by budgetary and time constraints, and observations and samples because they are obtained from a specific geographic location may not exactly represent similar samples or observations in the immediate vicinity. Client agrees to the amount or level of testing performed and the associated risk. eHT does not guarantee that all violations, problems, or sources of possible environmental condition will be identified, that all contaminants or environmental conditions will be detected/identified, or that requirements, standards, or conditions will not change over time. Any report issued by eHT will set forth its findings and conclusions based on the limited information available from the observations, investigations, sampling and/or testing conducted under this Agreement. In preparing its report, eHT may review and interpret information provided by the Client, third parties, and regulatory agencies and will be entitled to rely on the accuracy of such information, including laboratory results, without performing an independent verification. eHT may include in its report a Statement of Limitations describing the limits of its investigations and findings and a statement that the report is for the Client's use only and will not be relied on by any third party, except as expressly agreed in writing by eHT, and then only at such third party's own risk. eHT will take reasonable precautions to reduce damage to the site when performing Work; however, Client accepts that invasive services such as drilling or sampling may damage or alter the site. Site restoration is not provided unless specifically included in the Work.

ATTACHMENT A

\_\_\_\_\_, 2015

Enprotec/Hibbs & Todd, Inc.  
402 Cedar  
Abilene, Texas 79601  
Attn: Keith P. Kindle, P.E.

**Re: Work Order No. 13 under Consulting Services Agreement  
Project Management – Final Design Phase**

Dear Mr. Kindle:

The City of Brady is requesting Enprotec/Hibbs & Todd, Inc. (eHT) to provide the following *services* for the *City of Brady Radium Reduction Project*. The services to be performed include *project management of the design for water treatment, transmission, distribution and storage improvements* as detailed in the Preliminary Engineering Report (PER) and scope of services shown in Exhibit A attached. The work is authorized under the terms and conditions of the General Services Agreement dated June 19, 2014 between the City of Brady and eHT and any subsequent amendments of the General Services Agreement thereto.

The compensation for services shall be in on a *lump sum basis* in the amount of \$25,000.00. The duration of the assignment is 365 calendar days. Upon execution, this Work Order authorizes eHT to proceed with the above-referenced services.

Please sign this Work Order, keep a copy for your files, and return a copy to me.

**City of Brady**

**Enprotec/Hibbs & Todd, Inc.**

---

Kim Lenoir  
City Manager

Date: \_\_\_\_\_

Attach: *Exhibit A*

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Keith P. Kindle, P.E.  
Chief Operating Officer

Date: \_\_\_\_\_

## Work Order No. 13

### Exhibit "A"

#### Scope of Services

Attached to and Incorporated into by Reference the Work Order No. 13

*Dated:* \_\_\_\_\_

1. eHT will provide Project Management Services through the design phase of the City of Brady EDAP Project. The Project Management Services will include the following items listed below.
  - A. Preparation of TWDB, TCEQ, EPA Reports and Council Updates and attendance when so requested.
  - B. Coordination and management of design efforts and schedule for the water treatment, transmission, distribution and storage improvements.
  - C. Assistance with the Outlay Report Process (quarterly and monthly).
  - D. Maintenance and monitoring of the TWDB Sources and Uses Budget, including the preparation of amendments and final project expenses.
  - E. Preparation of TWDB Reports, Forms or other routine Program Requirements associated with the EDAP Program.
  - F. Coordination and preparation of communication items as necessary with the TWDB staff.
  - G. Guidance in accessing and applying for funding programs including, but not limited to, the TWDB, USDA, USEPA and TDA with special interest in the TWDB-EDAP.

ATTACHMENT A

\_\_\_\_\_, 2015

Enprotec/Hibbs & Todd, Inc.  
402 Cedar  
Abilene, Texas 79601  
Attn: Keith P. Kindle, P.E.

**Re: Work Order No. 14 under Consulting Services Agreement  
Permitting – Final Design Phase**

Dear Mr. Kindle:

The City of Brady is requesting Enprotec/Hibbs & Todd, Inc. (eHT) to provide the following *services* for the *City of Brady Radium Reduction Project*. The services to be performed include *permitting in support of the design for water treatment, transmission, distribution and storage improvements* as detailed in the Preliminary Engineering Report (PER) and scope of services shown in Exhibit A attached. The work is authorized under the terms and conditions of the General Services Agreement dated June 19, 2014 between the City of Brady and eHT and any subsequent amendments of the General Services Agreement thereto.

The compensation for services shall be in on a *lump sum basis* in the amount of \$25,000.00. The duration of the assignment is 365 calendar days. Upon execution, this Work Order authorizes eHT to proceed with the above-referenced services.

Please sign this Work Order, keep a copy for your files, and return a copy to me.

**City of Brady**

**Enprotec/Hibbs & Todd, Inc.**

---

Kim Lenoir  
City Manager

---

Keith P. Kindle, P.E.  
Chief Operating Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attach: *Exhibit A*

## Work Order No. 14

### Exhibit "A"

#### Scope of Services

Attached to and Incorporated into by Reference the Work Order No. 14

*Dated:* \_\_\_\_\_

1. Identify, coordinate and prepare the permitting documentation or applications necessary to allow the design of the proposed water treatment (surface and ground), transmission, distribution and storage improvements proceed to construction by the various agencies with jurisdiction (USACE, TxDOT, EPA, TCEQ and others).

## ATTACHMENT B

### SCHEDULE OF CHARGES Enprotec / Hibbs & Todd, Inc. & HDR CURRENT HOURLY CHARGES FOR PROFESSIONAL SERVICES

Charges include all salaries, salary expense, overhead, and profit.

Principal .....	\$ 190.00 per hour
Senior Project Manager .....	160.00 per hour
Project Manager.....	140.00 per hour
Senior Engineer / Geologist.....	135.00 per hour
Project Engineer / Geologist .....	125.00 per hour
Senior Engineering Technician .....	120.00 per hour
Staff Engineer I / Geologist.....	115.00 per hour
Staff Engineer II / Geologist .....	95.00 per hour
RPLS I.....	125.00 per hour
RPLS II.....	90.00 per hour
Operations Specialist / Regulatory Compliance Specialist .....	120.00 per hour
Engineering Technician I .....	100.00 per hour
Engineering Technician II .....	85.00 per hour
Engineering Technician III.....	70.00 per hour
CMT Tech I .....	50.00 per hour
CMT Tech II.....	45.00 per hour
Environmental Tech I .....	85.00 per hour
Environmental Tech II .....	70.00 per hour
Survey Tech I .....	70.00 per hour
Survey Tech II .....	50.00 per hour
CAD I .....	100.00 per hour
CAD II .....	90.00 per hour
CAD III .....	70.00 per hour
CAD IV .....	45.00 per hour
Secretarial.....	50.00 per hour
Survey Party Conventional .....	155.00 per hour - 3 man .....140.00 per hour - 2 man
GPS Survey Party.....	160.00 per hour

Our survey parties come equipped with surveying equipment appropriate for the job before them. No separate charges are made for use of electronic distance measuring devices, theodolites, vehicles, radios, etc.

#### Expense Items

Consultants, Contractors & Supplies .....	Cost plus 10%
Blue Line Prints.....	2.50 per copy
Film Sepias .....	10.00 per copy
Travel (out of town only).....	Current IRS rate per mile
Lodging and meals (out of town trips).....	Actual cost