



CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
NOVEMBER 3, 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 November 3, 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

Shannon Kackley
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 – October 20, 2015

5. PUBLIC COMMENTS

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

6. PRESENTATIONS AND PUBLIC HEARINGS

- A. Retail Coach Brady Study – Demographic Profile, Primary/Secondary Retail Trade Areas and GAP/Opportunity Analysis
- B. Wastewater Treatment Plant Replacement Project (Clean Water) Status Report
- C. WWTP Current Conditions
- D. Drinking Water Project (Radium Reduction) Status Report

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding **second and final** reading of Ordinance 1182 to amend FY 2014-15 Final Budget (reducing budget by \$2,615,982)
- B. Discussion, consideration, and possible action regarding **first** reading of Ordinance 1183 to revise Fee Schedule for Animal Services
- C. Discussion regarding City of Brady Sales Tax Rebate Economic Development Incentives for the proposed/possible US Cement Plant, not to exceed \$297,000 over 9 years or \$33,000 per year.
- D. Discussion regarding revisions to Junked Vehicle Ordinance.

8. STAFF REPORTS

- A. City Council Meetings move to the Service Center, 1405 North Bridge Street
- B. Nov 11, City Offices Closed – Veterans Day (no changes to trash schedule)
- C. November 21 – Hunter’s Appreciation Dinner
- D. Nov 26 & 27 – City Offices Closed – Thanksgiving Holidays
- E. **City will open for Utility Payments Only Friday, Nov 27, 10am to 2pm**
- F. Thursday and Friday trash pick-up moved to Wednesday, Nov 25
- G. Landfill will be closed – Thurs (Nov 26), Fri (Nov 27) , and Sat (Nov 28)

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 will adjourn into Executive Session for the following:

- A. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), the City Council will deliberate, vote, or take final action on a competitive matter regarding its electric utility – proposed contract with LCRA.
- B. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective cement plant (US Cement Plant) development project that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from prospective retail and other development projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.
- D. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real property as the deliberation in an open meeting will have the

detrimental effect on the position of the City in negotiations with a third person.

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

12. ADJOURNMENT

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

Tina Keys, 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.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

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).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

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, October 20, 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 Marilyn Gendusa, Jack Turk and Shelly Perkins. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Director of Public Works Steven Miller, Director of Finance Lisa Remini, Public Works Director Peter Lamont, Police Chief Steve Thomas, Andrew Williams and City Attorney Shannon Kackley. Others in attendance were Neal Ulmer, Rick and Nanette Morgan, Lynn Farris, Dub Smith, James Griffin and Frank Gendusa.

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

Mayor Groves called the meeting to order at 6:01 p.m. Roll was then called for Council and a quorum was certified.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AUDIT BOARD

Council Member Gendusa moved to approve the audit board. Seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried.

4. APPROVAL OF MINUTES for October 6, 12 and 15, 2015

Council Member Gendusa moved to approve the minutes for 10/6, 10/12 and 10/15, 2015. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried.

5. PUBLIC COMMENTS

There were no public comments

6. PRESENTATIONS AND PUBLIC HEARINGS

There were no presentations or public hearings.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding **second and final** reading of Ordinance 1181 to Zoning Ordinance 933, Section 28.10 (Zoning Use Chart) to allow Gun Repair and Sales in the Brady Lake Recreational District (BLR), Retail District (R), Central Business District (CBD), Commercial District (C), and Industrial District (I), and direct Staff as necessary. Kim Lenoir presented to Council. **Mayor: "Do I have a motion to read the full ordinance?" No motion was made, Mayor stated in accordance with City Charter: "A majority of the City Council has dispensed with the full reading of the ordinance." Mayor asked: "Madam City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter." City Secretary read the preamble. Mayor called for a motion:** Council Member Gendusa moved to approve second and final reading of Ordinance 1181. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried.
- B. Discussion, consideration, and possible action regarding **first** reading of Ordinance 1182 to amend FY 2014-2015 Final Budget (reducing budget by \$2,615,982). Lisa Remini presented to council. **Mayor: "Do I have a motion to read the full ordinance?" No motion was made, Mayor stated in accordance with City Charter: "A majority of the City Council has dispensed with the full reading of the ordinance." Mayor asked: "Madam**

City Secretary to read the Ordinance Preamble for the record in accordance with the City Charter.” City Secretary read the preamble. Mayor called for a motion: Council Member Perkins moved to approve first reading of Ordinance 1182. Seconded by Council Member Gendusa. All Council Members voted “aye” and none “nay”. Motion carried.

- C. Discussion, consideration, and possible action regarding first reading of Ordinance 1183 to revise Fee Schedule for Animal Services. City Attorney Kackley advised no action can be taken on a fee ordinance without 4 members present due to City Charter requirements. Due to only 3 council members being present, no action was taken. Kim Lenoir and Steve Thomas presented to council and will bring back at the next meeting for consideration.
- D. Discussion, consideration, and possible action regarding Resolution 2015-041 to apply for Generator Grant to be used at the Curtis Field Airport EOC (\$150,000 project; 75/25 grant; \$37,500 budget). Kim Lenoir presented to Council. Council Member Turk moved to approve Resolution 2015-041. Seconded by Council Member Gendusa. All Council Members voted “aye” and none “nay”. Motion carried.
- E. Discussion, consideration, and possible action regarding Resolution 2015-042 for Morgan Military Aviation Museum’s request to hold the 6th Annual Armed Forces Weekend Celebration & Fly-in at Curtis Field Airport on May 20-21, 2016. Dr. Rick Morgan presented to Council. Council Member Gendusa moved to approve Resolution 2015-042. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried.
- F. Discussion, consideration, and possible action regarding Resolution 2015-043 authorizing the city manager to execute an equipment lease / purchase agreement with Warren CAT, Midland, TX for a D6T dozer for the city landfill. Lisa Remini presented to Council. Council Member Gendusa moved to approve Resolution 2015-043. Seconded by Council Member Turk. All Council Members voted “aye” and none “nay”. Motion carried.
- G. Discussion, consideration and possible action regarding a new budget. Lisa Remini presented to Council. Council Member Turk moved to approve new budget policy. Seconded by Council Member Gendusa. All Council Members voted “aye”, and none “nay”. Motion carried.
- H. Discussion of recommended changes to Animal Services Ordinances. Kim Lenoir presented to Council. Animal Control Officer (ACO) Katherine Mitchell discussed requested changes including having chained animals be spayed and neutered. Also several other little changes that should be made. Requested to gather more information together and present to council at a later time with all recommended changes to the city ordinances.
- I. Discussion regarding updated annexation map and city limit boundaries. Kim Lenoir presented to Council. Council directed staff to include a public hearing before adopting the official city boundary map.
- J. Discussion, consideration and possible action regarding Board Appointments for Planning & Zoning. Council Member Gendusa moved to appoint Jo Ann Coffey to fill the vacant Place 5 Position from her previous alternate position. Seconded by Council Member Turk. All Council Members voted “aye” and none “nay”. Motion carries.

8. STAFF REPORTS

- A. Monthly Financial Reports for September – Lisa Remini presented to Council.
- B. Monthly Activity Reports – Seniors; Golf; BPD; HOT Events
- C. Quarterly Report for PAWS, in the first 4 months of operations 97 animal were received by the city ACO.
- D. Congratulate Kim Davee for receiving again her Level 1 Texas Municipal Court Clerks Certification
- E. Update of Texas Associate of Resource Conservation and Development Area Clean-up at Brady Lake
- F. October 19, early voting begins at McCulloch County Clerk Office for City of Brady Special Election to authorize the sale of Electric Substations to LCRA
- G. October 21, 11:30 a.m. Good News Luncheon
- H. Wednesdays, October 21 and 28 – Voting 7am to 7pm at County Clerk's Office
- I. Election Day is Tuesday, November 3, with voting hours 7am-7pm at your precinct. Precinct locations are: Precincts 101 and 301 at VFW Hall, 305 Memory Lane and Precincts 201 and 401 at Brady Housing Authority, 405 E. Main St.
- J. November 11 – City Offices Closed – Veteran's Day (no changes to trash schedule)
- K. November 21 – Hunter's Appreciation Dinner, Family Life Center, 1103 W. 17th
- L. Nov 26 & 27 – City Offices Closed – Thanksgiving Holiday (Thursday and Friday trash pick-up will be on Wednesday – Landfill closed Thurs., Fri., and Sat.)

9. ANNOUNCEMENTS

Marilyn Gendusa announced that today is domestic violence awareness day and appreciated the "Wear Purple Campaign."

10. EXECUTIVE SESSION

Council recessed at 7:23 p.m.

Council convened into executive session at 7:57pm

- A. Pursuant to Section 551.072 (Deliberations about Real Property) Possible Land Acquisition
- B. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), the City Council will deliberate, vote, or take final action on a competitive matter regarding its electric utility – proposed contract with LCRA.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective cement plant projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.
- D. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from prospective retail, restaurant, and other development projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.
- E. Pursuant to Section 551.074 (Personnel Matters) the City Council will deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or hear a complaint or charge against an officer or employee – update of vacant City positions, including pending applications, applicant pool, and employment incentives
- F. Pursuant to Section 551.074 (Personnel Matters) the City Council will deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or hear a complaint or charge against an officer or employee – duties of City Council

Executive Session adjourned at 9:37 p.m.

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

Regular Session reconvened at 9:38 p.m. No action was taken during or as a result of executive session.

12. ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 9:38 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

OPPORTUNITY



BRADY
THE TRUE HEART OF
TEXAS

COMMUNITY DEMOGRAPHIC PROFILE

Brady, Texas

Prepared for
City of Brady
June 2015

 TheRetailCoach®

Brady, Texas



Peter Lamont, Director of Community Services

Phone 325.597.2152 ext. 211
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Community Demographics

Brady, Texas

DESCRIPTION	DATA	%	DESCRIPTION	DATA	%
Population			2015 Est. Hisp. or Latino Pop by Single-Class. Race	2,067	
2020 Projection	5,710		White Alone	1,210	58.54
2015 Estimate	5,568		Black or African American Alone	24	1.16
2010 Census	5,528		American Indian and Alaska Native Alone	24	1.16
Growth 2015-2020	2.55%		Asian Alone	1	0.05
Growth 2010-2015	0.72%		Native Hawaiian and Other Pacific Islander Alone	0	0.00
2015 Est. Population by Single-Classification Race	5,568		Some Other Race Alone	713	34.49
White Alone	4,379	78.65	Two or More Races	95	4.60
Black or African American Alone	222	3.99	2015 Est. Pop by Race, Asian Alone, by Category	50	
Amer. Indian and Alaska Native Alone	47	0.84	Chinese, except Taiwanese	0	0.00
Asian Alone	50	0.90	Filipino	0	0.00
Native Hawaiian and Other Pac. Isl. Alone	4	0.07	Japanese	0	0.00
Some Other Race Alone	718	12.90	Asian Indian	12	24.00
Two or More Races	148	2.66	Korean	0	0.00
2015 Est. Population by Hispanic or Latino Origin	5,568		Vietnamese	0	0.00
Not Hispanic or Latino	3,501	62.88	Cambodian	0	0.00
Hispanic or Latino	2,067	37.12	Hmong	0	0.00
Mexican	1,762	85.24	Laotian	0	0.00
Puerto Rican	0	0.00	Thai	0	0.00
Cuban	2	0.10	All Other Asian Races Including 2+ Category	38	76.00
All Other Hispanic or Latino	303	14.66	2015 Est. Population by Ancestry	5,568	
			Arab	0	0.00
			Czech	5	0.09
			Danish	0	0.00
			Dutch	66	1.19
			English	299	5.37
			French (except Basque)	48	0.86
			French Canadian	0	0.00
			German	409	7.35
			Greek	0	0.00

Community Demographics

Brady, Texas

DESCRIPTION	DATA	%	DESCRIPTION	DATA	%
Hungarian	0	0.00	2015 Est. Population by Age	5,568	
Irish	264	4.74	Age 0 - 4	402	7.22
Italian	95	1.71	Age 5 - 9	403	7.24
Lithuanian	0	0.00	Age 10 - 14	391	7.02
United States or American	1,184	21.26	Age 15 - 17	226	4.06
Norwegian	27	0.48	Age 18 - 20	199	3.57
Polish	0	0.00	Age 21 - 24	246	4.42
Portuguese	0	0.00	Age 25 - 34	619	11.12
Russian	0	0.00	Age 35 - 44	597	10.72
Scottish	23	0.41	Age 45 - 54	655	11.76
Scottish-Irish	126	2.26	Age 55 - 64	695	12.48
Slovak	0	0.00	Age 65 - 74	593	10.65
Subsaharan African	0	0.00	Age 75 - 84	370	6.65
Swedish	82	1.47	Age 85 and over	172	3.09
Swiss	32	0.57			
Ukrainian	0	0.00	Age 16 and over	4,299	77.21
Welsh	0	0.00	Age 18 and over	4,146	74.46
West Indian (except Hsp. groups)	0	0.00	Age 21 and over	3,947	70.89
Other ancestries	2,253	40.46	Age 65 and over	1,135	20.38
Ancestry Unclassified	655	11.76			
			2015 Est. Median Age	40.0	
2015 Est. Pop Age 5+ by Language Spoken at Home	5,166		2015 Est. Average Age	40.4	
Speak Only English at Home	3,989	77.22			
Speak Asian/Pac. Isl. Lang. at Home	35	0.68			
Speak Indo-European Language at Home*	2	0.04			
Speak Spanish at Home	1,140	22.07			
Speak Other Language at Home	0	0.00			
2015 Est. Population by Sex	5,568				
Male	2,722	48.89			
Female	2,846	51.11			

Community Demographics

Brady, Texas

DESCRIPTION	DATA	%	DESCRIPTION	DATA	%
2015 Est. Male Population by Age	2,722		2015 Est. Median Age, Female	42.6	
Age 0 - 4	209	7.68	2015 Est. Average Age, Female	42.2	
Age 5 - 9	213	7.83			
Age 10 - 14	202	7.42	2015 Est. Pop Age 15+ by Marital Status		
Age 15 - 17	123	4.52	Total, Never Married	4,372	
Age 18 - 20	107	3.93	Males, Never Married	983	22.48
Age 21 - 24	126	4.63	Females, Never Married	614	14.04
Age 25 - 34	309	11.35	Married, Spouse present	369	8.44
Age 35 - 44	298	10.95	Married, Spouse absent	2,147	49.11
Age 45 - 54	320	11.76	Widowed	148	3.39
Age 55 - 64	331	12.16	Males Widowed	584	13.36
Age 65 - 74	274	10.07	Females Widowed	82	1.88
Age 75 - 84	155	5.69	Divorced	502	11.48
Age 85 and over	55	2.02	Males Divorced	510	11.67
			Females Divorced	247	5.65
				263	6.02
2015 Est. Median Age, Male	37.4				
2015 Est. Average Age, Male	38.6		2015 Est. Pop Age 25+ by Edu. Attainment		
			Less than 9th grade	3,701	
2015 Est. Female Population by Age			Some High School, no diploma	452	12.21
Age 0 - 4	193	6.78	High School Graduate (or GED)	258	6.97
Age 5 - 9	190	6.68	Some College, no degree	1,405	37.96
Age 10 - 14	189	6.64	Associate Degree	678	18.32
Age 15 - 17	103	3.62	Bachelor's Degree	246	6.65
Age 18 - 20	92	3.23	Master's Degree	423	11.43
Age 21 - 24	120	4.22	Professional School Degree	160	4.32
Age 25 - 34	310	10.89	Doctorate Degree	35	0.95
Age 35 - 44	299	10.51		44	1.19
Age 45 - 54	335	11.77			
Age 55 - 64	364	12.79	2015 Est. Pop Age 25+ by Edu. Attain., Hisp./Lat.		
Age 65 - 74	319	11.21	No High School Diploma	1,164	
Age 75 - 84	215	7.55	High School Graduate	471	40.46
Age 85 and over	117	4.11	Some College or Associate's Degree	467	40.12
			Bachelor's Degree or Higher	197	16.92
				29	2.49

Community Demographics

Brady, Texas

DESCRIPTION	DATA	%
Households		
2020 Projection	2,277	
2015 Estimate	2,217	
2010 Census	2,192	
Growth 2015-2020	2.71%	
Growth 2010-2015	1.14%	
2015 Est. Households by Household Type		
Family Households	2,217	
Nonfamily Households	1,462	65.94
	755	34.06
2015 Est. Group Quarters Population		
	104	
2015 HHs by Ethnicity: Hispanic/Latino		
	682	30.76
2015 Est. Households by HH Income		
Income < \$15,000	2,217	
Income \$15,000 - \$24,999	271	12.22
Income \$25,000 - \$34,999	443	19.98
Income \$35,000 - \$49,999	371	16.73
Income \$50,000 - \$74,999	414	18.67
Income \$75,000 - \$99,999	224	10.10
Income \$100,000 - \$124,999	192	8.66
Income \$125,000 - \$149,999	149	6.72
Income \$150,000 - \$199,999	61	2.75
Income \$200,000 - \$249,999	17	0.77
Income \$250,000 - \$499,999	9	0.36
Income \$500,000+	26	1.17
	41	1.85
2015 Est. Family HH Type by Presence of Own Child		
Married Couple Family, own children	1,462	
Married Couple Family, no own children	366	25.03
Male Householder, own children	691	47.26
Male Householder, no own children	82	5.61
Female Householder, own children	54	3.69
Female Householder, no own children	163	11.15
	106	7.25
2015 Est. Households by Household Size		
1-person	2,217	
2-person	676	30.49
3-person	725	32.70
4-person	330	14.88
5-person	243	10.96
6-person	139	6.27
7 or more-person	64	2.89
	40	1.80
2015 Median HH Inc. by Single-Class, Race or Eth.		
White Alone	38,477	
Black or African American Alone	37,222	
American Indian and Alaska Native Alone	34,091	
Asian Alone	100,000	
Native Hawaiian and Other Pacific Islander Alone	62,500	
Some Other Race Alone	22,760	
Two or More Races	25,000	
2015 Est. Average Household Income		
	\$58,726	
2015 Est. Median Household Income		
	\$35,851	

Community Demographics

Brady, Texas

DESCRIPTION	DATA	%	DESCRIPTION	DATA	%
2015 Est. Average Household Size	2.46		Family Households		
2015 Est. Households by Presence of People Under 18			2020 Projection	1,502	
Households with 1 or More People under Age 18	2,217		2015 Estimate	1,462	
Married-Couple Family	717	32.34	2010 Census	1,445	
Other Family, Male Householder	418	58.30			
Other Family, Female Householder	94	13.11	Growth 2015-2020	2.74%	
Nonfamily, Male Householder	193	26.92	Growth 2010-2015	1.18%	
Nonfamily, Female Householder	10	1.39			
	2	0.28	2015 Est. Families by Poverty Status	1,462	
Households with No People under Age 18			2015 Families at or Above Poverty	1,196	81.81
Married-Couple Family	1,500	67.66	2015 Families at or Above Poverty with Children	472	32.28
Other Family, Male Householder	638	42.53			
Other Family, Female Householder	43	2.87	2015 Families Below Poverty	266	18.19
Nonfamily, Male Householder	75	5.00	2015 Families Below Poverty with Children	209	14.30
Nonfamily, Female Householder	322	21.47			
	422	28.13	2015 Est. Pop Age 16+ by Employment Status	4,299	
2015 Est. Households by Number of Vehicles			In Armed Forces	0	0.00
No Vehicles	2,217		Civilian - Employed	2,392	55.64
1 Vehicle	134	6.04	Civilian - Unemployed	86	2.00
2 Vehicles	822	37.08	Not in Labor Force	1,821	42.36
3 Vehicles	886	39.96			
4 Vehicles	301	13.58	2015 Est. Civ. Employed Pop 16+ by Class of Worker	2,416	
5 or more Vehicles	30	1.35	For-Profit Private Workers	1,387	57.41
	44	1.98	Non-Profit Private Workers	115	4.76
			Local Government Workers	396	16.39
2015 Est. Average Number of Vehicles	1.8		State Government Workers	12	0.50
			Federal Government Workers	13	0.54
			Self-Employed Workers	483	19.99
			Unpaid Family Workers	10	0.41

Community Demographics

Brady, Texas

DESCRIPTION	DATA	%	DESCRIPTION	DATA	%
2015 Est. Civ. Employed Pop 16+ by Occupation	2,416		2015 Est. Workers Age 16+ by Transp. to Work	2,403	
Architect/Engineer	11	0.46	Drove Alone	1,936	80.57
Arts/Entertainment/Sports	1	0.04	Car Pooled	286	11.90
Building Grounds Maintenance	78	3.23	Public Transportation	0	0.00
Business/Financial Operations	48	1.99	Walked	58	2.41
Community/Social Services	24	0.99	Bicycle	0	0.00
Computer/Mathematical	43	1.78	Other Means	50	2.08
Construction/Extraction	230	9.52	Worked at Home	73	3.04
Education/Training/Library	221	9.15			
Farming/Fishing/Forestry	67	2.77	2015 Est. Workers Age 16+ by Travel Time to Work		
Food Prep/Serving	258	10.68	Less than 15 Minutes	1,627	
Health Practitioner/Technician	108	4.47	15 - 29 Minutes	379	
Healthcare Support	56	2.32	30 - 44 Minutes	155	
Maintenance Repair	87	3.60	45 - 59 Minutes	18	
Legal	0	0.00	60 or more Minutes	150	
Life/Physical/Social Science	41	1.70			
Management	96	3.97	2015 Est. Avg. Travel Time to Work in Minutes	16.93	
Office/Admin. Support	277	11.47			
Production	140	5.79	2015 Est. Occupied Housing Units by Tenure		
Protective Services	46	1.90	Owner Occupied	2,217	
Sales/Related	264	10.93	Renter Occupied	1,505	67.88
Personal Care/Service	54	2.24		712	32.12
Transportation/Moving	266	11.01	2015 Owner Occ. HUs: Avg. Length of Residence	16.5	
2015 Est. Pop 16+ by Occupation Classification	2,416		2015 Renter Occ. HUs: Avg. Length of Residence	8.4	
Blue Collar	723	29.93			
White Collar	1,134	46.94			
Service and Farm	559	23.14			

Community Demographics

Brady, Texas

DESCRIPTION	DATA	%
2015 Est. Owner-Occupied Housing Units by Value	1,505	
Value Less than \$20,000	150	9.97
Value \$20,000 - \$39,999	208	13.82
Value \$40,000 - \$59,999	219	14.55
Value \$60,000 - \$79,999	224	14.88
Value \$80,000 - \$99,999	125	8.31
Value \$100,000 - \$149,999	213	14.15
Value \$150,000 - \$199,999	194	12.89
Value \$200,000 - \$299,999	83	5.51
Value \$300,000 - \$399,999	15	1.00
Value \$400,000 - \$499,999	29	1.93
Value \$500,000 - \$749,999	34	2.26
Value \$750,000 - \$999,999	10	0.66
Value \$1,000,000 or more	1	0.07

2015 Est. Median All Owner-Occupied Housing Value

\$75,670

2015 Est. Housing Units by Units in Structure

1 Unit Attached	2,678	0.82
1 Unit Detached	2,241	83.68
2 Units	210	7.84
3 or 4 Units	28	1.05
5 to 19 Units	50	1.87
20 to 49 Units	19	0.71
50 or More Units	0	0.00
Mobile Home or Trailer	108	4.03
Boat, RV Van, etc.	0	0.00

DESCRIPTION	DATA	%
2015 Est. Housing Units by Year Structure Built	2,678	
Housing Units Built 2010 or later	43	1.61
Housing Units Built 2000 to 2009	219	8.18
Housing Units Built 1990 to 1999	248	9.26
Housing Units Built 1980 to 1989	224	8.36
Housing Units Built 1970 to 1979	400	14.94
Housing Units Built 1960 to 1969	528	19.72
Housing Units Built 1950 to 1959	441	16.47
Housing Units Built 1940 to 1949	238	8.89
Housing Unit Built 1939 or Earlier	337	12.58
2015 Est. Median Year Structure Built	1966	

OPPORTUNITY

LICENSE PLATE SURVEY

Brady, Texas

Prepared for
City of Brady
June 2015

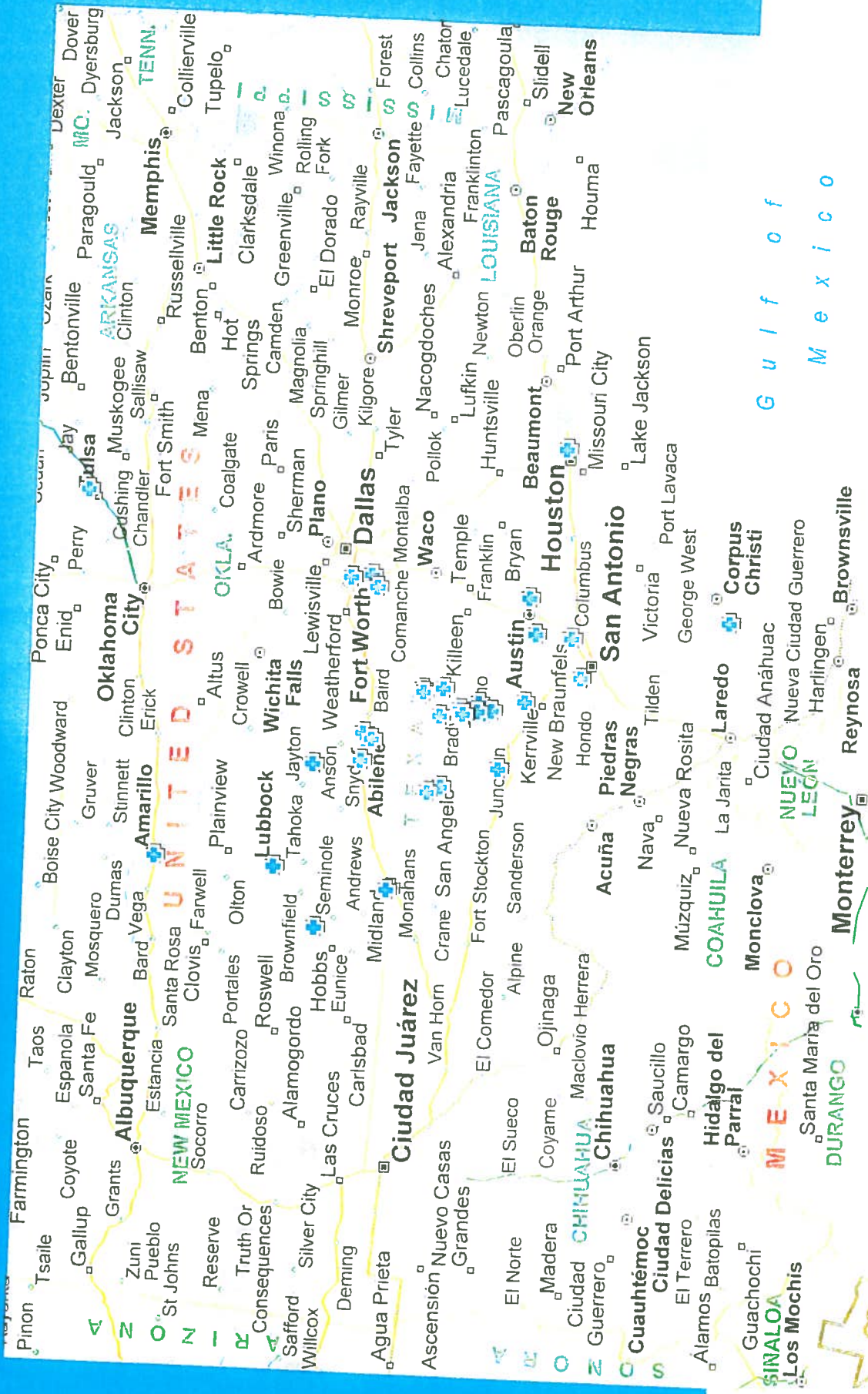


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License Plate Survey | State View

Brady, Texas



Contact Information

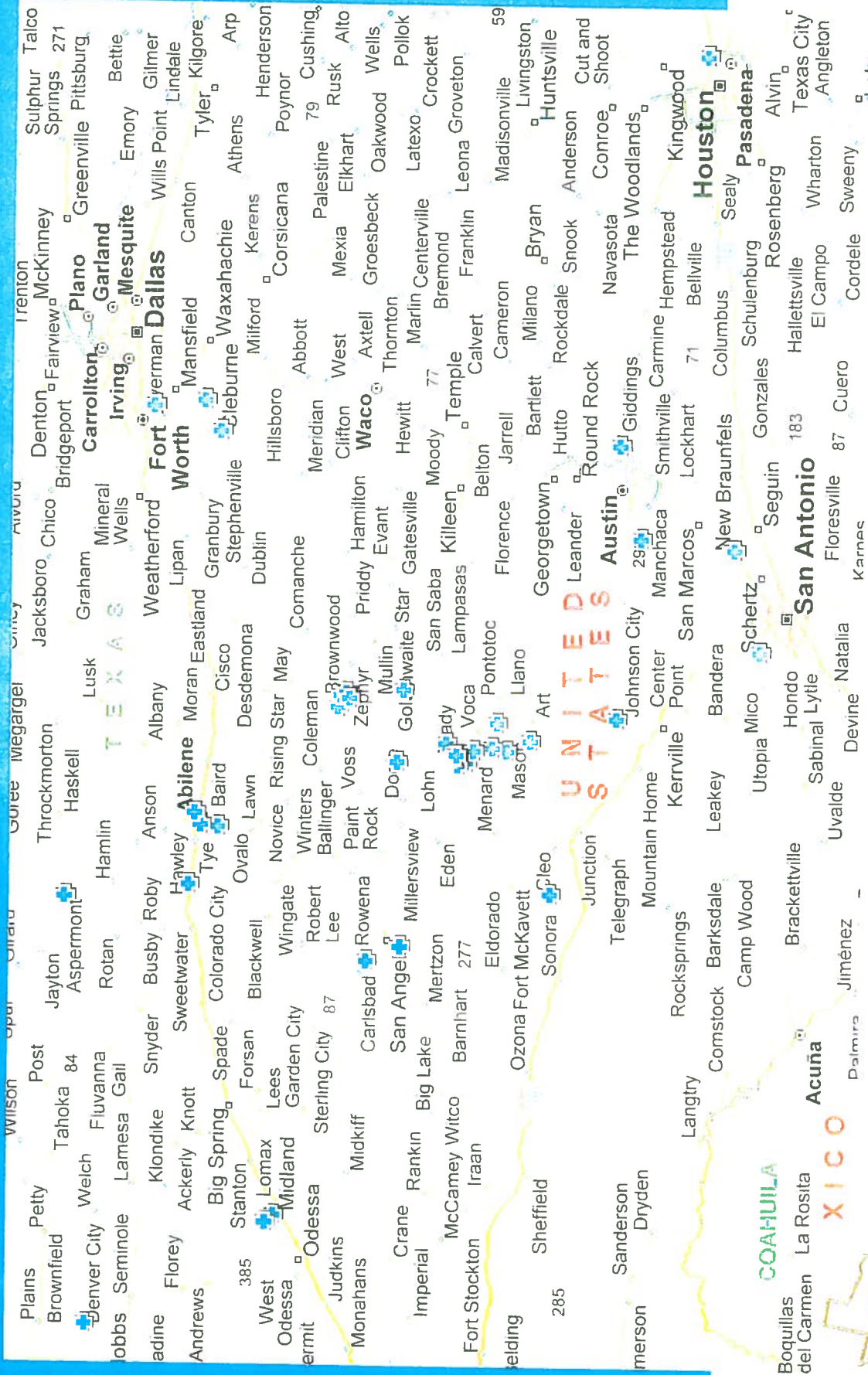
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License Plate Survey | Concentration View

Brady, Texas



Contact Information

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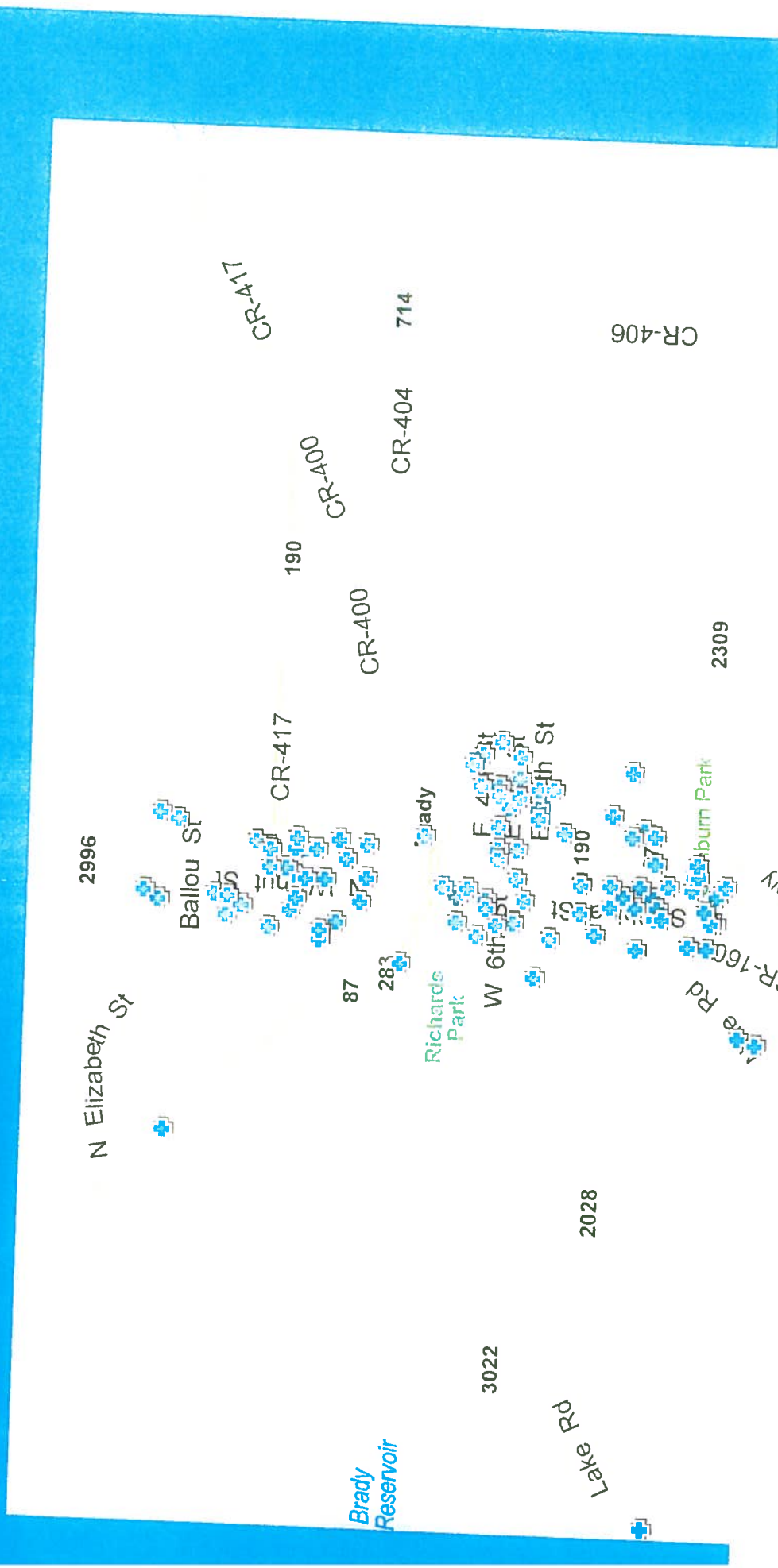
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License Plate Survey | City View

Brady, Texas



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Primary Retail Trade Area

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Population			
Primary Retail Trade Area	20,778	2010	2015 ESTIMATE
	21,018	21,360	21,970
Income			
Average Household	\$63,070	2015 ESTIMATE	
Median Household	\$41,416		
Per Capita	\$26,405		
Educational Attainment			
Graduate or Professional	5.59%	2015 ESTIMATE	
Bachelor's Degree	12.59%		
Associate Degree	4.61%		
Some College, No Degree	21.16%		
High School Graduate	34.81%		
Some High School, No Degree	8.87%		
Less than 9th Grade	12.35%		
Race Distribution			
White	83.01%	2015 ESTIMATE	
Black or African American	2.48%		
American Indian/Alaskan	0.73%		
Asian	0.48%		
Native Hawaiian/Islander	0.04%		
Other Race	11.21%		
Two or More Races	2.07%		
Hispanic or Latino (of any race)	36.19%		
Age			
9 Years and Under	11.09%	2015 ESTIMATE	
10-17 Years	9.47%		
18-24 Years	8.24%		
25-34 Years	11.76%		
35-44 Years	11.42%		
45-54 Years	12.27%		
55-64 Years	12.80%		
65 Years and Over	21.97%		
Distribution			
Median Age	43.3	2015 ESTIMATE	
Average Age	42.7		

2015 ESTIMATE	2015 ESTIMATE
Average Household	Graduate or Professional
\$63,070	5.59%
Median Household	Bachelor's Degree
\$41,416	12.59%
Per Capita	Associate Degree
\$26,405	4.61%
	Some College, No Degree
	21.16%
	High School Graduate
	34.81%
	Some High School, No Degree
	8.87%
	Less than 9th Grade
	12.35%

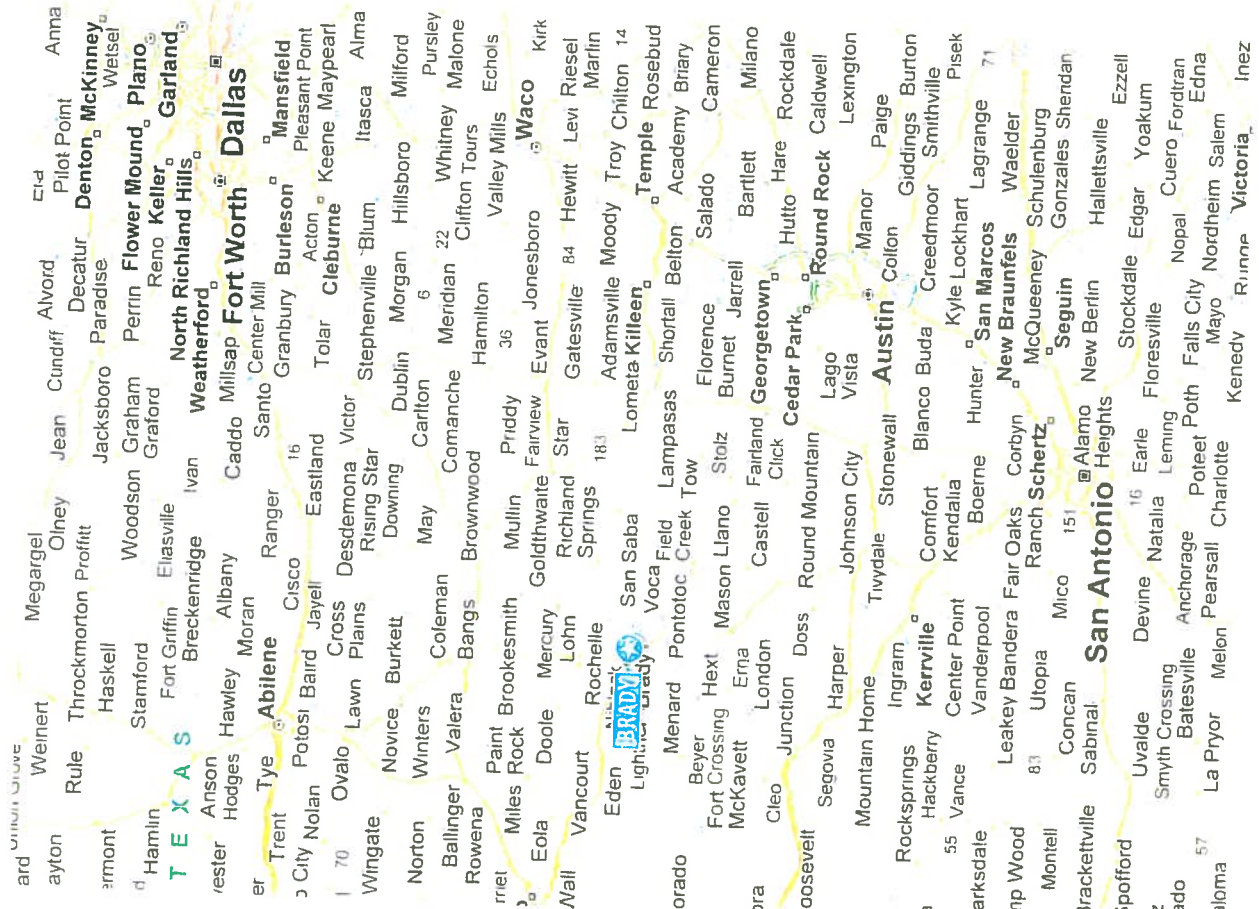
	2015 ESTIMATE
Graduate or Professional	5.59%
Bachelor's Degree	12.59%
Associate Degree	4.61%
Some College, No Degree	21.16%
High School Graduate	34.81%
Some High School, No Degree	8.87%
Less than 9th Grade	12.35%

2015 ESTIMATE	
83.01%	White
2.48%	Black or African American
0.73%	American Indian/Alaskan
0.48%	Asian
0.04%	Native Hawaiian/Islander
11.21%	Other Race
2.07%	Two or More Races
36.19%	Hispanic or Latino of any race

GROUPS	2015 ESTIMATE
9 Years and Under	11.09%
10-17 Years	9.47%
18-24 Years	8.24%
25-34 Years	11.76%
35-44 Years	11.42%
45-54 Years	11.27%
55-64 Years	13.80%
65 Years and Over	21.97%

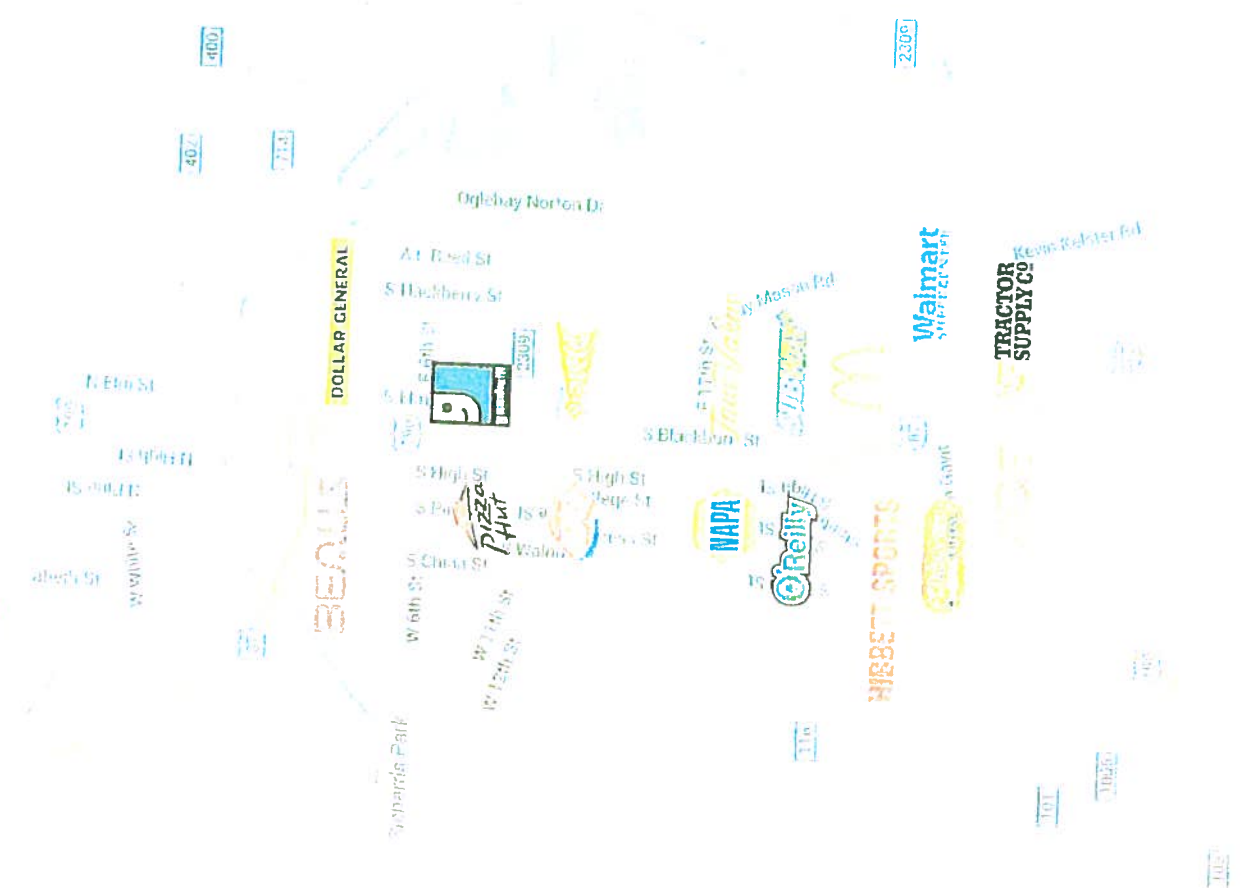
DISTRIBUTION	2015 ESTIMATE
Median Age	43.3
Average Age	42.7

LOCATION MAP



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EXISTING RETAIL



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OPPORTUNITY

PRIMARY RETAIL TRADE AREA GAP/OPPORTUNITY ANALYSIS

Brady, Texas

Prepared for:
City of Brady
July 2015



BRADY
THE TRUE HEART OF
TEXAS

 TheRetailCoach®

Primary Retail Trade Area | Gap/Opportunity Analysis Summary

Brady, Texas

SECTOR	DESCRIPTION	POTENTIAL SALES	EST. ACTUAL SALES	SURPLUS/LEAKAGE	% SURPLUS
Total Retail Sales Incl Eating and Drinking Places					
		321,142,012	116,956,690	(204,185,322)	-64%
441	Motor Vehicle and Parts Dealers				
4411	Automotive Dealers	56,650,085	18,653,284	(37,996,801)	-67%
4412	Other Motor Vehicle Dealers	47,153,079	14,023,195	(32,129,884)	-70%
4413	Automotive Parts/Accessories, Tire Stores	4,791,161	1,847,910	(2,943,251)	-61%
		4,705,845	2,782,179	(1,923,666)	-41%
442	Furniture and Home Furnishings Stores				
4421	Furniture Stores	6,034,307	2,568,116	(3,466,191)	-57%
4422	Home Furnishings Stores	3,151,135	2,523,121	(628,014)	-20%
		2,883,172	44,995	(2,838,177)	-98%
443	Electronics and Appliance Stores				
44311	Appliances, TVs, Electronics Stores	5,318,036	70,437	(5,247,599)	-99%
443111	Household Appliances Stores	4,128,904	70,437	(4,058,467)	-98%
443112	Radio, Television, Electronics Stores	752,772	14,641	(738,131)	-98%
44312	Computer and Software Stores	3,376,132	55,796	(3,320,336)	-98%
44313	Camera and Photographic Equipment Stores	1,068,539	0	(1,068,539)	-100%
		120,593	0	(120,593)	-100%
444	Building Material, Garden Equip Stores				
4441	Building Material and Supply Dealers	33,493,212	7,990,279	(25,502,933)	-76%
44411	Home Centers	28,759,729	7,447,056	(21,312,673)	-74%
44412	Paint and Wallpaper Stores	11,629,196	0	(11,629,196)	-100%
44413	Hardware Stores	488,621	0	(488,621)	-100%
44419	Other Building Materials Dealers	2,818,505	7,447,056	4,628,551	164%
4442	Lawn, Garden Equipment, Supplies Stores	13,023,407	9	(13,823,407)	-100%
44421	Outdoor Power Equipment Stores	4,733,484	543,223	(4,190,261)	-88%
44422	Nursery and Garden Centers	1,300,716	0	(1,300,716)	-100%
		3,432,767	543,223	(2,889,544)	-84%

Primary Retail Trade Area | Gap/Opportunity Analysis Summary

Brady, Texas

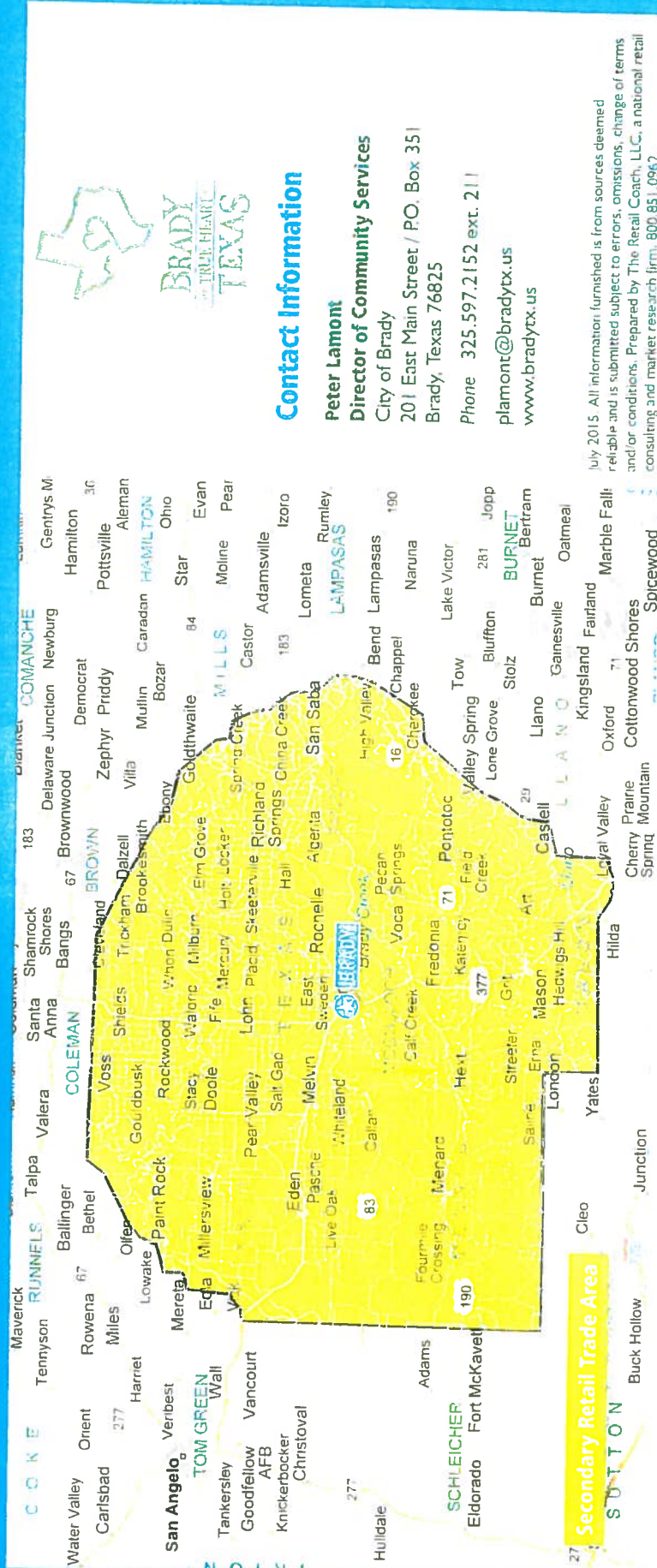
SECTOR	DESCRIPTION	POTENTIAL SALES	EST. ACTUAL SALES	SURPLUS/LEAKAGE	% SURPLUS
445	Food and Beverage Stores	-1,983,566	18,640,040	123,343,526	-56%
4451	Grocery Stores	27,556,395	16,146,246	(11,410,149)	-41%
44511	Supermarkets Grocery (Ex Conv) Stores	25,761,941	14,750,407	(11,011,534)	-43%
44512	Convenience Stores	1,794,454	1,395,844	(398,610)	-22%
4452	Specialty Food Stores	3,315,794	454,277	(2,861,517)	-86%
4453	Beer, Wine and Liquor Stores	11,111,377	2,039,517	(9,071,860)	-82%
446	Health and Personal Care Stores	21,191,698	3,121,542	(18,070,156)	-85%
44611	Pharmacies and Drug Stores	17,127,561	3,000,865	(14,126,696)	-82%
44612	Cosmetics, Beauty Supplies, Perfume Stores	1,513,074	0	(1,513,074)	-100%
44613	Optical Goods Stores	652,988	0	(652,988)	-100%
44619	Other Health and Personal Care Stores	1,898,074	120,677	(1,777,397)	-94%
447	Gasoline Stations	32,108,025	15,155,725	(16,952,300)	-53%
44711	Gasoline Stations With Conv Stores	23,472,685	10,296,865	(13,175,820)	-56%
44719	Other Gasoline Stations	8,635,340	4,858,860	(3,776,480)	-44%
448	Clothing and Clothing Accessories Stores	12,941,171	3,862,509	(9,078,662)	-70%
4481	Clothing Stores	6,773,577	2,813,633	(3,959,944)	-58%
44811	Men's Clothing Stores	326,494	0	(326,494)	-100%
44812	Women's Clothing Stores	1,457,948	158,711	(1,299,237)	-89%
44813	Children's, Infants Clothing Stores	450,040	0	(450,040)	-100%
44814	Family Clothing Stores	3,668,808	2,590,070	(1,078,738)	-29%
44815	Clothing Accessories Stores	285,147	0	(285,147)	-100%
44819	Other Clothing Stores	585,139	64,852	(520,287)	-89%
4482	Shoe Stores	1,049,318	0	(1,049,318)	-100%
4483	Jewelry, Luggage, Leather Goods Stores	5,118,276	1,048,876	(4,069,400)	-80%
44831	Jewelry Stores	4,584,014	1,048,876	(3,535,138)	-77%
44832	Luggage and Leather Goods Stores	534,262	0	(534,262)	-100%

Primary Retail Trade Area | Gap/Opportunity Analysis Summary

Brady, Texas

SECTOR	DESCRIPTION	POTENTIAL SALES	EST. ACTUAL SALES	SURPLUS/LEAKAGE	% SURPLUS
451	Sporting Goods, Hobby, Book, Music Stores	4,911,831	1,005,947	3,905,884	-80%
4511	Sporting Goods, Hobby, Musical Inst Stores	4,299,961	1,005,947	3,294,014	-77%
45111	Sporting Goods Stores	2,106,897	930,720	1,176,168	-56%
45112	Hobby, Toys and Games Stores	1,316,431	0	1,316,431	-100%
45113	Sew/Needlework/Piece Goods Stores	424,161	75,218	348,943	-82%
45114	Musical Instrument and Supplies Stores	452,472	0	452,472	-100%
4512	Book, Periodical and Music Stores	611,870	0	611,870	-100%
45121	Book Stores and News Dealers	514,358	0	514,358	-100%
451211	Book Stores	441,215	0	441,215	-100%
451212	News Dealers and Newsstands	73,144	0	73,144	-100%
45122	Pre-recorded Tapes, CDs, Record Stores	97,512	0	97,512	-100%
452	General Merchandise Stores	36,603,805	33,485,124	3,118,681	-9%
4521	Department Stores Excl Leased Depts	14,951,398	0	14,951,398	-100%
4529	Other General Merchandise Stores	21,652,407	33,485,124	11,832,717	55%
453	Miscellaneous Store Retailers	8,654,146	601,154	8,052,992	-93%
4531	Florists	325,586	135,149	190,437	-58%
4532	Office Supplies, Stationery, Gift Stores	3,853,617	34,697	3,818,920	-99%
45321	Office Supplies and Stationery Stores	1,864,678	34,697	1,829,981	-98%
45322	Gift, Novelty and Souvenir Stores	1,988,939	0	1,988,939	-100%
4533	Used Merchandise Stores	545,375	160,394	384,981	-71%
4539	Other Miscellaneous Store Retailers	3,929,568	270,914	3,658,654	-93%
454	Non-Store Retailers	27,799,013	986,818	26,812,195	-96%
722	Food Service and Drinking Places	33,453,119	10,815,715	22,637,404	-68%
7221	Full-Service Restaurants	15,078,995	2,561,262	12,517,733	-83%
7222	Limited-Service Eating Places	13,345,183	8,254,453	5,090,730	-38%
7223	Special Food Services	3,670,817	0	3,670,817	-100%
7224	Drinking Places - Alcoholic Beverages	1,358,125	0	1,358,125	-100%

Retail Market Profile 2015



Secondary Retail Trade Area

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Population

	2000	2010	2015 ESTIMATE	2020 PROJECTION
Secondary Retail Trade Area	25,841	26,225	26,692	27,487

Race Distribution

GROUPS	2015 ESTIMATE
--------	---------------

White	84.39%
Black or African American	2.56%
American Indian/Alaskan	0.71%
Asian	0.44%
Native Hawaiian/Islander	0.03%
Other Race	9.89%
Two or More Races	1.96%
Hispanic or Latino (of any race)	32.49%

Age

GROUPS	2015 ESTIMATE
--------	---------------

9 Years and Under	10.52%
10-17 Years	9.30%
18-24 Years	8.10%
25-34 Years	11.41%
35-44 Years	11.04%
45-54 Years	12.31%
55-64 Years	14.51%
65 Years and Over	22.82%

DISTRIBUTION	2015 ESTIMATE
--------------	---------------

Median Age	44.7
Average Age	43.4

Educational Attainment

	2015 ESTIMATE
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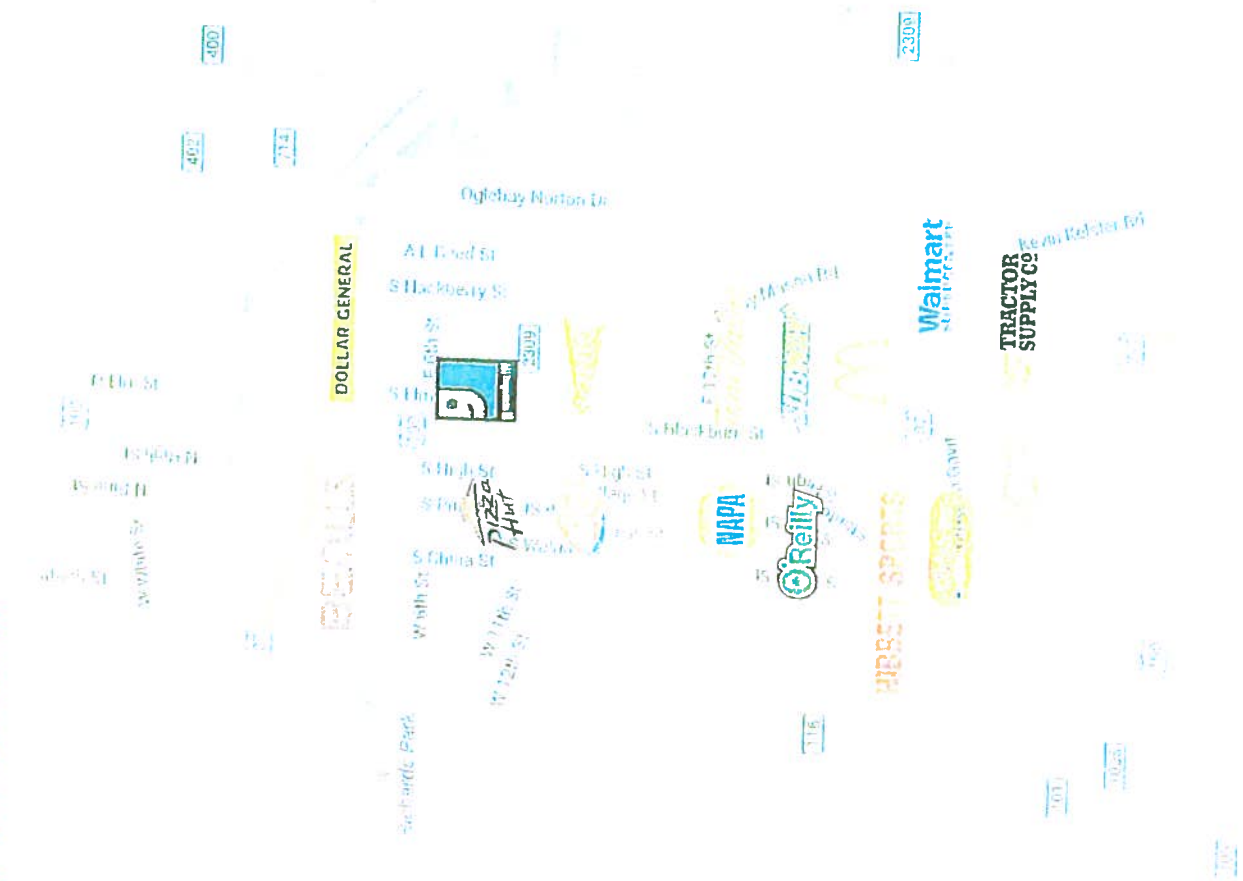
Graduate or Professional	5.84%
Bachelor's Degree	13.13%
Associate Degree	4.50%
Some College, No Degree	21.46%
High School Graduate	34.90%
Some High School, No Degree	8.86%
Less than 9th Grade	11.32%

Income

	2015 ESTIMATE
--	---------------

Average Household	\$65,082
Median Household	\$47,534
Per Capita	\$27,478

EXISTING RETAIL



OPPORTUNITY



BRADY
THE TRUE HEART OF
TEXAS

SECONDARY RETAIL TRADE AREA GAP/OPPORTUNITY ANALYSIS

Brady, Texas

Prepared for
City of Brady
July 2015

TheRetailCoach®

Secondary Retail Trade Area | Gap/Opportunity Analysis Summary

Brady, Texas

SECTOR	DESCRIPTION	POTENTIAL SALES	EST. ACTUAL SALES	SURPLUS/LEAKAGE	% SURPLUS
Total Retail Sales Incl Eating and Drinking Places		412,749,077	116,956,690	(295,792,387)	-72%
441	Motor Vehicle and Parts Dealers	73,545,460	18,653,284	(54,892,176)	-75%
4411	Automotive Dealers	61,136,185	14,023,195	(47,112,990)	-77%
4412	Other Motor Vehicle Dealers	6,315,663	1,847,910	(4,467,753)	-71%
4413	Automotive Parts/Accsrs., Tire Stores	6,093,613	2,782,179	(3,311,434)	-54%
442	Furniture and Home Furnishings Stores	7,806,186	2,568,116	(5,238,070)	-67%
4421	Furniture Stores	4,077,285	2,523,121	(1,554,164)	-38%
4422	Home Furnishing Stores	3,728,901	44,995	(3,683,906)	-99%
443	Electronics and Appliance Stores	6,840,046	70,437	(6,769,609)	-99%
44311	Appliances, TVs, Electronics Stores	5,311,492	70,437	(5,241,055)	-99%
443111	Household Appliances Stores	969,720	14,641	(955,079)	-98%
443112	Radio, Television, Electronics Stores	4,341,773	55,796	(4,285,977)	-99%
44312	Computer and Software Stores	1,373,326	0	(1,373,326)	-100%
44313	Camera and Photographic Equipment Stores	155,228	0	(155,228)	-100%
444	Building Material, Garden Equip Stores	43,381,424	7,980,279	(35,391,145)	-82%
4441	Building Material and Supply Dealers	37,245,272	7,447,056	(29,798,216)	-80%
44411	Home Centers	15,037,184	0	(15,037,184)	-100%
44412	Paint and Wallpaper Stores	636,282	0	(636,282)	-100%
44413	Hardware Stores	3,625,764	7,447,056	3,821,292	105%
44419	Other Building Materials Dealers	17,946,042	0	(17,946,042)	-100%
4442	Lawn, Garden Equipment, Supplies Stores	6,136,152	543,223	(5,592,929)	-91%
44421	Outdoor Power Equipment Stores	1,714,623	0	(1,714,623)	-100%
44422	Nursery and Garden Centers	4,421,529	543,223	(3,878,306)	-88%

Secondary Retail Trade Area | Gap/Opportunity Analysis Summary

Brady, Texas

SECTOR	DESCRIPTION	POTENTIAL SALES	EST. ACTUAL SALES	SURPLUS/LEAKAGE	% SURPLUS
445	Food and Beverage Stores	53,624,673	18,640,040	(34,984,633)	-65%
4451	Grocery Stores	35,142,710	16,146,246	(18,996,464)	-54%
44511	Supermarkets, Grocery (Ex-Conv) Stores	32,851,961	14,750,402	(18,101,559)	-55%
44512	Convenience Stores	2,290,779	1,395,844	(894,935)	-39%
4452	Specialty Food Stores	4,220,470	454,277	(3,766,193)	-89%
4453	Beer, Wine and Liquor Stores	14,261,463	2,039,517	(12,221,946)	-86%
446	Health and Personal Care Stores	27,300,092	3,121,542	(24,178,550)	-89%
44611	Pharmacies and Drug Stores	22,063,360	3,000,865	(19,062,495)	-86%
44612	Cosmetics, Beauty Supplies, Perfume Stores	1,949,994	0	(1,949,994)	-100%
44613	Optical Goods Stores	843,287	0	(843,287)	-100%
44619	Other Health and Personal Care Stores	2,443,451	120,677	(2,322,774)	-95%
447	Gasoline Stations	41,075,808	15,155,725	(25,920,083)	-63%
44711	Gasoline Stations With Conv Stores	30,022,134	10,296,865	(19,725,269)	-66%
44719	Other Gasoline Stations	11,053,674	4,858,860	(6,194,814)	-56%
448	Clothing and Clothing Accessories Stores	16,615,422	3,862,509	(12,752,913)	-77%
4481	Clothing Stores	8,584,053	2,813,633	(5,770,420)	-67%
44811	Men's Clothing Stores	418,177	0	(418,177)	-100%
44812	Women's Clothing Stores	1,854,455	158,711	(1,695,744)	-91%
44813	Children's, Infants Clothing Stores	556,798	0	(556,798)	-100%
44814	Family Clothing Stores	4,645,970	2,590,070	(2,055,900)	-44%
44815	Clothing Accessories Stores	363,170	0	(363,170)	-100%
44819	Other Clothing Stores	745,484	64,852	(680,632)	-91%
4482	Shoe Stores	1,317,704	0	(1,317,704)	-100%
4483	Jewelry, Luggage, Leather Goods Stores	6,713,666	1,048,876	(5,664,790)	-84%
44831	Jewelry Stores	6,030,999	1,048,876	(4,982,123)	-83%
44832	Luggage and Leather Goods Stores	682,667	0	(682,667)	-100%

Secondary Retail Trade Area | Gap/Opportunity Analysis Summary

Brady, Texas

SECTOR	DESCRIPTION	POTENTIAL SALES	EST. ACTUAL SALES	SURPLUS/LEAKAGE	% SURPLUS
451	Sporting Goods, Hobby, Book, Music Stores	6,290,731	1,005,947	(5,284,784)	-84%
4511	Sporting Goods, Hobby, Musical Inst Stores	5,501,264	1,005,947	(4,495,317)	-82%
45111	Sporting Goods Stores	2,685,703	930,729	(1,754,974)	-65%
45112	Hobby, Toys and Games Stores	1,678,170	0	(1,678,170)	-100%
45113	Sew/Needlework/Piece Goods Stores	549,886	75,218	(474,668)	-86%
45114	Musical Instrument and Supplies Stores	587,505	0	(587,505)	-100%
4512	Book, Periodical and Music Stores	789,468	0	(789,468)	-100%
45121	Book Stores and News Dealers	663,514	0	(663,514)	-100%
451211	Book Stores	569,639	0	(569,639)	-100%
451212	News Dealers and Newsstands	93,875	0	(93,875)	-100%
45122	Pre-recorded Tapes, CDs, Record Stores	125,953	0	(125,953)	-100%
452	General Merchandise Stores	46,671,446	33,485,124	(13,186,322)	-28%
4521	Department Stores Excl Leased Depts	19,011,974	0	(19,011,974)	-100%
4529	Other General Merchandise Stores	27,659,472	33,485,124	5,825,652	21%
453	Miscellaneous Store Retailers	11,133,298	601,154	(10,532,144)	-95%
4531	Florists	420,996	135,140	(285,847)	-68%
4532	Office Supplies, Stationery, Gift Stores	4,957,716	34,697	(4,923,019)	-99%
45321	Office Supplies and Stationery Stores	2,409,726	34,697	(2,375,029)	-99%
45322	Gift, Novelty and Souvenir Stores	2,547,990	0	(2,547,990)	-100%
4533	Used Merchandise Stores	696,314	160,394	(535,920)	-77%
4539	Other Miscellaneous Store Retailers	5,058,272	270,914	(4,787,358)	-95%
454	Non-Store Retailers	35,691,931	986,818	(34,705,113)	-97%
722	Foodservice and Drinking Places	42,772,557	10,815,715	(31,956,842)	-75%
7221	Full-Service Restaurants	19,284,870	2,561,262	(16,723,608)	-87%
7222	Limited-Service Eating Places	17,050,167	8,254,453	(8,795,714)	-52%
7223	Special Foodservices	4,692,020	0	(4,692,020)	-100%
7224	Drinking Places, Alcoholic Beverages	1,745,500	0	(1,745,500)	-100%



About The Retail Coach

The Retail Coach, LLC, is a national retail analytics and locational intelligence firm that specializes in all aspects of retail market analyses and recruitment, from "macro to micro" trade area assessment to actively recruiting retailers on behalf of our clients.

Through its unique Retail:360 process, The Retail Coach offers a dynamic system of products and services that better enable communities to maximize their retail development potential.

Retail:360 Process

Providing more than simple data reports of psychographic and demographic trends, The Retail Coach goes well beyond other retail consulting and market research firms' offerings by combining current national and statewide demographics and trend data with real-world, "on-the-ground" data gathered through extensive visits within our clients' communities.

Every community is different, and there is no "one size fits all" retail recruitment solution. Compiling the gathered data into client-tailored information packets that are uniquely designed for, and targeted to, specific retailers and restaurants who meet the community's needs helps assure our clients that they are receiving the latest and best information for their retail recruitment efforts — all with personal service and coaching guidance that continues beyond the initial project scope and timeline.

Our Retail:360 process assures that communities get timely, accurate and relevant information. Translating that data into the information that retailers need and seek assures our clients even better possibilities for tremendous retail growth and success.

**The Retail Coach -
It's not about data. It's about your success.**

The Retail Coach, LLC | P. O. Box 7272 | Tupelo, Mississippi 38802
tel/ 800.851.0962 | fax 662.844.2738 | e-mail info@theretailcoach.net | web www.theretailcoach.net



C. Kelly Cofer
President & CEO
The Retail Coach, LLC



Acknowledgements

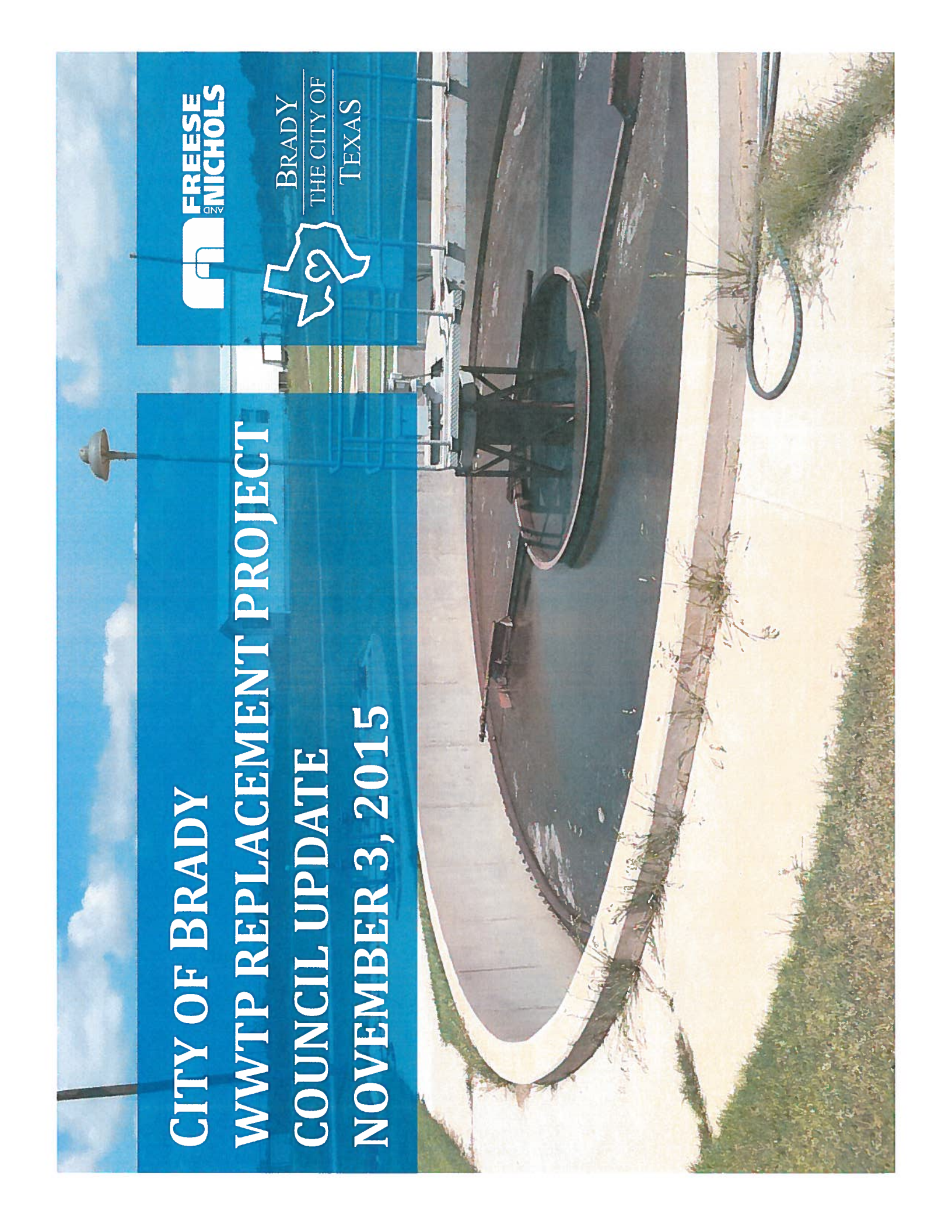
The observations, conclusions and recommendations contained in this study are solely those of The Retail Coach, LLC and should not be construed to represent the opinions of others, including its clients, or any other entity prior to such entity's express approval of this study.

Sources used in completing this study include: infoUSA[®], Applied Geographic Solutions, Nielsen 2014/2015, ESRI 2014, U.S. Census Bureau, Economy.com, Spatial Insights Inc., Urban Land Institute, CensusViewer.com, International Council of Shopping Centers, and/or U.S. Bureau of Labor and Statistics.

To better represent current data, where applicable, portions of estimated actual sales may be calculated using an average sales per square foot model.

Mapping data is provided by MapInfo, Nielsen, ESRI and/or Microsoft Corporation.

All information furnished is from sources deemed reliable and is submitted subject to errors, omissions, change of terms and/or conditions.



CITY OF BRADY WWTP REPLACEMENT PROJECT COUNCIL UPDATE NOVEMBER 3, 2015



**FREESE
AND
NICHOLS**



BRADY
THE CITY OF
TEXAS

AGENDA

1 TWDB PAD Loans

2 Project Background

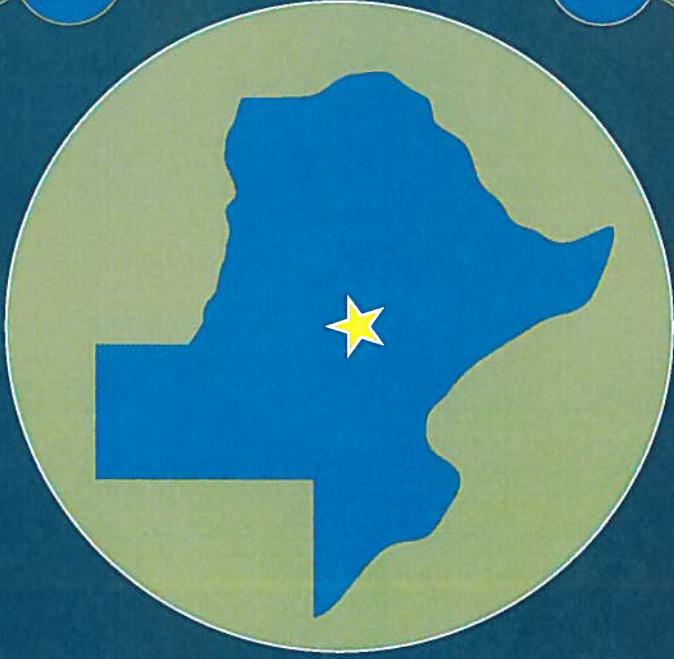
3 Postponement of Interim Construction

4 Reallocation of Costs

5 CWSRF Loan Opportunities

6 Schedule

7 Next Steps



TWDB P.A.D. LOANS

- Planning, Acquisition and Design Loans
 - City is recipient of two (2) loan terms
 - Loan Forgiveness
 - Certificate of Obligation
- City Fiduciary Responsibility is to Ensure Proper Care and Application of Money



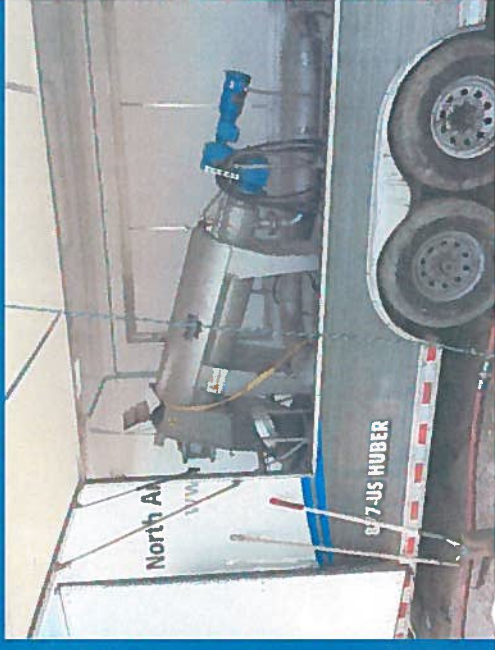
PROJECT BACKGROUND

- Spring of 2015 – Implement Design of Interim Solids Handling
- Major Motivation – Make Best Use of Available Funding
- City Staff & Freese and Nichols Produced Planning Level Engineering Feasibility Report in August 2015
- Preliminary Project Estimate Exceeds Feasible Method of Funding



POSTPONEMENT OF INTERIM CONSTRUCTION

- City Staff & FNI Held Meeting With TWDB Managers
 - Received Concurrence to Postpone Construction
- Implement WWTP Permitting and Design Services
 - Current Solids Handling Design Effort Becomes Part of Final Project
 - Credit Back to City for Unused Bid/Construction Phase Services



REALLOCATION OF COSTS

Total PAD Loan Amount = \$2,651,990

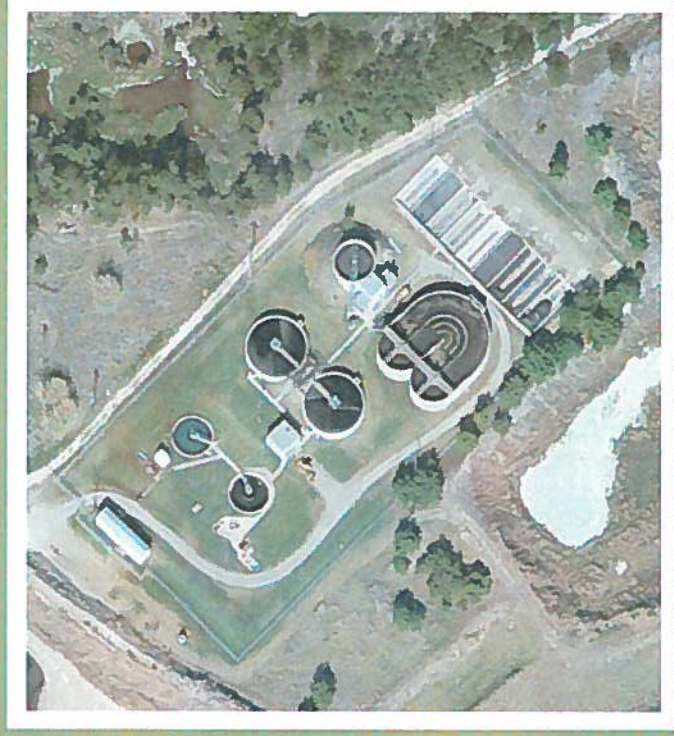
- Loan = \$1,210,000
- Loan Forgiveness = \$1,441,990

Prior Work = \$409,187

- Loan = \$53,125
- Loan Forgiveness = \$356,062

Total Remaining = \$2,242,803

- Loan = \$1,156,875
- Loan Forgiveness = \$1,085,928



REALLOCATION OF COSTS

Total PAD Budget Remaining:		\$ 2,242,803
Project	Budget Allocation	
1. EFR and Design Sludge Dewatering Improvements	\$ 381,410	
2. Credit back to City for unused Interim Sludge Dewatering Improvements (Bid Phase, Construction Phase)	\$ (66,438)	
3. Additional services for TWDB coordination and next step planning with the City	\$ 25,000	
TOTAL:		\$ 339,972
4. Permitting and Environmental Assessment	\$ 250,000*	
5. Preliminary/Final Design and Bid Phase Services for Replacement WWTP Project	\$ 1,625,000*	
Total PAD Budget Expected to be Used (summed from above)		\$ 2,214,972*
Potential PAD Budget Remaining for other uses		\$ 27,831*

Scope

Project 1 – 3: Current contract for completion of the Engineering Feasibility Report (EFR), Collection System Improvements TM, and preliminary design, final design, bid phase services, and construction phase services for the emergency sludge dewatering improvements at the existing WWTP.

Project 4 – 5: Includes effort to complete TPDES permit application and Environmental Assessment for the release of construction funds for the project. Also includes effort for the preliminary and final design phases for the replacement WWTP project adjacent to the existing site.

* These values are estimated fees. Specific fees will be developed during the negotiation of the subsequent phases of this project.

Freese and Nichols (FNI) recommends to continue forward with the next phase of this project. As the project progresses, FNI and the City will have a more accurate understanding of the total PAD Budget that is expected to be used as the preliminary design contract is negotiated as well in a subsequent year when the final design and bid phase contract is negotiated.

CWSRF LOAN OPPORTUNITIES

For low-cost financing for planning, design, and construction of wastewater infrastructure projects.

Funding Options

- All have origination fee of 1.85%
- Disadvantage Community Funding
- Subsidized Green Funding
- Bond/Loan Funding

Application Process

- Project Solicitation by TWDB
- Project Information Form Deadline – March 1
- Receive Invitation to Submit Funding Application
- Attend Pre-Application Meeting
- Prepare & Submit Financial Assistance Application
- TWDB Staff Provides Recommendation to Board
- TWDB Staff Reviews Application
- Board Approves/Denies Request
- Applicant Prepares Closing Documents
- Governmental Review
- Execute Loan Closing

Texas Water Development Board
CWSRF SFY 2016 Project Information Form

Submission Deadline:
For inclusion in the SFY 2016 Initial Project Priority List (IPPL), these forms must be submitted no later than 5:00 PM CST on March 2, 2015. Otherwise, these forms may be submitted at any time and your project will be subsequently be added to the list. This form must be completed and submitted to the CWSRF by the deadline indicated on the form. For questions, contact: Mary Egan, (512) 463-4810.

This form should be used for the following projects: If this is an update to a Project Information Form (PIF) submitted in a previous fiscal year, or to a project that has received funding for planning, acquisition, and/or design phases in a previous year, **STOP** and please complete the appropriate project update form(s).

Section 1: GENERAL INFORMATION																													
Name of Entity (City, Town, County, District, Authority, System, Corporation, etc.)	County																												
Name of Project (Provide a brief and descriptive name for the proposed project)	Proposed Total Project Costs (Section 1.1, Line 1)																												
<table border="1"> <thead> <tr> <th colspan="2">Entity Contact Information</th> <th colspan="2">Engineering Firm Contact Information</th> </tr> </thead> <tbody> <tr> <td>Contact Person</td> <td>Name of Firm</td> <td>Contact Person</td> <td></td> </tr> <tr> <td>Title</td> <td></td> <td>Title</td> <td></td> </tr> <tr> <td>Mailing Address</td> <td></td> <td>Mailing Address</td> <td></td> </tr> <tr> <td>Phone Number</td> <td>Phone Number</td> <td>Phone Number</td> <td></td> </tr> <tr> <td>Fax Number</td> <td>Fax Number</td> <td>Fax Number</td> <td></td> </tr> <tr> <td>Email Address</td> <td>Email Address</td> <td>Email Address</td> <td></td> </tr> </tbody> </table>		Entity Contact Information		Engineering Firm Contact Information		Contact Person	Name of Firm	Contact Person		Title		Title		Mailing Address		Mailing Address		Phone Number	Phone Number	Phone Number		Fax Number	Fax Number	Fax Number		Email Address	Email Address	Email Address	
Entity Contact Information		Engineering Firm Contact Information																											
Contact Person	Name of Firm	Contact Person																											
Title		Title																											
Mailing Address		Mailing Address																											
Phone Number	Phone Number	Phone Number																											
Fax Number	Fax Number	Fax Number																											
Email Address	Email Address	Email Address																											

Section 2: SERVICE AREA INFORMATION
Provide a brief description of the service area for the project, including the population served.

To determine population served:

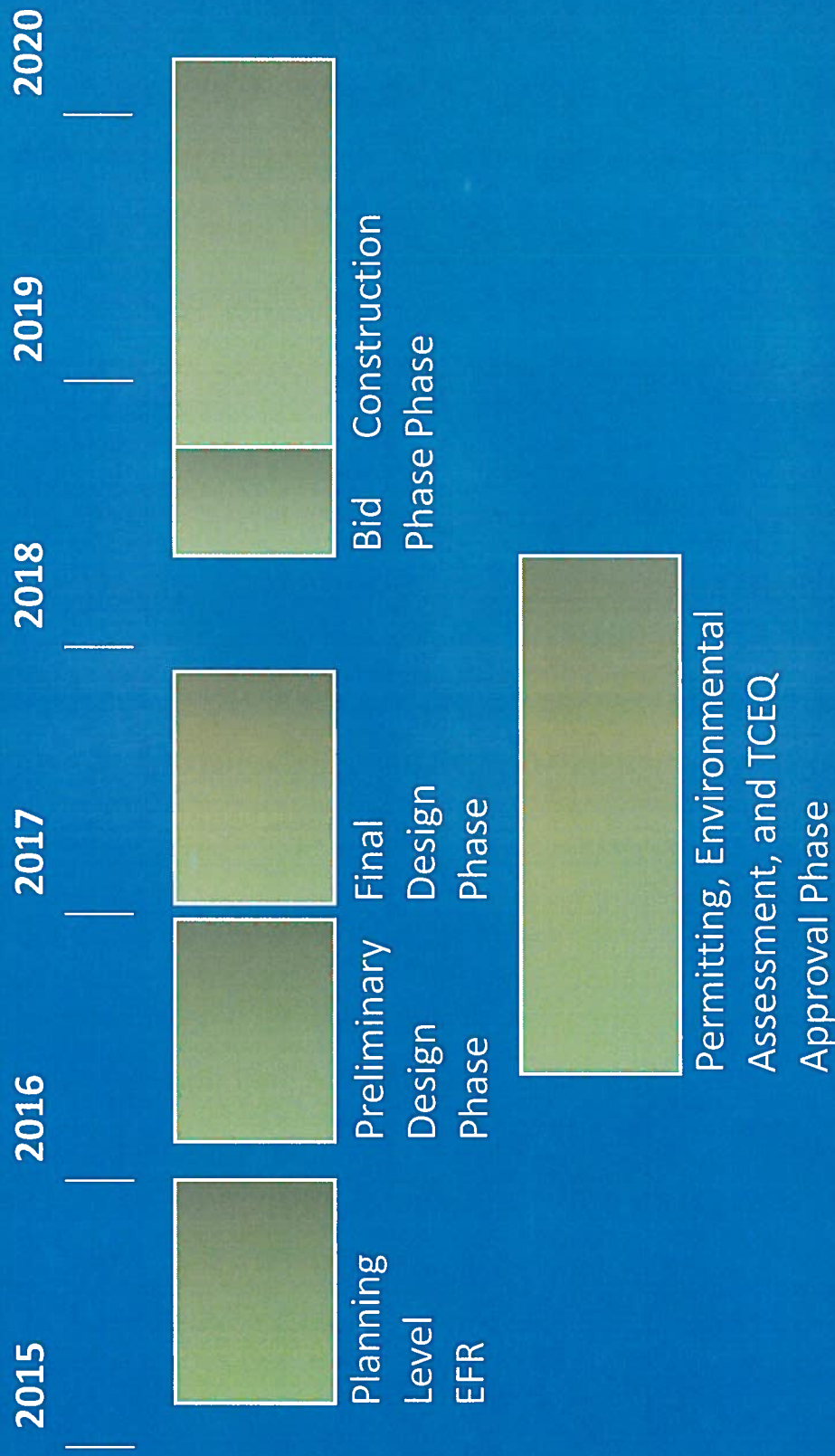
- For an incorporated entity (i.e., a city or town), indicate the number of people who reside within the service area of, or receive service from, the project. This number should be based on the most recent U.S. Census Bureau data available from the U.S. Census Bureau. Provide a table that 1) identifies the number of households within each block group that receive the project's service area and 2) provides the population for each block group. The total population of the service area must be provided by the end of the project.
- For an unincorporated entity (i.e., a county, district, river authority, system, or corporation), indicate the number of people who reside within the service area of, or receive wastewater or retail water service from, the project based on the most recent data available from the U.S. Census Bureau. Provide a table that 1) identifies the number of households within each block group that receive the project's service area and 2) provides the population for each block group. The total population of the service area must be provided by the end of the project.

Section 3: PROJECT CATEGORY (check all that apply)

Projects are categorized by the type of service provided, the nature of the project, and the location of the project. Projects may be categorized as follows:

- **Publicly Owned Treatment Works—Treatment and/or Collection:** Treatment projects may include, but not be limited to, construction or rehabilitation of a WWTTP, expansion of the hydraulic capacity of a WWTTP, expansion of the solids handling and dewatering portion of a WWTTP, construction of facilities for the treatment of wastewater, or the reuse of reclaimed wastewater for irrigation, industrial, or domestic purposes. Collection projects may include, but not be limited to, construction or rehabilitation of collection systems, installation or rehabilitation of transmission, trunk, or relief lines, construction, rehabilitation, or replacement of lift stations, installation of diversion sewers, or stormwater control.
- **Nonpoint Source Pollution Control:** Nonpoint Source Pollution Control projects include, but not be limited to, construction or rehabilitation of control sources of water pollution that do not enter water from a point source, including pollution generally resulting from land use activities, such as agriculture, urban development, or hydraulic modification. This may also include farm drainage projects where installation or construction is not involved.
- **Estuary Management:** Estuary management includes water quality and/or water management projects that impact a national estuary.

SCHEDULE



NEXT STEPS

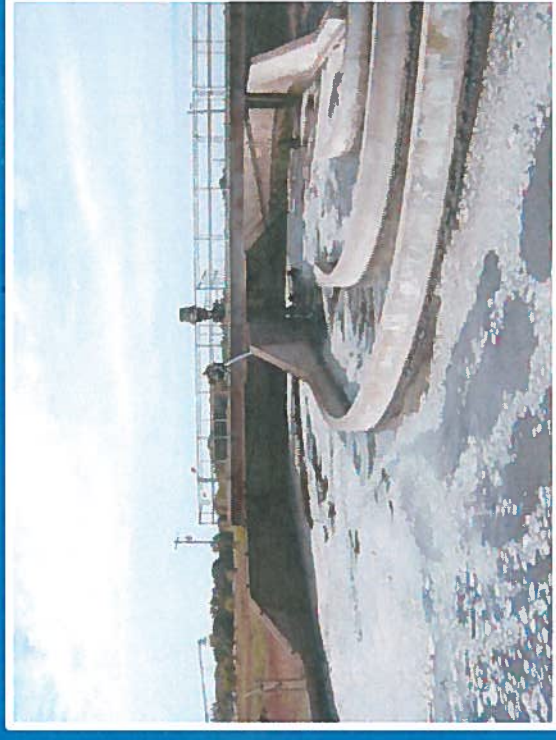
Step 1

Begin Contract Amendment
with FNI



Step 2

Negotiate Fee Schedule for
Permitting, Environmental
Assessment, and Preliminary Design
for WWTP Replacement Project



QUESTIONS?







Status Report 06

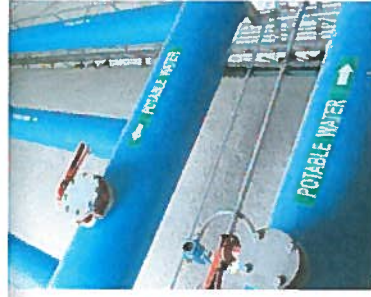
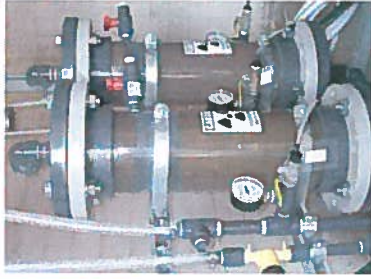
Council Presentation City of Brady Radium Reduction Project

November 3, 2015



Presentation Outline

- Significant Milestones
- Design Sequences
- Process for Funding
- State Agency Review Status
- Project Schedule
- Questions

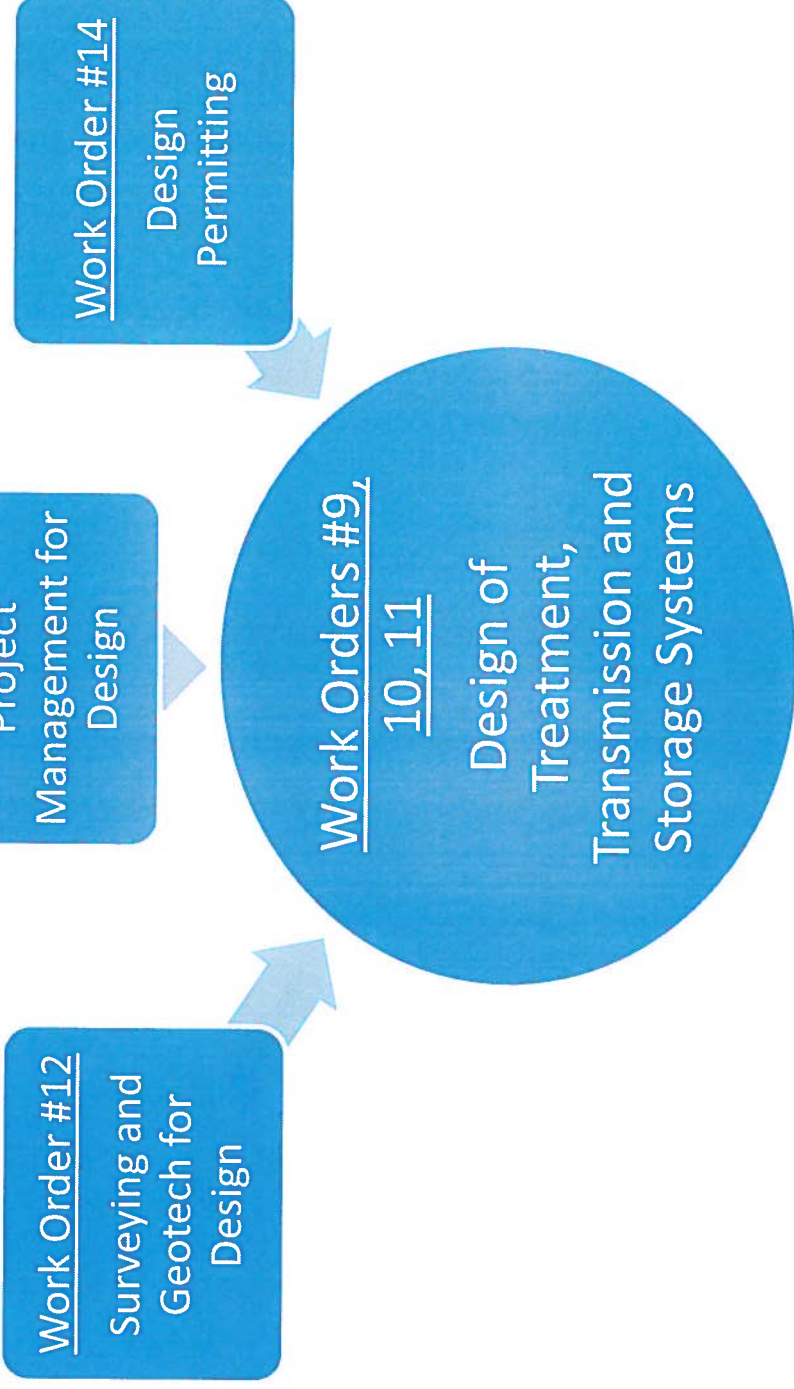


Significant Milestones

➤ Design Work Initiated:

- Work Order #9 – Treatment Design
- Work Order #10 – Transmission Design
- Work Order #11 – Storage Design
- Work Order #12 – Surveying-Geotech
- Work Order #13 – Design Project Management
- Work Order #14 – Design Permitting

Design Phase



Design Update



➤ Treatment Design

- **Proceeding ahead of design funding availability**
- Development of existing facility “as built”
- Coordination w/ WRT and Tonka on iron removal and radium reduction systems
- Coordination with Pall and ITT on rehabilitation of MF and RO systems
- Vendor pre-qualifications for new water system SCADA

➤ Coordination

- Design Workshop No. 1 – Aug. 13, 2015
- Design Workshop No. 2 – Oct. 22, 2015
- **Design Workshop No. 3 – Week of Nov. 16**



Design Update



➤ Transmission Design

- Further refining of distribution system model
- Additional transmission route alignment development
- Verification of transmission/distribution needs to support fire flow demands at hospital

➤ Coordination

- Design Workshop No. 1 – Aug. 13, 2015
- Design Workshop No. 2 – Oct. 22, 2015
- **Design Workshop No. 3 – Week of Nov. 16**



Design Update



- Storage Design
 - In development to support transmission/treatment designs
- Coordination
 - Design Workshop No. 1 – Aug. 13, 2015
 - Design Workshop No. 2 – Oct. 22, 2015
 - Design Workshop No. 3 – Week of Nov. 16



Design Update



➤ Design Development Goals

- Complete development of Basis of Design Report in December 2015
- Complete process design in December 2015
- Review Opinion of Probable Construction Cost (OPCC) with City staff for incorporation into construction funding application by the end of December 2015



Process for Funding



TWDB Approval Update

- EID submitted, awaiting acceptance
- EFR tied to EID acceptance
- EFR approval allows design funding activation

Summary of Project Scope



Treatment Alternative	Conceptual Capital Cost	Conceptual Annual O&M Cost	Conceptual 10-Yr Life Cycle Cost
Selected Groundwater Alternative	\$12,504,000	\$556,631	\$17,253,000
Selected Surface Water Alternative	\$782,000	\$353,725	\$3,800,000
Selected Distribution Alternative	\$4,894,000	\$135,054	\$7,595,000
TOTAL	\$18,180,000	\$1,045,410	\$28,648,000



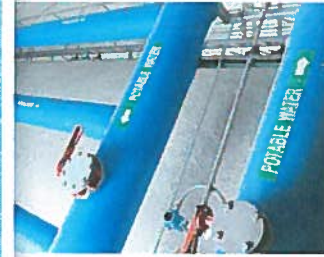
Comparison Of Schedules



Milestones	EPA Compliance Schedule	EDAP Only For Design
Begin Design	February 2015	August 2015
Design Completion	October 2015	May 2016
Submittal of EDAP Construction Application	N/A	January 2016
Construction Start	March 2016	January 2018
Achieve Compliance	September 2017	June 2019
* - Assumes 2017 Legislature Approves remaining \$51 million in EDAP Funds in 2017 Session		



Questions & Answers



City Council
City of Brady, Texas

Agenda Action Form for Ordinance

AGENDA DATE:	11-3-2015	AGENDA ITEM	7.A
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding second and final reading of Ordinance 1182 to amend FY 2014-2015 Final Budget (reducing budget by \$2,615,982)		
PREPARED BY:	Lisa Remini	Date Submitted:	10-29-2015
EXHIBITS:	Ordinance # 1182 Budget Summary Narrative to explain amendments to Budget		
BUDGETARY IMPACT:	Required Expenditure:	\$19,595,458.00	
	Amount Budgeted:	\$22,211,440.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

The Director of Finance met and discussed with each Division on the progress of the fiscal year and evaluated actual performance to current budget levels at the close of FY15.

Overall, if approved, the requested amendments will result in a decrease in total budgeted expenditures in the amount of \$2,615,982 or 11.78%. This decrease is primarily the result of reducing expenditures associated with the Drinking Water project in the amount of \$1,771,902, and three grant supported projects including the Airport hangar, the Brady Creek walking trails, and the Brady Lake dam in the amount of \$921,808. Progress for all these projects will flow into fiscal year 2016.

Please refer to the attached memo that details selected amendments requested that will result in a \$10,000 or greater change to the division budget.

RECOMMENDED ACTION:

Mayor: "Do I have a motion to read the full ordinance?"

If no, Mayor will state: "A majority of the City Council has dispensed with the full reading of the ordinance."

Mayor will ask: "Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter." "Secretary reads preamble"

Mayor calls for a motion:

Move to approve the **second and final** reading of Ordinance 1182

ORDINANCE NO. 1182

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE
FISCAL YEAR 2014-2015 BUDGET**

An ordinance amending the 2014-2015 Fiscal Year Budget as follows:

Decreasing total expenditures by \$2,615,982 for a budget of \$19,595,458 as per attached summary, made a part of this ordinance.

These amendments will allow for the completion of the fiscal year operations for the City of Brady.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF BRADY TEXAS** that the FY 2014-2015 budget be amended accordingly.

PASSED AND APPROVED THIS THE ____ DAY OF _____ 2015.

Anthony Groves, Mayor

ATTEST: _____
Tina Keys, City Secretary

RECOMMENDED BUDGET AMENDMENTS – EXCLUDING TRANSFERS
for Fiscal Year 14-15
per Divisions

REVENUES				EXPENSES					
GENERAL FUND REVENUES	CURRENT BUDGET	AMENDED BUDGET	PROPOSED \$ CHANGE	% CHANGE	GENERAL FUND EXPENSES	CURRENT BUDGET	AMENDED BUDGET	PROPOSED \$ CHANGE	% CHANGE
Administration	1,896,309	1,956,309	60,000	3.16%	Administration	620,308	620,308	0	0.00%
Airport	697,260	697,260	0	0.00%	Airport	913,706	913,706	0	0.00%
Public Property Maintenance	69,901	74,751	4,850	6.94%	Public Property Maintenance	458,481	452,681	(5,800)	-1.27%
					Mayor & Council	26,851	26,851	0	0.00%
Golf Course	116,403	116,403	0	0.00%	Golf Course	281,922	281,922	0	0.00%
Swimming Pool	22,500	23,580	1,080	4.80%	Swimming Pool	94,383	91,461	(2,922)	-3.10%
Fire	86,826	81,826	(5,000)	-5.76%	Fire	806,329	762,679	(43,650)	-5.41%
Police	59,853	169,426	109,573	183.07%	Police	849,219	958,792	109,573	12.90%
Emergency Management	65,000	15,000	(50,000)	-76.92%	Emergency Management	68,275	18,275	(50,000)	-73.23%
Communications	42,000	32,000	(10,000)	-23.81%	Communications	310,565	300,565	(10,000)	-3.22%
Comm Services Admin	36,000	36,000	0	0.00%	Comm Services Admin	108,085	108,085	0	0.00%
Street	99,720	99,720	0	0.00%	Street	983,699	983,699	0	0.00%
Civic Center	200,915	199,915	(1,000)	-0.50%	Civic Center	210,065	210,402	337	0.16%
Municipal Court	49,500	49,500	0	0.00%	Municipal Court	151,551	151,551	0	0.00%
Repair Shop	0	0	0	0.00%	Community Support	2,700	2,700	0	0.00%
Animal Control	300	300	0	0.00%	Repair Shop	62,912	62,912	0	0.00%
EMS	750,675	655,675	(95,000)	-12.66%	Animal Control	74,844	74,844	0	0.00%
Brady Lake	139,600	127,964	(11,636)	-8.34%	EMS	802,636	802,636	0	0.00%
G. Rollie White Complex	0	0	0	0.00%	Brady Lake	185,758	190,218	4,460	2.40%
Purchasing	0	0	0	0.00%	G. Rollie White Complex	58,100	58,100	0	0.00%
Finance	0	0	0	0.00%	Purchasing	54,944	54,944	0	0.00%
Building Permitting	42,612	42,612	0	0.00%	Finance	257,503	257,503	0	0.00%
Subtotal	4,375,379	4,378,246	2,867	0.07%	Building Permitting	189,843	189,843	0	0.00%
					Subtotal	7,572,679	7,574,677	1,998	0.03%
SPECIAL SERVICE FUND REVENUES					SPECIAL SERVICE FUND EXPENSES				
Pass Through	498,000	498,000	0	0.00%	Pass Through	498,000	498,000	0	0.00%
Senior Citizens	113,000	106,500	(6,500)	-5.75%	Senior Citizens	258,730	255,470	(3,260)	-1.26%
Community Development	923,000	214,500	(708,500)	-76.76%	Community Development	1,039,750	117,942	(921,808)	-88.66%
Subtotal	1,534,000	819,000	(715,000)	-46.61%	Subtotal	1,796,480	871,412	(925,068)	-51.49%
TOTAL GEN/SPECIAL FUNDS	5,909,379	5,197,246	(712,133)	-12.05%	TOTAL GEN/SPECIAL FUNDS	9,369,159	8,446,089	(923,070)	-9.85%
UTILITY FUND REVENUES					UTILITY FUND EXPENSES				
Electric Service	7,980,457	8,271,457	291,000	3.65%	Electric Service	5,299,541	5,584,541	285,000	5.38%
Sewer Service	751,500	751,500	0	0.00%	Sewer Service	523,093	523,083	(10)	0.00%
Special Projects - CW	0	0	0	0.00%	Special Projects -CW	408,411	408,411	0	0.00%
Public Works Admin	0	0	0	0.00%	Public Works Admin	84,059	84,059	0	0.00%
Water Service	1,938,848	1,804,084	(134,764)	-6.95%	Water Service	1,513,598	1,378,598	(135,000)	-8.92%
Special Projects - DW	1,804,500	1,804,500	0	0.00%	Special Projects - DW	2,256,692	484,790	(1,771,902)	0.00%
Gas Distribution	1,575,514	1,521,514	(54,000)	-3.43%	Gas Distribution	1,124,683	1,070,683	(54,000)	-4.80%
Solid Waste Collection	1,048,956	1,048,956	0	0.00%	Solid Waste Collection	1,132,611	1,132,611	0	0.00%
Street Sanitation	74,000	74,000	0	0.00%	Street Sanitation	52,108	52,108	0	0.00%
					Power Plant	8,000	8,000	0	0.00%
Meter	0	0	0	0.00%	Meter	57,153	57,153	0	0.00%
Billing & Collection Dept	0	0	0	0.00%	Billing & Collection Dept.	202,743	202,743	0	0.00%
Utility Support Services	194,725	194,725	0	0.00%	Utility Support Services	179,589	162,589	(17,000)	-9.47%
TOTAL UTILITY REVENUES	15,368,500	15,470,736	102,236	0.67%	TOTAL UTILITY EXPENSES	12,842,281	11,149,369	(1,692,912)	-13.18%
OTHER SOURCES									
Fund Balance	860,603	860,603	0	0.00%					
Total Other Sources	860,603	860,603	0	0.00%					
TOTAL REVENUES	22,138,482	21,528,585	(609,897)	-2.75%					

CITY OF BRADY
FY15 TOTAL BUDGET SUMMARY WITH TRANSFERS
FINAL

TOTAL REVENUES	TOTAL EXPENSES	NET IMPACT ON UNRESTRICTED FUND BALANCE
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GENERAL FUND - 10

GENERAL FUND BUDGET BEFORE TRANSFERS	\$4,378,246	\$7,574,677	(\$3,196,431)
Transfer from Electric Fund	\$2,645,771		\$2,645,771
Transfer from Water Fund	\$255,500		\$255,500
Transfer from Water Fund surplus reserves	\$748,740		\$748,740
Transfer from Gas Fund	\$29,282		\$29,282
GENERAL FUND BUDGET AFTER TRANSFERS	\$8,057,539	\$7,574,677	\$482,862

ELECTRIC & SEWER FUND - 20

ELECTRIC & SEWER FUND BUDGET BEFORE TRANSFERS	\$9,022,957	\$6,524,035	\$2,498,922
Transfer to General Fund		\$2,645,771	(\$2,645,771)
Transfer from Water Fund surplus reserves	\$221,260		\$221,260
Draw down on restricted TWDB fund balance reserve for CW proj	\$408,411		\$408,411
ELECTRIC & SEWER FUND BUDGET AFTER TRANSFERS	\$9,652,628	\$9,169,806	\$482,822

WATER FUND - 30

WATER FUND BUDGET BEFORE TRANSFERS	\$3,608,584	\$1,947,447	\$1,661,137
Transfer to General Fund		\$255,500	(\$255,500)
Transfer to General Fund surplus reserves		\$748,740	(\$748,740)
Transfer to Electric Fund surplus reserves		\$221,260	(\$221,260)
Transfer to Utility Support Fund		\$14,691	(\$14,691)
Draw down on restricted TWDB fund balance reserve for DW proj	\$452,192		\$452,192
Restrict unspent EDAP funds received in FY 15		\$1,771,901	(\$1,771,901)
WATER FUND BUDGET AFTER TRANSFERS	\$4,060,776	\$4,959,539	(\$898,763)

GAS FUND - 40

GAS FUND BUDGET BEFORE TRANSFERS	\$1,521,514	\$1,070,683	\$450,831
Transfer to General Fund		\$29,282	(\$29,282)
Transfer to Utility Support Fund		\$213,069	(\$213,069)
Transfer to Solid Waste Fund		\$0	\$0
Transfer to Special Revenue Fund		\$208,480	(\$208,480)
GAS FUND BUDGET AFTER TRANSFERS	\$1,521,514	\$1,521,514	\$0

UTILITY SUPPORT FUND - 50

UTILITY SUPPORT FUND BUDGET BEFORE TRANSFERS	\$194,725	\$422,485	(\$227,760)
Transfer from Water Fund	\$14,691		\$14,691
Transfer from Gas Fund	\$213,069		\$213,069
UTILITY SUPPORT FUND BUDGET AFTER TRANSFERS	\$422,485	\$422,485	\$0

CITY OF BRADY
FY15 TOTAL BUDGET SUMMARY WITH TRANSFERS
FINAL

SOLID WASTE FUND - 60

	TOTAL REVENUES	TOTAL EXPENSES	NET IMPACT ON UNRESTRICTED FUND BALANCE
SOLID WASTE FUND BUDGET BEFORE TRANSFERS	\$1,122,956	\$1,184,719	(\$61,763)
Transfer from Gas Fund	\$0		\$0
Transfer from Electric Fund	\$0		\$0
Restrict unspent Street Sanitation funds received in FY 15		\$21,892	(\$21,892)
SOLID WASTE FUND BUDGET AFTER TRANSFERS	\$1,122,956	\$1,206,611	(\$83,655)

SPECIAL REVENUE FUND - 80

SPECIAL REVENUE FUND BUDGET BEFORE TRANSFERS	\$819,000	\$871,412	(\$52,412)
Transfer from Gas Fund	\$208,480		\$208,480
Transfer from Water Fund	\$0		
SPECIAL REVENUE FUND BUDGET AFTER TRANSFERS	\$1,027,480	\$871,412	\$156,068

TOTAL BUDGET BEFORE TRANSFERS	\$21,528,585	\$19,595,458	\$1,933,127
TOTAL BUDGET AFTER TRANSFERS	\$25,865,378	\$25,726,044	\$139,334

CITY OF BRADY
BUDGET AMENDMENT SUMMARY for FY 2015

The following is a detailed summary by division of the proposed amendments that reflect a material change compared to the current budget:

GENERAL FUND

- **01 Administration –**
Revenues: Sales tax revenues are up 15% compared to last year; therefore, receipts are projected to be an additional \$43,000 more than mid-year projections. Property taxes and interest income is expected to be \$17,000 more than current budget.
- **07 Fire –**
Expenditures: Personnel costs are less than expected by \$18,700 and various operational expenditures are expected to be \$19,950 less than projected. A \$5,000 grant for equipment did not materialize.
- **08 Police –**
Revenues / Expenditures: Council approved to finance the purchase of the Copsync program at \$109,573.
- **09 Emergency Management –**
Revenues / Expenditures: A \$50,000 grant to purchase a generator for emergency needs did not materialize.
- **10 Communications –**
Revenues / Expenditures: The CVCOG did not donate \$10,000 for the purchase of a console.
- **29 EMS –**
Revenues: EMS service collections are projected to be \$95,000 less than expected.
- **32 Brady Lake**
Revenues: Various rental fees are projected to fall short of budgeted projections by \$11,636.

**CITY OF BRADY
BUDGET AMENDMENT SUMMARY for FY 2015**

SPECIAL SERVICE FUND

- **43 Community Development –**

The Brady Lake dam study has been delayed; therefore, the budget is reduced by \$52,575.

The Airport Hangar project has been put on hold; therefore, the budget is reduced by \$716,543.

The improvements to the walking trail along Brady Creek have been delayed; therefore, the budget is reduced by \$155,190.

These projects will be continued in Fiscal Year 16.

UTILITY FUNDS

- **22 Electric Division-**

Revenues: Pass-thru revenues are projected to be \$395,000 more than original projections. City Division revenues are projected to be \$50,000 less than projected. The \$54,000 TXDOT grant was removed from the budget.

Expenditures: Wholesale power costs are projected to be \$395,000 more than original projections. Various operational expenditures were reduced by \$50,000. The \$60,000 TXDOT project was removed from the budget.

- **31 Water Division**

Revenues: Water sales fell short of projections by \$80,764. The \$54,000 TXDOT grant was removed from the budget.

Expenditures: Various operational expenditures were reduced by \$75,000. The \$60,000 TXDOT project was removed from the budget.

- **33 Water Special Projects - DWSRF –**

Expenditures: \$1,771,902 of EDAP funds will not be spent in this FY.

- **42 Gas Division -**

Revenues: The \$TXDOT project was removed from the budget, reducing revenues by \$54,000.

Expenditures: The \$60,000TXDOT project was removed from the budget. Payroll costs, however, required an additional \$16,000 to meet needs. \$10,000 in operational cost savings are expected to offset the increase in payroll.

- **50 Utility Support Division –**

Expenditures: Utility costs at the service center are expected to be \$17,000 less than original projections.

City Council
City of Brady, Texas
Agenda Action Form for Ordinance

AGENDA DATE:	11-3-2015	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding first reading of Ordinance 1183 to revise Fee Schedule for Animal Services		
PREPARED BY:	K Lenoir	Date Submitted:	10-16-2015
EXHIBITS:	Ordinance 1183 and Exhibit A		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:
On October 12, the City Council held a work session with city staff and members of PAWS to discuss changes to fees now outlined in the Animal Services Ordinance.
Staff will be available to discuss and changes to the first reading of the ordinance proposed.

RECOMMENDED ACTION:
Mayor: <u>"Do I have a motion to read the full ordinance?"</u>
If no, Mayor will state: <u>"A majority of the City Council has dispensed with the full reading of the ordinance."</u>
Mayor will ask: <u>"Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter."</u> "Secretary reads preamble"
Mayor calls for a motion: Move to approve first(or second and final) reading of Ordinance 1183

ORDINANCE NO. 1183

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS, UPDATING
ORDINANCE NUMBER 1178, A SCHEDULE OF FEES, FOR THE
ADMINISTRATION OF ANIMAL SERVICES, PROGRAMS,
REGULATIONS, AND OTHER OPERATIONS OF THE CITY;
UPDATING THOSE FEES; AND PROVIDING A SEVERANCE CLAUSE.**

WHEREAS, the City of Brady, Texas (hereinafter the “City”) has established numerous fees for the administration of programs and regulations by the City; and

WHEREAS, it is often appropriate and equitable for the individuals and businesses that use particular city services to bear the cost of providing those services; and

WHEREAS, many of those fees have become obsolete and no longer even approximate the cost to the city of providing those services; and

WHEREAS, appropriate fees will encourage the judicious use of city resources in light of the cost to the public of using those resources and the need for the benefit provided by those resources; and

WHEREAS, it is necessary to update the existing fee schedule on an as needed basis to keep the public up to date on applicable fees for a particular service, and

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

That the Fee Schedule attached hereto as “Exhibit A” to this Ordinance is hereby adopted.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED, APPROVED by the City Council of the City of Brady, Texas, on FIRST READING at a regular meeting held on this the 3rd of November, 2015.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Brady, Texas, on SECOND READING at a regular meeting held on this the 17th of November, 2015.

Mayor

ATTEST:

City Secretary

EXHIBIT A - RED IS RECOMMENDED CHANGES

PER PAWS CONTRACT, CITY ORDINANCE FEES COLLECTED BY PAWS:

License/Registration Fee (Sec 2.300):

~~\$3/dog and \$2/cat~~ \$5/pet every two years – expires Oct 1 – odd years

Annual Dangerous Pet Registration demeaned by ACO (Sec 2.501-2.505): \$50 / year – expires Oct 1

Change ownership: \$25 – expires Oct 1

Annual Breeders License (Sec 2.700): ~~\$25 per year~~ \$25/every 2 years - expires Oct 1-odd years

Late Fee: ~~assess by ACO~~ 30 days past due date \$5 per month

Impounded Animal (Sec 2.112) – required to pay all fees incurred – boarding and compliance
\$25 first offense; ~~\$45~~ \$50 second offense; ~~\$100~~ \$150 all subsequent offenses

Daily Boarding Fee: \$15

Redemption of Quarantined Animal (Sec 2.114): after payment of all fees incurred (\$10/day for 10 days min)

FEES COLLECTED AND PAID TO CITY OF BRADY:

Animal Pick-up by (Surrender to) ACO requested by owner: ~~\$30~~ \$50 or \$90 each

Evidence leading to conviction of poisoning any animal (Sec 2.104): \$50 award

Annual Exotic Animal Permit: \$25 per year for 1st year; \$15 for 2nd year; \$15 to amend permit-
expires each December (permits held by City Secretary)

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	11-3-2015	AGENDA ITEM	7.C.
AGENDA SUBJECT:	Discussion regarding City of Brady Sales Tax Rebate Economic Development Incentives for the proposed/possible US Cement Plant, not to exceed \$297,000 over 9 years or \$33,000 per year.		
PREPARED BY:	Peter Lamont	Date Submitted:	10-29-2015
EXHIBITS:	Proposed criteria and guidelines for an Economic Development agreement		
BUDGETARY IMPACT:	Required Expenditure:		
	Amount Budgeted:		
	Appropriation Required:		
CITY MANAGER APPROVAL:			

SUMMARY:
U.S. Cement is proposing to build a new white cement plant in McCulloch County. They have requested some Economic Development Incentives from McCulloch County, City of Brady and the Brady Economic Development Corporation. On September 28 City Council heard approximately 10 hours of public input on the proposed project. Staff has taken some of that input together with the requests from U.S. Cement and staff suggestions to develop a starting point for a possible agreement. These include obligations of U.S. Cement, obligations of the City of Brady, remedies should obligations not be met and a schedule for establishing enactment dates and payment dates. Once the City Council establishes desired criteria, that same criteria will be used for both the City incentives and incentives approved and provided by the Brady Economic Development Corporation.

RECOMMENDED ACTION:
Provide direction to staff

Proposed Terms, Guaranties and Conditions

For and with U.S. Cement

For a Proposed Plant in McCulloch County

U.S. Cement Obligations

- 1) U. S. Cement will construct a Limestone Quarry and Cement manufacturing plant with an improved value, structure and permanent equipment, as determined by the McCulloch County Appraisal District of at least \$175,000,000 U.S. Dollars.
- 2) U. S. Cement will provide for 200 Permanent, full time jobs, as defined under the U.S. Department of Labors, Fair Labor Standards for the entire term of the agreement
 - a. Undocumented Workers – U.S. Cement certifies that it does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code as amended. If during the Term of this Agreement, U.S. Cement is convicted of a violation of 8 U.S.C. para 1324a(f), U.S. Cement shall repay the amount of the grant for all years in which the violation occurred. Pursuant to Section 2264.101, Texas Government Code, a business is not liable for a violation of Chapter 2264 by a subsidiary, affiliate of franchisee of the business, or by a person with whom the business contracts.
- 3) Comply with all applicable state and federal regulations regarding the construction and operations of a cement manufacturing facility in perpetuity.
- 4) Provide reasonable assistance to future economic development efforts by the County and/or EDC (i.e. testimonials, board participation, etc.)
- 5) The cement processing plant shall utilize only Natural gas for fuel until such time as a safer and lower emission fuel shall be developed. Transition to any such fuel shall be upon mutual agreement of the parties.
- 6) U.S. Cement shall maintain a minimum fifty (50) foot buffer adjacent to all city, state, county and federal roadways and all adjacent properties not owned by the company.
- 7) U.S. Cement shall utilize all currently available methods to minimize artificial/night light leakage off of all properties.
- 8) U.S. Cement shall adhere to City of Brady building and safety codes for Industrial areas

City of Brady Obligations

- 1) Provide 9 annual grants in the amount of \$33,000, based on the increase of sales tax generated with the City of Brady as determined by a comparison of sales tax for one year prior to the onset of construction of the plant and for one year after construction is completed and a staffing level of at least 200 permanent, full time jobs has been achieved.
- 2) Provide coordination and assistance in developing a workforce training program for local residents
- 3) Provide reasonable support to the Developer in applying for other assistance by the State and/or other appropriate agencies and in coordinating with local and regional organizations to ensure that the site is adequately served by transportation and utility infrastructure

Remedies

- 1) Should U.S. Cement fail to develop a plant with an improved value, structure and permanent equipment, as determined by the McCulloch County Appraisal District of at least \$175,000,000 U.S. Dollars, then the sales tax grant shall be permanently reduced by a corresponding percentage.
- 2) Should U.S. Cement fail to provide for 200 Permanent, full time jobs, as defined under the U.S. Department of Labors, Fair Labor Standards for the entire term of the agreement, the sales tax grant shall be decreased by a corresponding percentage for any and all years in which the employment requirement is not met.

Payment Schedules

- 1) The effective date Sales Tax Grants shall be based upon the 1 year anniversary date of significant completion of the plant and certification of jobs as required by the Texas Workforce Commission.
- 2) Annual Sales Tax payments shall be made on or before August 30th each year for the proceeding one year after the effective date defined above and is based on the increase in sales tax as described in paragraph XXX.XXX above.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	11-3-15	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion regarding revisions to Junk Vehicle Ordinance		
PREPARED BY:	K Lenoir	Date Submitted:	10-29-15
EXHIBITS:	Sample Ordinance changes		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:
Our City Attorney has been working with Municipal Code Court and staff the past few months. To update the rules and procedures, he has some suggestions for revising the Junk Vehicle Ordinance. Please review the attached ordinance of deleted items and suggested new items for future consideration. City Council and staff will discuss during this item and address any questions.

RECOMMENDED ACTION:
Direct staff as desired.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING THE CITY OF BRADY CODE OF ORDINANCES CHAPTER 8 OFFENSES AND NUISANCES BY AMENDING ARTICLE 8.200, TITLED JUNKED VEHICLES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 1.04 of the City's Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, to make and enforce all police, health, and sanitary regulations; as may be expedient for the protection and maintenance of good government, for peace and welfare of the City for the performance of the functions of the City and the order and security of its residences; and may provide suitable penalties for the violations of any ordinance enacted by the City; and

WHEREAS, Chapter 683 of the Texas Transportation Code declares that a junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way: (1) is detrimental to the safety and welfare of the public; (2) tends to reduce the value of private property; (3) invites vandalism; (4) creates a fire hazard; (5) is an attractive nuisance creating a hazard to the health and safety of minors; (6) produces urban blight adverse to the maintenance and continuing development of municipalities; and (7) is a public nuisance; and

WHEREAS, Chapter 8 of the City's Municipal Code of Ordinances regulates nuisances and establishes offenses related to said nuisances; and

WHEREAS, the City Council has determined that the safety, health and welfare of the citizens and general public require amendments to Chapter 8 of the Code of Ordinances to regulate Junked Vehicles, Junked Boats, and Other Junked or Inoperable Equipment; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Brady's Municipal Code of Ordinances, Chapter 8 (entitled "*Offenses and Nuisances*"), Article 8.200 (entitled "*Junked Vehicles*"), Article 8.200 is hereby amended by deleting language that is stricken (~~stricken~~) and adding language that is underlined (underlined) as follows:

ARTICLE 8.200 JUNKED VEHICLES*

Sec. 8.201—Title; Jurisdiction

(a) ~~—Title. This article shall commonly be referred to as the junked vehicle article.~~

(b) ~~—Jurisdiction. The provisions of this article shall apply within the city limits.~~

Sec. 8.202—Definitions

~~Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases which are not defined in this article but are defined in other provisions in this code shall be given the meanings set forth in those sections. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.~~

~~Antique Vehicle. A passenger car or truck that is at least 25 years old.~~

~~City. The City of Brady, County of McCulloch, State of Texas, and includes any official, agent or employee acting on behalf of the city.~~

~~Code Officer. The person or persons designated by the council to assist the council in implementing and enforcing this article. Such person must be a regularly salaried, full-time employee of the city.~~

~~Council. The city council of the City of Brady.~~

~~Department. The Texas Department of Transportation.~~

~~Junked Vehicle. A vehicle that is self-propelled and:~~

~~(1) —Does not have lawfully attached to it:~~

~~(A) —An unexpired license plate; and~~

~~(B) —A valid motor vehicle inspection certificate; and~~

~~(2) —Is:~~

~~(A) —Wrecked, dismantled, or partially dismantled, or discarded; or~~

~~(B) —Inoperable and has remained inoperable for more than 72 consecutive hours, if the vehicle is on public property; or 30 consecutive days, if the vehicle is on private property.~~

~~Motor Vehicle Collector.~~ A person who:

- ~~(1) — Owns one or more antique or special interest vehicles; and~~
- ~~(2) — Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.~~

~~Person.~~ An individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity.

~~Public Place.~~ Any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

~~Public Right of Way.~~ The area on, below, above, or adjacent to a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the city has an interest.

~~Special Interest Vehicle.~~ A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Sec. 8.203 — Public Nuisance; Prohibition

~~It shall be unlawful for any person to cause or maintain a public nuisance with regard to junked vehicles as provided in this article.~~

Sec. 8.204 — Filing and Investigating Complaints

~~(a) — Any city resident or property owner may file a complaint alleging a violation of this article. The complaint must be in writing; provide sufficient details about the alleged violation; be signed by the complainant; and be filed with the code officer or designee.~~

~~(b) — The code officer, on his/her own knowledge or on the basis of a complaint by a city resident or property owner, shall investigate any alleged violation of this article.~~

~~(c) — The code officer may enter and inspect the premises where a violation of this article is alleged to have occurred at any reasonable time and may obtain information to identify the nuisance and to remove or direct the removal of the nuisance in compliance with this article.~~

~~(d) — If the code officer determines there is a violation of this article and that a public nuisance exists, the officer shall submit to the city manager a written report of violation.~~

Sec. 8.205 — Exemptions

~~This article shall not apply to a vehicle, or part thereof that:~~

- ~~(1) — Is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property;~~
- ~~(2) — Is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or~~
- ~~(3) — Is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are maintained in an orderly manner; not a health hazard; and screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.~~

Sec. 8.206 — Notice and Removal

~~(a) — The code officer is authorized to issue written notice to the alleged violator. Notice must be provided in accordance with this article prior to abatement and removal of the junked vehicle nuisance.~~

~~(b) — The notice shall describe the nature and location of the junked vehicle nuisance and be personally delivered, sent by certified mail with a five-day return requested or delivered by the United States Postal Service with signature confirmation service to:~~

- ~~(1) — The last known registered owner of the junked vehicle;~~
- ~~(2) — Each lien holder of record of the junked vehicle; and~~
- ~~(3) — The owner or occupant of the property on which the junked vehicle is located; or if the junked vehicle is located on a public right-of-way, the property adjacent to the right-of-way.~~

~~(c) — The notice shall state that:~~

- ~~(1) — The nuisance must be abated and removed not later than the tenth (10th) day after the date on which the notice was personally delivered or mailed; and~~
- ~~(2) — Any request for a hearing must be made before that ten-day period expires.~~

~~(d) — If the post office address of the last known registered owner of the nuisance junked vehicle is unknown, notice may be placed on the vehicle or, if the owner is located, personally delivered.~~

~~(e) — If the nuisance has not been removed within ten (10) days after the date on which the notice was personally delivered or mailed and the alleged violator has not requested a~~

~~public hearing, the code officer or designee may request the municipal court judge to order the removal of the nuisance. The court's order shall contain information about the junked vehicle's description, vehicle identification number, and license plate number, if the information is available at the location of the nuisance; and authorize the relocation of the junked vehicle, or a part thereof to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.~~

~~(f) — If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.~~

~~Sec. 8.207 — Public Hearing~~

~~(a) — Upon request within the time period set out in Section 8.206 of this article, a public hearing shall be held upon request of a person who receives notice if the request is made not later than the date by which the nuisance must be abated and removed. The public hearing shall be before the city council or its designee to determine whether or not a junked vehicle nuisance exists and for the purpose of entering an order or resolution requiring the removal of such junked vehicle, if found to be a nuisance.~~

~~(b) — If a hearing is requested, then the hearing shall be held not earlier than the eleventh (11th) day after the date on which notice was provided as described in Section 8.206 of this article.~~

~~(c) — At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.~~

~~(d) — If, after written notice has been provided as described in Section 8.206 of this article, the junked vehicle is relocated to another location in the city after a proceeding for the abatement and removal of the vehicle has commenced, the relocation has no effect on the proceeding if the vehicle constitutes a public nuisance at the new location.~~

~~(e) — If the city council or its designee finds, after a hearing, that the vehicle is a junked vehicle nuisance, an order shall be entered requiring the removal of the vehicle and the order shall:~~

~~(1) — Contain information about the junked vehicle's description, vehicle identification number, and license plate number if the information is available at the location of the nuisance; and~~

~~(2) — Authorize the relocation of the junked vehicle, or a part thereof to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.~~

~~Sec. 8.208 — Administration of Removal of Vehicle~~

~~The code officer shall administer the procedures for the abatement and removal of junked vehicles from property under this article, except any authorized person may remove the junked vehicle from the property.~~

Sec. 8.209 — Notice to Department of Public Safety

~~The code officer shall, not later than the fifth (5th) day after the removal of a junked vehicle under this article, provide written notice of the removal to the state department of transportation. Such notice shall identify the vehicle or part of the vehicle that was removed.~~

Sec. 8.210 — Reconstruction Prohibited

~~When a junked vehicle is declared a public nuisance under this article and is ordered to be removed, it shall not thereafter be reconstructed or made operable.~~

Sec. 8.211 — Enforcement

~~(a) — Civil and Criminal Penalties. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.~~

~~(b) — Criminal Prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding two hundred dollars (\$200.00). Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.~~

~~(c) — Civil Remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:~~

~~(1) — Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and~~

~~(2) — A civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and~~

~~(3) — Any other available relief.~~

~~(Ordinance 1060 adopted 1/6/10)~~

ARTICLE 8.200 JUNKED VEHICLES

Abatement of Junked Vehicles, Junked Boats, and Other Junked or Inoperable Equipment

Sec. 8.201 Purpose

This division establishes procedures conforming to subchapter E of chapter 683 of the Texas Transportation Code for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or a part of a junked vehicle and procedures for the abatement and removal of a junked boat, junked off-road motorcycle or a junked all-terrain vehicle as a public nuisance.

Sec. 8.202 Junked Vehicle is a Public Nuisance

A junked vehicle, including part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) is detrimental to the safety and welfare of the public;
- (2) tends to reduce the value of private property;
- (3) invites vandalism;
- (4) creates a fire hazard;
- (5) is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) produces urban decay adverse to the maintenance and continuing development of the City; and
- (7) is a public nuisance

(TEX. TRANSP. CODE § 683.0711)

Sec. 8.203 Definitions

In this division:

Antique vehicle. A passenger car or truck that is at least 25 years old.

Inoperable. Not in running condition without the necessity of being repaired by, for example but without limitation, installing a part or parts, removing or replacing a damaged or missing part or parts, inflating a tire or tires, or charging of the vehicle's battery.

Junked all-terrain vehicle. An all-terrain vehicle that is wrecked, discarded, partially dismantled or inoperable.

Junked boat. A boat or personal watercraft that is wrecked, partially dismantled, discarded, lacking a watertight hull, or inoperable.

Junked off-road motorcycle. An off-road motorcycle that is wrecked, partially dismantled, discarded or inoperable.

Junked trailer. A trailer that is wrecked, dismantled, partially dismantled or inoperable.

Junked vehicle. A vehicle that is self-propelled and:

(1) Does not have lawfully attached to it :

(a) An unexpired license plate; and

(2) That is:

(a) Wrecked, dismantled, partially dismantled, or discarded; or

(b) Has remained inoperable for more than thirty consecutive days.

Motor vehicle collector. A person who:

(1) Owns one or more antique or special interest vehicle; and

(2) Acquires, collects or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Ordinary public view. Visible at any time of the year from any public property or from any adjacent land (including any point below the second floor of any building located on the adjacent land) that is owned or occupied by a person other than the owner or occupant of the land on which a violating vehicle is kept. In relation to an antique vehicle or a special interest vehicle, "screened from ordinary public view" includes screening the vehicle with a fitted cover designed or fabricated for the make and model of the vehicle and that is good condition and the cover does not contain rips, tears or other holes.

Special interest vehicle. A motor vehicle of any age that has not been changed from the original manufacturer's specifications and, because of its historical interest, is being preserved by a hobbyist.

Trailer. A vehicle without motive power that is designed, adapted or used to carry property or passengers on its own structure exclusively.

Violating vehicle. Includes a junked vehicle, junked all-terrain vehicle, junked boat, junked trailer or junked off-road motorcycle or part thereof that is in violation of this division.

Wrecked. Damaged by collision, impact or other force, or by fire or explosion, in a manner that critically affects the proper operation or structural integrity of the vehicle.

Notwithstanding, and without excluding other measurements or systems of damage rating, a vehicle is considered wrecked if the vehicle has been or would be classified on a Texas Department of Transportation Form CR-3 as having sustained a vehicle damage rating of "3" or greater. The term does not include damage due to ordinary wear and tear.

Sec. 8.204 Offenses

(A) A person commits an offense if the person causes, suffers, allows or permits the keeping of a violating vehicle on a premises owned or controlled by that person.

(B) Unless otherwise permitted by applicable law, regulation, permit, or zoning regulations, a person commits an offense if the person causes, suffers, allows or permits the parking or standing of a motor vehicle or a trailer in a residential or nonresidential zone on private property, within public view, owned or controlled by that person if the vehicle:

- (1) Has one or more flat tires;
- (2) Is missing one or more wheels; or
- (3) Is supported by one or more jacks, jack stands, blocks or similar means.

(C) The municipal court shall order abatement and removal of the violating vehicle upon conviction.

Sec. 8.205 Affirmative defenses

(A) It is an affirmative defense to prosecution under section 8.204 (A), and to the abatement procedures established by this division, that the violating vehicle:

(1) Is completely enclosed in a building in a lawful manner and is not within ordinary public view; or

(2) Is a junked vehicle and:

(a) Is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or automobile wrecking yard in a zoning district in which such storage is authorized; or

(b) Is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle and the outdoor storage area, if any, are:

- 1. Maintained in an orderly manner;
- 2. Not a health hazard; and

3. Screened from ordinary public view.

(B) It is an affirmative defense to prosecution under section 8.204 (A) if the vehicle is presently under repair, if the owner shows reasonable progress within the preceding 30 days toward repairing the vehicle to an operable condition, and the vehicle is lawfully parked with a fitted cover designed or fabricated for the make and model of the vehicle and that is good condition and the cover does not contain rips, tears or other holes.

(C) It is an affirmative defense to prosecution under section 8.204 (B) if the vehicle has a flat tire, missing wheel or is supported by a jack, jack stand, block or other means for less than 72 hours.

Sec. 8.206 Administration and removal procedures

(A) The procedures set forth in this division shall be administered by regular full-time employees of the City; provided, however, that any authorized person may remove a violating vehicle under the authority of this division.

(B) The City may seek an owner's consent to enter private property to examine a suspected violation of this division, to obtain information to identify the violating vehicle, and to remove or direct the removal of the violating vehicle. The City is authorized to obtain a search warrant to conduct an inspection permitted by this section when consent to enter the property for the inspection has been refused or otherwise cannot be obtained.

(C) No violating vehicle removed under the authority of this division may thereafter be reconstructed or made operable.

(D) The relocation of a violating vehicle to another location within the City after a proceeding for the abatement and removal of the violating vehicle has commenced has no effect on the proceeding if the violating vehicle constitutes an offense at the new location.

(E) The City shall notify the appropriate designated state agency of the removal of a junked vehicle not later than the fifth day after the removal of a junked vehicle by identifying the vehicle or part of the vehicle removed.

Sec. 8.207 Notice, hearing, and order of removal

(A) Prior to the abatement or removal of a violating vehicle under this division, the City shall provide not less than ten-days' notice of the probable violation by personal deliver, certified mail with a five-day return requested to, or delivery through the United States Postal Service with signature confirmation service requested to:

(1) The last known registered owner of the violating vehicle;

(2) Each lienholder of record, if any, of the violating vehicle; and

(3) The owner or occupant of:

(a) The property on which the violating vehicle is located; or

(b) If the violating vehicle is located on a public right-of-way, the property adjacent to the right-of-way.

(B) If the post office address of the last known registered owner of the violating vehicle is unknown, notice may be placed on the violating vehicle or, if the owner is located, personally delivered. If a notice is returned undelivered, any action to abate the violating vehicle shall be continued to a date not earlier than the eleventh day after the date of the return.

(C) A notice sent under this division shall include a statement that:

(1) The violating vehicle must be abated and removed not later than the tenth day after the date on which the notice was delivered or mailed; and

(2) Any request for a hearing must be made before the ten-day period expires.

(D) A person entitled to notice under this section may request a hearing prior to the removal of the violating vehicle. A request for a hearing shall be made in writing and shall be delivered to the director of the department charged by the City Manager with enforcement of this division not later than ten days after receipt of the notice by the person making the request for a hearing, but in no event more than thirty days following the mailing or delivery of the notice. If a hearing is timely requested by a person for whom notice is required under subsection (A), the hearing shall be held not earlier than the eleventh day after date of the service of the notice. If no request for a hearing is timely filed by a person to whom notice is required under this section, no hearing shall be required.

(E) Upon the timely request for a hearing of any person to whom a notice was provided regarding a violating vehicle, a public hearing will be held before a municipal court judge. Notice of the time, date, and location of the hearing will be provided to each person who submitted a timely request for a hearing.

(F) The issue at the hearing is whether the violating vehicle is a junked vehicle.

(G) At any hearing conducted pursuant to this Article, the violating vehicle is presumed to be inoperable unless demonstrated otherwise by the owner.

(H) If the municipal court judge determines the vehicle to be a junked vehicle, the judge shall order the vehicle to be removed.

(I) Any order requiring the removal of violating vehicle shall include the vehicle's:

- (1) Description;
- (2) Vehicle identification number, if any; and
- (3) License plate, hull registration, or similar registration number, if any.

Sec. 8.208 Removal of Junked Vehicle

The city may remove a junked vehicle at any time following a public hearing and order of the judge or following the waiver of a hearing.

Sec. 8.209 Disposal of Junked Vehicle

(A) A junked vehicle, or part thereof, shall be disposed of by the City by removal to a scrapyard, demolisher, or any suitable site operated by the City for processing as scrap or salvage, and any reconstruction or work to make the vehicle operable after being removed is prohibited.

(B) If the City Council determines that commercial scrap yard or salvage yard are not available or are inadequate, the City may operate its own disposal site and make final disposition of junked vehicles or vehicle parts at the disposal site or the City may transfer the vehicle or vehicle parts to another disposal site if the disposal site is only as scrap or salvage.

Section 3. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 4. Savings. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed offense, nor shall the repeal prevent a prosecution from being commenced for any violation occurring to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

Section 5. Remedies. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances in effect on the effective date of this Ordinance and modified by this Ordinance or any other ordinances in effect on the effective date of this Ordinance and modified by this Ordinance and requiring the payment of fees for licenses, permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This Ordinance shall be in full force and effect on November
, 2015.

PASSED AND APPROVED ON FIRST READING on this _____ day of
_____ 2015.

PASSED AND APPROVED ON SECOND READING on this _____ day of
_____ 2015.

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

APPROVED AS TO FORM:

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, P.C.