



**CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MAY 3, 2016 AT 6:00 PM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 6:00pm on May 3, 2016, at the City of Brady Service Center, located at 1405 N. Bridge Street, 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, Place 5

Kathy Gloria
Council Member, Place 1

Shelly Perkins
Council Member, Place 2

Marilyn Gendusa
Council Member, Place 3

Jack Turk
Council Member, Place 4

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 – April 19, 2016

5. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda

Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.

6. PRESENTATIONS AND PUBLIC HEARING

A. **Continue from April 5 PUBLIC HEARING:** *City Council will reconvene a Public Hearing to hear an appeal requested by Greg and Cheryl Kubacak and to receive public comments for/against the appeal regarding the decision made by the Planning and Zoning Commission on January 19, 2016 to deny the application for a zoning change from Single Family Residential to Industrial District on property located at 1000 East 4th Street, Block 29, Lot 1 of the Luhr Addition as requested by Greg and Cheryl Kubacak.*

B. State of the City Presentation – Kim Lenoir

7. INDIVIDUAL CONCERNS

A. Discussion, consideration and possible action regarding Greg and Cheryl Kubacak's appeal of the decision made by the Planning and Zoning Commission on January 19, 2016 to deny the application for a zoning change from Single Family Residential to Industrial District on property located at 1000 East 4th Street, Block 29, Lot 1 of the Luhr Addition as requested by Greg and Cheryl Kubacak.

- B. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1194** revising Animal Control Ordinance Sections 2.103 Noise; 2.105 Treatment of Animals; 2.106 Abandoning; 2.107 Report of Animals at Large; 2.110 Animals Registered to be Vaccinated; 2.111 Notice of Impoundment; 2.112 Right to Redeem Impounded Dog; 2.115 Disposition of Unredeemed Dogs; 2.117 Destruction of Sick or Injured Impounded Animals After 120 or 72 Hour Period; 2.118 Destruction Impounded Animals Prior to 120 or 72 Hour Period; 2.121 Vicious Animals to be Confined; Section 2.124 Keeping Animals in Front Yard Prohibited; 2.403 Restrictions on Keeping Horses; and 2.501 Requirements for Owners of Dangerous Dog
- C. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1193** granting a Non-Exclusive Franchise to Brady Communication, LLC for the installation of a Fiber Optic Communications System.
- D. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1195** establishing for no overhead power lines, communication lines of similar improvements parallel and along the US 377 N ROW including the downtown square for maintaining a controlled appearance.
- E. Discussion, consideration and possible action on Resolution 2016-025 authorizing the Mayor as the signature authority for all Texas Department of Transportation (TXDOT) documents pertaining and relating to the planned improvements of US377N and the downtown square including a Contract Agreement to Contribute Funds (Fixed Price \$297,280).
- F. Discussion, consideration and possible action regarding Resolution 2016-026 for the temporary use of designated streets in Brady for the purpose of the Brady Elementary School Parent Teacher Organization 5 mile and 5K runs on May 22, 2016.
- G. Discussion, consideration and possible action regarding Resolution 2016-027 for the 90th Annual July Jubilee Street Parade on July 2nd from 10:00 a.m. to 11:00 a.m. and the 43rd Annual World Championship Goat Cook-off Dance on Saturday, September 3rd road closures, TXDOT permit, and noise variances from 8:00 p.m. to 1:00 a.m. on Sunday September 4, 2016
- H. Discussion, consideration and possible action regarding a long-term lease proposal submitted by John Boone and Roy Garza for the G Rollie White Complex.
- I. Discussion, consideration and possible action to appointments to fill vacancies and alternates on City Boards – ZBA, Charter Commission, P&Z, if needed.
- J. Discussion, consideration and possible action regarding real property for a future Multi-use Activity Center (Senior Center), if needed.

8. STAFF REPORTS

- A. Upcoming Special Events:
 - May 20-21 – 6th Annual Air Forces Day Fly-in at Curtis Field Airport
 - May 27-30 – Memorial Weekend Golf Tourney
 - May 27-28 - Annual Iron Horse Motorcycle Rally at Richards Park, will be playing music on Friday night, until 1:00am on Saturday morning and on Sat. until 1:00am on Sun. morning, noise variance approved.
- B. May 7 - Election Day, 7am to 7pm

- C. May 17 – Canvass Election, Seat newly elected Council Members
- D. May 19 – Texas Midwest Community Network (TMCN) Annual Legislative Luncheon - Coleman
- E. May 24 – 9am, City Council FY17 Budget Goals Work Session at Brady Housing Authority
- F. May 30 – Memorial Day – City Offices Closed
- G. Monday 30, 31, Jun 1 - Holiday Trash Schedule – Monday to Tuesday, Tuesday to Wednesday.

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

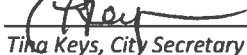
The City Council of the City of Brady will adjourn into Executive Session for the following:

- A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties located in the southern and northern sections of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person - sites for future Multi-use Activity Center (Senior Citizen) Facility.
- 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), 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.

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 4/29/16 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 discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless 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 written interpretation of the 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 551.114(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, April 19, 2016, 6:00pm at the City of Brady Service Center located at 1405 N. Bridge Street, Brady, Texas with Mayor Anthony Groves presiding. Council members present were Latricia Doyal, Marilyn Gendusa, Shelly Perkins and Kathy Gloria. Jack Turk arrived after a quorum was certified. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Director of Public Works Steven Miller, Director of Finance Lisa Remini, Director of Community Services Peter Lamont, Police Chief Steve Thomas, City Attorney Shannon Kackley and ACO Katherine Mitchell. Others in attendance were Robert Dearls, Dub Smith, Joe Whitehead, Joe Spano, Saundra Davenport, Tanya Ruffin, Keith Cornwell, Jane Huffman, John Rudder, Phil Graves, John Boone, Annita Ellison, Chris Huffman, Roy Garza, Matthew Brown, Lee Sellers, Eddie Mireles, Tommy Harris, David Slack, Jeffery Sutton, John Poole, Philip Cruts, Mike Harris, James Griffin, Mr. and Mrs. Leifestes, Oscar Corralejo Jr. and John Boone.

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

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member 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 Doyal. All Council Members voted "aye" and none "nay". Motion carried 5-0.

4. APPROVAL OF MINUTES for April 5, 2015

Council Member Gendusa moved to approve the minutes. Council Member Doyal asked about Item 8 and it was clarified. Seconded by Council Member Doyal. All Council Members voted "aye" and none "nay". Motion carried 5-0.

5. PUBLIC COMMENTS

Robert Searls – Republic Services in San Angelo – sharing information on their services.

John Boone and Ray Garza – Requested to be on future City Council agenda to discuss proposal submitted for G Rollie White Complex longterm lease agreement requested by them.

6. PRESENTATIONS AND PUBLIC HEARINGS

- A. Proclamation for Motorcycle Safety and Awareness Month was presented and signed by Mayor Groves.
- B. Proclamation for National Telecommunicators Week was presented and signed by Mayor Groves.
- C. State of the City Annual Report was postponed until next meeting due to long agenda ahead.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding naming Brady Civic Center. Jane Huffman commented on naming facilities on behalf of generous donors. Saundra Davenport talked about Ed Davenport and his contributions to the City and the legacy he left behind. Council Member Doyal explained the reason for voting the way she did by branding the name of Brady. She feels if someone is trying to think of the name of the Civic Center they may not think of Ed Davenport, however, she would like to keep the name as Ed Davenport. Council Member Turk agreed. Council Member Gendusa moved to leave name as Ed Davenport Civic Center. Seconded by Council Member Doyal. All Council Members voted "ayes" and none "nay". Motion carried 5 – 0.

- B. Discussion, consideration, and possible action regarding **second and final reading of Ordinance 1193** granting a non-exclusive franchise to Brady Communications, LLC for the installation of a fiber optic communications system. Mayor Groves commented at the first reading it was changed to "as amended" by the discussion. It was not clear what was amended. In the future we will have it all written down and secretary will read amendments to make clear. Item was tabled and brought back up after Item E. There was discussion about gross revenues vs franchise fees. If we change to read franchise fees and revenues then we have changed the document that so that it will have to be another first reading. City Attorney Kackley feels comfortable with either option. It was asked what the impact would be on Brady Communications we delay two weeks. Brady Communications replied that an extra delay is not an issue. Brady Communications had a question about the "direct and indirect part." They would like it to be more defined as to how it relates to their customers. First paragraph, "equal to 5%" would need to be clarified and asked if that means Brady Communications will be paying a franchise fee for any customer who receives the service through fiber optic cabling. He doesn't want it to effect customers. It was asked "are you using the city's ROW to provide service to customers outside the city" and Mr. Huffman replied "no". He also asked about the customers who have no relation to the franchise agreement, will they be impacted. City Attorney Kackley responded that no, only customers inside the City would be impacted. Council Member Turk inquired if it will be the people in town who are directly fed by the lines. City Attorney Kackley asked how far does the wireless go and was told it could go 15 miles. He also asked if Brady Communications is using the city's ROW. The response was "not currently". Kackley asked "would you be?" and was told they would want to directly connect to the tower. "But the customer would not be connected to fiber optic system? Huffman responded "there are currently two fiber optic feeds. If a customer in Mason feeds off of a Mason feed, not Brady. It's going to be difficult to determine if a customer is going through the Brady feed." Huffman asked "is the 5% of gross sales going to only be 5% of the customers directly connected to a fiber optic system?" The concern is the indirect part. City Attorney Kackley said we will probably have to do an audit the first quarter then tweak how to base the 5%. We don't want to charge a fee for customers outside the city of Brady. We can amend this further. Council Member Gendusa asked if this will service McCulloch County and was told the fiber optic will only be in the city limits. Council Member Gloria asked "what do we mean by indirectly?" "What are we expecting from them." Answer, "anything related to the city right of way in Brady". Huffman asked "what about Verizon's franchise fees" and City Manager Lenoir answered that Verizon has copper phone lines which are exempt from franchise fees but there is also Verizon fiber optic that should be paying franchise fees but they are not. We are going to rectify that." Council Member Perkins confirmed this is a new service, not a new business. Their current business does not use city ROW, this new business will. The concern is as soon as they get the tower connected, they are fed by the ROW but they are not fiber optic connected. Lenoir said we could see how other cities handle the wireless part and went on to say we could pass as a new first reading and try to get an answer to clarify the wireless situation. We might have to audit then clarify. We are going to be able to define direct and indirect but we may have to wait to go through their business. Brady Communications stated if Verizon has fiber optic and they connect their customers to fiber optic, it is the same. They may need to change pricing. If Verizon uses a line in San Angelo and that line comes through Eden and into Brady through fiber optic line it would qualify as indirect. Council Member Turk moved to approve the **first reading of Ordinance 1193** with wording of franchise fees vs gross revenues. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "nay". Motion carried 5-0.
- C. Discussion, consideration and possible action regarding **first reading of Ordinance 1194** revised Animal Control Ordinance Sections 2.103 Noise; 2.105 Treatment of Animals; 2.106 Abandoning; 2/107 Report of Animals at Large; 2.110 Animals Registered to be Vaccinated; 2.111 Notice of Impoundment; 2.112 Right to Redeem Impounded Dog; 2.115 Disposition of Unredeemed Dogs; 2.117 Destruction of Sick or Injured Impounded Animals After 120 or 72 Hour Period; 2.118 Destruction Impounded Animals Prior to 120 or 72 Hour Period; 2.121 Vicious Animals to be Confined; Section 2.124 Keeping Animals in Front Yard Prohibited;

2.403 Restrictions on Keeping Horses; and 2.501 Requirements for Owners of Dangerous Dogs. Kim Lenoir discussed changes. Council Member Doyal asked about Exhibit A, Noise ..."determination by court. Is that the only thing the court is going to decide?" Animal Control Officer Katherine Mitchell explained that if we have an issue with evidence or if we have complaints of noise at night, then the court is an option. This is for complainant to go to court to talk about the issue. Council Member Doyal asked if there is anything else you take to court? Chief Thomas commented that citizens do have (and have always had) the ability to meet with the City Prosecutor/City Judge and file a complaint for various Class C Misdemeanors, including animal complaints. Chief Thomas went on to explain that this is normally done when the Animal Control Officer is unable to witness a violation within her presence/view. In this case, the Animal Control Officer would not be able to testify they saw the dog(s) loose but a citizen who personally witnessed the offense taking place could be listed as a corroborating witness to the incident. Chief Thomas then explained the difference between a personal knowledge and probable cause complaint and provided examples of each. After this explanation, Council Member Doyal asked if these animal ordinances should be revised to provide this information and Chief Thomas reminded the council that this process applied to several other ordinances as well, not just the animal ordinances and suggested it be placed in the "DEFINITIONS" portion that applies to all of Brady's Code of Ordinances and explains this process. City Attorney Kackley reiterated this and supported Chief Thomas' statement about making it clear that the citizen complaint process should be contained in more than just our animal statutes. Council Member Gloria then asked if there was a protocol in place to return to locations where dogs were reported to be loose in but had not been located. Katherine explained that she keeps a list of these locations and re-checks them frequently. Council Member Gloria then suggested that this type of situation is exactly the type of situation where the citizen could take matters upon themselves and file a complaint without ACO involvement or assistance. ACO agreed and advised that she explains this process to citizens who find themselves in this predicament. Council Member Gendusa agreed that it would be helpful for all of our citizens to know that this type of recourse is available. After commending ACO Mitchell for all her efforts, Council Member Perkins stated she believes there is a general lack of knowledge of what a Class C misdemeanor really is and offered this process (the citizen complaint process) was a viable option to help resolve conflicts and suggested complainants be encouraged to take pictures of loose animals as well. Perkins then stated that finding the best way to better educate our citizenry on this process was the "bigger question" and suggested the City place this information on our web site as well. Mayor Groves proposed that the Council go through all the changes to animal control ordinance and then go back and address how to best incorporate the citizen's complaint process. Chief Thomas said he understands how frustrating it must be for citizens when they call the PD for assistance only to have the problem persist in the future. Thomas hopes that this process helps to empower people and give them another mechanism to deal with these issues. Jane Huffman spoke and said she has called frequently about random pit bulls and has been told animal control is not on duty. She thinks frustration comes from the people answering the phone. "We don't know who the dogs belong to so filing a complaint won't help. There doesn't seem to be a lot of enforcement." ACO Mitchell told Mrs. Huffman when she calls to ask to speak to animal control and they will give her the message or leave a note in her box about the call/issue. Mayor Groves reminded everyone that Katherine has not been our animal control officer for very long. It was asked what ACO Mitchell's work hours were answered as being 8:00am – 5:00pm Monday to Friday, but always subject to being called back for emergency situations. Citizen commented that it is unlawful for a person to abandon or dump any animal in the City and asked about penalties for doing so. Citizen also asked about what "after leaving notice" meant and notice could be left if you don't know whose dog it is? ACO Mitchell explained there is a difference between abandonment and dumping and if an animal is abandoned, they leave notice. Council Member Gendusa moved to approve first reading of Ordinance 1194. Seconded by Council Member Turk. All Council Members voted "aye" and none "nay". Motion carried 5 – 0.

- D. Discussion, consideration and possible action regarding the **first reading of Ordinance 1195** establishing for no overhead power lines, communication lines of similar improvements parallel and along the US 377 N ROW

including the downtown square for maintaining a controlled appearance. Kim Lenoir presented to Council and explained what a huge improvement this will make and how now is time to do it with the new TXDOT project. Council Member Gendusa asked if we have the money and Lenoir stated that it will be budgeted over 3-4 years. Council Member Turk moved to approve first reading of Ordinance 1195. Seconded by Council Member Gendusa. All Council Members voted “aye” and none “nay”. Motion carried 5-0.

- E. Discussion on P & Z recommended ordinances for Infill Overlay and Substandard Buildings. Peter Lamont presented to Council. Council Member Perkins would like to propose a work session to go over several corrections that need to be made. Council Member Gendusa moved to direct staff to schedule a work session to deal with these two ordinances. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carries 5 - 0
- F. Discussion, consideration, and possible action regarding **Resolution 2016-009R-1** to change the Election Judge and the Alternate Judge for the May 7, 2016 General Election. Council Member Gloria moved to approve Resolution 2016-009R-1. Seconded by Council Member Gendusa. All Council Members voted “aye” and none “nay”. Motion carried 5-0.
- G. Discussion, consideration, and possible action to fill vacancies and alternates on City Boards – ZBA, Charter Commission, P&Z. There were no applications, no action was taken.
- H. Discussion, consideration and possible action to appoint a non-voting advisory director for Brady Youth Sports Foundation. Kim Lenoir presented to Council. Council Member Gloria asked who members are. Oscar Corralejo spoke to Council. Directors are Mike Wallace, Vice President; Autumn Huffman, Secretary; Kelly Bohannon, Treasurer. They are in the process of filling the board. Mayor Groves appointed Council Member Gendusa. Council Member Turk moved to approve the appointment of Marilyn Gendusa. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried 5-0.
- I. Discussion, consideration and possible action regarding approval of BEDC action of offering a Small Business Loan, if needed. No action was taken.

8. STAFF REPORTS

- A. Monthly Financial Reports for March
- B. Monthly Activity Reports – Seniors; Golf; BPD; Civic Center; HOT Events
- C. Upcoming Special Events:
 - April 20 – 11:30am “Good News” Chamber Luncheon, HOT Event Center
 - April 23 – Miles for Smiles, 5K at VFW at Richards Park
 - April 23 – Car Show & Child Welfare Fund Raiser Event at Richards Park
 - April 27 – Denim Day at Work – Donations to The Haven Family Shelter
 - April 30 – 25th Annual Duffers Golf Tourney at Municipal Golf Course – Denise Nichols Scholarship, Rotary Club Crawfish Boil
 - May 20-21 – 6th Annual Air Forces Day Fly-in at Curtis Field Airport
- D. April 20, 8:30am – Monthly Municipal & Code Court – Judge Bill Spiller
- E. April 25 to May 3 - Early Voting for City Council and BISD School Board - Begins at City Hall, 8am to 5pm (7am to 7pm on April 26 & May 3)
- F. April 26, 10:00 a.m. – 4 year TXDOT plan, Brownwood
- G. April 26, 6:00pm - Quarterly BEDC Meeting, Service Center
- H. April 28 – Texas Midwest Community Network (TMCN) Lunch – Abilene
- I. May 3 - Public Hearing for appeal by Greg and Cheryl Kubacak for Industrial District Zoning request at 1000

East 4th Street

- J. May 7 - Election Day, 7am to 7pm
- K. May 17 – Canvass Election, Seat Council Members as elected
- L. May 19 – Texas Midwest Community Network (TMCN) Annual Legislative Luncheon - Coleman
- M. May 24 – City Council FY17 Budget Goals Work Session
- N. Noise Variance Times approved for the Annual Iron Horse Rally at Richards Park, who will be playing music on Friday night, May 27 until 1:00am on Saturday morning and on Saturday, May 28 until 1:00am on Sunday morning.

9. ANNOUNCEMENTS

KNEL Candidate Forum will be Monday, April 25th at the Heart of Texas Events Center at 6:00 p.m.

Council Member Gendusa scheduled herself to work July 9th, Texas Missions of Mercy, free dental treatment for anyone who shows up

10. EXECUTIVE SESSION

Council closed open session at 8:45 p.m. and reconvened at 9:00 in open session and got a report from Chief Thomas. Closed open session at 9:11 to go into Executive Session. Executive Session was opened at 9:12 p.m.

- A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties located in the southern and northern sections of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person - sites for future Multi-use Activity Center (Senior Citizen) Facility.
- 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), 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.

Executive Session adjourned at 9:17 p.m.

11. Open Session Action on any Executive Session

Regular Session reconvened at 9:18 p.m. No action

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 9:18 p.m.


Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	05/03/2016	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration and possible action on an appeal requested by Greg and Cheryl Kubacak regarding the decision made by the Planning and Zoning Commission on January 19, 2016 to deny the application for a zoning change from Single Family Residential to Industrial District on property located at 1000 East 4 th Street, Block 29, Lot 1 of the Luhr Addition.		
PREPARED BY:	Kimberly Davee	Date Submitted:	02/23/2016
EXHIBITS:	Request for Appeal Original Zoning Application Minutes from the P&Z Commission meeting January 19, 2016 (draft)		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

The Planning and Zoning Commission voted to deny the application for a zoning change request by Mr. and Mrs. Kubacak's property located at 1000 East 4th Street on January 19, 2016. The Commission did not approve the request based on the public comments opposing the zoning change, the absence of the applicants at the initial hearing, and the code violation status of the property.

Per the Zoning Ordinance, City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, or it may refer the application back to the Planning and Zoning Commission for further study.

RECOMMENDED ACTION:

City Council needs to review the information provided, hear the speakers during the public hearing and decide on the requested appeal.

Action options include:

- 1) Approve, in whole or in part; 2) Deny, in whole or part; 3) Table to future meeting date to be announced; or 4) Refer application back to P&Z for further study



TEXAS WILDLIFE SUPPLY
1100 E 4th ST, BRADY, TX 76825
325-597-4700

3/23/16

To Whom It May Concern:

We are writing to request a change to the date of our appeal. Our son has district tennis on April 5 and we will be unable to attend the appeal hearing. Last time we sent a representative because of a similar situation and apparently that counted against us. Please let us know whether or not you will be able to reschedule this hearing.

Sincerely,

Cheryl and Greg Kubacak, Owners
Texas Wildlife Supply, Inc

Greg and Cheryl Kubacak

PO Box 828

Brady, Texas 76825

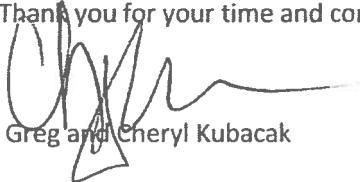
325-456-2231

January 25, 2016

Kim Davee,

In responding to your letter dated January 20, 2016, denying us to rezone our lot from a Single-Family Residential to Industrial District at the property located at 1000 East 4th Street, I would like to appeal the Planning and Zoning Commission and City Council Decision. Plus I would also like written document why this decision was met. Please inform me of the proper form or guidelines that need to be done for this appeal.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to be 'CK', written over the printed name 'Greg and Cheryl Kubacak'.

Greg and Cheryl Kubacak

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

City of Brady
Zoning Application

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

Property Owner Information:

Owner: Greg Kuback Phone No.: 597-4700 Fax: 597-2700
Cell No.: 325-456-2231 Email: cheryl@texaswildlifesupply.com
Address: 600 W 13th St, Brady TX 76825
Owner Signature: _____

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

Agent: _____ Phone No.: _____ Fax: _____
Cell No.: _____ Email: _____
Address: _____
Agent Signature: _____

Existing Property Information:

Lot: 1 No. of Lots: 1 Block: 29 Subdivision: Luhr
Survey Abstract & Acreage: 918
Address: 1000 E. 4th St, Brady TX 76825
Current Zoning District (Please note chart below): SF-5

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

Application Request:

☒ Zone Change ☐ Specific Use

Use or Zoning Requested: Industrial District
Reason for Request: We would like to put up a high fence to secure our property which would be stored on the lot. We would have our products and equipment stored there.

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

Office Use Only:

<input type="checkbox"/> Complete Application	Received by: <u>Kimberly Davee</u>
<input checked="" type="checkbox"/> \$200.00 Fee	Filing Date: <u>12-11-15</u>
<input checked="" type="checkbox"/> Proof of Ownership	P&Z Date: <u>1-12-16</u>
<input checked="" type="checkbox"/> Surveyed Plat	1st City Council Date: <u>1-19-16</u>
<input type="checkbox"/> Comprehensive Site Plan (for PD or SUP)	2nd City Council Date: <u>2-2-16</u>

STATE OF TEXAS

COUNTY OF MCCULLOCH

CITY OF BRADY

Minutes Pg 1

The Planning and Zoning Commission held a workshop at 5:30 P.M. The Planning and Zoning Commission and the Brady City Council held a Joint Public Hearing at 6:00 P.M. at the Brady Service Center located at 1405 North Bridge Street. Planning and Zoning Members present were Vice Chairperson Ronnie Aston, Amy Greer, Connie Easterwood, JoAnn Coffey and Tom Flanigan. City Council members present were Jack Turk, Shelly Perkins, Kathy Gloria, Mayor Anthony Groves, Latricia Doyal, and Marilyn Gendusa. Staff members present were Peter Lamont and Kimberly Davee, Secretary, City Secretary Tina Keys, City Attorney Shannon Kackley. Others present were Joanna Cross, Sydnie Rankin, Jon Chase, John Campbell, Patsy Cole, Farris Moreno, Faye Revada, Mary Routt, Melvin Routt, Margie Parrish, Don Parrish, Lou Alexander, Robert Herbert, Eddie Wilson, Lynn Parker, Scott Parker, Taylor Hoffpauir, Daymon McBee, Terry Norman, Sylvia Campos, Hank Lee, Larissa Nandin, Annita Ellison, Linda Lott, and Martha Jones.

Call to Order, Roll Call, & Certification of a Quorum

Amy Greer opened the meeting at 5:40 P.M. A quorum was certified with four members being present. Ronnie Aston joined the meeting at 5:45 P.M.

Work Session

- A. The Planning and Zoning discussed the Specific Use Provision for the Beer Barn at 2720 S. Bridge.
- B. The Planning and Zoning Discussed the zoning change request for Greg and Cheryl Kubacak for 1000 E. 4th

Public Hearing

Public Hearing to receive comments from the public for/against a zoning request made by Scott and Lynn Parker for an SUP for property located at 1710 S Bridge for the purpose of selling alcohol.

There were no public comments on this discussion. The City Council asked questions regarding the sale of alcohol at this establishment.

Public hearing to receive comments from the public for/against a zoning change from Single-Family Residential (SF-5) to Industrial District (I) as requested by Greg and Cheryl Kubacak for property located at 1000 E 4th St. for the purpose of equipment storage.

Patsy Cole, John Campbell, Robert Herbert, and Linda Lott made comments against the zoning change. Joanna Cross represented Greg and Cheryl Kubacak and explained the reason for the zoning change.

Items for Discussion and Consideration

Discussion, consideration, and possible action on a zoning request made by Scott and Lynn Parker for an SUP for property located at 1710 S. Bridge for the purpose of selling alcohol.

Amy Greer made a motion to recommend to City Council to approve the SUP for Scott and Lynn Parker on property located at 1710 S. Bridge for the purpose of selling alcohol. Connie Easterwood seconded the motion. All members voted "aye" and none "no". Motion carried.

Discussion, consideration, and possible action on a zoning change from Single-Family Residential (SF-5) to Industrial District (I) as requested by Greg and Cheryl Kubacak for property located at 1000 E 4th St. for the purpose of equipment storage.

Planning and Zoning discussed the zoning change and how it will affect the property owners in the immediate area. The P&Z decided to deny the request for a zoning change based on the fact that the property owners within this area were against the zoning change, attempts to get voluntary compliance by the property owners have been ignored, and that the property owners requesting the zoning change were absent from the public hearing. Amy Greer made a motion to deny the zoning change for property located at 1000 E. 4th St. Connie Easterwood seconded the motion. All members voted "aye" and none "no". Motion carried.

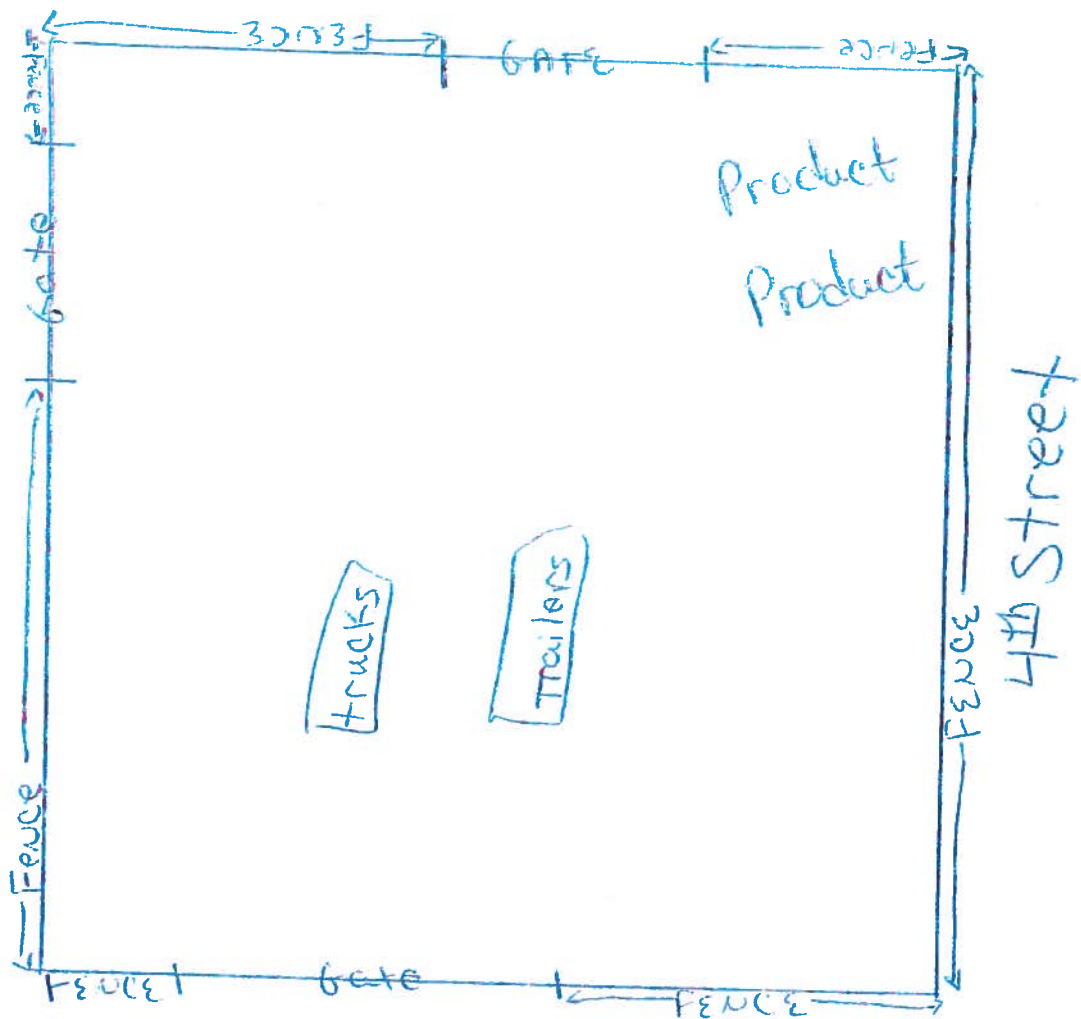
Adjournment

There being no further business the meeting was adjourned at 7:07 P.M.

Nick Blyshak – Chairperson

Kimberly Davee - Secretary

8ft fencing



ALREED

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1:1,806

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp.,
NRCAN, Esri Japan, METI, Esri China (Hong Kong), Swis (Thailand).

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January 9, 2016

Parcels

Abstracts

APPLICATION FOR ZONING CHANGE

The undersigned hereby makes applications to the City of Brady Planning and Zoning Commission to amend the Zoning Ordinance of the City of Brady, Texas, by changing the zoning classification of property legally described as:

Legal-1 29LUHR

Geo#00000-07157-00000-000000

Address 1000 E. 4th

in the City of Brady, Texas, from Single Family Residential

_____ to Industrial

for the purpose of storage of products and equipment

Attached herewith is a plat and a certified list of names and addresses of all property owners within two hundred (200) feet of the perimeter of the property proposed to be changed.

Accompanying this application is the \$100.00 re-zoning fee.



OWNER/APPLICANT

7-8-2015

DATE

AUTHORIZED AGENT

RECEIVED

FEB 2 2016

City of Brady

City OF Brady

2-24-2016

I am writing this letter to inform you that I'm still against the zoning change pertaining to 1000 East 4th Street and Legal description being Block 29, Lot 1 of the Luhr Addition because it diminishes my property value.

My neighbor, Ms. Reyes, commented to me about the fire they had.

Since I live closer to this company than Ms. Reyes, I would hate to think what would happen if sparks fly from the fire onto my trees and my house. At that time of night, my kids and I were asleep. Thank God, Ms. Reyes called the police department and reported the fire.

Thank You
X Victor Colunca

City of Brady

2-24-2016

I am responding to the letter of appeal regarding the zoning change from single-family Residential (SF-5) to Industrial District (I) for property located at 1000 East 4th Street with legal description being Block 29, lot 1 of the Lurr Addition for the purpose of an equipment storage facility.

My decision, on the vote, is no to the zoning change because my property value will go down.

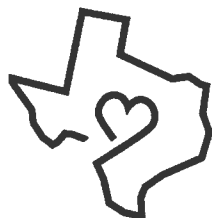
On 1-1-2016 12:04 AM, when I let the dogs out of the house, I noticed a big fire at this companies property. I called the police depart ment and reported a big fire at this companies property. I thought it was a house on fire that was burning.

Since this company does not abide by the burn ban law enforce, what guarantees do I have that if this company obtains more property that they will continue to do illegal activities. As a citizen of this community, born in Brady, Texas, the safety of this community and my own, as I only have one house, the people of this community and myself cannot afford to lose home and property because of law breakers.

over

I appreciate the City of Brady for sending
me the ~~and request~~ in the mail pertaining to the
Zoning change.

Thank You
Maria Herminia Reyes



State of the City

2015-2016



Outstanding Year!!



- Celebrating City of Brady 110th Birthday - April 18, 1906
- ONLYINYOUR STATE.com website – 8 best Cities in Texas to Retire – Brady, Fredericksburg, Kerrville, Granbury, Aransas Pass, Yoakum, Cameron, Burnet
- 75th Birthday (1981) city built the Heart of Texas Civic Center for \$118,000 - This year the 35 year old building renovation and expansion contract was awarded and funded by City of Brady with the BEDC ¼ cent sales tax approved by voters in 2009
- Since 2013 Comprehensive Plan approval (1st one in 30 years), we have accomplished 17 of the 50 action items, approximately 30% and another 30% are in various stages of review
- 2013 and 2015 City Charter Election – Brady went from “General Law” to “Home Rule” in August 1982 - City Council and Shelly Perkins as Chair of Charter Review Commission last 4 years

Celebrate and Share Rich History



- Support Historical Renovations, clean-up and fix-up – McCulloch County Courthouse, Museum, Movie Theater, Brady Hotel, downtown businesses, TXDOT Brady Square, Municipal Court/Chamber Building, City Hall, Old Armory – Service Center
- Richards Park – Ballfield grant; Willie Washington Park – new playground
- Airport Improvements – TXDOT drainage, AWOS, Master Plan
- Brady Lake Improvements – Fish House, Boat Ramps, painting
- Brady Creek Trail – first established in 1986
- G Rollie White Complex – Renovations and find Regional Niche
- Fire / EMS, Police – preparing concept plans for new facility
- Animal Control – working with non-profit PAWS Shelter
- Expand Year Round Festivals and Events – reworked HOT distributions



Diverse Housing Choices



- Trails of Brady – new apartments opening in 2017
- Active Code Compliance, Building Official and Municipal Code Court – “we can’t sell a dirty town” – New Municipal Judge Bill Spiller with weekly hours and monthly court
- 3 years – Utility Inspections to bring up to code the houses
- Development Review Committee – 1st Monday of each month and we meet with builders, businesses, and prospective projects to answer questions and explain the P&Z, ZBA, Zoning Process
- Updating / Revising Zoning and Subdivision Rules – progressive, up-to-date
- Expanded GIS mapping and studying annexations opportunities – “You grow or you die”
- In-fill Ordinances to encourage redevelopment of property built before 1980- problem solver
- Initiate Substandard Building Ordinance – with an active ZBA/BOA
- Encourage “Fixer-Uppers,” Mission Brady, Neighborhood Clean-ups, great homes, treed neighborhoods

Provide Employment Opportunities



- Assist local businesses with expansion plans by maintaining an active Brady EDC
- Encourage and support Small Businesses – Shop Local, Restaurants, Retail – Kathy Gloria – Small family business owner
- Hired and are working with Retail Coach to bring in new businesses to Brady – 2nd year
- Encourage manufacturing job opportunities – Anew Industrial, US White Cement, others
- Study and support ways to diversify Brady's economy and jobs
- Collaborating with CVCOG, County, Schools, and workforce for job training opportunities

Exercise and Promote Fiscal Responsibility



- Platinum Transparency Award – 3 years; Website Financials meet Transparency Standards
- Increased from BBB+ 2003 to A+ 2012 to now a AA- 2015 S&P Bond Rating
- 3-6 month reserve fund & policy reviewed twice a year – discuss each budget year
- Purchasing Policy and Purchase Order System, Purchasing Agent, Fleet Care and Maintenance
- Major changes in the Budget planning process
- Budget conservatively and review annually fees and charges to adjust as needs change
- City government is perpetual – 5 year plans - CIP/Equipment/IT/Facilities – Roof repairs

Deliver Exceptional Customer/Citizen Service



- "I ♥ Brady" - We want our citizens/visitors to love Brady & our services
- We have great employees who work hard for our community and great volunteers – LCRA, Senior Program Volunteers
- Goal is to respond to emails in 24 hours, calls by the end of the day, help people one-on-one with issues and problems – Police / Fire / EMS – answers every call
- Keep citizens informed – Utility Bills – *My Brady News*, news releases, regular council meetings, regular monthly P&Z meetings, Facebook, City Website, brochures
- Improve City Branding – street signs, vehicles, facility address signs, email signatures – cleaning up old signs
- Kudos shared monthly with all employees, *Team Brady* – monthly employee news

Insure Quality Infrastructure



- 70% of our work focuses on the City infrastructure
- Streets – 75 miles – potholes, seal coating, and preparing a plan to assess the condition of our streets
- TXDOT on the redevelopment of N Bridge Street and the Downtown Square – starts 2017
- Storm Drainage – new master plan study underway to be completed in July
- Water – Improve Quality and Pressure - goal to return to a Superior Water System - 2019
- Wastewater – replace 1960 WWTP, upgrade sewer collection lines, expand service - 2020
- Electric – 3rd year of a 5 year upgrade, selling substations to LCRA, coordinating with ERCOT, PUC and AEP for the 3rd transmission line serving Brady (Heartland) from Menard (Yellowjacket)
- Gas – continue to maintain, improve and repair distribution services

Core Values

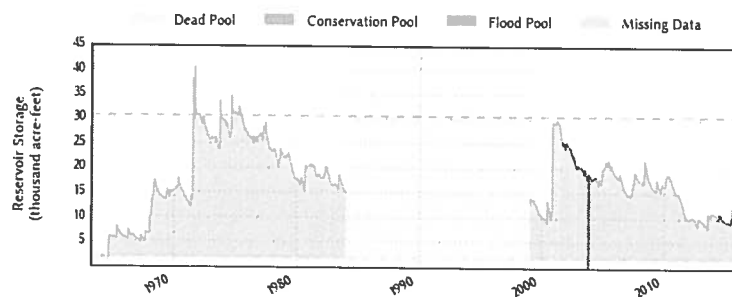
take care of our customers and our employees



- ***Integrity – honesty, truthfulness, ethical, “transparency and communication”***
- ***Excellence – do our best everyday***
- ***Accountability – do what we say we will do***
- ***Safety – get every employee home safe everyday***
- ***Teamwork – work with each other and each department to do what is needed for our community***

Challenges: Across Texas is ... Water Conservation and availability

Brady Creek Reservoir is 43% full as of 2016-04-28



Challenges: Lots of Services/Facilities

9 square miles, 5600 population, 10,000 county population, 5 highway hub

High Number of Services, Very Low Tax Rates, Limited number of employees – Number of services are in line with Brady to San Angelo, Dallas, San Antonio – *no other small city provides all that Brady provides*

TML Annual Tax and Debt Survey - Key to Municipal Utilities and Facilities:

AP—Airport; **C**—Cemetery; **CE**—Civic/Community/Convention Center; **E**—Electric System;
FG—Fairgrounds; **GC**—Golf Course; **GS**—Gas System; **LK**—Lake; **MB**—Municipal Building/City Hall;
P—Parking Lot; **PK**—Parks and Recreation; **S**—Sewer System;
SC—Senior Center; **SL**—Solid Waste Disposal System; **SP**—Swimming Pool; **W**—Water System
AM—Auditorium; **HR**—Boat Harbor; **M**—Market; **PH**—Public Housing Units; **T**—Transit Bus System; **TB**—Toll Bridge;
ZO—Zoo; **ZZ**—Other

Support with City Sales Tax and HOT Tax: **H**—Hospital; **J**—Jail; **L**—Library/Museum

***Not listed are Police; Animal Control; County-wide Fire/EMS and Communications

CHALLENGES: Staff Recruitment and Staff Turnover

- Rural Area not a lot of “things to do” for younger workers/families vs. less stress
- Lower Pay vs. lower housing costs, less traffic
- Wear lots of hats vs. you also learn to do lots of things

What's Important to our Employees:

Good Wages – Certification Pay, Step Plan, Benefits

Good Working Conditions – safe, good equipment/tools

Appreciation of Work Done – Kudos, thanks, recognize good work

Promotion & Growth - good training opportunities

Job Security – city must remain fiscally sound, no lay-offs because of budget shortfalls

Interesting Work – challenge to continue to improve programs and processes

Develop our community / Citizen Infrastructure & Connect to the World

- Civic Leadership Talent Pool - Boards
- Challenge our community to address the real issues – i.e. animal control PAWS; Keep Brady Beautiful – McCulloch County; GRW; Seniors; Library; Public Safety Facilities
- Celebrate our Community – GCO, July Jubilee, HOT Pageant, Music Festival, Early Days
- Volunteer Groups
- Neighborhood Initiatives – cleaning up neighborhood
- “Geography is Destiny” “Connectivity is Destiny” 5 highways with the courthouse mix master - I-14; Railroad Improvements; Internet Improvements; Electric Improvements – participate in the World Economy


Opportunities for Next Year

- Serve on City Boards – Citizen’s University with Chamber in the Fall/ CERT/Youth Academy with Police and Fire
- New City Charter Review process – election May 2017 - Summer
- Get involved with community organizations, schools and programs – Youth sports, senior programs, library, museums, churches, Mission McCulloch County – fixing older homes
- Re-start beautification, clean-up, fix-up programs – Tire recycle program \$15,000 - Fall
- New facilities opening – Civic Center, Brady Creek Trail, Fish House, Municipal Court/Council Chamber building
- Concept Plan Public Service Facility; Determine future of GRW Complex – County Extension, Horse Training; new home for the Senior Center
- TXDOT – North Bridge and Downtown renovation \$10M

Outstanding Year – What is working!

- Dedicated, concerned and hard working City Council and Mayor and our Boards
- Reorganized Leadership Team – Department Directors – Police; Fire/EMS; Public Works; Community Services; Finance; Administration
- Action Team – Division Heads/Supervisors
- Dedicated, concerned and hard working employees – 100+
- Working to help our citizens / community solve problems – City can't do it all alone, we need partnerships – County, School, non-profits like PAWS, District Attorney, LCRA, TX Water Development Board, TXDOT, State Reps and Senators
- Outstanding Consultants and Engineers – eHT, FNI, LAN, KSA, LCRA – Techline; BIS GIS Maps; eiKON - architects

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

AGENDA DATE:	5/3/2016	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding second and final reading of Ordinance 1194 revising Animal Control Ordinances Sections 2.103 Noise; 2.105 Treatment of Animals; 2.106 Abandoning; 2.107 Report of Animals at Large; 2.110 Animals Registered to be Vaccinated; 2.111 Notice of Impoundment; 2.112 Right to Redeem Impounded Dog; 2.115 Disposition of Unredeemed Dogs; 2.117 Destruction of Sick or Injured Impounded Animals After 120 or 72 Hour Period; 2.118 Destruction Impounded Animals Prior to 120 or 72 Hour Period; 2.121 Vicious Animals to be Confined; Section 2.124 Keeping Animals in Front Yard Prohibited; 2.403 Restrictions on Keeping Horses; and 2.501 Requirements for Owners of Dangerous Dog.		
PREPARED BY:	Katherine Mitchell	Date Submitted:	5/21/16
EXHIBITS:	Ordinance 1194 and Exhibit A showing current ordinance sections to be deleted and new wording to be added		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:
<p>On January 25, City Council received from the ACO recommended animal control ordinance changes proposed by staff. City Council reviewed and provide any concerns about these changes at the March 8, City Council two hour work session where each section was reviewed, discussed, and changes in wording were made and are now included on all items recommended.</p> <p>The ACO is recommending these changes as she has been trying to enforce the code and feels these changes will clarify the goals and better define the issues she is dealing with in the City.</p> <p>On April 19, City Council approved the first reading of this ordinance.</p>

RECOMMENDED ACTION:
<p>Mayor: <u>"Do I have a motion to read the full ordinance?"</u></p> <p>If no, Mayor will state: <u>"A majority of the City Council has dispensed with the full reading of the ordinance."</u></p> <p>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"</p> <p>Mayor calls for a motion:</p> <p>Move to approve second and final reading of Ordinance 1194.</p>

ORDINANCE NO. 1194

AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE CITY OF BRADY CODE OF ORDINANCES, CHAPTER 2 (ANIMAL CONTROL), FOR THE ADMINISTRATION OF ANIMAL SERVICES, PROGRAMS, REGULATIONS, AND OTHER OPERATIONS OF THE CITY; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.

WHEREAS, the City Council finds that Chapter 2 (Animal Control) of the Code of Ordinances should be amended to further regulate the growing concerns with Animal Control within the City of Brady; and

WHEREAS, it is often appropriate for City Council to review and update the City's Animal Control Ordinances; and

WHEREAS, many of the City's Animal Control Ordinances have become obsolete and no longer meet the demand of the City; and

WHEREAS, the Animal Control Officer and Police Department have closely reviewed the existing Ordinance and have made recommended changes various sections of Chapter 2 of the Code of Ordinances; and

WHEREAS, the City Council agrees that it is necessary and proper for the good and order of the City of Brady to amend Chapter 2 (Animal Control) of the Code of Ordinances, and

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

Section one. 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 two. The City of Brady, Texas Code of Ordinances, Chapter 2 (Animal Control) is hereby amended by amending various sections set out in **Exhibit "A"** attached hereto and incorporated by reference as if fully set forth herein.

Section three. 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, that 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.

Section four. 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.

Section five. 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 ordinance, nor shall the repeal prevent the prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

Section six. This Ordinance shall be in full force and effect on May 21, 2016, which is 10 days after the newspaper publishing, as required by the City Charter.

PASSED, APPROVED by the City Council of the City of Brady, Texas, on FIRST READING at a regular meeting held on this the 19th day of April, 2016.

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 3rd day of May, 2016.

ATTEST:

Anthony Groves, Mayor

Tina Keys, City Secretary

EXHIBIT A

Animal Control Ordinance Change Recommendations

Sec 2.103 Noise

Delete Ordinance: It shall be unlawful for any person to own, keep or be in control of any animal that causes unreasonably loud or unnecessary noise that causes material distress or discomfort to a person or persons of ordinary sensibilities in the immediate vicinity.

Add Ordinance: **Determination by court; If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city corporate limits or delivered to the animal control officer, and failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.**

Sec 2.105 Treatment of Animals

Delete Ordinance: No owner shall fail to provide his animals with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment.

Add Ordinance: **An animal's owner shall keep the animal in a clean, sanitary, and healthy condition. An animal's owner or handler shall provide for the animal:**

- 1. regular and adequate amounts of nutritious food that is appropriate for the species and maintains the animal in good health,**
- 2. a constant and adequate supply of clean, fresh water that keeps the animal hydrated for current environmental conditions,**
- 3. care and medical treatment for injuries, parasites and diseases that is sufficient to maintain the animal in good health and minimize suffering.**

An animal's owner shall provide the animal with shelter that:

- 1. is large enough for the animal to enter, stand, turn around, and lie down in a natural manner,**
- 2. keeps the animal dry,**
- 3. provides the animal with shade from direct sunlight,**
- 4. protects the animal from excessive heat and cold and other adverse weather conditions.**

An animal's owner shall regularly maintain the animal and its shelter to prevent odor or a health or sanitation problem.

Sec 2.106 Abandoning

Delete Ordinance: It shall be unlawful for any person to abandon or dump any animal in the city.

Add Ordinance: **It shall be unlawful for any person to abandon or dump any animal in the city. Abandoning an animal is a crime. After leaving notice, animal control officer has the authority to impound any animal that appears to be abandoned.**

Sec 2.107 Report of Animals at Large

Delete Ordinance: It shall be the duty of every person to report immediately to the department the location and description of any animal which is in violation of Section 2.110 or Section 1.208 [sic]. Any animal that is not on its owner's property or on a leash or under the owner's direct control as reasonably determined by the animal control officer is deemed an unlawful animal at large and the animal's owner may be cited as in violation of this chapter.

Add Ordinance: **It shall be the duty of every person to report immediately to the department the location and description of any animal which is in violation of Section 2.110 or Section 1.208 [sic]. Any animal that is not on a leash or under the owner's direct control by leash or tether, as reasonably determined by the animal control officer is deemed an unlawful animal at large and the animal's owner may be cited as in violation of this chapter.**

Sec 2.110 Animals Registered to be Vaccinated

Delete Ordinance: Animals not vaccinated or registered pursuant to the provisions of this chapter, and dogs in violation of this section shall be seized and impounded.

Add Ordinance: **It shall be unlawful for the owner of animals over the age of six (6) months to possess, keep or maintain within the city any animals that are not currently registered or vaccinated for rabies. Failure to comply may result in a citation and court appearance. Vaccinations must be valid for the entire licensing period.**

Sec 2.111 Notice of Impoundment

Delete Ordinance: Reasonable efforts must be made by the department to promptly notify the owner of any impounded animal or the holder of the vaccination-registration certificate of any vaccinated or registered animal by telephone, personal service, or ordinary mail addressed to the owner of such animal at the place listed on the vaccination certificate or at the owner's last known address. At the very least, the officer will call the telephone number of the last known address of the last known owner of the animal.

Add Ordinance: **Reasonable efforts must be made by the Animal Control Officer or Police Department to promptly notify the owner of any impounded animal. No impounded animal shall be redeemed unless approved for redemption by the animal control officer. To obtain approval for redemption, the owner shall provide proof of vaccinations and registration and pay all applicable fees, cost and expenses incurred in the seizure,**

impoundment and redemption of the animal including an impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration.

Sec 2.112 Right to Redeem Impounded Dog

Delete Ordinance: The owner shall be entitled to resume possession of any impounded dog upon payment of the impoundment and daily boarding fees and compliance with vaccination requirements: provided, application for such possession with payment of all required fees, is made within 120 hours after impoundment if the dog is not wearing a tag as required by this chapter, or within such time after impoundment as may be agreed to by the warden and such owner, if such agreement is made within such 120 or 72 hour period as applicable, provided such addition time does not exceed ten days of total impoundment time.

Add Ordinance: The owner shall be entitled to resume possession of any impounded dog upon payments of (but not limited to) impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration. Payment of all required fees shall be made within 120 hours after impoundment if the dog is wearing a tag as required by this chapter, or 72 hours after impoundment if the dog is not wearing a tag as required by this chapter, or within such time after impoundment as may be agreed to by the animal control officer and the owner. An agreement may be made within the 120 or 72 hour period as applicable, provided such addition time does not exceed ten days of total impoundment time. To obtain approval for redemption, the owner shall provide proof of vaccinations and registration and pay all applicable fees, costs and expenses incurred during the seizure, impoundment and redemption of the dog. No impounded animal shall be redeemed unless approved for redemption by the animal control officer or designee.

Sec 2.115 Disposition of Unredeemed Dogs

Delete Ordinance: Any dog impounded and reclaimed by the owner as set forth in Section 2.112 above may be humanely destroyed after being held for at least 120 hours if such dog is wearing a tag and 72 hours after impoundment if such dog is not wearing a tag. If the animal control officer determines that any unclaimed dog or cat is reasonably healthy, currently vaccinated against rabies, and should not constitute a threat to the public or the health of the animals in the community, he may, after the applicable 120 or 72 hour holding period, offer the dog for adoption. If the dog is not adopted, it will be humanely destroyed. Prospective adopting persons must show proof of reasonable facilities for caring for an adopted animal before being permitted to adopt.

Add Ordinance: Any dog impounded and not reclaimed by the owner as set forth in Section 2.112 above may be humanely destroyed after being held for at least 120 hours if the dog is wearing a tag and 72 hours after impoundment if the dog is not wearing a tag. If the animal control officer determines that any unclaimed dog or cat is reasonably healthy, currently vaccinated against rabies, and should not constitute a threat to the public or the health of the animals in the community, he may, after the applicable 120 or 72 hour holding period, offer the dog for adoption. If the dog is not adopted, it will be humanely destroyed, or relinquished to an approved 501(c)3 non-profit rescue service. Prospective adopting persons must show proof of reasonable facilities for caring for an adopted animal before being permitted to adopt.

Sec 2.117 Destruction of Sick or Injured Impounded Animals After 120 or 72 Hour Period

Delete Ordinance: Any animal impounded and suffering from serious injuries, in great pain with probability of recovery remote, or having a communicable or infectious disease which would endanger the health of people or other animals, may be humanely destroyed after reasonable efforts to determine ownership have failed. However, no animal under quarantine or observation for a bite incident or under suspicion of having rabies shall be destroyed until it has been released from said quarantine or observation by a veterinarian.

Add Ordinance: **Any animal impounded and suffering from serious injuries, in great pain with probability of recovery remote, or having a communicable or infectious disease which would endanger the health of people or other animals, may be humanely destroyed after reasonable efforts to determine ownership have failed. However, no animal under quarantine or observation for a bite incident or under suspicion of having rabies shall be destroyed until it has been released from said quarantine or destruction for rabies testing.**

Sec 2.118 Destruction Impounded Animals Prior to 120 or 72 Hour Period

Delete Ordinance: Animals may be disposed of prior to the applicable 120 hour or 72 hour period from the time of impoundment if upon notification of impoundment of said animal the owner states he does not wish to redeem the animal and subsequently in writing releases the animal to the sole jurisdiction of the department.

Add Ordinance: **Notwithstanding the prescribed impoundment periods, the animal control officer shall have the discretion to dispose of an animal determined to be at risk due to a state of illness, injury or infirmity in the most humane manner as possible to avoid prolonging its suffering or transfer an animal determined to be at risk due to a state of illness, injury or infirmity to an approved 501(c)(3) non-profit animal rescue service.**

Sec 2.121 Vicious Animals to be Confined

Delete Ordinance: The owner shall confine within a building or enclosure every fierce, dangerous or vicious animal. Confinement must be in such a manner that the animal cannot come in contact with any person or other animal except for supervised breeding.

Add Ordinance: **The owner shall confine within a building or enclosure every fierce, dangerous or vicious animal. A dog is "confined" as the term is used in this section if such dog is securely confined indoors or confined in a secure enclosure which meets the following requirements:**

- (1) The enclosure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;**
- (2) The enclosure must have a bottom permanently attached to the sides or sides embedded into the ground not less than one (1) foot; and**

(3) The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own. (No person who owns, possesses, keeps or exercises any control over a dangerous dog shall permit dog to be on the premises of person without being confined.

No person who owns, possesses, keeps or exercises any control over a dangerous dog shall permit dog to go beyond the premises of such person unless the dangerous dog is securely leashed and muzzled.

Sec 1.124 Keeping Animals in Front Yard Prohibited

Delete Ordinance: Dogs and cats may not be kept in the front yard of an owner's property unless they are fenced, leashed or kenneled, or the specific written permission of the animal control officer. Electronic fencing shall be considered fencing for the purposes of this section, but is not a secured enclosure for purposes of this chapter.

Add Ordinance: **Dogs and cats may not be kept in the front yard of an owner's property unless they are fenced, leashed or kenneled, or have received the specific written permission of the animal control officer. Electronic fencing shall be considered fencing for the purposes of this section, but is not a secured enclosure for purposes of this chapter. Any animal not compliant with Sec 1.124 is subject for impoundment.**

Sec 2.403 Restrictions on Keeping Horses

Keep Existing Ordinance: No person shall keep a horse on any premises, if the overall area within which the horse is kept is less than 6,500 square feet for each horse kept, nor keep more horses than can be cared for under sanitary conditions and not create a public nuisance and in no event exceed the permitted number of adults, and their foals up to six (6) months of age. The number of horses permitted shall not exceed one horse per each sixty-five hundred (6500) square feet of space in the enclosure where kept. The person in lawful possession of the premises, as owner or tenant, may keep thereon horses belonging to others, but limit to number of horses on the premises and the area and distance requirements of this article shall still apply; and the keeping of horses for others shall not be done as a business in violation of the zoning ordinance. The permit may include reasonable conditions, including total number of horses authorized, determined by the animal control officer to prevent a nuisance, and all conditions of a permit are subject to review and revision. These requirements will not apply to the G. Rollie White Complex, or to any veterinary facilities.

Footnote: Keep current ordinance but add details about maintenance and conditions of horses and premises being kept on.

Add: The manure and debris incident to the maintenance and care of horses shall be scraped from the floor and raked from pens or areas with such frequency as to prevent the same from serving as breeding places for insects and from emitting noxious odors. The manure and debris scraped or raked as provided above, shall immediately be collected and either placed and kept in a waterproof and insect proof container until removed from the premises. The inside walls, ceilings, roosts, and floors of the structure in which the horses are housed shall be treated and kept treated with effective material


manufactured and sold for the control of flies, mites, ticks, and lice and applied according to the manufacturer's directions.

Sec 2.501 Requirements for Owners of Dangerous Dog

Footnote: Add requirement of dog to wearing designated color collar.

Add: Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure and dangerous dog must be identified with yellow designated dangerous dog collar provided by the Animal Control Division.

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

AGENDA DATE:	5-3-2016	AGENDA ITEM	7.C.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding second and final reading of Ordinance 1193 for a Utility Franchise to Brady Communications LLC		
PREPARED BY:	K Lenoir	Date Submitted:	4-29-16
EXHIBITS:	Ordinance 1193 – prepared by City Attorney		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:
Staff has meet and reviewed the Brady Communications proposal for fiber communication cable installation and distribution, map of the route is attached. The City Attorney has prepared the Franchise Ordinance in accordance with the City Charter.
City Council approved the second first reading on April 19, 2016, correcting “gross revenues vs net revenues” to “direct franchise fees.”
Staff will be available to answer any questions.

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 second and final reading of Ordinance 1193

ORDINANCE NO. 1193

AN ORDINANCE OF THE CITY OF BRADY, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO BRADY COMMUNICATIONS, LLC FOR THE INSTALLATION OF A FIBER OPTIC COMMUNICATION SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, communication services are necessary for effective and reliable communication; and

WHEREAS, the franchise and regulation of communication services are necessary and further a compelling public interest; and

WHEREAS, the City of Brady is authorized to grant non-exclusive franchises for communication services within the City of Brady; and

WHEREAS, the City Council of the City of Brady is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Brady and its residents.

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

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. Definitions. Except where the context clearly indicates a different meaning, the definitions appearing in Section 12 of the City of Brady, Texas Home Rule Charter are applicable to this Ordinance. Words and phrases not defined therein will have their common and ordinary meaning.

Section 3. Grant of Franchise. In accordance with Section 12.06 of the City of Brady, Texas (City) Home Rule Charter for the City, the City hereby grants to **Brady Communications, LLC**, its successors and assigns (the “Company”) consent to operate within the City or to occupy or use the streets of the City to provide a Fiber Optic Communication System, subject to the terms and conditions contained in this Ordinance. Company’s Fiber Optic Route and City Pole Count are attached hereto in **Exhibit A**.

Section 4. Terms of Franchise.

(A) *Non-exclusivity.* This franchise is non-exclusive.

(B) *Term.* This franchise is granted for a period of approximately eight (8) years, 2 months, ending July 1, 2024.

(C) *Franchise Fee/Pole Rental Fee/Late Fee.* In consideration of the grant of the franchise, Company agrees to pay the City a franchise fee equal to five percent (5%) of any and all compensation received from customers directly connected to Company's fiber optic network~~directly or indirectly by Company for fiber optic communication services in the City~~, less advertising receipts, installation or similar ancillary charges to subscribers or any taxes on services furnished by the Company or imposed directly on any subscriber or user by any city, state, or other governmental until and collected by Company for such governmental unit.

The franchise fee shall be paid each quarter, within thirty (30) days after the end of the quarter. The payment shall be accompanied by a report by a Company auditor or financial officer providing details of the gross receipts and the basis on which the payment was determined. The City may inspect the books of Company with or without previous notice, at any time during regular business hours.

The acceptance of any payment required by the City shall not be construed as an acknowledgment that the amount paid is the correct amount due, nor shall acceptance of payment be construed as a release of any claim which the City may have for additional sums due and payable.

Company also agrees to pay City a pole rental fee equal to \$10.00 per pole per year. The pole rental fee shall be paid on or before January 30th each year.

A ten percent (10%) penalty will be assessed on delinquent amounts. An additional ten percent (10%) penalty will be added for every month or portion thereof that said payment is late.

(D) *Termination.* The franchise may be terminated by mutual agreement of the parties at any time or may be terminated upon sixty days' notice by either party to the other. In addition, City Council may repeal this Franchise by ordinance at any time upon the failure of the Company to comply with the terms of this Franchise, the Ordinance, the City Home Rule Charter, any applicable statute of the State, or any rule of any applicable governing body.

(E) *Notices.* All notices from Company to the City concerning the franchise shall be addressed to the Finance Director Lisa Remini, City of Brady, P. O. Box 351, 201 E. Main Street, Brady, Texas 76825.

(F) *Non-waiver.* Company shall not be excused from complying with any of the terms and conditions of the franchise by any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

Section 5. Franchise Responsibility. Company must comply with Article XII of the City of Brady, Texas Home Rule Charter, setting forth Franchises Rules and Procedures.

Section 6. Insurance, Indemnity and Bond.

(A) *Insurance.* Company shall secure and maintain in effect insurance to protect Company, its employees, and the City from claims for bodily injuries, death or property damage which may arise out of Company's performance or nonperformance of its duties under the franchise, whether that performance or nonperformance is by Company or one directly or indirectly employed by Company. The following *minimum* levels of coverage are required:

(1) Public liability and property damage (no pollution exclusion endorsement is permitted):

- (a) General Liability: \$1,000,000 per occurrence
- (b) Property Damage: \$1,000,000 per occurrence
- (c) Automobile Liability: \$1,000,000

(2) Umbrella Liability: \$1,000,000

(3) Worker's Compensation: As required by law.

(4) Employer's Liability \$500,000

Certificates of insurance confirming coverage and naming the City as an additional insured must be provided to the city on or before the date of the passage of this Ordinance, and renewal certificates must be provided to the City at least 15 days prior to the date of expiration of any required coverage. Company's failure to maintain any required insurance or to furnish any required certificate will be grounds for termination of the franchise. All insurance certificates must confirm that the insurance may not be terminated or materially changed without 30 days' prior notice to the City.

(B) *Indemnity.* COMPANY, TO THE FULLEST EXTENT PERMITTED BY LAW, WILL AND DOES HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY AND ITS OFFICERS, DIRECTORS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING, BUT NOT LIMITED TO, ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OR FAILURE TO PERFORM THE WORK REQUIRED UNDER THIS FRANCHISE. THIS OBLIGATION WILL NOT BE CONSTRUED TO NEGATE OR REDUCE ANY OTHER RIGHT OR OBLIGATION OF INDEMNITY THAT WOULD OTHERWISE EXIST. THIS INDEMNIFICATION REQUIREMENT WILL NOT BE LIMITED BY ANY LIMITATION ON THE AMOUNT OR TYPE OF DAMAGES, COMPENSATION OR BENEFITS PAYABLE BY OR FOR COMPANY UNDER ANY WORKERS' COMPENSATION ACTS, DISABILITY BENEFIT ACTS OR OTHER EMPLOYEE BENEFIT ACTS.

Section 7. Subcontracts. Company may not subcontract with another person on a regular, periodic or long-term basis to provide fiber optic communication service under this Ordinance without prior city approval. Such subcontract will not relieve Company of responsibility for compliance with this Ordinance.

Section 8. Transfer, Modification, Revocation.

(A) Company may not transfer this franchise or any portion thereof to other persons or entities, including transfer of the controlling interest of a corporation, unless approved by ordinance of the City Council, in accordance with Section 12.04 of the City Home Rule Charter.

(B) Failure to comply with the provisions of this Ordinance after written notice and a reasonable opportunity to comply will be grounds for the modification, revocation or suspension of this franchise by the City.

(C) Upon receipt of the written notice, referred to in subsection (B), the Company has thirty (30) days from the date of mailing of the notice in which to comply or to request a public hearing before the City. A request for a public hearing before the city must be made in writing and if a public hearing is held, the Company and other interested persons will have a reasonable opportunity to present information and testimony in oral or written form.

Section 9. Acceptance. Within fifteen (15) days of the effective date of this Ordinance, Company must file with the City a written acceptance of this Franchise.

Section 10. Effective Date. This Ordinance will be read at two consecutive regular city council meetings. The Ordinance will be effective after final passage.

Section 11. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 12. Effective Date. This Ordinance shall be in full force and effect on ~~April 19~~ May 3, 2016.

PASSED AND APPROVED this ____ day of _____ 2016.

PASSED AND APPROVED this ____ day of _____ 2016.

CITY OF BRADY, TEXAS

By: _____
Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

APPROVED:

M. Shannon Kackley, City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC

Exhibit A

Brady Communications

Fiber Optic Route


Start Point: 1601 S. Bridge St.

End Point: Intersection of South Pine St. and Burns St. (near south water tower)

Pole count: 19



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

AGENDA DATE:	5/3/2016	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding second and final reading of Ordinance 1195 establishing for no overhead power lines, communication lines of similar improvements parallel and along the US 377 N ROW including the downtown square for maintaining a controlled appearance.		
PREPARED BY:	K Lenoir / S Miller	Date Submitted:	4/21/16
EXHIBITS:	Ordinance 1195		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:
<p>The City of Brady has been working in cooperation with TXDOT to improve the utilities, sidewalks, lighting and roadway of US 377 N from Main Street to US 190 E and including the downtown square. As TXDOT is now in the final design phase and utility coordination phase, staff recommends the attached ordinance to remove all overhead utilities in this new reconstruction project to improve the appearance of the city and our historic square.</p> <p>This project is currently estimated to be about a \$6 million improvement, funded 90% by TXDOT and 10% by the City of Brady. Shared funding agreement with TXDOT will be presented to City Council in the near future.</p> <p>On April 19, City Council approved the first reading of the ordinance.</p>

RECOMMENDED ACTION:
<p>Mayor: <u>"Do I have a motion to read the full ordinance?"</u></p> <p>If no, Mayor will state: <u>"A majority of the City Council has dispensed with the full reading of the ordinance."</u></p> <p>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"</p> <p>Mayor calls for a motion: Move to approve second and final reading of Ordinance 1195.</p>

ORDINANCE NO. 1195

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS
ESTABLISHING FOR NO OVERHEAD POWER LINES, COMMUNICATION LINES OR SIMILAR
IMPROVEMENTS PARALLEL AND ALONG THE US 377 N R.O.W INCLUDING THE
DOWNTOWN SQUARE FOR MAINTAINING A CONTROLLED APPEARANCE**

WHEREAS, the City Council of the City of Brady is a participant in the improvements to US 377 N Rights-of-Way (R.O.W) Improvements as planned and developed by the Texas Department of Transportation (TXDOT); and

WHEREAS, the City of Brady is committing significant and vital funding as a participant in the improvements to US 377 N including the Downtown Square; and

WHEREAS, the City of Brady is establishing a priority to improve the aesthetic and general appearance of the main thoroughfare into the heart of the city; and

WHEREAS, Sec. 3.16 of the City Charter requires an ordinance when “the purpose is to regulate persons or property.”

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

That the City Council of the City of Brady hereby authorizes this ordinance restricting the placement, erecting or installation of overhead utility and power lines, communication lines or similar improvements parallel and along the US 377 N from Main Street to north of Belton Street and on all city blocks facing the downtown square as executed by the City Council of the City of Brady.

PASSED, APPROVED by the City Council of the City of Brady, Texas, on FIRST READING at a regular meeting held on this the 19th day of April, 2016.

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 3rd day of May, 2016.

Effective date of this Ordinance is May 3, 2016.

CITY OF BRADY


Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	05-03-2016	AGENDA ITEM	7.E.
AGENDA SUBJECT:	Discussion, consideration and possible action on Resolution 2016-025 authorizing the Mayor as the signature authority for all Texas Department of Transportation (TXDOT) documents pertaining and relating to the planned improvements of US377N and the downtown square including a Contract Agreement to Contribute Funds (Fixed Price \$297,280).		
PREPARED BY:	K Lenoir/S.Miller/ L Remini	Date Submitted:	4/26/2016
EXHIBITS:	Resolution 2016-025 Exhibit A – utility estimates		
BUDGETARY IMPACT:	Required Expenditure FY16:		\$35,000.00
	Amount Budgeted:		\$39,129.00
	Mid-Year Transfer Required:		\$00
CITY MANAGER APPROVAL:			

SUMMARY:											
<p>TXDOT has notified the city of their planned improvements for US377N or N. Bridge St. including the downtown square. TXDOT roadway improvement projects of this type requires local governmental participation through the establishment of agreements, licenses and permits. This is similar to the South Bridge project a few years ago. To this end, TXDOT has offered to the city a local participation agreement termed: Agreement to Contribute Funds (Fixed Price) that generally commits the city to a fixed price amount based on a 10% local contribution. Through the implementation of “fair means and methods” city staff compiled probable cost associated with the relocation of city utility works (gas, electric, water, sewer) in TXDOT Rights-of-Way (R.O.W.) and is further outlined in the attached Exhibit A.</p> <p>Under the fixed price agreement method the city is obligated at a 10% contribution for the utility adjustments and improvements or \$297,280. TXDOT is funding the remainder, including the roadway improvements. Current estimates for the total project costs exceed \$10,000,000.</p> <p>In FY2016 the city originally budgeted a total of \$39,129 as the planned contribution under a proposed three-year payout period. With further development of the probable costs as shown in Exhibit A and TXDOT’s subsequent acceptance of these figures, the City’s three-year payment schedule to TXDOT has been adjusted and set as follows:</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th></th> <th style="text-align: center;">FY2016</th> <th style="text-align: center;">FY2017</th> <th style="text-align: center;">FY2018</th> </tr> </thead> <tbody> <tr> <td>TXDOT 3-year payment schedule</td> <td style="text-align: right;">\$35,000.00</td> <td style="text-align: right;">\$131,140.00</td> <td style="text-align: right;">\$131,140.00 (= \$297,280.00)</td> </tr> </tbody> </table>					FY2016	FY2017	FY2018	TXDOT 3-year payment schedule	\$35,000.00	\$131,140.00	\$131,140.00 (= \$297,280.00)
	FY2016	FY2017	FY2018								
TXDOT 3-year payment schedule	\$35,000.00	\$131,140.00	\$131,140.00 (= \$297,280.00)								
RECOMMENDED ACTION:											
Move to approve Resolution 2016-025											

EXHIBIT A

City of Brady (CoB) in Conjunction with Texas Department of Transportation

Proposed Project - R.O.W. Project US 377, McCulloch County

ROW CSJ No. 0128-04-035

South Bridge St. North to SH190E/US377N

Opinion of Preliminary Probable Costs

Revised for Dual Water Lines Concept April 2016 -

Item	Description (for preferred job limits shown on Attachment A)	OPPC - Construction	5% - Contingency	OPPC - Totals	Betterment by City
a	Electric OH Lines Relocated East 1-Blk, approx. 3,300 l.f. OH Distribution Power Line	\$ 193,540.00	\$ 9,677.00	\$ 203,217.00	
b	Gas Main Relocation Improvements, approx. 100 l.f. 2" in, 400 l.f. 4" in, 140 l.f. 6" in Gas Main Line	\$ 353,486.00	\$ 17,674.00	\$ 371,160.00	
c	Sewer Main Improvements & Manhole Replacements, approx. 2,500 l.f. by Open Cut Method	\$ 834,858.00	\$ 41,743.00	\$ 876,601.00	
d	Water Main Relocation Improvements, approx. 6,200 l.f. 6" in, 160 l.f. 8" in; 80 l.f. 4" in. Water Main	<u>\$ 1,138,858.00</u>	<u>\$ 56,943.00</u>	<u>\$ 1,195,801.00</u>	
e	SUBTOTAL(1), OPPC Construction (unbudgeted by CoB)	\$ 2,520,742.00	\$ 126,037.00	\$ 2,646,779.00	
f	Engineering			<u>\$ 226,867.00</u>	
g	SUBTOTAL(2), OPPC Construction + Engineering			\$ 2,873,646.00	
Revised for change to project limits to include courthouse square -					
h	Add Electric OH Relocated Underground, Remove OH Electric Poles and Conductors at N Bridge & Main St., build U/G Conduit Conductor Bank East from Alley & South to County Courthouse, approx. 150 l.f. Deep Bury (unbudgeted by CoB)	\$ 51,029.00	\$ 2,551.00	\$ 53,580.00	\$ 51,029.00
i	Add Sewer Main Improvements & Manhole Replacement Servicing County Courthouse, approx. 150 l.f. by Pipe Burst Method (unbudgeted by CoB)	\$ 28,950.00	\$ 1,447.00	\$ 30,397.00	
j	Engineering			\$ 9,185.00	
k	Add Subsurface Utility Investigation (SUE) (unbudgeted CoB)			<u>\$ 6,000.00</u>	
l	SUBTOTAL(3), Add [h + i + j + k]			\$ 99,162.00	
m	TOTAL, Subtotal(2) + Subtotal(3)			\$ 2,972,808.00	
n	City Contribution at 10%			\$ 297,280.00	

RESOLUTION NO. 2016-025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AUTHORIZING THE MAYOR AS THE SIGNATURE AUTHORITY FOR ALL TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) DOCUMENTS PERTAINING AND RELATING TO THE PLANNED IMPROVEMENTS OF US377N AND THE DOWNTOWN SQUARE INCLUDING A CONTRACT AGREEMENT TO CONTRIBUTE FUNDS (FIXED PRICE) TO RELOCATE, REMOVE AND/OR ADJUST UTILITIES WITHIN TXDOT RIGHTS-OF-WAY

WHEREAS, the City Council of the City of Brady desires to participate in the US377N (CSJ No. 0128-04-035 and CSJ No. 0128-04-036) Rights-of-Way (R.O.W) Improvements as planned and developed by the Texas Department of Transportation (TXDOT); and

WHEREAS, TXDOT has deemed it necessary to make certain highway improvements on US377N R.O.W. generally from intersection of US377N & SH190E south along N. Bridge St. (US377N) encompassing the Downtown Square to the south side which will necessitate certain utility adjustment, relocation and removal of City utilities; and

WHEREAS, the City of Brady is obligated to contribute project costs of **\$297,080** as a Fixed Price Amount representing a 10% local participation amount of which the City of Brady entire obligation shall not exceed this amount for the planned improvements including construction; and

WHEREAS, the administration and implementation of this project is generally organized through TXDOT Local Government Project Procedures (LGPP) in which the City of Brady has received its certification to engage and implement LGPP; and

WHEREAS, the City of Brady and TXDOT agree to enter into an Agreement to Contribute Rights-of-Way Funds (Fixed Price) and Standard Utility Assembly Agreements for improvements generally from intersection of US377N & SH190E south along N. Bridge St. encompassing the Downtown Square to the south side; and

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

That the City Council of the City of Brady hereby authorizes the Mayor as the City's signature authority or in his absence the City's Mayor Pro-Tem, to execute on behalf of the City of Brady all documents PERTAINING AND RELATING TO THE PLANNED IMPROVEMENTS OF US377N AND THE DOWNTOWN SQUARE and to execute an Agreement to Contribute Rights-of-Way Funds (Fixed Price) with TXDOT for roadway improvement to R.O.W. - US377N (CSJ No. 0128-04-035 and CSJ No. 0128-04-036) in Brady in the amount of **\$297,080**.

PASSED AND APPROVED this the _____ day of _____, 2016.

CITY OF BRADY

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary

County:	McCulloch
District:	Brownwood
ROW CSJ #	0128-04-036
CCSJ #	0128-04-035
Federal Project #	
FHWA CFDA #	20.205
Not Research and Development	

Standard Agreement to Contribute
State Performs Work
Periodic Payments
Attachment C

Description	Total Estimated	State Participation		Local Participation	
		%	Cost	%	Cost
Right of Way Acquisition	\$0.00	0%	\$0.00	0%	\$0.00
Reimbursable Utility Adjustments	\$876,600.00	90%	\$788,940.00	10%	\$87,660.00
Joint Bid Reimbursable Utility Adjustments	\$2,096,200.00	90%	\$1,886,580.00	10%	\$209,620.00
	\$0.00	0%	\$0.00	0%	\$0.00
	\$0.00	0%	\$0.00	0%	\$0.00
TOTAL	\$2,972,800.00	90%	\$2,675,520.00	10%	\$297,280.00

Except as otherwise provided in the Agreement, the fixed amount of Local Government participation will be the amount provided above.

Local Government requested approval for periodic payments of its funding obligation pursuant to 43 TAC § 15.52 and the executive Director has approved the request. Attached is completed Special Approval Form - DED Approval.

Periodic payment schedule:

Initial payment by the Local Government to the State with execution of agreement.

\$ 35,000.00

Dollars \$ 131,140.00 on or before November 1, 2016 ,

Dollars \$ 131,140.00 on or before November 1, 2017 ,


Dollars \$ - on or before _____ .

\$ 297,280.00 TOTAL OF PAYMENTS

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	5-3-16	AGENDA ITEM	7.F
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding Resolution 2016-026 for the temporary use of designated streets in Brady for the purpose of the Brady Elementary School Parent Teacher Organization 5 mile and 5K runs on May 22, 2016		
PREPARED BY:	Peter Lamont	Date Submitted:	4-28-16
EXHIBITS:	Resolution 2016-026 Proposed route maps		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:	<p>The Brady Elementary School PTO is requesting use of streets identified in the attached maps for the purpose of a fundraiser 5 mile and 5k on Sunday, May 22, 2016. The organizer is running this as a virtual race, so no street closures or specific start times will be designated. The organizer is expecting 100 people.</p> <p>Fire/EMS and Police have reviewed and approved the routes.</p> <p>The run is hosted by the Brady Elementary School PTO.</p>
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RECOMMENDED ACTION:	<p>Move to approve Resolution 2016-026</p>
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RESOLUTION NO. 2016-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS FOR THE TEMPORARY USE OF CITY STREETS FOR THE PURPOSE OF A 5MILE AND 5K RUN TO BE HELD ON MAY 22, 2016 BENEFITING THE BRADY ELEMENTARY PARENT TEACHER ORGANIZATION (PTO).

WHEREAS, the City Council of the City of Brady wishes to support health and fitness of its citizens and youth; and

WHEREAS, the City Council of the City of Brady wishes to support our schools in their endeavors; and

WHEREAS, the Brady Elementary PTO has requested the approval from the City Council of designated City of Brady streets. This will be a virtual race, so no street closures or specific start times will be designated.

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

That the City Council of the City of Brady allows the temporary use of City of Brady streets for the purpose of a 5 mile and 5K run benefiting the Brady Elementary School PTO.

PASSED AND APPROVED this the _____ day of _____, 2016.

CITY OF BRADY

Anthony Groves, Mayor

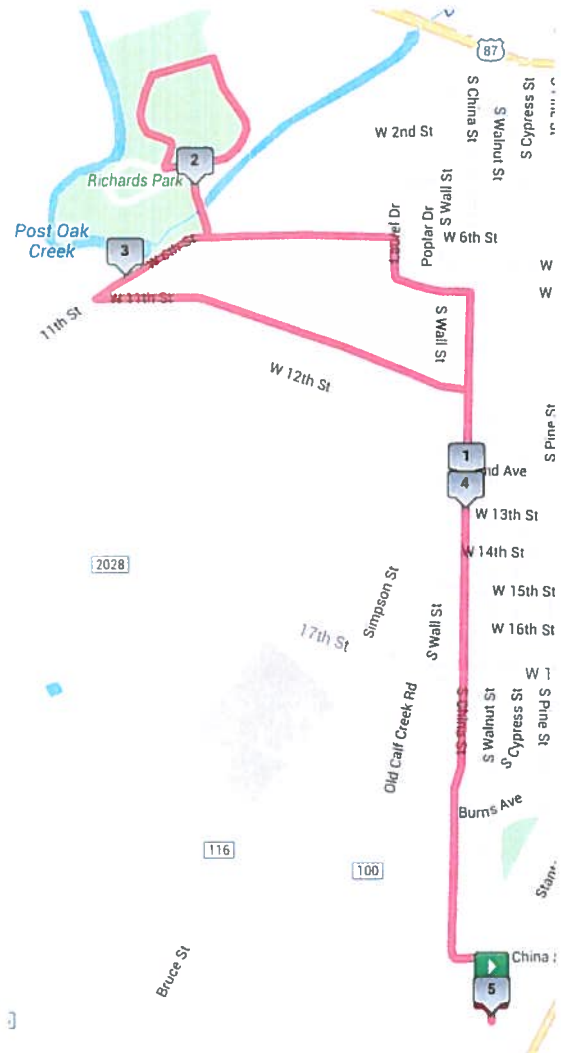
Attest: _____
Tina Keys, City Secretary

Benefitting Brady Elementary PTO

This challenge is without an official race clock.

Roads are open to traffic. *Course may not be suitable for children.*

6:30am	Hand out Participant Bags and Medals
7:00 - 7:30am	Start

FINISH 5 Miles ending at Brady Elementary School Gym

BULLDOG 5K (3.1 MILES) - BRADY, TEXAS

Benefitting Brady Elementary PTO

Start: Sunday, May 22, 2016

This challenge is without an official race clock.

The 5 mile or a 5k loop uses the runner's own start time and individual watch/ tracking (i.e. Fitbit, Garmin, map my run etc). Both routes will be heavily marked... run it, walk it, jog it, STEP it and cover the distance of your choice!

Roads are open to traffic. *Course may not be suitable for children.*

START/ FINISH at Brady Elementary Gym

6:30am	Hand out Participant Bags and Medals
7:00 - 7:30am	Start

Leave Brady Elementary School Gym START

Head left onto China St

Head north on S China St toward W 11th St

Turn left onto W 11th St

Head west on W 11th St toward Peach St

Turn left onto Peach St

Head east on W 12th St toward Live Oak St

Turn left onto Live Oak St

Head north on Live Oak St toward W 11th St

Head north on Live Oak St toward W 11th St

Turn right onto W 11th St

Turn right onto S China St

Head south on S China St


FINISH 3.1 Miles ending at Brady Elementary School Gym



City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	05/03/2016	AGENDA ITEM	7.G.
AGENDA SUBJECT:	Discussion, consideration, and possible action Resolution 2016-027 for the 90th Annual July Jubilee Street Parade on July 2 nd from 10:00 a.m. to 11:00 a.m. and the 43 rd Annual World Championship Goat Cook-off Dance on Saturday, September 3rd road closures TXDOT permit and noise variances from 8:00 p.m. to 1:00 a.m. on Sunday September 4, 2016		
PREPARED BY:	Peter Lamont	Date Submitted:	04/28/2016
EXHIBITS:	Resolution 2016-027		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	<p>The Chamber of Commerce is hosting the 90th Annual July Jubilee in Brady on July 2nd. The celebration includes a parade which requires temporary street closures and approval from TXDOT. This resolution and the necessary documentation will be sent to TXDOT in order to obtain approval for temporary road closures. This resolution will also grant the temporary closing of city streets for the 43rd Annual World Championship Goat Cook-off Dance on September 3, 2016 and Authorization of a noise variance from 8:00 p.m. to 1:00 a.m. on Sunday September 4th.</p>
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RECOMMENDED ACTION:	<p>Approve Resolution 2016-027 for TXDOT road closure permit and noise variance</p>
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RESOLUTION 2016-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO ENTER INTO AN AGREEMENT WITH THE STATE OF TEXAS THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF FOUR LANE US HIGHWAY 87 EAST AND WEST GOING INTO AND FROM BRADY; TWO LANE US HWY 377/190; AND TWO LANE FM 714 ON JULY 2, 2016 FOR THE ANNUAL JULY JUBILEE PARADE AND FOR THE TEMPORARY CLOSURE OF THE NORTH EAST CORNER OF THE SQUARE IN BRADY ON SEPTEMBER 3, 2016 FROM 8:00 P.M. TO 1:00 A.M. ON SEPTEMBER 4, 2016 FOR THE 43RD ANNUAL WORLD CHAMPIONSHIP GOAT COOK-OFF DANCE AND FOR NOISE VARIANCES.

WHEREAS, the City Council of the City of Brady in cooperation with the State of Texas for the safety and convenience of the traveling public request temporary closure of four lane US Highway 87 West and East going into and from Brady; two lane US Hwy 377/190; and two lane FM 714 on July 2, 2016 for the Annual July Jubilee Parade; and

WHEREAS, the July Jubilee parade will be held within the City of Brady incorporated area from approximately 10:00 a.m. until 11:00 a.m. and the closure will be performed within the State's requirements: and

WHEREAS, the July Jubilee Dance will be held on Saturday, July 2 2016 at Richards Park within the City of Brady incorporated area from approximately 3:00 p.m. until 1:00 a.m. on July 3 ,2016 and the noise levels will be greater than normal, thus requiring a variance from Council; and

WHEREAS, the City Council of the City of Brady also requests the temporary closure of the East side of Brady Square on Saturday, September 3, 2016 beginning at 8:00 p.m. until 1:00 a.m. on Sunday, September 4, 2016 for the Annual World Championship Goat Cook-off Street dance; and

WHEREAS, all Northbound and Southbound traffic will be routed around the West side of the Square still allowing continuous access to all routes leading to and from the City of Brady; and

WHEREAS, the street dance will be held within the City of Brady incorporated area from approximately 8:00 p.m. Saturday, September 3, 2016 until 1:00 a.m. Sunday, September 4, 2016 and the noise levels will be greater than normal, thus requiring a variance from Council.

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

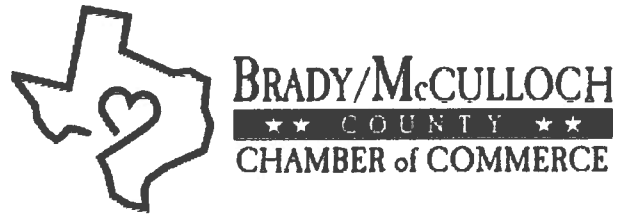
The City Council enter into an agreement with the State of Texas through the Texas Department of Transportation for the temporary street closure of four lane US Hwy 87 West and East going into and from Brady; two lane US Hwy 377/190; and two lane FM 714 for the purpose of the Annual July Jubilee Parade on Saturday, July 4, 2016; and Council grants approval of a noise variance for the duration of the July Jubilee Dance and the Goat Cook-Off Street Dance.

PASSED AND APPROVED this the 3rd day of May, 2016

CITY OF BRADY:

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary



April 22, 2016

Kim Lenoir, City Manager
City of Brady
PO Box 351
Brady, TX 76825

Dear Mrs. Lenoir,

The Chamber of Commerce is hosting the 43rd Annual World Championship BBQ Goat Cook-Off at Richards Park in Brady Friday, September 2nd and Saturday, September 3rd of this year.

Part of the celebration will include a street dance on the downtown courthouse square on Saturday, September 3rd beginning at 8 P.M. The dance should conclude no later than 1:00 A.M.

On behalf of the Goat Cook-Off Organizing Committee and the entire Chamber of Commerce Board of Directors, I am respectfully requesting a noise variance in downtown Brady for the duration of the dance.

If you have any questions, please contact me at your convenience. Thank you in advance for your consideration.

Regards,

Erin Corbell
President
erin@bradytx.com

April 28, 2016

Elias Rmeili, P.E. District Engineer
Texas Department of Transportation
PO Box 1549
Brownwood, TX 76801

Dear Mr. Rmeili,

The City of Brady, representing Brady/McCulloch County Chamber of Commerce, respectfully requests the temporary closure of four-lane US Highway 87 in Brady from Memory Lane at Richards Park to the courthouse square, along with two-lane Ranch Road 714, and two-lane US Highway 190/and Highway 377 around the courthouse square. All through lanes on these roads would be temporarily closed on Monday, July 4, 2016 from approximately 10:00 a.m. to 11:00 a.m. for the 90th Annual July Jubilee Parade.

Attached you will find a city map outlying the proposed route to be taken by the parade.

Law enforcement officers from the City of Brady Police Department and McCulloch County Sheriff's Office will be physically directing traffic through the City of Brady on the proposed routes outlined in green.

All preparations, before and after this event will be done by local staff and volunteers. There will be no state equipment or manpower involved in this process. The parade is held to promote Brady and McCulloch County and bring tourists to our community for the weekend. This, in turn, will provide an economic boost to our hotels, restaurants, retail stores, and fuel providers.

Approximately 3,000 people will attend the parade.

If you have any questions, problems, or concerns, please do not hesitate to contact me at (325)597-2152.

Sincerely,

Peter Lamont
Director of Community Services

Enclosure(s)

April 28, 2016

Elias Rmeili, P.E., District Engineer
Texas Department of Transportation
PO Box 1549
Brownwood, TX 76801

Dear Mr. Rmeili,

On behalf of the Board of Directors for the Brady/McCulloch County Chamber of Commerce, I respectfully request temporary road closures and use of traffic barricades for the downtown street dance during the 43rd annual World Championship BBQ Goat Cook-Off on Saturday, September 3rd.

The following roads around the downtown courthouse square need to be closed from 3pm Saturday, September 3rd until 1am on Sunday, September 4th.

1. East Main Street at North Bridge Street
2. North Blackburn Street at East Lockhart Street
3. East Main Street at North Elm Street
4. East Commerce Street South Bridge Street
5. South Blackburn Street at East 1st Street
6. East Commerce Street at South Elm Street

Attached you will find a city map placement of road closure barricades. The specific closures requiring approval from your office include 1, 3 and 4 referenced above and on the enclosed map.

All preparations, before and after this event, will be done by chamber staff and volunteers. We will, however, utilize traffic barricades provided by the Streets Department of the City of Brady.

The street dance is held in conjunction with our annual goat cook-off, which promotes Brady and McCulloch County to visitors and brings tourists to our community for the weekend. This, in turn, provides an economic boost our local hotels, restaurants, retail stores, fuel providers and grocers.

Approximately 8,000 are expected to attend the cook-off and 2,500 are expected to attend the street dance.

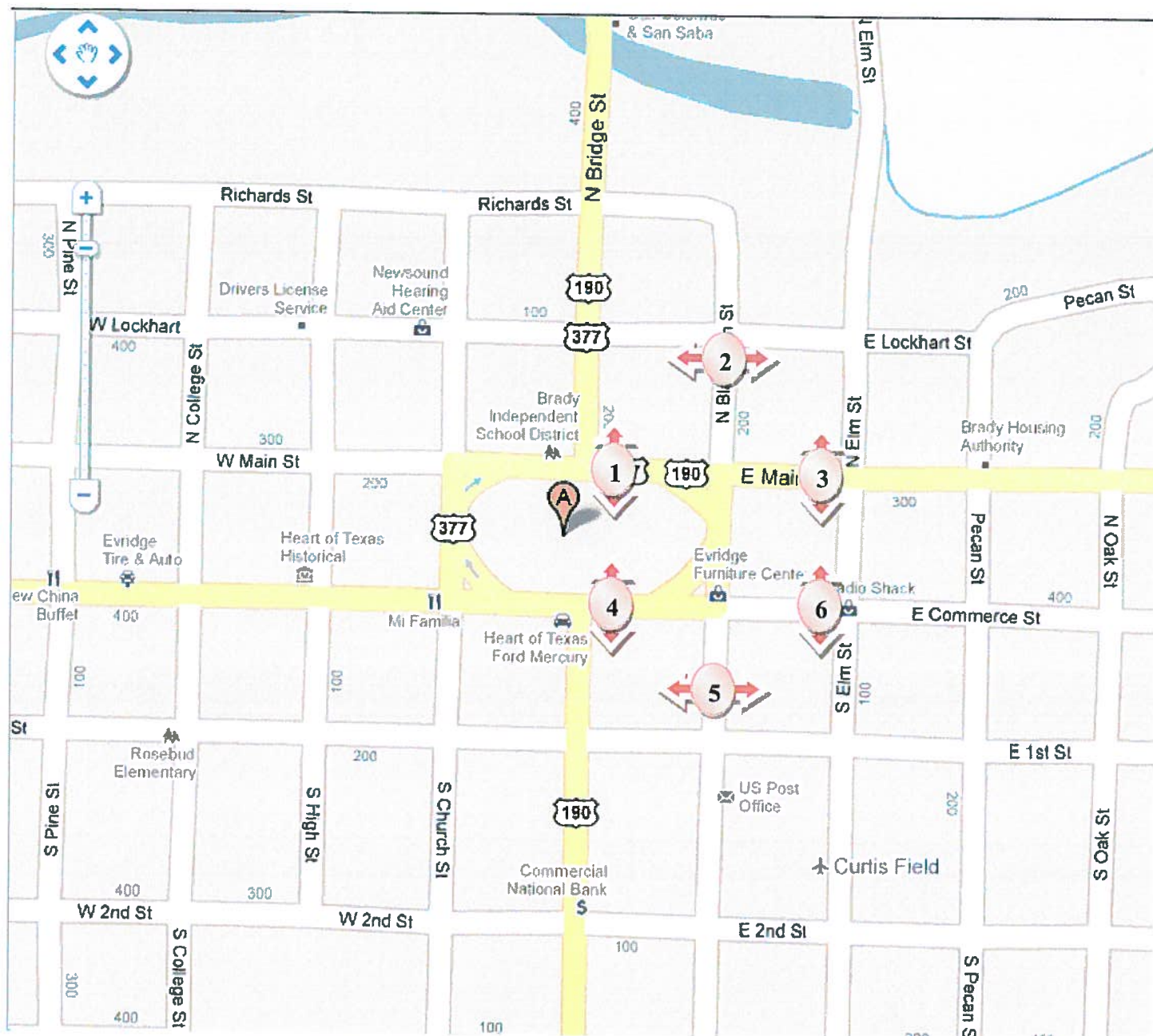
If you have any questions, problems, or concerns, please do not hesitate to contact me at (325) 597-3491.

Sincerely,



Peter Lamont
Director of Community Services

Enclosure




2016 GOAT COOK-OFF STREET DANCE ROAD CLOSURES

CLOSE at 3pm Saturday, September 3rd
RE-OPEN at 1am Sunday, September 4th

BARRICADES

- 1. East Main Street at North Bridge Street**
- 2. North Blackburn at East Lockhart Street**
- 3. East Main Street at North Elm Street**
- 4. East Commerce Street at South Bridge Street**
- 5. South Blackburn at East 1st Street**
- 6. East Commerce Street at South Elm Street**

City Council City of Brady, Texas Agenda Form

AGENDA DATE:	5-3-2016	AGENDA ITEM	7. C H.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding a long-term lease proposal submitted by John Boone and Roy Garza for the G Rollie White Complex.		
PREPARED BY:	Kim Lenoir	Date Submitted:	4-21-16
EXHIBITS:	Boone and Garza Proposal		
BUDGETARY IMPACT:	Required Expenditure:	\$0	
	Amount Budgeted:	\$0	
	Appropriation Required:	\$0	
CITY MANAGER APPROVAL:			

SUMMARY:
<p>This item was requested by John Boone during public comments – April 19, 2016</p> <p>Staff is suggesting that the City Council, County Extension Service, Chamber of Commerce, Jr Livestock Association and other interested citizens tour and visit with the operators of the Llano, Gillespie County, and Coleman Fairgrounds to see what is offered in these communities. With this research the group can assist the City Council in determining the niche for the McCulloch County – Brady GRW Complex.</p> <p>Staff recommends that no long-term lease agreements be considered until a well-defined long-range plan is decided by the City Council.</p>

RECOMMENDED ACTION:
As desired by City Council.



J R M Productions

Equine Training Events

Riding instructions

& lessons

Barrel Racing

Calf Roping

Team Penning

Proposal for The Lease of G Rollie White

JRM Production propose to lease the G Rollie White Complex to hold Equestrian Events such as Barrel Racing, different Roping Events and training of race horses. There will be two race training event each month. There will be two Barrel Racing Events scheduled each year. The public will be offered riding and horse handling training. The track will be used for training through out the weekdays. We expect to bring 1,500 to 2,000 people into the city of Brady to these Events.

We as JRM Production offer to lease facilities for \$2,000 per month and a 60/40 split for horse stall rental. We will split all cost of Advertising Banners. We expect surface of track along with inside and outside railing to be brought up to standard for the safety of horses that will be in training. We request that Jockey House be repaired for use. The Grandstands to be fixed for the safety of spectators. We will prepare race track for daily training and each Event. The watering of track before any Event will be furnished by the city of Brady or County department.

We as JRM Production will provide all security along with the City of Brady and County Department for any event that is put on by JRM Production. There will be NO ILLIGAL GAMBLING and Signs will be posted stating as such. This will be number one Rule to be enforced by security.

We as JRM Productions LLC Will be glad to also help in the City of Bradies annual Events for 4h, FFA and all Entertainments. All spectators will be screened upon the coming and going to and from Grandstands for weapons and drugs. Parking will be patrolled for any suspicious activity. No spectators will be allowed in or around horse stalls. All horses will be stalled. NO EXCEPTIONS while at facilities. The horse owners will be allowed along with trainers, Jockeys, and family member that has checked in upon signing in of stalls, and entry fee. All will be given a wrist band of different color from specters wrist bands. Any spectator in or around horse barns will be escorted out. If repeat, they will be escorted off premises. All food and beer concessions will be handled by JRM Productions.

We pray, the City Council will openly consider this proposal.

Thank you

John Boone and Roy Garza



Office of the Secretary of State

CERTIFICATE OF FILING OF

JRM Production Company, LLC
File Number: 802431136

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Liability Company (LLC) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 03/29/2016

Effective: 03/29/2016



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos
Secretary of State

CITY OF BRADY
APPLICATION FOR BOARDS / COMMISSIONS



Name of Applicant:

Jeffrey Sutton

Phone Number:

325-226-1298

Address:

1108 West 12th St

Alt. Phone Number:

E-mail Address:

JSutton1@gmail.com

Are you a citizen of the City of Brady?

Yes

No

Are you a registered voter?

Yes

No

Are you currently serving on a City Board?

Yes

No

Have you ever served on a City Board?

Yes

No

Are you currently serving on a Board for another governmental Agency?

Yes

No

How long have you lived in Brady?

2 months

Which Board(s) would you like to apply for?

☒ Planning & Zoning Commission

(3 year term)

Economic Development Corporation

(2 year term)

Zoning Board of Adjustment

(2 year term)

☒ - Airport Advisory Board

(2 year term)

Charter Review Commission

(4 year term)

Employer:

Retired

Job Title:

Work Address:

Work Phone #:

Professional Experience (include professional memberships and previous employment):

CONCHO Valley Council of Governments - 14 years E.D.
Crockett County Judge - two terms
CROCKETT County ISD (school dist) 12 years 9 years President
Rancher - 35 years

Community Experience (civic clubs, volunteer activities, service organizations, etc):

Community Experience with Concho Valley Council of Gov.
Rotary -



Gulf Coast Strategic Highway Coalition

Connecting U.S. Army Facilities and Texas Strategic Ports

State Advances Designation of First Section of I-14 in Bell County

April 28, 2016

AUSTIN - The Texas Transportation Commission Thursday took the next major step in making the first section of Interstate 14 a reality in Central Texas.

The commission voted to submit an application that is part of a multi-step process that will lead to designation of an existing 25-mile stretch of US 190 freeway in Bell County as I-14. The highway section from Copperas Cove and Fort Hood east to I-35 in Belton has been undergoing upgrades in recent years and additional widening projects are planned.

The commission is petitioning the American Association of State Highway and Transportation Officials (AASHTO) to include the segment of US 190 as part of the national Interstate Highway System as I-14.

Separately, the Texas Department of Transportation is working with the Federal Highway Administration (FHWA) to review elements of the existing highway to confirm they meet interstate highway design standards. That review is expected to be complete later this year. Once authorized by FHWA, the final designation can be approved by the Texas Transportation Commission and I-14 signs can be added to the highway and to directional signage on Interstate 35 and other intersecting roadways.

The federal highway bill approved by Congress last year designated the Central Texas Corridor and established it as future Interstate 14. The congressionally designated corridor generally follows the route of US 190 across the state running from I-10 in West Texas to Fort Hood at Killeen and east through Belton, Bryan/College Station, Huntsville, Livingston, Woodville and Jasper before terminating at the Sabine River near Fort Polk.

John Thompson, former county judge of Polk County and board chairman of the Gulf Coast Strategic Highway Coalition, said, "We want to thank the Transportation Commission for being our partner in this effort to make Interstate 14 across Texas a reality. We look forward to continuing to work together on planning, funding and constructing additional upgraded sections of the entire Strategic Highway System which will eventually provide improved connections to I-35, I-45, I-69, I-37, I-10 and I-20."

Major Gen. Kendall Cox, U.S. Army (ret), executive director of the Heart of Texas Defense Alliance supporting Fort Hood, said that the future interstate and other improvements supported by the Gulf Coast Strategic Highway Coalition to connect Army facilities to strategic seaports will create additional military value that is essential to the continued viability of the state's military installations.

About the Coalition

The Gulf Coast Strategic Highway Coalition is made up of cities, counties, local authorities and economic development organizations in Texas and Louisiana. The organization has been working for more than a decade in support of highway upgrades that will improve access between major U.S. Army installations at Fort Bliss, Fort Hood and Fort Polk and the Texas strategic deployment seaports that support them – the Port of Corpus Christi and the Port of Beaumont.

Contact: John Thompson, Former County Judge, Polk County
Board Chairman, Gulf Coast Strategic Highway Coalition
(936) 328-6444; email: zimmercreekconsultantsllc@gmail.com

Gary Bushell, Executive Director, Gulf Coast Strategic Highway Coalition
(512) 478-6661; email: gebushell@aol.com



TEXAS COMMISSION ON FIRE PROTECTION

TIM GARDNER, COMPLIANCE OFFICER
202 E. HOUSTON ST. #808, SAN ANTONIO, TX 78205
(512) 944-3109 FAX (512) 936-3808
AUSTIN HQ – (512) 936-3838

April 21, 2016

Lyle Daniel, Fire Chief
Brady Fire Department
216 W Commerce St.
Brady, Texas 76825

Chief Daniel:

I am pleased to report that no violations were found during the compliance inspection conducted at your agency on April 21, 2016. I will note that your agency has met the compliance requirements, and your file for this inspection period was closed on April 21, 2016.

Once again, I want to thank you for the kind cooperation I received during the compliance inspection process. I also extend my personal thanks to you, for your continued dedication and support toward the Mission of the fire service in Texas, and the regulations that enhance the safety of Texas firefighters.

Please contact me at tim.gardner@tcfp.texas.gov or 512-944-3109 if you have any questions or comments regarding the Texas Commission on Fire Protection.

Sincerely,

Tim Gardner, Compliance Officer
Texas Commission on Fire Protection
San Antonio Field Office



Texas Commission on Fire Protection

Tim Gardner, Compliance Officer, tim.gardner@tcfp.texas.gov
San Antonio Field Office 202 E Houston St. #808, San Antonio, Texas 78205
Office/Cell (512) 944-3109

INSPECTION ACKNOWLEDGEMENT

FDID 250
Department Brady Fire Department

TRIP # 201483

This is official notice that a compliance inspection was conducted by a representative of the Texas Commission on Fire Protection on 4/21/16. Non compliant findings (if any) are noted below.

☒ **No Violations Noted**

☐ **Major violations noted**

☐ **Minor Violations noted**

☐ SCBA

☐ Protective Clothing

☐ SOP's

☐ Forms/ Certificates

☐ Other

Noted violations should be corrected as soon as possible. Please send your response noting either the correction of major violations or a plan of action for correction of minor violations, to my office within 30 days of this notice.

Comments

No violations noted.
All records and equipment
in good order

Tim Gardner 4/21/16
Compliance Officer Date

[Signature] 4/21/16
Department Representative Date

The Texas Commission on Fire Protection does not accept responsibility for violations noted in this report, nor does this report relieve the fire department from the responsibility for violations noted. Signature acknowledges receipt of any handout materials.