



**CITY OF BRADY  
CITY COUNCIL WORK SESSION AGENDA  
JULY 7, 2016 AT 1:00 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 1:00pm on July 7, 2016, at DRT Community Room, 113 N. Church 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

Kathy Gloria  
Mayor Pro Tem, Place 1

Shelly Perkins  
Council Member, Place 2

Marilyn Gendusa  
Council Member, Place 3

Jane Huffman  
Council Member, Place 4

Jim Griffin  
Council Member, Place 5

Kim Lenoir  
City Manager

Tina Keys  
City Secretary

Lisa Remini  
Director of Finance

Steve Miller  
Director of Public Works

Peter Lamont  
Director of Community  
Services

Lyle Daniel  
Chief of Fire/EMS

Steve Thomas  
Chief of Police

Shannon Kackley  
City Attorney

**Call to Order, Roll Call and Certification of a Quorum**

**1 Presentations from Staff:**

**Base Budget Summary (see Appendix A)**

**Debt Service Requirements (see Appendix I)**

**5 Year Capital Expenditure Plan (see Appendix B)**

**2 Discuss and Consider:**

**Proposed Tax Rates - Property and Cemetery (see Appendix R, X)**

**Proposed Utility Rate Increases (see Appendix G & H)**

**Proposed Expenditure Reductions- Airport (see Budget #2)**

**Fund Balance - Adequacy**

**3 Review and Approve FY 17 Budgets:**

**Budget Requests from other Agencies**

**Base Budget Requests from Utility Funds**

**Base Budget Requests from General Fund**

**Supplemental Requests from Utility Funds**

**Supplemental Requests from General Fund**

**4 Housekeeping Items:**

**Fee Schedule (see Appendix K )**

**Selected Policy Review (see Appendix F)**

**5. Discuss and plan future work session dates and topics**

## 6. Announcements

## 7. Adjournment

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

Tina Keys, City Secretary

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

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.





Tony Groves  
Mayor

Kathy Gloria  
Mayor Pro Tem

Shelly Perkins  
Council Member  
Place 2

Marilyn Gendusa  
Council Member  
Place 3

Jane Huffman  
Council Member  
Place 4

Jim Griffin  
Council Member  
Place 5

Kim Lenoir  
City Manager

Shannon Kackley  
City Attorney

Tina Keys  
City Secretary

Platinum  
Level



Texas Comptroller  
Leadership Circle

## CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING JULY 5, 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 July 5, 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.

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

### 2. INVOCATION & PLEDGE OF ALLEGIANCE

### 3. APPROVAL OF AUDIT BOARD

### 4. APPROVAL OF MINUTES – June 21, 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

Wastewater Treatment Plant Replacement Project Plans – Freese and Nichols, Inc.

### 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action on **Resolution 2016-033** authorizing the City Manager to sign the Amendment for Consulting Services with Freese and Nichols, Inc. for Phase II – Preliminary Engineering Design Services, TPDES Permitting and Environmental Assessment for WWTP Replacement Project to include Basic Services of Permitting, Environmental and Preliminary Engineering Design, and Special Services of Surveying and Geotechnical Investigation. The fee for basic services equals \$721,369.00 and special services equals \$37,016.00 for a total fee basis of **\$758,385.00**.
- B. Discussion, consideration and possible action regarding first reading of **Ordinance 1198** of the City of Brady, Texas, establishing a Curfew for Minors (under 17 years of age, 11:00pm until 6:00am Sunday to Thursday and 12:01am to 6:00am for Friday and Saturday).

- C. Discussion, consideration and possible action to fill alternate positions on the Board of Adjustments / Zoning Board of Adjustments (BOA/ZBA) and the Planning & Zoning Commission (P&Z); and to fill vacancies on the Airport Advisory Board.
- D. Discussion regarding City Council meeting procedures and process.

## **8. STAFF REPORTS**

- A. Quarterly Reports – Clean Water Project, Drinking Water, WWTP Emergency Repair, Grants – Boat Ramps, Brady Creek Trail, Richards Park, Willie Washington Park; Fish House, Stanburn Park, Hazard Mitigation Plan, Brady Lake Dam Breach Analysis; Brady Stormwater Drainage Master Plan
- B. Upcoming Special Events:
  - Thursdays, 4pm to 6pm – Farmers Market – Downtown Square
  - July 9-10 – Couples Golf Tourney
  - July 7- Movies in the Park - The Princess Bride at Mexican Colony Park
  - July 21- Movies in the Park - Finding Nemo at the Swimming Pool
  - July 30 – Couple's Golf Tourney
- C. FY 2017 – Draft Budget Prepared; July 7, 1pm and July 12, 9am – FY17 Budget Work Sessions – DRT Community Room
- D. July 12, 5:30pm, P&Z Meeting, Service Center – Public Hearings for Substandard Buildings, In-fill, and Cargo Storage Containers Zoning Ordinance Recommended Changes
- E. July 14 and 18, 9am – FY17 Budget Work Sessions – Brady Housing Authority
- F. July 14, 4:30 to 6:30pm, Service Center – TXDOT 30% Design Review of N. Bridge Street and Downtown Square, and White Street
- G. July 18, 5:30pm, P&Z – Public Hearing Zoning Changes
- H. July 19, 6:00pm, City Council Meeting – Public Hearings for Substandard Buildings, In-fill, and Cargo Storage Containers Zoning Ordinance Recommended Changes & possible Zoning Changes

## **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 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: evaluation of City Manager duties.
- B. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters: To seek legal advice about (1) pending or contemplated litigation; or (2) a settlement offer; or (3) on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, to wit: legal issues related to responses to public comments under the Texas Open Meetings Act.

- C. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties 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 – utility easements, animal shelter, and other proposed public facilities.
- D. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from 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 \_\_\_\_\_ 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*

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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, June 21, 2016, at 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 Marilyn Gendusa, Shelly Perkins, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Director of Public Works Steven Miller, Director of Community Services Peter Lamont, Director of Finance Lisa Remini, City Attorney Shannon Kackley, Police Chief Steve Thomas, and Animal Control Officer Katherine Mitchell. Others in attendance were Annita Ellison, Don Miller, Nancy Criado, Bill and Michelle Derrick, James Stewart and Ed Hernandez

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

Mayor Groves called the meeting to order at 6:00 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 Perkins moved to approve the audit board. Motion was seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 4-0 vote.

**4. APPROVAL OF MINUTES for June 7 and 14, 2016**

Council Member Gendusa asked for a correction on page 4 of the June 7<sup>th</sup> minutes, under EDC, where appointment of Michelle Derrick...it should read Council Member Perkins recommended appointment and was seconded by Council Member Huffman. Also in same minutes, paragraph A, last 2 sentences, should be 4 to 1 vote rather than a 4 to 0 vote. Council Member Gendusa moved to approve the minutes as amended. Motion was seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried in a 4-0 vote.

**5. PUBLIC COMMENTS**

Ed Hernandez commented regarding Open Meetings. He stated concern about how meetings are conducted – meetings are more in line of a public forum. It's getting out of hand and there are violations of Open Meetings Act. Many times public comments concern items on the agenda. When there is a motion, the mayor asks for discussion, that's for council only, doesn't extend to audience. They don't get a vote and they don't get a voice. There is a lot of whispering between council members, passing notes, texting are not acceptable. There is something in the Act that says it is very strongly prohibited for special favours and considerations. It might be hard to prove but it is a serious violation of the code of ethics. Not sure what oath of office contains, but thinks it says something about upholding laws of the State of Texas. Wish we would consider that.

**6. PRESENTATIONS AND PUBLIC HEARINGS**

- A. Brady Police Department – New Mission, Goals and Core Values Statement. Chief Thomas presented to the Council.

**7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration, and possible action regarding second and final reading of Ordinance 1197 of the City of Brady, Texas amending FY2015-2016 Budget (from \$31,448,877 to \$26,508,677 mainly due to carry-over of design work of the Clean Water and Drinking Water Capital Projects that will continue in FY2017). Lisa Remini presented to Council. Council Member Gendusa moved to approve the second and final reading of Ordinance 1197. The motion was seconded by Council Member Perkins. All Council Members voted "aye"

and none “nay”. Motion to approve carried in a 4-0 vote.

- B. Discussion, consideration, and possible action regarding filling vacancies for expired terms and alternates on the Board of Adjustments / Zoning Board of Adjustments (BOA/ZBA), Airport Advisory Board, Charter Review Commission, Planning & Zoning Commission (P&Z) and Hotel Occupancy Tax (HOT) Council Committee. Mayor appointed Teresa Leifeste to Charter Review. All were in favor, 4 to 0. Mayor appointed Chad Blankenship to Charter Review. All were in favor, 4 to 0. Mayor appointed Richard Jolliff to Airport Board. All were in favor, 4 to 0. Mayor Groves inquired of the Council, if Kelly Elliott agrees to serve on Charter Review Commission, he would like to appoint her. All were in favor, 4 to 0. Mayor appointed Patsy Cole to Charter Review. All were in favor 4 to 0. Kirk Roddie was appointed to Airport Board with all in favor 4 to 0. Marilyn Gendusa was appointed to the Hotel Occupancy Tax (HOT) Council Committee – with all in favor, 4 to 0. Mayor Groves appointed Rod Young to the Zoning Board of Adjustments. All were in favor 4 to 0. There was discussion regarding the need to fill two more vacancies on Airport Board. Council and staff discussed making possible change handbook to the board handbook to include residents residing in McCulloch County as possible board candidates.
- C. Discussion, consideration and possible action regarding first reading of **Ordinance 1198** of the City of Brady, Texas establishing a Curfew for Minors (under 17 years of age, 11:00pm until 6:00am Sunday to Thursday and 12 midnight to 6:00am for Friday and Saturday). Chief Thomas presented to Council. Council Member Huffman asked for a clarification, that if an officer sees a vehicle at 1am and there is no probable cause, but the driver appears to be under 17, they can stop the vehicle. Chief responded “basically, yes” and went on to explain the goal is not to be intrusive. Council Member Huffman asked if there are laws that regulate 6 juveniles in a car at 1:30am in the morning and the Chief responded “no”. Council Member Huffman inquired, “if it passes, do you have the authority to do that” and Chief Thomas confirmed. Mayor Groves asked if the ordinance is passed, and down the road we have a different Chief, he might want to pursue a different path. A citizen may file a citizen complaint and City Manager could address as necessary. City Attorney Shannon Kackley advised that under state law, the council will have to revisit the ordinance within three years. Council Member Perkins asked Chief Thomas if he has reviewed the suggested changes and if there were any changes that the Chief felt were not good. Chief Thomas answered no. Mayor Groves commented we can approve first reading then review and go back to first reading if there are changes. Council Member Perkins requested some editing changes to the Ordinance. Council Member Huffman thinks we should wait for first reading after document is corrected and not rush. Mayor asked for a motion. There was no motion. Staff is directed to prepare final draft for next agenda.
- D. Discussion, consideration and possible action approving **Resolution 2016-032** authorizing a noise variance as outlined by the Municipal Code of Ordinances, Noise Nuisances, Section 8.501.2(c) for the Cox Family Reunion on July 9, from 10:00pm to 1:00am, July 10, 2016 at Brady Lake Pavilion. Peter Lamont presented to Council. Mayor Groves asked for a motion. Council Member Griffin moved to approve **Resolution 2016-032**. The motion was seconded by Council Member Gendusa. All Council Members voted “aye” and none “nay”. Motion carried in a 4-0 vote.
- E. Discussion regarding Council Members Orientation Schedules and Process. Council Member Perkins advised, under public words, sanitation is misspelled. There were questions brought up about new hire paperwork. City Manager will review with Human Resources to go over required documents for new council members. Mayor recommended that the new council members set up times with City Manager by end of the week.
- F. Discussion regarding upcoming topics and times for additional City Council Work Sessions. Council Member Perkins would like Animal Shelter be put to the top of the list. Council Member Gendusa asked what happens to the animals on July 1<sup>st</sup> when PAWS closes and City Manager Lenoir responded that it’s up to them (PAWS).

Council Member Gendusa asked if PAWS should have to vacate but Lenoir responded that it's not our building. Mayor Groves proposes we do the first cut in the budget then address at that meeting putting on the agenda other dates and would like to go through the first budget meeting and the agenda item will be to schedule additional work sessions. At end of each budget meeting we can discuss. A time for first budget meeting was discussed. Council Member Huffman had down 1:00pm, whereas Council Member Gendusa thought it was at 5:00pm. Mayor Groves asked for a poll vote to hold the first budget work session at 1:00pm at the City of Brady Housing Authority on July 7<sup>th</sup>. Three voted in favor.

- G. Discussion regarding City Council meeting procedures and processes. Mayor Groves asked for feedback, input from Council and Citizens on how meeting went. Council Member Huffman stated she doesn't think we can allow the audience to speak. Mayor Groves responded that as the mayor, he does have that authority to ask the audience. Attorney Kackley confirmed. Mayor Groves said the citizens have no right to speak on an agenda item, but we can allow them to do so and stated "the Mayor has that authority. The Open Meetings Act says you cannot address items not on the agenda because others do not know that item would be discussed. The Mayor has the leeway to allow the citizens to speak to the degree the mayor decides." Council Member Perkins went to her copy of the Government Code Chapter 551, Open Meetings.... And went on to read. Mayor Groves stated in the future when somebody lists on the sign up sheet, an item on the agenda, he will ask if they want to wait for that item but if they have anything else to say about something not on the agenda then it must be said during public comments. Attorney Kackley also pointed out in the charter, rules and procedures, council shall determine its own rules. Council can adopt its own procedure but it must be by ordinance. Staff was instructed pull ordinances and review. Mayor Groves asked for a vote from the audience by a show of "thumbs up" or "thumbs down". Most voted thumbs up.

- A. Monthly Financial Reports for May 2016
- B. Monthly Activity Reports – Senior Center Meals, Golf, BPD, Animal Control, Tourism Funding, Airport, Civic Center. Council Member Perkins asked Katherine about AC report - hit by vehicle picked up, does that mean animal is dead? Yes. If they are hit and still alive it, will fall under stray. If there are ever rabies checked, is that something you track? Yes, that would fall under bite report, and will fall under quarantine or euthanized.
- C. Upcoming Special Events:
  - Thursdays, 4pm to 6pm – Farmers Market – Downtown Square
  - June 25-26 - Two-person Golf Scramble
  - July 1 – Miss HOT Pageant at the Palace Movie Theater
  - July 2 – July Jubilee – Parade; Mud Volleyball; Dance at Richards Park (Swimming Pool Closed)
  - July 2 – Fireworks Show – Richards Park
- D. July 4 – City Offices Closed (Swimming Pool Open)
- E. July 4 and 5 Holiday Trash Schedule Changes
- F. July 5 – WWTP Design Report at City Council Meeting
- G. July 7, 12, 14 and 18 – FY17 Budget Work Sessions – time TBD
- H. July 14 – TXDOT 30% Design Review N. Bridge Street and Downtown Square, 5pm, Service Center

## 9. ANNOUNCEMENTS

Council Member Gendusa announced that this weekend is field day for HAM operators.

## 10. EXECUTIVE SESSION

Council closed open session at 7:51 p.m. and took a break.

Council reconvened into Executive Session at 8:09 p.m.



- A. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: evaluation of Board appointments.
- B. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters: To seek legal advice about (1) pending or contemplated litigation; or (2) a settlement offer; or (3) on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, to wit: legal issues related to responses to public comments under the Texas Open Meetings Act.
- C. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties 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 – utility easements, animal shelter, and other proposed public facilities.
- D. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from 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 9:40 p.m.

#### 11. Open Session Action on any Executive Session

Mayor reconvened open session at 9:41 p.m. No action was taken.

#### 12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 9:43 p.m.

\_\_\_\_\_  
Mayor Anthony Groves

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

The background of the slide is a photograph. On the left side, there is a view of a bridge with metal railings and a concrete deck, extending over a body of water. On the right side, there is a large, dark, cylindrical structure, likely a pipe or tunnel, with a lighter-colored section at the top.

# CITY OF BRADY WWTP REPLACEMENT PROJECT COUNCIL UPDATE JULY 2016



# AGENDA



1. WWTP Replacement Project (Phase II)
2. Project Background
3. Loan Status & Summary
4. Design Budget
5. CWSRF Project Information Form
6. Schedule
7. Questions



# PROJECT BACKGROUND

- Produced Planning Level Engineering Feasibility Report in August 2015 (Phase I)
  - Included Critical City Wide Sewer Collection Improvements
  - Included Interim Solids Handling Improvements Study
- Spring of 2015 – Implement Design of Interim Solids Handling
  - Major Motivation – Address Sludge Handling Overloads
- Preliminary Project Estimate Exceeds Feasible Method of Funding
- Interim Solids Handling Design Engineering & Plans Transferable to Final Design



# POSTPONEMENT OF INTERIM CONSTRUCTION

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





# SUMMARY OF E.F.R. FINDINGS

▪ Interim Solids Handling Probable Cost:	\$ 935,000.00
▪ Cancellation	
▪ Seven (7) Areas in City Wide Gravity Sewer Analysis (2015 Dollars)	
▪ Probable Cost of Improvements to Seven (7) Sites:	\$ 7,400,000
▪ Six (6) Assigned to Future Capital Expenditures:	\$ 6,300,000
▪ One (1) Assigned to WWTP Replacement	
▪ WWTP Replacement Project	
▪ Probable Construction Cost:	\$ 14,500,000.00
▪ Gravity Sewer Trunk Line at WWTP:	\$ 1,100,000.00
▪ Construction Phase Services	\$ 980,000
▪ Financial, Legal, Admin, Application, and Contingency	\$ <u>855,200</u>
▪ Total Preliminary Estimated Cost	\$ 17,435,200.00

# TWDB PAD LOANS

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





# CWSRF LOAN STATUS & SUMMARY

Loan Status & Summary -		Current Budget		Proposed Budget		Activity	
<b>LF1000019</b>		<b>\$1,441,990.00</b>	<b>\$1,441,990.00</b>	<b>\$1,441,990.00</b>			
		Approved Budget (01/07/16)		<i>PROPOSED NEW CEILING</i>		Paid to Date	
	Design	\$430,522.00		\$463,944.83			\$0.00
	Planning	\$432,656.00		\$407,325.17			\$407,325.17
	Application	\$10,000.00		\$10,000.00			\$10,000.00
	Environmental	\$125,000.00		\$141,227.00			\$62,500.00
	Geotechnical	\$50,000.00		\$36,750.00			\$0.00
	Permits	\$90,000.00		\$102,863.00			\$45,000.00
	Surveying	\$175,000.00		\$130,818.00			\$110,000.00
	Testing	\$20,000.00		\$0.00			\$0.00
	Contingency	\$13,750.00		\$0.00			\$0.00
	Bond Counsel	\$10,000.00		\$10,000.00			\$10,000.00
	Financial Advisor	\$6,000.00		\$6,000.00			\$6,000.00
	Issuance Costs	\$250.00		\$250.00			\$250.00
	Administrative (City Project Manager)	\$78,812.00		\$132,812.00			\$51,812.00
	total	\$1,441,990.00		\$1,441,990.00			\$702,887.17
<b>LF1000011</b>		<b>\$1,210,000.00</b>	<b>\$1,210,000.00</b>	<b>\$1,210,000.00</b>			
		Closing Memo (10/23/12)		<i>PROPOSED NEW CEILING</i>		Paid to Date	
	Design	\$1,108,010.00		\$1,126,862.56			\$0.00
	Bond Counsel	\$23,931.00		\$12,178.43			\$12,178.43
	Financial Advisor	\$25,000.00		\$17,900.01			\$17,900.01
	Loan Origination Fee	\$21,978.00		\$21,978.00			\$21,978.00
	Project Legal Expenses	\$5,000.00		\$5,000.00			\$0.00
	Contingency	\$25,012.00		\$25,012.00			\$0.00
	Issuance Costs	\$1,069.00		\$1,069.00			\$1,069.00
	total	\$1,210,000.00		\$1,210,000.00			\$53,125.44



# CWSRF LOAN STATUS SUMMARY

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

Loan = \$1,210,000

Loan Forgiveness = \$1,441,990

**Prior Work = (\$ 384,375)**

**E.F.R. & Design Services = (\$ 319,825)\***

**City Project Charges = (\$ 51,812)**

Total Loans Remaining = \$1,895,978

Loan = \$1,156,875

Loan Forgiveness = \$ 739,103



**\*Billed to date, design work transferable to Final Design Documents**

# PROPOSED COST ASSIGNMENTS

Description	Amount
Loan Funds – Design Services	\$1,784,966
30% Design Services (Phase II)	\$758,385
Future Services* (Phase III – Final Design, Application, Bid, Etc.)	\$1,026,581

\* This fund level is the available monies available at time of negotiations for the Phase III – Final Design. State Agency (T.C.E.Q.) administrative review expects no permit changes.

Freese and Nichols (FNI) recommends to continue forward with the next phase of this project. As the project progresses, FNI and the City will have a more accurate understanding of the total PAD Budget that is expected to be used as the 30% preliminary design contract is completed .



# CWSRF LOAN OPPORTUNITIES

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

## Funding Options

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

## Application Process

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

**Texas Water Development Board**  
**CWSRF SFY 2016 Project Information Form**

**Submission Deadline:**  
For projects in the SFY 2016 Initial Project List (IPL), these forms must be submitted no later than 5:00 PM CST on March 2, 2016. Otherwise, these forms may be submitted at any time and your project will be considered for funding in the next cycle. For projects in the CWSRF SFY 2016 Project List (PL), these forms must be submitted no later than 5:00 PM CST on March 2, 2016. For projects in the CWSRF SFY 2016 Project List (PL), these forms must be submitted no later than 5:00 PM CST on March 2, 2016.

**Section 1: GENERAL INFORMATION**

Name of City		County	
City, Town, County, District, Authority, System, Corporation, etc.			
Project Name		Proposed Total Project Costs (Include all line items)	
Provide a brief and descriptive name for the proposed project			
Project Contact Information		Engineering Firm Contact Information	
Contact Person	Name of Firm	Contact Person	
Title	City	Title	
Building Address	Building Address	Building Address	
Phone Number	Phone Number	Phone Number	
Fax Number	Fax Number	Fax Number	
E-mail Address	E-mail Address	E-mail Address	

**Section 2: SIGNATURES**

**Project Sponsor:** \_\_\_\_\_  
Signature of City/County/Authority/Official

**Project Engineer:** \_\_\_\_\_  
Signature of Engineering Firm

**Section 3: PROJECT DESCRIPTION**

**Project Description:** \_\_\_\_\_  
Provide a detailed description of the project, including the location, scope, and objectives. This section should be completed by the project sponsor.

**Project Justification:** \_\_\_\_\_  
Provide a detailed justification for the project, including the need for the project, the benefits to the community, and the estimated cost of the project. This section should be completed by the project sponsor.

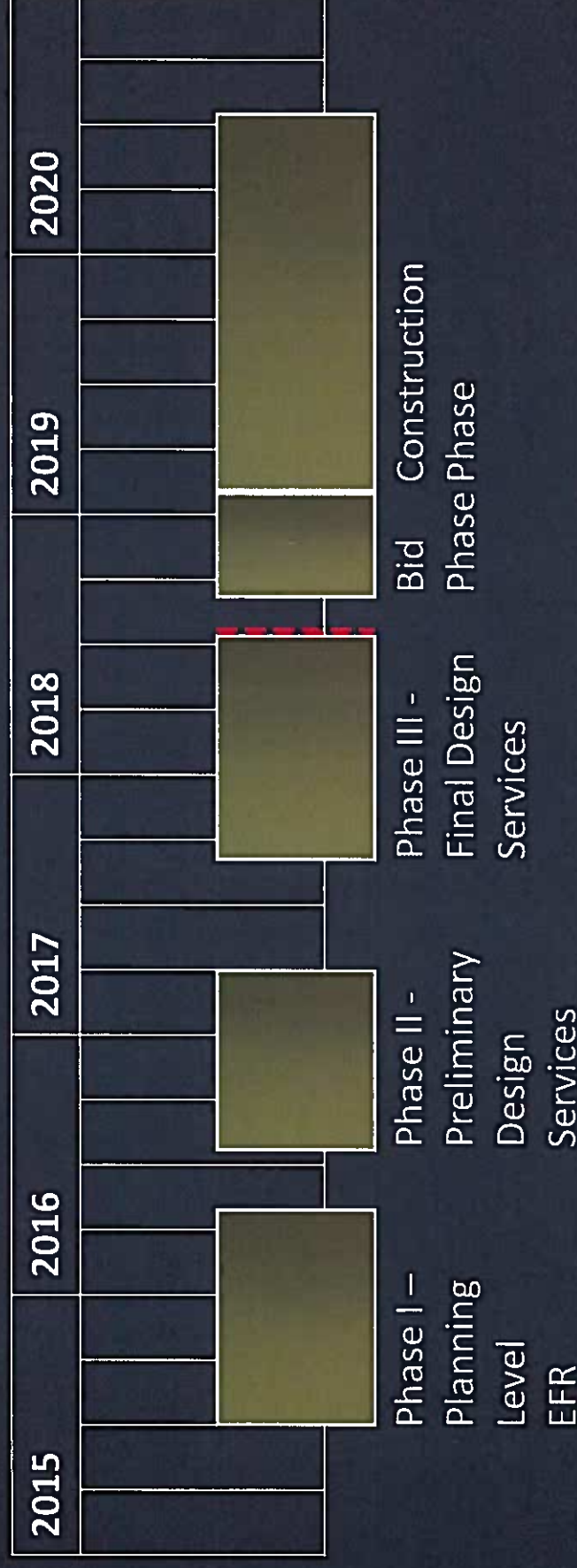
**Section 4: FINANCIAL INFORMATION**

**Project Budget:** \_\_\_\_\_  
Provide a detailed budget for the project, including the estimated costs of construction, design, and other project-related expenses. This section should be completed by the project sponsor.

**Section 5: OTHER INFORMATION**

**Other Information:** \_\_\_\_\_  
Provide any other information that may be relevant to the project, including any permits, approvals, or other documents. This section should be completed by the project sponsor.

# PROJECT SCHEDULE



!!! Possible early start date of bid phase/equipment pre-purchase based on TWDB and TCEQ approval. !!!

Permitting, Environmental Assessment, and TCEQ Approval Phase



# TASK SEQUENCE

## Task 1

Begin 30% Preliminary  
Engineering & Permitting Work  
Tasks



## Task 2

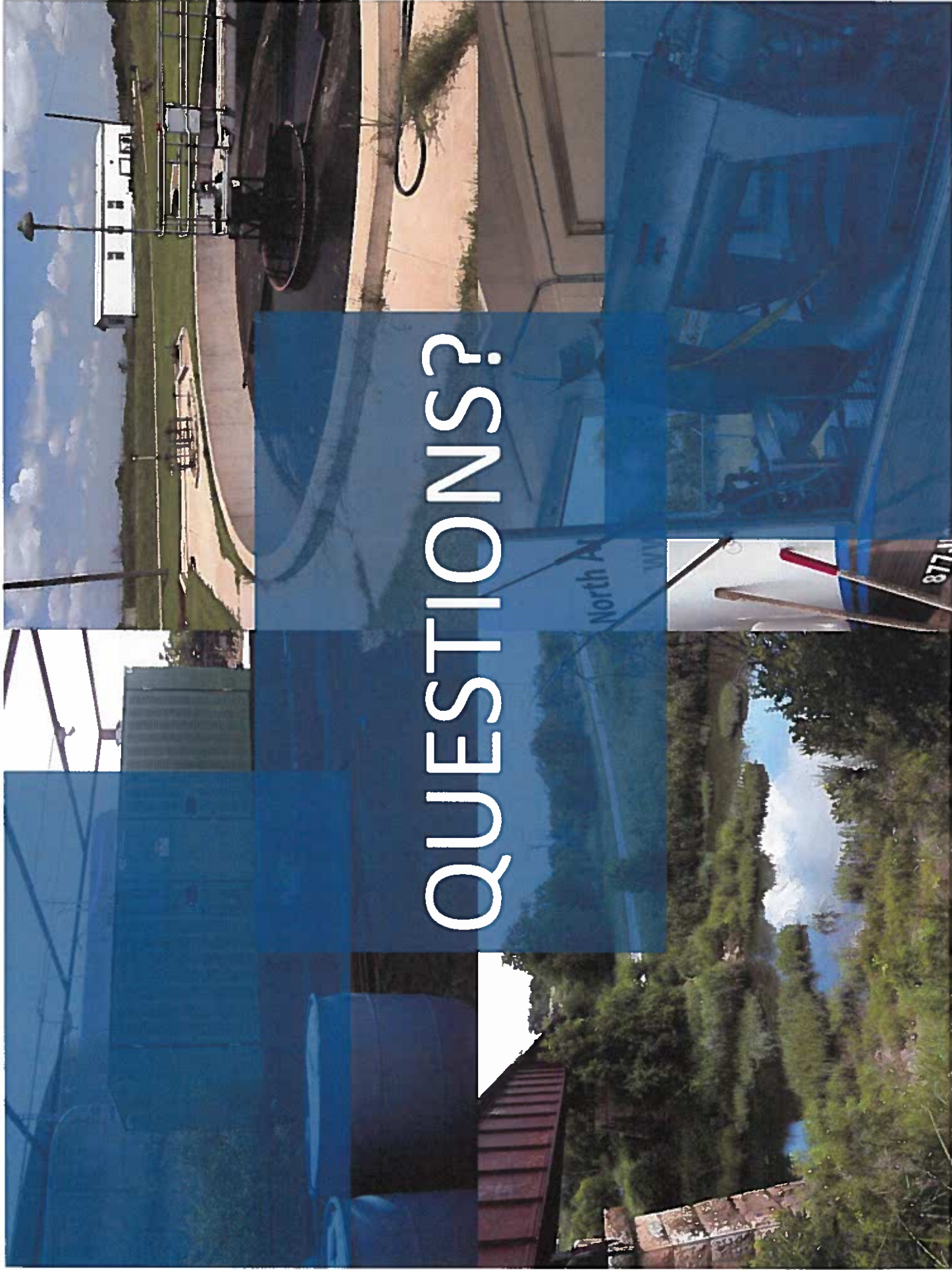
Coordinate 30% Design Document  
Development with T.C.E.Q., T.W.D.B.  
and City Staff.



## Task 3


Acceptance Staging with all State  
Agencies and City Council and Staff

# QUESTIONS?





# CITY COUNCIL CITY OF BRADY, TEXAS AGENDA ACTION FORM

<b>AGENDA DATE:</b>	07/06/16	<b>AGENDA ITEM</b>	7.A
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action on Resolution 2016-033 authorizing the City Manager to sign the Amendment for Consulting Services with <b>Freese and Nichols, Inc.</b> for <u>Phase II – Preliminary Engineering Design Services, TPDES Permitting and Environmental Assessment for WWTP Replacement Project</u> to include Basic Services of Permitting, Environmental and Preliminary Engineering Design, and Special Services of Surveying and Geotechnical Investigation.		
<b>PREPARED BY:</b>	K Lenoir / S Miller	<b>Date Submitted:</b>	06/27/2016
<b>EXHIBITS:</b>	Resolution 2016-033 Amendment for Consulting Services – Engineering Services		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$758,385.00	
	<b>Amount Budgeted:</b>	\$758,385.00	
	<b>Appropriation Required:</b>	\$0.00	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b>			
<p>City staff is pleased to present to the City Council the recommendation for authorizing the City Manager to enter into an Amendment for Consulting Services from <b>Freese and Nichols, Inc.</b> for developing a 30% design level document describing in detail the most probable solution for the replacement of the city's deteriorated waste-water treatment plant. Additional work includes necessary permitting and environmental assessment to meet state agency reviews.</p> <p>These services are a continuation of previous services initiated over a year ago with the Phase I services for the “first step” of producing an engineering feasibility report that is required by the Texas Water Development Board. During that phase a basic description of the proposed waste-water treatment replacement project was developed including two preferred biological treatment schemes: 1) single batch reactor type or 2) continuous flow through extended aeration type. City staff also identified several gravity sewer line deficiencies throughout the city and Freese and Nichols engineers prepared basic probable construction costs to address these problems.</p> <p>This next phase or Phase II sets in motion the proper level of design documentation now needed to prepare a design report and plans to a sufficient degree for the Texas Commission on Environmental Quality (TCEQ) to review and comment in order to achieve the required state agency administrative procedures and technical oversight.</p>			
The fee structure is as follows:			
Basic Services - TPDES Permitting and Environmental Assessment		\$136,590.00	
Preliminary Engineering Design (30%)		<u>\$584,779.00</u>	
Subtotal Basic Services			\$721,369.00
Special Services - Survey Services		\$ 10,409.00	
Geotechnical Investigation		<u>\$ 26,607.00</u>	
Subtotal Special Services			<u>\$ 37,106.00</u>
<b>TOTAL FEE BASIS</b>			<b>\$758,385.00</b>
<b>RECOMMENDED ACTION:</b> Move to approve Resolution 2016-033			

**RESOLUTION # 2016-033**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO EXISTING AGREEMENT WITH FREESE AND NICHOLS, INC RELATING TO THE WASTE WATER TREATMENT PLANT REPLACEMENT PROJECT.**

**WHEREAS**, the City wishes to amend the existing agreement with Freese and Nichols, Inc.; and

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

**WHEREAS**, the engineering company, Freese and Nichols, Inc.; has delivered extraordinary services to the City; and

**WHEREAS**, the City wishes to proceed with this Phase II Amendment of final design stage of the Waste Water Treatment Plant Project.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS**, the City Manager has authorization to sign an Amendment to existing engineering services agreement with Freese and Nichols, Inc.; as it relates to the Waste Water Treatment Plant Replacement Project in Brady, Texas.

**PASSED and APPROVED** this the \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Anthony Groves, Mayor

\_\_\_\_\_  
Tina Keys, City Secretary



## AMENDMENT FOR CONSULTING SERVICES

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

This is an **Amendment** by and between the City of Brady, Texas, (CITY), a home rule municipal corporation located at 201 E. Main Street, Brady, Texas 76825, and, Freese and Nichols, Inc. (FNI), a professional engineering firm located at 10431 Morado Circle, Ste. 300, Austin, TX 78759, from the original Agreement executed on February 19, 2015.

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

WHEREAS, FNI is in the business of providing such services,

NOW, THEREFORE, the CITY and FNI mutually agrees as follows:

### I. SCOPE OF SERVICES & OBLIGATIONS

FNI, HEREINAFTER referred to as ENGINEER and shall serve as an ENGINEER of the CITY. The description of services contained herein is intended to be general in nature. It is neither exhaustive, nor a limitation on ENGINEER's services so long as its services actually delivered are consistent with the provisions of this **Amendment**.

ENGINEER agrees to provide professional services to the CITY generally described as Phase II - Preliminary Engineering Design Services, TPDES Permitting and Environmental Assessment for Replacement of WWTP or as more fully described in and made a part of this **Amendment** in **Attachment A** the parts of which are listed as follows:

1. ARTICLE I - BASIC SERVICES
2. ARTICLE II - SPECIAL SERVICES
3. ARTICLE III - ADDITIONAL SERVICES
4. ARTICLE IV - TIME OF COMPLETION
5. ARTICLE V - RESPONSIBILITIES OF CITY
6. ARTICLE VI - DESIGNATED REPRESENTATIVES

An Authorization to Proceed shall be issued by the CITY prior to any work commencing or initiation of services by the ENGINEER.

ENGINEER shall procure and maintain at all times, and at its own expense, for the program or services covered by this **Amendment**, any and all necessary liability insurance with companies authorized to do business in the State of Texas. ENGINEER must deliver to CITY proof of insurance (**Attachment B** as attached) evidencing that coverage's are in full force and effect.

ENGINEER shall defend, indemnify and hold harmless the CITY, its officials and employees, against all suits or claims that may be based on any injury to persons or property that may occur, or may be alleged to occur, in the course of the performance of this **Amendment** by ENGINEER, its agents or employees, provided, that the damage, claims, loss, demand, or suit is caused in whole or in part by any negligent act or omission of ENGINEER, or any sub-consultant of ENGINEER, or anyone directly or indirectly employed by ENGINEER.

All professional services provided under this **Amendment** must be completed as described in each work order; the dates for performance can only be extended with a written consent letter signed by both CITY and ENGINEER.

ENGINEER shall provide services which reflect normal professional and industry standards, procedures and performances. ENGINEER shall exercise due diligence and proper care and perform services subject to this **Amendment** or Contract in a good and professional workmanlike manner. Approval or acceptance of work delivered or rendered by ENGINEER to CITY shall not constitute, or be deemed, a release of the responsibility and liability of the ENGINEER, its employees, agents, or associates from the exercise of skill and diligence, nor shall CITY's approval be deemed to be an assumption of responsibility by CITY or any defect or error by ENGINEER.

## **II. COMPENSATION**

CITY shall compensate ENGINEER for its services in the amount and manner as described by the individual work orders. A Lump Sum Fee Summary as follows:

### **Basic Services -**

- |   |              |
|---|--------------|
| • TPDES Permitting and Environmental Assessment | \$136,590.00 |
| • Preliminary Engineering Design (30%)          | \$584,779.00 |

<b>Subtotal Basic Services</b>	<b>\$721,369.00</b>
--------------------------------	---------------------

### **Special Services -**

- |                              |             |
|------------------------------|-------------|
| • Survey Services            | \$10,409.00 |
| • Geotechnical Investigation | \$26,607.00 |

<b>Subtotal Special Services</b>	<b>\$37,016.00</b>
----------------------------------	--------------------

<b>TOTAL FEE BASIS</b>	<b>\$758,385.00</b>
------------------------	---------------------

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

Additional services shall be negotiated through contract amendment(s) that are authorized by the CITY.

ENGINEER shall invoice the CITY monthly and will reflect the percentage of the project completed at the date of the invoice. The CITY shall process payments of amounts due for Basic Engineering Services,

Special Services, Additional Services and Reimbursable Expenses, if any, under this **Amendment** within 60-days after ENGINEER's presentation of payment invoice. ENGINEER understands payment administration is coordinated with the Texas Water Development Board and release of reimbursements to CITY is through OUTLAY EXPENDITURE REPORTS.

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

### **III. SPECIAL CONDITIONS**

No officer, agent or employee of the CITY is employed by ENGINEER or has a financial interest direct or indirect in this **Amendment** or the compensation to be paid under this **Amendment**.

ENGINEER shall promptly correct any defective designs or specification furnished by ENGINEER at no cost to CITY. CITY's approval, acceptance, use of, or payment for all or any part of the Engineer's services hereunder shall in no way alter the Engineer's obligations or rights hereunder.

All documents, including but not limited to original drawings, estimates, specifications, field notes and data that are created for or an outcome of work generated or produced for the CITY shall become the property of CITY. This includes certain intellectual property, such as datasets/results generated from computer programs or software, documentation, specifications, inventions, improvements, discoveries and other copyrightable or patentable works ("Works") developed by ENGINEER, solely or with others, resulting from performance of services under this **Amendment** or Contract and which shall become the property of the CITY.

ENGINEER does hereby irrevocably grant and assign to CITY and its licensees all rights in and to the Works during the performance period of this **Amendment** or Contract and thereafter, including by not limited to the right to reproduce, distribute, prepare derivative Works, display and perform action on the Works.

ENGINEER understands that performing work for the CITY may involve access to and creation of confidential information or information involving the personal privacy and personal identity of customers or citizens, trade secret or other confidential information ("proprietary information") of the CITY and its affiliates or customers. ENGINEER agrees not to disclose or use any proprietary information without the prior written consent of the CITY.

This **Amendment** contains the entire **Amendment** of the Parties and there are no other promises or conditions in any other **Amendment** whether oral or written. This **Amendment** may be modified or amended if the addendum is made in writing and is executed by both parties.

This **Amendment** shall be governed by the laws of the State of Texas. Venue shall be in McCulloch County, Texas

#### IV. TERM

ENGINEER shall complete all Basic Services and Special Services on or before the timeline established in **Attachment A**.

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

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

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

CITY OF BRADY, TEXAS

\_\_\_\_\_  
Kim Lenoir, City Manager

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Tina Keys, City Secretary

FREESE AND NICHOLS, INC.

\_\_\_\_\_  
Trooper Smith, P.E., ENV SP - Vice President

\_\_\_\_\_  
Date

**SCOPE OF SERVICES AND RESPONSIBILITIES OF CITY****ARTICLE I**

**BASIC SERVICES:** FNI shall render the following professional services in connection with the development of the Project. Preliminary design services for the new WWTP will be administered within this contract, including environmental assessment, TPDES permitting, drainage analysis, survey, and preliminary geotechnical investigation.

The final (100%) design, bid phase, and construction phase services for the remainder of the WWTP project including the solids handling solution and final geotechnical work will be administered through a separate contract(s).

- A. **PROJECT MANAGEMENT AND ADMINISTRATIVE DUTIES:** Upon execution of this AMENDMENT and upon receiving a Notice to Proceed from the CITY, FNI will provide the project management services for each phase as follows:

FNI shall coordinate internally and also with the CITY for successful project initiation, planning, execution, monitoring/controlling and closeout. FNI shall manage scope, time, cost, quality, staff resources, communications, risk and procurements as necessary. This includes but is not limited to:

1. **Consult with the CITY** throughout the project to ensure the scope of services is met and verify the CITY'S requirements for the project are satisfactory.
2. **Monthly Invoicing:** FNI will prepare and submit monthly invoices to the CITY and TWDB following TWDB Outlay procedures.
3. **Monthly Status Reports:** FNI will prepare and submit monthly status reports to the CITY with FNI's monthly invoice. Monthly status reports will comprise a one to two-page summary of the progress to date on the project, work completed during the prior month, work anticipated to be completed during the upcoming month, and discussion of any scope, schedule, or budget issues that may need to be resolved.
4. **Quality Assurance / Quality Control:** FNI will develop and implement a QA/QC plan for the work.
5. **Project Comment Response Forms:** For each deliverable, FNI will provide a comment response form addressing each of the CITY's comments.
6. **Meetings with the CITY:** FNI will schedule the following meetings with the CITY and prepare agendas and meeting minutes:
  - a. **Project Kickoff Meeting:** Will include kickoff meeting with design team and CITY and a site visit with design team, environmental team, geotechnical team and surveyor in order to clarify the required services and communicate the project scope with all related departments at the CITY.
  - b. **Technology Transfer Workshop:** FNI will schedule a workshop to facilitate the transfer of skills and knowledge to the CITY. The workshop will be conducted with the goal to make and document decisions for plant processes and other design needs of the project.
  - c. **Review Meetings:** Up to four (4) review meetings with CITY staff after draft deliverables and prior to CITY Council Presentations. This includes reviews of the technical memoranda and preliminary design documents.

- d. Conference Calls: Up to five (5) conference call meetings with CITY staff throughout the preliminary design phase of the project. A conference call meeting is defined as a scheduled event with dedicated staff members engaged.
  - e. CITY Council Presentations: Presentations will be scheduled for major milestones, as well as for progress reports. Drafts of proposed presentations shall be coordinated with CITY for review and comment prior to scheduling any particular council agenda. This includes up to four (4) presentations during the preliminary design phase as described below.
    - i. Presentation update after Technology Transfer Workshop
    - ii. Presentation update after the submittal of the Draft Preliminary Design Documents
    - iii. Two (2) additional CITY Council project updates
  - f. Agency Meetings: Up to three (3) with agencies such as the Texas Water Development Board (TWDB) and Texas Commission on Environmental Quality (TCEQ).
7. TWDB Coordination: FNI will work with TWDB to ensure appropriate forms are provided and procedures are followed to secure funding.

B. PRELIMINARY DESIGN PHASE

I. ENVIRONMENTAL SERVICES

a. TPDES PERMITTING

- i. Compile Existing Information and Meet with CITY. FNI will obtain the current TPDES permit application forms from the Texas Commission on Environmental Quality (TCEQ). Where appropriate, we will use information, including pertinent maps and drawings, from the CITY's previous TPDES permit application to address questions in the current application. If necessary, we will meet with the CITY to review data, identify other information needed for the application, and take photographs and make general observations at the facility.
- ii. Prepare Permit Application and Transmittal Letter. FNI will prepare a draft permit application and provide two (2) copies for the CITY's review. The application will include maps, engineering drawings, schematic diagrams, and other required figures. We will finalize the application based on the CITY's comments and deliver a final original application and three (3) copies to the TCEQ on behalf of the CITY. We will also provide two (2) copies of the final application for the CITY's files.
- iii. Application Delivery and Meeting with TCEQ. FNI may meet with TCEQ staff upon delivery of the final application to discuss the requested replacement facilities to the CITY's existing WWTP.
- iv. Follow-Up with TCEQ. We have estimated that it may take up to 40 hours to address TCEQ comments after submitting the application, which includes a possible additional meeting with the TCEQ to discuss the proposed permit amendments.

b. ENVIRONMENTAL ASSESSMENT

- i. Conduct site visit. FNI will conduct a site visit to make observations in the project area in order to describe the existing conditions (environment) and assess project impacts. The presence and locations of waters of the U. S., including wetlands, and of potential

threatened/endangered species habitat will be identified. This site visit will be performed in conjunction with the Phase I Environmental Site Assessment.

- ii. Conduct Phase I Environmental Site Assessment. FNI will conduct an initial site assessment conforming to the current ASTM Standard E1527-13 for Environmental Site Assessments to assess the potential for hazardous materials contamination on any property being acquired or constructed as part of the project to meet guidelines in the TWDB ED-001A document for EA format guidelines. This site visit will be performed in conjunction with the initial assessment site visit.
  - iii. Agency coordination. FNI will submit coordination/notification letters and the draft EA to appropriate agencies, as required, including U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Texas Commission on Environmental Quality, Texas Water Development Board, Texas Parks and Wildlife Department, Federal Emergency Management Agency, local managers of the Federal Flood Insurance Program, the local council of government, and other regional agencies or local governments that may have jurisdiction. Comments received from the agencies will be incorporated into the final EA.
  - iv. Preparation of Draft and Final EA. FNI will prepare a draft EA following appropriate TWDB guidelines. The draft EA will be submitted to the CITY for review prior to submitting it to TWDB and other agencies for review. FNI will incorporate the CITY's comments into the EA and submit the revised draft EA to the TWDB and resource agencies for review and comment. After TWDB and agency review, the EA will be finalized by incorporating any required changes or comments received into the final document.
  - v. Archeological/cultural resource investigations. FNI will perform a cultural resources archival review for the new WWTP site and submit a consultation letter to the Texas Historical Commission (THC).
2. SURVEY: Reference Article II – Special Services.
3. GEOTECHNICAL INVESTIGATION: Reference Article II – Special Services.
4. DRAINAGE ANALYSIS: FNI determined during the Engineering Feasibility Report (EFR) stage that the available drainage analysis was over 30-years old and could potentially have a different floodplain delineation and/or higher water surface elevation. In order to comply with FEMA standards, FNI will modernize the drainage analysis from HEC-2 into HEC-RAS. We do not anticipate a need to update the hydrologic flow conditions (HEC1 model) for the project; however, FNI can perform that as an additional service if needed. FNI efforts will include the following:
- a. Data Collection: FNI will work with the project surveyor to identify and locate topographical cross-sections upstream and downstream of the project site. One site visit will be coordinated to capture photos and site conditions of the project area.
  - b. Hydrologic Model Review: FNI will review the effective hydrologic model parameters and will make minor adjustments if needed to develop flow rates for the hydraulic model. If major revisions to the hydrologic model are required FNI can provide those services as described in Article III – Additional Services.
  - c. Pre-Project Hydraulic Analyses: Update the corrected effective model cross sections using topographic data obtained in Item (a) above to adequately describe the study reach.

- d. **Project Team Coordination:** Attend one meeting with the City to discuss the impacts of the updated pre-project floodplain on the proposed development.
  - e. **Proposed Project Conditions Hydraulic Analyses:** Modify the pre-project condition cross sections to develop a project conditions hydraulic model for each proposed project alternative described in the EFR.
  - f. Evaluate impacts to upstream and downstream water surface elevations, downstream discharges and velocity for proposed condition. Prepare a tabular comparison of the project conditions results to the pre-project condition flood levels and velocities to determine if there are any adverse impacts due to project conditions.
  - g. Prepare a technical memorandum summarizing results, anticipating permit requirements and proposed recommendations. Update the EFR drainage summary tables and update the drainage Engineer's preliminary opinion of probable construction cost.
  - h. Perform internal quality assurance/quality checks on drainage analysis, TM and other drainage exhibits.
  - i. Attend one meeting with the City to discuss the impacts drainage analysis on the proposed development.
5. **PRELIMINARY DESIGN (30%):** FNI will submit 30% preliminary design plans, a 30% specification list, a 30% Preliminary Opinion of Probable Construction Costs (POPCC), and a concise memorandum summarizing the process decisions from the Technology Transfer workshop as well as summarizing other preliminary design items.
- a. **Treatment Process**
    - i. Influent Lift Station Analysis and Influent Sewer Collection Improvements
    - ii. Preliminary Treatment
    - iii. Primary Treatment
    - iv. Secondary Treatment Process
    - v. Filtration
    - vi. Disinfection System
    - vii. Post-Secondary Aeration System/Outfall
    - viii. Flow Equalization
    - ix. Additional Structures such as valve vaults, splitter boxes, etc.
    - x. Preliminary hydraulic profile
    - xi. Solids Handling



- b. Drainage
  - i. 30% Drainage Plans: Based on the findings of the updated drainage analysis, and based on the selected alternative, FNI will
    - 1. Prepare a preliminary grading plan showing spot elevations and contours of the selected alternative (fill or levee) and any compensatory storage/excavation needed to offset the rise of water surface due to the project. Grading plan will include minor swales and ditches to properly convey runoff to Brady Creek.
    - 2. Work with the project team to ensure WWTP discharges will adequately drain to Brady Creek without tail water impacting WWTP hydraulics.
    - 3. Prepare typical cross-sections details of grading, ditches and special drainage structures.
    - 4. Draft a technical specification list for the drainage items, including a list of potential special specifications.
  - c. Electrical including verification of backup power plan and investigation of City's existing emergency generator.
  - d. Instrumentation and Control
  - e. Buildings (laboratory/maintenance and blower/electrical)
  - f. Permitting: analysis of all required permitting for new WWTP including: discharge permit (see Environmental Services), Site Development Permit, Driveway Permit, Utility Installation Permit, TDLR, Stormwater General Permit, McCulloch County CLOMR, USACE Nationwide Permits, and Texas Antiquities Permits.
  - g. 30% Design POPCC
  - h. Construction Sequencing
  - i. Alternative Project Delivery Options
  - j. Project Schedule
- 6. DELIVERABLES: FNI will provide copies to the CITY as required. For each draft and final submittal, furnish electronic and hard copies as shown for the following deliverables of the Preliminary Design Phase:
  - a. TPDES Permit Application
    - i. Two (2) hard copies
    - ii. One (1) electronic copy
  - b. Environmental Assessment (EA)
    - i. Two (2) hard copies
    - ii. One (1) electronic copy

c. Technology Transfer Workshop Binder

- i. Two (2) hard copies
- ii. One (1) electronic copy
- iii. Workshop documentation will be delivered through the memorandum as stated in Section 5: Preliminary Design (30%).

d. Preliminary Design (30%)

- i. Plans – Four (4) hard copies and one (1) electronic copy
- ii. Specification List – Four (4) hard copies and one (1) electronic copy
- iii. 30% Design POPCC
- iv. Concise memorandum summarizing the process decisions from the Technology Transfer workshop as well as summarizing other preliminary design items.

**ARTICLE II**

**SPECIAL SERVICES:** FNI shall render the following special services in connection with the development of the Project.

A. **SURVEY:**

- 1. FNI will solicit the services of a qualified surveyor to perform the field and topographic surveying required for the preparation of preliminary WWTP design drawings and drainage analysis.

B. **GEOTECHNICAL INVESTIGATION – PRELIMINARY PHASE SERVICES:**

- 1. FNI will select a qualified geotechnical subconsultant to conduct geotechnical investigations of the subsurface in two phases. The investigation will consist of field exploration, laboratory testing, and engineering analysis pertaining to the site development analysis and preliminary design. The first phase of the geotechnical investigation is included as part of this contract and described below. The final phase geotechnical services will be completed as part of final design and will be included in a separate contract. FNI's geotechnical subconsultant will perform subparts a. through c., and FNI's geotechnical engineers will perform subpart d.

a. Field Exploration:

- i. Conduct a site visit to assess site access and mark exploratory borings.
- ii. Notify Texas 811, the City of Brady, and appropriate local personnel to locate existing underground utilities.
- iii. Drill four (4) borings as part of the first phase investigation. The borings will be drilled to depths ranging from 30 to 50 feet. Two (2) of the borings will be located within the limits of the existing fill on the southern half, and the remaining borings will be on the northern half. The borings necessary to supplement the first phase borings for final design work will be determined based on the results of the preliminary four (4) borings and preliminary design decisions and will be included in a separate contract.

- iv. Provide an Engineer or Geologist to direct the drilling, log the borings, record field testing, and handle and transport the samples.
- v. Collect subsurface samples intermittently using tubes and split-spoon samplers. Rock and rock-like materials will be sampled using a core barrel and/or tested in-situ using the TxDOT Cone Penetration Test.
- vi. Record groundwater observations within the borings at the time of drilling and at the completion of drilling and sampling.
- vii. Backfill borings with soil and rock cuttings after completion of drilling, sampling, and groundwater observations.

b. Laboratory Testing:

- i. First Phase: Limited testing shall be performed on the Phase I samples to determine soil classification and pertinent engineering properties of the subsurface materials. Selection of samples to be tested will be at the discretion of the Engineer. Additional testing will be performed in the second phase to determine soil classification and pertinent engineering properties of the subsurface materials. First phase tests are expected to include:
  - 1. Material classification (Atterberg Limits, percent passing the no. 200 sieve, and/or particle size gradation)
  - 2. Moisture content and unit dry weight
  - 3. Unconfined compressive strength

c. Summary Data Reports

- i. Provide a summary of the field exploration and laboratory testing.
- ii. Provide a generalized summary of subsurface conditions and the encountered geological formation.
- iii. Prepare a Preliminary Geotechnical Investigation Data Report summarizing the first phase investigation and findings.

d. Engineering Analysis and Recommendations Reports

- i. Analyze the data obtained from the field exploration and laboratory testing as it relates to site development/feasibility and preliminary design.
- ii. Prepare a technical memorandum summarizing our interpretation of the first phase data report, and provide considerations for use during the preliminary design effort
- iii. Provide geotechnical support to the design team during the various phases of design.

2. DELIVERABLES: FNI will provide copies to the CITY as required. For each draft and final submittal, furnish electronic and hard copies as shown for the following deliverables of the Preliminary Design Phase:

a. Geotechnical Report TM

- i. Two (2) hard copies
- ii. One (1) electronic copy

### ARTICLE III

**ADDITIONAL SERVICES:** Additional Services to be performed by FNI, if authorized by CITY, which are not included in the above described basic services and special services, are described as follows:

#### ENVIRONMENTAL

The environmental scope of services for this project is based on the assumption that the TPDES application will be processed by the TCEQ as an uncontested, routine TPDES permit application that would not require other extraordinary effort. If the permit becomes contested, additional effort would be necessary. Freese and Nichols, Inc. can provide such additional services, if necessary, upon the CITY's written request and authorization.

Other additional services to be performed by FNI, if authorized by the CITY, which are not included in the basic services are described as follows:

- A. Development of a drainage area map to describe stormwater runoff patterns through the study limits. Use USDA soil data to determine hydrologic soil groups for each watershed.
  - a. Determine existing land use conditions in the watershed based on field visits, information obtained from the City and available maps.
  - b. Determine hydrologic parameters including curve numbers, time of concentration, hydraulic lengths, and slopes for existing land use conditions.
  - c. Develop a hydrologic model using USACE HEC-HMS to describe the expected stormwater runoff through the study limits for the 100-year storm event based on existing land use conditions.
  - d. For scoping purposes, it is assumed that runoff conditions along the reach will remain the same between pre-project and project conditions; therefore changes to the flow regime based on project conditions is not included and can be developed as an additional service.
  - e. Include Hydrologic Analysis within TM. Effort includes preparing exhibits QA/QC.
- B. Site clearing activities needed to provide site access to complete survey or geotechnical investigation services.
- C. TCEQ permitting follow-up exceeding the budgeted 40-hour amount in order to secure a final TPDES permit.
- D. Design updates needed to address TCEQ comments if received after completion of design plans and specifications due to accelerated schedule.
- E. The preparation and solicitation for CMAR services and additional CMAR assistance to the City.
- F. Presence/absence surveys for federally listed threatened/endangered species.
- G. Preparation of an individual 404 permit application, Letter of Permission, preconstruction notification (PCN), or jurisdictional determination report for the U. S. Army Corps of Engineers.

- H. Application for General Land Office easements.
- I. Application for Texas Parks & Wildlife Department Sand and Gravel Permit.
- J. Additional field investigations or analysis required to respond to public or regulatory agency comments, including additional data requests, schematics or drawings of project features.
- K. Preparation of mitigation plans for compensating for environmental impacts.
- L. Preparation of Storm Water Pollution Prevention Plans.
- M. Consultation with the U. S. Fish and Wildlife Service under Section 7 of the Endangered Species act.
- N. Expert representation at legal proceedings or at contested hearings.
- O. Mitigation monitoring if required by permit conditions.
- P. Monitoring compliance with permit conditions.
- Q. Participation in public meetings or hearings for the TPDES application or EA.
- R. Subcontract with a consultant to conduct a cultural resources survey.
- S. Subsurface utility exploration (SUE).
- T. Field layouts or the furnishing of construction line and grade surveys.
- U. GIS mapping services or assistance with these services.
- V. Making property, boundary and right-of-way surveys, preparation of easement and deed descriptions, including title search and examination of deed records.
- W. Providing services to investigate existing conditions or facilities, or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by CITY.
- X. Providing renderings, model, and mock-ups requested by the CITY.
- Y. Making revisions to drawings, specifications or other documents when such revisions are 1) not consistent with approvals or instructions previously given by CITY or 2) due to other causes not solely within the control of FNI.
- Z. Investigations involving consideration of operation, maintenance and overhead expenses, and the preparation of rate schedules, earnings and expense statements, feasibility studies, appraisals, evaluations, assessment schedules, and material audits or inventories required for certification of force account construction performed by OWNER.
- AA. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.
- BB. Providing shop, mill, field or laboratory inspection of materials and equipment. Observe factory tests of equipment at any site remote to the project or observing tests required as a result of equipment failing the initial test.
- CC. Conducting pilot plant studies or tests.

- DD. Preparing data and reports for assistance to CITY in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
- EE. Assisting OWNER in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this AMENDMENT. Such services, if any, shall be furnished by FNI on a fee basis negotiated by the respective parties outside of and in addition to this AMENDMENT.
- FF. Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance, and other assistance required to address environmental issues.
- GG. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this AMENDMENT.
- HH. Visits to the site in excess of the number of trips included in Article I for periodic site visits, coordination meetings, or contract completion activities.
- II. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the CITY.
- JJ. Providing services made necessary because of unforeseen, concealed, or differing site conditions or due to the presence of hazardous substances in any form.
- KK. Preparing statements for invoicing or other documentation for billing other than for the standard invoice for services attached to this professional services AMENDMENT.
- LL. Providing additional Laboratory Services, studies and reports besides what is described in Article II.
- MM. Providing additional Surveying Services, studies and reports besides what is described in Article II.
- NN. Providing additional GIS Digitizing Services, studies and reports besides what is described in Article II.
- OO. Providing additional Construction Testing Services, studies and reports besides what is described in Article II.
- PP. Wastewater Modeling of the CITY Sewer System.

#### ARTICLE IV

**TIME OF COMPLETION:** FNI is authorized to commence work on the Project upon execution of this AMENDMENT and agrees to complete the services in accordance with the following schedule:

- TPDES Permitting – submittal of permit application to TCEQ 6 months after Notice to Proceed
- Environmental Assessment – 1 year after Notice to Proceed
- 30% Preliminary Design – 8 months after Notice to Proceed as described in the table below.

Activity #	Activity (in chronological order – beginning after NTP)	Completion Time
1	Technology Transfer Workshop	2 months after NTP
2	Process and Hydraulic Calculations/Decisions	2 months after Activity #2
3	Drawings, Specifications, and POPCC	2 months after Activity #3
4	Internal QC	2 weeks after Activity #4
5	Incorporation of Internal QC comments	2 weeks after Activity #5
6	City Review	2 weeks after Activity #6
7	Incorporate City comments	2 weeks after receipt of City comments
	<b>TOTAL Preliminary 30% Design Time</b>	<b>8 months</b>

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in CITY or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this AMENDMENT and in Attachment B.

#### ARTICLE V

**RESPONSIBILITIES OF CITY:** CITY shall perform the following in a timely manner so as not to delay the services of FNI:

- Designate in writing a person to act as CITY's representative with respect to the services to be rendered under this AMENDMENT. Such person shall have contract authority to transmit instructions, receive information, interpret and define CITY's policies and decisions with respect to FNI's services for the Project.
- Provide all criteria and full information as to CITY's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which CITY will require to be included in the drawings and specifications.
- Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project. Information needed for the TPDES permit application includes, but is not necessarily limited to, the following items: tables of effluent analyses to be prepared by the CITY's laboratory for all required parameters and copies of signed laboratory reports for the required analyses.
- The CITY shall provide the application fee and submit the final application, copies, and the fee to the TCEQ. The CITY shall also provide for advertisement and notification of the permit amendment/renewal application, if required by the TCEQ.

- E. The CITY shall prepare public notices for TPDES applications, EAs, and public meetings or hearings, as required, and submit for publication in the appropriate newspapers. The CITY shall make available to FNI affidavits from publishers of such notices as needed to document publication.
- F. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this AMENDMENT.
- G. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as CITY deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of FNI.
- H. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
- I. CITY shall make or arrange to have made all subsurface investigations, including but not limited to borings, test pits, soil resistivity surveys, and other subsurface explorations. CITY shall also make or arrange to have made the interpretations of data and reports resulting from such investigations. All costs associated with such investigations shall be paid by CITY.
- J. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as CITY may require or FNI may reasonably request with regard to legal issues pertaining to the Project including any that may be raised by Contractor(s), such auditing service as CITY may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as CITY may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.
- K. CITY shall determine, prior to receipt of construction bid, if FNI is to furnish Resident Project Representative service so the Bidders can be informed.
- L. If CITY designates a person to serve in the capacity of Resident Project Representative who is not FNI or FNI's agent or employee, the duties, responsibilities and limitations of authority of such Resident Project Representative(s) will be set forth in an Attachment attached to and made a part of this AMENDMENT before the Construction Phase of the Project begins. Said attachment shall also set forth appropriate modifications of the Construction Phase services as defined in Attachment A, Article I, together with such adjustment of compensation as appropriate.
- M. Attend the pre-bid conference, bid opening, preconstruction conferences, construction progress and other job related meetings and substantial completion inspections and final payment inspections.
- N. Give prompt written notice to FNI whenever CITY observes or otherwise becomes aware of any development that affects the scope or timing of FNI's services, or any defect or nonconformance of the work of any Contractor.
- O. Furnish, or direct FNI to provide, Additional Services as stipulated in Attachment A, Article III of this AMENDMENT or other services as required.
- P. Bear all costs incident to compliance with the requirements of this Article V.



**ARTICLE VI**

**DESIGNATED REPRESENTATIVES:** FNI and CITY designate the following representatives:

CITY's Designated Representative –

Steven Miller  
201 East Main  
P.O. Box 351  
Brady, Texas 76825  
Phone: 325/597-2152  
Fax: 325/597-2068  
E-mail: smiller@bradytx.us

FNI's Designated Representative –

Trooper Smith  
10431 Morado Circle  
Ste. 300, Austin, TX 78759  
Phone: 512/617-3116  
Fax: 512/617-3101  
E-mail: Trooper.Smith@freese.com

FNI's Accounting Representative –

Billy Metzger  
10431 Morado Circle  
Ste. 300, Austin, TX 78759  
Phone: 512/617-3177  
Fax: 512/617-3101  
E-mail: Billy.Metzger@freese.com

## ATTACHMENT B

### CERTIFICATE OF INSURANCE REQUIREMENTS CITY OF BRADY, TEXAS

Without limiting any of the other obligations or liabilities of the contractor, the ENGINEER shall provide MINIMUM insurance coverage as listed below, prior to the execution of the contract and maintain coverage, without interruption provided by an insurer of a Best Rating of B+ or better, until the work is completed and accepted by the CITY. A certification of insurance will be placed on file with the Purchasing Agent of the City of BRADY, prior to the execution of the **Amendment** or contract.

#### **TYPE OF COVERAGE MINIMUM LIMITS**

##### WORKER'S COMPENSATION - Coverage A Statutory

Worker's Compensation Insurance shall include a Waiver of Subrogation in favor of the City of BRADY

##### EMPLOYERS LIABILITY - Coverage B

Bodily Injury by Accident -	Each Accident	\$ 100,000
Bodily Injury by Disease -	Policy Limit	\$ 500,000
Bodily Injury by Disease -	Each Employee	\$ 100,000

##### COMMERCIAL GENERAL LIABILITY:

Coverage A - Each Claim	\$ 500,000
Coverage B - Personal & Advertising Injury	\$ 500,000
General Aggregate Other Than Products/ Completed Operations	\$ 500,000
Products/Completed Operations Aggregate	\$ 500,000

##### PROFESSIONAL LIABILITY INSURANCE:

Each Claim	\$ 750,000
General Aggregate	\$1,000,000

##### AUTOMOBILE LIABILITY:

Bodily Injury Liability -	Each Person	\$ 250,000
Bodily Injury Liability -	Each Claim	\$ 500,000
Property Damage Liability -	Each Claim	\$ 100,000

##### NOTES (as applicable):

- 1) Coverage must include all owned, hired, and non-owned vehicles.
- 2) Coverage must include the City of BRADY as an Additional Insured for all work performed for or on behalf of the City with the exception of workers compensation and professional liability insurance.
- 3) Contractual liability coverage cannot be excluded; and ENGINEER will assume all liability for independent subcontractors.
- 4) Vendor may satisfy the minimum limits required by the Commercial General Liability or Business Automobile Liability insurance with an umbrella or excess liability policy.
- 5) Vendor's insurance shall be deemed primary with respect to any insurance or self-insurance program carried by the CITY.

In the event of any material change, non-renewal, or cancellation of any policy, ENGINEER's insurance company will give thirty (30) days actual prior written notice to the Contracting Department of the City of BRADY for such changes or cancellation.

## REIMBURSIBLE EXPENSES ADDENDUM TO AMENDMENT

### FOR ENGINEERING SERVICES -

The **Amendment** to which this Addendum is attached obligates the City of Brady ("CITY") to pay your expenses associated with delivery of services and work product.

This Addendum amends the **Amendment** to state the maximum amounts, which CITY will reimburse you for the types of expenses listed. CITY provides quality services on a frugal public budget and we expect the same good stewardship of public funds by ENGINEERS or professionals with whom CITY contracts.

These expense limitations also apply to subconsultants, subcontractors, experts and other third parties whom you may hire. You and others are free to incur any level of cost or luxury desired, but City's obligation to reimburse expenses is capped at the lesser of either actual cost or the maximums stated for each category below. Itemized receipts or accounting are a prerequisite to City's obligation to pay the expenses listed in this Addendum:

**Hotel.** \$100.00 per night inclusive of taxes. City will not pay for room service, Internet, movies, massages, valet parking, telephone calls (except to City personnel on job-related matters), or other hotel services. (In cities over 200,000 population, the rate = \$125.00/night).

**Airfare.** City pays only the lowest available fare for economy e-ticket as shown on the airline's website.

**Rental car.** City will pay the rental, taxes and self-serve fuel for a compact or mid-size car; no fuel charges, waivers, or insurance fees. A larger vehicle may be authorized for special needs or business necessity.

**Meals.** Actual costs, up to a maximum of \$38 per day per person; no alcohol. Receipts are required.

**Amenities.** You are solely responsible for the cost of snacks, drinks, alcohol, etc. that are not necessary for conducting City business.

**Business services.** When in Brady – you shall use photocopiers, printers, facsimiles, and similar services at City Hall. When in other locations – CITY will pay you the actual cost of such services as evidenced by your receipts.

**Surcharges and/or Overhead.** CITY does not pay any percentage defined as "administrative" cost or other expenses.

**Exceptions.** You may request an exception by CITY to any of the above limits due to special needs of the case or reasonable accommodation for a disability.

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

<b>AGENDA DATE:</b>	07-05-2016	<b>AGENDA ITEM</b>	7.A
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>first reading of Ordinance 1198</b> of the City of Brady, Texas, establishing a Curfew for Minors (under 17 years of age, 11:00pm until 6:00am Sunday to Thursday and 11:50pm to 6:00am for Friday and Saturday) .		
<b>PREPARED BY:</b>	Steve Thomas	<b>Date Submitted:</b>	06-15-2016
<b>EXHIBITS:</b>	Ordinance # 1198		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

In early 2015, the police staff recommended that city council consider adopting a curfew ordinance due to complaints received from local businesses. City Council received a presentation about a possible curfew ordinance from the new Police Chief in June 2015. City Council met in a work session June 14, 2016 to further study and discuss a possible minor curfew ordinance.

Attached is the recommended ordinance for City Council review and discussion.

**RECOMMENDED ACTION:**

If City Council so desires, a first reading is recommended.

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


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

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

**Mayor calls for a motion:**

Move to approve **first** reading of Ordinance 1198

**CITY COUNCIL**  
**CITY OF BRADY, TEXAS**  
**AGENDA ACTION FORM for ORDINANCE**

<b>AGENDA DATE:</b>	07-05-2016	<b>AGENDA ITEM</b>	7.B
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>first reading of Ordinance 1198</b> of the City of Brady, Texas, establishing a Curfew for Minors (under 17 years of age, 11:00pm until 6:00am Sunday to Thursday and 12:01am to 6:00am for Friday and Saturday) .		
<b>PREPARED BY:</b>	Steve Thomas	<b>Date Submitted:</b>	06-29-2016
<b>EXHIBITS:</b>	Ordinance # 1198		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

In early 2015, the police staff recommended that city council consider adopting a curfew ordinance due to complaints received from local businesses. City Council received a presentation about a possible curfew ordinance from the new Police Chief in June 2015. City Council met in a work session June 14, 2016 to further study and discuss a possible ordinance - curfew for minors.

June 21, City Council made some changes to the proposed ordinance.

Attached is the revised ordinance for City Council review and discussion. As required by state statute, this ordinance must be reviewed and readopted by City Council every 3 years.

**RECOMMENDED ACTION:**

If City Council so desires, a first reading is recommended.

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

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

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

**Mayor calls for a motion:**

Move to approve **first** reading of Ordinance 1198

## ORDINANCE NO 1198

AN ~~EMERGENCY~~ <sup>2</sup> ORDINANCE OF THE CITY OF BRADY, TEXAS ESTABLISHING A CURFEW FOR MINORS UNDER SEVENTEEN (17) YEARS OF AGE ~~AND UNDER~~ TO PROHIBIT BEING IN ANY PUBLIC PLACE FROM 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL BETWEEN THE HOURS OF 11:00 P.M. AND 6:00 A.M. - WEEK THE FOLLOWING DAYS, AND FROM 12:01 A.M. UNTIL 6:00 A.M. ON ANY SATURDAY MIDNIGHT AND 6:00 A.M. WEEKENDS OR SUNDAY; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS AND ADOPTING CERTAIN EXCEPTIONS; PROVIDING FOR REVIEW OF THE ~~EFFICIENCY~~ EFFECTIVENESS OF THIS ORDINANCE EVERY THREE YEARS FROM AND AFTER ITS EFFECTIVE DATE; REPEALING ANY ORDINANCE IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; ~~PROVIDING THAT THIS EMERGENCY ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE~~; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.

WHEREAS, the City Council of the City of Brady finds that during ~~nocturnal~~ late night hours minors are at a greater risk for victimization or becoming involved in delinquent or criminal behavior; and

WHEREAS, the City Council of the City of Brady finds that, as parental control increases, the likelihood of minors being victimized or becoming involved in delinquent or criminal behavior decreases; and

WHEREAS, the City Council of the City of Brady finds that the victimization of a minor and/or the involvement of minors s in crimes s and violent crimes s have reached an unacceptable level compelling this City Council to adopt an ordinance of this nature for the public good, safety, and welfare ; and

WHEREAS, a curfew would equip law enforcement with a tool for returning ~~keeping~~ minors ~~off the streets, to their homes, guardians, parents, or custodians~~; and provide ~~them~~ parents ~~guardians~~ with a legitimate, legal basis for restricting the activities of their children; and

WHEREAS, the City Council of the City of Brady finds and determines that a curfew for those under seventeen years of age ~~and under~~ will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives and will continue to diminish the undesirable impact of such conduct on the citizens of the City of Brady.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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 of the City of Brady and made a part hereof for all purposes and findings of fact.

## **SECTION 2. DECLARATION OF AN EMERGENCY**

~~The City Council of the City of Brady, having determined that in the interest of public welfare and for the maintenance of law and order in Brady, Texas, declares that an emergency exists and this Ordinance shall be in full force and effect upon passage.~~

## **SECTION 3. PURPOSE.**

The purpose of this Ordinance is to protect the welfare of minors by:

1. Reducing the likelihood that minors ~~will~~ may be the victims of criminal acts during curfew hours;
2. Reducing the likelihood that minors will become involved in delinquent or criminal behavior ~~criminal acts~~ during curfew hours; and
3. Aiding parents, guardians, custodians, or other responsible persons in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care.

## **SECTION 4. DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**“CURFEW HOURS”** means:

1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and
2. ~~11:59 p.m.~~ 12:01 a.m. until 6:00 a.m. midnight, ~~on~~ on any ~~Friday or Saturday or~~ until 6:00 a.m. of the following day Sunday.

**“EMERGENCY”** means:

An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, natural disaster, automobile accident or any other situation requiring immediate action to prevent serious bodily injury or loss of life.

**“ESTABLISHMENT”** means:

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

**“GUARDIAN”** means:

1. A person who, under court order, is the guardian of the person of a minor; or
2. A public or private agency with whom the minor has been placed by the court

**“MINOR”** means:

Any person under the age of seventeen (17)

**“OPERATOR”** means:



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

**“PARENT” means:**

1. A person who is the natural parent, adoptive parent or step-parent of another person, or
2. A person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

**“PUBLIC PLACE” means:**

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

**“REMAIN” means:**

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

**“SERIOUS BODILY INJURY” means:**

Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

**SECTION 5. OFFENSES.**

1. A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the city during curfew hours.
2. A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
3. The owner, operator or any employees of an establishment commits an offense if he/she knowing allows a minor to remain up on the premises of the establishment during curfew hours.

**SECTION 6. DEFENSES.**

1. It is a defense to prosecution under Section 5 that the minor was:
  - a) Accompanied by the minor’s parent or guardian.
  - b) On an errand at the direction of the minor’s parent or guardian, without any detour or stop.
  - c) In a motor vehicle involved in interstate travel.



- d) Engaged in an employment activity, without a detour or stop.
  - e) Involved in an emergency.
  - f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence.
  - g) Going to, attending or returning from an official school, religious or other recreational activity supervised by adults and/or sponsored by the city, school district, civic organization or another similar entity that takes responsibility of the minor. Going to or returning home means without any detour or stop from said event.
  - h) Attending a function or event sponsored and supervised by an establishment that prohibits ingress and egress to the establishment during curfew hours and the management of the establishment has registered the function or event within the city at least 48 hours in advance.
  - i) Exercising their First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech and the right of assembly.???
  - j) Is married or had been married or had their minor status lawfully removed in accordance with the Texas Family Code, Chapter 31.
2. It is a defense to prosecution under Section 5 that the owner, operator, or employee of an establishment promptly notifies the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

## SECTION 7. PENALTIES.

A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not less than \$25.00, nor more than \$100.00.

When required by the Texas Family Code, Section 51.08, as amended, the municipal court shall waive the original jurisdiction over a minor who violates Section 25.1 of this Ordinance and shall refer the minor to juvenile court.

## SECTION 8. REVIEW.

Pursuant to Section 370.002 of the Texas Local Government Code ~~370.002 the~~, City Council shall review this juvenile curfew ordinance every three (3) years from and after the date of passage hereof to determine:

- 1. the effects on the community and on problems the ordinance is intended to remedy;
- 2. to conduct a public hearing on the need to continue the ordinance; and,
- 3. if necessary or appropriate to abolish, continue, or modify this ordinance.

## SECTION 9. SEVERABILITY

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

~~If ? in any Section of part of any Section or paragraph of the ordinance is declared invalid or unconstitutional for any reason, it shall invalidate or impair the validity, force or effect of any other Section or Sections (or part of a Section or paragraph) of this ordinance.~~

## SECTION 10. REPEALER

Any ordinance or portion thereof previously adopted by City Council that is found to be in conflict with this ordinance is hereby repealed.

## SECTION 11. EFFECTIVE DATE~~PUBLICATION.~~

~~The City Secretary shall cause this Ordinance to be published in the Official Newspaper as required by Section 3.16 of the City Charter. As this is an Emergency Ordinance, it is effective immediately upon its passage under Section 3.17 of the City Charter.~~

## SECTION 12. EFFECTIVE DATE.

~~This Emergency Ordinance shall be effective immediately upon passage.~~

This Ordinance shall take effect ten (10) days after the City Secretary causes this Ordinance, or its Caption, to be published in the Official Newspaper, as required by Section 3.16 of the City Charter.

**PASSED AND APPROVED UPON FIRST READING THIS THE \_\_\_\_ OF JUNE 2016**

**PASSED AND APPROVED UPON SECOND READING THIS THE \_\_\_\_ OF JULY 2016**

---

Anthony Groves, Mayor

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

**APPROVED AS TO FORM:**

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

## **ORDINANCE NO 1198**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS ESTABLISHING A CURFEW FOR MINORS UNDER SEVENTEEN (17) YEARS OF AGE TO PROHIBIT BEING IN ANY PUBLIC PLACE FROM 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00 A.M. THE FOLLOWING DAY, AND FROM 12:01 A.M. UNTIL 6:00 A.M. ON ANY SATURDAY OR SUNDAY; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS AND ADOPTING CERTAIN EXCEPTIONS; PROVIDING FOR REVIEW OF THE EFFECTIVENESS OF THIS ORDINANCE EVERY THREE YEARS FROM AND AFTER ITS EFFECTIVE DATE; REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.**

**WHEREAS**, the City Council of the City of Brady finds that during late night hours minors are at a greater risk for victimization or becoming involved in delinquent or criminal behavior; and

**WHEREAS**, the City Council of the City of Brady finds that, as parental control increases, the likelihood of minors being victimized or becoming involved in delinquent or criminal behavior decreases; and

**WHEREAS**, the City Council of the City of Brady finds that the victimization of a minor and/or the involvement of minors in crimes and violent crimes have reached an unacceptable level compelling this City Council to adopt an ordinance of this nature for the public good, safety, and welfare ; and

**WHEREAS**, a curfew would equip law enforcement with a tool for returning minors to their homes, guardians, parents, or custodians; and provide them with a legitimate, legal basis for restricting the activities of their children; and

**WHEREAS**, the City Council of the City of Brady finds and determines that a curfew for those under seventeen years of age will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives and will continue to diminish the undesirable impact of such conduct on the citizens of the City of Brady.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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 of the City of Brady and made a part hereof for all purposes and findings of fact.

### **SECTION 3. PURPOSE.**

The purpose of this Ordinance is to protect the welfare of minors by:

1. Reducing the likelihood that minors may be the victims of criminal acts during curfew hours;
2. Reducing the likelihood that minors will become involved in delinquent or criminal behavior during curfew hours; and
3. Aiding parents, guardians, custodians, or other responsible persons in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care.

#### **SECTION 4. DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**“CURFEW HOURS”** means:

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

**“EMERGENCY”** means:

An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, natural disaster, automobile accident or any other situation requiring immediate action to prevent serious bodily injury or loss of life.

**“ESTABLISHMENT”** means:

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

**“GUARDIAN”** means:

1. A person who, under court order, is the guardian of the person of a minor; or
2. A public or private agency with whom the minor has been placed by the court

**“MINOR”** means:

Any person under the age of seventeen (17)

**“OPERATOR”** means:

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

**“PARENT”** means:

1. A person who is the natural parent, adoptive parent or step-parent of another person, or
2. A person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

**“PUBLIC PLACE” means:**

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

**“REMAIN” means:**

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

**“SERIOUS BODILY INJURY” means:**

Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

## **SECTION 5. OFFENSES.**

1. A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the city during curfew hours.
2. A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
3. The owner, operator or any employees of an establishment commits an offense if he/she knowing allows a minor to remain up on the premises of the establishment during curfew hours.

## **SECTION 6. DEFENSES.**

1. It is a defense to prosecution under Section 5 that the minor was:
  - a) Accompanied by the minor’s parent or guardian.
  - b) On an errand at the direction of the minor’s parent or guardian, without any detour or stop.
  - c) In a motor vehicle involved in interstate travel.
  - d) Engaged in an employment activity, without a detour or stop.
  - e) Involved in an emergency.
  - f) On the sidewalk abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence.
  - g) Going to, attending or returning from an official school, religious or other recreational activity supervised by adults and/or sponsored by the city, school district, civic organization or another similar entity that takes responsibility of the minor. Going to or returning home means without any detour or stop from said event.
  - h) Attending a function or event sponsored and supervised by an establishment that prohibits ingress and egress to the establishment during curfew hours

and the management of the establishment has registered the function or event within the city at least 48 hours in advance.

- i) Exercising their First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech ???
  - j) Is married or had been married or had their minor status lawfully removed in accordance with the Texas Family Code, Chapter 31.
2. It is a defense to prosecution under Section 5 that the owner, operator, or employee of an establishment promptly notifies the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

## **SECTION 7. PENALTIES.**

A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not less than \$25.00, nor more than \$100.00.

When required by the Texas Family Code, Section 51.08, as amended, the municipal court shall waive the original jurisdiction over a minor who violates Section 5.1 of this Ordinance and shall refer the minor to juvenile court.

## **SECTION 8. REVIEW.**

Pursuant to Section 370.002 of the Texas Local Government Code, City Council shall review this juvenile curfew ordinance every three (3) years from and after the date of passage hereof to determine:

- 1. the effects on the community and on problems the ordinance is intended to remedy;
- 2. to conduct a public hearing on the need to continue the ordinance; and,
- 3. if necessary or appropriate to abolish, continue, or modify this ordinance.

## **SECTION 9. SEVERABILITY**

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

**SECTION 10. REPEALER**

Any ordinance or portion thereof previously adopted by City Council that is found to be in conflict with this ordinance is hereby repealed.

**SECTION 11. EFFECTIVE DATE.**

This Ordinance shall take effect ten (10) days after the City Secretary causes this Ordinance, or its Caption, to be published in the Official Newspaper, as required by Section 3.16 of the City Charter.

**PASSED AND APPROVED UPON FIRST READING THIS THE \_\_\_\_ OF JULY 2016**

**PASSED AND APPROVED UPON SECOND READING THIS THE \_\_\_\_ OF JULY 2016**

\_\_\_\_\_  
Anthony Groves, Mayor


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

**APPROVED AS TO FORM:**

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



**CITY COUNCIL  
CITY OF BRADY, TEXAS  
AGENDA ACTION FORM**

<b>AGENDA DATE:</b>	7-5-2016	<b>AGENDA ITEM</b>	7.C
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action to fill alternate positions on the Board of Adjustments / Zoning Board of Adjustments (BOA/ZBA) and the Planning & Zoning Commission (P&Z); and to fill vacancies on the Airport Advisory Board.		
<b>PREPARED BY:</b>	Tina Keys	<b>Date Submitted:</b>	6-29-16
<b>EXHIBITS:</b>	Updated roster of positions to be filled.		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		0
	<b>Amount Budgeted:</b>		0
	<b>Appropriation Required:</b>		0
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

Several Board positions expire in June 2016, thus newly elected city council members are able to make appointments. There are several expired terms and vacancies to be filled. City Council made numerous appointments at the last meeting, see the updated roster of board positions highlighted in yellow needing to be appointed.

According to the city charter, "The Mayor shall recommend to the Council appointees for the boards and commissions."

City Council may adjourn into executive session to discuss and/or interview applicants.

**RECOMMENDED ACTION:**

The Mayor shall recommend to the Council appointees for the boards and commissions.

# CITY OF BRADY

## 2016 Boards & Commissions

PLANNING AND ZONING COMMISSION (3 yr term)		
Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Nick Blyshack, Chair	6/18
2	Ronnie Aston, Vice Chair	6/17
3	Amy Greer	6/17
4	Thomas Flanigan	6/19
5	Jeffrey Sutton	6/19
6	Connie Easterwood	6/19
7	Jeff Bedwell	6/18
* ALT	Vacant	6/17

Economic Development Corporation - 4A (2 year term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Lauren Bedwell	6/18
2	Don Miller	6/18
3	Jon Chase, President	6/17
4	Michelle Derrick	6/18
5	Tracy Pitcox	6/17

ZONING BOARD OF ADJUSTMENT (ZBA/BOA)		
Charter & Zoning Ord. Sec. 9.1 (2 yr term)		
Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Melanie Franco	6/17
2	Rod Young, Vice Chair	6/18
3	Heath McBride, Chair	6/18
4	Holly Groves	6/17
5	James Stewart	6/17
* Alt 1	Chris Green	6/17
* Alt 2	vacant	6/17
* Alt 3	vacant	6/17
* Alt 4	vacant	6/17

Airport Advisory Board (Ord 1149 - 2 yr term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Bob Rice	6/17
2	Rick Morgan, Chair	6/17
3	Vacant	6/17
4	Richard Jolliff	6/18
5	Kirk Roddie	6/18
6	Vacant	6/18
7	Carey Day	6/18

Municipal Court Judges (2yr term)		
Tina Keys, Staff Liaison 325/597-2152 ext 207 citysec@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
Judge	Bill Spiller	12/17

Brady Youth Association (1yr term)		
	Marilyn Gendusa	1/17

CVCOG Annual Board (1yr term)		
	Marilyn Gendusa	9/16

CHARTER REVIEW COMMISSION (4 year term)		
Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Bill Derrick	2016-2020
2	Latricia Doyal	2016-2020
3	Patsy Cole	2016-2020
4	Teresa Leifeste	2016-2020
5	JoAnn Coffey	2016-2020
6	Kelly Elliott	2016-2020
7	Chad Blankenship	2016-2020

INVESTMENT COMMITTEE (1 yr term)		
Lisa Remini, Staff Liaison 325/597-2152 ext 204 lremini@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Finance Director	FY 2016
2	City Manager	FY 2016
3	Kathy Gloria	FY 2016

CITY COUNCIL (3 yr term)		
Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us		
PLACE	MEMBER NAME	CURRENT TERM
MAYOR	Anthony Groves	5/17
1	Kathy Gloria	5/17
2	Shelly Perkins	5/18
3	Marilyn Gendusa	5/18
4	Jane Huffman	5/19
5	James Griffin	5/19

McCulloch County Senior Citizen Association Sunset Center Advisory Board (2 year term)		
Rosie Aguirre, Staff Liaison 325/597-2946 rgomez@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Wanda Nesbit - President	10/17
2	Marcia Arons - VP	10/17
3	Elbert Boswell - Treasurer	10/17
4	Sheryl Roberts - Secretary	10/17
5	Mary Bradshaw	10/17
6	Rene Avants	10/17
7	Alvin Bolton	10/17
8	Janice Crawford	10/17
9	Mindy Gober	10/17
10	Bill Spiller	10/17
11	Angelita Torrez	10/17
12	Evelyn Pitcox	10/17
13	Daymon McBee	10/17
14	Rosie Aguirre	Director
15	Kim Lenoir	City Manager
16	Danny Neal	County Judge
17	Hazel Maner	Lifetime

HOT Committee (1yr term)		
	Peter Lamont	FY 2016
	Lisa Remini	FY 2016
	Kim Lenoir	FY 2016
	Marilyn Gendusa	FY 2016

CITY OF BRADY  
APPLICATION FOR BOARDS / COMMISSIONS



RECEIVED

JUN 28 2016

City of Brady

Name of Applicant: John Rodriguez Phone Number: 325-792-745  
Address: 2001 S. High Alt. Phone Number: 456-1588  
E-mail Address: jrdriguez@sharyland.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? 18 yrs

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: Sharyland Utilities Job Title: Dist. + Design

Work Address: P.O. Box 271

Work Phone #: \_\_\_\_\_

Professional Experience (include professional memberships and previous employment):

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

**CITY OF BRADY  
APPLICATION FOR BOARDS & COMMITTEES MEMBERSHIP**

Brady depends on its citizens to carry out many of our city's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and return it to City Hall or by mail it to:  
City Secretary, City of Brady, P.O. Box 351, Brady, Texas 76825

☐ Name WILLIAM DALE SCOTT Date 9-23-15  
Mailing Address P.O. Box 71 PONTOTOC TX 76869

Phone (Home) 325-456-5908 Phone (Business) 325-456-5908  
e-mail: SCOTT.TEENA @ HOTMAIL.COM

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: PILOT License For 29 yrs, was member of Brady's  
Civil Air Patrol

☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:


☐ Committees/Boards of Interest: 1) Airport Board  
2) \_\_\_\_\_  
3) \_\_\_\_\_

\*\*\*\*\*

**CITY OF BRADY BOARDS & COMMITTEES**

NOT ELIGIBLE  
LIVES IN COUNTY

**CITY COUNCIL  
CITY OF BRADY, TEXAS  
AGENDA ACTION FORM**

<b>AGENDA DATE:</b>	7-5-2016	<b>AGENDA ITEM</b>	7.D
<b>AGENDA SUBJECT:</b>	Discussion regarding City Council meeting procedures and process.		
<b>PREPARED BY:</b>	Kim Lenoir and Mayor Groves	<b>Date Submitted:</b>	6-29-16
<b>EXHIBITS:</b>	<del>None</del> Ordinance 1126		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	0	
	<b>Amount Budgeted:</b>	0	
	<b>Appropriation Required:</b>	0	
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>
<p>Council Members given the opportunity to discuss how this meeting was ran. This is the time to give the Mayor suggestions for possible changes needed to be made to keep the meeting running effectively and efficiently for all council members and for the citizens in attendance.</p>

<b>RECOMMENDED ACTION:</b>
Discussion Only



**ORDINANCE No: 1126**

**AN ORDINANCE OF THE CITY OF BRADY TEXAS, AMENDING ARTICLE 1.1600 OF THE CODE OF ORDINANCES; CITY COUNCIL PROCEDURE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 3.12 of the City Charter of the City of Brady states that Council shall, by ordinance, determine its own rules and order of business; and

**WHEREAS**, the City Council of the City of Brady adopted what became Article 1-1600 of the Brady Code of Ordinances to meet this requirement; and

**WHEARAS**, after extensive review and discussion, it had been determined by the City Council of the City of Brady that these Council Rules of procedure should be updated; and

**WHEREAS**, after an Initiative of the Citizens of the City of Brady was passed by the Voters of the City of Brady that action requires an update to the Council Rules of procedure .

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

**Section 1. Amendment.** Article 1.1601, of the Code of Ordinances of the City of Brady, Texas is amended as provided in Attachment A of this ordinance.

**Section 2. Severability.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Brady, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.


**Section 3. Repeal.** All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, are hereby repealed.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon and after its passage and publication as may be required by law.

**PASSED AND APPROVED THIS THE 4 DAY OF June 2013.**

  
Mayor Pro-Tem, Latricia Doyal

ATTEST:

  
Christy Badilla, City Secretary

# **Attachment A**

## **ARTICLE 1.1600**

### **CITY COUNCIL**

#### **Division 1. Meeting Times**

- (a) The times for regular meetings of the city council shall be 6:00p.m. on the first and third Tuesday of each month, as set by council in compliance with the home rule charter of the city, Section 3.09.
- (b) Audit board shall be held on the day of, but prior to the regular meeting of the city council.

#### **Division 2. Procedural Rules For City Council Meetings**

##### **Sec. 1.1601 Purpose**

This article is adopted so that the city council may promote the public health, safety, morals and general welfare within the city through the enactment of reasonable procedures and rules designed to facilitate the orderly and efficient conduct of city council meetings in a manner that promotes a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of the city. By and through this article, the city council additionally seeks to establish fair, reasonable, and efficient guidelines for maintaining order and promoting effective public participation at city council meetings.

##### **Sec. 1.1602 Definitions**

(a) General. Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases that are not defined in this article but are defined in other ordinances of the city shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.

(b) Specific Definitions.

**City.** The City of Brady, a duly incorporated municipality located in McCulloch County, Texas.

**Conduct.** An act or omission and its accompanying mental state.

**Council.** The city council, the governing body of the city.

**Intentional.** The culpable mental state of "intent" as defined by Section 6.03 of the Texas Penal Code. A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

**Meeting.** Any official proceeding of the council. This term includes, but is not limited to, all regular, special, emergency and executive session (i.e., "closed") meetings and workshops. The term "regular meeting" identifies two meetings that by ordinance are scheduled to occur at the same time on the same days each month. The term "special meetings" includes all meetings that are not "regular meetings," including workshops and emergency meetings.

**Person.** A human individual.

**Public Servant.** A person elected, selected, appointed, employed or otherwise designated as one of the following, even if that person has not yet qualified for office or assumed his or her duties:

- (1) An officer, employee, or agent of the city;
- (2) An attorney-at-law or notary public when participating in the performance of a governmental function;
- (3) A candidate for nomination or election to public office; or
- (4) A person who is performing a public function under a claim of right although he or she is not legally qualified to do so.

**Recklessly.** The culpable mental state of "recklessness" as defined by Section 6.03 of the Texas Penal Code. A person acts recklessly, or is reckless, with respect to the circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

**Unlawful.** Criminal or tortuous or both and includes what would be criminal or tortuous but for a defense not amounting to justification or privilege.

#### **Sec. 1.1603 Rules of Procedure**

(a) **Orientation.** As required by charter, prior to being sworn in, all newly elected mayors and councilmembers shall read and be familiar with the charter, the city code of ordinances, the current city budget, the file of resolutions and any other records or documents as the council deem appropriate for orientation.

(b) **Meeting Schedule.** Regular meetings of the city council shall be conducted as established in Division 1(a) of this article. Special meetings may be scheduled at the discretion of the mayor or two (2) council members. Meetings may be cancelled or recessed to the next business day with or without notice by the mayor, a majority of the council, or a majority of the members of the council in attendance at the meeting.

(c) **Agenda Setting.** In order for a matter or issue to appear as an agenda item on the agenda of a meeting of the council, a request must be filed with the city secretary and approved by at least two (2) members of the council or the mayor, to the extent reasonably possible, no later

than 5:00 p.m. on the Tuesday prior to the next scheduled meeting and at least ninety-six (96) hours prior to the commencement of a special meeting.

(d) Presiding Officer.

(1) The presiding officer of the council is responsible for conducting the meeting. When present and participating, the mayor shall serve as presiding officer. When the mayor is not present or if the mayor abstains from participation on a matter, the mayor Pro-Tem shall serve as the presiding officer. If neither the mayor nor the mayor Pro-Tem are able to serve, the remaining council Members may by majority vote designate a Member of the council to preside over the meeting.

(2) The presiding officer shall open each meeting with the following statement:

"This meeting is being held in accordance with the provisions of the Texas Open Meetings Act. Discussion and actions are limited to the agenda items as posted. Persons desiring to address the city council or express their opinion about a particular item on this agenda must follow the procedures as outlined in article 1.1600 of the Brady Code of Ordinances. A quorum being present, as evidenced by the presence of members present of the city council, this meeting is hereby called to order.

The following members are present:

Name	Position
_____	Mayor
_____	Council Member, Place 1
_____	Council Member, Place 2
_____	Council Member, Place 3
_____	Council Member, Place 4
_____	Council Member, Place 5

City Staff members present at the meeting include:

Name	Position
_____	City Manager
_____	City Secretary

(e) Public Participation.

(1) All meetings of the council will be called and conducted in accordance with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

(2) Regular, special, and emergency meetings of the council are open to the public and the press and media.

(3) Executive sessions of the council are not open to the public, the press or the media, and are open only to the mayor and councilmembers and such individuals who are:

(A) permitted to attend a meeting in executive session under the Texas Open Meetings Act; and

(B) expressly requested or ordered to attend by the council.

(4) By majority vote, the council may exclude the mayor or certain members of the council from a meeting or a portion of a meeting if it's determined that:

(A) the mayor or certain council Members have financial or legal interests that are adverse or contrary to the city's interests being discussed at the meeting; and

(B) allowing the mayor or the council Members at issue to attend the meeting would adversely affect the city's bargaining position or legal strategy.

(5) As required by charter, the citizens of the city shall have a reasonable opportunity to be heard in regard to any matter. A specific time during each meeting shall be designated for citizen's comment. Citizen participation at a council meeting shall be limited to the portion of the meeting designated for that purpose. Persons who wish to participate in this portion of the meeting must register with the city secretary before the meeting begins and must indicate the topic they wish to address.

(6) No presentation shall exceed two (2) minutes per citizen, unless the presiding officer or a majority of the council gives the speaker special permission. Delegations of more than two (2) persons must appoint a spokesperson to present their views before the council. The presiding officer may limit maximum duration of discussion regardless of the number of citizens wishing to address the council. In matters of exceptional interest, the council may, by majority vote of the members of the council in attendance at the meeting, shorten or lengthen the amount of time allocated for citizen comments.

(7) The presiding officer may halt discussion that is repetitive of comments or positions stated by other citizens. All comments should be addressed to the presiding officer and no debates between citizens and council members shall be allowed. The presiding officer shall not tolerate comments, gestures or actions from persons not recognized to speak.

(8) The presiding officer may halt discussion that is not relevant to the particular issue or that constitutes a threat or verbal assault on any council member or member of the city staff.



(9) If citizens raise matters or ask questions about a subject that is not included on the agenda posted with notice of the meeting, the mayor and council may:

- (A) provide specific factual information;
- (B) recite existing policy; or
- (C) determine whether to place the matter on a future agenda.

The council shall not deliberate the substance of or take further action regarding the matter at that time.

#### **Sec. 1.1604 Disruptive or Disorderly Conduct**

##### **(a) Hindering Proceedings by Disorderly Conduct.**

(1) A person commits an offense if he or she intentionally hinders a meeting by noise or violent or tumultuous behavior or disturbance.

(2) A person commits an offense if he or she recklessly hinders a meeting by noise or violent or tumultuous behavior or disturbance and continues after explicit official request to desist.

(b) **Disrupting a Meeting.** A person commits an offense if, with intent to prevent or disrupt a meeting, he or she obstructs or interferes with the meeting by physical action or verbal utterance.

#### **Sec. 1.1605 Enforcement**

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

(b) **Criminal Prosecution.** Any person violating any provision of this article shall, upon conviction, be fined in accordance with the general penalty provision set forth in Section 1.109 of this code. Each instance that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

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

- (1) Injunctive relief to prevent specific conduct that violates the article or to require specific conduct that is necessary for compliance with the article; and
- (2) A civil penalty up to one hundred dollars (\$100.00) when it is shown that the defendant was actually notified of the provisions of the article and after receiving notice,

committed acts in violation of the article or failed to take action necessary for compliance with the article; and

(3) Other available relief.

(d) Authority of Presiding Officer. The presiding officer is hereby granted the authority to order any person removed from the meeting, or to take any appropriate legal action against any person who violates any provision of this article.

#### **Sec. 1.1606 Individuals With Disabilities**

The city seeks to ensure effective communication with members of the public who attend and participate in city council meetings. An individual who requires auxiliary aids and services or other accommodation should contact the city secretary with a request for such services. The city encourages such individuals to submit requests at least forty-eight (48) hours in advance of a meeting so that the city may effectively address the individuals' requests.

**CITY OF BRADY****SEWER TREATMENT DIVISION****July 2016****Project Status Report, Clean Water State Revolving Fund (CWSRF) Project #73638: WWTP Replacement Project****Project Description -**

The City of Brady is a loan recipient from TWDB under the CWSRF program. The WWTP is at a critical stage in regard to its viability as it has reached the end of its useful life. The engineering firm of Freese and Nichols, Inc. has been engaged to provide professional engineering services for producing a proper design for the replacement of the WWTP that will meet the rules and requirements of two (2) State Agencies: TWDB and TCEQ.

**Budget Information -**

**TWDB Loans:** LF1000019 = \$1,441,990.00 Loan Forgiveness L1000011 = \$1,210,000.00 (11 year payback at 2.28% interest)  
**City Fund Accts.:** 20-5-25-285.01 20-5-25-285.00

**Budget Activity -**

LOAN FORGIVENESS FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2011-2012	\$1,441,990.00	\$1,441,990.00
2012-2013	(\$331,250.00)	\$1,110,740.00
2013-2014	(\$24,812.00)	\$1,085,928.00
2014-2015	(\$320,115.96)	\$765,812.04
2015-2016	(\$26,709.21)	\$739,102.83

CERTIFICATES OF OBLIGATION FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2011-2012	\$1,210,000.00	\$1,210,000.00
2012-2013	(\$53,125.44)	\$1,156,874.56
2013-2014	\$0.00	\$1,156,874.56
2014-2015	\$0.00	\$1,156,874.56
2015-2016	\$0.00	\$1,156,874.56

**Contract Assignments -**

<b>Engineer:</b>	<b>Freese and Nichols, Inc., Austin, Texas</b>	
	<u>Phase I Engineering Services</u>	
	Original Contract Commitment	= \$ 381,410.50
	Contract Amendment 12-10-2015	= (\$ 41,438.00)
	Current Contract Commitment	= \$ 339,972.50
	<b>Final Contract Amount</b>	<b>= \$ 319,825.17</b>

**Current Status -**

The initial engineering services for producing an Engineering Feasibility Report including an Interim Solids Handling facility has been completed and a final report delivered. Intended construction of the sludge handling was postponed due to an unexpected failure of a main equipment/structure system at the WWTP. This incident caused a decision to begin immediately the negotiations for final engineering services to produce proper plans & specifications for the replacement of the WWTP. A probable time line of events is presented below.

**Timeline -**

<i>Calendar Year 2016</i>	-	Negotiate Final Design Fee and begin Preliminary Engineering Report (P.E.R. describing in detail the proposed design solution for replacing the city's WWTP. Concurrently, begin the permitting application and environment information document for TCEQ approval.
<i>Calendar Year 2018</i>	-	by mid year complete Final Design and submit to TCEQ.
<i>Calendar Year 2018</i>	-	by late 2018 achieve a bid letting of WWTP Replacement Project.

# CITY OF BRADY

# WATER TREATMENT DIVISION

## March 2016

## Project Status Report, Drinking Water State Revolving Fund (DWSRF) Project #62545: Radium Reduction Project – Drinking Water

### Project Description -

The City of Brady is a loan recipient from TWDB under the DWSRF and the Economically Distressed Areas Program (EDAP) programs. The city's groundwater supply has been deemed non-compliant due to radionuclides as promulgated by the Safe Drinking Water Act and administered by the USEPA. The engineering firm of Enprotec / Hibbs & Todd of Abilene has been engaged to provide professional engineering services for producing a technical solution to bring the city's groundwater supply into compliance.

### Budget Information -

#### TWDB Funds -

#G1000424 \$1,804,000.00 (grant) #LF1000116 \$350,000.00 (loan forgiveness) #LF1000115 \$350,000.00 (10 yr. I:0.02-2.86%)

City Fund Accs. -  
30-5-33-287.00

30-5-33-286.01

30-5-33-286.00

EDAP GRANT FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2014-2015	\$1,804,000.00	\$1,804,000.00
	(\$129,636.61)	\$1,674,363.39
2015-2016	(485,000.00)	\$1,189,363.39

LOAN FORGIVENESS FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2012-2013	\$350,000.00	\$350,000.00
2013-2014	(\$196,246.00)	\$153,754.00
2014-2015	(\$153,754.00)	\$0.00

CERTIFICATES OF OBLIGATION FUNDS:		
YEAR	ACTIVITY	REMAINING FUNDS
2012-2013	\$350,000.00	\$350,000.00
2013-2014	(\$51,562.41)	\$298,437.59
2014-2015	(\$292,237.59)	\$6,200.00
2015-2016	(\$6,200.00)	(\$0.00)

## CITY OF BRADY

## WATER TREATMENT DIVISION

### Contract Assignments -

#### Engineer:

Enprotec / Hibbs & Todd (eHT), Abilene, Texas  
Original Contract Commitment: \$ 612,000.00 (Planning Phase)  
Engineering Services Amendment: \$1,623,000.00 (Design Phase)

### Current Status -

e-HT has begun the design work orders for the final plans & specifications describing the engineering solution to reducing radionuclides in the city's drinking water supply.

### Timeline -

Calendar Year 2016 -	Basis of Design Reports -	January	2016
	50% Design Documents -	July	2016
	95% Design Documents -	November	2016
	TWDB & TCEQ Submission Phase -	December	2016
	Financial EDAP Application (2 <sup>nd</sup> Round) -	Spring	2017
	Bid Construction Target Time -	Spring	2018



July 2016

**Project Status Report:** WWTP Carousel Emergency Replacement Project

**Project Description -**

The carousel structure that operates the aeration basin has had two (2) serious failures over the course of the last calendar year. The most serious failure occurred near the end of 2015 with the collapse of a wall section supporting the bridge structure spanning the aeration basin. The other failure was about spring 2015 on the bracing struts for the west motor cage. A temporary fix for both failures was achieved through the services of a local welding business. Given the seriousness of each failure and especially the collapse of the wall supporting the bridge structure city staff elected to declare the situation an emergency condition. This status permitted the city to proceed in an expedited manner for engineering services, bidding and award. Due to the convenience of having the engineering firm of Freese and Nichols, Inc. "on hand" the city elected to engage their services directly to identify a replacement solution of the carousel bridge structures. Immediately, a preliminary budget was established by city staff and the city's finance director through appropriate financial analysis & management established an initial budget of \$521,000.00. City staff worked with Freese and Nichols, Inc. and derived a design & construction services fee of \$49,465.00. Subsequently, a direct solicitation to five (5) preferred general contractors for bidding purposes was initiated. Two (2) bids were received on January 28, 2016 and the low bidder of Archer Western Construction, LLC submitted a price of \$412,100.00.

**Budget Information -**

**Sewer Fund:** Budget line item: 20-5-23-551.00 Emergency Repairs = \$521,000.00 (FY2016 Budget Amendment)

**Contract Assignments -**

**Engineer:** Freese and Nichols, Inc., Austin, Texas  
 Contract Commitment = \$49,465.00  
 City Council Award Date – December 15, 2015

**General Contractor:** Archer Western Construction, LLC.

Contract Commitment = \$412,100.00  
 City Council Award Date – February 16, 2016  
 City Purchase Order No. #14-01816

**CITY OF BRADY**

**SEWER TREATMENT DIVISION**

**Budget Activity -**

Design Services Payments:                \$33,821.77

Contractor Services Payments:        \$0.00

**Current Status -**

Archer Western Construction, LLC. received approval of bridge carousel manufacturing drawings on May 25, 2016. Delivery target date is August 08, 2016.

**Timeline -**

*Calendar Year 2016 -*

**WWTP Carousel Replacement Status:**

NTP issued March 18, 2016

203 Calendar Days to Completion or October 07, 2016

Calendar Days Used:                        102

Calendar Days Remaining:                101

Delivery of Equipment:                    142 (equates to near August 08, 2016)

Substantial Completion:                  189 (equates to September 23, 2016)

Final Completion:                          203

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****July 2016**

**Project Status Report:** Brady Creek Trail Project  
Grant Project Deadline – June 30, 2017  
Second Extension Granted - May 27, 2016

**Budget Information:**

TPWD Funds: May 22, 2012	\$200,000
COB	\$133,100
<b>TOTAL</b>	<b>\$333,100</b>

**Expenditures:**

Planning and Design	\$ 36,610
Construction to-date	\$213,484 [79% complete]

**Contract Assignments:** **Engineer:** KSA contracted February 5, 2015  
**Contractor:** Westar Construction Contracted January 7, 2016  
Award amount \$282,967.50

**Project Description:** The City of Brady received a Recreational Trails Program Grant from the Texas Parks and Wildlife Department in 2012. This grant will rebuild the gravel trail along Brady Creek from Richards Park to a park located on West Richards Drive and North Pine Street. The original trail was built in 1986. This project had an original due date of June of 2015. Due to recent rains and flooding a second extension has been granted to June 30, 2017.

**Start Date / Completion Date:**

Planning Start:	February, 2015
Design Completion:	September 29, 2015
Bidding Process Began:	September 30, 2015

**Major Activities:**

Grant Acceptance Letter Signed:	May 22, 2012
Grant Extension Letter Signed:	March 27, 2015
Plans Reviewed by TPWD:	July 30-September 14, 2015
Plans Completed:	September 29, 2015
Project was Released for Bids:	September 30, 2015
Bids Opened:	October 28, 2015
Bid Awarded:	December 1, 2015
Budget Amendment Approved:	December 15, 2016
Signing of Contracts:	January 7, 2016
Pre-Construction Meeting:	January 14, 2016
Notice to Proceed:	January 14, 2016
Named Trail – Brady Creek Trail:	March 15, 2016

**Next Steps:**

Change Order # 1:	July, 2016
Complete Construction:	August, 2016
Grand Re-Opening:	September, 2016
Name Pocket Park:	September, 2016

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****July 2016**

**Project Status Report:** Richards Park Improvements  
Grant Project Deadline – July 31, 2018

**Budget Information:**

TPWD Funds: August 20, 2015	\$400,000
COB	\$400,000
<u>U.S. Silica Donation</u>	<u>\$ 10,000</u>
<b>TOTAL</b>	<b>\$810,000</b>

**Expenditures:**

N/A

**Contract Assignments: Engineer:** Open

**Project Description:** The City of Brady has received an Outdoor Recreation Grant from Texas Parks and Wildlife Department. This project will renovate the baseball fields at Richards Park to include the relighting of two ball fields. Additional renovations including a trail from E.O. Martin Park to the soccer fields at Richards Park, a new playground at the baseball complex, and benches/picnic tables along the trail. COB staff has met with a design firm to discuss the design and layout of the project.

Funding is still needed for relighting the other baseball and softball field in the amount of \$280,000.

We are still waiting on a contract from TPWD, post receipt of the TPWD contract we will issue a request for proposals (RFP) for engineering/design services.

**Start Date / Completion Date:**

N/A

**Major Activities:**

Grant awarded by TPWD:	August 20, 2015
Field Visit by TPWD:	September 28, 2015

**Next Steps:**

Sign Contract with TPWD:	July, 2016
RFP for Design Services:	August, 2016

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****July 2016**

**Project Status Report:** Willie Washington Improvements  
Grant Project Deadline – July 31, 2018

**Budget Information:**

TPWD Funds: August 20, 2015	\$ 75,000
<u>COB</u>	<u>\$ 75,000</u>
<b>TOTAL</b>	<b>\$150,000</b>

**Expenditures:**

N/A

**Contract Assignments: Engineer:** Open

**Project Description:** The City of Brady has received a Small Communities Grant from Texas Parks and Wildlife Department. This project will include new sidewalks, picnic spaces and a playground at Willie Washington Park.

We have started discussions with several playground manufacturers to evaluate various styles and layouts.

**Start Date / Completion Date:**

N/A

**Major Activities:**

Grant Awarded by TPWD:	August 20, 2015
Field Visit by TPWD:	September 28, 2015
Contract with TPWD Signed:	February 17, 2016

**Next Steps:** Select Playground Manufacturer: September, 2016

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****July 2016****Project Status Report: Boating Access Grant and Marina (Fish House) BEDC Project**

Grant project Deadline: June 30, 2018

**Budget Information:**

TPWD Funds:	\$127,238.
COB	\$ 42,413.
<u>Brady Economic Development Corp (BEDC)</u>	<u>\$ 65,256.</u>
TOTAL	\$234,907.

**Expenditures:**

Planning and Design	\$17,317.50
BEDC Funds to date for Fish House	\$48,416.70

**Contract Assignments:**

Engineer:	KSA Contracted June 16, 2014
Contractor:	Docks of Texas – Fish House Westar Construction – Boat Ramps

**Project Description:** The City of Brady received a Boating Access Program Grant from the Texas Parks and Wildlife Department. This grant will extend one boat ramp and improve two boat docks at Brady Lake. The ramp on the north side of the park will be extended and boat docks at the Main Ramp and the north ramp will be updated. After the initial bid opened in December, the fish house renovation project was separated from the boat ramp improvements. Docks of Texas is remodeling the fish house with BEDC funds and is 30% complete. The boat ramp improvements were rebid in March, and Westar Construction secured the contract for the ramp improvements and docks. Due to recent rains and increasing lake levels the boat ramp construction has been delayed. Materials for the new docks will take 6-8 weeks to deliver, the anticipated construction start date is August, 2016.

**Start Date / Completion Date:**

Planning Start:	June 2014
Design Completion:	October 2015

**Major Activities:**

Corps Permit Received:	November 14, 2014
Plans submitted to TPWD Review:	September 11, 2015
TPWD Approval of Plans:	September 18, 2015
U.S. Fish and Wildlife approval:	September 22, 2015
Grant Acceptance signed:	September 22, 2015
Project Bid September:	November 4, 2015
Bids Opened:	December 16, 2015
Fish House Contracted with Docks of Texas:	February 8, 2016
Project Rebid:	February 3, 2016
Bids Opened:	March, 2, 2016
Dock Bid Awarded to Westar Const.:	March 15, 2016

**Next Steps:**

Boat dock construction begins:	August, 2016
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**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****July 2016**

**Project Status Report:** Stanburn Park Improvements  
Grant Project Deadline: To Be Determined

**Budget Information:**

<u>Private funds:</u>	<u>Minimum</u>	<u>\$ 50,000</u>
<b>TOTAL</b>		<b>\$ 50,000</b>

**Expenditures:**

N/A

**Contract Assignments: Engineer:** Not Required

**Project Description:** The City of Brady has received a request by a private company, FairmountSantrol to install improvements at Stanburn Park. The desired improvements include resurfacing the tennis courts and converting them to basketball courts, planting trees, improving the turf, and installing shade structures. Additionally, the family of Lt. Daniel R. Conway is committing a one-time gift of \$50,000 towards a new playground. I have received two preliminary designs for the playground and forwarded them to FairmountSantrol but have not received a response. We have not received a preliminary budget from them for the other improvements. We have discussed with them a phased project. To date, we have received \$15,000 in donor funds.

**Start Date / Completion Date:**

N/A

**Major Activities:**

Naming Policy Approved:	December 16, 2014
Initial Project Meeting:	February 2, 2015
Request Presented to Council:	March 3, 2015
Estimated Court Costs:	July 10, 2015
Preliminary Playground Designs:	July 14, 2015
Current Dedicated Funds \$15,000:	February 4, 2016

**Next Steps:**

Collection of Remaining Funds: Unknown

**CITY OF BRADY****COMMUNITY SERVICES DIVISION****Project Status Report: Hazard Mitigation Plan – Update****July, 2016**

Project Deadline February 15, 2016  
Texas Colorado River Floodplain Coalition (TCRFC)  
Department of Emergency Management Grant

**Budget Information:**

COB: \$2,000.00  
Additional match is staff time for project work completed by Lyle Daniels, Crystal Springer and Peter Lamont.

**Expenditures:**

Planning Services: \$2,000.00

**Contract Assignments:**

Engineer: Halff and Associates  
Tetrattech  
Both engineers were contracted through TCRFC

**Project Description:** The City of Brady is working with the TCRFC to update the Hazard Mitigation Plans for Lampasas, Mason, Mills and San Saba Counties and the City of Brownwood and City of Brady. The revision of such plans are required in order to receive Federal Emergency Management Agency (FEMA) funding for disaster aid. There have been a series of 3 meetings to determine, rank and suggest mitigating actions to various hazards. The engineers assembled the revised plan and forwarded a copy to the City in December for review. A draft is available at City Hall and on the City Website for public review. A public meeting about the plan was held on March 15, 2016.

The project is being coordinated by the TCRFC with specific community information provided by City of Brady.

**Star Date/Completion Date:**

Planning Started: March 2016

**Major Activities:**

Project Kickoff Meeting: March 24, 2015  
Determination of Potential Hazards: June 30, 2015

**CITY OF BRADY****COMMUNITY SERVICES DIVISION****July 2016**

**Project Status Report:** Brady Lake Dam Breach Inundation Mapping and Brady Drainage Master Plan  
Grant Project Deadline – August 31, 2016

**Budget Information:**

TDEM:	\$ 50,000.00
COB:	\$ 20,100.00
<b>TOTAL</b>	<b>\$ 70,100.00</b>

**Expenditures:**

\$70,020 as per signed contract with Lockwood, Andrews & Newman, Inc. (LAN)

**Contract Assignments: Engineer:** Lockwood, Andrews & Newman, Inc.

**Project Description:** The City of Brady has received a grant from Federal Emergency Management Agency (FEMA) through the Texas Department of Emergency Management (TDEM) to conduct a breach and inundations study of the Brady Lake dam and a drainage master plan. A signed contract was secured with LAN in the amount of \$70,020 to complete the project. COB staff met with LAN on May 6, 2016 and subsequently submitted a list of sites to be further evaluated for drainage improvements. LAN has also completed the flood mapping and is working on the breach analysis.

**Start Date / Completion Date:**

Start – April 6, 2016  
Anticipated Completion – August 31, 2016

**Major Activities:**

Grant Accepted:	April 27, 2015
Kick off Meeting with TDEM:	April 29, 2015
RFP Submitted to TDEM for Review:	September 29, 2015
RFP Released:	October 21, 2015
RFP's Received:	November 18, 2015
Engineer Interviews:	January 7, 2016
Engineer Selection:	January 8, 2016
Council Approved Contract with LAN:	February 16, 2016
Kickoff Meeting Held:	April 6, 2016
Project Update Meeting with Staff:	May 6, 2016

**Next Steps:**

Second Project Update Meeting With Staff: If Needed  
Public Presentation of Study & Recommendations:  
August, 2016

## CITY OF BRADY

## COMMUNITY SERVICES DIVISION

July 2016

### Project Status Report:

Hazard Mitigation Plan – Update  
Projected Deadline - February 15, 2016  
Texas Colorado River Floodplain Coalition  
- Department of Emergency Management Grant

### Budget Information:

COB: \$2,000.00  
Additional match is staff time for project work completed by Lyle Daniels, Crystal Springer and Peter Lamont

### Expenditures:

Planning Services \$2,000.00

### Contract Assignments:

Engineer: Halff and Associates  
Tetrattech  
Both engineers were contracted through TCRFC

**Project Description:** The City of Brady is working with the TCRFC to update the Hazard Mitigation Plans for Lampasas, Mason, Mills and San Saba Counties and the City of Brownwood and City of Brady. The revision of such plans are required in order to receive Federal Emergency Management Agency (FEMA) funding for disaster aid. There have been a series of 3 meetings to determine, rank and suggest mitigating actions to various hazards. The engineers assembled the revised plan and forwarded a copy to the City in December for review. A draft is available at City Hall and on the City Website for public review. A public meeting about the plan was held on March 15, 2016.

The project is being coordinated by the TCRFC with specific community information provided by City of Brady.

### Start Date/Completion Date:

Planning Started: March, 2016

### Major Activities:

Project Kickoff Meeting:	March 24, 2015
Determination of Potential Hazards:	June 30, 2015
2011 Plan Implementation Update:	August 15, 2015
Proposed 2015 Hazard Mitigation Actions:	August 15, 2015
Project Update Meeting :	September 8, 2015
City Review of Draft:	December 18, 2015
Host Public Meeting with City Council:	March 15, 2016
Review by Texas Dept. of Emergency Mgmt:	April, 2016

### Next Steps:

Review by FEMA: Underway – Completion Date has been Requested



## **NOTICE OF PUBLIC MEETING US 377 Improvement Project**

**From: US 190**

**To: US 87**

**McCulloch County, Texas**

**CSJs: 0128-04-035**

The Texas Department of Transportation (TxDOT) will conduct a Public Meeting for the purpose of soliciting public comment on the proposed improvements to US 377 from US 190 to US 87 in Brady, McCulloch County, Texas.

The proposed facility would include improvements to pavement, sidewalks (including accessibility for American with Disabilities Act requirements), drainage, and lighting. The length of the US 377 improvement project is approximately 0.62 miles. The proposed project would not require additional right-of-way.

The meeting will be held at the **City Service Center, 1405 N. Bridge Street, Brady, Texas on Thursday, July 14<sup>th</sup>, 2016**. The Public Meeting will be an Open House format between the hours of 4:30 pm and 6:30 pm. Maps showing the proposed project's location and geometric design will be available for viewing at the public meeting. This and other public information is also on file and available for public inspection at the TxDOT Brownwood District Office located at 2495 North US Highway 183, Brownwood, TX 76802. The public meeting notice and venue map will also be available online at [www.txdot.gov](http://www.txdot.gov) under Upcoming Public Hearings/Meetings.

All interested persons are invited to attend this Public Meeting and express their views on this proposed project. Written comments from the public regarding this project are requested and will be accepted for a period of 10 calendar days following the meeting. **Written comments may be submitted either in person, or by mail to: Mr. Jason Scantling, P.E., Texas Department of Transportation, Brownwood District Office, 2495 North US Highway 183, Brownwood, TX 76802.**

**Written comments must be postmarked by Monday, July 24<sup>th</sup>, 2016** to be included in the Public Meeting Summary. Persons interested in attending this meeting who have special communication or accommodation needs are encouraged to contact the TxDOT Brownwood District Public Information Office at (325) 643-0413 at least three working days prior to the meeting. Because the Public Meeting will be conducted in English, any requests for language interpreters or other special communication needs should also be made at least three (3) days prior to the Public Meeting. Every reasonable effort will be made to accommodate these needs.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.