



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 19, 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 19, 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 – July 5, 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

Zoning Ordinance P&Z Recommended Changes:

- A. Public Hearing to receive comments for or against an amendment to the City of Brady Zoning Ordinance 933 for an Infill Development Ordinance.
- B. Public Hearing to receive comments for or against an amendment to the City of Brady Code of Ordinances, Article 3.200, Dangerous Premises.
- C. Public Hearing to receive comments for or against an amendment to the City of Brady Zoning Ordinance 933 for a Cargo/Shipping Container Ordinance.
- D. Public Hearing to receive comments for or against a zoning change from Office (O) District to Commercial (C) District for property located 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Addition, as requested by Jay May.

### 7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding **first reading of Ordinance 1199** of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance, as recommended by P&Z Commission on July 12, 2016.

- B. Discussion, consideration and possible action regarding **first reading of Ordinance 1200** of the City of Brady, Texas, amendment to the City of Brady Code of Ordinances, Article 3.200, Dangerous Premises on substandard buildings, as recommended by P&Z Commission on July 12, 2016.
- C. Discussion, consideration and possible action regarding **first reading of Ordinance 1201** of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for a Cargo/Shipping Container Ordinance, as recommended by Planning and Zoning Commission on July 18, 2016.
- D. Discussion, consideration and possible action regarding **first reading of Ordinance 1202** of the City of Brady, Texas, for a zoning change from Office (O) District to Commercial (C) District for property located 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Addition, as requested by Jay May and as recommended by Planning and Zoning Commission on July 18, 2016.
- E. Discussion, consideration and possible action regarding **second and final 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 on any Saturday or Sunday).
- F. Discussion, consideration and possible action to fill alternate positions on the Board of Adjustments / Zoning Board of Adjustments (BOA/ZBA), Planning & Zoning Commission (P&Z) and to fill vacancies on the Airport Advisory Board.
- G. Discussion regarding North Bridge Street, Crothers, White Street, and Downtown 30% Design Plans by TxDOT. TxDOT US377N 30% Plans can be viewed on the City's website. Additional information is available at [http://apps.dot.state.tx.us/appscq/project\\_tracker/](http://apps.dot.state.tx.us/appscq/project_tracker/), look for *Project ID 012804035* on the gradient table and click to view project details.
- H. Discussion regarding State of Texas Local Government Code Section 504.051(c) concerning appointment, dismissal of EDC Board Members, as requested by Council Member Gendusa.
- I. Discussion regarding City Council meeting procedures and process.

## 8. STAFF REPORTS

- A. Monthly Financial Reports for June 2016
- B. Monthly Activity Reports – Seniors, Golf, BPD, Animal Control, Code Enforcement, Tourism Funding, Airport
- C. Monthly Reports for Projects - Civic Center, Davee/Dodge Heights Replat & Leases
- D. EPA – Quarterly Report – Drinking Water Project
- E. July 20 – Good News Luncheon – 11:30am, HOT Event Center
- F. Upcoming Special Events:
  - Thursdays, 4pm to 6pm – Farmers Market – Downtown Square
  - July 21- Movies in the Park - Finding Nemo at the Swimming Pool
  - July 30 – Couple's Golf Tourney
  - August 4 - Movies in the Park - Cars at Brady Lake
  - August 7 – Ladies Golf Tourney
  - August 18 - Movies in the Park - Jaws at Brady Lake
  - August 20 – Day/Night Golf Tourney
- G. August 2 – Proposed FY2017 Budget Presentation - City Council Meeting
- H. August 9 – Joint City Council / P&Z Sign Ordinance Work Session

- I. August 16 – Public Hearing for proposed Tax Rate – Regular City Council Meeting
- J. August 23 – Public Hearing for proposed Tax Rate – Special City Council Meeting

## 9. ANNOUNCEMENTS

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

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

## 10. EXECUTIVE SESSION

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

- A. 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 public comments under the Texas Open Meetings Act and legal issues with the negotiation of the contract with LCRA concerning the sale of the City's electric substations.
- B. 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.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive in the form of an ad valorem tax abatement or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective Burger King franchise.

## 11. OPEN SESSION ACTION on Any Executive Session Item listed above, if needed.

- A. Discuss, consider and possible action regarding offering a financial incentive in the form of an ad valorem tax abatement for a Burger King franchise to locate within the City.

## 12. ADJOURNMENT

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

Tina Keys, City Secretary

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

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, July 5, 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, Kathy Gloria, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, City Attorney Shannon Kackley, Director of Public Works Steven Miller, Director of Community Services Peter Lamont, City Secretary Tina Keys, and Police Chief Steve Thomas. Others in attendance were Charlotte and John Harper, Lynn Farris, James Stewart, Trooper Smith and Coby Gee.

#### **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 Gendusa 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 5-0 vote.

#### **4. APPROVAL OF MINUTES for June 21, 2016**

Council Member Gendusa moved to approve the minutes. Motion was seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 5-0 vote.

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

Shelly Perkins said she was asked by residents to inquire on their behalf about City Lake Lot Leases in Davee and Dodge Heights. She stated citizens are wanting to pay their annual lease payments but were told they can't pay them yet. She requested a status update. City Manager Lenoir replied that the property is being resurveyed. Perkins said the "billing girls are telling people they don't know when they will be billed" and Perkins asked for a deadline. Lenoir reiterated we are waiting on surveyor and the re-platting process, likely another 6 months. Perkins suggested that we notify those citizens of the status.

Charlotte Harper shared that on May 23<sup>rd</sup>, she suffered a major seizure. She expressed gratitude to EMS crew that responded and drove her to San Angelo, as helicopter service were not available due to inclement weather. Chief Daniel met ambulance in Eden and rode to San Angelo. They saved her life. Specifically she thanked Lynne White, Jaron Shahan, David Pegues, Priscilla Campbell, and Lyle Daniel. She recognized and thanked all the caring individuals of the Brady EMS, reminding Brady how blessed we are to have this service.

#### **6. PRESENTATIONS AND PUBLIC HEARINGS**

- A. Wastewater Treatment Plant Replacement Project Plans – Freese and Nichols, Inc. Trooper Smith presented to Council.

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

- A. Discussion, consideration, and possible action regarding 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. Steve Miller presented to Council. After discussion amongst counsel members, Council Member Gloria moved to approve Resolution 2016-033. The motion was seconded by Council Member Perkins. All council members voted "aye" and none "nay". Motion carried in a 5-0.

- 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 - Thursday and 12:01am to 6:00am Fridays and Saturdays). Council Member Perkins commented on the need to renumber page 1 of 5, add Number 2 and renumber for a total of 10 sections and on page 5 of 5, section 11, "or its caption" – thinks the caption is not sufficient. Mayor Groves stated charter requires you publish the caption or the whole ordinance. Council Member Perkins would like more than the caption published. Mayor Groves clarified you can add more than just the caption. We can direct staff to add other clarification. Council Member Gendusa suggested we put the whole 5 pages on the website and Council Member Gloria would like to inform our citizens in the news media to let the people know why the ordinance is important for our children's safety. Chief Thomas would also like to educate the public and is committed to that. Council Member Gendusa moved to approve the first reading of Ordinance 1198. The motion was seconded by Council Member Griffin. Four Council Members voted "aye" and one "nay" with Council Member Huffman voting against. Motion carried in a 4-1 vote.
- C. Discussion consideration and possible action to fill vacancies, expired terms and alternates on Brady Economic Development Corporation (BEDC), Board of Adjustments / Zoning Board of Adjustments (BOA/ZBA), Airport Advisory, Charter Commission, and Planning & Zoning Commission (P&Z). Mayor Groves commented there is not an available spot on the board applied for the one candidate and the other candidate is not qualified since he lives in the county but would like to invite Dale Scott to participate in meetings until we look at our handbook and change the rules. Kim Lenoir commented that Dale Scott lives in Mason County, but he does own a business in town. We could change in the Board Handbook, to reflect if a candidate has a business in the city, they would qualify.
- D. Discussion regarding City Council meeting procedures and process. Mayor asked for opinions on how the meeting went – most were thumbs up. Council Member Perkins would like to point out in Ordinance 1126, Section 1.603, E. Public Participation, Item 8 about stopping a citizen who makes a "verbal assault" comment, she would like to see that done by the Mayor, if necessary. Mayor agreed he would be prepared to do so.

## 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 FY17 Budget Work Sessions – DRT Community Room and now moving July 12 meeting to July 13, 9am to 4pm, if available, at Brady Housing Authority
- 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, 1-3pm only and July 18, TBD, if needed, 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

Jim Griffin was impressed with the fireworks show & recognized Brady Community Involvement Committee.  
Lynn Farris was impressed with all the City departments turning out for the July Jubilee Parade  
Kathy Gloria has also heard compliments about the fireworks and the City participation in the parade  
Marilyn Gendusa heard compliments as well, Electric Department Trailer was outstanding.

#### 10. EXECUTIVE SESSION

Council closed open session at 8:41 p.m. and took a break before going into Executive Session.

Council reconvened into Executive Session at 8:51 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 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.

Executive Session adjourned at 10:00 p.m.

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

Mayor reconvened open session at 10:01 p.m. No action was taken as a result of executive session.

#### 12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 10:02 p.m.

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

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

STATE OF TEXAS

COUNTY OF MCCULLOCH

CITY OF BRADY

Minutes Pg 1

The Planning and Zoning Commission held a regular meeting on July 12, 2016 at 5:30 P.M. at the Brady Service Center located at 1405 North Bridge, Brady, Texas. Planning and Zoning Members present were Ronnie Aston, Amy Greer, Tom Flanagan, Jeff Bedwell, and Jeffrey Sutton. Staff members present were Kim Davee, Ronnie Roberts, City Manager Kim Lenoir, Peter Lamont, Mayor Anthony Groves.

#### **CALL TO ORDER, ROLL CALL, AND CERTIFICATION OF A QUORUM**

The Meeting was called to order at 5:30 P.M. Kim Davee called roll and a quorum was certified with five members present.

#### **APPROVAL OF MINUTES**

Amy Greer made a motion to approve the minutes of the meeting on June 14, 2016. Jeff Bedwell seconded the motion. All members voted "aye and none "no". Motion carried.

#### **Public Hearing**

##### **A Public Hearing to receive comments for or against an amendment to the City of Brady Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance**

The public hearing was opened at 5:32 P.M. No comments were made. The public hearing was closed at 5:34 P.M.

##### **A Public Hearing to receive comments for or against an amendment to the City of Brady Zoning Ordinance 933 for a Cargo/Shipping Container Ordinance**

The public hearing was opened at 5:34 P.M. No comments were made. The public hearing was closed at 5:35 P.M.

##### **A Public Hearing to receive comments for or against an amendment to the City of Brady Code of Ordinances, Article 3.200, Dangerous Premises on substandard buildings**

The public hearing was opened at 5:35 P.M. No comments were made. The public hearing was closed at 5:36 P.M.

#### **INDIVIDUAL CONCERNS**

Discussion, consideration, and possible recommendation to City Council on an amendment to the City of Brady Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance

Jeffrey Sutton made a motion to make a recommendation to City Council to approve the amendment to the Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance.

**Discussion, consideration, and possible recommendation to City Council on an amendment to the City of Brady Zoning Ordinance 933 for a Cargo/Shipping Container Ordinance**

The discussion was tabled for recommended revisions to the Ordinance and will be rescheduled for the next P&Z Meeting.

**Discussion, consideration, and possible recommendation to City Council on an amendment to the City of Brady Code of Ordinances, Article 3.200, Dangerous Premises on substandard buildings**

Jeff Bedwell made a motion to recommend to City Council approval of the amendment to the Code of Ordinance, Article 3.200, Dangerous Premises. Amy Greer seconded the motion. All members voted "aye" and none "no".

#### **STAFF REPORTS**

Peter Lamont discussed the upcoming August 9<sup>th</sup> work session with City Council. P&Z was informed of the Public Hearing scheduled for July 18<sup>th</sup>.

#### **ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 6:15 P.M.


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Ronnie Aston  
Vice - Chairperson

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Kimberly Davee  
Secretary

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

<b>AGENDA DATE:</b>	07/19/2016	<b>AGENDA ITEM</b>	7.A
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>first reading of Ordinance 1199</b> of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance, as recommended by P&Z Commission on July 12, 2016.		
<b>PREPARED BY:</b>	Kimberly Davee	<b>Date Submitted:</b>	07/13/2016
<b>EXHIBITS:</b>	Infill Development Ordinance #1199 P&Z Recommendation		
<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:**

The purpose of the Overlay District for infill development is to allow amended requirements for certain structures within Single-Family Residential and Manufactured Home District zoning. The amended requirements only pertain to lots platted prior to 1980 or transferred by metes and bounds before 1980. The amended requirements give these structures and/or vacant lots with aforementioned criteria certain allowable variances from the base zoning requirements as specified in the ordinance.

Planning and Zoning Commission has discussed infill development needs and desires for several months. P&Z held a public hearing July 12, 2016, and now recommends this ordinance to City Council.

**RECOMMENDED ACTION:**

It is recommended that City Council approve the first reading of Ordinance as recommended by the Planning and Zoning Commission.

**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 1199

## **ORDINANCE NO. 1199**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING THE CITY OF BRADY ZONING ORDINANCE ADOPTED ON MAY 7, 2003 BY AMENDING ORDINANCE 933, SUBDIVISIONS**

**WHEREAS**, the City of Brady has numerous undeveloped properties within established neighborhoods; and,

**WHEREAS**, the City of Brady wishes to promote construction of new homes in these neighborhoods; and,

**WHEREAS**, the City of Brady wishes to allow new homes to reflect the character and architecture of the established neighborhood.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS;** that an Infill Ordinance grant variance from City Building Code be established, permitting for exempted setback and exterior construction material requirements.

#### **7.9 Infill of existing neighborhoods**

The overlay district shall be in effect in all areas of the City of Brady and made a part hereof.

It is provided that within said area, the existing (or as then amended) base zoning will remain in effect, and will control the USE of the property. This section does not change the USE of the property, only the structures that may be placed on it. The base zoning still applies to structures, except as amended by this ordinance.

Property, in order to qualify under this Section 26.B, must consist of lots initially platted prior to 1980 or transferred by metes and bounds before 1980, AND be located within the Single-Family Residential and Manufactured Home District.

The following is allowed on qualifying property:

1. The front yard setback must be within five (5) feet of the average of each structure that is within fifty (50) feet from the buildable lot, as measured from the front building plane, and not including porches.
2. Maximum lot coverage is eighty percent (80%).
3. Side yards will be ten percent (10%) of lot width.
4. The massing, scale, and materials shall be appropriate to the neighborhood and porches may be required, which requirements can be set with the City staff by written approval; however, their ruling may be appealed to the Planning and Zoning Commission. (P&Z)
5. In no situation will a house be less than ten (10%) percent of the average of square footage area of houses to each side and directly across the street, but not less than 800 square feet.
6. Two off-street parking areas behind the front building plane are required, any garage that is built shall not have a door facing the right-of-way, unless set back from the front of the building plane at least five (5') feet.
7. Garages will not be required if three bedrooms or less.

8. Material for driveway may be permeable behind the front building plane with approved driveway section and material.
9. Minimum lot size—Similar sizing to adjacent lots, flexible depending on surrounding lots. In no situation will a lot be less than ten (10%) percent less than the square footage area of adjacent lots on each side and directly on the other side of the street.
10. A residential Planned Development District (PDD) may be any size in this overlay district, if approved for a Specific Use Permit (SUP).
11. Garage Dwelling Units may be allowed with SUP in SF-5 and SF-10.
12. Duplexes on corner lots must have entrances facing one to each street.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

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Anthony Groves, Mayor  
CITY OF BRADY

ATTEST:

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Tina Keys, City Secretary  
STATE OF TEXAS  
COUNTY OF MCCULLOCH  
CITY OF BRADY

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

<b>AGENDA DATE:</b>	07/19/2016	<b>AGENDA ITEM</b>	7.B
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>first reading of Ordinance 1200</b> of the City of Brady, Texas, amendment to the City of Brady Code of Ordinances, Article 3.200, Dangerous Premises on substandard buildings, as recommended by P&Z Commission on July 12, 2016.		
<b>PREPARED BY:</b>	Kimberly Davee	<b>Date Submitted:</b>	07/13/2016
<b>EXHIBITS:</b>	Dangerous Premises Ordinance #1200 P&Z Recommendation		
<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:**

This ordinance will amend the procedures of the current Dangerous Building ordinance to allow the Zoning Board of Adjustment to have the authority to act on substandard buildings.

P&Z Commissioners have been reviewing and discussing this ordinance for many months. City Council held a work session on the proposed ordinance on June 14, 2016. P&Z held a public hearing on July 12, 2016 and now recommends approval by City Council.

The Code Compliance staff work plan is to immediately address vacant dangerous structures with back taxes owed and absentee landowners.

**RECOMMENDED ACTION:**

It is recommended that City Council approve first reading of Ordinance as recommended by the Planning and Zoning Commission.

**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 1200

**ORDINANCE NO. 1200**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING THE CITY OF BRADY CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS BY AMENDING ARTICLE 3.200, TITLED DANGEROUS PREMISES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, Chapter 214 of the Texas Local Government Code allows the City to require the vacation, relocation of occupants, securing, repair, removal, and demolition of a building that is dilapidated, substandard, unfit for human habitation, or a hazard to the public health, safety, and welfare; and

**WHEREAS**, Article 3.200 of the City's Municipal Code of Ordinances regulates dangerous and substandard premises and establishes procedures to remove and demolish dangerous and substandard premises; and

**WHEREAS**, the City Council has determined that the safety, health and welfare of the citizens and general public require amendments to Article 3.200 of the Code of Ordinances to regulate dangerous and substandard premises; and

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

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

**Section 2. Amendment to Municipal Code of Ordinances.** The City of Brady's Municipal Code of Ordinances, Chapter 3 (entitled "*Building Regulations*"), Article 3.200 (entitled "*Dangerous Premises*") is hereby amended and replaced with Article 3.200 contained in Exhibit A.

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

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

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

**Section 6. Effective Date.** This Ordinance shall be in full force and effect on \_\_\_\_\_, 2016.

PASSED AND APPROVED ON FIRST READING on this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

PASSED AND APPROVED ON SECOND READING on this \_\_\_\_\_ day of \_\_\_\_\_ 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.

**EXHIBIT A**

## ARTICLE 3.200 DANGEROUS PREMISES

### Sec. 3.201 Definitions

As used in this article, the following terms are defined as follows:

Appraised value. The value given the structure by the county tax assessor's office.

Building. Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

Building Inspector. The person appointed by the city to conduct periodic inspections of buildings and structures to insure that the same are being maintained in a manner consistent with prescribed building codes of the city and not in violation of this article.

City. The City of Brady, Texas.

City Council. The governing body of the City of Brady.

Diligent Effort. Best or reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee including a search of the following records:

- (1) County real property records of the county in which the building is located;
- (2) Appraisal district records of the appraisal district in which the building is located;
- (3) Records of the secretary of state;
- (4) Assumed name records of the county in which the building is located;
- (5) City tax records; and
- (6) City utility records.

Minimum Housing Standards. Those standards found in the city's adopted standard building, electrical, plumbing, gas, mechanical, existing building and fire prevention codes and any other housing and structure regulations adopted under Chapter 214, Local Government Code.

Owner. Any person, agent, firm, corporation, or other entity named in the real property records of the county where the building is located as owning the property.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, or any part thereof.

### Sec. 3.202 Purpose

This dangerous premises article is adopted so that the city council may promote the public health, safety, and general welfare within the city through the regulation of substandard and dangerous buildings or structures. By requiring the repair or demolition of substandard and dangerous buildings and structures, the city council seeks to protect property values and prevent bodily injury, death, and property damage within the city limits.

**Sec. 3.203      Securing vacant structures.**

No owner or person having charge of any unoccupied building or structure within the city shall leave said building or structure unlocked, un-boarded, or otherwise unsecured so that unauthorized persons may enter said building or structure. An unsecured building or structure shall constitute prima facie evidence of a condition of immediate danger to the building or structure and adjoining buildings or structures, and the building inspector shall immediately notify the owner of the unsecured building or structure to secure the same, and if the building or structure is not secured within seventy-two (72) hours after the date of issuance of notice to the owner or person in charge of the building or structure, the building inspector is authorized to secure the building or structure at the expense of the owner or person in charge of said building or structure, the cost of expense of the work required to secure the building or structure to be charged against the owner of the property as provided by state law.

**Sec. 3.204      Substandard premises**

A premises is substandard under this article if any one or more, in any combination, of the following conditions exists on the premises:

- (1) Inadequate sanitation.
  - (a) Lack of a bathroom or the existence of an improper bathroom lacking connections to an approved water supply and adequate sanitary sewer or septic system.
  - (b) Lack of or an improper kitchen including water, drainage and UL Listed equipment for cooking or warming
  - (c) Lack of hot and cold running water to plumbing fixtures.
  - (d) Lack of or improper required heating, mechanical ventilation or electric facilities.
  - (e) Lack of required amounts of natural light and ventilation and means of egress that constitute a fire hazard.
  - (f) Lack of or improper space or floor area as defined by City Ordinance 933.
  - (g) Lack of required electrical lighting.

- (h) Dampness of habitable space as evidenced by condensate dripping, mold and or mildew.
- (i) Infestation of insects, vermin or rodents.
- (j) The existence of dead trees, tree limbs, holes, excavations or other conditions reasonably capable of causing injury to a person.
- (k) Lack of or improper connection to required sewage disposal.
- (l) Lack of or improper garbage and rubbish storage and removal facilities.
- (m) Lack of or improper drainage so as to prevent standing or stagnant water on the premises that allows the breeding or the attraction of insects, vermin or rodents.

**Sec. 3.205 Violations; application; penalty and report of inspections**

(A) The owner of a premises that is substandard commits an offense. The occupant of a substandard premises commits an offense if the occupant causes or has caused the premises to be substandard.

1. An owner of a premises remains liable for violations of this article even though an occupant of those premises is responsible for the premises and regardless of any agreement between the owner and another that imposes or attempts to delegate responsibility for the premises to the other.

(B) It shall be a violation for an owner or occupant of a premises or multifamily dwelling to occupy, or allow the occupation of, any structure or building that has been placarded as substandard by the city.

1. Unless otherwise specified in this article, no culpable mental state is required for the commission of an offense under this article.

(D) In addition to imposing a criminal penalty, the city shall have the power to enforce any provision of this article and any applicable provision of this Code under the provisions of subchapters B and C of chapter 54 of the Texas Local Government Code. No enforcement remedy shall be exclusive of any other remedy the city may have under state law or city ordinances.

1. Whenever a routine inspection is made for an alleged violation at a premises or multifamily dwelling, the findings shall be recorded on a form approved by the city. The owner or property manager or other person in charge of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violations has been given to an owner when a copy of the inspection report: (1) is delivered in person to any owner, manager, or person in charge of the property; or (2) two days after the copy of the inspection report is deposited

with the US Postal Service, addressed to any owner, manager, or person in charge of the property, with proper postage affixed. The inspection report may establish violation categories as defined in Section 3.204, which shall be corrected within a time as established in subsection 3.205F.

(E). The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(F) A violation listed in a notice of violation shall be corrected in accordance with the time specified in the notice of violation, subject to the following:

- (1) A life-safety violation shall be corrected within 24 hours of the issuance of the notice of violation;
- (2) A minimum of 72 hours shall be allowed for the correction of a critical violation; and
- (3) A minimum of 30 days shall be allowed for the correction of a noncritical violation.

#### **Sec. 3.206 Termination of utility services**

The city may initiate termination of utility services, or place a hold on reconnecting or reinstating utility services that have been terminated, as the case may be, to or for a dwelling unit or premises that is substandard, or unfit for human occupation by certifying, in writing, that the dwelling unit or premises is substandard or unfit for human occupation.

#### **Sec. 3.207 Declaration of Nuisance**

Any building or structure requiring repair, removal, or demolition, as described and defined in this article and all buildings or structures within the city which because of their condition are unsafe, unsanitary, substandard, or otherwise dangerous to the health, safety, and general welfare of the citizens of the city are hereby declared to be a public nuisance and unlawful and subject to the provisions of this article in addition to the other provisions in this code of ordinances. Such unsafe, unsanitary, substandard, and dangerous conditions include, but are not limited to the other portions of Chapter 3 of the city code of ordinances regarding building, electrical and plumbing regulations, Chapter 8 of the city code of ordinances regarding repair, removal or demolition of nuisances, Chapter 13 of the city code of ordinances regarding utilities, and any other provision in the city code of ordinances.

#### **Sec. 3.208 Inspection**

An inspection shall be made of every building located within the city which is suspected of being in violation of this article. The building inspector, or his or her official designee, is hereby authorized to conduct inspections of buildings suspected of being in violation of this article and take such actions as may be required to enforce the provisions of this article.

### **Sec. 3.209 Adoption of the Uniform Code for the Abatement of Dangerous Buildings**

The Uniform Code for the Abatement of Dangerous Buildings, 1994 edition published by the International Conference of Building Officials is adopted, incorporated by reference into this section in its entirety, and the city secretary will make available relevant provisions at the request of any citizen of the city.

### **Sec. 3.210 Duties of Building Inspector**

The building inspector shall perform the following duties:

- (1) Inspect or cause to be inspected periodically all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial manufacturing or loft buildings or tents for the purpose of determining whether conditions exist which render any such place a dangerous premises within the terms of this article;
- (2) Inspect any premises, building, wall or structure about which complaints have been filed by any person to the effect that such premises or building, wall or structure is or may be existing in violation of this article;
- (3) Inspect any premises, building, wall or structure reported by the health, fire or police department of this city as possibly existing in violation of the terms of this article;
- (4) Inspect any premises, building wall or structure which he has reason to believe may be in violation hereof;
- (5) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such premises, at their last known address as shown by the records of the assessor and collector of taxes of the city, of any premises found by him to be dangerous premises within the standards set forth in this article, that:
  - (A) The owners shall vacate, repair or demolish such building in accordance with the terms of the notice and this article;
  - (B) The occupant or lessee shall vacate such building or have it repaired in accordance with the notice and remain in possession;
  - (C) The mortgagee, agent or other person having an interest in such building may at his own risk repair, vacate or demolish the building or have such work or act done; provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided herein.

(6) Set forth in the notice provided for in subsection (5) of this section a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building; and a statement requiring the building to be put in such condition as to comply with the terms of this article within such time as is reasonable, as long as that time is not longer than 30 days;

(7) If the owner, occupant, mortgagee or lessee fails to comply with the notice provided for in subsection (5) above within 30 days, report the condition to the city attorney giving him or her a copy of the notice described in subsections (5) and (6) hereof. The city attorney shall then take any necessary action to secure compliance with the order of the building inspector provided in subsection (1) of this section, and in particular shall proceed as provided in Sections 3.211 and 3.212, taking additional steps to determine the names and addresses of persons having an interest in the premises.

### **Sec. 3.211 Determination**

The following standards shall be utilized in determining whether a building should be ordered repaired, removed or demolished:

- (1) The building or structure is liable to partially or fully collapse.
- (2) The building or structure was constructed or maintained in violation of any provision of the city's building code, or any other applicable ordinance or law of the city, county, state, or federal government.
- (3) Any wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third (1/3) of its base.
- (4) The foundation or the vertical or horizontal supporting members are twenty-five (25) percent or more damaged or deteriorated.
- (5) The nonsupporting coverings of walls, ceilings, roofs, or floors are fifty (50) percent or more damaged or deteriorated.
- (6) The structure has improperly distributed loads upon the structural members, or the structural members have insufficient strength to be reasonably safe for the purpose used.
- (7) The structure of any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare.
- (8) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city.

(9) The structure has inadequate facilities for egress in case of fire or other emergency or has insufficient stairways, elevators, fire escapes or other means of ingress or egress.

(10) The structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease.

(11) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to failure to comply with any provision in Chapter 13 of the city code ("Utilities").

(12) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to a nuisance that constitutes an unsanitary condition on property as defined in Section 8.106 of the city code.

(13) The structure or premises is substandard.

#### **Sec. 3.212 Standard for Vacation**

If a dangerous or substandard premise is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be vacated.

#### **Sec. 3.213 Standard for Repair**

If a dangerous or substandard premise can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall be ordered remedied or repaired. Repairs will only be deemed feasible if less than 50% of the appraised value as determined by the McCulloch County Appraisal District value or structure of the building is required to be repaired or replaced.

#### **Sec. 3.214 Standard for Demolition**

In any case where a dangerous or substandard building is fifty (50) percent or more damaged, decayed or deteriorated from its value or structure, it shall be demolished, and in all cases where a building cannot be repaired to meet the standards and provisions in this article, it shall be demolished.

#### **Sec. 3.215 Notice of Violation**

(a) *Notice to property owner.* Whenever the building inspector determines that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given to the property owner in the manner prescribed in section 3.218(c) for the violation. The notice and order shall:

(1) Inform the property owner of the right to appeal, specifically:

(i) that any person having recorded title or legal interest in the building or structure may appeal from the notice and order or any action of the building inspector to the zoning board of adjustment; provided the appeal is made in writing as provided in this article and filed with the building inspector within thirty (30) days from the date of service of such notice and order; and

(ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and termination of the matter.

(2) Include a statement of the city's right to file a lien.

(3) Include statements advising that if any required repair or demolition work, is not commenced within the specified time, the building inspector may order the building vacated and posted to prevent further occupancy until the work is completed.

(b) *Placarding of Structures.* Upon any vacant structure being deemed dangerous by the building inspector, the building inspector shall cause to be posted on each entrance to such structure a placard including, but not limited to, the following language:

"Do Not Enter, Unsafe to Occupy. It shall be unlawful for any person to enter such structure except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit, and under inspection by inspectors of the city. This notice shall remain on this building until it is repaired or demolished."

It shall be unlawful for any person to enter any structure marked by such placard, except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit, and under inspection by inspectors of the city. Such placard shall remain on the structure until it is repaired or demolished, or until removed by the building inspector.

#### **Sec. 3.216      Recordation of notice and order by the building inspector.**

If compliance with a notice and order described by section 3.211 is not secured within the time specified therein, and no appeal has been timely and properly filed, the building inspector may file in the deed records of the office of the county clerk a certificate describing the property and certifying that the building or structure has been determined to be a dangerous or substandard building or structure by the building inspector and that the owner has been so notified. Whenever the corrections ordered shall thereafter be completed or the building or structure demolished or that all required corrections have been made so that the building or structure is no longer dangerous, whichever is appropriate.

#### **Sec. 3.217      Emergency measures authorized by the building inspector.**

- (a) *Temporary safeguards.* Notwithstanding other provisions of this division, whenever, in the opinion of the building inspector, there is imminent danger due to an unsafe condition, the building inspector shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building inspector deems necessary to meet such emergency.
- (b) *Closing streets.* When necessary for public safety, the building inspector shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.
- (c) *Emergency repairs.* For the purposes of this section, the building inspector shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (d) *Costs of emergency repairs.* Costs incurred in the performance of emergency work may be paid by the city. The city attorney may institute appropriate action against the owner of the premises for the recovery of such costs.
- (e) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the zoning board of adjustment, be afforded a hearing as described in this article.

**Sec. 3.218 Appeals from orders of building inspector.**

- (a) *Form of appeal.* Any person entitled to service of a notice issued pursuant to section 3.211 may appeal from any notice and order or any action of the building inspector under this division by filing at the office of the building inspector a written appeal and filing fee as determined by the city council and on file in the office of the city secretary. The appeal shall contain the following:
  - (1) A heading in the words: "Before the Zoning Board of Adjustment of the City of Brady, Texas";
  - (2) A caption reading: "Appeal of \_\_\_\_\_," giving the names of all appellants participating in the appeal;
  - (3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;
  - (4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
  - (5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;

- (6) The signatures of all parties named as appellants and their official mailing addresses; and
- (7) The verification, by declaration under penalty of perjury, of at least one (1) appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within thirty (30) days from the date of the service of such order or action of the building inspector; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or adjacent property and is ordered vacated and is posted in accordance with sections 3.208 and 3.211, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the building inspector.

- (b) *Processing of appeal.* Upon receipt of any appeal filed pursuant to this article and receipt of the filing fee, the building inspector shall present the appeal at the next available regular or special meeting of the zoning board of adjustment.
- (c) *Scheduling and noticing appeal for hearing.* As soon as practicable after receiving the written appeal, the zoning board of adjustment shall fix a date, time and place for the hearing of the appeal by the zoning board of adjustment. Such date shall be not less than ten (10) days, or more than sixty (60) days, from the date the appeal was filed with the building inspector. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

#### **Sec. 3.219      Scope of hearing on appeal.**

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal as provided in this article.

#### **Sec. 3.220      Staying of order under appeal.**

Except for vacation orders made pursuant to section 3.208, enforcement of any notice and order of the building inspector issued under this article shall be stayed during the pendency of an appeal therefrom which is timely and properly filed.

#### **Sec. 3.221      Order to repair, vacate, remove or demolish.**

The following standards shall be followed by the building inspector or by the zoning board of adjustment regarding any order to repair, vacate, remove, or demolish substandard or dangerous buildings or structures:

- (a) When, in the opinion of the building inspector;
  - (1) There is imminent danger of failure or collapse of a building or structure which endangers life;

- (2) When any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or
- (3) When there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building inspector is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.

(b) If the building inspector has determined that the building or structure constitutes an immediate danger and must be vacated, the order shall require that the building or structure to be vacated before a date certain, as determined by the building inspector to be reasonable, but not to exceed ten (10) days.

(c) If the building or structure is in a dangerous or substandard condition, but does not present an immediate threat to the life, limb, property or safety of the public or its occupants, the deadline to vacate may be extended to not less than sixty (60) days from the date of the order.

(d) Any building or structure declared dangerous or substandard under this article shall be repaired or demolished in accordance with the current building code or current code applicable to the type of substandard condition(s) requiring the repair, or demolition, as follows:

- (1) If in the opinion of the building inspector, the repair is not feasible, the zoning board of adjustments may issue an order to demolish and remove such structure; or
- (2) If such structure is capable of being made safe by repairs, then the building inspector or the zoning board of adjustment may issue an order to repair and make safe and sanitary, provided that the owner agrees to the following conditions, which will also be listed in the order:
  - (i) He or she exclusively assumes all risk, expense, and responsibility for ensuring that all legal requirements and standards are fully and strictly satisfied within the strict time constraints of the order, regardless of whether such standards are required under the code of ordinances or any other law.
  - (ii) Neither the city, nor its staff, assume any responsibility for identifying these standards, nor for guiding the owner towards a timely, successful, or feasible repair.
  - (iii) Neither the city, nor its staff, warrant, assure, represent or recommend that timely, compliant, affordable, complete, or satisfactory repairs are feasible, or even possible, whether under ideal circumstances or in the face of hidden, unforeseen, or unforeseeable circumstances.
- (3) Any building permit for repairs is strictly conditioned:
  - (i) Upon the limitations set forth in the order;

- (ii) Upon application of the current code standards to any repair;
  - (iii) Upon the owner's expressed assumption of his or her exclusive responsibility for strict, timely, and complete compliance with these restrictions; and
  - (iv) Upon the owner's understanding and acceptance that the order could be strictly applied to authorize demolition of the structure if repairs are not timely and completely completed, regardless of any cause, condition, or circumstance, even if unforeseen or unforeseeable, regardless of any other statement or representation made by the city, or its staff; regardless of time, money or effort already invested into the repairs upon expiration of the time allocated for repairs, and regardless of the amount of progress made toward completion upon expiration of the time allocated for repairs under the order.
- (4) If an order has been issued to allow repairs, the owner still retains the option to demolish or remove the structure for which the order has been issued.
  - (5) Upon any structure deemed dangerous and/or substandard by the building inspector, the building inspector shall cause to be posted at each entrance to such structure, a placard including, but not limited to, the following language:

"Do Not Enter, Unsafe to Occupy. It shall be unlawful for any person to enter such structure except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit and under inspection by inspectors of the City of Brady. This notice shall remain on this building until it is repaired or demolished."

It shall be unlawful for any person to enter any structure marked by such a placard, except for persons authorized by the owner to enter for the purpose of securing the structure or making the required repairs therein under permit, and inspectors of the city. Such placard shall remain on the structure until it is repaired or demolished, or until removed by the building inspector.

**Sec. 3.222 Public hearing required for order of demolition.**

(a) *Hearing required.* In cases where the building inspector has determined that a building or structure should be demolished, a public hearing before the zoning board of adjustment shall be held, regardless of whether an appeal from such determination has been filed.

(b) *Diligent effort must be made to locate the owner, lien holder, or a mortgagee on the property.*

(c) *Notice of hearing.* Notice of the hearing shall be given as in cases where an appeal has been filed. In addition, the secretary of the zoning board of adjustment shall cause a notice to be published in the official newspaper of the city at least ten (10) days prior to the scheduled hearing date. The published notice shall be directed to any person having any interest in the property, stating the names of such persons, if known. The notice shall include the following:

- (1) The names of all persons to whom notice is being served;
- (2) The street address and a legal description sufficient for identification of the premises upon which the structure is located;

- (3) The date of inspection;
- (4) The nature of the violation(s);
- (5) A statement that the building inspector has found the building or structure located thereon to be dangerous and/or substandard and constitutes a hazard to the health, safety, and welfare of the citizens;
- (6) A statement that a public hearing will be held before the zoning board of adjustment on a date and time and at a place therein specified to determine whether the building or structure should be demolished in accordance with the notice and order of the building inspector; and
- (7) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the article and the time it will take to reasonable perform the work.

(d) *Nuisance determination required to demolish.* A notice and order to demolish a building or structure shall be issued only in those cases where the zoning board of adjustment after the hearing has determined that the building or structure is dilapidated, substandard, dangerous, or unfit for human occupancy, does not meet minimum standards, and that the building or structure constitutes a nuisance, in so far as it is a hazard to the health, safety and welfare of the public and the occupants.

(e) *Notice of demolition.* Notice of demolition shall be by the following methods within ten (10) days after the date that the order of the zoning board of adjustment is issued:

(1) *Notice by mail.* Whenever the zoning board of adjustment has determined that a building should be demolished, the zoning board of adjustment's notice and order shall be sent to all record owners, interested parties of record or other persons known to have an interest in the property informing such persons of the zoning board of adjustment's determination and that, pursuant to the determination, the building will be demolished. The notice shall state that the costs of demolition shall be assessed against the property. All notices shall be sent by registered or certified mail, return receipt requested.

(2) *Notice by publication.* In addition to the notice provided for in subsection (e)(1) of this section, the building inspector shall cause to be published in the official newspaper of the city, a notice of the zoning board of adjustment's determination. The notice shall contain:

- (i) The street address or legal description of the property;
- (ii) The date of the hearing;
- (iii) A brief statement indicating the results of the order;
- (iv) Instructions stating where a complete copy of the order may be obtained; and
- (v) A statement that the building or structure on the premises will be demolished and that the cost of demolition will be assessed against the property.

(3) A copy of the order shall be filed with the office of the city secretary.

(4) A copy of the order shall be filed with the county clerk.

**Sec. 3.223 Appeal**

The owner, lienholder, or mortgagee shall have the right to appeal the decision made by the zoning board of adjustment to a district court. A notice of appeal must be filed with the district court within thirty (30) calendar days from the date the order is mailed to the owner, lienholder or mortgagee, as provided herein.

**Sec. 3.224 Assessment of Lien**

(a) When the city incurs expenses to repair, remove, or demolish a building, the city may assess the expenses on and obtain a lien against the property on which the building is located, unless it is a homestead as protected by the Texas Constitution. The lien arises and attaches to the property when the city has the lien recorded and indexed with the county clerk in which the property is located. The notice shall contain:

- (1) The name and address of the owner, if that information can be determined with a reasonable effort;
- (2) A legal description of the real property on which the building was located;
- (3) The amount of expense incurred by the city;
- (4) The balance due; and
- (5) The date on which said work was done or improvements made.

(b) The city shall have a privileged lien on such lot, lots, or other premises or real estate upon which said building was located, to secure the expenditure so made, second only to other liens as provided by law. It is further provided that for any such expenditure suit may be instituted and foreclosure of said lien may be made in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or expense.

(c) The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses.

**Sec. 3.225 Penalty for Violation of This Article**

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law.

- (1) Civil Remedies.

(A) A property owner violating any provision of this article shall, upon conviction, be fined a sum not exceeding one thousand dollars (\$1,000.00) for each and every day of violation, or, if the owner shows the property is the owner's lawful homestead, in an amount not to exceed ten dollars (\$10.00) per day for each violation, provided that:

(i) The owner was notified of the requirements of the article and the owner's need to comply with the requirements; and

(ii) After notification, the owner committed an act in violation of the article or failed to take action necessary for compliance with the article.

(B) If such a civil penalty is assessed, the city secretary shall file a certified copy of the order containing such amount and duration of the penalty with the county district clerk's office no later than three (3) working days after such order.

(2) Other Remedies.

(A) The remedies provided in this section shall be available to the city in addition to any penal or other remedy provided by law or equity which the city, state, or any other person may provide to remedy the unsafe building condition.

(B) The city may bring a civil action in a court of competent jurisdiction to collect the amount due plus all associated costs and fees.


**Sec. 3.226 Administrative Liability**

Neither the city, zoning the board of adjustment, nor any authorized agent acting under the terms of this article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article. Any suit brought against any officer, agent, board member, or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney until the final determination of proceedings therein.

**Sec. 3.227 Duties of Other Departments**

The heads of the fire, police, public health and other city departments shall make prompt reports in writing to the building inspector of all buildings or structures which are, may be or are suspected to be dangerous premises within the terms of this article and the code of ordinances of the city.

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

<b>AGENDA DATE:</b>	07/19/2016	<b>AGENDA ITEM</b>	7.C
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>first reading of Ordinance 1201</b> of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for a Cargo/Shipping Container Ordinance, as recommended by Planning and Zoning Commission on July 18, 2016.		
<b>PREPARED BY:</b>	Kimberly Davee	<b>Date Submitted:</b>	07/13/2016
<b>EXHIBITS:</b>	Cargo/Shipping Container Ordinance #1201 P&Z Recommendation		
<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:**

Currently, the Zoning Ordinance does not allow for Cargo/Shipping containers in any zoning districts. Since there are no regulations for these containers, the City would like to be able to regulate where, when and how long they can be placed on a property. The Cargo/Shipping Container Ordinance will allow these containers in certain areas permanently and in certain areas temporarily.

P&Z has discussed and reviewed the ordinance for many months. On July 12, 2016, a public hearing was held and no public comments were received. With another suggested revision, P&Z will review the revised version July 18, 2016.

**RECOMMENDED ACTION:**

If approved and recommended by P&Z, staff recommends the first reading by City Council.

**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 1201

## ORDINANCE NO. 1201

**AN ORDINANCE OF THE CITY OF BRADY, MCCULLOCH COUNTY, TEXAS, TO AMEND ZONING ORDINANCE 933, SECTION 30, ACCESSORY BUILDING AND USE REGULATIONS TO ESTABLISH REGULATIONS FOR THE USE OF CARGO OR SHIPPING CONTAINERS WITHIN THE CITY LIMITS OF THE CITY OF BRADY; REQUIRING A PERMIT FOR THE PLACEMENT OF SUCH CONTAINERS; PROVIDING STANDARDS FOR USE AND DEVELOPMENT OF STORAGE CONTAINERS; PROVIDING A FINE FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Cargo or Shipping Containers are becoming more common additions to cities and towns as homeowners and businesses acquire said containers as accessory buildings; and

WHEREAS, cargo or shipping containers have a useful and valid purpose when properly used and situated; and

WHEREAS, the improper use and location of cargo or shipping containers can be unsightly, dangerous and inappropriate so as to affect property values and the overall health, safety and welfare of the City of Brady;

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

DEFINITIONS (The definitions will go in Section 36: Definitions of the Zoning Ordinance)

- a) Shipping or Cargo or Storage Container; means, generally, an all steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.
- b) Active building permit: means an unexpired and unrevoked building permit for which the Building Inspector has not performed a final inspection.
- c) Applicant: means an owner, occupant or authorized agent, or a contractor or person with control of a property or lot.
- d) City means City of Brady, Texas.
- e) **Special Use Permit; means a permit that allows, upon request and approval by the building department, use of cargo/shipping containers that do not meet the requirements outlined in this ordinance.**

### **30.4 CARGO/SHIPPING CONTAINER USE**

- a) No person shall store, maintain or otherwise keep a cargo or shipping container temporarily or permanently on any lot or parcel of property within the City of Brady without first having obtained and possessing an active building permit issued by the City of Brady, and a permit for placement of a cargo/shipping container.
  - 1) Residential permits are valid for a period not to exceed six months.

- 2) Upon review of a request for an extension of the residential permit, the City may grant one (1) six month extension.
- b) Cargo/Shipping Containers must abide by building codes except that: (1) a foundation is not required as they are temporary structures; (2) ventilation is not required; (3) electricity is optional but not required; (4) tie-downs are not required unless electricity is installed; (5) Setbacks are to be at least 15 feet from any other structure including other cargo/shipping containers.
  - c) Cargo/Shipping Containers may be installed only in the Commercial, Agriculture and Industrial Districts, and in Single Family Residential Districts only with the following restrictions:
    - 1) Cargo/Shipping Containers cannot be installed on any Residential site with less than 1.0 acre (or 43,560 sq. ft.)
    - 2) Only one Cargo/Shipping Container per 1 acre of land.
    - 3) No Cargo/Shipping Containers can be placed on a front yard.
    - 4) No Cargo/Shipping Containers can be stacked on top of one another or on top of any other object.
    - 5) Cargo/Shipping Containers must be behind or beside the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as the main structure.
    - 6) Cargo/Shipping Containers must have opaque screening such as fencing of equal height to the Container to screen the container from the street right of way or adjacent properties.
    - 7) No Cargo container shall be used for human habitation or commercial business purposes.
    - 8) No Cargo Container shall be used to store hazardous materials.
    - 9) No Cargo Container shall be used to store and keep refuse or debris in, against, on or under the cargo container.
    - 10) Any Cargo Container shall be secure, structurally sound, stable and in good repair.
  - d) Special use permits will be available for residential sites for a period not to exceed (90) days for hardship uses such as:
    - 1) Moving
    - 2) Renovation
    - 3) Disaster Relief

### **30.5 GENERAL TERMS OF USE**

- a) Any permit issued under this Ordinance may be revoked upon ten (10) days written notice to the owner, occupant or person in control of the property if such person is storing, maintaining, or otherwise keeping a cargo container in violation of this ordinance.
- b) Any person aggrieved by a decision of the City to revoke a permit may appeal to the Zoning Board of Adjustments, whose decision shall be final.

### **30.6 REPEALER**

All provisions of ordinances of the City of Brady in conflict with the provisions of this ordinance are and by the terms of this ordinance shall be deemed amended and repealed and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

### **30.7 SEVERABILITY**

If any article, paragraph, subdivision clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part or provision thereof, other than the part so deemed to be invalid or unconstitutional.

**30.8 VIOLATIONS AND PENALTIES**

Any person, firm or corporation violating any of the provisions of this ordinance of the City of Brady, Texas, or amendments thereto, shall be guilty of a misdemeanor and, upon conviction in the municipal court of the City of Brady, Texas, shall be subject to a fine not to exceed the sum of Five Hundred (\$500.00) dollars for each offense, and each and every day such offense shall continue shall be deemed a separate offense.

**30.9 EFFECTIVE DATE**

This Ordinance shall take effect immediately form and after the publication of its caption as provided by law.

Passed and Approved on FIRST READING on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and Approved on SECOND READING on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor


ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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

<b>AGENDA DATE:</b>	07/19/2016	<b>AGENDA ITEM</b>	7.D
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>first reading of Ordinance 1202</b> of the City of Brady, Texas, for a zoning change from Office (O) District to Commercial (C) District for property located at 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Addition, as requested by Jay May and as recommended by Planning and Zoning Commission on July 18, 2016.		
<b>PREPARED BY:</b>	Kimberly Davee	<b>Date Submitted:</b>	07/12/2016
<b>EXHIBITS:</b>	Ordinance # 1202 Zoning Application Zoning Map Recommendation by the Planning and Zoning Commission		
<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:**

Lots 4 & 5 of 600 & 606 South Bridge Street, Block 133, are currently zoned Office District. Such lots are surrounded by Commercial District on the South and East sides. The property adjacent to Lots 4 & 5 on the North side is also zoned Office District. The properties on the West side are residential areas zoned SF-5. The City is unsure of why this property was zoned for Office District except there may have been an office on location at one time.

The request for changing the zoning to Commercial District would be consistent with the Comprehensive Plan and the zoning in this area.

P&Z is to have a public hearing in a Special Meeting, July 18, 2016 and will make a recommendation to City Council.

**RECOMMENDED ACTION:**

It is recommended that City Council accept the recommendation of the Planning and Zoning Commission. If P&Z denied this zoning request, then City Council will not consider this request on July 19. If requested by the applicant, City Council may consider an appeal of the P&Z denial at a later date.

**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 1202

## **ORDINANCE NO. 1202**

**REZONING CERTAIN PROPERTY, 600 & 606 SOUTH BRIDGE STREET, BLOCK 133, LOTS 4 & 5 OF THE LUHR ADDITION, FROM OFFICE DISTRICT TO COMMERCIAL DISTRICT UPON APPLICATION BY JAY AND VICTORIA MAY WITHIN THE CITY LIMITS OF THE CITY OF BRADY**

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

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

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

**WHEREAS**, the Planning and Zoning Commission of the City of Brady provided adequate notice and held a public hearing on July 18, 2016 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

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

**WHEREAS**, the City Council of the City of Brady held a public hearing on July 19, 2016 regarding the re-zoning on affected properties and complied with notice provisions of the Texas Local Government Code; and

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

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

1. Property being described as 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Subdivision be re-zoned from Office District to Commercial District.
2. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

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

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

ATTEST:

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

06-23-16; 01:36PM;

; 325-597-0556

# 1 / 2

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

## City of Brady Zoning Application

City of Brady  
1405 N Bridge St  
P.O. Box 35  
Brady, TX 7682

### Property Owner Information:

Owner: Jay May Phone No.: 597-5629 Fax: 597-7400  
Cell No.: 451-7619 Email: j.s.may@verizon.net  
Address: 405 South Bridge  
Owner Signature: Jay May

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

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

### Existing Property Information:

Lot: 485 No. of Lots: 2 Block: \_\_\_\_\_ Subdivision: 133 L UHR  
Survey Abstract & Acreage: 0.172 & 0.230 Parcel 22732 & 22733  
Address: 100 & 606 S Bridge  
Current Zoning District (Please note chart below): (O) Office District

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

### Application Request:

☒ Zone Change

☐ Specific Use

Use or Zoning Requested: (C) Commercial District  
Reason for Request: Office District is not reasonable. Never been office, was residential then commercial never office

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

### Office Use Only:

☐ Complete Application

☒ \$200.00 Fee

☐ Proof of Ownership

☒ Surveyed Plat

☐ Comprehensive Site Plan (for PD or SUP)

Received by: Kim Nance

Filing Date: 6-23-16

P&Z Date: 7-18-16

1st City Council Date: 7-19-16

2nd City Council Date: 8-2-16

60

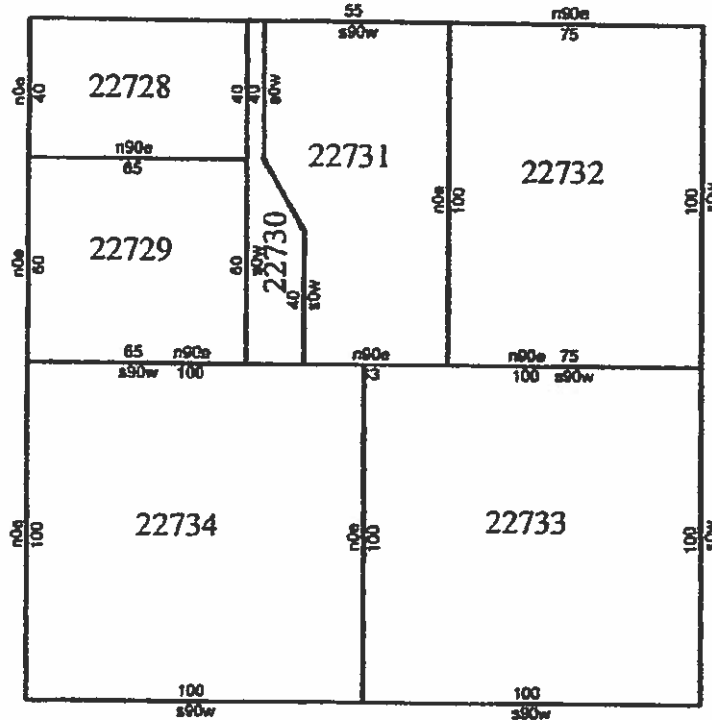
# LUHR BLOCK 133

W 5th St

S Church St

S Bridge St

W 6th St



6/29/2016

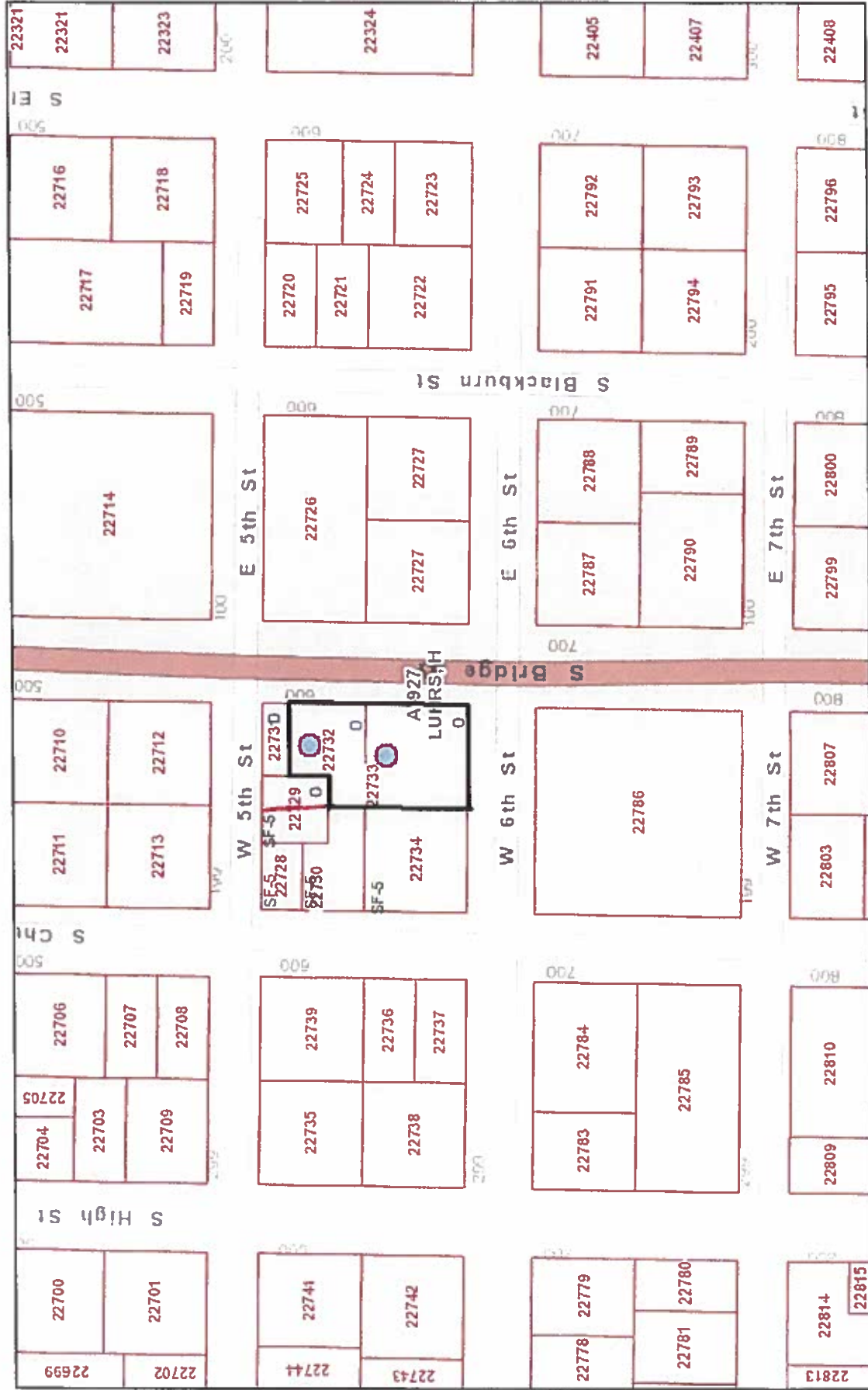
Scale: 1 inch= 50 feet

File:

Tract 1: 0.0597 Acres (2600 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=210 ft.  
 Tract 2: 0.0895 Acres (3900 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=250 ft.  
 Tract 3: 0.0999 Acres (4351 Sq. Feet), Closure: s30.5750e 23.32 ft. (1/12), Perimeter=278 ft.  
 Tract 4: 0.1722 Acres (7500 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=350 ft.  
 Tract 5: 0.2296 Acres (10000 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=400 ft.  
 Tract 6: 0.2296 Acres (10000 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=400 ft.

01 n90e 65	22 n0e 100
02 s0w 40	23 n90e 75
03 s90w 65	24 @0
04 n0e 40	25 e100.00 n-100.00
05 @0	26 s0w 100
06 e-0.00 n-40.00	27 s90w 100
07 n90e 65	28 n0e 100
08 s0w 60	29 n90e 100
09 s90w 65	30 @0
10 n0e 60	31 e200.00 n-100.00
11 @0	32 s0w 100
12 e82.00 n-60.00	33 s90w 100
13 s0w 40	34 n0e 100
14 n90e 43	35 n90e 100
15 n0e 100	
16 s90w 55	
17 s0w 40	
18 @0	
19 e200.00 n0.00	
20 s0w 100	
21 s90w 75	

# 600/606 S Bridge



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

1:1,881




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

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July 11, 2016

- ☒ Parcels
- ☐ Abstracts

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

<b>AGENDA DATE:</b>	07-19-2016	<b>AGENDA ITEM</b>	7.E
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>second and final 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 on any Saturday or Sunday).		
<b>PREPARED BY:</b>	Steve Thomas	<b>Date Submitted:</b>	07-07-2016
<b>EXHIBITS:</b>	Ordinance # 1198 - FINAL		
<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. On July 5, first reading of the ordinance was approved.

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

**RECOMMENDED ACTION:**

Second and final 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 **second and final** reading of Ordinance 1198

## **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 2. 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 3. 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 4. 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 5. 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 with the city at least 48 hours in advance.

- i) Exercising their First Amendment rights protected by the United States Constitution.
  - 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 6. 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 7. 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 8. 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 9. 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 10. 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 5<sup>th</sup> OF JULY 2016**

**PASSED AND APPROVED UPON SECOND READING THIS THE 19<sup>th</sup> OF JULY 2016**

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Anthony Groves, Mayor

ATTEST: 

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Tina Keys, City Secretary

**APPROVED AS TO FORM:**

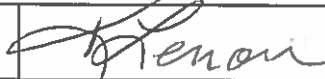
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M. Shannon Kackley, Asst. City Attorney  
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, P.C.

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	7-19-2016	<b>AGENDA ITEM</b>	8.A
<b>AGENDA SUBJECT:</b>	Monthly Financial Reports		
<b>PREPARED BY:</b>	Lisa Remini	<b>Date Submitted:</b>	7-15-2016
<b>EXHIBITS:</b>	Monthly Financial Report Investment Activity Operating Cash /Utility Billing History Sales Tax Report Motel Tax Collection and Distribution Report Utility Customer Service Reports		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>	<ul style="list-style-type: none"> <li>Monthly financial update report for the 9<sup>th</sup> fiscal month - June 2016 ( 75% of the budget year )</li> <li>June Financial Statements will be emailed to your City email address for your review.</li> <li>Total Sales Tax collections through June 2016 are less than last year's total collections by \$94,721 or 9.3%. Sales tax collections for the month of June are \$25,178 or 23.5% less than June 2015 collections. However, year to date collections continue to compare favorably to FY 16 Budget goals at 76.52%.</li> <li>Monthly expenditure data provided by the Volunteer Fire Department is included for your review.</li> </ul>
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<b>RECOMMENDED ACTION:</b>	<p>This item is for discussion purposes only.</p> <p>Note:</p> <p>After each Audit Board and upon Council approval, the check register denoting the checks issued to each Vendor, amount paid, and description of the item paid will be on the City's website for public view. Go to the Finance Department tab and then click on the Check Register tab.</p>
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CITY OF BRADY  
MONTHLY FINANCIAL REPORT  
AS OF: JUNE 30TH, 2016

A-1

75.00% OF FISCAL YEAR

	CURRENT BUDGET	YEAR TO DATE ACTUAL	% TO DATE	YEAR TO DATE PRIOR YEAR
BEGINNING FUND BALANCE &				
NET WORKING CAPITAL	15,648,679.31	15,648,679.31		13,185,396.95
<u>REVENUES</u>				
10 -GENERAL FUND	8,297,757.00	4,179,914.33	50.37	4,337,065.50
20 -SEWER AND ELECTRIC FU	8,825,690.00	5,852,092.64	66.31	6,711,375.71
30 -WATER UTILITY FUND	1,878,600.00	1,270,692.96	67.64	1,228,296.19
40 -GAS UTILITY FUND	1,166,542.00	1,024,471.96	87.82	1,344,924.10
50 -UTILITY SUPPORT FUND	230,800.00	171,470.08	74.29	155,228.59
60 -SOLID WASTE FUND	1,151,000.00	908,240.14	78.91	913,010.11
80 -SPECIAL REVENUE FUND	1,351,519.00	385,981.50	28.56	619,055.75
TOTAL REVENUES	22,901,908.00	13,792,863.61	60.23	15,308,955.95
<u>EXPENDITURES</u>				
10 -GENERAL FUND	9,612,429.00	5,726,759.36	59.58	4,503,381.03
20 -SEWER AND ELECTRIC FU	9,356,428.00	3,670,672.93	39.23	4,304,653.55
30 -WATER UTILITY FUND	2,730,410.00	1,664,459.16	60.96	2,716,451.43
40 -GAS UTILITY FUND	1,650,902.00	818,027.59	49.55	814,823.73
50 -UTILITY SUPPORT FUND	517,400.00	369,054.99	71.33	287,507.14
60 -SOLID WASTE FUND	1,405,460.00	642,837.15	45.74	663,252.75
80 -SPECIAL REVENUE FUND	1,235,648.00	818,548.59	66.24	588,672.13
TOTAL EXPENDITURES	26,508,677.00	13,710,359.77	51.72	13,878,741.76
REVENUES OVER/(UNDER) EXPENDITURES	( 3,606,769.00)	82,503.84		1,430,214.19
ENDING FUND BALANCE &				
NET WORKING CAPITAL	12,041,910.31	15,731,183.15		14,615,611.14

# FUND BALANCE AND CASH RECONCILEMENT

As of: June 30, 2016

A-2

		Unrestricted Cash	Restricted Cash	Total Cash	Comments
<b>BRADY NATIONAL BANK</b>					
Operating Account	#100677	\$ 11,116,149.35	83,129.51	11,199,278.86	Street Sanitation
Airport Account	#172791	\$ 173,577.95	-	173,577.95	
EMS - RAC	#166470	\$ -	5,847.95	5,847.95	
Water Repair & Replacement	#172817	\$ 15,237.78	220,000.00	235,237.78	
CW - WWTP Construction	#103671	\$ -	249.01	249.01	
DW Construction	#104828	\$ -	68,837.78	68,837.78	
Sinking Fund 2000	#172890	\$ -	36,287.92	36,287.92	
Sinking Fund 2012 - Refunding	#103069	\$ -	167,955.69	167,955.69	
Sinking Fund 2012 - WWTP	#103663	\$ -	101,901.98	101,901.98	
Sinking Fund 2013 - DW	#105770	\$ -	31,407.86	31,407.86	
Landfill Closure Reserve	#172775	\$ -	371,452.32	371,452.32	
Drug Seizure FDS	#172668	\$ -	8,404.04	8,404.04	
Police Educational	#172700	\$ -	6,172.68	6,172.68	
Court Security	#102533	\$ -	3,580.64	3,580.64	
Court Technology	#102541	\$ -	1,624.30	1,624.30	
Community Development Block	#172627	\$ -	1,884.27	1,884.27	
Former CD's - Reserves	#102525	\$ 992,614.53	419,926.22	1,412,540.75	Utility Deposit \$
Cash on Hand		\$ 1,940.00	-	1,940.00	
Bank Balances - Interest rate .55%	Subtotal	\$ 12,299,519.61	1,528,662.17	13,828,181.78	
Certificate of Deposit at CNB		\$ -	243,348.80	243,348.80	Utility Deposit \$
BOTX Escrow Account - CO 2012 CW Project		\$ -	1,159,399.60	1,159,399.60	
BOTX Escrow Account - LF 2012 CW Project		\$ -	741,289.76	741,289.76	
BOTX Escrow Account - EDAP 2015 DW Project		\$ -	1,121,437.61	1,121,437.61	
BOTX Escrow Account - CO 2013 DW Project		\$ -	-	-	
BOTX Escrow Account - LF 2013 DW Project		\$ -	-	-	
	Subtotal	\$ -	3,265,475.77	3,265,475.77	
<b>TOTAL CASH BALANCES RECONCILED</b>		<b>12,299,519.61</b>	<b>4,794,137.94</b>	<b>17,093,657.55</b>	
<b>06-30-16 GENERAL LEDGER</b>					
Total Current Non-Cash Assets - All Funds				703,221.71	
(Total Current Liabilities - All Funds)				(2,065,696.11)	
Total Fund Balance / Net Working Capital				<u>15,731,183.15</u>	

A-3

**CITY OF BRADY**  
**INVESTMENT ACTIVITY**

**DATE: June 30, 2016**

Certificates of Deposit at	Commercial National Bank:					Interest Earnings
						Y-T-D
1. #32788	\$243,348.80	at	0.20%	for 180 days	maturity 12/24/2016	<b>\$406.19</b>

**GRAND TOTAL**    **\$243,348.80**    **TOTAL SHORT-TERM CASH INVESTMENTS**

The City investment portfolio is in compliance with the PFIA and the City's investment strategy as outlined in the Council approved Investment Policy dated 9-01-15 by Resolution 2015-037.

Lisa Remini

Lisa Remini, Investment Officer

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Fiscal Year 15-16

[illegible]

**1171 - Brady, City of (General Obligation Debt)**  
**Report - Brady, City of (General Obligation Debt) / Sales Tax Data**

The Charts below contain sales tax revenue allocated each month by the State Comptroller.  
For example, the February allocations reflect December sales, collected in January and allocated in February.

\*Excludes any sales tax retained by the municipality and not remitted to the Comptroller.

- [View Grid Based on Calendar Year](#)
- [View Grid With All Years](#)

Download to Excel

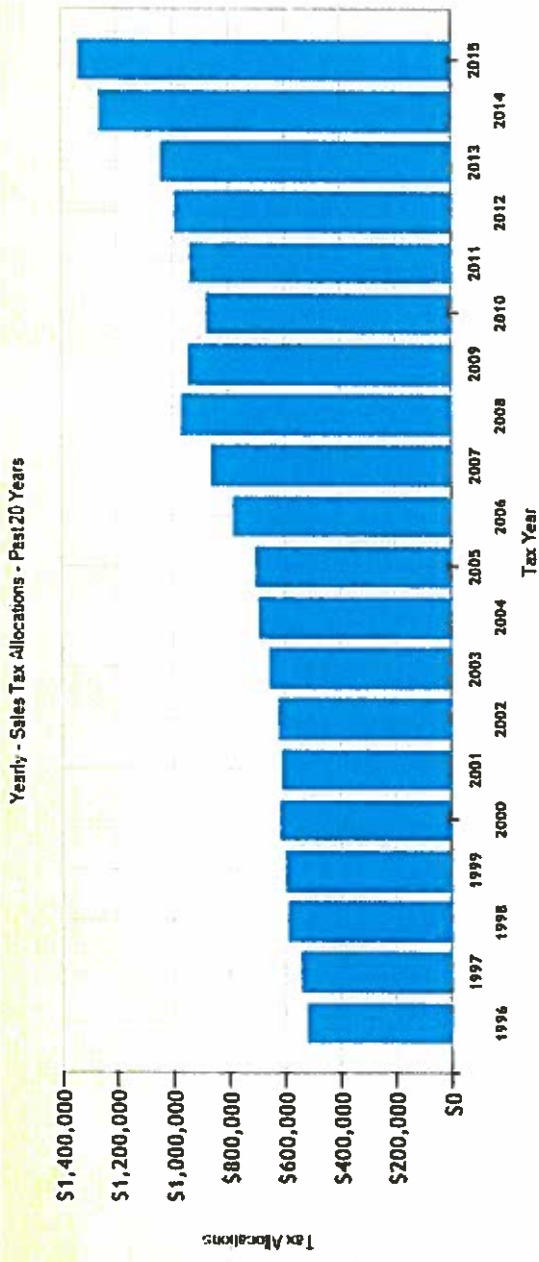
Change Fiscal Year

By Fiscal Year 10/01 - 09/30

Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
2016	\$143,834	\$112,101	\$107,933	\$98,515	\$113,278	\$84,869	\$85,238	\$96,257	\$81,982	\$80,944	\$0	\$0	\$1,004,950
2015	\$113,438	\$115,026	\$128,575	\$118,282	\$127,008	\$90,659	\$99,414	\$119,166	\$107,160	\$99,436	\$107,394	\$106,966	\$1,332,523
2014	\$86,905	\$90,223	\$83,575	\$87,608	\$114,999	\$83,194	\$86,383	\$103,052	\$119,190	\$96,615	\$101,343	\$109,279	\$1,162,366
2013	\$81,575	\$84,095	\$78,857	\$88,594	\$108,399	\$69,954	\$76,038	\$92,661	\$84,448	\$82,176	\$91,353	\$87,852	\$1,026,002
2012	\$76,182	\$79,173	\$73,628	\$81,661	\$100,901	\$64,794	\$79,473	\$88,392	\$76,641	\$60,890	\$87,159	\$105,230	\$974,124
2011	\$78,998	\$93,104	\$65,476	\$83,507	\$93,953	\$70,399	\$72,121	\$81,841	\$76,174	\$71,819	\$84,522	\$71,003	\$942,918
2010	\$70,849	\$72,537	\$66,287	\$69,364	\$86,286	\$70,868	\$54,779	\$73,192	\$69,685	\$64,455	\$93,443	\$58,872	\$850,618
2009	\$79,109	\$125,392	\$86,622	\$79,704	\$95,830	\$73,457	\$68,319	\$79,191	\$78,551	\$96,167	\$89,024	\$73,646	\$1,025,012
2008	\$73,939	\$76,885	\$75,520	\$76,332	\$88,517	\$69,243	\$60,775	\$73,032	\$72,513	\$74,539	\$82,203	\$80,973	\$904,471
2007	\$62,229	\$81,144	\$67,861	\$60,380	\$101,688	\$59,568	\$53,524	\$79,704	\$54,614	\$77,376	\$76,886	\$72,942	\$847,915

1 2 3 >

Sales Tax Charts - Brady, City of (General Obligation Debt)



A-1

A-7

## MOTEL OCCUPANCY TAX

### FY 2016 Quarter Totals

4th Quarter 2015 (October - December)	Total \$56,496.47
1st Quarter 2016 (January - March)	\$46,186.90
2nd Quarter 2016 (April - June)	\$0.00
3rd Quarter 2016 (July - September)	\$0.00
	<u>\$102,683.37</u>

### FY 2016 Summary Collections

	Taxable Receipts	Tax @ 7%	1% Discount	Net Tax
Holiday Inn Express - 2320 S Bridge 597-1800	\$712,095.16	\$49,846.66	\$498.47	\$49,347.79
Best Western - 2200 S. Bridge 597-3997	\$493,892.95	\$34,572.52	\$345.73	\$34,226.78
Days Inn - 2108 S. Bridge 597-0789	\$146,261.32	\$10,238.29	\$102.38	\$10,135.91
Gold Key Inn - 2021 S Bridge 597-2185	\$100,501.01	\$7,035.07	\$70.35	\$7,365.72
Brady Motel - 603 W. Commerce 597-2442	\$23,007.48	\$1,610.51	\$16.11	\$1,594.41
Team Housing Solutions - PO Box 310697, New Braunfels	\$184.00	\$12.88	\$0.13	\$12.75
	<u>\$1,475,941.92</u>	<u>\$103,315.93</u>	<u>\$1,033.15</u>	<u>\$102,683.37</u>

FY 2016 Grants	Commitment	YTD Distributions	Payment Date
Chamber of Commerce	\$177,700.00	\$133,275.01	Monthly thru 6/30/16
McCulloch Co Historical Commission	\$3,000.00	\$3,000.00	3/2/2016
Morgan Military Aviation Museum	\$10,000.00	\$10,000.00	4/21/2016
Brady Golf Association	\$3,000.00	\$2,650.00	5/2/2016
HOT Country Music Museum	\$10,000.00	\$10,000.00	6/17/2016
YTD Total	<u>\$203,700.00</u>	<u>\$158,925.01</u>	

### FY 2015 Quarter Totals

4th Quarter 2014 (October - December)	Total \$59,092.55
1st Quarter 2015 (January - March)	\$51,748.09
2nd Quarter 2015 (April - June)	\$61,167.04
3rd Quarter 2015 (July - September) Due October 31, 2015	\$64,141.16
	<u>\$236,148.85</u>

### FY 2015 Summary Collections

	Taxable Receipts	Tax @ 7%	1% Discount	Net Tax
Holiday Inn Express - 2320 S Bridge 597-1800	\$1,689,723.99	\$118,280.68	\$1,182.80	\$117,097.90
Best Western - 2200 S. Bridge 597-3997	\$903,773.34	\$63,264.12	\$632.63	\$62,631.49
Days Inn - 2108 S. Bridge 597-0789	\$519,439.93	\$36,360.62	\$363.64	\$35,997.07
Gold Key Inn - 2021 S Bridge 597-2185	\$244,944.85	\$17,165.03	\$522.64	\$16,642.18
Brady Motel - 603 W. Commerce 597-2442	\$54,548.39	\$3,818.38	\$38.15	\$3,780.20
	<u>\$3,412,430.50</u>	<u>\$238,888.82</u>	<u>\$2,739.86</u>	<u>\$236,148.85</u>

FY 2015 Grants	Commitment	YTD Distributions	Payment Date
Chamber of Commerce	\$145,000.00	\$141,250.00	Monthly thru 09/01/15
HOT Historical Museum	\$15,000.00	\$15,000.00	9/10/2015
Morgan Military Aviation Museum	\$10,000.00	\$10,000.00	4/21/2015
HOT Country Music Museum	\$7,500.00	\$7,500.00	6/30/2015
Tru Country	\$7,500.00	\$7,500.00	9/11/2015
Brady Golf Association	\$3,000.00	\$3,000.00	5/18/2015
McCulloch Co Historical Commission	\$1,500.00	\$1,500.00	4/7/2015
YTD Total	<u>\$189,500.00</u>	<u>\$185,750.00</u>	

### HISTORICAL COLLECTION / PAYOUT HISTORY

	2015	2014	2013	2012
% CHANGE	4.17%	19.35%	12.44%	2.31%
COLLECTIONS	\$236,148.85	\$226,685.90	\$189,927.02	\$168,909.86
GRANTS	(\$185,750.00)	(\$226,685.90)	(\$189,927.02)	(\$168,909.86)
FUND BALANCE	<u>50,398.85</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

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**CITY OF BRADY  
CITY COUNCIL CORRESPONDENCE**

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**TO:               MAYOR AND COUNCIL**

**FROM:           FINANCE / UTILITY DEPARTMENTS**

**SUBJECT:       MONTHLY CUSTOMER SERVICE REPORT**

**DATE:           June 30, 2016**

---

SERVICES	FISCAL YEAR 2016											
	October	November	December	January	February	March	April	May	June	July	August	September
Phone Calls	551	523	596	498	481	660	716	786	853			
Returned Calls	140	125	178	118	93	149	141	105	127			
Residential Apps	33	26	32	35	48	32	32	43	48			
Commercial Apps	3	5	1	3	2	5	2	2	5			
Service Orders	235	161	223	230	173	172	207	218	231			

7/12/2016 3:25 PM  
OPERATOR: ALL  
TERMINAL: ALL  
SUMMARY CODE: ALL  
DEPARTMENT: ALL

CASH COLLECTION HISTORY REPORT  
HISTORY TRANSACTION SUMMARY

PAGE: 31  
DATES: 6/01/2016 THRU 6/30/2016  
RECEIPTS: 0 THRU 99999999  
TRAN: 0.0000 THRU 999.9999  
AMOUNT: 0.00 THRU 9,999,999.

TRAN	NAME	VOIDS	NO#	TOTAL	CA	CK	MO	CC	0
1.0000	UTILITY PAYMENT	6	2144	465,606.05CR					
2.0000	MAIL PAYMENT	3	465	190,851.12CR					
3.0000	NIGHT DROP PAYMENT	5	284	53,321.70CR					
4.0000	BAD DEBT PAYMENT	0	6	375.09CR					
10.0000	ELECTRIC DEPOSIT	0	43	9,400.00CR					
11.0000	GAS DEPOSIT	0	25	1,500.00CR					
12.0000	WATER DEPOSIT	0	36	2,125.00CR					
22.0000	TRANSFER FEE	0	7	180.00CR					
26.0000	UTILITY SERVICE FEE	0	2	100.00CR					
34.0000	TAP FEE- SEWER	0	2	500.00CR					
35.0000	TAP FEE-WATER	0	1	364.40CR					
100.0000	A/R PAYMENT	0	35	21,430.16CR					
103.0000	SB EMS payments	0	12	22,783.98CR					
110.0000	Airport Revenues	0	4	294.80CR					
172.0000	CEMETERY OPEN/CLOSE	0	9	3,375.00CR					
173.0000	CEMETERY LOT PURCH	0	8	452.63CR					
195.0000	CREDIT CARD USER FE	0	73	371.35CR					
217.0000	DEP-F30 Ck to 2000S	0	1	17,370.00CR					
221.0000	DEP-F60 Ck to LClosur	0	1	2,916.50CR					
224.0000	DEP-SF 2012 WWTP	0	1	10,995.00CR					
225.0000	Dep to SF 2013-DW	0	1	3,430.00CR					
320.0000	GOLF-DAILY DEPOSITS	0	23	4,473.85CR					
335.0000	FIRE Inspection Fee	0	2	125.00CR					
493.0000	LAKE-DAILY DEPOSITS	0	30	10,533.59CR					

7/12/2016 3:25 PM  
 OPERATOR: ALL  
 TERMINAL: ALL  
 SUMMARY CODE: ALL  
 DEPARTMENT: ALL

CASH COLLECTION HISTORY REPORT  
 HISTORY TRANSACTION SUMMARY

PAGE: 32  
 DATES: 6/01/2016 THRU 6/30/2016  
 RECEIPTS: 0 THRU 99999999  
 TRAN: 0.0000 THRU 999,9999  
 AMOUNT: 0.00 THRU 9,999,999.

TRAN	NAME	VOIDS	NO#	TOTAL	CA	CK	MO	CC	O
505.0000	LANDFILL - DAILY DE	0	18	5,305.89CR					
543.0000	MUNI COURT PAYMENT	0	24	3,599.54CR					
600.0000	Open Record Fees	0	1	6.80CR					
639.0000	Parks-Pavill Deposi	0	2	100.00CR					
640.0000	Parks-Rental Fees	0	10	1,106.00CR					
647.0000	Permits-Peddlers	0	1	35.00CR					
650.0000	PERMITS-BLDG/ZONING	4	21	1,835.83CR					
655.0000	Police Revenues	0	1	46.00CR					
665.0000	Property Tax Recpts	0	2	9,400.46CR					
666.0000	Cemetery Tax Receipt	0	1	526.22CR					
725.0000	Rentals-Lamar	0	1	75.00CR					
760.0000	Sr Citizen Daily De	13	28	20,460.66CR					
775.0000	Swimming Pool Rev	1	26	11,867.64CR					
860.0000	West Texas Gas	0	2	37,127.30CR					
861.0000	WWTP Disposal Fees	0	7	770.00CR					
900.0000	EDC Sales Tax	0	1	19,251.47CR					
904.0000	Loan Pmt-Owens	0	1	403.91CR					
912.0000	Rental Pmt- Old Dod	0	1	643.39CR					
990.0000	G/L Entry	0	7	3,427.40CR					
*** GRAND TOTALS **		32	3370	938,863.73CR	170,301.76	685,502.83		12,750.40	70,308
*** CASH LONG ***				20.86CR	20.86				
*** REVISED ***				938,884.59CR	170,322.62				

**BNB/Brady VFD Maintenance Fund**

## Inventory List

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Maintenance  
7/1/2016

## June 2016 Statement

Page 1

### Reconciliation Summary

#### BANK STATEMENT -- CLEARED TRANSACTIONS:

Previous Balance:			6,175.91
Checks and Payments	3	Items	-1,247.70
Deposits and Other Credits	1	Item	2,283.33
Service Charge	0	Items	0.00
Interest Earned	0	Items	0.00
Ending Balance of Bank Statement:			7,211.54

#### YOUR RECORDS -- UNCLEARED TRANSACTIONS:

Cleared Balance:			7,211.54
Checks and Payments	0	Items	0.00
Deposits and Other Credits	0	Items	0.00
Register Balance as of 7/1/2016:			7,211.54
Checks and Payments	0	Items	0.00
Deposits and Other Credits	0	Items	0.00
Register Ending Balance:			7,211.54

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June 2016 Statement

Maintenance  
7/1/2016

Page 2

Uncleared Transaction Detail up to 7/1/2016

Date	Num	Payee	Memo	Category	Clr	Amount
Uncleared Checks and Payments						
Total Uncleared Checks and Payments				0 Items		0.00
Uncleared Deposits and Other Credits						
Total Uncleared Deposits and Other Credits				0 Items		0.00
Total Uncleared Transactions				0 Items		0.00

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Statements\_07012016\_113109

Date 6/30/16 Page 1  
Account Number @XXXXXX@3655

BRADY VOLUNTEER FIRE DEPT INC  
MAINTENANCE FUND  
216 WEST COMMERCE  
BRADY TX 76825

---

SUMMARY OF ACCOUNTS			
Account No.	Type of Account	Current Balance	Enclosures
@XXXXXX@3655	REGULAR CHECKING	7,211.54	1

REGULAR CHECKING		Image Statement	1
Account Number	@XXXXXX@3655	Statement Dates	6/01/16 thru 6/30/16
Previous Balance	6,175.91	Days in the statement period	30
1 Deposits/Credits	2,283.33	Average Ledger	7,101
Checks/Debits	.00	Average Collected	7,101
3 Electronic Debit	1,247.70		
Service Charge	.00		
Interest Paid	.00		
Ending Balance	7,211.54		

---

DEPOSITS		
Date	Description	Amount
6/10	RDA REGULAR DEPOSIT	2,283.33

---

OTHER WITHDRAWALS AND FEES		
Date	Description	Amount
6/07	CentTX Pmt Central Tx Tele	25.00
	1750853485 06/07/16	
6/15	1/3 OF PMT ON LOAN # 55027	308.23
6/15	LOAN #56439	914.47
	LOAN # 56439	

---

DAILY BALANCE SECTION			
Date	Balance	Date	Balance
6/01	6,175.91	6/10	8,434.24
6/07	6,150.91	6/15	7,211.54

Date 6/30/16 Page 2  
Account Number @XXXXXX@3655

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**BRADY**  
**NATIONAL BANK**

Date 6/30/16 Page 1  
Account Number @XXXXX@3655

BRADY VOLUNTEER FIRE DEPT INC  
MAINTENANCE FUND  
216 WEST COMMERCE  
BRADY TX 76825

## SUMMARY OF ACCOUNTS

Account No.	Type of Account	Current Balance	Enclosures
@XXXXX@3655	REGULAR CHECKING	7,211.54	1
REGULAR CHECKING		Image Statement	1
Account Number	@XXXXX@3655	Statement Dates	6/01/16 thru 6/30/16
Previous Balance	6,175.91	Days in the statement period	30
1 Deposits/Credits	2,283.33	Average Ledger	7,101
Checks/Debits	.00	Average Collected	7,101
3 Electronic Debit	1,247.70		
Service Charge	.00		
Interest Paid	.00		
Ending Balance	7,211.54		

## DEPOSITS

Date	Description	Amount
6/10	RDA REGULAR DEPOSIT	2,283.33

## OTHER WITHDRAWALS AND FEES

Date	Description	Amount
6/07	CentTX Pmt Central Tx Tele	25.00
	1750853485 06/07/16	
6/15	1/3 OF PMT ON LOAN # 55027	308.23
6/15	LOAN #56439	914.47
	LOAN # 56439	

## DAILY BALANCE SECTION

Date	Balance	Date	Balance
6/01	6,175.91	6/10	8,434.24
6/07	6,150.91	6/15	7,211.54

Date 6/30/16 Page 2  
Account Number @XXXXX@3655

REGULAR CHECKING @XXXXX@3655 (Continued)

Our Privacy notice is available at:  
[www.bradynationalbank.com](http://www.bradynationalbank.com)
[Return to Statement List](#)



**Central Texas Telephone Cooperative Inc.**  
The Hometown Advantage!



With Offices  
Serving You  
8:00 - 5:30 M-F

Goldthwaite  
1012 Reilley Street

San Saba  
208 East Brown Street

**CUSTOMER CARE 1-800-535-8904**

Invoice Totals  
Leasing Service  
Subtotal Current Charges

Subtotal  
25.00

**\$ 25.00**

**Service Summary**

	Adj	Charges	Taxes Surcharges Fees	Subtotal
Leasing Service				
Leasing Service		25.00		25.00
		25.00		25.00

**Summary of Charges By Type of Service**

	Past Due	Current	Subtotal
Non Basic Service	\$ 0.00	\$ 25.00	\$ 25.00
	0.00	25.00	25.00

**Balance Forward**

Previous Bill		\$ 25.00
Payment made on May 5	\$ 25.00cr	
Total payments through May 19	\$ 25.00cr	

**Balance Before Current Charges** **\$ 0.00**

**Total Amount Due** **\$ 25.00**

**Charge Detail**

**Leasing Service**  
Recurring Charges (Jun 01 - Jun 30)  
Lease Tower 25.00  
**Total for Leasing Service** **\$ 25.00**

**Account Summary for: Brady Volunteer Fire Dept**

Account Number	00005711-0
Invoice Number	10736728
Service Identifier	Leasing Service
Billing Date	Jun 01, 2016
Past Due After	Jun 16, 2016
Previous Bill	\$ 25.00
Previous Payments	\$ 25.00-
Adjustments	\$ 0.00
Previous Balance	\$ 0.00
Advance Payments	\$ 0.00
Current Charges	\$ 25.00
<b>Total Due</b>	<b>Bank Deduct - Do Not Pay</b>

**Important Messages**

Visit our Online Bill Payment Website to view or pay your bill!  
Access your account 24 hours a day.  
Visit us online at centex.net

Please do not pay. The amount of this bill will be deducted from your account on the 5th-7th. Any adjustments will be reflected on your next statement.

Please detach at perforation and return bottom portion with your payment. Make checks payable to Central Texas Telephone Cooperative, Inc.



**Central Texas Telephone  
Cooperative Inc.**  
PO Box 1619  
Goldthwaite, Tx 76844-1619



Address Service Requested

Account Number	00005711-0
Invoice Number	10736728
Service Identifier	Leasing Service
Billing Date	Jun 01, 2016
Past Due After	Jun 16, 2016
<b>Total Due</b>	<b>Bank Deduct - Do Not Pay</b>

☐ Check here for address changes, credit card payments, or other automatic payment options (see back for details).

Amount Enclosed: \$

**REMIT TO:**

Bank Deduct - Do Not Pay...

000366 1 AV 0.376 T3



BRADY VOLUNTEER FIRE DEPT  
LYNNE WHITE  
216 W COMMERCE ST  
BRADY, TX 76825-4522

G: 1-0366



McCulloch County / Brady Senior Citizens Program Center  
 Sunset Senior Center, 214 W. Lockhart  
 Brady, Texas 76825  
 (325) 597-2946 Fax: (325) 597-3912

Rosie Gomez, Director  
 Monthly Reports for 2015-2016

SERVICES	FISCAL YEAR 2015-2016												To Date Total
	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APR	MAY	JUNE	JULY	AUG.	SEPT.	
Meals @ Sunset Center	901	720	725	712	797	860	828	743	878				7,164
Meals sent-Helping Hands	382	287	340	331	352	311	369	309	375				3,056
Home Delivered Meals	836	703	814	833	865	811	779	746	772				7,159
Total Meals	2,119	1,710	1,879	1,876	2,014	1,982	1,976	1,798	2,025	-	-	-	17,379
Medicaid Trips	84	53	60	59	89	79	80	106	101				711

SERVICES	FISCAL YEAR 2014-2015												To Date Total
	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APR	MAY	JUNE	JULY	AUG.	SEPT.	
Meals @ Sunset Center	931	631	722	742	696	847	827	771	900	929	851	863	9,710
Meals sent-Helping Hands	527	402	524	332	254	340	324	341	367	371	460	447	4,689
Home Delivered Meals	1,014	731	870	822	646	766	790	778	923	939	859	849	9,987
Total Meals	2,472	1,764	2,116	1,896	1,596	1,953	1,941	1,890	2,190	2,239	2,170	2,159	24,386
Medicaid Trips	105	51	14	13	42	55	35	52	52	57	73	75	624

Brady Municipal Golf Course

Monthly Report

FY 15

Item	FY 2014	FY 2015	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Totals
Rounds	2677	1630	91	55	41	69	80	225	84	154	197				\$996.00
Green Fees	\$22,625.82	\$19,837.72	\$1,094.16	\$539.00	\$761.98	\$834.00	\$1,054.00	\$2,708.00	\$1,160.00	\$2,044.00	\$2,700.00				\$12,895.14
Membership Rounds		3785	140	115	108	187	251	260	251	235	308				\$1,855.00
Student Rounds		457	9	4	2	20	78	12	65	34	0				\$224.00
Total Rounds		5872	240	174	151	276	409	497	400	423	505	0	0	0	\$3,075.00
Trail Fee	3216	1945	132	96	106	6	0	8	8	0	0				\$356.00
Trail Fee Revenues	\$1,608.39	\$1,085.59	\$69.50	\$52.50	\$56.00	\$10.00	\$0.00	\$4.00	\$4.00	\$0.00	\$0.00				\$196.00
Cart Rentals	1218	1217	81	40	43	55	0	71	67	114	101				\$572.00
Cart Revenue	\$20,058.97	\$19,840.52	\$1,150.00	\$600.00	\$573.59	\$696.74	\$875.00	\$1,140.00	\$1,025.00	\$1,837.50	\$1,662.50				\$9,560.33
Cart Shed Rental	\$12,306.75	\$11,186.50	\$0.00	\$0.00	\$0.00	\$10,776.00	-\$150.00	\$0.00	\$12.50	\$0.00	\$26.03				\$10,664.53
Vending Revenue	\$15,703.72	\$16,558.58	\$1,006.61	\$464.62	\$258.53	\$383.37	\$855.75	\$1,753.23	\$1,297.76	\$3,128.45	\$2,239.98				\$11,388.30
Memberships	279	368	26	26	30	51	26	22	23	24	23				\$251.00
Membership Fees	\$27,902.56	\$39,915.18	\$1,412.00	\$2,851.00	\$2,985.60	\$7,302.00	\$2,213.00	\$1,975.00	\$1,550.00	\$3,720.00	\$2,440.00				\$26,448.60
Driving Range	519	471	16	13	23	12	1	47	41	18	30				\$201.00
Range Revenue	\$2,260.46	\$2,018.92	\$72.00	\$64.00	\$103.00	\$48.00	\$3.00	\$213.00	\$170.00	\$75.00	\$139.00				\$887.00
Misc.	\$5.81	\$140.64	\$10,000.49	\$0.84	\$1.28	\$1.55	\$1.82	\$2.81	\$2.43		\$130.00				\$10,141.22
Total Revenue	\$102,472.48	\$110,583.65	\$14,804.76	\$4,571.96	\$4,739.98	\$20,051.66	\$4,852.57	\$7,796.04	\$5,221.69	\$10,804.95	\$9,337.51	\$0.00	\$0.00	\$0.00	\$82,181.12

None of the above figures included sales tax

Trail fees were eliminated with the increase in cart shed rentals beginning in January. Only charged to individuals who bring their own cart and do not rent a shed at the Golf Course



**CITY OF BRADY  
CITY COUNCIL CORRESPONDENCE**

**TO: BRADY CITY COUNCIL**  
**FROM: STEVE THOMAS, CHIEF OF POLICE**  
**THROUGH: KIM LENOIR, CITY MANAGER**  
**SUBJECT: MONTHLY POLICE REPORT FOR JUNE 2016**  
**DATE: JULY 12, 2016- FISCAL YEAR 2015-16**

TYPE	CURRENT MONTH	YEAR TO DATE
Person Crimes	44	320
Property Crimes	49	407
Narcotics Crimes	8	73
Disturbances	58	451
Felony Arrests	8	92
Misdemeanor Arrests	13	120
Suspicious Person/Vehicle	62	594
Felony Warrant	6	73
Misdemeanor Warrant	10	56
D.W.I.	2	24
Alarms	11	102
Agency Assist	18	225
Public Assist	15	70
Escorts	5	55
Animal Calls	38	204
Traffic Direction	4	71
Close Patrols	50	629
Civil Matters	32	212
Juvenile	8	134
Crash Investigation	23	172
Welfare Concerns	27	230
Information	60	409
Court	3	23
Citations	25	449
Warnings	87	862
Building Checks	93	612
Misc. Incidents	363	2,786
Supplements	9	99
Follow-ups	31	282
Reports	44	394



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**CITY OF BRADY  
CITY COUNCIL CORRESPONDENCE**

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**TO: BRADY CITY COUNCIL**  
**FROM: STEVE THOMAS, CHIEF OF POLICE**  
**THROUGH: KIM LENOIR, CITY MANAGER**  
**SUBJECT: MONTHLY ANIMAL CONTROL REPORT FOR JUNE 2016**  
**DATE: JULY 12, 2016- FISCAL YEAR 2015-16**

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TYPE	CURRENT MONTH	YEAR TO DATE
Feral Cats Picked Up	14	156
Stray Dogs Picked Up	37	209
Owner-Surrendered Dogs	7	39
Stray Cats Picked Up	12	79
Owner-Surrendered Cats	-	7
Hit by Vehicle-Picked Up	5	108
Owner Reclaims	13	51
Euthanized	11	76
Rescue Pull	6	43
Wildlife Pickup	8	41
Quarantine	1	18
Shelter Intake	47	197
Citations	-	5
Warnings	-	8
Bite Reports	1	15
Dogs Deemed Dangerous	-	-
Livestock	-	4

## **Code Enforcement Compliance Case Load**

**June 2016:**

**New Cases: 60**

**Open cases: 73**

**Closed Cases: 8**

**Citations Issued: 0**

**Utility inspections: 16**

**Hotel Occupancy Monthly Tax Grant Recipients thru June 30, 2016  
FY 2015/2016**

<u>Group</u>	<u>Amount</u>	<u>Proposed use</u>	<u>Event Date</u>
Approved			
Morgan Military Aviation Museum	\$10,000.00	Advertising and Orchestra	May 20-21
McCulloch County Historical Commission	\$3,000.00	Advertising and Insurance	April 8-9
Brady Golf Association	\$3,000.00	Advertising and Promotional Items	April 2-3
Heart of Texas Country Music Museum	\$10,000.00	Promotion and Marketing	March 17-27
Pending			
Heart of Texas Historical Museum	\$17,500.00	Extended hours	Annually

## Monthly Aircraft Operations

Invoice	Ops Date	Total Sale	Type of A/C	N Number	SE	ME	TURBINE	JET	HELIO	INST APP
311371	5/18/2016	140.00	Commanche	5102P	2					
311414	6/1/2016	1131.00	CJ-4	938LN				8		
311415	6/1/2016	70.00	Mooney	6716N	2					
311416	6/1/2016	70.00	Hatz	3250A	2					
311417	6/1/2016	70.00	Ce 182	228CA	2					
311418	6/1/2016	1700.00	Paint Hanger							
311419	6/1/2016	70.00	Cirrus	141GT	2					
311420	6/1/2016	70.00	Bonanza	261AA	2					
311421	6/1/2016	120.00	B 55	4JA		4				
311422	6/1/2016	120.00	Denali	70GNY7						
311423	6/1/2016	140.00	Ce 170	4192V	2					
311424	6/1/2016	70.00	Sundowner	9280S	2					
311425	6/1/2016	70.00	L-2A	46587	2					
311426	6/1/2016	70.00	Cirrus	926DC	2					
311427	6/1/2016	70.00	Malibu	728DS			6			
311428	6/1/2016	70.00	Ce 172	7563X	2					
311429	6/1/2016	70.00	Ce 210	4668Q	2					
311430	6/1/2016	70.00	Ce 182	755TG	2					
311431	6/1/2016	70.00	Ercoupe	3814H	2					
311432	6/1/2016	25.50	Cub	7001H	2					
311433	6/2/2016	127.50	Ce 421	690C		4				
311434	6/3/2016	127.50	Ce 182	861BA	2					
311435	6/3/2016	65.24	Mooney	6716N	2					
311436	6/6/2016	472.50	King Air	450CK			6		8	
311437	6/6/2016	449.51	Blackhawk	607						
311438	6/6/2016	112.20	Sundowner	9280S	4					
311439	6/7/2016	178.50	Ce 180	8814X	2					
311440	6/7/2016	117.72	Ce 172	2447U	2					
311441	6/8/2016	1505.84	Chinook	804					16	
311442	6/9/2016	31.88	L-2A	46587	2					
311443	6/9/2016	70.00	Bonanza	9835R	2					
311444	6/9/2016	427.03	Blackhawk	23995					8	
311445	6/9/2016	396.13	Longbow	619					8	
311446	6/9/2016	246.50	Ce 421	333TX		4				
311447	6/10/2016	186.57	Ce 182	8814X	2					
311448	6/11/2016	39.95	cans							
311449	6/11/2016	130.48	Ce 182	8814X	2					
311450	6/11/2016	127.92	Lance	2087A	2					
311451	6/11/2016	107.10	Lance	2087A	2					
311452	6/11/2016	100.00	Lance	2087A	2					
311453	6/12/2016	292.80	Malibu	728DS			6			
311454	6/13/2016	162.44	Longbow	556					8	
311455	6/14/2016	1449.60	Citation X	520CX				8		
311456	6/14/2016	695.37	Blackhawk	481					8	
311457	6/14/2016	478.78	Longbow	619					8	
311458	6/14/2016	134.40	MD 530	1977FF					8	

311459	6/14/2016	356.24	Blackhawk	435								8		
311460	6/15/2016	45.90	Ce 182	4786D	2									
311461	6/15/2016	36.13	Sierra	6956R	2									
311462	6/15/2016	56.10	RV-8	213CK	2									
311463	6/15/2016	35.70	Hatz	3250A	2									
311464	6/16/2016	105.83	Sierra	6956R	2									
311465	6/16/2016	507.28	Longbow	619									8	
311466	6/16/2016	572.83	Longbow	015									8	
311467	6/16/2016	641.23	Blackhawk	481									8	
311468	6/18/2016	127.97	Scheizer 300	298TH									8	
311469	6/19/2016	254.40	Malibu	728DS					6					
311470	6/19/2016	64.17	Ce 172	1085U	2									
311472	6/19/2016	10.00												
311471		0.00												
311473	6/20/2016	772.88	Longbow	007									8	
311474	6/21/2016	85.00	Mooney	6716N	2									
311475	6/21/2016	711.27	Blackhawk	738									8	
311476	6/21/2016	155.98	Cirrus	141GT	2									
311477	6/22/2016	142.37	Bonanza	875PL	2									
311478	6/22/2016	540.46	Blackhawk	986									8	
311479	6/22/2016	319.23	Blackhawk	527									8	
311480	6/23/2016	140.00	Commanche	5102P	2									
311481	6/23/2016	289.85	Mooney	6716N	6									
311482	6/23/2016	85.00	Skylane	7656X	2									
311483	6/23/2016	543.26	Blackhawk	986									8	
311484	6/24/2016	74.80	Ce 195	189P	2									
311485	6/24/2016	48.87	Ercoupe	120451	2									
311486	6/24/2016	681.60	Raytheon	776RW										
311487	6/24/2016	148.75	Ce 340	69542	2			4						
311488	6/25/2016	145.78	Navion	5221K										
311489	6/25/2016	55.26	Jet Ranger	464AE									8	
311490	6/25/2016	63.75	R-44	688CC									8	
311491	6/25/2016	297.60	Malibu	728DS					6					
311492	6/26/2016	255.43	Ce 421	333TX				4						
311493	6/26/2016	131.32	Ce 340	69542				4						
311494	6/26/2016	200.18	Cirrus	141GT	2									
311495	6/26/2016	59.07	Warrior	6331C	2									
311496	6/26/2016	87.98	Sierra	6956R	2									
311497	6/27/2016	175.52	A-36	8296L	2									
311498	6/29/2016	2270.40	Airbus	350PW									40	
311499	6/30/2016	624.00	CJ-4	938LN							8			
311500	6/30/2016	814.31	Longbow	503									8	
311501	6/30/2016	754.93	Longbow	527									8	

Total Operations by type of Aircraft:

98 24 36 24 224 0



## MEMORANDUM

July 14, 2016

**To:** City Council  
**From:** Kim Lenoir, City Manger  
**Subject:** Monthly Update of Civic Center Construction Project

---

The monthly construction progress meeting was not held in July due to schedule conflicts and a non-job related broken leg of the contractor's project manager. Currently 75% of the time has lapsed with 48% of the budget spent. The contractor is behind schedule, we will review the progress this next month and decide if the schedule should be extended one month. The contractor will review a revised construction schedule for the remaining work at the next meeting.

??Next will be painting the ceiling, interior dry wall hanging, wall insulation and storefront doors will be installed. Interior electric rough-ins underway.

Exterior utility connections – sewer line and water lines are underway and they are working closely with our utility crews.

Additional parking lot drainage, grade changes and revised HC parking design is under review for possible changes. City electric division is installing electric pad-mount transformer and will bury all overhead lines for parking lot lights. All exterior contractor installed secondary electric lines to the building have been placed in upgraded conduit to withstand future parking lot weight standards.

Open cell insulation with flat black paint, ceiling spray foam and wall insulation is installed to provide higher than required energy factors. The new addition of restrooms, entry hall and kitchen will have the dropdown white ceiling panels. A classic neutral tan/brown/grey color scheme was selected for the interior, so as to not compete but to enhance the decorations of the large variety of special events to use the civic center, from birthday parties, banquets to weddings.

Staff is receiving numerous calls for reservations and bookings. A fee schedule and opening date need to be determined soon.

Waldrop Construction Project Contract Budget: \$1,727,046

Billed to date (less 5% retainage): \$792,226.00

Percentage completed: 48%

Size of the grand hall is 9,940 S.F.

Size of the overall building is 94ft x 140ft or 13,160 S.F.

Next Monthly Progress Meeting, July 26 and Aug 9, 10am, Service Center



## MEMORANDUM

July 14, 2016

**To:** City Council

**From:** Kim Lenoir, City Manager

**Subject:** Monthly Update of Replat-Leases of Davee and Dodge Heights Subdivisions

---

The City of Brady owns the land that appears to be platted in the 1960s by Mayor Davee, now known as the Davee and Dodge Heights Subdivisions. Lots were leased for 10 to 50 years, for an annual payment of \$10 to \$300 per lot, billed in January of each year.

In January 2014, the City zoned all the lake properties and zoned Davee Addition as (SF-5) Single-Family Residential and Dodge Heights as (MH) Manufactured Homes. We currently have 26 residences in this area with active accounts receiving City of Brady electric, water and trash services. Sewer service is not available at the lake, so all residents are served by privately-owned septic systems. The City in recent years has addressed code compliance issues and has cleared several lots, installed street signs and improved the streets. The residents do pay taxes on the personal property (lake cabin/MH), but do not pay property taxes, since the land is owned by the City of Brady. Living in a travel trailer is not allowed. Lease transfers have not been allowed until all records are cleared-up, new leases are established, and replatting is completed.

The City of Brady had very poor recordkeeping of lot leases and transfers, all of which must be approved by the City Council. In May 2015, City staff cleared up the records somewhat and billed the residents as leases stated; some did not pay.

City staff learned that TCEQ requires  $\frac{1}{2}$  acre lots for private sewer systems utilizing City water. The existing lots are all much smaller than  $\frac{1}{2}$  acre. In October 2015, City Council increased the annual lease payment to \$1200 to be billed in January 2016. Before this bill was sent out, the City decided to survey and identify  $\frac{1}{2}$  acre tracts/lots, so the City would be in compliance with TCEQ requirements.

Ross Surveying has been working this year on the new layout for the  $\frac{1}{2}$  acre tracts. When he completes his preliminary layout we will be able to analyze the options for any leaseholders who may not have  $\frac{1}{2}$  acre available. I spoke to Mr. Ross July 11 and he confirmed he is still working on the redesign of the lots. The goal is to have every active resident that paid for their lease in 2015 to have a  $\frac{1}{2}$  acre tract.

The new subdivision lay-out will have to go through the replatting rules, requiring public hearing, P&Z approval and City Council approval, which takes about 3 months to complete. All new leases will be prepared and approved by City Council. The City staff may consider billing the leases monthly to assist in maintaining current recordkeeping.

Staff would like to have the replats and new leases approved by City Council by the end of 2016.