



Tony Groves
Mayor

Jim Griffin
Mayor Pro Tem

Rey Garza
Council Member Place 1

Shelly Perkins
Council Member Place 2

Jeffrey Sutton
Council Member Place 3

Jane Huffman
Council Member Place 4

Kim Lenoir
City Manager

Tina Keys
City Secretary

Shannon Kackley
City Attorney

The mission of the City of Brady is to celebrate and share our rich history, encourage diverse housing choices, provide employment opportunities, exercise and promote fiscal responsibility, deliver exceptional customer services, and ensure quality infrastructure that fosters a thriving sustainable community for our citizens and visitors.

CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING AUGUST 1, 2017 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 August 1, 2017, at the City of Brady Municipal Court Building, located at 207 S. Elm 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. 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.

4. CONSENT AGENDA: Reserved for routine items

Consent Agendas are used to save time for the public meeting. Any item may be removed from the Consent Agenda at the request of a Council Member and considered separately following the Consent Agenda approval. All items listed on the Consent Agenda are to be with one motion "Move to approve Consent Agenda."

- A. Approval of Audit Board for August 1, 2017.
- B. Approval of Minutes for July 18, 2017 Regular Meeting and Budget Work Session July 18, 2017.

5. PRESENTATIONS:

FY 2018 Proposed Budget – Kim Lenoir, City Manager

6. PUBLIC HEARINGS: (LEFT BLANK)

7. INDIVIDUAL CONCERNS

City Council Members are to deliberate the following items. Staff will present the item and are prepared to answer City Council Member questions. The Mayor will recognize Council Members as the council discussed the item so everyone is heard. Once the City Council Members finish discussion, the Mayor will recognize attendees who have comments. Attendees and council members need to direct comments to the Mayor as they are recognized. When all comments are complete, the Mayor will call for a motion.

- A. Discussion, consideration, and possible action regarding the second and final reading of Ordinance 1231 amending Ordinance 1155 Ambulance Regulations, to exempt Heart of Texas Healthcare System from the annual City inspection and one annual permit fee.
- B. Discussion, consideration, and possible action regarding extending/renewing the 2007 lease agreement for another five (5) years between the City of Brady and Hill Kountry K Life for the city property and building located at 600 South China Street and W. 6th Street.
- C. Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at 1306 South Elm Street per Demolition Order 2016-05.
- D. Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at 707 A L Reed Street per Demolition Order 2016-06.
- E. Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at 800 South College Street per Demolition Order 2016-07.
- F. Discussion, consideration and possible action approving Resolution 2017-xxx amending the Budget Policy.
- G. Discussion, consideration and possible action regarding filling vacancies and term expired positions on the City's Boards and Commissions.
- H. Discussion regarding future work sessions and topics.
- I. Discussion regarding City Council procedures and process.

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

Summer Farmers Market at Courthouse - Thursdays 3:30pm-5:30pm

August 5-6 – Ladies Golf Tournament

August 10, 12 pm to 3pm McCulloch County Historical Commission Office Grand-Opening

August 10 - Movies in the Park - Field of Dreams, Willie Washington Park.

August 17 – City Swimming Pool Last Day

August 19 – Day/Night Golf Tournament

August 24 - Movies in the Park - Night At The Museum - Richards Park

August 28 – School starts

September 2 – World Championship BBQ Goat Cook-off – Richards Park

September 16, 2pm to 1am – Celebration of “Diez y Seis” and County’s Mexican Heritage, Mexican Colony Church and Pavilion

September 16-17 – Tres Amigos Golf Tournament

September 17 – HOT Storyteller Annual Event

B. Upcoming City Calendar:

August 8 – P&Z – cancelled
August 15 – City Council – Possible Work Session
August 17 – 5pm GRW Steering Committee
August 22 – Special City Council Meeting – 1st Public Hearing for the Tax Rate
August 31 – Annual Employee Lunch at Richards Park
September 5 – 2nd Public Hearing Tax Rate; Public Hearing Budget; First Reading for Ordinances – Budget; Fees and Utility Rates; Tax Rate
September 12 – P&Z – Public Hearing on the Davee Addition Replat
September 16 and 23 – City-Wide Bulk Trash Collection Event – GRW Complex
September 19 – City Council – Public Hearing Davee Addition Replat
September 19 - Second Reading for Ordinances – Budget; Fees and Utility Rates; Tax Rate

9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include: Expressions of thanks, congratulations, or condolence; An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and Announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

10. EXECUTIVE SESSION

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

- A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties 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.
- B. 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: City Manager Lenoir and City Attorney duties under the City Charter.

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

- A. Discussion, consideration, and possible action approving Resolution 2017-029 appointing the law firm of Denton Navarro Rocha Bernal & Zech, PC to provide legal services as City Attorney.

12. ADJOURNMENT

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

Tina Keys, City Secretary

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

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in 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 Budget Work Session Meeting on Tuesday, July 18, 2017 at 3:00 p.m. at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Tony Groves presiding. Council Members present were Jim Griffin, Rey Garza, Shelly Perkins, Jeffrey Sutton, Jane Huffman. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steven Miller, Finance Director Lisa Remini, Police Chief Steve Thomas, Fire Chief Brian Meroney, City Secretary Tina Keys and Catalina Simms, Human Resources. Also in attendance was Zane Brandenburger, McCulloch County Appraisal District.

CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 3:03 p.m. Council quorum was certified.

1. Presentation from McCulloch County Appraisal District – Zane Brandenburger presented

2. Discuss:

Revisions to Mission – Vision – Value Statements –
Proposed Fees and Rate Increases (see Appendix G & H)

3. Review Proposed FY 18 Budgets:

Update Base Budget Summary

Update Fund Balance – Adequacy

Update Personnel Step and Grade Chart

Base Budget from Utility Funds

Base Budget from General / Special Revenue Funds

Update:

Supplemental Requests from Utility Funds

Supplemental Requests from General / Special Revenue Funds

4. Review and discuss future work session dates and topics – did not address

5. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 5:05 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, July 18, 2017 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Tony Groves presiding. Council Members present were Jim Griffin, Rey Garza, Shelly Perkins, Jeffrey Sutton and Jane Huffman. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steven Miller, Finance Director Lisa Remini, Fire Chief Brian Meroney, Police Chief Steve Thomas, Code Enforcement Officer Kim Davee, Water Crew Leader Vern Canter, Community Services Assistant Jessica Sutton, Intern Gabby Mendonca and City Secretary Tina Keys. Also in attendance were Tim Jones, James Stewart, Clinton Calley, Chris Moseley, Mark Moesley, Fred Johnson, Dub Smith, Julie Zapata Ramos, Beverly Bigby, Mike Bigby, Lynn Farris, Taylor Hoffpauir, Billy Roddie, Fred Johnson, Louise Long and Annita Ellison.

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

Mayor Groves called the meeting to order at 6:00 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. PUBLIC COMMENTS

Fred Johnson spoke about the condition of a house on Bombay Street. Peter Lamont will visit with Mr. Johnson outside of meeting.

4. CONSENT AGENDA

A. Approval of Audit Board for July 18, 2017.

B. Approval of Minutes for July 11, 2017 Regular Meeting and Budget Work Session Meetings July 10 to 13, 2017

Council Member Griffin moved to approve the Consent Agenda. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.

5. PRESENTATIONS

A. Gabby Mendonca, Marketing Intern from Our Lady of the Lake University in San Antonio, presented the videos she produced for the city during her summer internship – Brady Lake Promo, Brady Lake 55th Anniversary, and Curtis Field Airport Promo.

6. PUBLIC HEARING:

A. Public Hearing regarding demolition and abatement of a structure located at 1210 South Elm in the Doty Stone Subdivision, Block 1, Lots 4-5. Opened public hearing at 6:13pm. There were no comments. Closed at 6:15pm.

A1. Discussion, consideration, and possible action regarding Demolition Order 2016-09 in accordance the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 1210 South Elm in the Doty Stone Subdivision, Block 1, Lots 4-5. Council Member Sutton moved to issue Demolition Order 2016-09. Seconded by Council Member Garza. All Council Members voted "aye" and none "nay". Motion carries with a 5 – 0 vote.

B. Public Hearing regarding demolition and abatement of a structure located at 502 West 2nd Street in the Luhr Subdivision, Block 97, Lot 3. Opened public hearing at 6:19pm. One of the owners, Julie Zapata, was present and said she went before municipal court in 2016 and was cleared of nuisance. She stated she has cleaned up the yard and has spoken with someone about doing roofing. She is requesting time to get the roof fixed. Peter Lamont explained the structure is a danger to neighborhood and asked how long owner needs. Owner is requesting six months. Lamont commented that the owner was first cited in May of 2016. Council Member Sutton says we have already given more than 90 days for property to be cleaned up. Owner said they have had major health issues. Council Member Huffman asked how long family has owned but owner doesn't know. The property has been vacant since 2006. Council Member Griffin asked about garage that is in bad shape. Family will discuss what needs to be done. Peter Lamont recommends 45 days to show improvement then we will consider holding off on bringing back before council. Council Member Perkins asked if there is insurance. No, there is none. It was asked what the state regulations are on how long you can continue to wait for work to be done. The state only gives a minimum amount of time. No maximum. Kim Davee says if Council agrees to more than 30 days, the owners need to provide the Code Department with a timeline of when repairs will be done. Public Hearing was closed at 6:30pm.

B1. Discussion, consideration, and possible action regarding **Demolition Order 2016-10** in accordance the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 502 West 2nd Street in the Luhr Subdivision, Block 97, Lot 3. Peter Lamont presented. Owner is ordered to provide a timeline to Council. Council Member Huffman moved to postpone action on Demolition Order 2016-10 until first Council meeting in September. Seconded by Council Member Griffin. Three Council Members, Huffman, Griffin & Garza voted "aye" and Council Members Perkins and Sutton voted "nay". Motion carries with a 3 – 2 vote.

C. Public Hearing regarding demolition and abatement of a structure located at 903 South Pine in the Luhr Subdivision, Block 165, Lot 4. Public hearing opened at 6:34pm. There were no comments. Public hearing closed at 6:35pm.

C1. Discussion, consideration, and possible action regarding **Demolition Order 2016-11** in accordance the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 903 South Pine in the Luhr Subdivision, Block 165, Lot 4. Peter Lamont presented. Council Member Huffman moved to issue **Demolition Order 2016-11**. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carries with a 5 – 0 vote.

D. Public Hearing regarding demolition and abatement of a structure located at 907 North Davidson in the Crothers Second Subdivision, Block 14, Lots 1-4. Opened public hearing at 6:39pm. There were no comments. Closed public hearing at 6:41pm.

D1. Discussion, consideration, and possible action regarding **Demolition Order 2016-12** in accordance the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 907 North Davidson in the Crothers Second Subdivision, Block 14, Lots 1-4. Peter Lamont presented. Mr. Roddie said the lien amount was high and questioned if Council would waive the lien in the future. Lamont said anybody can tear down the house within the 90 days and a city lien would not be needed. Council Member Griffin questioned the higher estimated price to remove the property, Lamont explained this property was estimated to require at least 100 dump truck loads to remove. Council Member Huffman moved to issue **Demolition Order 2016-12**. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion carries with a 5 – 0 vote.

- E. Public Hearing regarding demolition and abatement of a structure located at 221 Melvin Street in the Dodge Heights Subdivision, Block 1, Lot 13. Opened public hearing at 6:49pm. Closed public hearing at 6:51pm.
- E1. Discussion, consideration, and possible action regarding Demolition Order 2016-13 in accordance the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 221 Melvin Street in the Dodge Heights Subdivision, Block 1, Lot 13. Peter Lamont presented. Council Member Perkins asked about proposed re-plat and staff explained removal of these structures worked well with the proposed re-plat. Council Member Griffin moved to issue Demolition Order 2016-13. Seconded by Council Member Garza. All Council Members voted "aye" and none "nay". Motion carries with a 5 – 0 vote.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action to award bid to Allweatherinc for the purchase, licensing and installation of an Automated Weather Observation System III (AWOS) with Optional Present Weather Sensor and Thunder Strick Alert Curtis Field Airport. (\$96,513). Council Member Garza moved to approve awarding bid to Allweatherinc. Seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.
- B. Discussion, consideration, and possible action regarding the first reading of Ordinance 1231 amending Ordinance 1155 Ambulance Regulations, to exempt Heart of Texas Healthcare System from the annual City inspection and one annual permit fee. Kim Lenoir presented and outlined minor changes brought forward by City Attorney, Council Member Perkins and Mayor Groves. Council Member Perkins moved to approve the first reading of Ordinance 1231 as amended. Seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.
- C. Discussion, consideration and possible action regarding filling vacancies and term expired positions on the City's Boards and Commissions. Mayor Groves nominated Kathy Gloria for P&Z. Council Member Perkins moved to approve appointing Kathy Gloria to Planning & Zoning Commission. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.
- D. Discussion regarding City Council procedures and process. There was no discussion.

8. STAFF REPORTS

- A. June Monthly Financial and Utility Reports
- B. June Monthly Activity Reports – Seniors, Golf, BPD, Animal Control, Tourism Funding, Airport, Code Enforcement
- C. Upcoming Special Events/Meetings:
 - Summer Farmers Market at Courthouse - Thursdays 3:30pm-5:30pm
 - July 19 – 11:30am, Good News Luncheon – Retail Coach, Event Center
 - July 22 – Pioneer/Hexion Community Work Day at Brady Lake Park & Beach
 - July 27 – 8:50pm, Movies in the Park - The Little Mermaid at EO Martin Park Swimming Pool
 - July 29 – Parent/Child Golf Tourney Golf Course
 - July 29 – 20th Anniversary Pioneer Employee Party at Brady Lake Beach
 - August 10 - Movies in the Park - Field of Dreams, Willie Washington Park.
 - August 24 - Movies in the Park - Night At The Museum - Richards Park
- D. Upcoming City Calendar:
 - July 19 – 8:30am Municipal Court
 - July 20 & 21 – GRW Steering Committee Tours

July 24 – 6:00pm – Special P&Z Commission Meeting
July 24-25 – BEDC Strategic Planning Retreat – Council to attend July 24 morning
CANCEL - July 25 – 9am to 12 noon – City Council to Finalize Proposed Budget
July 27 – 5:30pm Charter Review Commission Meeting
August 1 – Deliver Final Proposed FY2018 Budget
August 17 – 5pm GRW Steering Committee
September 16 and 23 – City-Wide Bulk Trash Collection Event – GRW Complex

9. ANNOUNCEMENTS

Mr. Roddie would like to see a full week to clean up Brady.

10. EXECUTIVE SESSION

There was no Executive Session.

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

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 7:25 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

City Council
City of Brady, Texas

Agenda Action Form for Ordinance

AGENDA DATE:	8/1/17	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding the second and final reading of Ordinance 1231 amending Ordinance 1155 Ambulance Regulations, to exempt Heart of Texas Healthcare System from the annual City inspection and one annual permit fee.		
PREPARED BY:	Kim Lenoir	Date Submitted:	7/24/17
EXHIBITS:	Ordinance 1231		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

On January 17, Tim Jones reported to City Council the status of the Hospital's Transfer Services since the City Ordinance 1155 was passed in August of 2014. At that time, the Hospital added their own transfer service, rather than continuing to contract with the City of Brady/McCulloch County EMS Service. During the report, Mr. Jones suggested some changes to the ordinance, specifically the desire to be exempt from the annual city inspections (since it modeled the required state inspection) and the annual permit fee.

On February 7, city council discussed the history and reasons for Ordinance 1155. Council Members Jane Huffman and Shelly Perkins requested more time to visit with Fire/EMS Chief to tour and learn more about the City EMS Ambulance Service. The tour was held on February 17.

On June 20, during the City Council Work Session, members requested an ordinance revision be presented at the next meeting to consider the hospital staff requests. On July 11, Council Member Perkins had questions and edits to discuss with attorney and staff, item was postponed until this meeting. On July 18, City Council approved the first reading of Ordinance 1231. One annual permit fee for the hospital was waived in 2016.

RECOMMENDED ACTION:

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

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

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

Mayor calls for a motion:

Move to approve second and final reading of Ordinance 1231

ORDINANCE NO. 1231

AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING ORDINANCE NO. 1155 BY AMENDING THE REGULATIONS FOR MEDICAL TRANSFER SERVICES TO BE ADMINISTERED IN A MANNER THAT PROTECTS THE PUBLIC HEALTH AND SAFETY AND PROMOTES THE PUBLIC CONVENIENCE AND NECESSITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Brady, Texas (City Council) has investigated and determined that the City of Brady, Texas (City) desires to establish regulations for private ambulance service in the City and declare that the City will be the sole provider of emergency ambulance service except as provided for herein; and

WHEREAS, in order to safely and effectively administer and regulate the number of private ambulances with the City, the City Council has investigated and determined that it is in the best interests of the citizens of the City to adopt regulations governing ambulance service in the City; and

WHEREAS, the City Council therefore desires to amend Ordinance No. 1155 by amending Article 4.100 (Emergency Medical Services and Ambulance Regulations) of the Code of Ordinances as set forth herein.

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

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Purpose. The purpose of this Ordinance is to declare that the City Fire Department is the sole provider of emergency ambulance service to emergency calls for service and to regulate private ambulance service within the City.

Section 3. Amendment to Ordinance No. 1155. The Code of Ordinances of the City of Brady, Texas, is hereby amended by amending Article 4.100, Emergency Medical Services and Ambulance Regulations, of the Code of Ordinances to read as follows:

ARTICLE 4.100 EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS

DIVISION 1. IN GENERAL

Sec. 4.100. Definitions.

For the purposes of this article, certain words and phrases are defined as follows:

Ambulance shall mean any privately or publicly-owned motor vehicle used, constructed, designed or redesigned, equipped, or used for the primary purpose of the transportation of the sick or injured persons, whether functioning as a basic life support, advanced life support, or mobile intensive care unit service level as provided by state law.

City shall mean the "City of Brady, Texas."

City Limits shall mean the area in the City within the corporate City limits.

Department shall mean the designated Emergency Medical Service for the City of Brady.

DSHS shall mean the Texas Department of State Health Services as presently constituted, or a successor agency.

Direct Call shall mean a request for ambulance service made by telephone or other means of communication directly to an ambulance operator, its agents or employees.

EMS Chief shall mean the City Fire Chief.

Emergency Ambulance shall mean an ambulance used, designed, redesigned or equipped for the purpose of transporting sick or injured persons under emergency circumstances, and the rendering of first aid.

Emergency Circumstance shall mean the existence of circumstances in which the element of time in expeditiously transporting a sick or injured person for medical or surgical treatment is essential to the health or life of such person, and in which rescue operations or competent first aid or both, at the place of emergency, may be essential to the health or life of such person.

ETJ shall mean the City's extra-territorial jurisdiction.

Medical Director shall mean a physician licensed by the Texas Medical Board who is responsible for all aspects of the operation of an EMS system concerning the provision of medical care.

Medical Transfer Services shall mean a pre-scheduled response made by an ambulance for the transportation of individuals to or from a medical facility, a nursing home, an assisted living facility, dialysis center, or residence under circumstances, which do not constitute an emergency.

Medical Transfer Service Permit shall mean a certificate of authorization issued by the City to the owner allowing the owner to operate a permitted ambulance for medical transfer services within the City limits.

Medical Transfer Service Provider shall mean a person providing medical transfer services and holding a valid Medical Transfer Service Permit.

Person means any individual, corporation, business, trust, partnership, association, or other legal entity.

Sec. 4.101. Interference with Department personnel, equipment.

The City of Brady Fire/EMS Department shall be the sole provider of emergency medical service (911 service) within the City and within McCulloch County. It shall be unlawful for any person to intentionally or knowingly physically obstruct any Department personnel proceeding to the scene or reported scene of any accident or emergency call, or to physically obstruct any Department personnel in the course of treating the sick or injured at any such scene. It shall be unlawful for any person to intentionally or knowingly fail or refuse to surrender any sick or injured person to the care of any Department personnel at the scene of any accident or emergency call. It shall be unlawful for any person to intentionally or knowingly damage, destroy or deface any attached or unattached apparatus or equipment belonging to the Department or any structure used to house or protect such apparatus or equipment.

Sec. 4.102. Penalty.

Any person who violates or fails to comply with the requirements or provisions of this article shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by assessment of a fine of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each instance such a violation or failure to comply is allowed to exist shall constitute a separate and distinct offense. In addition, the City Attorney is authorized to file suit in any court of competent jurisdiction to enjoin any person from violating or causing to be violated any of the sections of this article.

Sec. 4.103 – 4.110 reserved.

DIVISION 2. AMBULANCES

Sec. 4.111. Personnel required during operation of an ambulance.

It shall be unlawful to operate or drive or cause to be operated or driven, an ambulance on a public street of the City when furnishing ambulance service, including emergency ambulances operated by the emergency medical service Department of the City, unless such ambulance on each trip meets the minimum staffing requirements as set out in Section 157.11(a) of Emergency Medical Services rules adopted by the DSHS under Section 773.050 of the Texas Health and Safety Code.

Sec. 4.112. Licensing and operating condition requirements for ambulances.

No ambulance shall be operated upon the streets of the City for the purposes of furnishing ambulance/transfer service unless the ambulance has a valid license issued by the DSHS and a permit from the City.

Sec. 4.113. Safety and first-aid equipment required.

No ambulance shall be operated upon the streets of the City for the purpose of furnishing ambulance/transfer service unless such ambulance is equipped as set out in Section 157.11 of Emergency Medical Services Rules adopted by the DSHS under Section 773.050 of the Texas Health and Safety Code. Additionally, ambulances shall also meet the minimum requirements as outlined, in writing, by their physician medical director of record for their licensed ambulance service provider and as outlined by the City as required equipment.

Sec. 4.114 – 4.120 reserved.

DIVISION 3. MEDICAL TRANSFER SERVICES

Sec. 4.121. Permit required; fees; exceptions.

- (a) *Required.* No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation of medical transfer services upon or over any public street within the City limits without having first obtained a Medical Transfer Service Permit.
- (b) *Exception.* A Medical Transfer Service Permit shall not be required for:
 - (1) Emergency Medical Service vehicles or ambulances owned or operated by the City Fire/EMS Department; or
 - (2) Emergency Medical Service vehicles or ambulances operating solely at the request of the City or the designated Emergency Medical Service provider for the City or in cases of a mutual aid, disaster, or system overload; or
 - (3) Emergency Medical Service vehicles or ambulances operating from a location outside the city limits and who are transporting patients from a location outside the limits of the city to a location within the city or through the city to some other location.
 - (4) Air ambulance services are exempt from this Article.
- (c) *Application.* An application for license to operate an ambulance on the public streets of the City of the purpose of providing medical ambulance transfer service within the City or County shall be made by the owner thereof for each ambulance used or to be used, or an agent authorized in writing by such owner to make such application,

on forms obtained from the City Manager, which shall contain at minimum the following:

- (1) the name, address and telephone number of the owner;
- (2) any trade or other name used or to be used by the owner when providing ambulance service;
- (3) the make, model, year of manufacture, motor and chassis number, and current state license number of each ambulance;
- (4) the length of time each ambulance has been in service;
- (5) the color scheme, insignia, name, monogram or other distinguishing characteristics used or to be used by the owner to designate the ambulance together with an accurate photograph of each ambulance to be permitted;
- (6) a list of all current operators, drivers, EMTs, and EMS operators of the ambulance service including name and date of birth for each employee; and drug screen results; and
- (7) each application for a permit required by the City shall be accompanied by an non-refundable permit fee, payable to the City of Brady, and a current copy of the Texas Ambulance Inspection Documents.

(d) *Fees.* The annual permit fee associated with the permitting of medical transfer services shall be determined by City Council and reflected in the annual fee schedule. The annual permit fee shall be paid to the City Secretary and is due December 31. The annual inspection fee shall be determined by City Council and reflected in the annual fee schedule. The inspection fee is due at the time of the inspection and shall be paid to the City Secretary.

- (1) One permit fee shall be waived each year for the Heart of Texas Healthcare System.
- (2) The inspection and fee shall be waived for the Heart of Texas Healthcare System.

Sec. 4.122. Insurance requirements.

(a) Any application for a permit under Section 4.121 shall, before the permit can be issued, procure and maintain proof of financial responsibility as required by law and as prescribed in this section. The applicant shall keep in full force and effect during the entire term of this permit, the required insurance coverage for commercial general liability, automobile liability and professional liability in the minimum limits listed:

- (1) Automobile liability insurance in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each accident for personal injuries, and one hundred thousand dollars (\$100,000.00) for property damage. This automobile liability insurance shall not contain passenger liability exclusion. A written statement from an authorized agent of the ambulance operator's insurance carrier shall provide for a thirty day cancellation notice to the City;

- (2) Commercial general liability insurance with a minimum aggregate of three million dollars (\$3,000,000.00) and a minimum per occurrence of one million dollars (\$1,000,000.00);
- (3) Professional liability insurance in an amount of not less than one million dollars (\$1,000,000.00);
- (4) Workers' Compensation Insurance;
- (5) Applicant must agree to indemnify, defend, and hold harmless the City, its officers, employees and agents, and Department, for any and all claims arising from applicant's acts or omissions. Additionally, the City shall be added as an additional insured on the policies, and the coverage shall contain no special limitation on the scope of protection afforded to the City.

(b) The insurance company shall be of sufficient assets, with an agent in the State of Texas upon whom service of the process may be made, and shall be approved by the City Attorney. Every insurance policy and certificate of insurance must contain a provision or an endorsement requiring that the policy will not be cancelled, suspended, voided, or reduced until at least thirty days (30) days prior written notice has been given to the City via certified mail, return receipt requested. If the policy does not provide coverage for "any auto" then a schedule of the covered vehicle(s) is required to be submitted and filed with the City Manager. Only those covered vehicles will be permitted to operate within the City.

(c) If the City Attorney determines that the insurance coverage required in subsection (a) of this section becomes so impaired as to require new and additional insurance, the City Attorney shall require additional insurance in a company as may be deemed necessary to ensure faithful performance by the operator of ambulances its agents, servants, and employees.

(d) If the insurance policy is cancelled and no insurance policy is filed by the owner or ambulance operators before the cancellation, the permit to operate ambulances granted to such person shall be immediately and automatically revoked.

Sec. 4.123. Inspection; exception.

(a) The Brady City Manager, or designee, or the City of Brady Fire/EMS Department, shall inspect all ambulances permitted or to be permitted under Section 4.121 to determine if such vehicles meet the following minimum standards:

- (1) Each vehicle shall be equipped according to the Texas DSHS equipment standards, and as determined by the ambulance service Medical Director, and as identified by the City as required equipment;
- (2) Each vehicle shall be free from dirt or rubbish and shall be otherwise clean and sanitary;
- (3) Each vehicle shall meet the general standards and requirements of this article;
- (4) Each vehicle shall have the company name displayed on each side of the vehicle and on the rear;

- (5) Each vehicle shall be inspected each year by a person authorized to conduct vehicle safety inspections by the State of Texas; and
- (6) No vehicle shall display the identification "Emergency Ambulance", "Emergency", "911", or similar marking.
- (7) Random drug testing shall be required of all Ambulance service employees.

(b) At no time shall any ambulance that is found to be unsafe by the Brady City Manager, or designee, or the City of Brady Fire/EMS Department be operated on the streets of the City. Nothing in this section however shall prevent the Brady City Manager, or designee from inspecting any ambulance at any time. If the inspector finds that any ambulance is out of compliance, the Brady City Manager or designee, shall order the use of the ambulance discontinued until the ambulance is re-inspected and approved.

(c) At no time shall a person operating a permitted transfer ambulance in the City, respond to or from a direct call for emergency medical service, nor operate such ambulance as an emergency ambulance under emergency conditions.

(d) At no time shall a person operating a permitted transfer ambulance in the City respond to or from a direct call for a medical transfer service unit until notifying 9-1-1 Telecommunication Officer.

(e) Inspection shall not exceed state requirements and will follow the TXDSHS checklist.

(f) *Exception.* An annual inspection is not required for any Heart of Texas Healthcare System vehicle permitted under Section 4.121. The Heart of Texas Healthcare System shall provide the City Fire Chief with a copy of the state inspection report within 30 days of receiving the inspection report from the state. In addition, all Heart of Texas Healthcare System vehicles permitted under this article shall comply with the minimum standards listed above.

Sec. 4.124. Payment of Ad valorem taxes.

It shall be the duty of every Medical Transfer Services Provider to pay all ad valorem taxes assessed by the City against such vehicle and all other personal and real property used by the Medical Transfer Services Provider and to provide to the City a certificate demonstrating that ad valorem taxes have been paid. The failure to pay such ad valorem taxes before they become ninety (90) days delinquent shall result in revocation of the permit issued in accordance with Section 4.121.

Sec. 4.125. Special requirements for transfer ambulances.

(a) *Staffing.* No transfer ambulance vehicle shall ever be operated upon the streets, highways or other public places of the City unless such vehicle is operated by at least two validly permitted ambulance attendants, including the driver, each of whom must possess a current emergency medical technician basic certificate.

(b) *Posting of fee schedule.* All transfer ambulance vehicles shall have a current fee schedule conspicuously posted in the patient's compartment. A transfer services permittee shall have a current fee schedule on file with the City.

Sec. 4.126. Issuance of permits.

(a) The City Secretary, or designee, shall issue to each applicant a permit for each vehicle upon the applicant's filing of written proof of insurance as required in Section 4.122, upon ensuring that all City taxes on each vehicle and all other personal and real property used in the business have been paid and upon determination that all requirements of this article and all applicable state and federal statutes and regulations have been satisfied.

(b) Permits shall be issued for a twelve-month period. Such period shall run from January 1 to December 31 of each year. Any new permit issued during the year shall begin on the date of issuance and shall end on December 31 of that year. The permit shall state the period for which the permit is issued, the name of the owner, the year, make of the vehicle(s), the vehicle identification number, and the current license number(s).

Sec. 4.127. Renewal.

(a) An application for renewal of an existing permit shall be filed on or before November 15 for the renewal period covering the following calendar year. The application process shall be the same as specified in Section 4.121 for initial permits.

(b) The City Secretary shall issue a Medical Transfer Service Permit for each ambulance for which it has received a renewal application upon the applicant's filing of written proof of insurance as required in this Section 4.122, upon ensuring that all City taxes on each vehicle and on all other personal and real property used in the business have been paid, upon each vehicle passing the inspection required by Section 4.123, and upon determination that all requirements of this article and all applicable state and federal statutes and regulations have been satisfied.

(c) If a permit has been suspended during the permit year, re-issuance of the permit will be reviewed by the Brady City Manager, or designees, during December of the same year. The re-issuance of any permit shall be denied if the City Manager, or designee, determines that the provisions of this ordinance have not been met.

Sec. 4.128. Transferability.

A permit issued under Section 4.121 shall be specific to both the permittee as well as the permitted vehicle and shall not be transferable.

Sec. 4.129. Alterations of terms by City Council.

The City Council expressly reserves the right to modify, amend, change, or eliminate any of the provisions of any permit issued under Section 4.121, during the life of the permit, to:

- (a) Eliminate or delete any conditions that might prove obsolete or impractical; or
- (b) Impose any additional conditions upon any owner as may be just and reasonable, and which are deemed necessary for the purpose of promoting adequate, efficient, and safe ambulance to the public.

Sec. 4.130. Requirements for business location.

If the business location of the ambulance service, firm or organization is located within the City limits, the building must be in compliance with all City ordinances, state and federal laws. Pursuant to this Section 4.130, no ambulance service firm or organization can operate in, as its main place of business, a storage supply facility or a private residence. The Brady City Manager, or designee, or the City of Brady Fire/EMS Department, has the right to inspect locations as often as deemed necessary to ensure compliance with all provisions of this Article. The refusal of any ambulance operator, with a business office located within the City limits, to allow the Brady City Manager, or designee, or City of the Brady Fire/EMS Department, to inspect its premises shall be considered a violation of this Section 4.130 and may be subject to forfeiture of the Medical Transfer Service Permit.

Sec. 4.131. Revocation.

- (a) In addition to the penalties as provided in the Code for violations of this Article, a Medical Transfer Service Provider, or any of its officers, agents and/or employees who violate any section of this Article, including allowing drivers to operate or drive any vehicle while not properly licensed or while intoxicated/incapacitated, is subject to immediate suspension of its Medical Transfer Service Permit to operate within the City limits by the Brady City Manager, or designee. However, not less than ten (10) days before any revocation or suspension for other than operating a vehicle while not properly licensed or while intoxicated/incapacitated, the owner shall be given written notice, by either personal delivery or certified mail to the permittee's address as shown on the permit application, an opportunity to be heard before the Brady City Manager, or designee, as to why the permit should not be revoked or suspended. No such notice or hearing shall be deemed necessary prior to the revocation of a permit for failure to maintain proper insurance as required. Additionally, the permittee shall notify the City of any state or federal investigation, or conviction of violation of any state or federal law within ten (10) days of such investigation or conviction.
- (b) If the Brady City Manager or designee's decision is not acceptable to the applicant or permittee, the applicant or permittee may, within ten (10) days of that decision, file an appeal in writing with the City Council. During the pendency of the appeal, the permit shall be suspended. Such a written appeal shall set forth the specific grounds therefore. The City

Manager shall notify the appellant within ten (10) days after the receipt of appeal as to the time and place of the hearing, which shall be within thirty (30) days of receipt of such appeal. The determination of the City Council on any appeal pursuant to this Section 4.131 shall be final.

(c) Upon suspension or revocation of a Medical Transfer Service Permit, the Medical Transfer Service Provider shall cease operations in the City and no person shall permit the Medical Transfer Service Provider to continue such operations.

Sec. 4.132 – 4.199- reserved.

Section 4. Penalty. Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each violation occurrence shall constitute a separate offense.

Section 5. Other Laws and Regulations. No portion of this Ordinance shall be construed in a manner inconsistent with state laws or regulations, including but not limited to Chapter 773 of the Texas Health and Safety Code and any other relevant state and federal law.

Section 6. Savings/Repealer Clauses. All ordinances or parts of any ordinances inconsistent or in conflict with this Ordinance, are, to the extent of such inconsistency or conflict, hereby repealed. But such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of this Ordinance shall remain in full force and effect.

Section 7. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision of the Ordinance other than the part declared to be invalid or unconstitutional; and the City Council of the City of Brady, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. City Secretary to Publish. The City Secretary is hereby directed to publish the Caption of this Ordinance in the official newspaper in accordance with Section 3.16 of the City Charter.

Section 9. Effective Date. This Ordinance shall become effective after the tenth (10th) day after the date it is published in the official newspaper in accordance with Section 3.16 of the City Code.

Passed and Approved on FIRST READING on the 18th day of July 2017.

Passed and Approved on SECOND READING on the 1st day of August 2017.

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

APPROVED AS TO FORM:

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

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08/01/2017	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding extending/renewing the 2007 lease agreement for another five (5) years between the City of Brady and Hill Kountry K-Life for the City property and building located at 600 South China Street and West 6 th Street.		
PREPARED BY:	Jessica Sutton	Date Submitted:	07/27/2017
EXHIBITS:	2017 Extension of Lease Agreement (includes copies of original 2007 Lease Agreement and 2012 Extension of Lease Agreement)		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	<p>Approximately fourteen (14) years ago K-Life came to Brady as a youth ministry focusing on mentoring, coaching and disciplining today's teenagers, and working on a community-wide scale.</p> <p>On May 16, 2007, the Hill Kountry K-Life entered into a five (5) year lease agreement with the City of Brady, Texas for the City property and building located at 600 South China and West 6th Streets.</p> <p>On August 21, 2012, City Council extended/renewed the lease agreement for another five (5) years.</p> <p>Hill Kountry K-Life wishes to again extend/renew their lease agreement with the City for the property and building located at 600 South China and West 6th Streets for another five (5) year term which shall terminate on August 31, 2022.</p> <p>Note, Hill Kountry K-Life has had active utility services at the property since August 2005.</p>
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RECOMMENDED ACTION:	<p>Move to extend/renew the 2007 Lease Agreement between the City of Brady and Hill Kountry K-Life for another five (5)-year term.</p>
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EXTENSION OF LEASE AGREEMENT BETWEEN THE CITY OF BRADY AND
HILL KOUNTRY K-LIFE

CITY OF BRADY
STATE OF TEXAS
COUNTY OF MCCULLOCH

The lease agreement between the City of Brady (Lessor) and Hill Kountry K-Life (Lessee) that was executed on the 16th day of May, 2007 and subsequently extended on the 21st day of August, 2012 for an additional five (5) years, is again extended/renewed under the same terms and conditions as the original lease, and shall terminate August 31, 2022. The original lease agreement and first extension of lease agreement are attached and made a part of this extension for all purposes.

As consideration for the extension of the lease, Lessee shall make the following repairs and install improvements to the building as follows:

- (1) paint as needed;
- (2) repair/patch sheetrock throughout the building;
- (3) remove excess wiring and fixtures from the exterior of the building;
- (4) remove vegetation from and around electric meter and exterior circuit panel; and
- (5) maintain and upkeep on the roof, yard and building.

IN WITNESS WHEREOF, the undersigned Lessor and Lessee executed this agreement this the _____ day of _____, 2017.

Lessor:

CITY OF BRADY, TEXAS

By: _____

Anthony Groves, Mayor

Lessee:

HILL KOUNTRY K-LIFE

By: _____

_____, K-LIFE

ATTEST: _____

Tina Keys, City Secretary

ATTEST: _____

Print Name: _____

**EXTENSION OF LEASE AGREEMENT BETWEEN CITY OF BRADY AND
HILL KOUNTRY K LIFE**

STATE OF TEXAS

COUNTY OF MCCULLOCH

The lease agreement between the City of Brady and Hill Kountry K Life that was executed on the 16th day of May, 2007 is extended for an additional five years under the same terms and conditions as the original lease. The original lease is attached and made a part of this extension for all purposes.

As consideration for the extension of the lease, Lessee shall make the following repairs and install improvements to the building as follows:

- (1) Paint as needed;
- (2) Repair/patch sheetrock throughout the building;
- (3) Install new lighting;
- (4) Maintain and upkeep on the roof, yard and building.

IN WITNESS WHEREOF, the undersigned Lessor and Lessee executed this agreement this the 21 day of August, 2012.

Lessor:

City of Brady, Texas

By: Gail Lohn
Gail Lohn, Mayor

Attest:

Christy Badilla, City Secretary

Lessee:

Hill Kountry K Life

By: Brad Womble / Parker Behn

Attest: Marilyn Hendessa

LEASE AGREEMENT

THE STATE OF TEXAS

COUNTY OF McCULLOCH

THIS LEASE AGREEMENT is made and executed this 16 day of MAY, 2007, in duplicate between the City of Brady, whose addresses are 201 E. Main Street, Brady, Texas 76825, herein called "Lessor", and Hill Kountry K Life, herein called "Lessee", whose address is P.O. Box 150, Brady, Texas 76825.

DESCRIPTION OF PREMISES

1.01 Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, that certain real property, including the improvements thereon, in McCulloch County, Texas, formerly known as the Boy Scouts Lodge, herein called the "leased premises", and described as follows, to-wit:

All of Block Number 141, Luhr Addition to the City of Brady, less 67 feet by 100 feet out of the Southeast corner of said block.

TERM

2.01 The term of this lease shall be for a period of five years and shall commence on the 1st day of SEPTEMBER, 2007, and shall terminate on the LAST day of AUGUST, 2012, subject however to earlier termination as herein provided. Upon termination of the term, Lessor grants to Lessee an option to lease the leased premises for an additional five years on the same terms and conditions as this lease except the amount of rent which will be negotiated by Lessor and Lessee at that time.

2.02 The foregoing option must be exercised by giving written notice of such intention to Lessor not less than thirty nor more than ninety days prior to the end of the then-expiring term. After notice is given, Lessee and Lessor will redetermine the rent and, if an agreement is reached, Lessor and Lessee shall both execute an Addendum setting forth the rental rate for the succeeding five year term and the renewal of the lease.

2.03 Lessee shall not be allowed to exercise the herein above referenced option if the lease is in default at the time the notice is given. If the lease or any covenants contained herein are breached as of the option notice date or thereafter, the option provision shall lapse and become null and void.

RENTALS

3.01 As consideration and rentals for this lease, Lessee shall make the following repairs and install improvements to the building the subject of this lease as follows:

- (1) Install carpet;
- (2) Install air conditioning unit;
- (3) Repair or replace ceiling;
- (4) Repair electrical system;
- (5) Paint as needed; and
- (6) Install paneling.

USE AND OCCUPANCY

4.01 The leased premises shall be used only as a center for education, training, counseling, and meeting with area youth, including their teachers, counselors, and family members, as well as any other lawful purpose. Lessee shall not permit the leased premises or any part thereof to be used for (a) the conduct of any offensive, noisy, or dangerous activity that would increase the premium for fire insurance on the leased premises; (b) the creation or maintenance of a public nuisance; (c) anything which is against laws, regulations or rules of any public authority at anytime applicable to the leased premises; or (d) any purpose or in any manner which will obstruct, interfere with, or infringe on the rights of other tenants of adjoining property.

LESSOR'S COVENANTS

5.01 If the leased premises, or any part thereof, shall be partially damaged by fire or other casualty, the premises promptly shall be repaired by Lessor. If the leased premises should be damaged to the extent that Lessor shall decide not to rebuild or repair, the term of this lease shall end and the rent shall be prorated up to the time of the damage. Lessor shall have no liability for loss or destruction of personal property.

5.02 Lessor agrees to pay all utilities during the term of this lease not to exceed \$200.00 per month.

LESSEE'S COVENANTS

6.01 Lessee, during the term of this lease, shall use reasonable efforts to make all necessary and reasonable repairs to the leased premises unless Lessee determines that such repairs are not economically feasible. No liability shall result from its failure to keep said leased premises in repair as aforesaid, unless Lessee has had a reasonable time to make repairs and notice has been given to it by Lessor in writing requesting same. Lessor shall have the right to enter upon the leased premises at all reasonable times for the purposes of examination of the leased premises and equipment and in making necessary repairs and alterations.

6.02 Lessee shall commit no act of waste and shall take good care of the leased premises and the fixtures and appurtenances thereto. Lessee agrees, at its own expense, to perform the consideration herein and thereafter, to maintain the leased premises, fixtures and appurtenances thereto in good repair, and in at least as good a condition as that in which they were delivered, allowing for ordinary wear and tear. Except in the case of repair, replacement, or remodeling, Lessee shall not sell nor remove any portion of the leased premises, including, without limitation, hot water heater, air conditioning unit, appliances, furniture and fixtures.

6.03 Lessee shall maintain the yard by mowing and watering on a timely basis and shall water all trees on a regular basis so as to maintain vigor and promote growth. No automobiles or motorcycles may be parked on the lawn. No wrecked, junked or inoperable automobiles or motorcycles may be stored on the property. Lessee shall bear the expense of mowing and watering except as provided in Paragraph 5.02 above. The proper maintenance of the yard, trees and shrubs and visible appearance of the leased premises is a significant consideration for rental of the leased premises to Lessee.

6.04 Lessee shall not, without first obtaining the written consent of Lessor, make any major structural alterations, additions or improvements in, to or about the leased premises except for the repair, replacement, or remodeling provided for herein. All improvements made by Lessee to the leased premises which are so attached to the leased premises that they cannot be removed without material injury to the leased premises shall become the property of Lessor upon installation.

6.05 Lessee shall not assign the lease nor sublet the leased premises or any interest therein without first obtaining the written consent of Lessor; however, Lessor expressly consents to the use by the Boy Scouts as provided herein. This provision shall not operate to prevent Lessee from allowing church or civic groups to utilize the premises from time to time. A consent by Lessor to one assignment or subletting shall not be deemed to be a consent to any subsequent assignment or subletting. An assignment or subletting without the written consent of Lessor, or an assignment or subletting by operation of law, shall be void, and shall, at the option of Lessor, terminate this lease.

6.06 Lessee shall pay, before delinquent, all taxes assessed against furniture, fixtures and other personal property owned or placed by Lessee in or on the leased premises.

6.07 Lessee accepts the premises in their present condition "AS IS".

6.08 Lessee agrees to move out of the premises at the end of the term, provided a new term has not been agreed upon.

6.09 Lessor agrees to continue to allow the Boy Scouts to store their equipment and hold their meetings in the building the subject of this lease provided such meetings do not conflict with Hill Kountry K Life activities.

INSURANCE

7.1 Lessor shall have no duty to obtain fire or casualty insurance of any kind upon any

property belonging to Lessee, including, without limitation, furniture, clothing, jewelry, equipment, fixtures or any other personal property, and Lessor shall have no liability for any loss or damage to any property owned by Lessee.

7.2 Lessor shall maintain hazard insurance coverage on the building in an amount not less than \$ 150,000.

ABANDONED PROPERTY

8.01 Lessor may retain, destroy, or dispose of any property left on the Premises at the end of the Term.

LESSOR'S REMEDIES ON DEFAULT

9.01 If Lessee shall default hereunder and remain in default for more than thirty (30) days after written notice of such default, or should any other person than Lessee secure possession of the premises, or any part thereof, by reason of any receivership, bankruptcy proceedings, or other operation of law in any manner whatsoever, Lessor may at its option, without notice to Lessee, terminate this lease, or in the alternative, Lessor may reenter and take possession of said premises and remove all persons and property therefrom, without being deemed guilty of any manner of trespass, and relet the premises or any part thereof, for all or any part of the remainder of said term, to a party satisfactory to Lessor, and at such monthly rental as Lessor may with reasonable diligence be able to secure.

9.02 All rights and remedies of lessor under this lease shall be cumulative, and none shall exclude any other right or remedy at law. Such rights and remedies may be exercised and enforced concurrently and whenever and as often as occasion therefor arises.

HOLDOVER BY LESSEE

10.01 If Lessee does not vacate the premises following termination of this lease, Lessee will become a tenant at will and must vacate the Premises on receipt of notice from Lessor. No holding over by Lessee, whether with or without the consent of Lessor, will extend the Term.

10.02 Should Lessee remain in possession of the leased premises with the consent of Lessor after the expiration of this lease, a new tenancy from month to month shall be created between Lessor and Lessee which shall be subject to all the terms and conditions of this lease but which shall be terminable by 30 day's written notice served by either Lessor or Lessee on the other party to this lease.

INDEMNITY

11.01 Lessee agrees to indemnify and hold Lessor harmless against any and all claims, demands, damages, costs and expenses, including reasonable attorney's fees for the defense thereof, arising from the conduct or management of Lessee's occupancy of the leased premises or from any breach on the part of Lessee of any conditions of this lease, or from any act or negligence of Lessee, its guests, agents, contractors, employees, subtenants, concessionaires, or licensees in or about the leased premises. In case of any action or proceeding brought against Lessor by reason of any such claim, Lessee, upon notice from Lessor, covenants to defend such action or proceeding by counsel acceptable to Lessor.

MISCELLANEOUS

12.01 All notices provided to be given under this agreement shall be given by certified mail or registered mail, addressed to the proper party, at the following address:

TO LESSOR:

City of Brady
201 E. Main Street
Brady, TX 76825

TO LESSEE:

Hill Country K Life
P.O. Box 150
Brady, Texas 76825

12.02 This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this agreement.

12.03 This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in McCulloch County, Texas.

12.04 In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

12.05 This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

12.06 No amendment, modification, or alteration of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

12.07 The rights and remedies provided by this lease agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its right to use any or all other

remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

12.08 No waiver by the parties hereto of any default or breach of any term, condition, or covenant of this lease shall be deemed to be waiver of any other breach of the same or any other term, condition, or covenant contained herein.

12.09 In the event Lessor or Lessee breaches any of the terms of this agreement whereby the party not in default employs attorneys to protect or enforce its rights hereunder and prevails, the defaulting party agrees to pay the other party reasonable attorney's fees so incurred by such other party.

12.10 Time is expressly declared to be of the essence of this lease.

12.11 Neither Lessor nor Lessee shall be required to perform any term, condition, or covenant in this lease so long as such performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by any governmental authority, civil riot, floods, and any other cause not reasonably within the control of Lessor or Lessee and which by the exercise of due diligence Lessor or Lessee is unable, wholly or in part, to prevent or overcome.

IN WITNESS WHEREOF, the undersigned Lessor and Lessee hereto execute this agreement as of the day and year first above written.

LESSOR:

City of Brady, Texas
A Municipal Corporation

By: James Stewart
James Stewart, Mayor of Brady

Attest: Chris McGehee
City Secretary

LESSEE:

Hill Country K Life
A Texas Non-Profit Corporation

By: Tom Sammons, Jr.
Tom Sammons, President

Attest: LuAnne Sammons
LuAnne Sammons, Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08/01/2017	AGENDA ITEM	7.C.
AGENDA SUBJECT:	Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at 1306 South Elm Street per Demolition Order 2016-05.		
PREPARED BY:	Kimberly Davee	Date Submitted:	07/27/2017
EXHIBITS:	Demolition Order 2016-05, Current Photo, Map		
BUDGETARY IMPACT:	Required Expenditure:	\$3975.00	
	Amount Budgeted:	\$28300.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

This structure at this address has been determined to be a dangerous premises because the roof is unstable and parts of the roof are caving. The foundation is rotting and is unstable. There are numerous exposed electrical wires. Some of the windows have been broken which could be a result of the pressure from the rotted beams and dilapidated roof. These are just some of the issues. This property has not had utilities connected since April 23, 2014.

Owner: Charles Krus
 Last Known Address: P.O. Box 519, Mason, TX 76856
 Property Taxes: Delinquent (\$90.29)
 Amount of Tax Lien: \$3975.00

Action taken:

January 30, 2017 – The structure was inspected and pictures were taken to determine if this was a dangerous premises. Ronnie Roberts, Code Enforcement Officer, has determined the buildings do meet the standards of a dilapidated/dangerous premises. A “Do not Enter” sign was posted on the property along with the Notice of Public Hearing.

January 30, 2017 – A Notice of Public Hearing was sent via Certified Mail to the property owner at the address on file with the McCulloch County Appraisal District (MCAD).

February 6, 2017 – A Notice of Public Hearing was sent to be published in the newspaper on November 2, 2016 for the public hearing.

February 21, 2017 – A public hearing was held and **Demolition Order 2016-05** was issued. The homeowner was notified via Certified Mail of the demolition order within the 10-day period.

May 21, 2017 – 90-day period expired

July 27, 2017 – An inspection was performed by Kim Davee for compliance with **Demolition Order 2016-06**. The owner did not comply with the demolition orders.

RECOMMENDED ACTION:

Move to allow city abatement of the structure and establish a lien on the property for 1306 South Elm.

DEMOLITION ORDER 2016-05

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 1306 SOUTH ELM, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES

WHEREAS, on January 30, 2017, the City provided the owner of the property located at 1306 South Elm, Brady, Texas with notice, via certified mail, of a hearing to be held on February 21, 2017; and

WHEREAS, on February 21, 2017, the City Council conducted a public hearing concerning the structure located at 1306 South Elm, City of Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the Brady Code of Ordinances (Dangerous Premises); and

WHEREAS, the City Council finds that all proper notices have been sent as required by City Ordinances; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property is in violation of the ordinances regarding substandard structures under Section 3.207 of the City of Brady Code of Ordinances (Dangerous Premises); and

WHEREAS, the property owner, Charles Krus, did not appear at the hearing; and

WHEREAS, the City Council finds that the structure is unoccupied; and

WHEREAS, the City Council finds based on the evidence presented at the hearing that the structure contains nuisance conditions that constitute a hazard to the health, safety and welfare of the citizens and are likely to endanger persons and property; and

WHEREAS, the City Council takes notice of and incorporates all evidence presented, including photographs and the issuance of notices, for its consideration of this matter and incorporates the same into the body of this Order for all purposes; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property is in violation of the Dangerous Premises Ordinance; and

WHEREAS, the City Council finds that the structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizens and likely to endanger persons and property.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BRADY THAT:

(1) 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.

(2) The structure located at 1306 South Elm, Brady, Texas satisfies one or more of the substandard and dangerous conditions set forth in Section 3.204 of the Brady Code of

Ordinances (Dangerous Premises). Specifically, Subsections (choose 1 – 12) of Section 3.207 of the Code of Ordinances have been violated. Therefore, the City is authorized to demolish the building under Section 3.210 of the City Code of Ordinances

(3) The owner is hereby ordered to demolish the structure located at 1306 South Elm, Brady, Texas by no later than 90 days from the date of this Order, which is May 21, 2017; and

(4) This property will be brought back to the City Council at its next regular meeting after May 21, 2017 for review and to ensure compliance with this Order. Failure to adhere to the mandates in this Order within the specified time may result in the City taking requisite actions to remove any dangerous or substandard structure or conditions, including demolition of the structure and establishment of a City lien on the property.

It is specifically determined that the recitals in this order are incorporated by reference as findings of fact and that the meeting that the City Council passed this order was open to the public, and that the public notice of the time, place, and purpose of the meeting was given as required by the Texas Open Meetings Act.

ORDERED THIS 21st DAY OF February 2017.

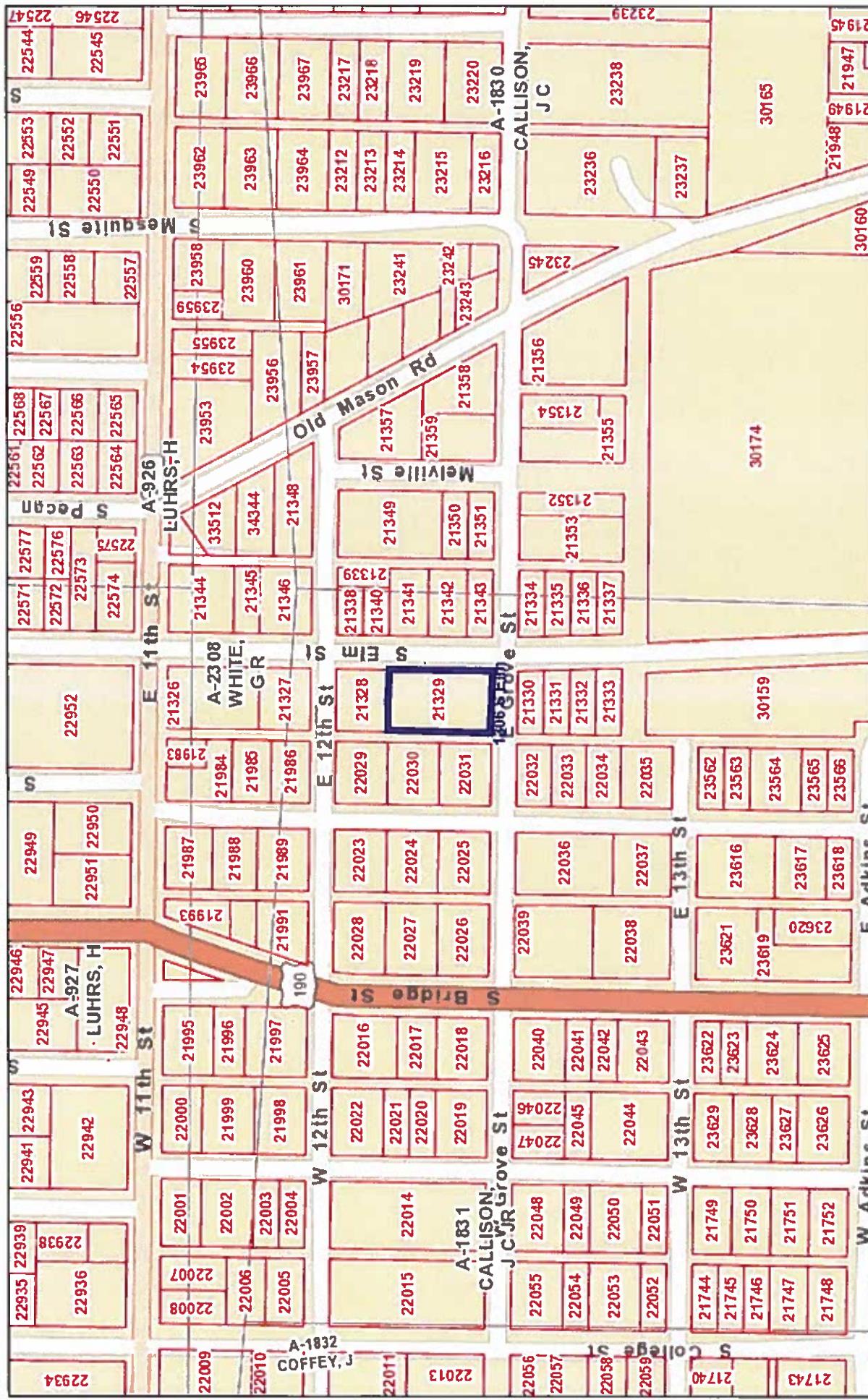
Anthony W Groves
Anthony Groves, Mayor

Attest: Tina Keys
Tina Keys, City Secretary

07/27/2017



1306 S Elm



Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for medical use.

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City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08/01/2017	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at 707 A L Reed Street per Demolition Order 2016-06.		
PREPARED BY:	Kimberly Davee	Date Submitted:	07/27/2017
EXHIBITS:	Demolition Order 2016-06, Current Photos, Map		
BUDGETARY IMPACT:	Required Expenditure:	\$3050.00	
	Amount Budgeted:	\$28300.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

This structure at this address has been determined to be a dangerous premises because it has severe roof and structural damage, missing windows and open doorways. The integrity of the structural membranes have been compromised. The structure is ready to collapse and is determined to be a health violation and a risk to the public. There are no utility records for this property.

Owner:

Dudley Green Est. c/o Mrs. Flora Mossett

Last Known Address:

641 Athens Blvd., Los Angeles, CA, 90044

Property Taxes:

Delinquent (\$33.38)

Amount of Tax Lien

\$3050.00

Action taken:

January 30, 2017 – The structure was inspected and pictures were taken to determine if this was a dangerous premises. Ronnie Roberts, Code Enforcement Officer, has determined the buildings do meet the standards of a dilapidated/dangerous premises. A “Do Not Enter” sign was posted on the property along with the Notice of Public Hearing.

January 30, 2017 – A Notice of Public Hearing was sent via Certified Mail to the property owner at the address on file with the McCulloch County Appraisal District (MCAD).

February 6, 2017 – A Notice of Public Hearing was sent to be published in the newspaper on November 2, 2016 for the public hearing.

February 21, 2017 – A public hearing was held in which **Demolition Order 2016-06** was issued to the homeowner. The homeowner was notified via Certified Mail of the demolition order within the 10-day period.

May 21, 2017 – 90-day period expired

July 27, 2017 – An inspection was performed by Kim Davee for compliance with **Demolition Order 2016-06**. The owner did not comply with the demolition orders.

RECOMMENDED ACTION:

Move to allow city abatement of the structure and establish a lien on the property for 707 A L Reed.

DEMOLITION ORDER 2016-06

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 707 A L REED, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES

WHEREAS, on January 30, 2017, the City provided the owner of the property located at 707 A L Reed, Brady, Texas with notice, via certified mail, of a hearing to be held on February 21, 2017; and

WHEREAS, on February 21, 2017, the City Council conducted a public hearing concerning the structure located at 707 A L Reed, City of Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the Brady Code of Ordinances (Dangerous Premises); and

WHEREAS, the City Council finds that all proper notices have been sent as required by City Ordinances; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property is in violation of the ordinances regarding substandard structures under Section 3.207 of the City of Brady Code of Ordinances (Dangerous Premises); and

WHEREAS, the property owner, Mrs. Flora Mossett, executor of the Dudley Green Estate, ~~did~~did not appear at the hearing; and

WHEREAS, the City Council finds that the structure is unoccupied; and

WHEREAS, the City Council finds based on the evidence presented at the hearing that the structure contains nuisance conditions that constitute a hazard to the health, safety and welfare of the citizens and are likely to endanger persons and property; and

WHEREAS, the City Council takes notice of and incorporates all evidence presented, including photographs and the issuance of notices, for its consideration of this matter and incorporates the same into the body of this Order for all purposes; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property is in violation of the Dangerous Premises Ordinance; and

WHEREAS, the City Council finds that the structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizens and likely to endanger persons and property.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BRADY THAT:

(1) 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.

(2) The structure located at 707 A L Reed, Brady, Texas satisfies one or more of the substandard and dangerous conditions set forth in Section 3.204 of the Brady Code of Ordinances (Dangerous Premises). Specifically, Subsections (choose 1 – 12) of Section 3.207 of the Code of Ordinances have been violated. Therefore, the City is authorized to demolish the building under Section 3.210 of the City Code of Ordinances

(3) The owner is hereby ordered to demolish the structure located at 707 A L Reed, Brady, Texas by no later than 90 days from the date of this Order, which is May 21, 2017; and

(4) This property will be brought back to the City Council at its next regular meeting after May 21, 2017 for review and to ensure compliance with this Order. Failure to adhere to the mandates in this Order within the specified time may result in the City taking requisite actions to remove any dangerous or substandard structure or conditions, including demolition of the structure and establishment of a City lien on the property.

It is specifically determined that the recitals in this order are incorporated by reference as findings of fact and that the meeting that the City Council passed this order was open to the public, and that the public notice of the time, place, and purpose of the meeting was given as required by the Texas Open Meetings Act.

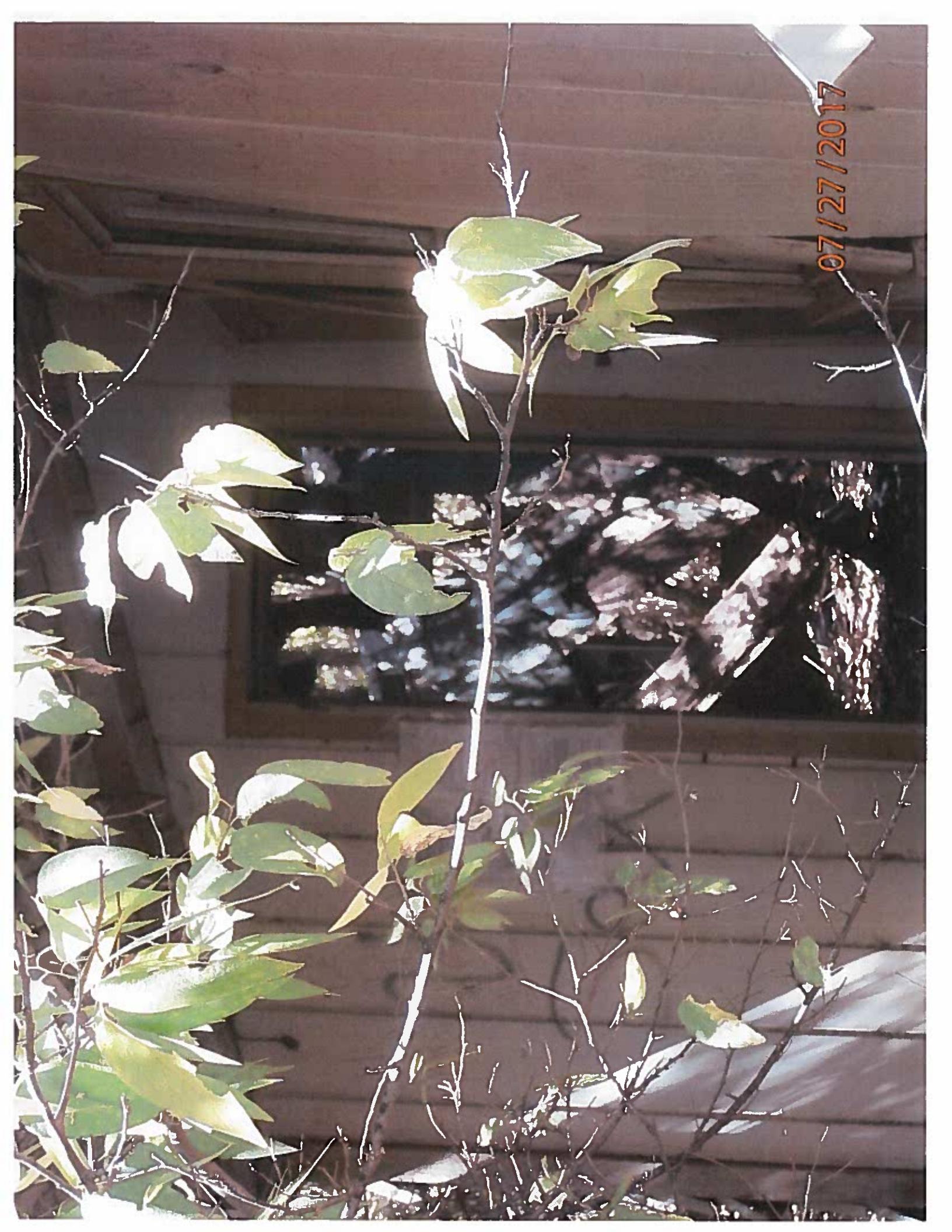
ORDERED THIS 21st DAY OF February 2017.

Anthony H Groves
Anthony Groves, Mayor

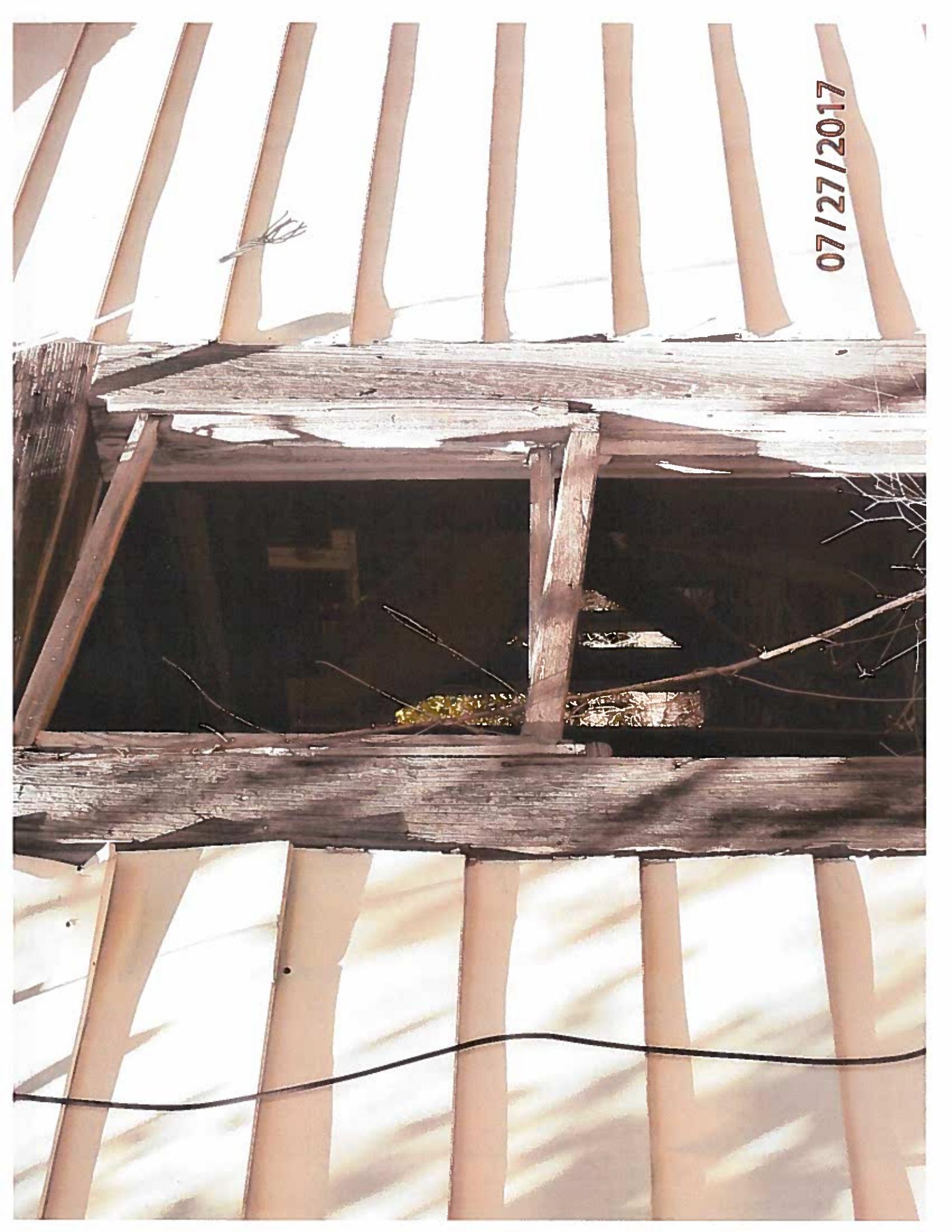
Attest: *Tina Keys*
Tina Keys, City Secretary



07/27/2017

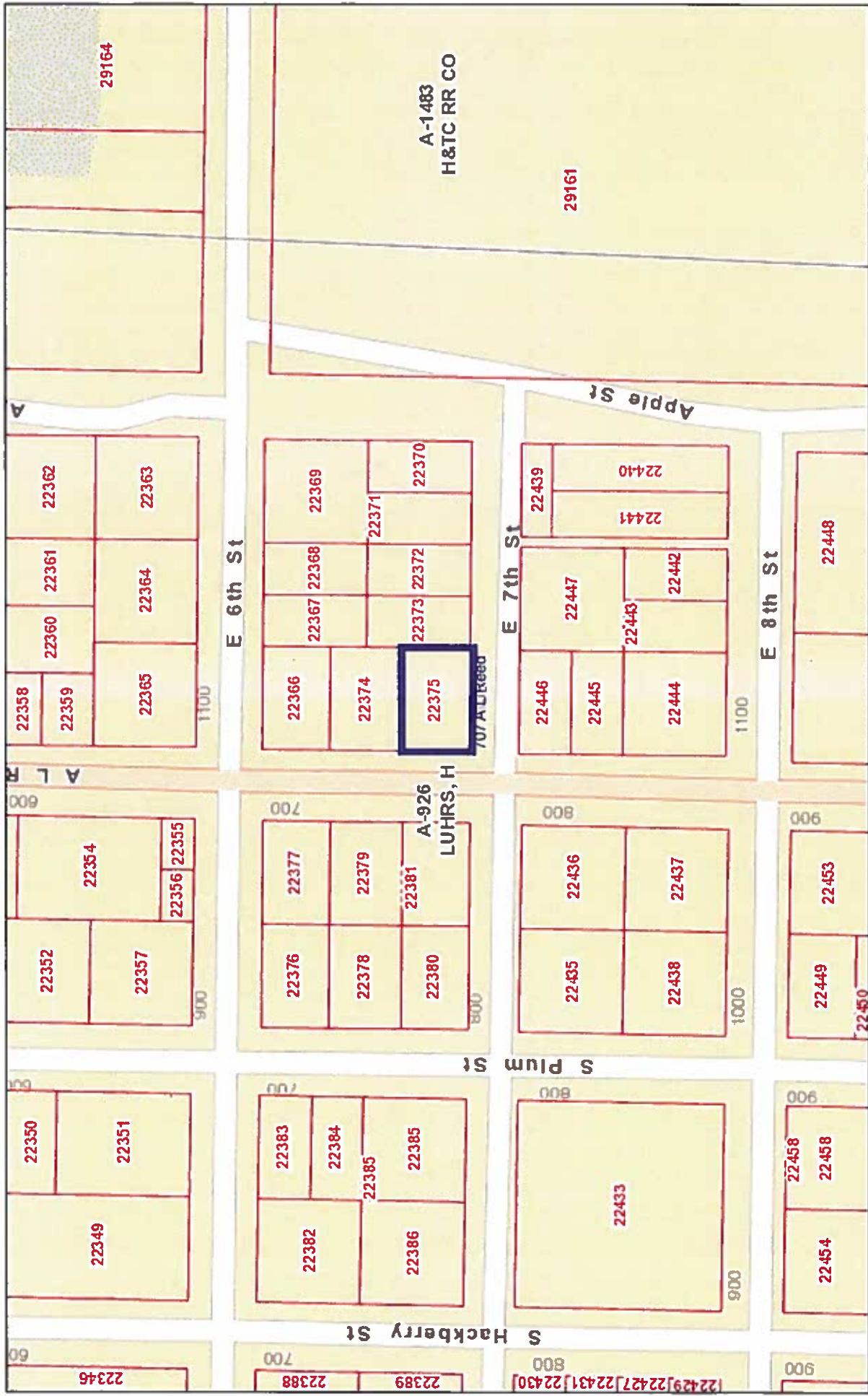


07/27/2017



07/27/2017

707 AL Reed



July 27, 2017

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Abstracts

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Source:

ESRI, HERE, Delorme, USGS, Intertek, INCREMENT P, NRCAN,
ESRI Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),
McCulloch County Appraisal District & BIS Consulting - www.bisconsultants.com

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City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08/01/2017	AGENDA ITEM	7.E.
AGENDA SUBJECT:	Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at 800 South College Street per Demolition Order 2016-07.		
PREPARED BY:	Kimberly Davee	Date Submitted:	07/27/2017
EXHIBITS:	Demolition Order 2016-07, Current Photos, Map		
BUDGETARY IMPACT:	Required Expenditure:	\$3610.00	
	Amount Budgeted:	\$28300.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

This structure at this address has been determined to be a dangerous premises because the roof is unstable and parts of the roof are caving. The foundation is rotting and is unstable. There are numerous exposed electrical wires. Some of the windows have been broken which could be a result of the pressure from the rotted beams and dilapidated roof. These are just some of the issues. This property has not had utilities connected since December 4, 2008.

Owner: John Hurta
 Last Known Address: P.O. Box 1049, Mason, TX 76856
 Property Taxes: Delinquent (\$302.69)
 Amount of Tax Lien: \$3610.00

Action taken:

January 30, 2017 – The structure was inspected and pictures were taken to determine if this was a dangerous premises. Ronnie Roberts, Code Enforcement Officer, has determined the buildings do meet the standards of a dilapidated/dangerous premises. A “Do not Enter” sign was posted on the property along with the Notice of Public Hearing.

January 30, 2017 – A Notice of Public Hearing was sent via Certified Mail to the property owner at the address on file with the McCulloch County Appraisal District (MCAD).

February 6, 2017 – A Notice of Public Hearing was sent to be published in the newspaper on November 2, 2016 for the public hearing.

February 21, 2017 – A public hearing was held in which action was delayed 45 days to allow an evaluation for renovation by a potential owner.

April 18, 2017 – City Council ordered Demolition Order 2016-07.

July 17, 2017 – 90-day period expired

July 27, 2017 - An inspection was performed by Kim Davee for compliance with Demolition Order 2016-07. The owner did not comply with the demolition orders.

RECOMMENDED ACTION:

Move to allow city abatement of the structure and establish a lien on the property for 800 South College.

DEMOLITION ORDER 2016-07

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 800 SOUTH COLLEGE, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES.

WHEREAS, on January 30, 2017, the City provided the owner of the property located at 800 South College, Brady, Texas with notice, via certified mail, of a hearing to be held on February 21, 2017; and

WHEREAS, on February 21, 2017, the City Council conducted a public hearing concerning the structure located at 800 South College, City of Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the Brady Code of Ordinances (Dangerous Premises); and

WHEREAS, on February 21, 2017, the City Council delayed any action for forty-five (45) days to allow an evaluation for renovation by a potential owner; and

WHEREAS, the City Council finds that all proper notices have been sent as required by City Ordinances; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property is in violation of the ordinances regarding substandard structures under Section 3.207 of the City of Brady Code of Ordinances (Dangerous Premises); and

WHEREAS, the property owner, John Hurta, did/did not appear at the hearing; and

WHEREAS, the City Council finds that the structure is unoccupied; and

WHEREAS, the City Council finds based on the evidence presented at the hearing that the structure contains nuisance conditions that constitute a hazard to the health, safety and welfare of the citizens and are likely to endanger persons and property; and

WHEREAS, the City Council takes notice of and incorporates all evidence presented, including photographs and the issuance of notices, for its consideration of this matter and incorporates the same into the body of this Order for all purposes; and

WHEREAS, based upon the evidence presented, the City Council finds that the Property is in violation of the Dangerous Premises Ordinance; and

WHEREAS, the City Council finds that the structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizens and likely to endanger persons and property.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BRADY THAT:

- (1) 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.
- (2) The structure located at 800 South College, Brady, Texas satisfies one or more of the substandard and dangerous conditions set forth in Section 3.204 of the Brady Code of Ordinances (Dangerous Premises). Specifically, Subsections (choose 1 – 12) of Section 3.207 of the Code of Ordinances have been violated. Therefore, the City is authorized to demolish the building under Section 3.210 of the City Code of Ordinances
- (3) The owner is hereby ordered to demolish the structure located at 800 South College, Brady, Texas by no later than ninety (90) days from the date of this Order, which is July 17, 2017; and
- (4) This property will be brought back to the City Council at its next regular meeting after July 17, 2017 for review and to ensure compliance with this Order. Failure to adhere to the mandates in this Order within the specified time may result in the City taking requisite actions to remove any dangerous or substandard structure or conditions, including demolition of the structure and establishment of a City lien on the property.

It is specifically determined that the recitals in this order are incorporated by reference as findings of fact and that the meeting that the City Council passed this order was open to the public, and that the public notice of the time, place, and purpose of the meeting was given as required by the Texas Open Meetings Act.

ORDERED THIS 18th DAY OF APRIL 2017.



Anthony Groves, Mayor

Attest: 

Tina Keys, City Secretary

07/27/2017



07/27/2017



800 S College



July 27, 2017

Barrie

Abstracts

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A scale bar with markings for 0, 0.015, 0.03, 0.05, 0.06 mi, and 0.1 km.

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City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	8-1-2017			AGENDA ITEM	7.F.						
AGENDA SUBJECT:	Discussion, consideration and possible action approving Resolution 2017-028 amending the Budget Policy.										
PREPARED BY:	Lisa Remini		Date Submitted:	7-24-2017							
EXHIBITS:	Resolution 2017-028 Proposed Budget Policy										
BUDGETARY IMPACT:	<table border="1"><tr><td>Required Expenditure:</td><td>\$0</td></tr><tr><td>Amount Budgeted:</td><td>\$0</td></tr><tr><td>Appropriation Required:</td><td>\$0</td></tr></table>					Required Expenditure:	\$0	Amount Budgeted:	\$0	Appropriation Required:	\$0
Required Expenditure:	\$0										
Amount Budgeted:	\$0										
Appropriation Required:	\$0										
CITY MANAGER APPROVAL:											

SUMMARY:

City Council adopted a Budget Policy in 2015. The Budget Policy guides the City staff and Council Members regarding the general development, amendments and adoption of the City Budget in compliance with the City Charter.

Staff is recommending additions to the policy to better define the actual practice of the City to enhance clarity and transparency, and promote efficiency with the budgeting process.

Finance Director Lisa Remini will discuss the recommended changes with City Council.

RECOMMENDED ACTION:

Move to approve Resolution 2017-028

RESOLUTION NO. 2017-028

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO AMEND
THE CITY OF BRADY BUDGET ADMINISTRATIVE POLICY WHICH WAS ADOPTED IN
2015**

WHEREAS, in October 2015, the City Council adopted the Budget Administrative Policy that outlines how annual budget is developed and administered; and

WHEREAS, City staff are suggesting clarifications to the Budget Adjustments and Amendments as well as Fund Amendment portions of the policy along with minor wording changes to improve clarification of the policy; and

WHEREAS, the City wishes to proceed with revising the City of Brady Budget Administrative Policy; and

WHEREAS, the City Charter requires City Council to set policy by resolution.

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

The City of Brady Budget Administrative Policy which was adopted in 2015 is hereby revised.

PASSED AND APPROVED this the _____ day of _____, 2017.

CITY OF BRADY

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary

CITY OF BRADY
ADMINISTRATIVE PROCEDURES

SUBJECT: Proposed BUDGET POLICY	EFFECTIVE DATE: 10-20-2015	REVISED DATE: 8-16-2016 8-01-2017
APPROVED:	Reference No: 2016-039-Res # 2017-028	

BUDGET PROCESS

The budget process is an annual activity as set forth in the City Charter. The City Council adopts an annual budget as prepared by the City Manager and the City staff.

This process starts in **April** **May**, with the City Staff and in **May** **June**, with City Council work sessions. The City Council, City Manager, along with Department Directors, determine the strategic focus areas, long term goals and plans for the upcoming fiscal year for the City of Brady.

April through June, the Finance staff prepares materials, and forecasts. Staff are also continuously monitoring current year revenues and expenditures, and preparing subsequent fiscal year projections.

By mid-April, the Finance staff delivers forms, guidelines, and materials needed to prepare the projected current fiscal year budget and proposed budget requests. Preparation of the budget includes the current year revised budget, the subsequent fiscal year proposed budget, and the subsequent fiscal year capital and supplemental requested amounts.

The projected budget is the current year revised/amended budget and is a projection of revenues and expenditures for the remainder of the fiscal year. Divisions submit justification for accounts that are expected to be over budget and for accounts that funding will not be fully utilized. All accounts are then evaluated and adjusted **as needed** from the current budgeted amount to meet year end needs.

The subsequent fiscal year proposed Base Budget is the expected cost for maintaining the current year base operations. Increases to the operating portion due to growth or inflation of the base are limited depending on the City Manager guidelines stated during the Budget review meetings with each Division. Capital and one-time purchases from the previous fiscal year are not included in this base estimate.

Instead, activities that require additional resources, new or replacement equipment, or new programs are included in the capital and supplemental requested amounts. For each item requested, Divisions provide a description, itemization, and justification of the estimated costs. These requests are submitted by the Department Director in a list prioritized according to need.

All budget preparation materials are due in May. Throughout May, the Finance Director schedules individual Departmental Budget Review Meetings that are held with the City Manager, Department Director and the Management Team to review and discuss their requests for changes/projections to the current year, their upcoming year proposed budget, and their capital and supplemental requests.

The Finance staff combines the proposed requests into the Revenue, Expenditure and Fund Summaries which are submitted to the City Manager, who then reviews, makes changes and submits a **draft of** the proposed budget to the City Council on or before June 30.

The City Council has the opportunity to review the **draft** proposed budget; discuss their opinions, ask questions with the City Manager, provide feedback, and request changes at the Council work sessions in July. On the first regular Council meeting in August, the City Manager presents a final proposed budget for City Council consideration.

The Charter requires at least one public hearing on the budget. In addition, if the proposed tax rate exceeds the effective tax rate, the City is required to hold two public hearings on the tax rate in addition to the public hearing on the budget. The public hearings allow citizens a chance to provide their feedback. If required, tax rate hearings are scheduled in August and September. The public hearing for the budget is held at the first regular Council meeting in September.

The City Council will adopt the budget ordinance at the City Council meetings in September for the October 1 fiscal year start date.

BUDGET ADJUSTMENTS AND AMENDMENTS

Unanticipated events that occur in the fiscal year after the adoption of the budget should be addressed in a timely manner. Section 6.05 of the City's Charter addresses this fact with regard to emergency situations. **Review of actual current fiscal year's performance and anticipated events compared to the budget is conducted at mid-year.** A review of actual performance to budget is also conducted at the fiscal year end to identify expenditures associated with projects that may need to be carried over to the new fiscal year. Section 6.12 of the City's Charter requires the City Manager to report all nondesignated funds after the close of the fiscal year. The new year budget may be amended to reflect additional appropriations for specific expenditures.

For all adjustments and budget amendments the following guidelines are recommended:

DIVISION ONLY ADJUSTMENTS

Budget adjustments that do not affect the total appropriation for a Division, but transfer funds from one line item to another within a Division's operating budget may be allowed with approval from the Finance Director and City Manager at the written request of the Department Director.

ADJUSTMENTS BETWEEN DIVISIONS WITHIN THE SAME FUND

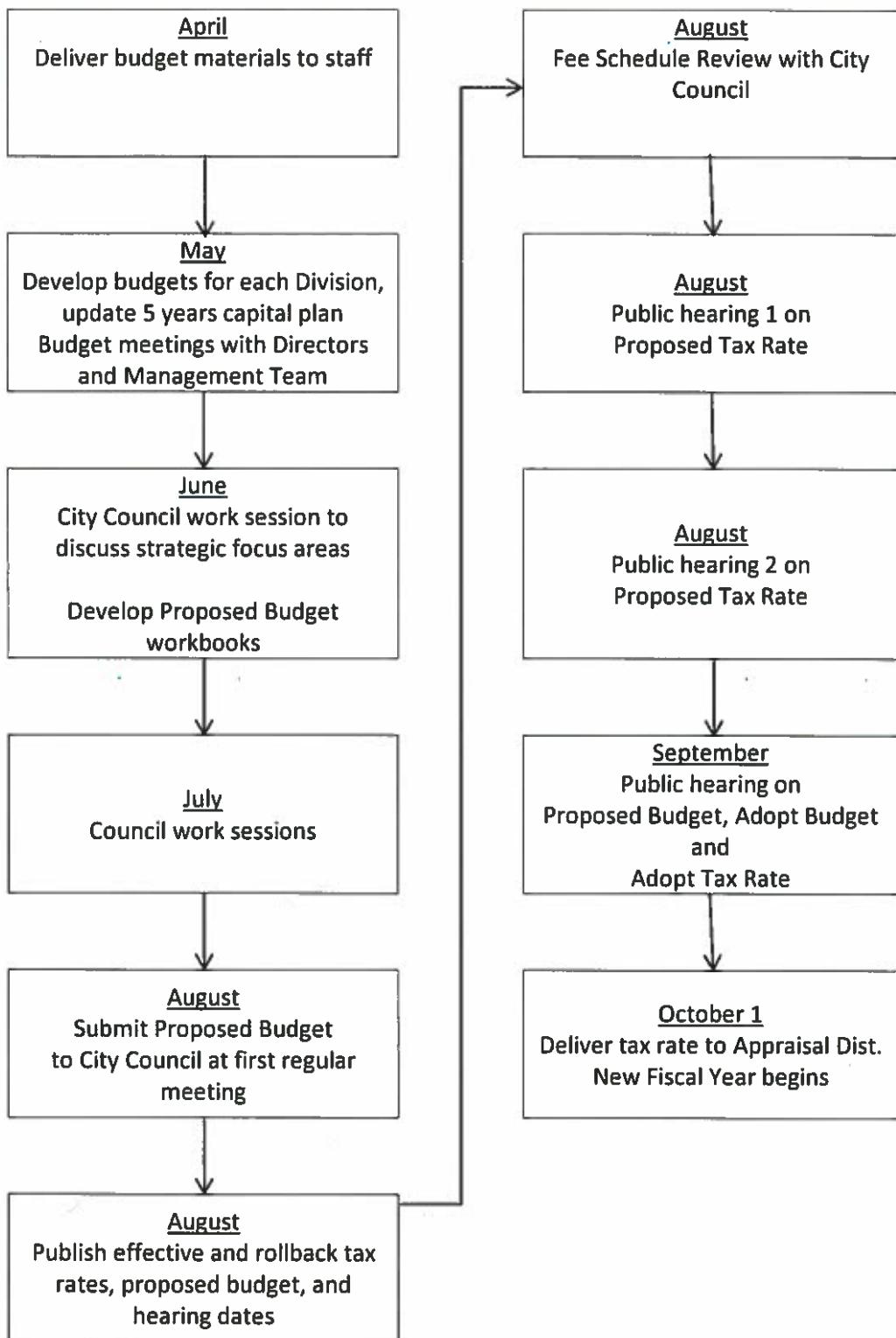
A budget adjustment that will bring changes in the total appropriation for two or more Divisions may be allowed with approval from the Finance Director and City Manager at the written request of the Department Director, based on the City's ability to fund the request.

FUND AMENDMENTS

A budget change that requires an increase ~~or decrease~~ in total appropriations at the fund level requires City Council's consideration in the form of a budget amendment ordinance.

An increase in total appropriations resulting from a new/additional revenue source; however, will be allowed by approval of the City Manager and Director of Finance and documented on a Budget Adjustment Form. Examples of an event would be an award of grant or donation for a specific expenditure, or purchases of aviation fuel, electricity, or natural gas to support additional sales.

TIMELINE FOR THE BUDGET PROCESS



CITY OF BRADY

2017 Boards & Commissions --- Positions to fill

Yellow - Appointments needed

PLANNING AND ZONING COMMISSION (3 yr term)

Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Nick Blyshack, Chair	6/18
2	Ronnie Aston, Vice Chair	6/20
3	Amy Greer	6/20
4	Thomas Flanigan	6/19
5	Kathy Gloria	6/19
6	Connie Easterwood	6/19
7	Jeff Bedwell	6/18
* ALT	open	6/18

Economic Development Corporation - 4A (2 year term)

Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Lauren Bedwell, President	6/18
2	Don Miller, VP	6/18
3	Jason Valdez	6/19
4	Michelle Derrick	6/18
5	Erin Betts	6/19

ZONING BOARD OF ADJUSTMENT (ZBA/BOA)

Charter & Zoning Ord. Sec. 9.1 (2 yr term)

Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Chris Green	6/19
2	Rod Young, Vice Chair	6/18
3	Heath McBride, Chair	6/18
4	Holly Groves	6/19
5	James Stewart	6/19
* Alt 1	open	6/18
* Alt 2	open	6/18
* Alt 3	open	6/18
* Alt 4	open	6/18

Airport Advisory Board (Ord 1149 - 2 yr term)

Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Bob Rice	6/19
2	Rick Morgan, Chair	6/19
3	Richard Lenoir	6/19
4	Richard Jolliff	6/18
5	Kirk Roddie	6/18
6	Dale Scott	6/18
7	Carey Day	6/18

Municipal Court Judges (2yr term)

Tina Keys, Staff Liaison 325/597-2152 ext 207 citysec@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
Judge	Bill Spiller	12/17

Brady Youth Association (1yr term)

Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us

Council	Rey Garza	1/18
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Concho Valley Council of Governments Annual Board (1yr term)

Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us

Council	Shelly Perkins	9/17
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CHARTER REVIEW COMMISSION (4 year term)

Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	JoAnn Coffey, Chair	2016-2020
2	Teresa Leifeste, Vice Chair	2016-2020
3	Patsy Cole	2016-2020
4	Bill Derrick	2016-2020
5	open	2016-2020
6	Kelly Elliott	2016-2020
7	Chad Blankenship	2016-2020

INVESTMENT COMMITTEE (1 yr term)

Lisa Remini, Staff Liaison 325/597-2152 ext 204 lremini@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Finance Director	FY 2017
2	City Manager	FY 2017
3	Jane Huffman	FY 2017

CITY COUNCIL (3 yr term)

Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us

PLACE	MEMBER NAME	CURRENT TERM
MAYOR	Anthony Groves	5/20
1	Rey Garza	5/20
2	Shelly Perkins	5/18
3	Jeffrey Sutton	5/18
4	Jane Huffman	5/19
5	James Griffin	5/19

McCulloch County Senior Citizen Association

Sunset Center Advisory Board (2 year term)

Rosie Aguirre, Staff Liaison 325/597-2946 rgomez@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Wanda Nesbit - President	10/17
2	Marcia Arons - VP	10/17
3	Elbert Boswell - Treasurer	10/17
4	Sheryl Roberts - Secretary	10/17
5	Mary Bradshaw	10/17
6	Rene Avants	10/17
7	Alvin Bolton	10/17
8	Janice Crawford	10/17
9	Mindy Gober	10/17
10	Bill Spiller	10/17
11	Angelita Torrez	10/17
12	Evelyn Pitcox	10/17
13	Daymon McBee	10/17
14	Rosie Aguirre	Director
15	Kim Lenoir	City Manager
16	Danny Neal	County Judge
17	Hazel Maner	Lifetime

Hotel Occupancy Tax Grant Committee (1yr term)

Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us

Director	Peter Lamont	FY 2017
Finance	Lisa Remini	FY 2017
City Mgr	Kim Lenoir	FY 2017
Council	Jim Griffin	FY 2017

* Alternates serve 1 year terms

Project list below has been identified for future City Council Work Sessions. Staff is working on numerous projects with the city council to update policies, ordinances, rules or processes that need attention. Next Work Session, we need to identify the council's priorities for the next year.

Projects Underway:

1. Ground Survey of 1906 City Limit Line – survey 80% complete – for 2020 Census
2. Davee Addition Lake Lot Leases, Re-plat $\frac{1}{2}$ ac tracts, leases and sell lots – September
3. Dodge Heights Lake Lot Leases, Re-plat $\frac{1}{2}$ ac tracts, leases and sell lots
4. Airport Master Plan – TXDOT Coordinating
5. Charter Review Town Hall issues – election info work session Nov 2017
6. Clear with TCEQ – Old Power Station Site and Judgement
7. Call May 2018 election to sell electric substations to highest and best proposal
8. Design 72 hour certified Animal Holding Facility at GRW, not to exceed \$70,000
9. Allocate funding and bid the senior citizen Activity Center renovations project
10. Richards Park – Ballfields – Bidding Sept-Oct
11. Utility Inspections – draft written policy – held two town hall meetings (June 5 & 6)
12. Brady Hotel Parking Lot Agreement
13. Water and Wastewater Construction Projects – Water Line Easements

Other Items Discussed or Upcoming:

- Boat Dock Leases – all inspected and listed, draft rules completed
- Brady Lake properties – septic tank requirements – set up presentation from LCRA
- New Special Event Permits – fun runs, parades, block parties – draft prepared
- Annexation Plan – Sept/Oct/Nov process – Southwestern Holes Due
- Additional Animal Control Ordinances needed
- GRW Master Plan – steering committee – tours in July
- Public Safety (Police/Fire/EMS/Dispatch) Facilities Master Plan – funding plan
- Leadership / Citizen Academy – boards, council
- Public Safety Citizen Academy – CERTS; Volunteers – Public Safety Department
- Code Enforcement Ordinances - Update Substandard Structures Ordinance-draft
- New Sign Ordinance – Moratorium until August 2017 - draft completed
- Paved Parking Enforcement – Ordinance Changes – discussed with council
- Outside storage regulations in commercial districts
- More Recycle and Clean-up Events (Fall and Spring) – Clean and Green Program
- Neighborhood Meeting – North (highway construction)
- Neighborhood Meeting – West (Richards Park)
- Neighborhood Meeting – South (Stanburn Park)
- Downtown Business Meeting (TXDOT Construction Project & Public Plazas)
- Infrastructure Repair – Capital Plans for replacing existing water, sewer, streets
- Street Maintenance / Restoration Master Plan Study
- Update Building Codes to newer versions
- Stormwater Improvements / Grants
- Infill Ordinance and designating areas to offer incentives for new construction
- Possible Rental or Vacant Building Ordinances
- City Employee Safety Procedures and Policies
- 5 year Comprehensive Plan Review – Citizen Study Committee and P&Z
- Golf Course Advisory Board; renovate golf course; BGA; Two Pro
- Designate Tiny House Development
- Ordinance Needed to outline Procedures/Process for City Council