



BRADY
THE CITY OF
TEXAS

Tony Groves
Mayor

Kathy Gloria
Mayor Pro Tem

Shelly Perkins
Council Member Place 2

Vacant
Council Member Place 3

Jane Huffman
Council Member Place 4

Jim Griffin
Council Member Place 5

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 MARCH 7, 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 March 7, 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

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

- A. Approval of Audit Board for March 3, 2017
- B. Approval of Minutes for February 21, 2017 Regular and Work Session Meetings
- C. Approval of Resolution 2017-014 to adopt City of Brady Hazard Mitigation Plan

5. PRESENTATIONS:

Annual Brady Police Department Report (including Police; Communications-911; Animal Services) – Chief Steve Thomas

Annual City of Brady Federal Racial Profile Report – Chief Steve Thomas

6. PUBLIC HEARINGS:

None Scheduled

7. INDIVIDUAL CONCERNS:

- A. Discussion, consideration and possible action regarding first reading of Ordinance 1218 regarding amending Article 1.600 and repealing 1.700 of the Code of Ordinances for Rest Haven and Live Oak Cemeteries to update and revise the Rules and Regulations of the two cemeteries.

7. INDIVIDUAL CONCERNS

- B. Discussion, consideration and possible action regarding direction to staff to revise Ordinance 1155 regarding Heart of Texas Hospital Systems regulations and inspections of ambulance/transfer services in City of Brady.
- C. Discussion, consideration, and possible action approving the purchase of a 2017 Ford F-550, Diesel, Regular Cab with Telescopic Aerial Lift (\$96,330).
- D. Discussion, consideration and possible action regarding **second reading of Ordinance 1219** adding to Council Meeting Article 1.160 to include options for rescheduling a regular city council meeting that conflicts with a federal holiday.
- E. Discussion, consideration and possible action regarding **Resolution 2017-013** to moving Regular City Council Meeting on July 4, 2017 to July 11, 2017.
- F. Discussion, consideration and possible action regarding **first reading of Ordinance 1220** to amend the FY 2017 Budget to allow for repairs to public facilities and the electric distribution system, additional equipment purchases, increased aviation fuels sales to the military, upgrades to the lake, meet TCEQ directives and promote TXDOT project 377N goals.
- G. Discussion, consideration and possible action regarding Interlocal Agreement with McCulloch County for labor and equipment sharing to improve/maintain infrastructure of public facilities.
- H. Discussion regarding City Council meeting procedures and process.

8. STAFF REPORTS

A. Upcoming Special Events:

- March 4-5 – Two Man Partnership Golf Tournament
- March 10-12 – Muzzle Loading Shoot – Brady Lake Gun Range
- March 13-17 – BISD Spring Break
- March 17-25 – Annual HOT Country Music Festival
- March 18 – Re-dedication of the Civic Center
- March 31 – LCRA Steps Forward Volunteer Day – Richards Park (rain-out date 4/7)
- April 1-9 – Disc Golf Showdown – Richards Park

B. Upcoming City Calendar:

- March 14 - 5:30pm P&Z Meeting
- March 15 – 5:30pm Airport Advisory Board
- March 21 – 4pm City Council Work Session – Animal Control
- March 21 – 6pm Regular City Council Meeting
- March 22 – 8:30am Monthly Municipal Court
- March 23 – 5:30pm Charter Review Commission Meeting
- March 28 – 3:30pm -5:00pm Special City Council Public Hearing for WWTP Environmental; Water and WW CIPs
- March 28 – 6:00pm BEDC Meeting
- April 24 to May 2 - Early Voting Begins at City Hall
- May 6 General and Special Election Calendar - Attached

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 – utility easements, animal shelter, and other public facilities.

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

12. ADJOURNMENT

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

Tina Keys, City Secretary

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

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in 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 Work Session Meeting on Tuesday, February 21, 2017 at 4:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Shelly Perkins, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steven Miller, City Secretary Tina Keys, Code Compliance Officer Kim Davee, Police Chief Steve Thomas, and Animal Control Officer Chantal Solis.

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

Mayor Groves called the meeting to order at 4:03 p.m. Council quorum was certified.

2. REVIEW & DISCUSS PROPOSED BUDGET AMENDMENTS FOR FY2017

Lisa Remini presented updated reserve funds and proposed early mid-year budget requests. Many items were discussed during the July 2016-2017 budget process, but remained unfunded due to budget estimates at the time, but with the close of the FY2016 budget and updated reserve fund compliance report, some one-time expense needs are recommended for reconsideration. Replacing roof at City Hall and Airport runway RAMP project had support. Amendments to the Airport budget had been discussed in earlier council meetings since military operations are now continuing at the airport; so buying fuel, revenue from fuel sales, and part-time staffing at the airport are included. The Golf Course rough mower was added since we do not have anything to mow the rough. Council would like to see service center roof repaired. Tazers for PD is recommended and the chief is working a grant to supplement the expense to replace all existing tazers. A new asphalt recycler had been added for street repairs. Street division truck and Code enforcement car were discussed – some council members were not in favor of more new vehicles. Staff will bring back more information. Microphones for the Municipal Court Building were removed from the list. At 5:11pm council took a break, reconvened at 5:15pm. An amended budget ordinance will be presented at the next Council Meeting.

3. REVIEW & DISCUSS ANIMAL CONTROL AND ANIMAL SHELTER NEEDS

Chief Thomas discussed history and needs for animal control. Due to time restrictions, this item was not discussed by city council.

4. REVIEW & DISCUSS PARKING ISSUES / COMPLAINTS

Paved parking lots in Industrial, Commercial Districts

On-street parking & off street parking requirements

Due to time restrictions, this item was not discussed.

5. Discuss and plan future work session dates and topics

6. Announcements

7. Adjournment

There being no further business, the Mayor adjourned the meeting at 5:40 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, February 21, 2017 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Shelly Perkins, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steven Miller, Finance Director Lisa Remini, City Secretary Tina Keys, Code Enforcement Officers Kim Davee and Ronnie Roberts, and Police Chief Steve Thomas. Also in attendance were Josh Foster, Dub Smith, Annita Ellison, Rosalinda Moreno, Kelly Elliott Green, Sondra Turner, Harold Tacker, Carolyn Clark, Linda Grimes, John Grimes, Linda Deeds, Jon Chase, and Ed Hernandez.

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

Mayor Groves called the meeting to order at 6:03 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Groves gave the invocation and the Pledge of Allegiance was recited.

3. PUBLIC COMMENTS

There were no public comments

4. CONSENT AGENDA

- A. Approval of Audit Board for February 21, 2017
- B. Approval of Minutes for February 7, 2017 Regular Meeting
- C. Approving Resolution 2017-005 approving the Disaster Finance & Procedures Policy amendment to the Brady Emergency Management Plan.

Council Member Perkins moved to approve the Consent Agenda. The motion was seconded by Council Member Griffin. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.

5. PRESENTATIONS

There were no presentations

6. PUBLIC HEARINGS:

- 1) Mayor opened the Public Hearing at 6:05pm and announced that it will continue to June 20 due to requested delay from staff and Planning and Zoning Commission concerning comments on the Davee Addition Replat (delayed to June 20 to receive P&Z recommendation). No action was taken.

Open Public Hearings to take public comments concerning demolition orders for 2-5:

- 2) 1306 South Elm, Block 2, Lots 3-6 of the Doty Stone Subdivision. Peter Lamont presented. Opened public Hearing at 6:08pm. There were no public comments. Public hearing was closed at 6:09pm.
- 2a) Discussion, consideration and possible action regard Demolition Order 2016-05 in accordance with Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 1306 South Elm, Block 2, Lots 3-6 of the Doty Stone Subdivision. Peter Lamont presented. Council Member Perkins moved to approve Demolition

Order 2016-05. The motion was seconded by Council Member Griffin. All Council Members voted “aye” and none “nay”. Motion carried with a 3 – 0 vote.

3) 707 AL Reed, Block 46, Lot 11 of the Luhr Subdivision Opened Public Hearing at 6:13pm. There were no public comments. Public hearing was closed at 6:14pm. Peter Lamont presented.

3a) Discussion, consideration and possible action regarding **Demolition Order 2016-06** in accordance with Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 707 AL Reed, Block 46 Lot 11 of the Luhr Subdivision. Council Member Griffin moved to approve Demolition Order 2016-06. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried with a 3 – 0 vote.

4) 800 South College, Block 156, the NE section of lot E 1/4 of the Luhr Subdivision opened Public Hearing at 6:16pm. Josh Foster spoke and informed Council that the property owner has offered to sell him the property. Mr. Foster would like the opportunity to purchase the house. Council Member Huffman recommend not demolishing structure at this location. Code Enforcement Officer Roberts stated he is ok with changing to a renovation order from a demolition order. Closed public hearing at 6:20pm. Lamont recommends we postpone and revisit in 45 days.

4a) Discussion, consideration and possible action regarding **Demolition Order 2016-07** in accordance with Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 800 South College, Block 156, the Northeast section of Lot E1/2 of the Luhr Subdivision. Council took no action at this time.

5) 1905 North Walnut, Block 68, the North 1/2 of lots 7-8 of the Crothers Subdivision opened Public Hearing at 6:26pm. There were no public comments. Public hearing was closed at 6:27pm.

5a) Discussion, consideration and possible action regarding **Demolition Order 2016-08** in accordance with Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 1905 North Walnut, Block 68, the North 1/2 of lots 7-8 of the Crothers Subdivision. Council Member Griffin moved to approve Demolition Order 2016-08. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion carried with a 3 – 0 vote.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action to authorize the abatement of dilapidated structures at 1205 North Walnut, Block 61, lot 6 of the Crothers Addition per **Demolition Order 2016-01**. Peter Lamont presented. Council Member Griffin moved to approve. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 - 0 vote.
- B. Discussion, consideration and possible action to authorize the abatement of dilapidated structures at 1200 South Hackberry per **Demolition Order 2016-02**. Peter Lamont presented. Council Member Huffman moved to approve. Seconded by Council Member Griffin. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.
- C. Discussion, consideration and possible action to authorize the abatement of dilapidated structures at 1202 South Hackberry per **Demolition Order 2016-03**. Peter Lamont presented. Council Member Perkins moved to approve. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.

- D. Discussion, consideration and possible action to authorize the abatement of dilapidated structures at 1006 West Broad per **Demolition Order 2016-04**. Peter Lamont presented. Council Member Perkins moved to approve. Seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion carried in a 3 – 0 vote.
- E. Discussion, consideration and possible action regarding a moratorium of new lake lot leases, options for purchasing lake lots, and authorize billing for 2016 and 2017 leased lake lots at Davee Subdivision. Kim Lenoir presented. Council Member Huffman recommends we waive fees for 2016. Council Member Griffin would also be in favor of not charging for 2016 and would like to consider selling lots. Council Member Perkins agrees. Mayor Groves asked City Attorney if we do it for one do we have to do for the other subdivision. Kackley answered no. Mayor asked if it is appropriate for council to forgive a debt. Mr. Kackley responded it would be ok. Kackley also added that state law to sell land will follow local government code by either public auction, sealed bid or a real estate broker lists and has to accept highest offer. But, Kackley will see if there are any exceptions because the city would like to offer lessees in good standing the first option to purchase the land. Mayor Groves, summarized by stating 2016 not be billed. Additionally, we will pursue offering the lots for sale to current lessees at fair market price with lessee having first option to buy. If not possible, we will set another meeting and revisit whether or not we want to sell. We will bill 2017 and all leases will be considered paid in full with payment of 2017 leases for Davee Addition. Council was in agreement. Motion was not bill 2016, will bill 2017, continue to look at platting and will look to process an ordinance to allow sale giving first option to lessees. Council Member Huffman moved. Seconded by Council Member Perkins. All council members voted "aye" and none "nay". Motion carried with a 3 – 0 vote.

Council took a recess at 7:01pm and reconvened at 7:09pm

- F. Discussion, consideration and possible action regarding **Resolution 2017-002** adopting Brady Municipal Golf Course rules, regulations and hours in accordance with Code of Ordinances Section 1.1002. Peter Lamont presented. Council Member Griffin moved to approve Resolution 2017-002 as amended – Carts: passengers limited to number of seats; Exceptions: authorize course superintendent to authorize tournaments with varying course hours/days; Hours of Operations: define months for summer / winter hours. Seconded by Council Member Perkins. All Council Members vote "aye" and none "nay". Motion carried with a 3 – 0 vote.
- G. Discussion, consideration and possible action regarding first reading of **Ordinance 1218** regarding amending Article 1.600 and repealing 1.700 of the Code of Ordinances for Rest Haven and Live Oak Cemeteries to update and revise the Rules and Regulations of the two cemeteries. Peter Lamont presented. Council will reset to next meeting to give Council time to review new changes presented. No Action.
- H. Discussion, consideration and possible action regarding first reading of **Ordinance 1219** adding to Council Meeting Article 1.160 to include options for rescheduling a regular city council meeting that conflicts with a federal holiday, such as moving Regular City Council Meeting on July 4, 2017 to July 11, 2017. Kim Lenoir presented. Council Member Griffin moved to approve the first reading of Ordinance 1219 as amended with spelling corrections. Seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried with a 3 – 0 vote.
- I. Discussion, consideration and possible action regarding **Resolution 2017-011** to call a Special Election on May 6, 2017 as required by City Charter, to fill the unexpired position of Council Member Place 3. Kim Lenoir presented. Council Member Huffman moved to approve Resolution 2017-011. Seconded by Council Member Griffin. Motion carried with a 3 – 0 vote.

8. STAFF REPORTS

- A. Monthly Financial and Utility Reports for January 2017
- B. January Monthly Activity Reports – Seniors, Golf, BPD, Animal Control, Tourism Funding, Airport, Code Enforcement, HOT Ambulance Runs Recorded, Civic Center Construction Report
- C. Upcoming Special Events:
 - March 17-25 – Annual HOT Country Music Festival
 - March 18 – Re-dedication of the Civic Center
- D. Upcoming City Calendar:
 - March 7 – Annual Report Brady Police Department
 - March 21 – 4pm City Council Work Session
 - March 28 – 3:30pm Special City Council Public Hearing WWTP, Water and WW CIPs

9. ANNOUNCEMENTS

Council Member Perkins asked about items we didn't get to during workshop and the questions between hospital and EMS from the last meeting. Council Members Huffman and Perkins announced they went on a tour and met with the hospital and EMS and they have some suggestions. Kim Lenoir stated that the EMS Ordinance can be added to the next Council agenda.

Sky Warn Class to be held on February 28th at the VFW.

10. EXECUTIVE SESSION

Open Session was closed at 8:26pm for a break before Executive Session. Open session resumed at 8:42pm. Mayor read items for executive session and closed open session at 8:42pm for Executive Session.

- 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 – utility easements, animal shelter, and other public facilities.
- B. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), the City Council will deliberate, vote, or take final action on a competitive matter: the electric contract(s) with Trails of Brady Apartments.

Mayor closed Executive Session at 9:16pm.

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

Mayor opened regular session. No additional action was taken.

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 9:17pm.

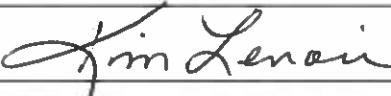
Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	3/3/2017	AGENDA ITEM	4.C
AGENDA SUBJECT:	Approval of Resolution 2017-014 to adopt City of Brady Hazard Mitigation Plan		
PREPARED BY:	K Lenoir / Lyle Daniels	date	3/1/17
EXHIBITS:	Resolution 2017-014 FEMA Letter 2-16-17 Final Progress Report		
BUDGETARY IMPACT:	Required Expenditure in FY 2016:	\$2000.00	
	Amount Budgeted in FY2016:	\$2000.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
SUMMARY:	Staff began work on the Hazard Mitigation Update in 2015. On March 15, 2016 a public presentation and report was presented to City Council and the public. The draft report is on the city website and available at City Hall. The FEMA review has taken nearly a year to complete. On February 16, 2017 the City received the letter of approval from FEMA. To finalize this project, City Council now must adopt the Hazard Mitigation Plan by resolution.		

RECOMMENDED ACTION:

Approve Resolution 2017-014.

RESOLUTION 2017-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS APPROVING THE CITY OF BRADY, TEXAS MULTI-JURISDICTION HAZARD MITIGATION PLAN

WHEREAS, in 2015 the City of Brady worked with the Texas Colorado River Floodplain Coalition (TCRFC) to update the Hazard Mitigation Plan; and

WHEREAS, in March 2016, the draft plan was presented to the public and city council, and

WHEREAS, the draft plan has been available on the city website and at city hall for public review since; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, the City Council will adopt the City of Brady, Texas Multi-Jurisdiction Hazard Mitigation Plan, as reviewed and approved by FEMA and the Texas Division of Emergency Management on February 16, 2017.

PASSED and APPROVED this the 7th day of March, 2017.

Anthony Groves, Mayor

Tina Keys, City Secretary

Project Status Report:	Hazard Mitigation Plan Update - FINAL	March 2017
	Project Deadline: February 15, 2016; (TCRFC – extended deadlines)	
	Texas Colorado River Floodplain Coalition (TCRFC)	
	Department of Emergency Management Grant	
Budget Information:	City of Brady FY 2016:	\$2,000.00
	Additional match is staff time for project work completed by Lyle Daniels, Crystal Springer and Peter Lamont.	
Expenditures:	Planning Services, FY2016:	\$2,000.00
Contract Assignments:	Both engineers were contracted through TCRFC	
Engineer(s):	Halff and Associates & Tetrattech	

Project Description: The City of Brady (COB) worked with the TCRFC to update the Hazard Mitigation Plans for Lampasas, Mason, Mills and San Saba Counties, City of Brownwood and City of Brady. The project was coordinated by the TCRFC with specific community information provided by COB. The revision of such plans are required in order to receive Federal Emergency Management Agency (FEMA) Funding for disaster aid. There were a series of three (3) meetings to determine, rank and suggest mitigating actions to various hazards in 2015. The engineers assembled the revised Plan and forwarded a copy to the City in December 2015 for review. The required public meeting and report about the Plan was held March 15, 2016. Received letter of approval from FEMA on February 16, 2017 (attached).

A draft of the Plan is available at City Hall and on the City's website for public review.

Start Date/Completion Date:		
Planning Started:		March 2016
Proposed Completion:		May 2017
Major Activities:		
Project Kickoff Meeting:		March 24, 2015
Determination of Potential Hazards:		June 30, 2015
2011 Plan Implementation Update:		August 15, 2015
Proposed 2015 Hazard Mitigation Actions:		August 15, 2015
Project Update Meeting:		September 8, 2015
City Review of Draft:		December 18, 2015
Host Public Meeting with City Council:		March 15, 2016
Review by Texas Dept. of Emergency Mgmt:		April, 2016
FEMA Approved		February 16, 2017
Final Steps:		
Adopt Council Resolution to approve the Plan		March 7, 2017
Submit Resolution and CD of the Plan by...		May 24, 2017

*Referred
Lamont
Copy!*

U.S. Department of Homeland Security
Region VI
800 N. Loop 288
Denton, TX 76209-3698



FEMA

February 16, 2017

Ms. Sandra Fulenwider
State of Texas
Texas Division of Emergency Management
P.O. Box 4087
Austin, TX 78773-0220

RE: Approvable Pending Adoption of the Mason County, Texas Multi-Jurisdiction
Hazard Mitigation Plan.
Funding Source: PDM; PDMC PL 06 TX 2013; 004

Dear Ms. Fulenwider:

This office has concluded its review of the referenced plan, in conformance with the Final Rule on Mitigation Planning (44 CFR Part 201.6). Formal approval of this plan is contingent upon the adoption by resolution by the participants on Enclosure A, as well as the receipt of a CD containing all components of this plan.

Adopting resolutions must be submitted to this agency for review and approval no later than 90 days from the date of this letter. Failure to submit these resolutions in a timely manner could lead to a required update of the plan prior to FEMA approval.

Once this final requirement has been met, a letter of official approval will be generated. The Local Hazard Mitigation Planning Tool, with the reviewer's comments has been enclosed to further assist the jurisdictions in complying with planning requirements.

If you have any questions, please contact Jamie Leigh Price, HM Community Planner, at (940) 898-5440.

Sincerely,

Ronald C. Wanhanen
Chief, Risk Analysis Branch

RECEIVED

Feb 24 2017

Enclosure

MITIGATION SECTION

cc: Marty Chester, R6-MT-HM

Enclosure A

**Mason County, Texas
Multi-Jurisdiction
Hazard Mitigation Plan Participants**

Attached is the list of approved participating governments included in the February 16, 2017 review of the referenced Hazard Mitigation plan.

Community Name	
1)	Brady city
2)	Mason city
3)	Mason County

LOCAL MITIGATION PLAN REVIEW TOOL

The *Local Mitigation Plan Review Tool* demonstrates how the Local Mitigation Plan meets the regulation in 44 CFR §201.6 and offers States and FEMA Mitigation Planners an opportunity to provide feedback to the community.

- The Regulation Checklist provides a summary of FEMA's evaluation of whether the Plan has addressed all requirements.
- The Plan Assessment identifies the plan's strengths as well as documents areas for future improvement.
- The Multi-jurisdiction Summary Sheet is an optional worksheet that can be used to document how each jurisdiction met the requirements of the each Element of the Plan (Planning Process; Hazard Identification and Risk Assessment; Mitigation Strategy; Plan Review, Evaluation, and Implementation; and Plan Adoption).

The FEMA Mitigation Planner must reference this *Local Mitigation Plan Review Guide* when completing the *Local Mitigation Plan Review Tool*.

Jurisdiction: Mason County and the City of Brady, Texas	Title of Plan: Mason County and City of Brady Hazard Mitigation Plan Update	Date of Plan: May 2016
Local Point of Contact: Mr. Clyde Martin (Mason County) Mr. Lyle Daniel (Brady)	Address: Mason County Office of Emergency Management P.O. Box 1726 Mason, TX 76856	
Title: Emergency Management Coordinator	Brady Emergency Management Department P.O. Box 351 Brady, TX 76825	
Agency: Mason County Office of Emergency Management City of Brady Office of Emergency Management	E-Mail: masonvfdtx@hotmail.com (Mason County) ldaniel@bradytx.us (Brady)	

State Reviewer:	Title:	Date:
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FEMA Reviewer: Jamie Leigh Price Shanene Thomas	Title: HM Community Planner HM Community Planner	Date: 1/25/16 2/16/17
Date Received In FEMA Region 6	January 18, 2017	
Plan Not Approved		
Plan Approvable Pending Adoption	February 16, 2017	
Plan Approved		

RECEIVED
FEB 24 2017



BRADY POLICE DEPARTMENT 2016 ANNUAL REPORT

CHIEF STEVE THOMAS

BRADY POLICE STRENGTH/STAFFING

Chief of Police – Steve Thomas

Captain/Investigator – Lupe Carrizales

A SHIFT – SERGEANT HUDSON

- OFFICER JASON LAVENOE
- OFFICER JUVENILE ESQUIVEL
- VACANT

B SHIFT – VACANT

- OFFICER SAMMY ZAPATA
- OFFICER ROBERT STEWART
- OFFICER CHRIS WILLIAMSON

Animal Control Officer – Chantal Solis

BRADY POLICE STRENGTH/STAFFING (CON'T)

COMMUNICATIONS DIVISION – GLORIA SLOAN (TAC)

- Emily Hopper
- Brenda Fairchild
- Katherine Mitchell
- Sylvia Laurells
- Vacant

RECORDS ADMINISTRATOR – GRANT HALL

EVIDENCE TECHNICIAN/COMMUNICATIONS OFFICER - VACANT

2016 CRIME SUMMARY – FELONY OFFENSES

	Incidents	Arrests	Clearance Rate
• ASSAULT (FV)	7	6	86%
• ASSAULT (DW)	1	1	100%
• ASSAULT (PS)	3	3	100
• THEFT	2	1	50%
• THEFT (FIREARMS)	0	0	----
• THEFT (AUTOMOBILE)	6	2	33%
• BURGLARY (HABITATION)	10	3	30%
• BURGLARY (BUILDING)	12	2	17%
• FORGERY (F)	3	2	67%
• DWI (3RD OR MORE)	4	4	100%

2016 CRIME SUMMARY – FELONY OFFENSES (CON'T)

	Incidents	Arrests	Clearance Rate
• POSSESSION (CS)	11	11	100%
• MAN/DEL (CS)	0	0	----
• DEADLY CONDUCT	1	1	100%
• POSS/MARIJUANA (>4OZ)	1	1	100%
• *OTHER (SEE BELOW)	26	14	54%

* Other – Credit/Debit Card Abuse (7), Arson (2), Burglary of a Vehicle (2), Evading Arrest/Detention (2), Online Solicitation of a Minor (2), Child Abandonment/Endangerment (1), Criminal Mischief (1), Forgery (1), Prohibited Substance in a Correctional Facility (1), Cockfighting (1), Aggravated Sexual Assault (1), Sexual Assault of a Child (1), Tampering with Physical Evidence (1), Stalking (1)

2016 CRIME SUMMARY – MISDEMEANOR OFFENSES

	Incidents	Arrests	Clearance Rate
• ASSAULT (FV)	19	18	95%
• ASSAULT (BI)	13	13	100%
• CRIMINAL TRESPASS	20	20	100%
• CRIMINAL MISCHIEF	18	4	22%
• THEFT	45	21	47%
• DWI (2 OR LESS)	16	16	100%
• ALCOHOL LAW VIOLATIONS	4	4	100%
• POSSESSION (CS)	4	4	100%
• POSSESSION MJ<2OZ	31	31	100%

2016 CRIME SUMMARY – MISDEMEANOR OFFENSES (CON'T)

	Incidents	Arrests	Clearance Rate
• Possession (DD)	6	6	100%
• DWI/DWLS	10	10	100%
• *OTHER (SEE BELOW)	39	23	59%

* Other – Evading Arrest/Detention (10), Terroristic Threat (8), Runaway (5), Unlawful Carrying of a Weapon (3), Duty Upon Striking/Unintended Vehicle (2), Violation of Protective Order (2), Hindering Apprehension (2), Graffiti (1), Harassment (1), Indecent Exposure (1), Unlawful Restraint (1), Tampering With Physical Evidence (1), Failure to Identify (1), Duty Upon Striking/Fixture (1).

Non-Traffic Related Citations Issued: Public Intoxication (20), Class C Theft (27), Class C Assault/DOC-fighting In Public (11), Alcohol Violations (42), Possession of Drug Paraphernalia (11).

2014 -16 OVERVIEW (CASES AND CRASH REPORTS)

2014

2015

2016

124 FELONY CASES

154 MISDEMEANOR CASES

TOTAL: 347 CASES

CRASH REPORTS: 101

146 FELONY CASES

222 MISDEMEANOR CASES

TOTAL: 435 CASES

CRASH REPORTS: 123

90 Felony Cases (-38%)

221 Misdemeanor Cases

Total: 311 Cases (-28%)

Crash Reports: 110

STATISTICAL ANALYSIS: 2014 - 16 CRIME SUMMARIES

Felony Offenses

	2014 %	2015 %	2016 %
• ASSAULT (PV)	12 +33	12 0	7 -42
• ASSAULT (DW)	1 -75	5 +400	1 -80
• ASSAULT (PS)	3 +200	1 -67	3 200
• DEADLY CONDUCT	0 -100	0 0	1 100
• THEFT	11 +83	8 -27	2 -75
• THEFT (FIREARMS)	0 -100	3 +300	0 -100
• THEFT (VEHICLE)	4 -20	12 +200	6 -50
• BURGLARY(HABITATION)	16 -16	18 +13	10 -44
• BURGLARY (BUILDING)	10 -23	18 +80	12 -33
• FORGERY (Fi)	3 -40	11 +267	3 -73

STATISTICAL ANALYSIS: 2014 - 16 CRIME SUMMARIES (CON'T)

Felony Offenses

	2014 %	2015 %	2016 %
• DWI (3RD OR MORE)	8 +167	11 38	4 -64
• POSSESSION (CS)	32 +88	11 -66	11 0
• MAN/DEL (CS)	4 +300	1 -75	0 -100
• POSSESSION (MJ>4OZ)	2 +100	0 -100	1 100
• OTHER	27 0	36 33	26 -28

STATISTICAL ANALYSIS: 2014 - 16 CRIME SUMMARIES

Misdemeanor Offenses

	2014 %	2015 %	2016 %
• ASSAULT (FV)	11 -52	18 64	19 6
• ASSAULT (BII)	6 -54	19 217	13 -31
• CRIMINAL TRESPASS	5 -75	15 200	20 33
• CRIMINAL MISCHIEF	16 -58	35 119	18 -49
• THEFTS	35 -35	79 126	45 -43
• BURGLARY (VEHICLE)	5 -64	18 260	17 -6
• DWI (2 OR LESS)	11 -8	17 55	16 -6
• ALCOHOL LAW VIOLATIONS	9 200	22 144	4 -82
• POSSESSION (CS)	1 75	2 100	4 100
• Poss. (MJ <2OZ)	41 71	31 -24	31 0

STATISTICAL ANALYSIS: 2014 - 16 CRIME SUMMARIES (CON'T)

Misdemeanor Offenses

	2014 %	2015 %	2016 %
• POSSESSION (DD)	7 -13	1 -86	6 500
• DWI/DWLS	12 0	3 -75	10 233
• OTHER	43 -14	69 60	39 -43

Non-Traffic Citations Issued

	2014 %	2015 %	2016 %
• Public Intoxication	31 -55	19 -39	20 5
• Class C Theft	10 -52	14 40	27 99
• Assault/DOC Fighting	27 -23	7 -74	11 67
• Alcohol Law Violations	18 -63	23 28	42 83
• Poss/Drug Paraphernalia	15 -48	20 33	11 -45

PERSONS CRIMES	428 (7)	2	TRAFFIC DIRECTION	85 (-25)
PROPERTY CRIMES	550 (18)	0	CLOSE PATROLS	680 (-33)
NARCOTICS CRIMES	81 (29)	1	CIVIL MATTERS	295 (-30)
DISTURBANCES	568 (-10)	6	YOUTH CALLS	160 (-14)
FELONY ARRESTS	105 (13)	T	CRASH INVESTIGATIONS	220 (-15)
MISDEMEANOR ARRESTS	163 (11)	O	WELFARE CONCERN	295 (-25)
SUSP. PERSONS/VEHICLE	812 (-8)	T	INFORMATION	518 (-41)
FELONY WARRANTS SERVED	81 (27)	A	COURT	25 (-14)
MISD. WARRANTS SERVED	63 (279)	T	CITATIONS	544 (48)
DWI	6 (-19)	O	WARNINGS	988 (30)
ALARMS	121 (-12)	T	BUILDING CHECKS	662 (-45)
AGENCY ASSIST	260 (-29)	A	MISC. INCIDENTS	3,600 (19)
PUBLIC ASSIST	83 (-61)	L	SUPPLEMENTS	122 (-25)
ESCORTS	74 (-26)	S	FOLLOW-UPS	339 (-54)
ANIMAL CALLS	260 (-17)		REPORTS	510 (-19)

ANIMAL CONTROL – 2016 TOTALS

FERAL CATS HANDLED	187	QUARANTINE	27
STRAY DOGS HANDLED	317	DANGEROUS DOG	0
STRAY CATS HANDLED	115	BITE REPORTS	22
OWNER SURRENDER/DOGS	56	EUTHANIZED	104
OWNER SURRENDER/CATS	15	ANIMALS HIT BY VEHICLE	153
OWNER RECLAIMS	60	RESCUE PULL	77
SHELTER INTAKE	368	WILDLIFE	65
CITATIONS ISSUED	5	LIVESTOCK HANDLED	4
WARNINGS ISSUED	8	CALLS FOR SERVICE	260



**BRADY POLICE DEPARTMENT
2016 RACIAL PROFILING REPORT**

CHIEF STEVE THOMAS

2016 TOTALS: TRAFFIC-RELATED CONTACTS ONLY

Citations: 402 Arrests: 2 Both (Arrest Made/Citation Given): 2

BREAKDOWN BY ETHNICITY

Caucasian/White: 232	Hispanic: 151	African American: 14
Middle Eastern: 3	Asian: 2	Native American: 1

RACE KNOWN PRIOR TO STOP? Yes - 8 No - 397

SEARCH CONDUCTED? Yes - 22 No - 380

SEARCH CONSENSUAL? Yes - 17 No - 8

CONTRABAND LOCATED? Yes - 6 No - 16

2015/2016 COMPARISON TOTALS: TRAFFIC-RELATED ONLY

2015 Citations: 235 Arrests: 0 Both (Arrest & Citation): 0
2016 Citations: 402 Arrests: 2 Both (Arrest & Citation): 2

BREAKDOWN BY ETHNICITY

Caucasian/White: 145/232	Hispanic: 77/181	African American: 11/14
Middle Eastern: 1/2	Asian: 1/2	Native American: 1/1

RACE KNOWN PRIOR TO STOP? Yes - 6/8 No - 229/397

SEARCH CONDUCTED? Yes - 11/22 No - 224/380

SEARCH CONSENSUAL? Yes - 5/17 No - 5/8

CONTRABAND LOCATED? Yes - 8/6 No - 2/16

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

AGENDA DATE:	03/07/2017	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding first reading of Ordinance 1218 regarding amending Article 1.600 and repealing 1.700 of the Code of Ordinances for Rest Haven and Live Oak Cemeteries to update and revise the Rules and Regulations of the two cemeteries.		
PREPARED BY:	P Lamont	Date Submitted:	02/21/2017
EXHIBITS:	Ordinance No. 1218; Proposed Article 1.600 of the Code of Ordinances; Article 1.700 of the Code of Ordinances—current copy for review; Proposed Resolution 2017-012 (Sample Only)		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

In reviewing the Municipal Code of Ordinances, **Article 1.600 Rules and Regulations of Resthaven (sic) Cemetery and Live Oak Cemetery, and Article 1.700 Perpetual Trust for Live Oak, Resthaven (sic) Cemeteries** staff is recommending amending portions of Article 1.600 to better address most day-to-day operational and management issues, and correct spelling and grammatical errors, and repealing Article 1.700 to better address operational and management issues, and continue through a Resolution the Perpetual Trust for Live Oak and Rest Haven Cemeteries to include rules in which the City acts as permanent trustee for both cemeteries, and stating all actions of the City related to the cemeteries shall be through the budget and by City staff.

Included is Ordinance 1218, Article 1.600 showing recommended changes, Article 1.700 and the proposed Resolution 2017-012.

All fees were approved with the Annual Fee Ordinance at Budget.

RECOMMENDED ACTION:

It is recommended that City Council adopt by Ordinance No. 1218 the amended Article 1.600 updating the Rules and Regulations for Rest Haven Cemetery and Live Oak Cemetery and repeal of Article 1.700 Perpetual Trust for Live Oak and Rest Haven Cemeteries to continue through Resolution, if desired.

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

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

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

Mayor calls for a motion:

Move to approve first reading of Ordinance No. 1218.

ORDINANCE 1218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES ARTICLE 1.600 RULES AND REGULATIONS OF REST HAVEN CEMETERY AND LIVE OAK CEMETERY, AND REPEALING ARTICLE 1.700 PERPETUAL TRUST FOR LIVE OAK, REST HAVEN CEMETERIES, ADOPTED WITH THE 1975 CODE OF ORDINANCES, CHAPTER 10, ARTICLE II;

WHEREAS, in review of the Municipal Code of Ordinances, Article 1.600 Rules and Regulations of Resthaven (sic) Cemetery and Live Oak Cemetery, amendments of Article 1.600 are sought to better address most day-to-day operational and management issues, and correct spelling and grammatical errors; and

WHEREAS, in review of the Municipal Code of Ordinances, Article 1.700 Perpetual Trust for Live Oak, Resthaven (sic) Cemeteries, established in the 1975 Municipal Code of Ordinances, a repeal of Article 1.700 is sought to better address operational and management issues, and continue through Resolution the Perpetual Trust for Live Oak and Rest Haven Cemeteries to include rules in which the City acts as permanent trustee for both cemeteries; and

WHEREAS, all actions of the City related to the cemeteries shall be through the budget and by City staff; and

WHEREAS, the City Council of the City of Brady has determined that it is in the best interests of the general public and residents of Brady to approve the proposed amendments to Article 1.600 and update the Rules and Regulations for Rest Haven Cemetery and Live Oak Cemetery, and repeal Article 1.700 the Perpetual Trust for Live Oak, Rest Haven Cemeteries.

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

The City Council of the City of Brady, Texas, hereby amends Article 1.600 Rules and Regulations of Rest Haven Cemetery and Live Oak Cemetery, and repeals Article 1.700 Perpetual Trust for Live Oak, Rest Haven Cemeteries of the Municipal Code of Ordinances accordingly.

PASSED AND APPROVED ON FIRST READING on this 7th day of March 2017.

PASSED, APPROVED AND ADOPTED ON SECOND READING on this 21st day of March 2017.

Anthony Groves, Mayor

ATTEST:

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

ARTICLE 1.600
RULES AND REGULATIONS OF REST HAVEN CEMETERY AND LIVE OAK CEMETERY

The City owns Rest Haven Cemetery and Live Oak Cemetery. The City created a perpetual care trust and acts as the trustee of this trust to manage, operate, and maintain these two cemeteries. As part of its duties to manage, operate, and maintain these cemeteries, the following rules and regulations govern Rest Haven Cemetery and Live Oak Cemetery.

Sec. 1.601 Definitions

Cemetery: Refers to both Rest Haven Cemetery and Live Oak Cemetery.

Contractor: Any person, firm or corporation engaged in placing, erecting or repairing any memorial or performing any work in the Cemetery grounds other than an employee of the City.

Interment: Entombment or burial of the remains of a deceased person.

Live Oak Cemetery: The cemetery located at 1000 N. Elm St., Brady, Texas.

Memorial: Any marker, monument or structure upon or in any lot or niche, placed thereupon or partially therein for the purpose of identification or in memory of a deceased person.

Owner: A person who purchased from the City a plot with the right of interment for the remains of a deceased person.

Plot: Real property within the Rest Haven Cemetery or Live Oak Cemetery with the right of interment.

Rest Haven Cemetery: The cemetery located at 620 Hwy. 87 N., Brady, Texas.

Sec. 1.602 Plot Ownership; Payment Options

The City sells plots located in Rest Haven Cemetery to the public. There are no available plots for sale in Live Oak Cemetery.

- (a) City Council shall set the price for a plot. City Council can change the price at any time.
- (b) The purchase price for a plot shall be paid in cash at the time of purchase. However, the purchaser may pay the purchase price over a period of time on the following schedule:
 - (1) Ten percent (10%) of the purchase price shall be paid at the time of purchase.

(2) The remaining balance with interest at the rate of ten percent (10%) per annum shall be due and payable in equal monthly installments until the whole of the sum, with interest, has been duly paid, the balance payable as follows:

- (A) If one or two plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twelve (12) months.
- (B) If three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed eighteen (18) months.
- (C) If more than three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twenty-four (24) months.
- (D) In the event that the purchaser elects to pay for the plots over a period of time, no deed shall be given to the purchaser until the purchase price is paid in full.

- (c) The purchase price of the plot must be paid in full before interment.
- (d) Opening and closing of graves shall be done by a funeral home with prior approval from the City. The funeral home and its representatives shall take the utmost care and precautions in protecting all plots and roadways. The funeral home shall be responsible for paying any and all damages caused by the funeral home.

Sec. 1.603 Supervision of Cemetery

- (a) Persons within the Cemetery grounds shall use only the avenues, walkways and roads.
- (b) Automobiles shall not be driven through the grounds at a speed greater than fifteen miles per hour.
- (c) The right to enlarge, reduce, replot or change the boundaries or grading of the Cemetery and the right to lay, operate or change pipelines or gutters is expressly reserved to the City. The City reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over the entire Cemetery grounds for the purposes of passage, operations, and maintenance.

No new sprinkler systems will be allowed. All maintenance and repair to existing sprinkler systems, which have been installed by the owner, will be the responsibility of the owner and not the City. The City is not responsible to any damages to sprinkler systems installed by an owner. Any water left on or unattended will be turned off by City personnel if watering is excessive or running down the roadway in order to conserve water and protect the roadways.

Sec. 1.604 Sale and Purchase of Plots

Any sale or transfer of plots shall be made back to the City at the original purchase price, at which time the City may re-sell at the then current pricing. This procedure is required in order that the City may at all times have a complete and accurate record of all owners and purchasers. No person shall be buried in any plot not having an interest therein, except by written consent of all parties interested in the plot and of the City. The original purchase price does not include any interest paid by purchaser for paying for a plot over time.

Sec. 1.605 Maintenance of Cemetery

- (a) All grading, landscape work, maintenance and improvements of any kind, and all care of plots shall be done by the City, and all trees, shrubs and all herbage of any kind shall be planted, trimmed, cut or removed by the City or under its direct supervision.
- (b) No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or plot. Grave mounds will not be allowed and no plot shall be raised above the established grade.
- (c) No ground cover other than sod shall be allowed.
- (d) If any tree, shrub or plant is or becomes detrimental to adjacent lots, avenues, walkways or roads, or if for any other reason the City deems its removal necessary, the City shall have the right to remove the tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as it deems necessary.
- (e) Subject to subsection (d) above, no person shall remove any plant or flower, either wild or cultivated, from any part of the Cemetery.
- (f) From and after the date of adoption of these rules by the City Council, no tree, shrub, plant or bush shall be placed on the Cemetery grounds except those placed there by the City. The purpose of this prohibition is to reduce maintenance time so that the Cemetery can be maintained in a clean and attractive condition by the City. This prohibition shall not apply to flowers placed on a memorial.
- (g) All sprinkler systems shall be turned off between November and March.

Sec. 1.606 Memorials

- (a) For the protection of all plot owners, it is required that persons, firms or corporations erecting, cleaning or repairing memorials obtain a permit from the City for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved City Council) and in doing the work, to comply with the directions of the City. The person, firm or corporation requesting the permit may be required to furnish evidence of their ability to properly perform the work. This permit

shall allow the person, firm or corporation holding the permit to perform the work for a period of time from January 1st until December 31st of the year in which the permit is obtained, the permit to be renewed on an annual basis. Before any work is commenced on any particular job, the person, firm or corporation performing the work shall notify the City that a memorial is to be erected at what grave site and provide a drawing of proposed installation.

(b) To properly perpetuate memory, all monuments, markers, mausoleums and tombs shall be of first quality granite, limestone, marble or bronze. The supplier must assure the City that the materials will be free from sap which causes rust, stains and natural fault which might cause checks or cracks. No inferior granite is allowed. Should any stone develop any of the above mentioned faults within five (5) years from date of placement, the supplier will be required to replace the monument without cost to the owner.

(c) All vertical monuments shall be erected on a foundation which shall extend three (3) inches on each side of the monument, and the foundation must be flush with the turf. The size of a monument will be governed according to the size of the family plot. A monument will be of a size that when erected on a plot, either end of the monument shall not be placed less than one (1) foot from the property lines of the plot, or within two (2) feet of any existing monument. However, this shall apply only to a monument which protrudes above the surface of the ground. A monument which is flush with the turf may extend to the property line. Should any monument, mausoleum or tomb become unsightly, dilapidated or a hazard, the City shall have the right, at the expense of the owner, either to correct the condition or to remove the same.

(d) In addition to other requirements regulating memorials, all memorials erected after November 15, 2010 in the Cemetery shall conform to the following:

- (1) Upright monuments, beveled markers and flat markers shall be on foundations that are cement and must be flush with the turf;
- (2) Monuments and markers shall be placed in a manner that is conducive with the maintenance of the lot;
- (3) Bevel markers shall be used as headstones, not footstones;
- (4) Flat markers shall be flush with the turf; and
- (5) All vases must be attached to headstones, no vases attached to footstones;
- (6) Flags are allowed on holidays only. Owners shall remove flags within 72 hours of the holiday.

Sec. 1.607 Interment Regulations

(a) All grave sites within a plot shall be located by the owner or the owner's representatives. Written authorization signed by the owner or his legal representative shall be given to the City to open a grave space. Any space to be opened shall be marked with a surveyor flag with the name of the individual to be interred and the space identification. No space shall be opened until written authorization is provided.

(b) When removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights and ownership therein shall remain with property owner. The removal of the remains shall be done in strict compliance with all state requirements. Arrangements for the removal of a body must be made by someone other than the City. Application for the removal permit must be signed by the next of kin or legal representative and properly notarized prior to removal.

(c) The burial of two bodies in one grave space will not be permitted except where one body occupies a space less than three (3) feet in length.

(d) Cremains will be allowed to be buried in a space currently occupied but must be covered with a twelve-inch by twelve-inch (12"x12") concrete paving stone to prevent dirt from settling. The top of the paving stone shall be at least twelve inches (12") below the ground. The owner shall notify the City with the name and date of the interment. Two cremains containers may be buried in the same plot. The City shall be made aware of each burial.

(e) Disinterments are the responsibility of the funeral director of a funeral home. The funeral director will be responsible for opening and closing the graves, with the City's written authorization. All state mandated paperwork must be on file with the City before any disinterment is authorized.

(f) Funeral homes shall be responsible for the opening and closing of graves utilizing the services of a vendor permitted by the City. Vendors must apply and be approved for an annual permit for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved by City Council).

(1) Those responsible for the openings and closings of graves and performing the openings and closings at the Cemetery shall fully remove the dirt and/or ground unearthed in the opening process from the Cemetery premises at their own expense, not to use in the closing of any grave at the Cemetery.

(2) Use only the sand and "black dirt" as provided by the City and located at the surplus supply on the Cemetery premises when closing any grave in the Cemetery by the means as specified: first fill with approximately $\frac{1}{4}$ sand, then the remaining $\frac{1}{4}$ with "black dirt" to adjacent ground level.

Sec. 1.608 Miscellaneous

- (a) No dogs shall be permitted in the Cemetery.
- (b) The City is not responsible for theft or damage to anything placed on plots.
- (c) No bench, chair or trellis shall be permitted to be placed upon the Cemetery grounds.
- (d) The City shall have the authority to enter upon any plot and to remove any non-authorized or non-conforming items that have been placed there contrary to these regulations.
- (e) No person shall be permitted to enter or leave the Cemetery except by the public access.
- (f) All persons found on the Cemetery grounds after dark shall be liable for prosecution for trespassing.
- (g) All persons are strictly forbidden to mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
- (h) No person shall be permitted to bring or carry firearms within the Cemetery except:
 - (1) City employee; and
 - (2) a military guard of honor during a military service.
- (i) The digging of holes for any purpose, other than to inter cremains, is strictly prohibited.
- (j) The City reserves the right to remove all flowers, potted plants, wreaths or baskets when they become withered or they violate a provision of this article.
- (k) Gravestone rubbings, made using a pencil and paper, are allowable, so long as utmost precautions are followed and no damage is caused to the stone, plot, right-of-way, or Cemetery item in the process. A gravestone rubbing can become a permanent record of death when a gravestone is rapidly deteriorating.

Sec. 1.609 Modifications and Amendment

- (a) The City may, and it hereby expressly reserves the right, at any time or times, with or without notice to owners, to amend any fee, price, rule, or regulation in this article.
- (b) Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations when, in its judgment, the same appear advisable; and the temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Cemetery Rules and Regulations.

Sec. 1.610 Fees for Funeral Processions

- (a) Funeral processions using on-duty officers are at no charge. However, since the officer is on-duty, the officer might be called away from the procession.
- (b) There will be a fee for funeral processions using off-duty officers. City Council will set the fee, which will include a two (2) hour minimum. Payment shall be made to the City prior to the service. The funeral procession utilizing the off-duty officer will extend to the county line boundaries.

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Memorial: Any marker, monument or structure upon or in any lot or niche, placed thereupon or partially therein for the purpose of identification or in memory of a deceased person.

Owner: A person who purchased from the City a plot with the right of interment for the remains of a deceased person.

Plot: Real property within the Rest Haven Cemetery or Live Oak Cemetery with the right of interment.

Rest Haven Cemetery: The cemetery located at 620 Hwy. 87 N., Brady, Texas.

Sec. 1.602 Plot Ownership; Payment Options

The City sells plots located in Rest Haven Cemetery to the public. There are no available plots for sale in Live Oak Cemetery.

- (a) City Council shall set the price for a plot. City Council can change the price at any time.
- (b) The purchase price for a plot shall be paid in cash at the time of purchase. However, the purchaser may pay the purchase price over a period of time on the following schedule:
 - (1) Ten percent (10%) of the purchase price shall be paid at the time of purchase.

(2) The remaining balance with interest at the rate of ten percent (10%) per annum shall be due and payable in equal monthly installments until the whole of the sum, with interest, has been duly paid, the balance payable as follows:

- (A) If one or two plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twelve (12) months.
- (B) If three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed eighteen (18) months.
- (C) If more than three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twenty-four (24) months.
- (D) In the event that the purchaser elects to pay for the plots over a period of time, no deed shall be given to the purchaser until the purchase price is paid in full.

(c) The purchase price of the plot must be paid in full before interment.

(d) Opening and closing of graves shall be done by the funeral home with prior approval from the City. The funeral home and its representatives shall take the utmost care and precautions in protecting all plots and roadways. The funeral home shall be responsible for paying any and all damages caused by the funeral home.

Sec. 1.603 Supervision of Cemetery

- (a) Persons within the Cemetery grounds shall use only the avenues, walkways and roads.
- (b) Automobiles shall not be driven through the grounds at a greater speed than fifteen miles per hour.
- (c) The right to enlarge, reduce, replot or change the boundaries or grading of the Cemetery and the right to lay, operate or change pipelines or gutters is expressly reserved to the City. The City reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over the entire Cemetery grounds for the purposes of passage, operations, and maintenance.

No new sprinkler systems will be allowed. All maintenance and repair to existing sprinkler systems, which have been installed by the owner, will be the responsibility of the owner and not the City. The City is not responsible to any damages to sprinkler systems installed by an owner. Any water left on or unattended will be turned off by City personnel if watering is excessive or running down the roadway in order to conserve water and protect the roadways.

Sec. 1.604 Sale and Purchase of Plots

Any sale or transfer of plots shall be made back to the City at the original purchase price, at which time the City may re-sell at the then current pricing. This procedure is required in order that the City may at all times have a complete and accurate record of all owners and purchasers. No person shall be buried in any plot not having an interest therein, except by written consent of all parties interested in the plot and of the City. The original purchase price does not include any interest paid by purchaser for paying for a plot over time.

Sec. 1.605 Maintenance of Cemetery

(a) All grading, landscape work, maintenance and improvements of any kind, and all care of plots shall be done by the City and all trees, shrubs and all herbage of any kind shall be planted, trimmed, cut or removed by the City or under its direct supervision.

(b) No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or plot. Grave mounds will not be allowed and no plot shall be raised above the established grade.

(c) No ground cover other than sod shall be allowed.

(d) If any tree, shrub or plant is or becomes detrimental to adjacent lots, avenues, walkways or roads, or if for any other reason the City deems its removal necessary, the City shall have the right to remove the tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as it deems necessary.

(e) Subject to subsection (d) above, no person shall remove any plant or flower, either wild or cultivated, from any part of the Cemetery.

(f) From and after the date of adoption of these rules by the City Council, no tree, shrub, plant or bush shall be placed on the Cemetery grounds except those placed there by the City. The purpose of this prohibition is to reduce maintenance time so that the Cemetery can be maintained in a clean and attractive condition by the City. This prohibition shall not apply to flowers placed on a memorial.

(g) All sprinkler systems will be turned off between November and March.

Sec. 1.606 Memorials

(a) For the protection of all plot owners, it is required that persons, firms or corporations erecting, cleaning or repairing memorials obtain a permit from the City for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved City Council) and in doing the work, to comply with the directions of the City. The person, firm or corporation requesting the permit may be required to furnish evidence of their ability to properly perform the work. This permit

shall allow the person, firm or corporation holding the permit to perform the work for a period of time from January 1st until December 31st of the year in which the permit is obtained, the permit to be renewed on an annual basis. Before any work is commenced on any particular job, the person, firm or corporation performing the work shall notify the City that a memorial is to be erected at what grave site and provide a drawing of proposed installation.

(b) To properly perpetuate memory, all monuments, markers, mausoleums and tombs shall be of first quality granite, limestone, marble or bronze. The supplier must assure the City that the materials will be free from sap which causes rust, stains and natural fault which might cause checks or cracks. No inferior granite is allowed. Should any stone develop any of the above mentioned faults within five (5) years from date of placement, the supplier will be required to replace the monument without cost to the owner.

(c) All vertical monuments shall be erected on a foundation which shall extend three (3) inches on each side of the monument and the foundation must be flush with the turf. The size of a monument will be governed according to the size of the family plot. A monument will be of a size that when erected on a plot, either end of the monument shall not be placed less than one (1) foot from the property lines of the plot, or within two (2) feet of any existing monument. However, this shall apply only to a monument which protrudes above the surface of the ground. A monument which is flush with the turf may extend to the property line. Should any monument, mausoleum or tomb become unsightly, dilapidated or a hazard to visitors, the City shall have the right, at the expense of the owner, either to correct the condition or to remove the same.

(d) In addition to other requirements regulating memorials, all memorials erected after November 15, 2010 in the Cemetery shall conform to the following:

- (1) Upright monuments, beveled markers and flat markers shall be on foundations that are cement and must be flush with the turf;
- (2) Monuments and markers shall be placed in a manner that is conducive with the maintenance of the lot;
- (3) Bevel markers shall be used as headstones, not footstones;
- (4) Flat markers shall be flush with the turf; and
- (5) All vases must be attached to headstones, no vases attached to footstones;
- (6) Flags are allowed on holidays only. Owners shall remove flags within 72 hours of the holiday.

Sec. 1.607 Interment Regulations

- (a) All grave sites within a plot shall be located by the owner or the owner's representatives. Written authorization signed by the owner or his legal representative shall be given to the City to open a grave space. Any space to be opened shall be marked with a surveyor flag with the name of the individual to be interred and the space identification. No space shall be opened until written authorization is provided.
- (b) When removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights and ownership therein shall remain with property owner. The removal of the remains shall be done in strict compliance with all state requirements. Arrangements for the removal of a body must be made by someone other than the City. Application for the removal permit must be signed by the next of kin and properly notarized prior to removal.
- (c) The burial of two bodies in one grave space will not be permitted except where one body occupies a space less than three (3) feet in length.
- (d) Cremains will be allowed to be buried in a space currently occupied but must be covered with a twelve-inch by twelve-inch (12"x12") concrete paving stone to prevent dirt from settling. The top of the paving stone shall be at least twelve inches (12") below the ground. The owner shall notify the City with the name and date of the interment. Two cremains containers may be buried in the same plot. The City shall be made aware of each burial.
- (e) Disinterments are the responsibility of the funeral director of a funeral home. The funeral director will be responsible for opening and closing the graves, with the City's written authorization. All state mandated paperwork must be on file with the City before any disinterment is authorized.
- (f) Funeral homes shall be responsible for the opening and closing of graves utilizing the services of a vendor permitted by the City. Vendors must apply and be approved for an annual permit for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved by City Council).
 - (1) Those responsible for the openings and closings of graves and performing the openings and closings at the Cemetery shall fully remove the dirt and/or ground unearthed in the opening process from the Cemetery premises at their own expense, not to use in the closing of any grave at the Cemetery.
 - (2) Use only the sand and "black dirt" as provided by the City and located at the surplus supply on the Cemetery premises, when closing any grave in the Cemetery by the means as specified: first fill with approximately $\frac{3}{4}$ sand, then the remaining $\frac{1}{4}$ with "black dirt" to adjacent ground level.

Sec. 1.608 Miscellaneous

- (a) No dogs shall be permitted in the Cemetery.
- (b) The City is not responsible for theft or damage to anything placed on plots.
- (c) No bench, chair or trellis shall be permitted to be placed upon the Cemetery grounds.
- (d) The City shall have the authority to enter upon any plot and to remove any non-authorized or non-conforming items that may have been placed there contrary to these regulations.
- (e) No person shall be permitted to enter or leave the Cemetery except by the public access.
- (f) All persons found on the Cemetery grounds after dark shall be liable for prosecution for trespassing.
- (g) All persons are strictly forbidden to mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
- (h) No person shall be permitted to bring or carry firearms within the Cemetery except:
 - (1) City employee; and
 - (2) a military guard of honor during a military service.
- (i) The digging of holes for any purpose, other than to inter cremains, is strictly prohibited.
- (j) The City reserves the right to remove all flowers, potted plants, wreaths or baskets when they become withered or they violate a provision of this article.
- (k) Gravestone rubbings, made using a pencil and paper, are allowable, so long as utmost precautions are followed and no damage is caused to the stone, plot, right-of-way, or Cemetery item in the process. A gravestone rubbing can become a permanent record of death when a gravestone is rapidly deteriorating.

Sec. 1.609 Modifications and Amendment

- (a) The City may, and it hereby expressly reserves the right, at any time or times, with or without notice to owners, to amend any fee, price, rule, or regulation in this article.
- (b) Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations when, in its judgment, the same appear advisable; and the temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Cemetery Rules and Regulations.

Sec. 1.610 Fees for Funeral Processions

(a) Funeral processions using on-duty officers are at no charge. However, since the officer is on-duty, the officer might be called away from the procession.

(b) There will be a fee for funeral processions using off-duty officers. City Council will set the fee, which will include a two (2) hour minimum. Payment shall be made to the City prior to the service. The funeral procession utilizing the off-duty officer will extend to the county line boundaries.

ARTICLE 1.700 PERPETUAL TRUST FOR LIVE OAK, RESTHAVEN CEMETERIES

¶ Sec. 1.701 Definition

For the purposes of this article, the word "trust" shall mean the perpetual trust for the perpetual care and upkeep of Live Oak and Resthaven Cemeteries in this city. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-16)

¶ Sec. 1.702 Name

The name of the trust shall be the Live Oak and Resthaven Cemetery Trust. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-17)

¶ Sec. 1.703 Purpose

The purpose of the Live Oak and Resthaven Cemetery Trust is to receive money and other property as may be donated or as may otherwise come into its possession in conformity with the provisions of this article, and to use such donations as provided in this article. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-18)

¶ Sec. 1.704 Principal Place of Business

The principal place of business for the trust shall be at the city hall. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-19)

¶ Sec. 1.705 Trustees Designated

The trustees of the trust shall be the mayor and councilmen, duly elected and qualified for office as such for the city, and their successors in office. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-20)

¶ Sec. 1.706 Quorum of; Action by Trustees

A majority of the trustees shall constitute a quorum for any meeting, but all acts of the trust shall be by vote and consent of a majority of the trustees. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-21)

¶ Sec. 1.707 Compensation; Bond of Trustees

The trustees shall receive no compensation of any form. They shall not be required to give bond, but the treasurer or any employee of the trust may be required to give bond for the faithful performance of his duties. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-22)

Sec. 1.708 Officers

The mayor shall preside as chairman and shall vote only in the event of a tie. In the absence of the mayor, the remaining trustees present shall elect one of the trustees to serve as chairman. The trustees shall select one of their members or some other person as treasurer and he shall hold such office until his successor is elected. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-23)

Sec. 1.709 Meetings

There shall be a regular meting of the trustees annually on the third Tuesday in January at 8:00 p.m. of each year in the city hall, or such other place as the chairman may select. The chairman may call special meetings, from time to time. Upon written notice of the majority of the trustees, he shall call a special meeting of the trustees. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-24)

Sec. 1.710 Duties of Treasurer; Generally

The treasurer shall have the custody of all the monies and securities of the trust, which shall be kept and maintained in the name of the, trust in such place as the trustees may direct. He shall keep current books which shall be available for inspection by any of the trustees or general public at the office of the association. All money of the trust shall be deposited by him in such depositories as shall be selected by the trustees. Checks shall be signed by the treasurer and countersigned by the chairman. The treasurer shall keep a permanent and well-bound record book in which shall be kept in alphabetical order the names of all persons advancing funds, the amount advanced, the purpose for which such advancement was made, the names and locations, insofar as possible, of lots and graves, the condition and status of the trust imposed, the minutes of all meetings of the trustees, and such further information as the trustees may deem proper. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-25)

Sec. 1.711 Income for Trust

All donations, funds, income or properties arising from the trust, in whatever form it may take, together with any additions thereto made in conformity with the provisions of this article, shall be called the Live Oak and Resthaven Cemetery Trust. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-26)

Sec. 1.712 Use; Investment of Trust

With respect to the trust property and additions thereto, the trustees shall have the power in their discretion and judgment to allot, petition, assign, control, care for, collect, contract with respect to, convey, convert, deal with, dispose of, exchange, hold, improve, invest, reinvest, lease, alienate, manage, mortgage, grant, exercise options with respect to, take possession of, sell, pledge, protect, receive, release, repair, buy, sue for, execute proxies, employ servants and agents and, in general, to do any and every act and thing, and to enter into and carry out any and every

agreement with respect to the trust property or any part thereof as the trustees would have the right to do if they were the individual owners thereof and as they, in the exercise of their best judgment, being fully cognizant of their individual responsibilities to discharge their trust with integrity and honor, may deem in the best interest of, the trust without being limited in any way by the granting of specific powers herein made. The trustees shall invest all cash and liquid assets donated to such trust and all property converted to cash and liquid assets by such trust in interest-bearing bonds or securities of municipalities, state or federal government. In addition to the rights and duties herein given the trustees, they shall have all the powers, rights, duties and responsibilities given to and imposed upon a trustee under what is known as the Texas Trust Act, and as restricted by article 969c of the Revised Civil Statutes of Texas. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-27)

Sec. 1.713 Individual Trust Agreements

Any person desiring to have the city act as trustee for the permanent care and upkeep of graves and burial lots in either the Live Oak or Resthaven Cemetery shall have the right to deposit an amount not less than one hundred dollars (\$100.00) or funds as may be required by the trustees therefor, and the acceptance by the trustees of the funds required for such purpose shall constitute a permanent and perpetual trust fund for the burial lot or graves so designated. Upon acceptance by the trustees or its agents, the trust shall issue a certificate to the person advancing such funds or money, which certificate shall state the purpose, the amount advanced, by whom advanced, the location as nearly as possible of the lot, grave or burial place and such further information and designation as the trustees may deem proper. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-28)

Sec. 1.714 Use of Fund for Care, Upkeep, and Maintenance

At all times, the interest, revenue or other accrual or increase of the funds advanced for specific lots, graves or burial places shall first be used for the maintenance, care and upkeep, in first-class condition, of the particular lot, grave or burial place for which the advancement and donation was originally made. In the event of the accrual of a reasonable excess of revenue from such specific fund, the accumulation of a greater amount than is necessary for the faithful accomplishment of the trust and purpose herein provided for, such excess may, in the discretion of such trustees, be used to beautify the whole cemetery or burial ground generally; but at no time shall any part of the original or principal amount first be advanced and donated for the care, upkeep and maintenance of specific lots, graves and burial places, or ever be used by such trustees. The original amount of funds shall forever remain and be kept intact as a principal trust fund. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-29)

Sec. 1.715 Issuance of Certificates

All certificates issued by the trust shall be issued in the name of the city to the person who makes the advancement of funds or monies as provided for in this article; and such certificate holder shall have the right, upon the payment of the proper costs or recording fee, to have such certificate recorded in the county deed records. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-30)

Sec. 1.716 Conformity With Statutes

It is not intended by this article to assume to operate a perpetual care cemetery within the meaning and provisions of Title 26 of the Revised Civil Statutes as the Live Oak and Resthaven Cemeteries are community cemeteries and are not applicable to the operation of said statute. It is, however, intended that this article be and is in conformity with article 969c of the Revised Civil Statutes of Texas in establishing the city as trustee for the perpetual care and upkeep of the Live Oak and Resthaven Cemeteries under the terms and conditions provided in this article. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-31)

Sec. 1.717 Renouncing of Trust by City

In the event that the city or the trustees should, after having engaged upon and accepted the trust provided for in this article, renounce such trust or fail or refuse to act further as trustees as herein provided for, the county judge, he being the highest trial judge of the county, shall appoint a suitable successor trustee, whenever the occasion demands or a vacancy occurs, to act in lieu of the city and to carry out and faithfully execute the trust. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-32)

Sec. 1.718 Budgetary Funds Authorized

Nothing contained in this article shall be construed as in any way limiting the city in including in its annual budget such sums as may be deemed necessary for the maintenance and upkeep of the cemeteries. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-33)

Sec. 1.719 Amendment

This article and the trust agreement may be amended only by ordinance of the city, and shall be signed by a majority of the councilmen and the mayor acting as trustees. (1975 Code of Ordinances, Chapter 10, Article II, Sec. 10-34)

**CITY OF BRADY, TEXAS
RESOLUTION NO. 2017-012**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, CONTINUING THE PERPETUAL TRUST FOR REST HAVEN CEMETERY AND LIVE OAK CEMETERY AND STATING ALL ACTIONS OF THE CITY RELATED TO THE PERPETUAL TRUST SHALL BE THROUGH THE BUDGET AND BY CITY STAFF;

WHEREAS, Section 713.002 of the Texas Health and Safety Code states that (a) a municipality that owns or operates a cemetery or has control of cemetery property may act as a permanent trustee for the perpetual maintenance of the lots and graves in the cemetery, and (b) to act as a trustee, a majority of the municipality's governing body must adopt an ordinance or resolution stating the municipality's willingness and intention to act as a trustee; when the ordinance or resolution is adopted and the trust is accepted, the trust is perpetual; and

WHEREAS, City Council created a Perpetual Trust for Rest Haven Cemetery and Live Oak Cemetery under Article 1.700 of the City of Brady Code of Ordinances; and

WHEREAS, City Council repealed Article 1.700 of the Municipal Code of Ordinances by Ordinance 1218; and

WHEREAS, City Council adopts this Resolution in order for the City to continue the Perpetual Trust for Rest Haven Cemetery and Live Oak Cemetery and for the City to continue to act as the trustee for the Perpetual Trust; and

WHEREAS, all actions of the City related to the Perpetual Trust shall be through the City budget and by City staff; and

WHEREAS, City Council finds it in the best interests of the City and the general public to continue the Perpetual Trust for Rest Haven Cemetery and Live Oak Cemetery and requiring all actions of the City related to the Perpetual Trust be through the City budget and by City staff.

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

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

SECTION 2. Continuation of Perpetual Trust. The Perpetual Trust created under Article 1.700 of the Code of Ordinances for Rest Haven Cemetery and Live Oak Cemetery shall continue under this Resolution.

SECTION 3. Trustee. The City shall continue to be the trustee of the Perpetual Trust.

SECTION 4. Administration of the Perpetual Trust. The Perpetual Trust shall be administered by the City through the City's budget and by City staff.

PASSED AND APPROVED on this 21st day of March 2017.

Anthony Groves, Mayor
City of Brady, Texas

ATTEST:

Tina Keys, City Secretary
City of Brady, Texas

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	3/7/2017	AGENDA ITEM	7.B
AGENDA SUBJECT:	Discussion, consideration and possible action regarding direction to staff to revise Ordinance 1155 regarding Heart of Texas Hospital Systems regulations and inspections of ambulance/transfer services in City of Brady.		
PREPARED BY:	K Lenoir / Lyle Daniels	date	2/27/17
EXHIBITS:	Ordinance 1155		
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 from calling central City/County Dispatch (9-1-1) when in route on a hospital transfer.			
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 Chief Daniels to tour and learn more about the City EMS Ambulance Service. The tour was held February 17.			
This item was added for City Council to discuss and consider if any direction to staff is desired.			
RECOMMENDED ACTION: If needed, direct staff as desired.			

ORDINANCE NO. 1155

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRADY, TEXAS, BY AMENDING CHAPTER 4 TO ESTABLISH EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. The Code of Ordinances of the City of Brady, Texas, is hereby amended by adding to Chapter 4, Emergency Medical Services and Ambulance Regulations, to read as follows:

CHAPTER 4. EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS

DIVISION 1. IN GENERAL

Sec. 4.100. Definitions.

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

Ambulance shall mean any privately or publicly-owned motor vehicle used, designed or redesigned and equipped 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 directly to an ambulance operator, his agents or employees.

EMS Chief shall mean the Department Head of the Emergency Medical Service.

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 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 such owner to operate an 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.

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 of Brady 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, firm or corporation who violates or fails to comply with the requirements or provisions of this chapter 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 or causing to be violated any of the sections of this article.

Sec. 4.103 – 4.110 reserved.

DIVISION II. 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 Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773.

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 service unless and until such ambulance has a valid license issued by the DSHS.

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 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 Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773. Additionally, ambulances shall also meet the minimum requirements as outlined, in writing, by the physician medical director of record for the licensed ambulance service provider and as outlined by the city as required equipment. [outlined in the permit]

Sec. 4.114 – 4.120 reserved.

DIVISION III. MEDICAL TRANSFER SERVICES

Sec. 4.121. Permit required; exception.

(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 transfer services permit.

(b) *Exception.* A transfer services permit shall not be required for:

(1) Emergency Medical Service vehicles or ambulances owned or operated by the City of Brady 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.

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 so used or to be so 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:

- a. the name, address and telephone number of the owner;
- b. any trade or other fictitious name used or to be used by the owner when providing ambulance service;
- c. the make, model, year of manufacture, motor and chassis number, and current state license number of each ambulance;
- d. the length of time each ambulance has been in service;
- e. the color scheme, insignia, name, monogram or other distinguishing characteristics used or to be used by the owner to designate such ambulance together with an accurate photograph of each ambulance to be permitted;
- f. a list of all current employees of the ambulance service including name and date of birth for each employee; and drug screen results
- g. each application for a permit required by the City shall be accompanied by a non-refundable permit fee, payable to the City of Brady, as established by resolution of City Council.

The annual permit fee associated with the permitting of medical transfer services is one-thousand five-hundred dollars (\$1,500.00) per vehicle and any inspection required is two-hundred dollars (\$200) each.

Sec. 4.122. Insurance requirements.

(a) Any applicant for a permit under this division shall, before the permit can be issued, procure, maintain, and furnish 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 of Brady.

(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 autos is required to be submitted and filed with the City Manager. Only those covered autos 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 become so impaired as to require new and additional insurance, the City Attorney shall require such additional insurance in such company as he may fee is necessary to ensure faithful performance by the operator of ambulances his agents, servants, and employees.

(d) If the insurance policy is cancelled and no insurance policy if 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.

(a) The Brady City Manager or designee, or the police department, shall have the right to inspect, at any time, all ambulances permitted or to be permitted under this division 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 will 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 police department be operated on the streets of the City. Nothing in this section however shall prevent the Brady City Manager or designee, or the police department 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 Brady Fire/EMS dispatcher.

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

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 in such business 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 this chapter.

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, 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 of Brady.

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 this division, upon ensuring that all City taxes on each vehicle and all other personal and real property used in such business have been paid and upon determination that all requirements of this chapter 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 make of the vehicle(s), the vehicle identification number(s), 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 this chapter 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 chapter, upon ensuring that all City taxes on each vehicle and on all other personal and real property used in such business have been paid, upon each vehicle passing the inspection required by this Chapter, and upon determination that all requirements of this chapter 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 such permit will be reviewed by the Brady City Manager, or designees, during December of the same year. The re-issuance of such 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 this chapter 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 this chapter, during the life of the permit, to:

- (a) Eliminate or delegate 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 specific chapter, no such ambulance service firm or organization can operate as its main place of business, a storage supply facility, or in a private residence. The Brady City Manager or designee, or police department, has the right to inspect such locations as often as deemed necessary to ensure compliance with all provisions of this chapter. The refusal of any ambulance operator, with a business office located within the City limits, to allow the Brady City Manager or designee, or police department, to inspect such premises shall be considered a violation of this chapter and may be subject to forfeiture of the Medical ambulance permits.

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 chapter, 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 designee. Any violation of the chapter may subject the transfer service provider to suspension or revocation of its Non-Emergency Transfer Service Permit. 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, be either personal delivery or certified mail to the permittee's address as shown on the permit application, and 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 applicant or permittee he may, within ten (10) days of that decision, file an appeal in writing with the City Manager. 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 City Manager on any appeal pursuant to this chapter shall be final.

(c) Upon suspension or revocation of an ambulance permit, such medical transfer service shall cease operations in the City and no person shall permit such medical transfer service to continue such operations.

Sec. 4.132 – 4.140 reserved.

Section 2. Penalty. Any person who violates any provision of this chapter 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 3. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section4. 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 hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Brady, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Passed and Approved on FIRST READING on the 15th day of July, 2014.

Passed and Approved on SECOND READING on the 5th day of August, 2014.



Anthony Groves
Anthony Groves, Mayor

ATTEST:



Chasity Badilla
City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	03/07/2017	AGENDA ITEM	7.C.						
AGENDA SUBJECT:		Discussion, consideration, and possible action approving the purchase of a 2017 Ford F-550, Diesel, Regular Cab with Telescopic Aerial Lift. (\$96,330)							
PREPARED BY:		Lisa Remini /Dorsey Bustamante Date Submitted: 2-28-2017							
EXHIBITS:		Bid Tabulation Sheet Supplemental Decisions Summary for 2017 Budget year							
BUDGETARY IMPACT:		Required Expenditure:	\$96,830.00						
		Amount Budgeted:	\$100,000.00						
		Appropriation Required:	\$00.00						
CITY MANAGER APPROVAL:									
SUMMARY:									
<p>Staff advertised for a medium duty, 4 wheel drive V8 diesel with a telescopic aerial lift utilizing the seal bid process to select the lowest bid meeting specifications to be used in the Public Works Department, Electric Division fleet. It will be used to service a number of jobs that are in the residential alley-ways that are not easily accessible with a full size lift truck.</p> <p>The truck was approved in the FY 2017 Budget up to a net purchase cost of \$98,500. Staff requests to purchase the low bid model Ford for \$96,330. This price is net the trade-in of a 28 year old F-750 Altec lift truck for \$500.</p> <table style="margin-left: 40px;"> <tr> <td>2017 Ford F-550</td> <td style="text-align: right;">\$96,830</td> </tr> <tr> <td>Trade-in 1989 F-750</td> <td style="text-align: right;"><u>\$ (500)</u></td> </tr> <tr> <td>Net cost</td> <td style="text-align: right;">\$96,330</td> </tr> </table>				2017 Ford F-550	\$96,830	Trade-in 1989 F-750	<u>\$ (500)</u>	Net cost	\$96,330
2017 Ford F-550	\$96,830								
Trade-in 1989 F-750	<u>\$ (500)</u>								
Net cost	\$96,330								

RECOMMENDED ACTION:

It is recommended that City Council approve the purchase of a 2017 Ford F-550, Diesel, with Telescopic Aerial Lift Altec Model AT37G from Altec Industries, Inc. in the amount of \$96,330.

BID TABULATION SHEET

CITY OF BRADY

FOR PURCHASES LESS THAN \$50,000.00 BUT MORE THAN \$3,000.00
(TO BE ATTACHED TO PURCHASE ORDER FORM)

Division: Electric

Account: 20-5-22-402.00

Date: February 27, 2017

DESCRIPTION OF ITEM TO BE PURCHASED

2017 Truck, Medium-Duty Rate, Regular Cab, 4WD, V8 Diesel with Telescopic Aerial Lift

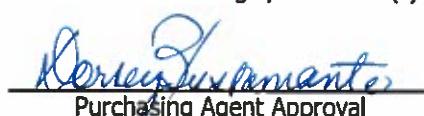
LOW BID	VENDOR	CONTACT PERSON	PHONE #	TOTAL PRICE QUOTED
1	Altec Industries, Inc. 200 Altec Dr Elizabethtown, Ky 42701	Nathan Bowman	270-505-1610	96,330.00 with trade-in
2	Altec Industries, Inc. 200 Altec Dr Elizabethtown, Ky 42701	Nathan Bowman	270-505-1610	96,830.00 Seal bid without trade-in
3	Circle D Truck Sales 4502 E Overland Tran Abilene, Texas 79601	John Milam	325-677-0474	98,495.59
4	Utility One Source 7200 Jack Newell Blvd South Ft. Worth, Texas 76118	Duane Edington	979-571-6668	108,150.00 Option 1 - with 108" Line Body
5	Utility One Source 7200 Jack Newell Blvd South Ft. Worth, Texas 76118	Duane Edington	979-571-6668	109,150.00 Option 2 - with 132" Line Body

PLEASE JUSTIFY BELOW IF LOW BID IS NOT SELECTED

Low bidder meeting specifications was selected, bid was revised by the lowest bidder to include trade-in.

I, the undersigned, attest that I received the above quotes for purchase of the item(s) described above and request authorization to purchase said item(s) from the vendor designated as low bid meeting specification(s).


Department Approval
2/28/17


Purchasing Agent Approval

SUPPLEMENTAL DECISION PACKAGE
SUMMARY OF SELECTED DECISIONS BY PRIORITY

Account Number	Line Item / Priority / Description	Page No.	Requesting Division	Program Cost	Program Status						
					Not Approved	Approved	Requirements				
PROPOSED											
SEWER AND ELECTRIC FUND (20)											
20-5-21-203.00	1 TCEQ Final Closure Risk Reduction Plan	30	Power Plant	30,000		30,000					
20-5-22-401.00	1 Relocation of Over Head Electric lines -Square	31	Electric	51,029		51,029					
20-5-22-402.00	2 Small Bucket Lift Truck	32	Electric	100,000		98,500	Trade-in				
20-5-22-401.00	3 Over Head Electric Line Replacement - Wall Street	33	Electric	210,000		210,000	Sale of Substation				
20-5-22-401.00	4 LCRA Project No 6	34	Electric	20,000		20,000	Sale of Substation				
20-5-22-401.00	5 LCRA Project No 8	35	Electric	15,000		15,000	Sale of Substation				
20-5-22-312.00	6 Additional off-site improvements	36	Electric	15,000		15,000	Sale of Substation				
20-5-22-338.00	7 Christmas Decorations	37	Electric	16,100	10,500	5,600					
20-5-23-401.00	1 Tent Canopy Structure	39	WWTP	150,000		150,000					
20-5-23-203.00	1 Cost of Service and Rate Study	38	WWTP	15,000		15,000					
WATER FUND (30)											
	1 Utility Specialist	40	PW Admin	\$ 622,129	\$ 10,500	\$ 610,129	\$ -				
	1 Additional 3% Step Grade Adj for Water 1 Technicians	41	W/ WW Dist	8,555		8,555					
30-5-31-203.00	Cost of Service and Rate Study	38	W/ WW Dist	1,434		1,434					
30-5-31-401.00	1 Upgrade Gravity Sewer Line - Nine Rd.	42	W/ WW Dist	15,000		15,000					
30-5-31-402.00	2 Vactron Sewer Maintenance Truck Rig	43	W/ WW Dist	50,000	N/A	50,000	Base Budget				
				\$ 239,989		\$ 189,989	\$ -				
GAS FUND (40)											
	1 Additional 3% Step Grade Adj for Gas Technician 2	44	Gas	989		989					
40-5-42-401.00	1 Lynn-Gavit Gas Line Improvement Project	45	Gas	125,000		125,000					
40-5-42-402.00	2 New 3/4T Crew Utility Panel Truck	46	Gas	39,000		39,000					
40-5-42-402.00	3 Welding Rig Trailer Mount	47	Gas	29,000		29,000					
				\$ 193,989		\$ 193,989	\$ -				
UTILITY SUPPORT FUND (50)											
50-5-26-402.00	1 Light Duty Pickup -V6	48	Meter	29,000		25,000	Trade-in				
				\$ 29,000		\$ 25,000	\$ -				
SANITATION FUND (60)											
60-5-14-309.00	1 Security Cameras at City Landfill	49	Solid Waste	2,000		2,000					
				\$ 2,000		\$ 2,000	\$ -				
SPECIAL REVENUE FUND (80)											
80-5-47-324.00	1 Improvements in the City Cemetery System	50	Cemetery	43,000		43,000					
				\$ 43,000		\$ 43,000	\$ -				
TOTAL				3,317,953	1,473,827	1,497,656					

SUPPLEMENTAL DECISION PACKAGE

Fund : Sewer & Electric		Department : Electric Distribution		Date :	5/19/16
Fund Number	20	Department Head :	JSolis	Prepared By :	SMiller/JSolis
Category:	5	Maintenance of Existing Program :	X	Department Rank :	2
Division Number:	22	New/Expanded Program Request :		City Manager Rank :	2

Description:

Replacement of bucket lift truck with small lift truck unit.

Justification:

FORD F750 1988 Model 120,633 miles

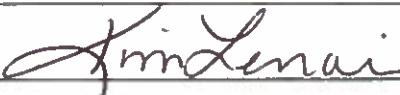
This is the bucket lift truck for O.H. electrical work for raising a worker up to the level of the power lines. The truck lift mechanism is failing and is unreliable and unsafe. However, during an emergency conditions this lift truck is used and is creating a hazardous/unsafe working condition.

This smaller lift truck can better access a number of "alley-ways" that are not easily accessible with a full size lift truck.

We plan to trade-in old bucket lift truck Unit #25 and apply the value to the cost of the new unit.

Salaries and Benefits		Capital / Commodities / Services				
JOB CLASSIFICATION	Amount	Description	Obj. Code	No.	Unit Cost	Total
101.00	REGULAR PAY	COMPUTER				
102.00	OVERTIME PAY	DESK				
107.00	CAR ALLOWANCE	VEHICLE				
110.00	HOSPITAL INSURANCE	CAPITAL OUTLAY - VEHICLES & EQUIP	402.00	1	\$100,000	100,000
111.00	MUNICIPAL RETIREMENT					
112.00	WORKER'S COMP INS	Sale of Fixed Assets	899.00	1		(1,500)
113.00	UNEMPLOYMENT INS					
114.00	PAYROLL TAXES					
		Note:				
		Staff recommends to finance this item				
TOTAL	0				GRAND TOTAL	98,500

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

AGENDA DATE:	3/3/2017	AGENDA ITEM	7.D	
AGENDA SUBJECT:		Discussion, consideration and possible action regarding second and final reading of Ordinance 1219 of the City of Brady, Texas, adding to Article 1.160 City Council to include options for rescheduling a regular city council meeting that conflicts with a federal holiday.		
PREPARED BY:		K. Lenoir / T. Keys	Date Submitted:	02/27/2017
EXHIBITS:		Ordinance 1219		
BUDGETARY IMPACT:		Required Expenditure:	\$00.00	
		Amount Budgeted:	\$00.00	
		Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:				

SUMMARY:

Article 1.160 of the City of Brady Code of Ordinances reads that times for regular meetings of the city council shall be at 6:00 p.m. on the first and third Tuesday of each month, as set by council in compliance with the home rule charter of the city, Section 3.09.

On February 7, City Council discussed adding the option to the ordinance to change the regular meeting date by resolution when it conflicts with federal holidays or other unforeseen conflicts.

On February 21, City Council approved the first reading of Ordinance 1219 as amended.

After the second reading of this ordinance a resolution will be presented to include moving the July 4 meeting to July 11, 2017, due to the federal holiday conflict.

RECOMMENDED ACTION:

It is recommended that City Council approve the second and final reading of Ordinance 1219.

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 1219

ORDINANCE NO. 1219

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE
CITY OF BRADY CODE OF ORDINANCES, ARTICLE 1.160 DIVISION 1,
MEETING TIMES**

WHEREAS, the City Council finds that Article 1.1600 of the Code of Ordinances reflects the meeting times for regular meetings of the city council shall be at 6:00 p.m. on the first and third Tuesday of each month; and

WHEREAS, the City Council finds it necessary to amend said article to add provisions for the option to change the regular meeting date by resolution when one of the regular meeting days conflicts with federal holidays; and

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

The City Council of the City of Brady, Texas, hereby amends Article 1.160 to include the provision: *City Council may change meeting dates by resolution when a regular meeting date conflicts with holidays or other unforeseen conflicts.*

PASSED AND APROVED ON FIRST READING on this the 21st day of February, 2017.

PASSED AND APPROVED ON THE SECOND READING on this the 7th day of March, 2017

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	3/7/2017	AGENDA ITEM	7.E.
AGENDA SUBJECT:	Approval of Resolution 2017-013 to approve changing the regularly scheduled City Council meeting date from July 4, 2017 to July 11, 2017		
PREPARED BY:	T. Keys	date	3/2/2017
EXHIBITS:	Resolution 2017-013		
BUDGETARY IMPACT:	Required Expenditure in FY 2016:	\$00.00	
	Amount Budgeted in FY2016:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

Council approved Ordinance 1219 authorizing the changing of regularly scheduled meeting dates by resolution when regular meeting dates conflict with federal holidays or other unforeseen conflicts.

The regularly scheduled meeting date in July falls on the July 4th holiday. This resolution would approve changing the regularly scheduled meeting date from July 4, 2017 to July 11, 2017.

RECOMMENDED ACTION:

Approve Resolution 2017-013.

RESOLUTION 2017-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS APPROVING THE CHANGE OF THE REGULARLY SCHEDULED CITY COUNCIL MEETING DATE FROM JULY 4, 2017 TO JULY 11, 2014 DUE TO CONFLICT WITH THE FEDERAL HOLIDAY

WHEREAS, per the City of Brady City Charter, regularly scheduled meeting dates of council meetings are to be held on the first and third Tuesday of each month; and

WHEREAS, as approved in Ordinance 1219; City Council may change meeting dates by resolution when a regular meeting date conflicts with holidays or other unforeseen conflicts; and

WHEREAS, the City Council agrees by this resolution to reschedule the first Tuesday regular meeting date of July 4, 2017 to the following Tuesday, July 11, 2017, due to a conflict with the federal holiday.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS, that the meeting date for the first regularly scheduled meeting of the City of Brady City Council will be changed to July 11, 2017 due to a conflict with the July 4, 2017 holiday.

PASSED and APPROVED this the 7th day of March, 2017.

Anthony Groves, Mayor

Tina Keys, City Secretary

**City Council
City of Brady, Texas**

Agenda Action Form for Ordinance

AGENDA DATE:	3-7-2017	AGENDA ITEM	7.F.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding first reading of Ordinance 1220 to amend the FY 2017 Budget to allow for repairs to public facilities and the electric distribution system, additional equipment purchases, increased aviation fuels sales to the military, upgrades to the lake, meet TCEQ directives and promote TXDOT project 377N goals.		
PREPARED BY:	Lisa Remini	Date Submitted:	3-1-2017
EXHIBITS:	Ordinance #1220 Budget Amendment Requests Memorandums Fund Balance Compliance Report		
BUDGETARY IMPACT:	Required Expenditure:	\$1,219,025	
	Amount Budgeted:	\$27,178,662	
	Appropriation Required:	\$1,219,025	
CITY MANAGER APPROVAL:			
SUMMARY:			
<p>Staff recommends that the FY 17 Budget be amended to provide for the various revenue and expenditure items listed on the attached reports. The proposed amendments will allow projects to be added to the FY 17 goals to promote municipal purposes.</p> <p>A workshop was held on February 21 with the City Council to review the requested amendments.</p> <p>The request to purchase microphones for the Municipal Court room has been retracted. Memorandums from Department Heads Lamont and Miller supporting the requests for a code enforcement compliance vehicle and street department work truck are included for further consideration.</p> <p>Additionally, execution of a recent contract with TXDOT needs to be formalized in the city budget document as well. In an effort to coordinate and promote timely execution of the street improvements by TXDOT on Hwy 377N, the Electric Division has accepted a 30 day job to move electric poles out of a detour location while construction of the street improvements are ongoing. Contract terms will provide 100% of payroll, equipment and material costs resulting in approximately \$50,000 in revenue retention.</p> <p>Based on the Fund Balance Compliance Report, staff promotes that all requests can be sufficiently funded.</p>			

RECOMMENDED ACTION:

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

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

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

Mayor calls for a motion: Move to approve the first reading of Ordinance 1220.

ORDINANCE NO. 1220

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE FISCAL
YEAR 2016-2017 BUDGET**

An ordinance amending the 2016-2017 Fiscal Year Budget as follows:

Increasing total expenditures by \$1,219,025 for municipal purposes for an expenditure budget of \$28,397,687 as per attached summary, made a part of this ordinance.

These amendments will allow for repairs to public facilities and the electric distribution system, additional equipment purchases, increased aviation fuels sales to the military, upgrades to the lake, meet TCEQ directives, and promote the TXDOT 377N project goals.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BRADY TEXAS** that the FY 2016-2017 budget be amended accordingly.

APPROVED UPON FIRST READING THIS THE _____ DAY OF _____ 2017,

**APPROVED AND PASSED UPON SECOND READING THIS THE _____ DAY OF
_____ 2017.**

Anthony Groves, Mayor

ATTEST: _____
Tina Keys, City Secretary

CITY OF BRADY
 Budget - FY 17 Mid Yr Amendment Requests
 3-7-2017
(REVENUES)
EXPENDITURES

<u>DECISION PACKET NUMBER</u>	<u>REQUEST</u>	<u>AMOUNT</u>	<u>BUDGET NUMBER</u>	<u>BUDGET DESCRIPTION</u>
GENERAL FUND				
7	City Hall Roof	\$ 180,000	10-5-01-401.00	Capital Projects
A	Additional PT for Airport	\$ 10,500	10-5-02-101.00	Regular Payroll
A	Additional OT for Airport	\$ 2,500	10-5-02-102.00	Overtime
A	Jet A Fuel	\$ 179,200	10-5-02-303.03	Jet A fuel
A	Jet A Fuel Sales to Military	\$ (263,000)	10-4-02-647.00	Military Fuel Sales
27	Runway / Tarmac crack sealing	\$ 50,000	10-5-02-403.00	RAMP Projects
27	RAMP funds from TXDOT	\$ (25,000)	10-4-02-815.02	RAMP Grant
14	Golf Course Rough Mower	\$ 10,000	10-5-05-402.00	Capital Equipment
New B	Tasers for Police Department	\$ 25,500	10-5-08-309.00	Small Equipment
New C	Street Asphalt Recycler	\$ 153,000	10-5-12-402.00	Capital Veh/ Equipment
11	Street Truck	\$ 39,000	10-5-12-402.00	Capital Veh/Equipment
12	Car for Code and Service Center	\$ 17,000	10-5-45-402.00	Capital Veh/Equipment
G	Administration fee from Water	\$ (140,000)	10-4-01-910.30	Admin fee from Water
G	Transfers in from Gas	\$ 140,000	10-4-01-910.40	Transfers from Gas
TOTAL		\$ 378,700	Draw on Fund Balance	
SPECIAL FUND				
G	Transfers in from Gas	\$ (53,350)	80-4-43-910.40	Transfers in form Gas Fund
	TPW Grant for Boat Ramp	\$ (50,500)	80-4-43-676.00	TPW Grant
	Boat Ramp - TPW Grant Cost	\$ 50,500	80-5-43-276.00	TPW Boat Ramp Cost
	Boat Ramp - City Cost	\$ 16,850	80-5-43-276.01	TPW Boat Ramp - Local Cost
	AWOS -City Cost	\$ 35,000	80-5-43-272.01	TXDOT AWOS - Local Cost
TOTAL		\$ (1,500)	Credit to Fund Balance	
ELECTRIC / WWTP FUND				
New D	Excavation of Power Plant dirt	\$ 50,000	20-5-21-251.00	Clean up costs
3	Engineering for Overhead Elec Lines on Wall Street	\$ 48,000	20-5-22-401.00	Capital Projects
New	TXDOT reimbursement for work done by City Electric on 377N project	\$ (85,300)	20-4-22-815.00	Reimbursed Expenses
New	TXDOT job on 377N - transformers	\$ 13,100	20-5-22-302.01	Transformers
New	TXDOT job on 377N - equipment use	\$ 500	20-5-22-303.00	Fuel
New	TXDOT job on 377N - materials	\$ 18,600	20-5-22-312.00	General
	Donation from Chamber	\$ (2,400)	20-4-22-815.00	Reimbursed Expenses
	Christmas lights	\$ 2,400	20-5-22-338.00	Christmas Decorations
	TCEQ Violation at WWTP	\$ 5,000	20-5-23-203.01	Agency Fees
New E	Re-direct approved capital funds	\$ (150,000)	20-5-23-401.00	Capital Projects
New E	two sludge pumps	\$ 75,000	20-5-23-402.00	Capital Equipment
New E	and a loader tractor	\$ 75,000	20-5-23-402.00	Capital Equipment
TOTAL		\$ 49,900	Draw on Fund Balance	

CITY OF BRADY

Budget - FY 17 Mid Yr Amendment Requests

3-7-2017

(REVENUES)

EXPENDITURES

<u>DECISION PACKET NUMBER</u>	<u>REQUEST</u>	<u>AMOUNT</u>	<u>BUDGET NUMBER</u>	<u>BUDGET DESCRIPTION</u>
WATER / WW Distribution FUND				
	TCEQ Violation	\$ 33,850	30-5-31-203.01	Agency Fees
	TCEQ Violation - Atty fees	\$ 15,000	30-5-31-203.00	Professional Fees
F	WW Distribution Main Extension	\$ 38,000	30-5-31-312.00	General
G	Administrative Fee to General Fund	\$ (140,000)	30-5-31-910.10	Admin fee to General Fund
	TOTAL	\$ (53,150)	Credit to Fund Balance	
GAS FUND				
1	Approved capital project is under funded	\$ 60,000	40-5-42-401.00	Capital Projects
G	Transfers out to Special Fund	\$ 53,350	40-5-42-910.80	Transfers to Special Fund
G	Transfers out to General Fund	\$ 140,000	40-5-42-910.10	Transfers to General Fund
	TOTAL	\$ 253,350	Draw on Fund Balance	
UTILITY SUPPORT FUND				
23	Service Center Roof stuffer machine	\$ 86,000 \$ 1,000	50-5-50-401.00 50-5-46-212.00	Capital Projects Rentals
	TOTAL	\$ 87,000	Draw on Fund Balance	
SOLID WASTE FUND				
	TCEQ Violations	\$ 25,175	60-5-14-203.01	Agency Fees
	TOTAL	\$ 25,175	Draw on Fund Balance	
TOAL REVENUE AMENDMENTS				
	TOTAL EXPENDITURE AMENDMENTS	\$ (479,550)		
	NET DRAW ON FUND BALANCE	\$ 1,219,025		
		\$ 739,475		

MEMORANDUM

To: LISA REMINI, FINANCE DIRECTOR

CC: KIM LENOIR, CITY MANAGER

From: PETER B. LAMONT, JR., DIRECTOR OF COMMUNITY SERVICES 

Date: 24 FEBRUARY 2017

Subject: JUSTIFICATION FOR AN ADDITIONAL CODE ENFORCEMENT VEHICLE

Comment

The following is submitted to provide additional justification for an additional vehicle for the City of Brady's Building/Code Enforcement Division. This vehicle was originally requested as part of the FY17 budget process.

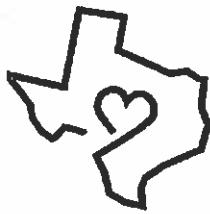
The City Building/Code Enforcement Division has traditionally been staffed with one Code Enforcement Officer who also acted as the City's Building Official. The City now has a second certified Code Enforcement Officer. Typically one officer utilizes the designated Code Enforcement Vehicle and the second uses the Administration Division's vehicle as available.

A major complaint against the City's Code Enforcement Division has been the lack of visible results. To counter this perception, the City initiated a proactive approach to enforcement beginning November 1, 2016. From November 2015 to February 2016, Code Enforcement initiated 46 cases, all of which were reactive cases. From November 2016 to February 23, 2017, 169 cases have been opened. Of those, 137 have been proactive and 32 reactive. Since the Proactive Sweep Initiative started, we have increased productivity by 267% from the same time period the previous year. Of the 169 cases opened 66 have been closed through voluntary compliance.

During the time the Administration Division vehicle has been available, Code Enforcement has been able to initiate 119 of the 137 proactive cases. The Administration Division vehicle however, has only been available 26 of the 73 days since the new initiative began. With the addition of a second vehicle, Code Enforcement would have had the opportunity to initiate another 216 cases.

Additionally, the addition of a vehicle for Code Enforcement will allow the Administration Division vehicle to return to City hall and resume its primary purpose as a pool vehicle. There have been multiple occasions where the vehicle was scheduled by multiple individuals resulting in the use of personal vehicles for City business, and leaving Code Enforcement without a means to patrol for violations.

Finally, Code Enforcement will not be on the road 100 % of the time, some time must be taken to complete the paperwork associated with new and reviewed cases. During this time, the vehicle would be available to individuals in the Service Center that do not have one regularly available.



BRADY
THE CITY OF
TEXAS

INTER-OFFICE MEMORANDUM

February 23, 2017

To: Kim Lenoir Lisa Remini
City Manager Finance Director

From: Steven Miller Dugan Sewell ✓
Director - PM Street Superintendent

Subj: FY2016_17 General Fund – Streets (10)
3/4T Crew Utility Panel Truck

This memorandum is offered as a follow up justification for approval to purchase a crew cab heavy duty rated panel truck. This proposed vehicle expenditure was part of the FY2017 budget process for assignments under supplemental decision packages, and did not receive approval.

The current street division vehicle inventory is shown on the attached slides. The Streets Division has one (1) heavy duty panel truck, one (1) light duty pickup, and one (1) 4WD pickup. The heavy duty panel truck was acquired in FY2016 or two (2) fiscal years ago. This truck has a ¾-ton chassis, and is the only vehicle in the street division capable of hauling heavy trailer loads for delivering equipment and material to a job site, with the exception of the large dump truck. The street division is limited due to the current non-availability of a 2nd heavy duty truck, and is negatively affected in division efficiency in the following ways:

1. During winter season, road maintenance is slowed typically due to lower outside ambient temperatures. The winter season is the period in which street signs, traffic safety signs, and drainage ways are maintained. A single heavy duty crew truck does not support the work demands. This is due to the fact that a maintenance crew is a minimum of two (2) people, and two (2) work teams can be established.
2. The 4WD pickup is unreliable due to its high mileage and hard use over the course of years of hauling and running. Typically, this pickup is in disrepair or in the shop about half the time. It's in the shop because it's worn out. This problem can be alleviated with the proposed purchase of the new 3/4T Crew Utility Panel Truck. The 4WD vehicle will be available for a trade-in too.

The utility bed option on a heavy duty truck is a valuable "tool" in that it allows for workers to take their tools to the job site in an orderly fashion, and they are easily accessible. The toolbox option for storage is not suitable for the service and work required. The toolbox option is difficult to work with because everything is piled into the toolbox, and time is wasted finding what you need to do the job. Whereas, a panel bed option, tools are organized, sorted and readily accessible. In the Street Division many small parts, i.e., bolts, nuts, washers and small tools can be stacked without spillage and separate from other supplies or tools.

BRADY
THE CITY OF
TEXAS



337

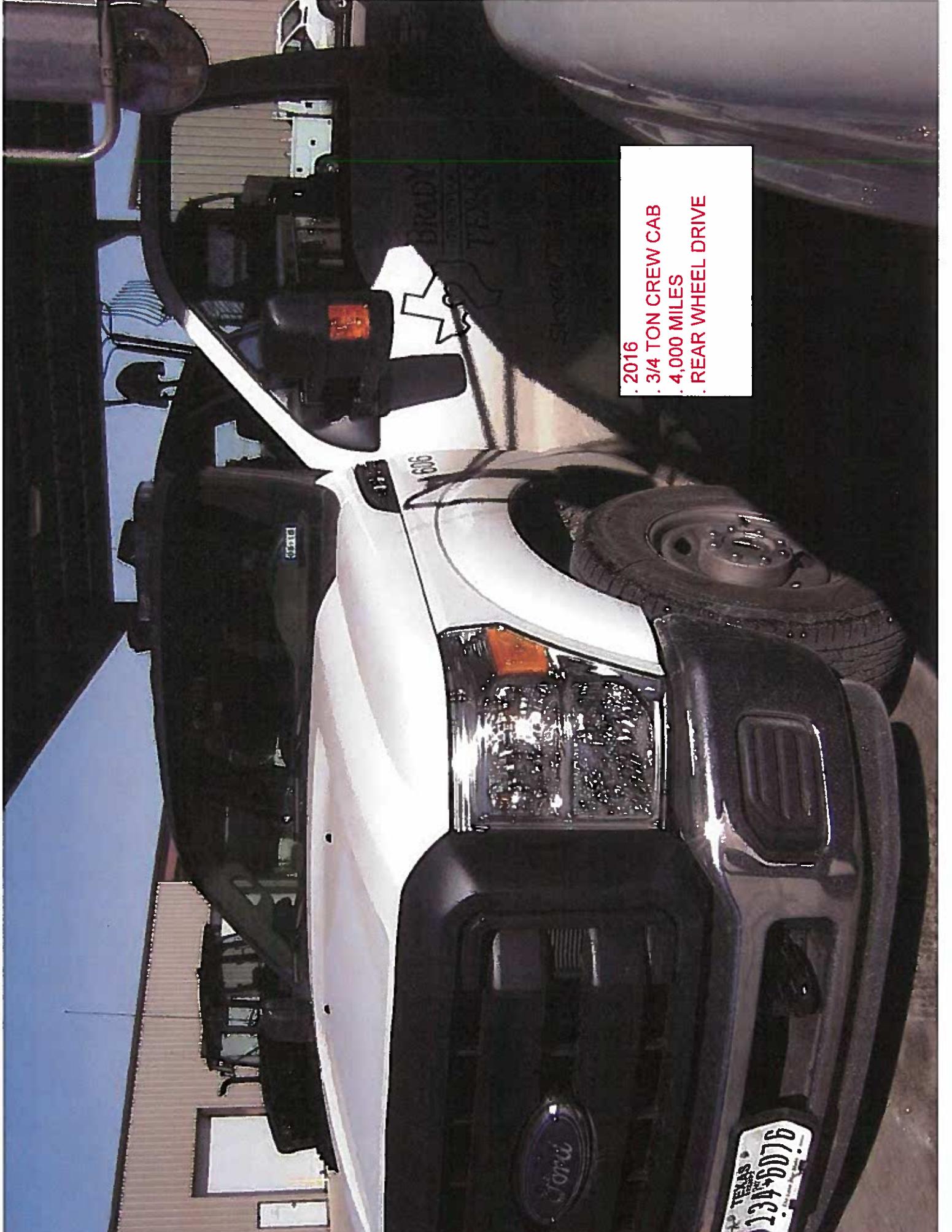


- 1996
- 3/4 TON
- 110,000 MILES
- ALL WHEEL DRIVE (4WD)

Streets / Drainage



2005
: 1/2 TON REG. CAB
: 87,000 MILES
: REAR WHEEL DRIVE



2016
: 3/4 TON CREW CAB
: 4,000 MILES
: REAR WHEEL DRIVE

CITY OF BRADY				
		TOTAL REVENUES	TOTAL EXPENSES	FUND BALANCE
FY 17 - MID YR REVIEW Fund Balance Compliance 3-7-2017				
GENERAL FUND - 10				
BEGINNING GENERAL FUND BALANCE 9-30-16 Unaudited				\$3,000,097
FY 17 Original Budget including fees and transfers		\$7,307,621	\$7,399,147	(\$91,526)
FY 17 Budget Amendments approved 10-18-16		\$75,496	\$501,952	(\$426,456)
Proposed Budget Amendments 3-7-17		\$288,000	\$666,700	(\$378,700)
Restricted				(\$74,783)
ENDING GENERAL FUND BALANCE - Unrestricted 9-30-17 Projected				\$2,028,632
Number of days to operating expenditures				102
Excess funds available				\$244,205
Total budgeted expenditures FY17 with amendments		\$8,567,799		
Less budgeted capital expenditures		(\$1,330,956)		
Net Operating Expenditures		\$7,236,843		
Minimum level Fund Balance required		\$1,784,427	90 days	
ELECTRIC & SEWER FUND - 20				
BEGINNING ELECTRIC&SEWER FUND BALANCE 9-30-16 Unaudited				\$7,152,261
FY 17 Original Budget including fees and transfers		\$8,781,490	\$10,809,240	(\$2,027,750)
FY 17 Budget Amendments approved 10-18-16			\$433,873	(\$433,873)
Line Item change -Chamber donation for Christmas lights		\$2,400	\$2,400	\$0
Proposed Budget Amendments 3-7-17		\$85,300	\$135,200	(\$49,900)
Restricted				(\$11,157)
ENDING ELECTRIC & SEWER FUND BALANCE - Unrestricted 9-30-17 Projected				\$4,629,581
Number of days to operating expenditures				196
Excess funds available				\$1,092,777
Available for Sewer / WWTP repairs per FY17 Budget				(\$555,883)
Total budgeted expenditures FY 17		\$11,380,713		
Less budgeted capital expenditures		(\$2,774,490)		
Operating Expenditures		\$8,606,223		
Minimum level Fund Balance required		\$3,536,804	150 days	
WATER FUND - 30				
BEGINNING WATER FUND BALANCE 9-30-16 Unaudited				\$2,267,730
FY 17 Original Budget including fees and transfers		\$2,116,450	\$3,046,172	(\$929,722)
FY 17 Budget Amendments approved 10-18-16			\$50,000	(\$50,000)
Proposed Budget Amendments 3-7-17			(\$53,150)	\$53,150
Restricted				(\$220,000)
ENDING WATER FUND BALANCE - Unrestricted 9-30-17 Projected				\$1,121,158
Number of days to operating expenditures				220
Excess funds available				\$203,997
Total budgeted expenditures FY 17		\$3,043,022		
Less budgeted capital expenditures		(\$1,183,223)		
Operating Expenditures		\$1,859,799		
Minimum level Fund Balance required		\$917,161	180 days	
Fund Balance Adequacy-FY 17-Mid year review				

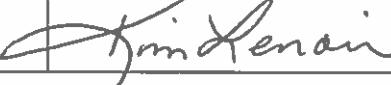
CITY OF BRADY		TOTAL REVENUES	TOTAL EXPENSES	FUND BALANCE
FY 17 - MID YR REVIEW Fund Balance Compliance 3-7-2017				
GAS FUND - 40				
BEGINNING GAS FUND BALANCE 9-30-16 Unaudited				\$1,217,864
FY 17 Original Budget including fees and transfers		\$1,187,780	\$1,500,469	(\$312,689)
Proposed Budget Amendments 3-7-17			\$253,350	(\$253,350)
Restricted				\$0
ENDING GAS FUND BALANCE - Unrestricted 9-30-17 Projected				\$651,825
Number of days to operating expenditures				187
Excess funds available				\$23,956
Total budgeted expenditures FY17		\$1,753,819		
Less budgeted capital expenditures		(\$480,640)		
Operating Expenditures		\$1,273,179		
Minimum level Fund Balance required		\$627,869	180 days	
UTILITY SUPPORT FUND -50				
BEGINNING UTILITY SUPPORT FUND BALANCE 9-30-16 Unaudited				\$229,291
FY 17 Original Budget including fees and transfers		\$499,442	\$493,542	\$5,900
Proposed Budget Amendments 3-7-17			\$87,000	(\$87,000)
ENDING UTILITY SUPPORT FUND BALANCE - Unrestricted 9-30-17 Projected				\$148,191
Number of days to operating expenditures				143
Excess funds available				\$54,852
Total budgeted expenditures FY 17		\$493,542		
Less budgeted capital expenditures		(\$115,000)		
Operating Expenditures		\$378,542		
Minimum level Fund Balance required		\$93,339	90 days	
SOLID WASTE FUND - 60				
BEGINNING SOLID WASTE FUND BALANCE 9-30-2016 Unaudited				\$568,861
FY 17 Original Budget including fees and transfers		\$1,077,500	\$1,074,058	\$3,442
Proposed Budget Amendments 3-7-17			\$25,175	(\$25,175)
Restricted				(\$67,008)
ENDING SOLID WASTE FUND BALANCE - Unrestricted 9-30-17 Projected				\$480,120
Number of days to operating expenditures				169
Excess funds available				\$224,997
Total budgeted expenditures FY17		\$1,099,233		
Less budgeted capital expenditures and Street Sanitation exps		(\$64,569)		
Operating Expenditures		\$1,034,664		
Minimum level Fund Balance required		\$255,123	90 days	
Total Ending Fund Balances				\$9,059,507
Number of days to Total Operating Expenditures				162
Fund Balance Adequacy-FY 17-Mid year review				

CITY OF BRADY	TOTAL REVENUES	TOTAL EXPENSES	FUND BALANCE
FY 17 - MID YR REVIEW Fund Balance Compliance 3-7-2017			
SPECIAL REVENUE FUND - 80			
BEGINNING SPECIAL REVENUE FUND BALANCE 9-30-2016 unaudited			\$401,910
FY 17 Original Budget including fees and transfers	\$1,605,709	\$1,791,209	(\$185,500)
FY 17 Budget Amendments approved 10-18-16	\$42,500	\$79,000	(-\$36,500)
Proposed Budget Amendments 3-7-17	\$103,850	\$102,350	\$1,500
ENDING SPECIAL REVENUE FUND BALANCE - RESTRICTED 9-30-17 Projected			\$181,410
TOTAL BUDGET AFTER TRANSFERS	\$23,173,538	\$28,397,687	(-\$5,224,149)
OTHER RESOURCES			
Funds from TWDB for the CW Project	\$1,721,849		
Funds from TWDB for the DW Project	\$874,364		
Excess Fund Balance Reserves	\$2,627,936		
TOTAL OTHER RESOURCES			\$5,224,149
	\$28,397,687	\$28,397,687	\$0

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	3/7/2017	AGENDA ITEM	7.G.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding Interlocal Agreement with McCulloch County for labor and equipment sharing to improve/maintain infrastructure of public facilities.		
PREPARED BY:	K Lenoir / S Kackley	date	3/1/17
EXHIBITS:	Draft agreement prepared by City		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

The City and the County have approved annual cooperative agreements with each other for several years in order for the County to provide equipment and labor as needed on City owned public property and infrastructure projects to better serve the residents of the City; and for the City to provide equipment and labor as needed on County owned public property and infrastructure projects to better serve the residents of the County.

The City and the County will exchange only services, equipment, and labor as part of this Agreement and only when both feel the arrangement is of benefit to both agencies. In the past, the County has helped at GRW with large equipment and the City has helped with some road patching adjacent to city limits.

This Agreement is in accordance with the Interlocal Cooperation Act contained in Chapter 792 of the Texas Government Code.

Last year, some members of council requested that the city draft the annual agreement, the next year. City Attorney did draft the attached agreement.

RECOMMENDED ACTION:

Approve agreement as desired.

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BRADY AND MCCULLOCH COUNTY, TEXAS

This Interlocal Cooperation Agreement (Agreement) is made and effective this _____ day of _____ 2017 by and between The City of Brady, Texas, (City), and McCulloch County, Texas (County), hereinafter collectively referred to as the "Parties," upon the premises and for the consideration stated herein.

RECITALS

WHEREAS, the City and the County desire to cooperate with each other in order for the County to provide equipment and labor as needed on City owned public property and infrastructure projects to better serve the residents of the City; and

WHEREAS, the City and the County desire to cooperate with each other in order for the City to provide equipment and labor as needed on County owned public property and infrastructure projects to better serve the residents of the County; and

WHEREAS, the City and the County will exchange only services, equipment, and labor as consideration as part of this Agreement; and

WHEREAS, the Parties intend to conform this Agreement in all respects in accordance with the Interlocal Cooperation Act contained in Chapter 792 of the Texas Government Code.

NOW THEREFORE, the Parties agree as follows:

AGREEMENT

A. *Recitals*

The foregoing recitals are hereby incorporated into this AGREEMENT and shall be considered mutual covenants that are part of and incorporated within the terms and conditions that are relied upon and bind the Parties.

B. *Term.*

The term of this Agreement is one year. This Agreement shall terminate on the first anniversary of its effective date.

C. *City Responsibilities*

At request of the County, the City may provide services, equipment, and labor to repair and maintain County roads and infrastructure.

D. *County Responsibilities*

At request of the City, the County may provide services, equipment, and labor to repair and maintain City roads and infrastructure.

E. *Supervision*

All work performed under this Agreement shall be supervised by both the City and County Commissioner for the location in which the work is being performed.

F. *Termination*

The Agreement may be terminated by either Party by providing the other Party with thirty (30) day's written notice.

G. *Choice of Law and Venue*

This Agreement shall be interpreted and construed according to the laws of the State of Texas. All disputes involving this Agreement shall be filed in a district court in McCulloch County, Texas.

H. *Notice*

All notices provided under this Agreement shall be in writing and may be effected upon personal delivery or by registered or certified mail, return receipt requested when mailed to the Party at the following addresses:

CITY: City of Brady
Attn: Kim Lenoir, City Manager
P O Box 589
Brady TX 78691-0589

COUNTY: McCulloch County, Texas
Attn: Judge Danny Neal
199 Courthouse Square, RM 302
Brady, Texas 76825

EXECUTED this _____ day of _____ 2017.

[signatures follow]

CITY OF BRADY, TEXAS

By: _____
Anthony Groves, Mayor
Date: _____

Attest: _____
Tina Keys, City Secretary

MCCULLOCH COUNTY, TEXAS

By: _____
Danny Neal, McCulloch County Judge
Date: _____

Attest: _____

CITY OF BRADY
MAY 6, 2017 GENERAL ELECTION CALENDAR
Mayor / Council Member Place 1
MAY 6, 2017 SPECIAL ELECTION CALENDAR
Council Member Place 3

January 18, 2017	First day for filing application for place on ballot
February 17, 2017	Last day to file application for place on the ballot (must be received by 5:00 p.m.) Last day for ordering an election
February 21, 2017	Last day for write-in candidate to declare candidacy (must be received by 5:00 p.m.)
February 22, 2017	SPECIAL ELECTION CALLED
February 23, 2017	First day for filing application for place on SPECIAL ELECTION ballot
February 24, 2017	Last day for a candidate to withdraw from an election
March 6, 2017	Last day for filing an application for a place on the ballot in the SPECIAL ELECTION
March 7, 2017	Drawing for place on ballot, City Hall, 4:00 p.m.
March 22, 2017	First day to accept applications for early ballots to be voted by mail
April 6, 2017	Last day to register to vote in order to be able to vote in May 6th election 1st report of Candidate / Officeholder Campaign Finance Report due by 5:00 p.m.
April 24 - May 2, 2017	Early Voting by Personal Appearance Daily voting hours
April 25 & May 2, 2017	Extended Early Voting Hours 7:00 a.m. to 7:00 p.m.
April 25, 2017	Last day to receive applications for early voting ballots to be voted by mail
April 28, 2017	2nd report of Candidate / Officeholder Campaign Finance report due by 5:00 p.m.
May 6, 2017	Election Day 7:00 a.m. to 7:00 p.m.
May 16, 2017	City Council Canvass and Swearing In

*To file for one of these offices, please contact the City Secretary's Office at City Hall
located at 201 E. Main St., Brady, Texas*