



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
SPECIAL CITY COUNCIL MEETING
MARCH 28, 2017 AT 3:30 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 3:30pm on March 28, 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. PUBLIC HEARING AND PUBLIC COMMENTS:

- A. Wastewater Treatment Plant (WWTP) Environmental Assessment – Freese and Nichols, Inc Engineers

5. PRESENTATIONS AND QUESTIONS:

- A. Wastewater Collection Lines - Capital Improvement Projects and Maps – Freese and Nichols, Inc Engineers
- B. Water Distribution Lines – Capital Improvement Projects and Maps – eHT Engineers

6. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding staff direction for North Bridge Street and Downtown TXDOT reconstruction project concerning Frontier Communications relocation permits and Ordinance 1195 concerning overhead lines in public right-of-way corridors.
- B. Discussion, consideration and possible action regarding award of Buyboard Bid for the new Willie Washington playground, a Texas Parks and Wildlife Local Park Grant Fund Project.
- C. Discussion, consideration and possible action regarding Emergency Ordinance 1222 concerning the prohibition of overhead lines and supporting structures such as poles in the public right-of-way of US Highway 377 North and the Downtown Square

7. 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.

8. EXECUTIVE SESSION

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

- A. Pursuant to Section 551.071 of the Texas Government Code (Consultation with City Attorney), the City Council will deliberate with the City Attorney regarding contemplated litigation against Frontier Communications.

City Council shall reconvene in open session and may discuss, consider, and take action on any item listed above that was considered and discussed in Executive Session.

9. 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 3/24/2017 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.

Judy Keys
Judy 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.



Water CIP Summary

- Over 6.4 miles of new water transmission line proposed (varies from 20-inch to 12-inch)
- Over 3 miles of water distribution line replacement (varies from 6-inch to 2-inch)
- 600,000 Gallons of additional EST
- New 3 MGD Radionuclide Reduction Groundwater Treatment Plant
- SWTP Renovations
- Groundwater Well Renovations
- Over \$22 million in Capital Improvements!



City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	3/28/2017	AGENDA ITEM	6.A.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding staff direction for North Bridge Street and Downtown TXDOT reconstruction project concerning Frontier Communications relocation permits and Ordinance 1195 concerning overhead lines in public right-of-way corridors		
PREPARED BY:	T. Keys / K. Lenoir	Date	3/24/17
EXHIBITS:	Ordinance 1195 and Frontier Communications relocation permit to TXDOT		
BUDGETARY IMPACT:	Required Expenditure in FY 2017:	\$00.00	
	Amount Budgeted in FY 2017:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	Frontier Communications has now submitted a permit to <u>not</u> follow our city ordinance. The city has installed many of the new poles for the re-routing of city electric and cable/communication companies. The TXDOT project is now delayed again until July bidding. If Frontier Communications refuse to follow the city ordinance, this \$10 million project could be delayed until 2020.
<p>Please inspect the wires and cable overhead lines on North Bridge Street that exist on the west side of the road from the Service Center to the courthouse. As you can see from the permit maps, those lines would remain and be moved to the edge of the TXDOT right-of-way on the west side.</p> <p>If you look at South Bridge Street from the courthouse to 11th Street, no parallel overhead lines exist, and this was why Ordinance 1195 was approved by City Council last year.</p> <p>Staff will discuss the issue and is requesting direction from City Council.</p>	

RECOMMENDED ACTION:	Direct staff as desired.
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ORDINANCE NO. 1195

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

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

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

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

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

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

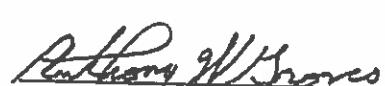
That the City Council of the City of Brady hereby authorizes this ordinance restricting the placement, erecting or installation of overhead utility and power lines, communication lines or similar improvements parallel and along the US 377 N from Main Street to north of Belton Street and on all city blocks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

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

PASSED, APPROVED, and ADOPTED by the City Council of the City of Brady, Texas, on SECOND READING at a regular meeting held on this the 3rd day of May, 2016.

Effective date of this Ordinance is May 3, 2016.

CITY OF BRADY


Anthony W. Groves
Anthony Groves, Mayor

Attest: 
Tina Keys, City Secretary

Kim Lenoir

From: Kim Davee
Sent: Friday, March 24, 2017 9:54 AM
To: Steven Miller; Kim Lenoir; Peter Lamont; Anthony Groves
Subject: FW: Brady poles
Attachments: N Bridge St-N Hwy 377 Brady TX.tif

Please see below.

From: McWilliams, Brenda [mailto:brenda.mcwilliams@ftr.com]
Sent: Friday, March 24, 2017 8:28 AM
To: Kim Davee <kdavee@bradytx.us>
Cc: McWilliams, Brenda <brenda.mcwilliams@ftr.com>; Olinsky, Steve <s.olinsky@ftr.com>
Subject: FW: Brady poles

Ms. Davee,

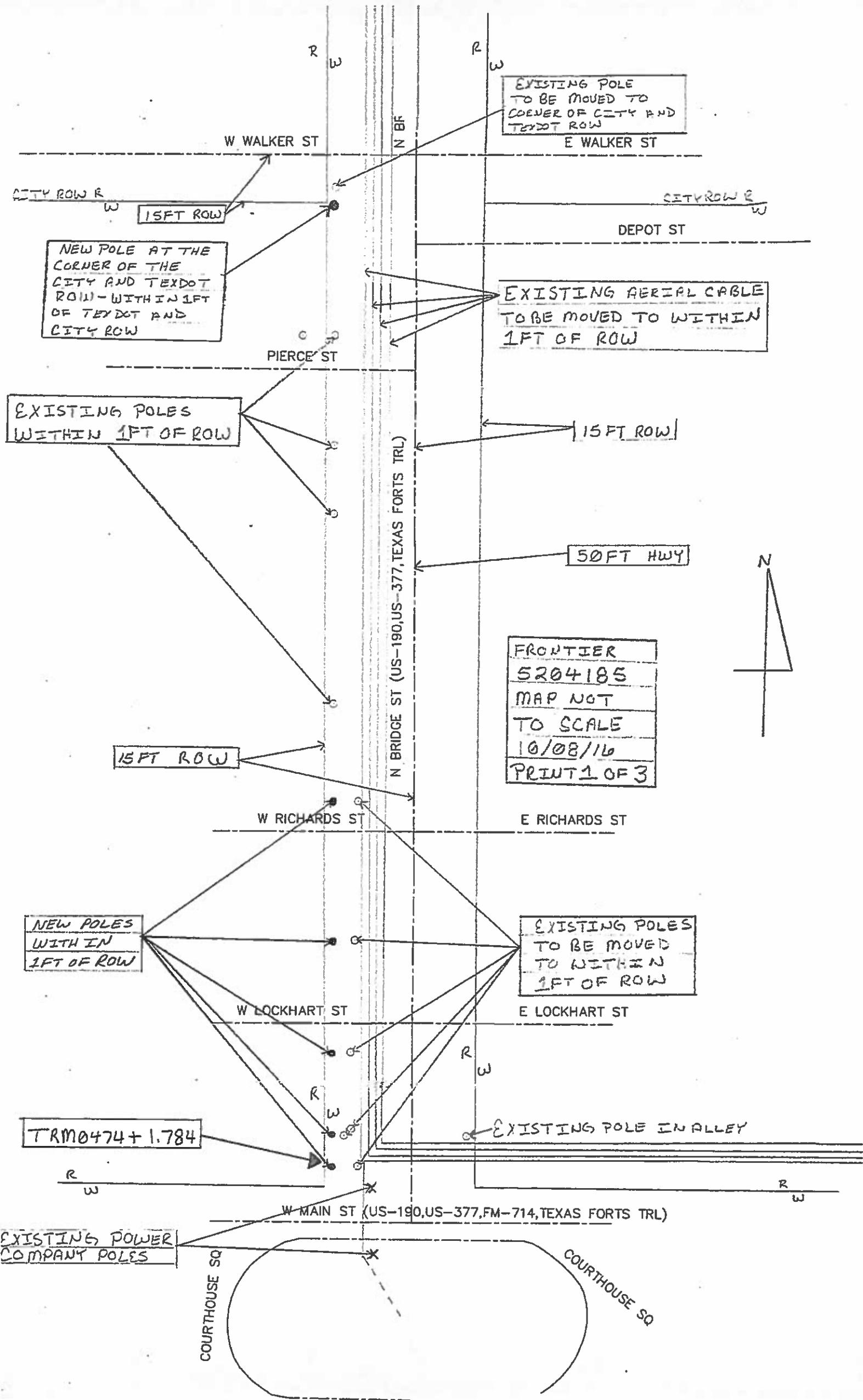
Attached is a copy of the route sent to TXDOT on approved permit BWD20161010140642. The poles are moving back in the TXDOT right of way. This is the submission for the City permit as we discussed 3/23/2017.

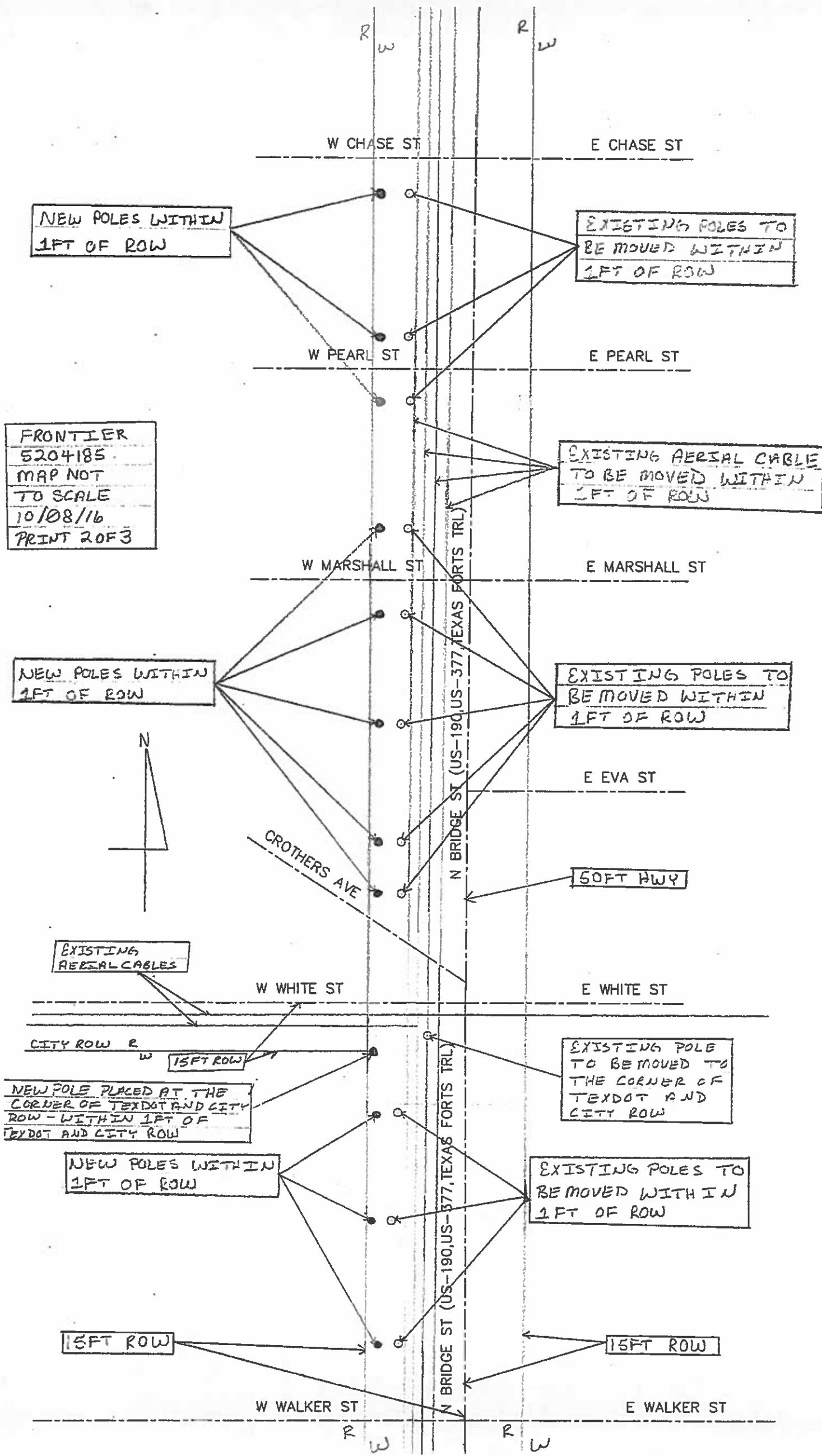
At TRM0474+1.784 located at the intersection of US 190/US 377/FM 714 also known as W Main St, and US 190/US 377 also known as N Bridge St in Brady Texas, Frontier Communications proposes to move the existing overhead copper and fiber optic communications lines and poles to within 1ft of the West ROW ending at TRM0474+1.076. This work will consist of placing 28 Frontier Communications owned poles within 1ft of the west ROW, and transferring all attachments to the new poles. The 29 old poles will be pulled. Some splicing might be required to extend cable at HWY crossings. All copper cable and fiber optic cable will maintain a minimum height of 15ft 6in in the west ROW, and 18ft at any HWY crossings. The West ROW will be returned to a condition equal to or better than the existing condition.

Brenda Mc Williams
Supervisor- Network Engineering
Frontier Communications
2020 Loop 306
San Angelo, TX 76904
325-949-0884
brenda.mcwilliams@ftr.com



This communication is confidential. Frontier only sends and receives email on the basis of the terms set out at http://www.frontier.com/email_disclaimer.





R
E

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W

SOFT HWY

FRONTIER
5204185
MAP NOT
TO SCALE
10/08/16
PRINT 30F3

N

15FT ROW

15FT ROW

W POLE 30FT
RTH AND
ETHIN 1FT
= ROW

EXISTING POLE TO BE
MOVED 30FT NORTH AND
WITHIN 1FT OF ROW

ROW E
W

W BOY ST (BOY ST)

US-190 (E US HIGHWAY 190, TEXAS FORTS TRL)

MO474+1.076

EXISTING POLE
WITHIN 1FT OF ROW

EXISTING AER
CABLE

EW POLES
ITHIN
FT OF ROW

EXISTING POLES
TO BE MOVED WITHIN
1FT OF ROW

W MARIE ST

E MARIE ST

EXISTING AERIAL CABLE
TO BE MOVED WITHIN
1FT OF ROW

EW POLES
ITHIN
FT OF ROW

W VICTORIA ST

E VICTORIA ST

EXISTING POLES
TO BE MOVED WITHIN
1FT OF ROW

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City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	03-28-2017	AGENDA ITEM	6.B.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding award of Buyboard Bid for the new Willie Washington playground, a Texas Parks and Wildlife Local Park Grant Fund Project (\$140,000).		
PREPARED BY:	Peter Lamont	Date Submitted:	03-24-2017
EXHIBITS:	Bid sheets attached and pictures are available at city hall		
BUDGETARY IMPACT:	Required Expenditure:	\$140,000.00	
	Amount Budgeted:	\$150,000.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
SUMMARY: <p>The City of Brady has been awarded a Small Communities Grant for the installation of a new playground at Willie Washington Park from the Texas Parks and Wildlife Department (TPWD). The grant is a 50/50 matching grant with the City share of \$75,000 and an additional \$75,000 from TPWD.</p> <p>Two meetings have been held with the surrounding community. The first on November 22, 2016 to discuss styles of playgrounds and determine desired equipment. The second is scheduled for March 27th to select a design for the playground. A request for qualifications for designs was released and four submittals returned. Two of the submittals were Buyboard eligible.</p> <p>Staff will be presenting the final recommendation at the Council Meeting. It is staff and the neighborhoods desire to have the playground installed by June 17, 2017 for an annual community celebration.</p>			
RECOMMENDED ACTION: <p>As desired.</p>			

**BUYBOARD QUOTE**

103 Red Bird Lane
Austin, Texas
78745-3122

TO: City of Brady
Attn: Peter Lamont
Address: 201 E. Main St, Brady, Texas 76825
Install Site: Brady, Texas 76825
Phone: 325-597-2152
Email: plamont@bradytx.us

RFP 2017-02

QUOTE #: 03162017-111-tfh
DATE: March 22, 2017

OPTION ONE

New Playground Renovations Willie Washington Park

QTY	DESCRIPTION OF EQUIPMENT	UNIT PRICE	TOTAL COST
1	2-5 Playground Equipment		\$18,505.00
1	5-12 Playground Equipment		\$23,077.00
1	Music Area		\$3,720.00
43	4' x 12" x 4" Plastic Border Timbers for one existing swing area		\$1,505.00
1	Installation of all Equipment Listed Above		\$20,386.00
1	Freight on all Equipment Listed Above		\$3,300.00
1	Redo existing swing to have two swings per bay		\$655.00
1	Excavation for new play Area		\$4,599.00
78	Ln. Ft of 4"-5' wide x 3000 psi Concrete Sidewalks with #3's 12" centers each way		\$2,944.00
210'	Ln. Ft of 4"-5' wide x 3000 PSI Concrete Sidewalks with #3's 12" on center each way & two # 4's Horizontal in beam with one side beam for ground cover retention		\$10,118.00
5	6' Bench		\$1,601.00
210	C.Y. Certified Playground Wood Mulch Material		\$5,040.00
	Freight on Above Material Delivered to Brady, Texas 76825		\$2,058.00
1	Installation of Above Material		\$3,255.00
2	38' x 34' (38 x 64 total coverage) Modern Shade Canopy sharing center posts two tops Modern		\$18,483.00
1	Installation of Above Shade Canopy		\$8,318.00
1	Playground Audit		\$975.00
1	Sealed Plans submitted to TDLR and Complete RAS Inspection		\$7,380.00
	Bond		\$4,078.00
		Sales Tax	Exempt
		TOTAL	\$139,997.00

QUOTE IS VALID FOR 90 DAYS FROM DATE OF QUOTE OR FROM DATE OF REVISION

PRICING IS BASED ON A WORKSITE THAT IS FULLY ACCESSIBLE BY TRUCK OR BOBCAT.

Any installation charges quoted are based upon a soil work site (not rocky) that is freely accessible by truck, no fencing, tree/landscaping or utility obstacles, etc.), and level (+/- 1-2% max slope). Any site work not expressly described is excluded. All underground utilities must be located and clearly marked before any work can begin. Installation of all products (equipment, borders, ground cover, amenities) are as quoted and approved by acceptance of quote/drawings. The installer is not responsible for any damages or re-work resulting from after-hours events or activities during the work in progress period. The customer is responsible for maintaining the integrity of completed installation work until components have seated and/or cured (concrete footings, etc.).

Payment Terms: 25% due with signed quote; Balance due upon completion of work and receipt of invoice (partial pay applications will be accepted)

Estimated Delivery & Installation: 8-9 weeks from receipt of signed quote or purchase order and all color selections

T.F. Harper & Associates, LP

By: Harper Services, LLC
general partner of T.F. Harper & Associates, LP

Date: _____ P.O. # (if applicable): _____

Thank you for giving us the opportunity to quote this equipment.

By:  Tommy Harper

Thomas E. Harper, Manager of Harper Services, LLC
in its capacity as general partner for T.F. Harper & Associates, LP

Commercial Play and Recreational Equipment

Playground City of Brady.xls

www.tfharper.com - 800.976.0107 - local: 512.440.0707 - fax: 512.440.0736

**BUYBOARD QUOTE**

103 Red Bird Lane
Austin, Texas
78745-3122

TO: City of Brady
Attn: Peter Lamont
Address: 201 E. Main St, Brady, Texas 76825
Install Site: Brady, Texas 76825 New Playground Renovations Willie Washington Park
Phone: 325-597-2152
Email: plamont@bradytx.us

RFP 2017-02

QUOTE #: 03162017-111-thf

DATE: March 22, 2017

OPTION 2

QTY	DESCRIPTION OF EQUIPMENT	UNIT PRICE	TOTAL COST
1	2-5 Playground Equipment		\$16,662.00
1	5-12 Playground Equipment		\$25,105.00
1	Music Area		\$3,720.00
43	4' x 12" x 4" Plastic Border Timbers for one existing swing area		\$1,505.00
1	Installation of all Equipment Listed Above		\$20,680.00
1	Freight on all Equipment Listed Above		\$3,300.00
1	Redo existing swing to have two swings per bay		\$655.00
1	Excavation for new play Area		\$4,599.00
77	Ln. Ft of 4"-5' wide x 3000 psi Concrete Sidewalks with #3's 12" centers each way		\$2,522.00
253	Ln. Ft of 4"-5' wide x 3000 PSI Concrete Sidewalks with #3's 12" on center each way & two # 4's Horizontal in beam with one side beam for ground cover retention		\$9,488.00
5	6' Bench		\$1,601.00
210	C.Y. Certified Playground Wood Mulch Material		\$4,620.00
	Freight on Above Material Delivered to Brady, Texas 76825		\$2,058.00
1	Installation of Above Material		\$3,255.00
2	38' x 34' (38 x 64 total coverage) Modern shade canopies		\$17,283.00
1	Installation of Above Shade Canopy		\$7,956.00
1	Playground Audit		\$975.00
1	Sealed Plans submitted to TDLR and Complete RAS Inspection		\$9,875.00
	Bond		\$4,060.00
		Sales Tax	Exempt
		TOTAL	\$139,919.00

QUOTE IS VALID FOR 90 DAYS FROM DATE OF QUOTE OR FROM DATE OF REVISION

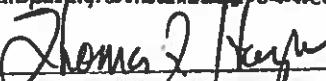
PRICING IS BASED ON A WORKSITE THAT IS FULLY ACCESSIBLE BY TRUCK OR BOBCAT.

NOT INCLUDED: Sales Tax (Tax Exemption Certificate Required), Permits/Fees (if required), Site Work in Excess of Normal Installation (example: site prep - excavation/infill, concrete slab, french drains, excess rock removal)

Any installation charges quoted are based upon a soil work site (not rocky) that is freely accessible by truck, no fencing, tree/landscaping or utility obstacles, etc.), and level (+/- 1-2% max slope). Any site work not expressly described is excluded. All underground utilities must be located and clearly marked before any work can begin. Installation of all products (equipment, borders, ground cover, amenities) are as quoted and approved by acceptance of quote/drawings. The installer is not responsible for any damages or re-work resulting from after-hours events or activities during the work in progress period. The customer is responsible for maintaining the integrity of completed installation work until components have seated and/or cured (concrete footings, etc.).

Payment Terms: 25% due with signed quote; Balance due upon completion of work and receipt of invoice (partial pay applications will be accepted)

Estimated Delivery: 4-6 weeks from receipt of signed quote or purchase order and all color selections

By:  Thank you for giving us the opportunity to quote this equipment.

Tommy Harper

Thomas F. Harper, Manager of Harper Services, LLC
in its capacity as general partner for T.F. Harper & Associates, L.P.

Commercial Play and Recreational Equipment

Playground City of Brady.xls

www.tfharper.com - - 800.976-0107 - - local: 512.440.0707 - - fax: 512.440.0736



Kraftsman

COMMERCIAL PLAYGROUNDS &
WATER PARKS
19535 Haude Road
Spring TX 77388
Phone: 281-353-9599
Fax: 281-353-2265

Quote #Q56308

Page: 1

Date: 3/21/2017
Project: 19449
By: Pat Kennedy

Sold To:
Brady, City of
Peter Lamont

RFP 2017-02 Willie Washington Park Redevelopment
351 Brady

Brady TX 76825
Phone: Fax:
325-597-2068

Terms:
Percentage Completed Draws Monthly

Ship To:

RFP 2017-02 Willie Washington Park Redevelopment
Grove St & AL Reed St

Brady TX 76825
Main Phone: Mobile Phone:

Qty	Product	Description	Size	Weight	Color	Unit Price	Ext. Price
Charges for design assistance are included in pricing.							
1	PS3-31799	Play Structure for 5-12 year olds by Superior Playgrounds			choice	28,140.00	28,140.00
1	PS3-31889	Play Structure for ages 2 to 5 by Superior Playgrounds			choice	14,388.00	14,388.00
1	90021100XX	Free Standing Lily Pads, set of 5 by Superior Playgrounds	80			770.00	770.00
1	90007003XX	Climbing Wall by Superior	325			1,247.00	1,247.00
1	TFR17548XX	TEA CUP SPINNER by Superior Playgrounds				1,507.00	1,507.00
1	TFR04666XX	4-SEAT SEE-SAW by Superior Playgrounds				2,885.00	2,885.00
1	AFR0070XX	3.5" Jr. Double Panel Climber by Superior				803.00	803.00
1	77136-IG	Single Post Bongo drums, in ground mount by Superior			post, middle panels	1,049.00	1,049.00
5	B6WBRC5M	Regal 6 Ft Bench with Back, 3/4" #9 Expanded Metal, Rounded Corners, Two 2 3/8" Legs, Surface Mt. By: Superior Site Amenities	6'	113		425.00	2,125.00
1	DISC	Discount on Sales				-8,000.00	-8,000.00
1272	CONC4RB	Concrete Sidewalk, 4" thick concrete pad with, rebar reinforced, broom finish, minimum 500 sq. ft. (5' sidewalk)				9.75	12,402.00
160	CONC4RB	Concrete Bench Pads, 4" thick concrete pad with, rebar reinforced, broom finish, minimum 500 sq. ft.				9.75	1,560.00
1		Concrete ADA Ramp				2,500.00	2,500.00
1		Excavation of playground area				2,500.00	2,500.00
145	EWF	Engineered Wood Fiber for playgrounds.	cu. yd.		Natural	29.00	4,205.00
1	DISC	Discount on Sales				-420.50	-420.50



Kraftsman

COMMERCIAL PLAYGROUNDS &
WATER PARKS
19535 Haude Road
Spring TX 77388
Phone: 281-353-9599
Fax: 281-353-2265

Quote #Q56308

Page: 2

Date: 3/21/2017
Project: 19449
By: Pat Kennedy

Two Bay Swing Area

100	EWF	Engineered Wood Fiber for playgrounds.	cu. yd.	Natural	29.00	2,900.00
1	DISC	Discount on Sales			-580.00	-580.00
2.5	FABRIC	Polyspun Soil Separator, 1800 SF	6'x300' 40 lbs		437.50	1,093.75
44	FTB-00001	4' Funtimber Poly (12" high) playground curb w/ spike.	12" x48"	12 Black	40.00	1,760.00
1	ADA-00002	ADA Access Ramp for 12" Poly Playground Curb Height Includes 1 entrance ramp, 1 exit ramp, 1 mounting timber and 11 spikes by Childfoms	4' wide, 12" high	100 Black	750.00	750.00

1	DISC	Discount on Sales			-1,000.00	-1,000.00
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Three Bay Swing Area

115	EWF	Engineered Wood Fiber for playgrounds.	cu. yd.	Natural	29.00	3,335.00
2.5	FABRIC	Polyspun Soil Separator, 1800 SF	6'x300' 40 lbs		437.50	1,093.75
47	FTB-00001	4' Funtimber Poly (12" high) playground curb w/ spike.	12" x48"	12 Black	40.00	1,880.00
1	ADA-00002	ADA Access Ramp for 12" Poly Playground Curb Height Includes 1 entrance ramp, 1 exit ramp, 1 mounting timber and 11 spikes by Childfoms	4' wide, 12" high	100 Black	750.00	750.00
1	DISC	Discount on Sales			-1,200.00	-1,200.00

1	INSURANCE-AI	Name customer as additional insured on General Liability Policy and processing of coverage.			500.00	500.00
1	BOND1	Performance & Payment Surety Bond, and processing of the bond documentation.			3,970.00	3,970.00

Subtotal:	\$82,913.00
Shipping & Handling:	\$11,453.00
Equipment Subtotal:	\$94,366.00
Tax:	\$0.00
Install:	\$29,000.00
Total:	\$123,366.00

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

AGENDA DATE:	3/28/17	AGENDA ITEM	6.C.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding Emergency Ordinance 1222 of the City of Brady, Texas concerning the prohibition of overhead lines and supporting structures such as poles in the right-of-way of US Highway 377 North and the Downtown Square.		
PREPARED BY:	T. Keys / K. Lenoir	Date Submitted:	3-24-17
EXHIBITS:	Emergency Ordinance 1222, prepared by city attorney		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
<p>SUMMARY: If the City Council wants to approve this clarification Emergency Ordinance, it will be further ratified with two readings at the next two regular council meetings.</p>			

<p>RECOMMENDED ACTION:</p> <p>Mayor: <u>“Do I have a motion to read the full ordinance?”</u> If no, Mayor will state: <u>“A majority of the City Council has dispensed with the full reading of the ordinance.”</u> Mayor will ask: <u>“Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.”</u> <u>“Secretary reads preamble”</u></p> <p>Mayor calls for a motion: Move to approve Emergency Ordinance 1222</p>
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EMERGENCY ORDINANCE 1222

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING ORDINANCE NO. 1195 PROHIBITTING OVERHEAD POWER LINES, TELECOMMUNICATION LINES, AND SIMILAR IMPROVEMENTS, ALONG WITH SUPPORTING STRUCTURES, FROM THE PUBLIC RIGHT OF WAY OF US HWY 377 NORTH AND THE DOWNTOWN SQUARE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, It is the policy of this state that municipalities retain the authority to manage public right-of-way within the municipality to ensure the health, safety, and welfare of the public; and

WHEREAS, To carry out this policy, the City of Brady, Texas (City) may exercise those police power-based regulations in the management of a public right-of-way that apply to all persons within the municipality; and

WHEREAS, The City may create ordinances to manage the activities of entities, including power companies and certificated telecommunications, within its public right-of-way to protect the health, safety, and welfare of the public; and

WHEREAS, poles supporting lines, including power lines and telecommunication lines, and similar structures, in the public right-of-way are a threat and hazard to the users of US Highway 377 North and the Downtown Square and interfere with highway facilities and operations; and

WHEREAS, City Council desires to prohibit overhead power lines, telecommunication lines, and all other lines, along with supporting poles and structures from the public right-of-way of U.S. Highway 377 North and the Downtown Square to protect the health, safety, and welfare of the users of Highway 377 North and the Downtown Square and the residents of Brady, Texas; and

WHEREAS, this prohibition applies to all entities in a competitively neutral manner and is neither unreasonable nor discriminatory; and

WHEREAS, this Emergency Ordinance is required to protect life, property, and public peace and meets the requirements of Section 3.17 of the City Charter.

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

SECTION 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact. The City has complied with the City Charter and state law to carry out and effect the annexation of the property described herein.

SECTION 2. Prohibition. The erection, installation, and relocation of power lines,

telecommunication lines, and similar lines, along with supporting structures such as poles, is prohibited in the public right-of-way of the following areas:

- (1) U.S. Highway 377 North from US Highway 87 (Main Street) to U.S. Highway 190; and
- (2) All City Blocks facing the Downtown Square

SECTION 3. Protect Health, Safety, and Welfare. City Council has determined that poles and similar structures in the public right-of-way are a threat to the users of highways, public streets, and the public right of way. In addition, City Council has determined that poles and similar structures interfere with highway facilities and operations. This Ordinance is adopted to protect the health, safety, and welfare of all persons within the City.

SECTION 4. Emergency Ordinance. This Emergency Ordinance affects life, property, and the public peace. Poles and similar structures threatening the health, safety, and welfare of the users of US highways and public streets will be installed, erected, or relocated without this Emergency Ordinance. This Emergency Ordinance is adopted in accordance with Section 3.17 of the City Charter.

SECTION 5. The City Secretary is hereby authorized and directed to provide all documents and notices required by state law to effect this Emergency Ordinance.

SECTION 6. Effective Date. This Emergency Ordinance shall take effect on March 28, 2017.

PASSED AND APPROVED ON FIRST READING on this 28th day of March 2017.

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

APPROVED AS TO FORM:

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