



Tony Groves  
Mayor

Jim Griffin  
Mayor Pro Tem

Rey Garza  
Council Member Place 1

Shelly Perkins  
Council Member Place 2

Jeffrey Sutton  
Council Member Place 3

Jane Huffman  
Council Member Place 4

Kim Lenoir  
City Manager

Tina Keys  
City Secretary

Shannon Kackley  
City Attorney

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

## CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING JULY 11, 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 July 11, 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 June 20, 2017.
- B. Approval of Minutes for June 20 Regular and Work Session Meetings and June 27, 2017 Special Meeting.

### 5. PRESENTATIONS:

- A. Introduction – New Fire/EMS Chief Brian Meroney
- B. New Police Officers - Randy Batten, Trevor Sutton, Christopher Williams, and Ricardo Chaires, Jr.
- C. "We Love Brady" Campaign – Paden Behrens; Redeemer Church

### 6. PUBLIC HEARING: (none scheduled)

## 7. INDIVIDUAL CONCERNS

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

- A. Discussion, consideration, and possible action regarding the **second and final reading of Ordinance 1227** amending FY2016-17 Budget.
- B. Discussion, consideration, and possible action regarding the **second and final reading of Ordinance 1228** establishing the administrative department of the Finance Department in accordance with City Charter 4.02 and creating the position of the Director of Finance.
- C. Discussion, consideration, and possible action regarding the **second and final reading of Ordinance 1229** establishing the administrative department of the Community Services Department in accordance with City Charter 4.02 and creating the position of the Director of Community Services.
- D. Discussion, consideration, and possible action regarding the **first reading of Ordinance 1231** amending Ordinance 1155 Ambulance Regulations, to exempt Heart of Texas Healthcare System from the annual City inspection and one annual permit fee.
- E. Discussion, consideration and possible action regarding filling vacancies and term expired positions on the City's Boards and Commissions.
- F. Discussion regarding City Council procedures and process.

## 8. STAFF REPORTS

- A. Quarterly Reports for Community Services: Brady Lake Boating Access Grant; BEDC Brady Lake Fish House Redevelopment Project; Richards Park Improvements Grant; Willie Washington Park Improvements; Stanburn Park Improvements; Brady Creek Trail Project; Brady Lake Dam Breach Inundation Mapping and Brady Drainage Master Plan; Curtis Field Airport Master Plan; Automated Weather Observation System Grant; Davee-Dodge Heights Replats and Lease/Purchase Project; Activity Center Renovation Project; GRW Steering Committee; Administration – Council Projects.
- B. Quarterly Reports for Public Safety: Grant(s) Status Reports; Animal Control Facility Project
- C. Quarterly Reports for Public Works: WWTP Replacement Project; Radium Reduction Drinking Water Treatment Project; TXDOT North Bridge Street and Downtown Reconstruction Project
- D. Upcoming Special Events/Meetings:  
Summer Farmers Market at Courthouse - Thursdays 3:30pm-5:30pm  
July 13 – 9pm, Richards Park – Movies in the Park - A Christmas Story  
July 22 – Pioneer/Hexion Community Work Day at Brady Lake Park & Beach  
July 19 – Good News Luncheon  
July 27 – 8:50pm, Movies in the Park - The Little Mermaid at EO Martin Park Swimming Pool  
July 29 – Parent/Child Golf Tourney Golf Course

July 29 – 20<sup>th</sup> Anniversary Pioneer Employee Party at Brady Lake Beach  
August 10 - Movies in the Park - Field of Dreams, Willie Washington Park.  
August 24 - Movies in the Park - Night At The Museum - Richards Park

**E. Upcoming City Calendar:**

July 10, 11, 12, 13, 18 – 9am – 3pm, Department Budget Reviews by City Council  
July 18 – 6pm City Council Regular Meetings – 5 public hearings for newly proposed demos  
July 19 – 8:30am Municipal Court  
July 20 & 21 – GRW Steering Committee Tours  
July 24-25 – BEDC Strategic Planning Retreat – Council to attend July 24 morning  
July 25 – 9am to 12 noon – City Council to Finalize Proposed Budget and Fee Schedule  
August 1 – Deliver Final Proposed FY2018 Budget  
August 17 – 5pm GRW Steering Committee  
September 16 and 23 – City-Wide Bulk Trash Collection Event – GRW Complex

## **9. ANNOUNCEMENTS**

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

## **10. EXECUTIVE SESSION**

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

- A. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Manager Lenoir.

## **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](mailto:citysec@bradytx.us).

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.114(c) and the meeting is conducted by all participants in reliance on this opinion.

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session Meeting on Tuesday, June 20, 2017 at 4:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Tony Groves presiding. Council Members present were Shelly Perkins, Jane Huffman, James Griffin and Rey Garza. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steven Miller, Finance Director Lisa Remini, Code Enforcement Officer Kim Davee, Utility Billing Supervisor Sharon Holland, Water Superintendent Gary Jacobson, Electric Superintendent Joe Solis, Street Superintendent Dugan Sewell, City Secretary Tina Keys, and Police Chief Steve Thomas. Also in attendance was Jeffrey Sutton, Michele Derrick and Tim Jones.

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

Mayor Groves called the meeting to order at 4:04pm. Council quorum was certified.

2. Review and discuss Utilities Inspection Policies and Procedures – page 39 of Regular Council Meeting packet. Peter Lamont presented. Council Member Perkins looked up ordinance in place #1140 passed 12/13/2013 and another in 2014. She went on to read from the International Fuel and Gas Code of 2009. She feels we need to be very careful eliminating the gas pressure test. Lamont went on to explain none of their suggestions are in contrast to that code and wanted to make sure it's clear that a gas pressure test will be required if there is a change in account ownership. Council Member Huffman doesn't have a problem with backflow or gas but has major concerns about electricity. Huffman does not think City should have the power to walk onto someone's property and tell them they have to make repairs. The people of this community cannot afford it. Thinks a house with a current owner should be grandfathered, even if it changes account holder. She would additionally like to look into a rental ordinances for rental properties. Staff will bring back changes discussed at another work session.
3. Review and discuss mid-year amendment to the FY2016-17 Budget – see page 21 of Regular Council Meeting packet. Lisa Remini presented to Council.
4. Review and discuss establishing the administrative department of the Finance Department in accordance with City Charter 4.02 and creating the position of the Director of Finance. Kim Lenoir presented organizational chart for Items 4, 5, & 6.
5. Review and discuss establishing the administrative department of the Community Services Department in accordance with City Charter 4.02 and creating the position of the Director of Community Services.
6. Review and discuss establishing the administrative department of the Public Safety in accordance with City Charter 4.02 and creating the position of Public Safety Director to manage and supervise the Brady Police Department and the Brady Fire/EMS Department. Council Member Perkins suggested this be discussed by Charter Review. Attorney Kackley clarified the Council has the authority to create positions without changing the Charter.
7. Review and discuss Parking Issues / Complaints:
  - Paved parking lots in Industrial, Commercial Districts
  - On-street parking and off-street parking requirements

Members agreed that requiring asphalt or chip sealed paved parking for truck traffic may not be cost effective. Requiring an apron adjacent concrete apron only, may be a good option for some commercial / industrial customers. Staff will review possible changes to the ordinance to present to council at a future work session.

8. Review and discuss Ordinance 1155 Ambulance Regulations. Kim Lenoir presented and reminded Council we already discussed waiving fees for the hospital ambulances. Council Member Huffman discussed the hospital already goes through state inspections, and thinks the City inspection is unnecessary and would like to see the inspection waived for the hospital only. Council Member Perkins and Griffin agree. Mayor Groves explained the background behind inspecting and licensing ordinances. Staff will make suggested changes to the ordinance for council consideration.

9. Review and discuss proposed sign ordinance – due to time constraints, this item was not discussed.

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

This item was not discussed.

**11. Announcements**

There were no announcements

**12. ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 5:38 p.m.

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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, June 20, 2017 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Tony Groves presiding. Council Members present were Shelly Perkins, Jane Huffman, James Griffin and Rey Garza. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steven Miller, Finance Director Lisa Remini, Streets Superintendent Dugan Sewell, Solid Waste Superintendent Jim Kidd, Interim Assistant Fire Chief Chris Rusche, Utility Specialist Loye Young, City Secretary Tina Keys, and Police Chief Steve Thomas. Also in attendance were Missi Davis, Taylor Hoffpauir, James Stewart, Tim Jones, Michele Derrick, Teresa Liefeste, Annita Ellison, Fernando Nandin, Jeff Bedwell, Jesse Slaughter, Danny Neal, Barry Deans, Jay May, Brent Ball, Barry Dill, Gina Hepburn, Mr. & Mrs. White, Rankin Family, Louise Long, Don Perkins, Ruben Ramon, Carol Ramon, Billye Bowman, Mickey Boswell, Holden Mijora.

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

Mayor Groves called the meeting to order at 6:01 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 June 20, 2017.
- B. Approval of Minutes for June 6, 2017 Regular Meeting.
- C. Resolution 2017-026 to co-sponsor the 78<sup>th</sup> Miss Heart of Texas Pageant with the Brady/McCulloch Chamber of Commerce, waiving rental fees for the Ed Davenport Civic Center

Council Member Huffman moved to approve the Consent agenda. Seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried in a 4 – 0 vote.

**5. PRESENTATIONS**

Street Sweeping Service – Operations and practices. Steven Miller and Jim Kidd presented.

**6. PUBLIC HEARINGS:**

(From February 14) Open and continue Public Hearing to June 20 and now delay until September 19 due to requested delay from Planning and Zoning Commission concerning comments on the Davee Addition Replat (no action will be taken). Public Hearing was opened at 6:17pm and will continue on September 19. No comments.

**7. INDIVIDUAL CONCERNS**

- A. Discussion, consideration, and possible action regarding Resolution 2017-027 to Canvass the June 13, 2017 run-off election for Council Member Place 3. Council Member Perkins moved to approve Resolution 2017-027. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 4 to 0 vote.

- B. Administer Oath of Office & Swearing in of the newly elected officer Jeffrey Sutton, Council Member Place 3. City Secretary Tina Keys swore in Jeffrey Sutton.
- C. Election of Mayor Pro Tem. All members are nominated. After a random draw, each member votes in order.
  - 1. Council Member Garza voted Shelly Perkins
  - 2. Mayor Groves voted for Council Member Jim Griffin
  - 3. Council Member Griffin voted for himself
  - 4. Council Member Sutton voted for Perkins.
  - 5. Council Member Huffman voted for Griffin
  - 6. Council Member Perkins voted for herself resulting in a tie between Griffin and Perkins. Council Member Sutton moved to break tie with coin toss. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay” in favor of a coin toss. Council Member Griffin chose heads. Coin toss was “heads” up, Griffin was named Mayor Pro Tem.
- D. Discussion, consideration and possible action regarding award of bid to R&J Roofing of Waco, Texas for the City Hall roof replacement and the Service Center roof repair (\$266,750). Peter Lamont presented. Council Member Sutton moved to award bid to R & J Roofing. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 5 – 0 vote.
- E. Discussion, consideration and possible action regarding to award of Houston-Galveston Area Council (HGAC) Buy Board bid for an asphalt recycling machine from Asphalt Zipper, Inc. (\$152,490.00). Steve Miller presented and introduced Gary Dill and Street Superintendent Dugan Sewell. Council Member Garza moved to award bid to Asphalt Zipper, Inc. Seconded by Council Member Griffin. All Council Members voted “aye” and none “nay”. Motion carried in a 5 – 0 vote.
- F. Discussion, consideration, and possible action regarding the **first reading of Ordinance 1227** amending FY2016-17 Budget. Lisa Remini presented. Council Member Perkins moved to approve the first reading of Ordinance 1227. Seconded by Council Member Garza. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 2 vote with Huffman and Sutton voting against. Motion passes.
- G. Discussion, consideration, and possible action regarding the **first reading of Ordinance 1228** establishing the administrative department of the Finance Department in accordance with City Charter 4.02 and creating the position of the Director of Finance. Kim Lenoir presented. Council Member Huffman clarified this is not hiring a new person. Council Member Sutton moved to approve the first reading of Ordinance 1228. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion carried in a 5 – 0 vote.
- H. Discussion, consideration, and possible action regarding the **first reading of Ordinance 1229** establishing the administrative department of the Community Services Department in accordance with City Charter 4.02 and creating the position of the Director of Community Services. Kim Lenoir presented. Council Member Garza moved to approve the first reading of Ordinance 1229. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion carried in a 5 – 0 vote.
- I. Discussion, consideration, and possible action regarding the **first reading of Ordinance 1230** establishing the administrative department of the Public Safety in accordance with City Charter 4.02 and creating the position of Public Safety Director to manage and supervise the Brady Police Department and the Brady Fire/EMS Department. Kim Lenoir presented. Barry Deans commented about issues with fire and PD. Ruben Ramon was on the fire department years ago and he suggested letting the new fire chief come in and let him build that department back up. Ramon suggested tabling the issue and bring it back later. Tonya Rankin asked what experience Chief Thomas has in fire/EMS. Chief Thomas shared his vision and experience. County Judge Danny Neal discussed the monthly county-wide LEPC (Local Emergency Planning Committee) meetings. Stewart asked why create a position to improve coordination and communications as discussed. Griffin



called for the question. There was no motion to approve the first reading. No action taken.

- J. Discussion, consideration and possible action regarding **Resolution 2017-018** for the no-charge City Utilities Connection Inspection Policy and Procedures. Fernando Nandin is against utility inspections. No action was taken, staff and city council will have more work sessions on the item.
- K. Discussion, consideration and possible action regarding filling vacancies and term expired positions on the following Boards or Commissions – Charter Review Commission; Planning and Zoning Commission; Zoning Board of Adjustments; Brady Economic Development Corporation, and Airport Advisory Board. The first application under review was for Kathy Gloria – Council Member Perkins stated she thinks she would be super. Mayor Groves agreed. Second applicant is Jason Valdez – Council Members Huffman and Garza think he will be great. He has lived here his whole life and his financial background would be valuable. Third candidate Erin Betts – Council members Huffman and Garza believe she would also be wonderful. She has a lot of financial experience and background. Mayor Groves called for a vote for appointing Jason Valdez to the EDC. All Council Members were in favor. Mayor called for a vote to appoint Kathy Gloria to EDC. No council members voted. Mayor asked Council to vote on appointing Erin Betts to EDC. All Council Members were in favor. Erin Betts and Jason Valdez were appointed to EDC.

Brady Youth Sports – Council Member Griffin nominated Council Member Garza. Garza accepted the nomination. Council Member Huffman moved to close the nomination. Seconded by Griffin. Approved.

Hotel Occupancy Tax Grant Committee – Council Member Huffman nominated Council Member Griffin. Griffin accepted the nomination. Council Member Huffman moved to close the nominations. Seconded by Sutton. Approved.

Investment Committee – Council Member Perkins nominated Council Member Huffman. Huffman accepted the nomination. Huffman moved to close nominations. Seconded by Griffin. Approved.

Council of Governments – Council Member Perkins nominated Council Member Sutton. Sutton accepted the nomination. Council Member Perkins moved to close. Seconded by Council Member Huffman. Approved.

- L. Discussion regarding City Council procedures and process. Sutton thinks everything with work sessions went smoothly and he was well informed.

## 8. STAFF REPORTS

- A. May Monthly Financial and Utility Reports
- B. May Monthly Activity Reports – Seniors, Golf, BPD, Animal Control, Tourism Funding, Airport, Code Enforcement
- C. Upcoming Special Events/Meetings:
  - Summer Farmers Market at Courthouse - Thursdays 3:30pm-5:30pm
  - June 22 – 9pm, Brady Lake – Movie in the Park - JAWS Movie
  - July 1 – July Jubilee Parade / Mud Volleyball Tournament/Fireworks
  - July 8-9 – Couple's Tournament – Golf Course
  - July 13 – 9pm, Richards Park – Movie in the Park - A Christmas Story
  - July 19 – Good News Luncheon
  - July 27 – 8:50pm, EO Martin Park Swimming Pool – The Little Mermaid
  - July 29 – Parent/Child Golf Tourney Golf Course

**D. Upcoming City Calendar:**

June 21 – 8:30am Monthly Municipal Court  
June 22 – 4:30pm City Attorney – Orientation with City Council and Boards  
June 22 – 5:30pm Joint City Council – Charter Review Work Session Meeting  
June 30 – Possible Animal Shelter Tour – Lampasas, San Saba  
June 30 – Draft FY2018 Budget Distributed  
July 4 – City Offices Closed; Tuesday Trash pick-up moved to Wednesday  
July 10 – Monthly LEPC Meeting (Local Emergency Planning Committee) – Airport  
July 10, 11, 12, 13, 18 – 9am – 3pm, Department Budget Reviews by City Council  
July 11 & 18 City Council Regular Meetings  
July 24-25 – BEDC Strategic Planning Retreat  
July 25 – 9am to 12 noon – City Council to Finalize Proposed Budget and Fee Schedule  
August 1 – Deliver Final Proposed FY2018 Budget

**9. ANNOUNCEMENTS**

There were no announcements.

**10. EXECUTIVE SESSION**

Open Session was closed at 8:32 p.m. for a break before Executive Session. Executive Session was opened 8:48 p.m.

- 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: Animal shelter and other public facilities
- B. Pursuant to Section 551.071 (Consultation with Attorney), City Council will conduct a private consultation with its Attorney to seek his advice about (1) pending or contemplated litigation, or settlement offer, and (2) a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: Notice of Enforcement from the Texas Commission on Environmental Quality and 2012 Combination Tax and Surplus Wastewater Electric System Revenue Certificates of Obligations.

Mayor closed Executive Session at 10:12 p.m.

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

Mayor opened regular session at 10:15pm.

Discussion, consideration, and possible action regarding hiring Bond Counsel. Motion by Council Member Garza; seconded by Council Member Huffman to engage Bickerstaff as bond counsel for future sale of the electric substation at a fee not to exceed \$2000. Motion passed all voting aye, 5-0.

Motion by Council Member Garza to settle the TCEQ case at the Water Treatment Plant. No second. Motion failed.

Motion by Council Member Griffin, seconded by Council Member Huffman to direct staff to continue action against the TCEQ ruling/violation at the Water Treatment Plant evaporation pond. Motion passed, 3 voting "aye" Griffin, Huffman, Perkins; 2 voting "nay" Garza and Sutton. Motion passed.

City Council returned to execution session at 10:26pm to discuss:

- A. Pursuant to Section 551.074 (Personnel), the City Council will deliberate the appointment, employment,

evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Manager Lenoir and City Attorney Kackley's duties under the City Charter.

Executive session closed at 11:06pm. Council returned to open session at 11:07pm. No action taken.

## 12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 11:08p.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 Special Meeting on Tuesday, June 27, 2017 at 4:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Groves presiding. Council Members present were Shelly Perkins, Jane Huffman, Jeffrey Sutton and James Griffin. Council Member Rey Garza entered the meeting at 4:15pm. City staff present were City Manager Kim Lenoir and Utility Specialist/IT Team Member Loye Young. Others in the public that came by were Glenda Richardson, Melissa Richardson and Mr. Estes.

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

Mayor Groves called the meeting to order at 4:05 p.m. Council quorum was certified.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Groves dispensed with the Invocation and Pledge.

**3. EXECUTIVE SESSION**

Open Session was closed at 4:06 pm and Executive Session was opened 4:06 pm.

- A. Pursuant to Section 551.076 (Security devices), the City Council will meet on newly implemented technology protocols.
- B. Pursuant to Section 551.074 (Personnel), the City Council will deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Manager Lenoir.

Mayor closed Executive Session at 6:18 p.m.

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

Mayor opened regular session at 6:18 p.m. No public action was taken as a result of Executive Session.

**5. ADJOURNMENT**


There being no further business, the Mayor adjourned the meeting at 6:18 p.m.

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Mayor Anthony Groves

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

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

<b>AGENDA DATE:</b>	7-11-2017	<b>AGENDA ITEM</b>	7.A.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding <b>second and final</b> reading of Ordinance 1227 of the City of Brady, Texas amending the FY2016-2017 Budget.		
<b>PREPARED BY:</b>	Lisa Remini	<b>Date Submitted:</b>	6-15-2017
<b>EXHIBITS:</b>	Ordinance # 1227 Budget Policy Mid-Year Budget Adjustments excluding Transfers totals Budget Summary with Transfers and Fund Balance totals		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$26,273,650.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>
<p>The Finance Director and City Manager met and discussed with each Division the progress of actual performance compared to the current budget and determined amendment recommendations to provide for the remaining fiscal year goals. Overall, net amendment requests totaled \$1,993,284 resulting in an 8 % decrease in the current budget to meet the expenditures projected for FY 2016-2017. Although, \$4,014,027 in reserves is projected to be utilized, all fund balances for each fund are projected to maintain the required minimum level of unrestricted reserve amounts as required by policy.</p> <p>Significant items include: \$1,127,338 or the majority of the total expenditure adjustments result from reducing the expectation that the TWDB funds that were acquired in previous fiscal years for the Clean Water and Drinking Water projects will be fully spent in this fiscal year.</p> <p>\$627,900 of total expenditure adjustments represent various grant supported projects that have been delayed, primarily due to coordination efforts with the grantor, and are expected to carry over in FY 2018. Also, a grant for EMS funding needs (\$158,900) did not materialize.</p> <p>\$258,000 of the total expenditure adjustments represent capital projects identified by the Electric System to promote reliable infrastructure that will be delayed to FY 2018.</p> <p>\$178,530 of total expenditure adjustments represents the need to provide additional funding for restructuring a sewer line to support the county jail facility at an estimated cost of \$200,000. Some operational efficiencies in the Water Fund in the amount of \$21,470 will offset the additional expense.</p> <p>The remaining \$158,576 of total expenditure adjustments resulted primarily in recognizing that the cost of the new fire engine truck was \$72,000 less than expected and the loan commitment payment to Trails of Brady in the amount of \$55,000 is now expected to be funded in FY 2018. Pass-thru sales tax collections to the EDC are expected to be \$20,000 less. Payroll adjustments between the Police and Communications divisions are needed due to un-filled positions. Collection of Municipal court fines and fees are improving therefore, fees remitted to the State (\$11,400) will be more than originally projected.</p> <p>Staff recommends reducing fund transfers from the Gas Fund to the Special Reserve Fund by \$134,000 since projects needing city funding have been delayed to FY 2018.</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 **second and final** reading of Ordinance 1227

**ORDINANCE NO. 1227**

**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:

Decreasing total expenditures by \$1,993,284 for municipal purposes for an expenditure budget of \$26,273,650 as per attached summary, made a part of this ordinance.

These amendments will allow for upgrades to a sewer collection line, and recognize that several capital projects that have been started will not be finished in this budget cycle.

**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

<b>CITY OF BRADY</b> <b>ADMINISTRATIVE PROCEDURES</b>		
<b>SUBJECT:</b> <b>BUDGET POLICY</b>	<b>EFFECTIVE DATE:</b> <b>10-20-2015</b>	<b>REVISED DATE:</b> <b>8-16-2016</b>
<b>APPROVED:</b>	<b>Reference No: 2016-039</b>	

## **BUDGET PROCESS**

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

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

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

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

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

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

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

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



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

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

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

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

## **BUDGET ADJUSTMENTS AND AMENDMENTS**

Unanticipated events that occur in the fiscal year after the adoption of the budget should be addressed in a timely manner. Section 6.05 of the City's Charter addresses this fact with regard to emergency situations. For all adjustments and budget amendments the following guidelines are recommended:

### **DIVISION ONLY ADJUSTMENTS**

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

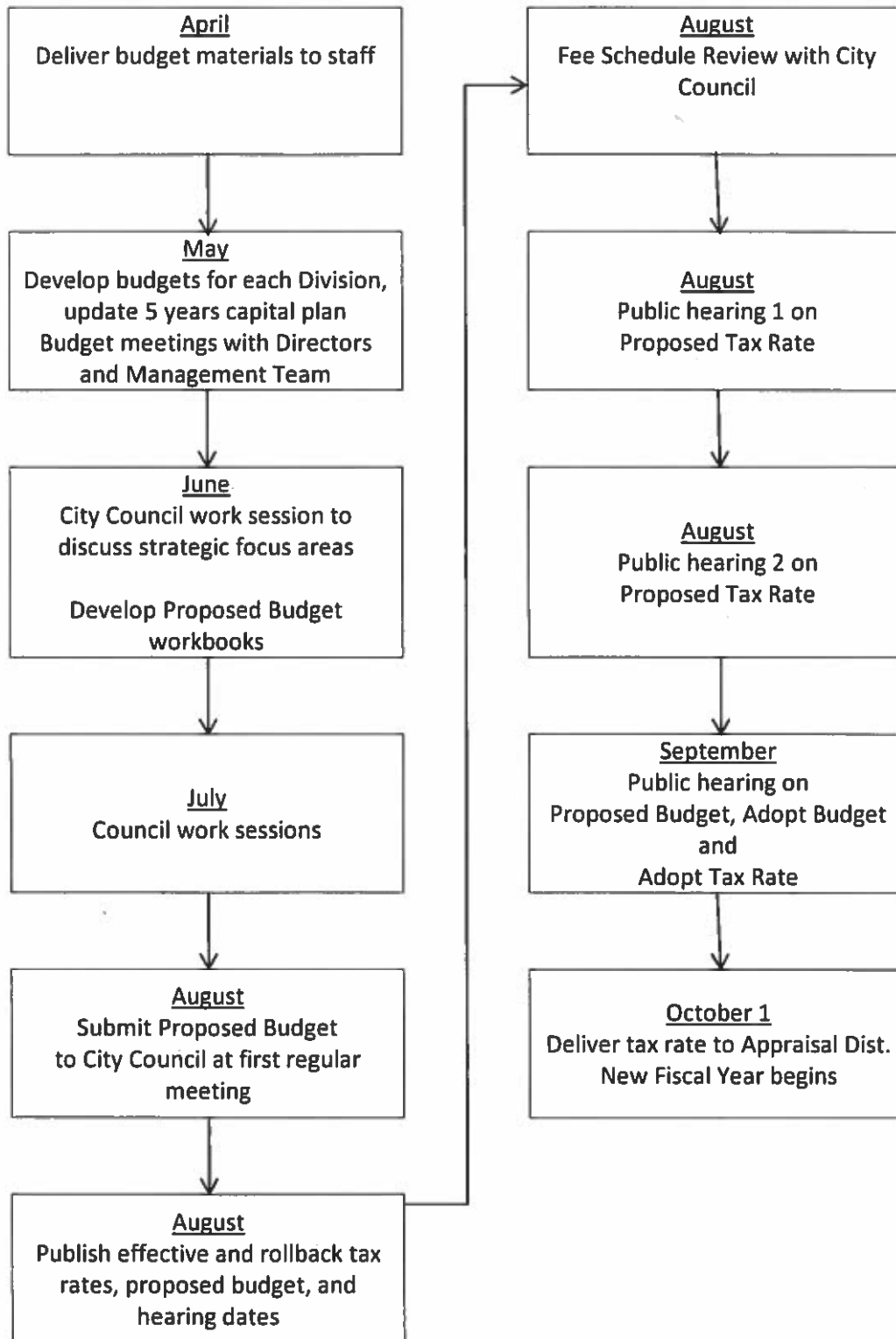
### **ADJUSTMENTS BETWEEN DIVISIONS WITHIN THE SAME FUND**

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

### **FUND AMENDMENTS**

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

## TIMELINE FOR THE BUDGET PROCESS



**RECOMMENDED BUDGET AMENDMENTS - EXCLUDING TRANSFERS**  
for Fiscal Year 16-17  
per Divisions

REVENUES					EXPENSES				
GENERAL FUND REVENUES	CURRENT BUDGET	AMENDED BUDGET	PROPOSED \$ CHANGE	% CHANGE	GENERAL FUND EXPENSES	CURRENT BUDGET	AMENDED BUDGET	PROPOSED \$ CHANGE	% CHANGE
Administration	1,906,400	1,931,600	25,200	1.32%	Administration	807,752	807,503	(249)	-0.03%
Airport	549,650	504,450	(45,200)	-8.22%	Airport	552,628	549,628	(3,000)	-0.54%
Public Property Maintenance	37,000	37,000	0	0.00%	Public Property Maintenance	501,211	494,561	(6,650)	-1.33%
					Mayor & Council	82,870	82,870	0	0.00%
Golf Course	95,500	95,500	0	0.00%	Golf Course	322,236	322,236	0	0.00%
Swimming Pool	22,500	22,500	0	0.00%	Swimming Pool	102,682	102,682	0	0.00%
Fire	387,500	315,108	(72,392)	-18.68%	Fire	706,115	634,573	(71,542)	-10.13%
Police	23,266	23,266	0	0.00%	Police	1,058,134	1,017,491	(40,643)	-3.84%
Emergency Management	15,000	15,000	0	0.00%	Emergency Management	20,285	20,285	0	0.00%
Communications	83,947	83,947	0	0.00%	Communications	329,075	364,718	35,643	10.83%
Comm Services Admin	82,100	82,100	0	0.00%	Comm Services Admin	172,200	172,200	0	0.00%
Street	500	500	0	0.00%	Street	1,067,669	1,067,669	0	0.00%
Civic Center	98,700	93,000	(5,700)	-5.78%	Civic Center	460,416	460,416	0	0.00%
Municipal Court	50,200	72,200	22,000	43.82%	Municipal Court	70,987	82,387	11,400	16.06%
					Community Support	70,750	15,750	(55,000)	-77.74%
Repair Shop	0	0	0	0.00%	Repair Shop	63,167	63,167	0	0.00%
Animal Control	200	200	0	0.00%	Animal Control	107,845	107,845	0	0.00%
EMS	576,650	566,650	(10,000)	-1.73%	EMS	1,315,231	1,309,331	(5,900)	-0.45%
Brady Lake	122,350	127,350	5,000	4.09%	Brady Lake	190,466	190,466	0	0.00%
G. Rollie White Complex	0	0	0	0.00%	G. Rollie White Complex	26,000	26,000	0	0.00%
Purchasing	0	0	0	0.00%	Purchasing	61,296	61,296	0	0.00%
Finance	9,115	9,115	0	0.00%	Finance	282,028	282,028	0	0.00%
Building Permitting	20,500	35,000	14,500	70.73%	Building Permitting	200,003	201,278	1,275	0.64%
Subtotal	4,081,078	4,014,486	(66,592)	-1.63%	Subtotal	8,571,046	8,436,380	(134,666)	-1.57%
SPECIAL FUND REVENUES					SPECIAL FUND EXPENSES				
Pass Through	458,000	438,000	(20,000)	-4.37%	Pass Through	458,000	438,000	(20,000)	-4.37%
Senior Citizens	90,000	94,400	4,400	4.89%	Senior Citizens	233,309	233,309	0	0.00%
Community Development	864,400	370,500	(493,900)	-57.14%	Community Development	1,225,250	597,350	(627,900)	-51.25%
Cemetery	43,000	46,000	3,000	6.98%	Cemetery	56,000	56,000	0	0.00%
Subtotal	1,455,400	948,900	(506,500)	-34.80%	Subtotal	1,972,559	1,324,659	(647,900)	-32.85%
TOTAL GOVERNMENTAL REVENUES	5,536,478	4,963,386	(573,092)	-10.35%	TOTAL GOVERNMENTAL EXPENSES	10,543,605	9,761,039	(782,566)	-7.42%
UTILITY FUND REVENUES					UTILITY FUND EXPENSES				
Electric Service	7,937,690	7,825,610	(112,080)	-1.41%	Electric Service	5,213,652	4,955,572	(258,080)	-4.95%
Power Plant	0	0	0	0.00%	Power Plant	91,888	91,888	0	0.00%
Sewer Service	931,500	914,300	(17,200)	-1.85%	Sewer Service	1,115,772	1,115,772	0	0.00%
Special Projects - CW	0	0	0	0.00%	Special Projects -CW	1,721,849	732,761	(989,088)	0.00%
Public Works Admin	0	0	0	0.00%	Public Works Admin	129,969	129,969	0	0.00%
Water Service	2,116,450	2,046,090	(70,360)	-3.32%	Water Service	1,770,689	1,949,219	178,530	10.08%
Special Projects - DW	0	0	0	0.00%	Special Projects - DW	874,364	736,114	(138,250)	0.00%
Gas Distribution	1,187,780	1,154,950	(32,830)	-2.76%	Gas Distribution	1,103,984	1,106,154	2,170	0.20%
Solid Waste Collection	1,003,500	1,025,800	22,300	2.22%	Solid Waste Collection	1,022,464	1,016,464	(6,000)	-0.59%
Street Sanitation	74,000	74,000	0	0.00%	Street Sanitation	64,569	64,569	0	0.00%
Meter	4,000	4,000	0	0.00%	Meter	94,294	94,294	0	0.00%
Billing & Collection Dept.	0	0	0	0.00%	Billing & Collection Dept.	240,048	240,048	0	0.00%
Utility Support Services	217,800	217,800	0	0.00%	Utility Support Services	246,200	246,200	0	0.00%
TOTAL UTILITY REVENUES	13,472,720	13,262,550	(210,170)	-1.56%	TOTAL UTILITY EXPENSES	13,689,742	12,479,024	(1,210,718)	-8.84%
TOTAL REVENUES	19,009,198	18,225,936	(783,262)	-4.12%	TOTAL EXPENSES	24,233,347	22,240,063	(1,993,284)	-8.23%

FY17 AMENDED BUDGET SUMMARY - Mid Year Update

TOTAL REVENUES	TOTAL EXPENSES	OVERALL NET
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**GENERAL FUND - 10**

Beginning Fund Balance 10-1-2016			\$3,007,535
<b>GENERAL FUND BUDGET BEFORE TRANSFERS</b>	<b>\$4,014,486</b>	<b>\$8,436,380</b>	<b>(\$4,421,894)</b>
Transfer in lieu of taxes from Electric Fund	\$3,137,552		\$3,137,552
Transfer from Gas Fund	\$334,476		\$334,476
Administrative fee from Sewer	\$100,000		\$100,000
Administrative fee from Water	\$21,258		\$21,258
<b>GENERAL FUND BUDGET AFTER TRANSFERS</b>	<b>\$7,607,772</b>	<b>\$8,436,380</b>	<b>(\$828,608)</b>
Projected Ending Fund Balance 9-30-2017			\$2,178,927.00

**ELECTRIC & SEWER FUND - 20**

Beginning Fund Balance 10-1-2016			\$7,152,397
<b>ELECTRIC &amp; SEWER FUND BUDGET BEFORE TRANSFERS</b>	<b>\$8,739,910</b>	<b>\$6,895,993</b>	<b>\$1,843,917</b>
Transfer in lieu of taxes from Electric to General Fund		\$3,137,552	<b>(\$3,137,552)</b>
Administrative fee from Sewer to General Fund		\$100,000	<b>(\$100,000)</b>
Restrict Sewer surplus			
<b>ELECTRIC &amp; SEWER FUND BUDGET AFTER TRANSFERS AND FEES</b>	<b>\$8,739,910</b>	<b>\$10,133,545</b>	<b>(\$1,393,635)</b>
Projected Ending Fund Balance 9-30-2017			\$5,758,762.00

**WATER FUND - 30**

Beginning Fund Balance 10-1-2016			\$2,269,865
<b>WATER FUND BUDGET BEFORE TRANSFERS</b>	<b>\$2,046,090</b>	<b>\$2,815,302</b>	<b>(\$769,212)</b>
Administrative fee to General Fund		\$21,258	<b>(\$21,258)</b>
Transfer out to Utility Support Fund		\$246,742	<b>(\$246,742)</b>
<b>WATER FUND BUDGET AFTER TRANSFERS AND FEES</b>	<b>\$2,046,090</b>	<b>\$3,083,302</b>	<b>(\$1,037,212)</b>
Projected Ending Fund Balance 9-30-2017			\$1,232,653.00

**GAS FUND - 40**

Beginning Fund Balance 10-1-2016			\$1,218,757
<b>GAS FUND BUDGET BEFORE TRANSFERS</b>	<b>\$1,154,950</b>	<b>\$1,106,154</b>	<b>\$48,796</b>
Transfer in lieu of taxes to General Fund		\$334,476	<b>(\$334,476)</b>
Transfer to Utility Support Fund		\$18,700	<b>(\$18,700)</b>
Transfer to Special Revenue Fund		\$162,659	<b>(\$162,659)</b>
<b>GAS FUND BUDGET AFTER TRANSFERS</b>	<b>\$1,154,950</b>	<b>\$1,621,989</b>	<b>(\$467,039)</b>
Projected Ending Fund Balance 9-30-2017			\$751,718

FY17 AMENDED BUDGET SUMMARY - Mid Year Update

TOTAL REVENUES	TOTAL EXPENSES	OVERALL NET
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UTILITY SUPPORT FUND - 50

Beginning Fund Balance 10-1-2016			\$229,290
UTILITY SUPPORT FUND BUDGET BEFORE TRANSFERS	\$221,800	\$580,542	(\$358,742)
Transfer in from Water Fund	\$246,742		\$246,742
Transfer in from Gas Fund	\$18,700		\$18,700
Transfer in from Solid Waste	\$12,200		\$12,200
UTILITY SUPPORT FUND BUDGET AFTER TRANSFERS	\$499,442	\$580,542	(\$81,100)
Projected Ending Fund Balance 9-30-2017			\$148,190

SOLID WASTE FUND - 60


Beginning Fund Balance 10-1-2016			\$569,632
SOLID WASTE FUND BUDGET BEFORE TRANSFERS	\$1,099,800	\$1,081,033	\$18,767
Transfer to Utility Support Fund		\$12,200	(\$12,200)
SOLID WASTE FUND BUDGET AFTER TRANSFERS	\$1,099,800	\$1,093,233	\$6,567
Projected Ending Fund Balance 9-30-2017			\$576,199

SPECIAL REVENUE FUND - 80

Beginning Fund Balance 10-1-2016			\$401,911
SPECIAL REVENUE FUND BUDGET BEFORE TRANSFERS	\$948,900	\$1,324,659	(\$375,759)
Transfer from Gas Fund	\$162,659		\$162,659
SPECIAL REVENUE FUND BUDGET AFTER TRANSFERS	\$1,111,559	\$1,324,659	(\$213,100)
Projected Ending Fund Balance 9-30-2017			\$188,811

TOTAL BUDGET BEFORE TRANSFERS AND FEES	\$18,225,936	\$22,240,063	(\$4,014,127)
TOTAL BUDGET AFTER TRANSFERS AND FEES	\$22,259,523	\$26,273,650	(\$4,014,127)
OTHER RESOURCES AVAILABLE:			
Funds from TWDB for the CW Project	\$732,761		
Funds from TWDB for the DW Project	\$736,114		
Excess Fund Balance Reserves	\$2,545,252		
TOTAL OTHER RESOURCES			\$4,014,127
TOTAL BUDGET AFTER TRANSFERS, RESOURCES AND RESERVES	\$26,273,650	\$26,273,650	\$0

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

<b>AGENDA DATE:</b>	7/11/17	<b>AGENDA ITEM</b>	7.B.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding the <b>second and final reading of Ordinance 1228</b> establishing the administrative department in accordance with City Charter 4.02, to include Finance Department and creating the position of Finance Director to manage and supervise the Finance Department.		
<b>PREPARED BY:</b>	Kim Lenoir	<b>Date Submitted:</b>	6/27/17
<b>EXHIBITS:</b>	Ordinance 1228		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

On June 20, City Council approved the first reading of this ordinance.

City Charter Section 4.02 gives city council the authority to establish administrative departments. Currently the only administrative department established by ordinance is the Public Works Department.

In 2012, previous city manager, reorganized the staff as it is today and this organizational chart has been adopted as part of the annual city budget. To formulize the organizational chart, it is recommended that we add the administrative departments of Finance and Community Services.

The Finance Director is Lisa Remini.

**RECOMMENDED ACTION:**

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

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

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

**Mayor calls for a motion:**

Move to approve second and final reading of Ordinance 1228

**ORDINANCE NO. 1228**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS, ESTABLISHING THE ADMINISTRATIVE DEPARTMENT OF FINANCE DEPARTMENT AND CREATING THE POSITION OF FINANCE DIRECTOR TO MANAGE AND SUPERVISE THE FINANCE DEPARTMENT; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 4.02 the Brady City Charter (Charter) states that there shall be such administrative departments as established by the Charter and by ordinance; and

**WHEREAS**, Section 4.02 of the Charter provides City Council the power by ordinance to establish administrative departments or offices not provided by the Charter; and

**WHEREAS**, the Charter does not provide for a Finance Department which manages and supervises the Finance Department; and

**WHEREAS**, City Council desires to establish the administrative department of Finance Department; and

**WHEREAS**, City Council desires to create the position of Finance Director to be the Department Head of the Finance Department; and

**WHEREAS**, City Council desires the Finance Department to manage and supervise the Finance Department; and

**WHEREAS**, City Council has determined that the establishment of the administrative department of Finance Department and the creation of the Finance Director is in the best interest of the City and will better protect the finances, health, safety, and welfare of the City and its residents.

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

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

**Section 2. Establishment of the Finance Department.** City Council hereby establishes the Finance Department.

**Section 3. Creation of Finance Director.** City Council hereby creates the position of Finance Director (or Officer) to be the Department Head of the Finance Department.

**Section 4. Finance Director Job Duties.** City Council hereby directs the City Manager to establish the job duties of the Finance Director and update the City's organizational chart to reflect the Finance Department and Finance Director.

**Section 5. Cumulative.** This Ordinance shall be cumulative of all other ordinances of the City of Brady, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Brady except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 6. Severability.** If any section or part of this ordinance is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance but shall be confined in its operation to the specific section or sections that are held unconstitutional or invalid.

**Section 7. Effective Date.** This Ordinance shall become effective upon its adoption by City Council.

Passed and Approved on FIRST READING on the 20th day of June 2017.

Passed and Approved on SECOND READING on the 11th day of July 2017.

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Anthony Groves, Mayor

ATTEST:

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Tina Keys, City Secretary


APPROVED AS TO FORM:

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M. Shannon Kackley, City Attorney



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

<b>AGENDA DATE:</b>	7/11/17	<b>AGENDA ITEM</b>	7.C.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding the <b>second and final reading of Ordinance 1229</b> establishing the administrative department in accordance with City Charter 4.02, to include Community Services Department and creating the position of Community Services Director to manage and supervise the Community Services Department.		
<b>PREPARED BY:</b>	Kim Lenoir	<b>Date Submitted:</b>	6/29/17
<b>EXHIBITS:</b>	Ordinance 1229		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

On June 20, City Council approved the first reading of this ordinance.

City Charter Section 4.02 gives city council the authority to establish administrative departments. Currently the only administrative department established by ordinance is the Public Works Department.

In 2012, previous city manager, reorganized the staff as it is today and this organizational chart has been adopted as part of the annual city budget. To formulize the organizational chart, it is recommended that we add the administrative departments of Finance and Community Services.

The Community Services Director is Peter Lamont.

**RECOMMENDED ACTION:**

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

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

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

**Mayor calls for a motion:**

Move to approve second and final reading of Ordinance 1229

## **ORDINANCE NO. 1229**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS, ESTABLISHING THE ADMINISTRATIVE DEPARTMENT OF COMMUNITY SERVICES DEPARTMENT AND CREATING THE POSITION OF COMMUNITY SERVICES DIRECTOR TO MANAGE AND SUPERVISE THE COMMUNITY SERVICES DEPARTMENT; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 4.02 the Brady City Charter (Charter) states that there shall be such administrative departments as established by the Charter and by ordinance; and

**WHEREAS**, Section 4.02 of the Charter provides City Council the power by ordinance to establish administrative departments or offices not provided by the Charter; and

**WHEREAS**, the Charter does not provide for a Community Services Department which manages and supervises the Community Services Department; and

**WHEREAS**, City Council desires to establish the administrative department of Community Services Department; and

**WHEREAS**, City Council desires to create the position of Community Services Director to be the Department Head of the Community Services Department; and

**WHEREAS**, City Council desires the Community Services Department to manage and supervise the Community Services Department; and

**WHEREAS**, City Council has determined that the establishment of the administrative department of Community Services Department and the creation of the Community Services Director is in the best interest of the City and will better protect the community services, health, safety, and welfare of the City and its residents.

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

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

**Section 2. Establishment of the Community Services Department.** City Council hereby establishes the Community Services Department.

**Section 3. Creation of Community Services Director.** City Council hereby creates the position of Community Services Director to be the Department Head of the Community Services Department.

**Section 4. Community Services Director Job Duties.** City Council hereby directs the City Manager to establish the job duties of the Community Services Director and update the City's

organizational chart to reflect the Community Services Department and Community Services Director.

**Section 5. Cumulative.** This Ordinance shall be cumulative of all other ordinances of the City of Brady, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Brady except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 6. Severability.** If any section or part of this ordinance is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance but shall be confined in its operation to the specific section or sections that are held unconstitutional or invalid.

**Section 7. Effective Date.** This Ordinance shall become effective upon its adoption by City Council.

Passed and Approved on FIRST READING on the 20th day of June 2017.

Passed and Approved on SECOND READING on the 11th day of July 2017.

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Anthony Groves, Mayor

ATTEST:

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Tina Keys, City Secretary

APPROVED AS TO FORM:

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M. Shannon Kackley, City Attorney

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

<b>AGENDA DATE:</b>	7/11/17	<b>AGENDA ITEM</b>	7.D.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding the <b>first reading of Ordinance 1231</b> amending Ordinance 1155 Ambulance Regulations, to exempt Heart of Texas Healthcare System from the annual City inspection and one annual permit fee.		
<b>PREPARED BY:</b>	Kim Lenoir	<b>Date Submitted:</b>	6/27/17
<b>EXHIBITS:</b>	Ordinance 1231		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

On June 20, during the City Council Work Session, members requested an ordinance revision be presented at the next meeting to consider the hospital staff requests.

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

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

One annual permit fee for the hospital was waived in 2016.

**RECOMMENDED ACTION:**

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

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

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

**Mayor calls for a motion:**

Move to approve first reading of Ordinance 1231

ORDINANCE NO. 1231

AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING ~~ORDINANCE NO. 1155 THE CODE OF ORDINANCES OF THE CITY OF BRADY, TEXAS, BY A~~ BY AMENDING THE REGULATIONS FOR MEDICAL TRANSFER SERVICES TO BE ADMINISTERED IN A MANNER THAT PROTECTS THE PUBLIC HEALTH AND SAFETY AND PROMOTES THE PUBLIC CONVENIENCE AND NECESSITY; MENDING ORDINANCE 1155 — 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; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF. REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

\* \* \* \* \*

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

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

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

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

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

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

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



**~~“CHAPTER ARTICLE 4.100 -~~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, constructed, designed or redesigned, ~~and~~ equipped, or used for the primary purpose of the transportation of the sick or injured persons, whether functioning as a basic life support, advanced life support, or mobile intensive care unit service level as provided by state law.

*City* shall mean the “City of Brady, Texas.”

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

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

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

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

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

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

*Medical Transfer Service Permit* shall mean a certificate of authorization issued by the City to the owner allowing 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.

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

#### **Sec. 4.101. Interference with Department personnel, equipment.**

The City of Brady Fire/EMS Department shall be the sole provider of emergency medical service (911 service) within the City ~~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 ~~C~~city as required equipment. ~~[outlined in the permit]~~

**Sec. 4.114 – 4.120 reserved.**

**DIVISION III. MEDICAL TRANSFER SERVICES**

**Sec. 4.121. Permit required; ~~fees;~~ exceptions.**

- (a) *Required.* No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation of medical transfer services upon or over any public street within the City limits without having first obtained a ~~Medical T~~ransfer ~~S~~ervice ~~P~~ermit.
- (b) *Exception.* A ~~Medical T~~ransfer ~~S~~ervices ~~p~~ermit 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.

(c) Application. An application for license to operate an ambulance on the public streets of the City of the purpose of providing medical ambulance transfer service within the City



or County shall be made by the owner thereof for each ambulance 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 an non-refundable permit fee, payable to the City of Brady, ~~as established~~  
~~by resolution of City Council.~~

(d) Fees. The annual permit fee associated with the permitting of medical transfer services ~~shall be determined by City Council and reflected in the annual fee schedule. is one thousand five hundred dollars (\$1,500.00) per vehicle and any~~ The inspection fee ~~required shall be determined by City Council and reflected in the annual fee schedule is two hundred dollars (\$200) each.~~

(1) One permit fee is waived each year for the Heart of Texas Healthcare System.

#### **Sec. 4.122. Insurance requirements.**

(a) Any applicant for a permit under this division shall, before the permit can be issued, procure, ~~and~~ 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 on hundred thousand dollars (\$1000,000.00) 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 becomes so impaired as to require new and additional insurance, the City Attorney shall require such additional insurance in such company as he may feel 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 is filed by the owner or ambulance operators before the cancellation, the permit to operate ambulances granted to such person shall be immediately and automatically revoked.

#### **Sec. 4.123. Inspection; exception.**

(a) The Brady City Manager, or designee, or the police department, shall inspect, ~~at any time,~~ all ambulances permitted or to be permitted under this ~~division~~ article to determine if such vehicles meet the following minimum standards:

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

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

(f) *Exception. An annual inspection is not required for any Heart of Texas Healthcare System vehicle permitted under this article. However, all Heart of Texas Healthcare System vehicles permitted under this article shall comply with the minimum standards listed above.*

#### **Sec. 4.124. Payment of Ad valorem taxes.**

It shall be the duty of every ~~M~~medical ~~T~~ransfer ~~S~~ervices ~~P~~rovider 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 ~~e~~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 ~~mMedical tTransfer Sservice pProvider~~, 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 ~~mMedical Ttransfer sService pPermit~~ to operate ~~—within the City limits by the Brady City Manager, or -designee.~~ Any violation of ~~theis article-chapter~~ may subject the ~~Medical Ttransfer Seservice Pprovider~~ 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, ~~hethe applicant or permittee~~ may, within ten (10) days of that decision, file an appeal in writing with the City ~~CouncilManager~~. 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 ~~ManagerCouncil~~ 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 24. 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 35. Other laws and Regulations.** No portion of this Ordinance shall be construed in a manner inconsistent with state laws or regulations, including but not limited to Chapter 773 of the Texas Health and Safety Code and any other relevant state and federal law.

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

**Section 47. 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.

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

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

Passed and Approved on FIRST READING on the 11th day of July 2017.

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

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Anthony Groves, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

## **ORDINANCE NO. 1231**

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

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

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

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

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

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

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

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

### **ARTICLE 4.100 EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS**

#### **DIVISION 1. IN GENERAL**

**Sec. 4.100. Definitions.**



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

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

*City* shall mean the “City of Brady, Texas.”

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

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

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

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

*EMS Chief* shall mean the City Fire Chief.

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

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

*ETJ* shall mean the City’s extra-territorial jurisdiction.

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

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

*Medical Transfer Service Permit* shall mean a certificate of authorization issued by the City to the owner allowing 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.

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

**Sec. 4.101. Interference with Department personnel, equipment.**

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

**Sec. 4.102. Penalty.**

Any person who violates or fails to comply with the requirements or provisions of this 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 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 Health and Safety Code.

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

No ambulance shall be operated upon the streets of the City for the purposes of furnishing ambulance 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 Health and Safety Code. 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.

**Sec. 4.114 – 4.120 reserved.**

**DIVISION III. MEDICAL TRANSFER SERVICES**

**Sec. 4.121. Permit required; fees; exceptions.**

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

(1) One permit fee is waived each year for the Heart of Texas Healthcare System.

#### **Sec. 4.122. Insurance requirements.**

- (a) Any applicant for a permit under this division shall, before the permit can be issued, procure and maintain proof of financial responsibility as required by law and as prescribed in this section. The applicant shall keep in full force and effect during the entire term of this permit, the required insurance coverage for commercial general liability, automobile liability and professional liability in the minimum limits listed:
- (1) Automobile liability insurance in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each accident for personal injuries, and on hundred thousand dollars (\$1000,000.00) for property damage. This automobile liability insurance shall not contain passenger liability exclusion. A written statement from an authorized agent of the ambulance operator's insurance carrier shall provide for a thirty day cancellation notice to the City.
  - (2) Commercial general liability insurance with a minimum aggregate of three million dollars (\$3,000,000.00) and a minimum per occurrence of one million dollars (\$1,000,000.00).
  - (3) Professional liability insurance in an amount of not less than one million dollars (\$1,000,000.00).
  - (4) Workers' Compensation Insurance.
  - (5) Applicant must agree to indemnify, defend, and hold harmless the City, its officers, employees and agents, and Department, for any and all claims arising from applicant's acts or omissions. Additionally, the City shall be added as an additional insured on the policies, and the coverage shall contain no special limitation on the scope of protection afforded to the City.

(b) The insurance company shall be of sufficient assets, with an agent in the State of Texas upon whom service of the process may be made, and shall be approved by the City Attorney. Every insurance policy and certificate of insurance must contain a provision or an endorsement requiring that the policy will not be cancelled, suspended, voided, or reduced until at least thirty days (30) days prior written notice has been given to the City via certified mail, return receipt requested. If the policy does not provide coverage for "any auto" then a schedule of the covered 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 becomes so impaired as to require new and additional insurance, the City Attorney shall require such additional insurance in such company as he may feel is necessary to ensure faithful performance by the operator of ambulances its agents, servants, and employees.

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

#### **Sec. 4.123. Inspection; exception.**

(a) The Brady City Manager, or designee, or the police department, shall inspect all ambulances permitted or to be permitted under this article to determine if such vehicles meet the following minimum standards:

- (1) Each vehicle shall be equipped according to the Texas DSHS equipment standards, and as determined by the ambulance service Medical Director, and as identified by the City as required equipment;
- (2) Each vehicle shall be free from dirt or rubbish and shall be otherwise clean and sanitary;
- (3) Each vehicle shall meet the general standards and requirements of this article;
- (4) Each vehicle shall have the company name displayed on each side of the vehicle and on the rear;
- (5) Each vehicle shall be inspected each year by a person authorized to conduct vehicle safety inspections by the State of Texas; and
- (6) No vehicle shall display the identification "Emergency Ambulance", "Emergency", "911", or similar marking.
- (7) Random drug testing shall be required of all Ambulance service employees.

(b) At no time shall any ambulance that is found to be unsafe by the Brady City Manager, or designee, or the 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.

(f) *Exception.* An annual inspection is not required for any Heart of Texas Healthcare System vehicle permitted under this article. However, all Heart of Texas Healthcare System vehicles permitted under this article shall comply with the minimum standards listed above.

#### **Sec. 4.124. Payment of Ad valorem taxes.**

It shall be the duty of every Medical Transfer Services Provider to pay all ad valorem taxes assessed by the City against such vehicle and all other personal and real property used 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.

#### **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, or designee. Any violation of this article may subject the Medical 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, 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, the applicant or permittee may, within ten (10) days of that decision, file an appeal in writing with the City Council. During the pendency of the appeal, the permit shall be suspended. Such a written appeal shall set forth the specific grounds therefore. The City Manager shall notify the appellant within ten (10) days after the receipt of appeal as to the time and place of the hearing, which shall be within thirty (30) days of receipt of such appeal. The determination of City Council 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 4. 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 5. Other laws and Regulations.** No portion of this Ordinance shall be construed in a manner inconsistent with state laws or regulations, including but not limited to Chapter 773 of the Texas Health and Safety Code and any other relevant state and federal law.



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

**Section 7. Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision 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.

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

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

Passed and Approved on FIRST READING on the 11th day of July 2017.

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

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Anthony Groves, Mayor

ATTEST:

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Tina Keys, City Secretary

APPROVED AS TO FORM:

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

# CITY OF BRADY

## 2017 Boards & Commissions --- Positions to fill

### Yellow - Appointments needed

PLANNING AND ZONING COMMISSION (3 yr term)		
Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Nick Blyshack, Chair	6/18
2	Ronnie Aston, Vice Chair	6/20
3	Amy Greer	6/20
4	Thomas Flanigan	6/19
5	OPEN	6/19
6	Connie Easterwood	6/19
7	Jeff Bedwell	6/18
* ALT	open	6/18

Economic Development Corporation - 4A (2 year term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Lauren Bedwell, President	6/18
2	Don Miller, VP	6/18
3	Jason Valdez	6/19
4	Michelle Derrick	6/18
5	Erin Betts	6/19

ZONING BOARD OF ADJUSTMENT (ZBA/BOA)		
Charter & Zoning Ord. Sec. 9.1 (2 yr term)		
Kim Davee, Staff Liaison 325/597-2244 ext 201 kdavee@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Chris Green	6/19
2	Rod Young, Vice Chair	6/18
3	Heath McBride, Chair	6/18
4	Holly Groves	6/19
5	James Stewart	6/19
* Alt 1	open	6/18
* Alt 2	open	6/18
* Alt 3	open	6/18
* Alt 4	open	6/18

Airport Advisory Board (Ord 1149 - 2 yr term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Bob Rice	6/19
2	Rick Morgan, Chair	6/19
3	Richard Lenoir	6/19
4	Richard Jolliff	6/18
5	Kirk Roddie	6/18
6	Dale Scott	6/18
7	Carey Day	6/18

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

Brady Youth Association (1yr term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
Council	BOARD MEMBER NAME	CURRENT TERM
	Rey Garza	1/18

Concho Valley Council of Governments Annual Board (1yr term)		
Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us		
Council	BOARD MEMBER NAME	CURRENT TERM
	Shelly Perkins	9/17

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

INVESTMENT COMMITTEE (1 yr term)		
Lisa Remini, Staff Liaison 325/597-2152 ext 204 lremini@bradytx.us		
PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Finance Director	FY 2017
2	City Manager	FY 2017
3	Jane Huffman	FY 2017

CITY COUNCIL (3 yr term)		
Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us		
PLACE	MEMBER NAME	CURRENT TERM
MAYOR	Anthony Groves	5/20
1	Rey Garza	5/20
2	Shelly Perkins	5/18
3	Jeffrey Sutton	5/18
4	Jane Huffman	5/19
5	James Griffin	5/19

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

Hotel Occupancy Tax Grant Committee (1yr term)		
Peter Lamont, Staff Liaison 325/597-2152 ext 211 plamont@bradytx.us		
Director	BOARD MEMBER NAME	CURRENT TERM
	Peter Lamont	FY 2017
Finance	Lisa Remini	FY 2017
City Mgr	Kim Lenoir	FY 2017
Council	Jim Griffin	FY 2017

\* Alternates serve 1 year terms

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT**

**Project Status Report:**                      **Brady Lake Boating Access Grant**                      **June 2017**  
  
Grant Project Deadline:                      June 30, 2018

**Budget Information:**

TPWD Funds:	\$127,238.00
<u>COB:</u>	<u>\$ 42,413.00</u>
<b>TOTAL:</b>	<b>\$169,651.00</b>

**Expenditures:**

Planning and Design:	\$ 17,317.50
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**Contract Assignments:**

<b>Engineer:</b>	KSA Contracted:	June 16, 2014
<b>Contractor:</b>	Westar Construction – Boat Ramps	

**Project Description:** The City of Brady (COB) received a Boating Access Program Grant from the Texas Parks and Wildlife Department (TPWD). This grant will extend one (1) boat ramp and improve two (2) boat docks at Brady Lake. The ramp on the north side of the park will be extended and boat docks at the Main Ramp and the North Ramp will be updated. The project was rebid in March 2016, and Westar Construction secured the contract for the ramp improvements and docks. Construction of the dock was completed in January 2017, but due to recent rains and increasing lake levels the boat ramp construction has been delayed and a contract amendment with Westar to remove the Boat Ramp Project from the original contract is in process.

**Start Date / Completion Date:**

Planning Start:	June 2014
Design Completion:	October 2015

**Major Activities:**

Corps Permit Received:	November 14, 2014
Plans Submitted to TPWD Review:	September 11, 2015
TPWD Approval of Plans:	September 18, 2015
U.S. Fish and Wildlife Approval:	September 22, 2015
Grant Acceptance Signed:	September 22, 2015
Project Bid September:	November 4, 2015
Bids Opened:	December 16, 2015
Project Rebid:	February 3, 2016
Bids Opened:	March 2, 2016
Bid Awarded to Westar Construction:	March 15, 2016
Change Order #1 Signed:	June 21, 2016
Dock Plan and Material Submittal Approval:	November 28, 2016
Boat Dock Construction Begins:	January 3, 2017
Walk-Through with Project Engineer:	January 20, 2017

**Next Steps:**

Review by TPWD:	August 2017
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**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT**

**Project Status Report:**      **Brady Lake Fish House Redevelopment Project**      **June 2017**

**Budget Information:**

Brady Economic Development Corporation (BEDC)      \$ 65,256.00

**Expenditures:**

BEDC Funds to Date for Fish House:      \$ 48,416.70

**Contract Assignments:**

**Engineer:**      KSA Contracted:      June 16, 2014  
**Contractor:**      Docks of Texas – Fish House

**Project Description:** In 2008, the citizens of Brady approved the use of 4A Economic Development Funds for a 4B-Type project for improvements at Brady Lake Park. One of the improvements was the rehabilitation of the Fish House. The new Fish House was designed and originally bid as part of a larger project including a boat ramp and new boat docks. After receiving no bids for the ramp and docks, the Fish House Redevelopment Project was separated from the boat ramp improvements. Docks of Texas is remodeling the Fish House with BEDC funds and is 80% complete. The old Fish House has been removed. Due to storms generating the need for emergency repairs in the North Texas area, this project has been significantly delayed. Electrical has been run and lighting has been installed. We are working to get the contractor back on site.

**Start Date / Completion Date:**

Planning Start:      June 2014  
Design Completion:      October 2015

**Major Activities:**

Project Bid September:      November 4, 2015  
Bids Opened:      December 16, 2015  
Contracted with Docks of Texas:      February 8, 2016  
Demolition of Old Fish House Begun:      March 14, 2016

**Next Steps:**

Complete New Fish House:      July 2017

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT**

**Project Status Report:**      **Richards Park Improvements Grant**      **June 2017**  
  
Grant Project Deadline:      July 31, 2018

**Budget Information:**

TPWD Funds: August 20, 2015	\$400,000.00
COB:	\$400,000.00
U.S. Silica Donation:	\$ 10,000.00
Humana Health Care Grant: _____	\$ 1,000.00
<b>TOTAL:</b>	<b>\$811,000.00</b>

**Expenditures:**

N/A

**Contract Assignments:**

**Landscape Architect:**      Luck Design Group:      February 7, 2017

**Project Description:** The City of Brady (COB) has received an Outdoor Recreation Grant from Texas Parks and Wildlife Department (TPWD). This project will renovate the baseball fields at Richards Park to include the relighting of two (2) ball fields. Additional renovations include a trail from E.O. Martin Memorial Park to the soccer fields at Richards Park, a new playground at the baseball complex, and benches/picnic tables along the trail. COB staff has met with the selected design firm to discuss the design and layout of the project.

Design work has started and is anticipated to be complete in August 2017. Construction is estimated to begin in October/November 2017 and be complete in June 2018. A Town Hall Meeting was held June 19, 2017 for public input.

**Start Date / Completion Date:**

N/A

**Major Activities:**

Grant Awarded by TPWD:	August 20, 2015
Field Visit by TPWD:	September 28, 2015
Contract Signed with TPWD:	July 13, 2016
RFP for Design Released:	September 23, 2016
RFP for Design Evaluated:	December 7, 2016
Design Firms Invited to Interview:	December 15, 2016
Design Firms Interviewed:	January 10, 2017
Selected Landscape Architect:	February 7, 2017
Town Hall Meeting:	June 19, 2017

**Next Steps:**

Complete Design:	August 2017
Begin Construction:	October/November 2017
Complete Construction:	June 2018

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****Project Status Report: Willie Washington Park Improvements June 2017**

Grant Project Deadline: July 31, 2018

**Budget Information:**

TPWD Funds: August 20, 2015	\$ 75,000.00
<u>COB:</u>	<u>\$ 75,000.00</u>
<b>TOTAL:</b>	<b>\$150,000.00</b>

**Expenditures:**

N/A

**Contract Assignments:**

<b>Construction:</b>	T. F. Harper & Associates, L.P.	March 28, 2017
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**Project Description:** The City of Brady (COB) has received a Small Communities Grant from the Texas Parks and Wildlife Department (TPWD). This project includes new sidewalks, picnic spaces and a new playground at Willie Washington Park. Director Peter Lamont attended the National Recreation and Parks Association Conference in October 2016 to view first hand possible playground styles to develop conceptual ideas to present to citizens. Staff met with neighborhood representatives on November 22, 2016 and March 27, 2017 to discuss the style and design of the playground. Council then approved issuing a purchase order for the new playground with the requested changes. The playground has been installed and changes to the parking lot have started. The shade structures will be installed in mid-July. The Electrical Utilities Division will be putting the majority of the overhead electrical, underground and installing new lights. Some landscaping will be completed early Fall 2017 and a dedication will be planned once all parts of the project are completed.

**Start Date / Completion Date:**

N/A

**Major Activities:**

Grant Awarded by TPWD:	August 20, 2015
Field Visit by TPWD:	September 28, 2015
Contract with TPWD Signed:	February 17, 2016
Present Potential Playground Styles to Neighborhood:	November 22, 2016
Ordered Engineering Survey of Park:	November 30, 2016
Sent Request for Proposals:	March 3, 2017
Received Proposals:	March 22, 2017
Presented Proposals to Neighborhood:	March 27, 2017
Presented Proposal to City Council:	March 28, 2017
Begin Construction/Remove Equipment:	May 2017
Playground Installed:	June 16, 2017

**Next Steps:**

Install Shade Structures:	July 2017
Move Electrical Underground:	July/August 2017
Install Landscaping:	Sept./October 2017
Complete Project:	November 2017

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****Project Status Report: Stanburn Park Improvements June 2017**

Project Deadline: To Be Determined

**Budget Information:**

Private Funds:	(Minimum)	\$ 50,000.00
TOTAL:		\$ 50,000.00

**Expenditures:**

N/A

**Contract Assignments:**

Engineer: Not Required

**Project Description:** The City of Brady (COB) has received a request by a private company, Fairmount Santrol to install improvements at Stanburn Park. The desired improvements include resurfacing the tennis courts and converting them to basketball courts, planting trees, improving the turf, and installing shade structures.

Additionally, the family of Lt. Daniel R. Conway is committing a one-time gift of \$50,000.00 towards a new playground. The City has received a total of \$50,000.00 in donations. A request has been made of several playground companies for designs for the new playground and cost(s) to resurface the existing tennis court.

**Start Date / Completion Date:**

N/A

**Major Activities:**

Naming Policy Approved:	December 16, 2014
Initial Project Meeting:	February 2, 2015
Request Presented to Council:	March 3, 2015
Estimated Court Costs:	July 10, 2015
Preliminary Playground Designs:	July 14, 2015
Current Dedicated Funds-\$50,000:	May 3, 2017
Playground Design Requests Made:	June 2017

**Next Steps:**

Select Playground:	July 2017
Resurface Tennis Courts:	July 2017



**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT****Project Status Report:      Brady Creek Trail Project      June 2017**

Grant Project Deadline:      June 30, 2017  
Second Extension Granted:      May 27, 2016

**Budget Information:**

TPWD Funds: May 22, 2012	\$200,000.00
COB:	\$133,100.00
<b>TOTAL:</b>	<b>\$333,100.00</b>

**Expenditures:**

Planning and Design:	\$ 36,610.00
Construction To-Date:	\$254,759.60 [95% complete]

**Reimbursements:**      TPWD:      \$190,000.00      December 12, 2016

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

**Project Description:** The City of Brady (COB) received a Recreational Trails Program Grant from the Texas Parks and Wildlife Department (TPWD) in 2012. This grant rebuilds the gravel trail along Brady Creek from Richards Park to a park located on West Richards Drive and North Pine Street. The original trail was built in 1986. This project had an original due date of June 2015. Staff completed a walk-through of the trail on September 13, 2016 with the project engineer and has submitted a punch list to the contractor containing two items (2) for repair. Staff conducted a walk-through with TPWD on March 1, 2017. Due to recent rains and flooding a second extension was granted until June 30, 2017. The original project was to cover 7,200 linear feet, but due to costs, could only cover approximately 5,000 feet. Due to this, an amendment to the contract must be completed. Staff submitted the amendment in April and contract amendment was completed in June.

**Start Date / Completion Date:**

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

**Major Activities:**

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

Notice to Proceed:	January 14, 2016
Named Trail – <i>Brady Creek Trail</i> :	March 15, 2016
Change Order #1:	July 2016
Complete Construction:	September 2016
Walk-Through with Engineer:	September 13, 2016
Walk-Through with TPWD:	March 1, 2017
Contract Amendment Completed:	June 2017
Punch List Completed:	June 2017

**Next Steps:**

Grand Re-Opening:	August/September 2017
Name Pocket Park:	August/September 2017

**COMMUNITY SERVICES DEPARTMENT**

## June 2017

September 30, 2017

TDEM:	\$ 50,000.00
COB:	\$ 20,100.00
TOTAL:	\$ 70,100.00

**Grant Payment:** \$ 50,000.00

\$70,020.00 as per signed contract with Lockwood, Andrews & Newman, Inc. (LAN).

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

Start Date: April 6, 2016  
Anticipated Acceptance by TCEQ: September 2017

Grant Accepted:	April 27, 2015
Kickoff Meeting with TDEM:	April 29, 2015
RFP Submitted to TDEM for Review:	September 29, 2015
RFP Released:	October 21, 2015
RFPs Received:	November 18, 2015
Engineer Interviews:	January 7, 2016
Engineer Selection:	January 8, 2016
Council Approved Contract with LAN:	February 16, 2016
Kickoff Meeting Held:	April 6, 2016
Project Update Meeting with Staff:	May 6, 2016
Project Deadline Extended:	July 22, 2016
Public Presentation to City Council:	September 20, 2016

**CITY OF BRADY**

**COMMUNITY SERVICES DEPARTMENT**

Filed Payment Request with TDEM:	October 31, 2016
Final Report Submitted to COB:	November 18, 2016
TCEQ Request for Further Mapping:	January 8, 2017
Project Deadline Extended:	January 19, 2017
Grant Payment Received:	January 31, 2017
Report Resubmitted to TCEQ:	March 22, 2017
TCEQ Dam Inspection:	May 5, 2017

**Next Steps:**

Acceptance by TCEQ:	September 2017
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**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT**

**Project Status Report:** **Curtis Field Airport Master Plan** **June 2017**

Grant Project Deadline: August 31, 2018

**Budget Information:**

TxDOT Aviation Funds:	\$180,000.00
COB:	\$ 20,000.00
<b>TOTAL:</b>	<b>\$200,000.00</b>

**Expenditures:** N/A

**Contract Assignments:**

**Engineer:** None selected

**Project Description:** The City of Brady (COB) has received, from the Texas Department of Transportation (TxDOT) Aviation Division an Airport Improvement Program Grant to prepare a new Master Plan for Curtis Field Airport. The current Master Plan is over seventeen (17) years old. Master Plans should be revised no less than every five (5) years and updated no less than every ten (10) years to ensure goals and objectives are current and operational. This Master Plan will look not only at the Airport's physical development, but also at the business development of the Airport as well. TxDOT Aviation will be acting as the City's agent for the contracting and administration of the grant.

After negotiations with the previously selected vendor were unsuccessful, TxDOT, in coordination with COB staff elected to develop a new Scope of Work for the project and seek new proposals. The new Scope of Work should be completed in July 2017 and responses are expected in early September 2017.

**Start Date / Completion Date:**

Planning Start:

**Major Activities:**

RFP for Planning Service Release:	August 5, 2016
Contract with TxDOT Aviation Signed:	August 22, 2016
Proposals Received by TxDOT Aviation:	August 30, 2016
Selection Committee Requested Interviews: (with three (3) contractors)	November 2, 2016
Interviewed Potential Contractors:	February 1, 2017
Selected KSA as Project Engineer:	February 2017
Negotiations Failed with Selected Vendor:	May 19, 2017
Council Approved New Resolution-Revised Grant:	June 6, 2017

**Next Steps:**

Develop New Scope of Work for Airport Plan:	July 2017
Receive Proposals for New Plan:	September 2017
TxDOT Complete Negotiations with Contractor:	October 2017

**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT**

**Project Status Report:**      **Automated Weather Observation System Grant  
(AWOS)**      **June 2017**

Grant Project Deadline:      To Be Determined

**Budget Information:**

TxDOT Aviation Funds:	\$150,000.00	75%
<u>COB:</u>	<u>\$ 50,000.00</u>	<u>25%</u>
<b>TOTAL:</b>	<b>\$200,000.00</b>	

**Expenditures:**

N/A

**Contract Assignments:**

**Engineer:**      None Selected

**Project Description:** The City of Brady (COB) has applied with the Texas Department of Transportation (TxDOT) Aviation Division for an Airport Improvement Program (AIP) Grant to replace the current Automated Weather Observation System (AWOS). The current system is no longer functioning and the parts to repair it are unavailable. The TxDOT Commission met on February 23, 2017 and awarded the grant to Brady. Staff worked with TxDOT to bid the project in April in accordance with TxDOT requirements, but due to the invitation to bid not being posted, we have had to extend the bid timeline. Bids will now be opened this July. This is a 75/25 reimbursable matching grant and the City will be responsible for coordination.

**Start Date / Completion Date:**

Planning Start:      TBD

<b>Major Activities:</b>	Council Approval of Grant Resolution:	December 4, 2016
	TxDOT Grant Approval	February 23, 2017
	Release Bid for AWOS:	April 2017

**Next Steps:**      Award Bid      July 2017



## MEMORANDUM

July 7, 2017

**To:** City Council

**From:** Kim Lenoir, City Manger

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

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In 2013-2014, staff discovered the tangled web of non-compliance and billing with lake lot leases for Davee and Dodge Heights. In 2015, City Council increased the annual lease payments to \$1200 per year per lot. TCEQ rules also made it difficult for the city to continue to lease lots that were too small (less than 1/2 acre) for current septic tank requirements, especially in complying with the clean pristine water quality of the Brady Lake area. In 2016, staff began survey and replat work to clear up the records, billing, property inspections and compliance with current TCEQ septic tank regulations.

In January 2017, City Council and P&Z discussed the proposed replat of Davee Addition. The City Council gave staff further directions on the amended lease agreements for the new lot lay-outs and to assume if bills had been sent and paid the owner had a right to a lake lot lease. Draft lease agreements and maps were mailed and staff met with the 7 families affected in the Davee Addition. P&Z held a Public Hearing for Davee Addition on February 14 and City Council on February 21, both hearings were extended to June 13 and 20 to address one property survey line adjustment. The surveyor has not addressed the line change, so the hearing was delayed again until September.

City Council also discussed a desire to sell the newly replatted lots, with first right of refusal going to the active lease holder with proper property improvements. The City Attorney found state law authority for the City to give lease holders the option to purchase the lake lots. City Council waived the 2016 billing and staff billed the Davee lot leases with active leases for 2017 at the rate of the existing lease(s).

The Dodge Heights replat has been more difficult to replat, with the probability of several units on a 1/2 acre tract. The goal is to have the Dodge Heights replat and staff recommendations scheduled later this year, after Davee Addition is completed.

In February, City Council put a moratorium on considering any new leases, until the lake lot leases and replats are in order. The moratorium is helping to bring to light many owners that the city was not aware existed.

Both subdivisions are going through the replatting rules process, requiring public hearings, P&Z approval and City Council approval. All new leases will be prepared and approved by city council, incorporating any current active leases yet to expire. The city staff may consider revising billing options for the leases to assist in maintaining accurate recordkeeping.

Next Step: City Council will review the fee structure in July - August 2017 with budget preparation. September 12 P&Z Public Hearing and September 19 Public Hearing for Davee Addition Replats – continuation.



## MEMORANDUM

June 30, 2017

**To:** City Council

**From:** Kim Lenoir, City Manager

**Subject:** Progress Report - Activity Center Renovation Project – W 11<sup>th</sup> Street

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In 2015, the city purchased the old South Ward Cafeteria from BISD for \$100,000 (the County contributed \$50,000). The goal was to relocate the city/county Senior Citizen program/Meals-on-Wheels program in the newer building. The current Sunset Center is a county building that is obsolete and in disrepair. The city called the new building an "Activity Center" with the goal to use the building for not only the senior program (Mon-Fri/8am to 3pm) but also to use it for other activities in the evenings and weekends. No other program has yet been definitely identified, but it would not be intended as a public rental facility. Possible uses discussed have included a teen/youth center; work/study/training center; commercial kitchen leasing for small businesses; and/or 4-H/AgriLife classes and programs.

EIKON was hired to prepare a conceptual design plan. In late 2016, EIKON completed a set of 70% drawings for renovating the Activity Center. Staff intended to renovate this building like the city renovated the Municipal Court Building (old Jones Cleaners), by working directly with sub-contractors on the various elements. In December, staff requested proposals from HVAC contractors. Only one responded and noted that the energy regulations would require other contractors to work together, requiring more detailed plans. Staff met with the Senior Citizen Advisory Board on January 11 to share this information.

In February, City Council approved a revised contract with EIKON for a full set of plans and bid documents for the renovations. The architects have been on-site four times to work through the additional construction plans needed. They also hired a commercial kitchen plan reviewer. Final construction plan documents for staff review were received late May.

On June 7, staff meet with EIKON to review the final design, accept the drawings and get the latest cost estimate. The price has increased due to meeting current energy codes (HVAC, lighting), handicap accessibility, commercial kitchen codes, and additional restrooms needed. Estimated price of renovation is \$875,000, approximately \$130/square foot. There are some general contractors in the area that are building the apartments, jail, and library – so cost may be less if staging was reduced. No changes will be made to the roof, large windows, or exterior walls. Plan review is needed. City Council will be discussing next steps during the budget work session.

City staff has cleared out, auctioned off, and removed the old interior of the facility over the last few months, as time allowed. Gas, water, sewer and electric utilities are reworking the existing lines in the area for improved services to the facility and the area.

Next Steps: Plan review, budget allocation and bidding.



**CITY OF BRADY****COMMUNITY SERVICES DEPARTMENT**

**Project Status Report:**      **G. Rollie White Complex Steering Committee**      **June 2017**

**Budget Information:**

N/A

**Expenditures:**

N/A

**Contract Assignments:**

**Engineer:**      N/A

**Contractor:**      N/A

**Project Description:** On April 24, 2017 members of the Leadership Committee including City Council, City staff, County Commissioners and AgriLife Extension Service represents met in a special joint work session to discuss current City, County and 4-H needs and plans for the GRW Complex as well as its history of joint-use, its future use and the next steps of the GRW Steering (nee AgriLife Leadership) Committee. On June 20, Director Peter Lamont and Agent Jacque Behrens met to discuss and organize the inaugural meeting of the GRW (Goals) Steering Committee. The meeting was held June 29 and included ten (10) members: Mayor Pro Tem James Griffin, Council Member Shelly Perkins, P&Z Committee Chair Nick Blyshak, Director of Community Services Peter Lamont, County Commissioners Gene Edmiston and Jason Behrens, Extension Agent Jacque Behrens, Livestock Association representatives Joe Behrens and Michael Probst and Chamber President Erin Corbell. Initial thoughts on required facilities included two (2) covered arenas, buildings that can accommodate portable stalls, meeting building and show office, RV spaces with hookups and an office for the McCulloch County AgriLife Extension Service agents.

**Start Date / Completion Date:**

Planning Start:

June 2017

**Major Activities:**

Inaugural Meeting:

June 29, 2017

**Next Steps:**

Tours of Similar Facilities:

July 20-21, 2017

Project list below has been identified for future City Council Work Sessions. Staff is working on numerous projects with the city council to update policies, ordinances, rules or processes that need attention.

**Projects Underway:**

1. Ground Survey of 1906 City Limit Line – survey 80% complete
2. Davee and Dodge Heights Lake Lot Leases, Re-plat ½ ac tracts, leases and sell lots
3. Airport Master Plan – TXDOT Coordinating
4. Budget Work Sessions – July 2017
5. Charter Review Town Hall issues – election info due Nov 2017
6. Locate and allocate funding for a New Animal Shelter
7. Allocate funding and bid the senior citizen Activity Center renovations project
8. Richards Park – Ballfields – Bidding Sept-Oct
9. Utility Inspections – draft written policy – held two town hall meetings (June 5 & 6)
10. Water and Wastewater Construction Projects – Water Line Easements

**Other Items Discussed or Upcoming:**

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

Other Projects? \_\_\_\_\_

## ANIMAL SHELTER—QUARTERLY REPORT—JUNE 30, 2017

In Brady, the current 72 hour stray-hold facility must be vacated in November 2017

Visiting City/County Lampasas Animal Shelter with ACO Kasey Dressell, pictured below Kim Lenoir, Mayor Groves; Chief Thomas and shelter cat in his lap; ACO Chantal Solis; Council Members Rey Garza and Jeffrey Sutton....this facility is serving 1000 dogs and 1500 cats per year. It was built 10 years ago for \$500,000. Additions to the outside runs have since been added.



Above is check-in and tracking station for animals in the shelter.



Above is the Sally-port that was very much appreciated by all the officers and ACOs. Animals get loose in this area and are constrained by the doors.

Outside grass area was good for the sheep and goats they get sometimes. Dog runs were concrete and cleaned daily. Outdoor runs were used during the day.





Custom Cat Kennels to meet new regulations — recently built by local fabricator

Jointly constructed City/County Project -  
Managed by the City.

County and City each have an ACO.

They now have a grant to start a community cat—spay and neuter program.

## LAMPASAS ANIMAL SHELTER 2009

### CITY COUNCIL

Judith Hetherly, Mayor

Wanda Bierschwale

John Cole

Les Gerhardt

Jerry Grayson

Bradley Neely

Evan Stubbs

Michael Stoldt, City Manager

### COUNTY COMMISSIONERS

Wayne Boultinghouse, County Judge

Robert Vincent, Precinct #1

Alex Wittenburg, Precinct #2

Lowell Ivey, Precinct #3

Jack Cox, Precinct #4

The Lampasas Animal Shelter was  
funded by the City of Lampasas  
and the County of Lampasas as  
a joint participation project.



Pictured left - Dog kennel area - 2 sets of  
garage doors on each side allowed for  
east-west breezes keeping area free of  
smells and flies. Outdoor shaded con-  
crete runs were used for day time exer-  
cise.



**San Saba City Manager Stan Welks and below is ACO Jason Vogel at the San Saba Animal Control facility built by city employees and is serving 300 dogs per year.**



**They have adopted out all dogs or found owners. They work with a local cat rescue group and do not keep cats in their facility.**

**This indoor facility is repainted every 7 months.**

**Outdoor day use runs recently added—construction by city employees.**



## CITY OF BRADY

## SEWER TREATMENT DIVISION

Quarterly Report: April 2017 – June 2017**Project Status Report, Clean Water State Revolving Fund (CWSRF) Project #73638: WWTP Replacement Project**

The City of Brady is a loan recipient from TWDB under the CWSRF program. The WWTP is at a critical stage in regard to its structural viability and treatment efficacy as the entire facility has reached the end of its useful life. Originally placed into service early circa 1960's and re-purposing of existing structures over several decades with one (1) major upgrade in late circa 1980's. The engineering firm of **Freese and Nichols, Inc. (FNI)** has been engaged to provide professional engineering services for producing a proper design for the replacement of the WWTP that will meet the rules and requirements of two (2) State Agencies: TWDB and TCEQ.

**Budget Information -****TWDB Funds -****20-5-23-285.01 – CW#73638-LF1000019 \$1,441,990.00****20-5-23-285.00 – CW#73638-CO 2012-L1000011 \$1,210,000.00**

Year	Expenditures	Revenue	Ending Balance
2011-2012	0.00	0.00	0.00
2012-2013	331,250.00	\$1,441,990.00	\$1,110,740.00
2013-2014	24,812.00	0.00	\$1,085,928.00
2014-2015	320,115.96	0.00	\$765,812.04
2015-2016	72,146.89	\$2,218.84	\$695,883.99
2016-2017	155,176.35	\$1,162.36	\$541,870.00

Year	Expenditures	Revenue	Ending Balance
2011-2012	0.00	0.00	0.00
2012-2013	53,125.44	\$1,210,000.00	\$1,156,874.56
2013-2014	0.00	0.00	\$1,156,874.56
2014-2015	0.00	0.00	\$1,156,874.56
2015-2016	0.00	\$3,402.79	\$1,160,277.35
2016-2017	0.00	\$1,924.78	\$1,162,202.13

**Contract Assignments -**

**CITY OF BRADY**

**SEWER TREATMENT DIVISION**

**Engineer:** Freese and Nichols, Inc. (FNI), Austin, Texas

<u>PHASE I ENGINEERING SERVICES</u>		
Original Contract Commitment	=	\$ 381,410.50
Contract Amendment 12-10-2015	=	(\$ 41,438.00)
Current Contract Commitment	=	\$ 339,972.50
<b>Final Contract Amount</b>	<b>=</b>	<b>\$ 319,825.17</b>
<u>PHASE II ENGINEERING SERVICES</u>		
Basic Services: Permits & Environmental		\$136,590.00
Basic Services: Preliminary Design		\$584,779.00
Special Services: Survey		\$ 10,409.00
Special Services: Geotechnical		\$ 26,607.00
<b>Total Fee Basis:</b>		<b>\$758,385.00</b>

**Status -**

City staff presented at a July 2016 council meeting the recommended engineering scope of work & fee for Phase II services. Whereas the engineering contract for Phase II was awarded under a productive discussion on the estimated cost of the full replacement of the WWTP to its current permitted size of 1.103MGD the probable costs as presented were concluded to be unsustainable. An outcome was a recognition of a TWDB opportunity for loan forgiveness under the Clean Water State Revolving Fund (CWSRF) was highly unlikely. The solution was the assignment of a "sensitivity analysis" as originated by FNI and approved by the City. The sensitivity analysis compiled multi-year data on wwtp flows, which realized a much smaller size wwtp could be achieved while maintaining confidence in growth and longevity of the wwtp and meet a budget cap of approximately \$7M. The sensitivity analysis established a design size of 0.6MGD with an associated permit limit of 0.99MGD both of which meet TCEQ requirements and reduced O&M.

May 16, 2107 FNI presented city staff 30% design documents delineating the proposed facility layout identifying major structures and an initial site plan is attached. The proposed replacement wwtp is located nearly adjacent to the existing facility and access would be from a new west entrance. The geography of the existing ground requires approximately five feet of fill to raise the site above the 100-yr. floodplain. Individual treatment structures finished floor heights will be elevated to accommodate the desired hydraulic grade-line or profile. FNI completed the WWTP permit application to Texas Commission on Environmental Quality (TCEQ) and submission expected in early July.

## CITY OF BRADY

## SEWER TREATMENT DIVISION

## Time-line of Major Events -

	Phase I - Preliminary Engineering	Phase II - 30% Design & Permitting
Contract Awarded -	<b>\$381,410.50</b>	<b>\$758,385.00</b>
N.T.P. -	March 09, 2015	October 20, 2016
Completion required / actual -	December 31, 2015 / November 30, 2015	Draft permit - April 20, 2017 30% Design - June 20, 2017 Environmental - October 20, 2017
Major Product -	E.F.R., Interim Solids Handling Design, T.M. Sewer System Improvements	Permitting, Environmental Information Document (E.I.D.) and 30% Level Design





**CITY OF BRADY****WATER TREATMENT DIVISION****Quarterly Report: April 2017 - June 2017****Project Status Report, Drinking Water State Revolving Fund (DWSRF) Project #62545: Radium Reduction Project – Drinking Water****Project Description -**

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

**Contract Assignments –****Engineer:**

Enprotec / Hibbs &amp; Todd (eHT), Abilene, Texas

Original Contract Commitment: \$ 612,000.00 (Planning Phase)

Engineering Services Amendment: \$1,623,000.00 (Design Phase)

**Budget Information -****TWDB Funds: TWDB #10447 – EDAP 2015**

Year	Expenditures	Revenues	Ending Balance
2011-2012	0.00	0.00	\$0.00
2012-2013	0.00	0.00	\$0.00
2013-2014	0.00	0.00	\$0.00
2014-2015	\$129,636.61	\$1,804,000.00	\$1,674,363.39
2015-2016	\$938,380.00	\$122.30	\$736,105.69
2016-2017	\$260,570.00	\$1,071.02	\$476,606.71

## TWDB Funds: TWDB #62545 DW – CO 2013

Year	Expenditures	Revenue	Ending Balance
2011-2012	0.00	0.00	\$0.00
2012-2013	0.00	0.00	\$0.00
2013-2014	\$51,562.41	\$350,000.00	\$298,437.59
2014-2015	\$292,237.59	0.00	\$6,200.00
2015-2016	\$6,200.00	\$7.97	\$7.97
2016-2017	0.00	0.00	\$7.97

## TWDB Funds: TWDB #62545 – DW - LF

Year	Expenditures	Revenue	Ending Balance
2011-2012	0.00	0.00	\$0.00
2012-2013	0.00	0.00	\$0.00
2013-2014	196,246.00	\$350,000.00	\$153,754.00
2014-2015	153,754.00	0.00	\$0.00
2015-2016	0.00	0.00	\$0.00
2016-2017	0.00	0.00	\$0.00

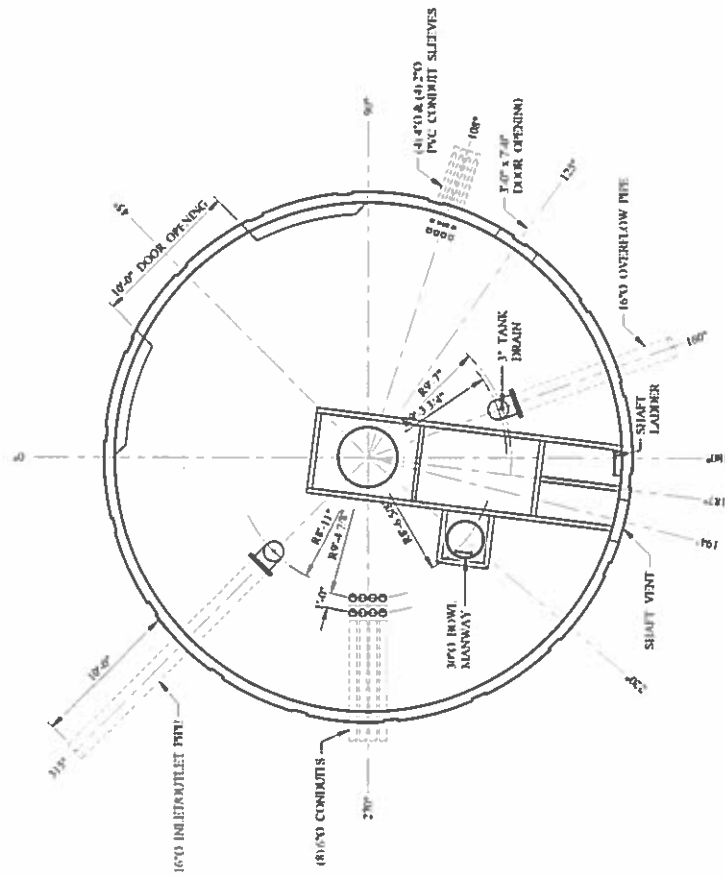
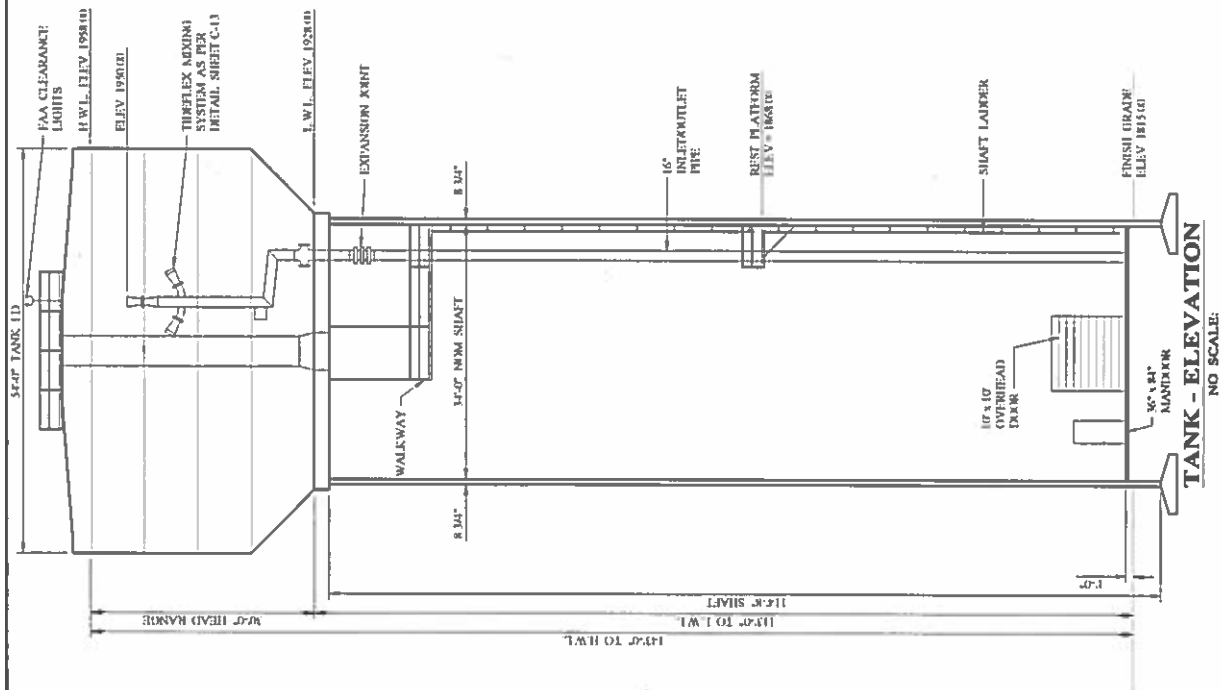
**Current Status -**

During this 2<sup>nd</sup>-quarter of the 2017 calendar year the primary focus has been the Texas legislature and their effort for the next Texas biennial 2018-19 budget. An important issue for the legislative session was the matter of a remaining \$53,000,000.00 (approx.) appropriation for EDAP (originally part of a state-wide water bond fund released several years ago). City of Brady is actively seeking favorable consideration from TWDB for 85% grant funding (EDAP) toward construction loan in upwards of \$26,000,000.00 for water treatment & transmission improvements. eHT engineers have compiled 75% design level for plans & specifications for the following proposed contracts:

- Contract A – Elevated Storage Improvements
- Contract B – Transmission & Distribution System Improvements
- Contract C – Treatment Improvements
- Contract D – Ground Storage Improvements

An elevated tank on FM2028 (tank farm) schematic is provided for illustrative purposes on the next page.

Another major work activity has been the effort to secure pipeline easements for the north and south water transmission mains. With the exception of 2 landowners' all easements have been secured. The remaining two (2) landowners' involve coordination of adjacent or common property boundaries and it appears a solution is "at-hand".



**NOTES:**

- 1 PLATFORM GRATING NOT SHOWN FOR CLARITY  
2 TANK FLOOR PLATES NOT SHOWN FOR CLARITY

### 0.5 MG ELEVATED TANK - PLAN


SCALE: 1/8" = 1'-0"



DOCUMENT FOR INTERNAL  
REVIEW, NOT INTENDED FOR  
CONSTRUCTION, BIDDING,  
OR PERMIT PURPOSES.

**JOSEPH L. BOWEN, DE 1862**

DATE: 03/09/2017

 <b>ENPROTECH/HESS &amp; TODD, INC.</b> 146015 PROJECT NO. 01/08/2017 DATE	CONTRACT "A" ELEVATED STORAGE IMPROVEMENTS TWDB EDAP PROGRAM BRADY, MCCULLOCH COUNTY, TEXAS	11/18 ORDERED BY	11/18 CHECKED BY
		11/18 ORDERED BY	11/18 CHECKED BY