



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

#### MISSION

The City of Brady strives to share its history and encourage the development of diverse housing, employment, infrastructure, and opportunity through transparent management and financing for all residents and employees.

## CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING NOVEMBER 7, 2017 AT 6:00 PM

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 6:00pm on November 7, 2017, at the City of Brady Municipal Court Building, located at 207 S. Elm Street, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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

### 2. INVOCATION & PLEDGE OF ALLEGIANCE

### 3. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda

*Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.*

### 4. CONSENT AGENDA: Reserved for routine items

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

- A. Approval of Audit Board for November 7, 2017.
- B. Approval of Minutes for Regular and Work Session Meetings Oct 17, 2017.
- C. Approval of Brady Project Graduation's 1<sup>st</sup> Turkey Trot Walk/5K Run Route on City Streets.

### 5. PRESENTATIONS:

- A. Waste Water Treatment Plant (WWTP) Replacement / Clean Water Texas Water Development Board Project Update by Freese and Nichols, Inc Engineers (30% plan review and financing), Steven Miller, Project Manager and Lisa Remini, Director of Finance
- B. Brady Economic Development Corporation Three-Year Strategic Plan by Peter Lamont, Director
- C. Introduce new Assistant Fire Chief/EMS Director Lloyd Perrins

### 6. PUBLIC HEARINGS:

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## 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 **second reading of Ordinance 1238** of the City of Brady, Texas, to amend FY 2018 Budget transferring unfinished FY2017 projects to FY2018 Budget, and adding new requests.
- B. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1237** to amend Article 2 of the City of Brady Municipal Code of Ordinances to establish fencing requirements and to clarify rules (Not including Article 2.400 Keeping Livestock and Exotic Animals).
- C. Discussion, consideration, and possible action regarding **Demolition Order 2018-15** in accordance with the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structure(s) at 1308 North College Street in the Crothers Subdivision, Block 31, Lot 5 (Published 10-5-17 / Public Hearing Held 10-17-17).
- D. Discussion, consideration, and possible action regarding **Demolition Order 2016-10** in accordance with the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structure(s) at 502 West 2<sup>nd</sup> Street in the Luhr Subdivision, Block 97, Lot 3, Brady, Texas (Published 7-3-17 / Public Hearing Held 7-18-17).
- E. Discussion, consideration, and possible action regarding acceptance of the McCulloch County/Brady Chamber of Commerce Annual Tourism Report, as required by Resolution 2014-030 and contract agreement.
- F. Discussion, consideration, and possible action regarding **Resolution 2017-036** renaming Stanburn Neighborhood Park in compliance with the City of Brady Parks and Recreational Facilities Naming Policy, to Lt. Daniel R. Conway Park, adopted by Fairmount Santrol, and accepting \$50,000 donation to replace playground equipment, as well as plans to renovate the other park facilities and plant new trees.
- G. Discussion, consideration, and possible action regarding 10-17-2017 Public Comments from Michael Whitworth, 1300 Block of Peach Street, McCulloch County resident concerning drainage easement/fence permit/replat proposal at 1110 W 11<sup>th</sup> Street; animal control complaint at Joe Sanchez, 700 South Elm Street; temporary utility connection policies for contractors; and process of general enforcement of existing ordinances.
- H. Discussion, consideration and possible action regarding **Resolution 2017-037** for Voting for McCulloch County Appraisal District Board of Directors Members.
- I. Discussion and summary of City Council action and if procedures and process worked.

## 8. STAFF REPORTS

### A. Upcoming Special Events/Meetings:

Hunter Dumpsters now available at Service Center, North Bridge Street sponsored by the Chamber  
November 18 – Livestock Judging Contest – GRW Complex  
November 18 – Hunter's Appreciation Dinner – Ed Davenport Civic Center  
November 22 – Light up the Historic Downtown Square for the Holidays  
November 28 – BISD Facility Needs Assessment

### B. Upcoming City Calendar:

Nov 7 – 10 – Texas Downtown Association Conference – McKinney  
Nov 9 & 10 – International Council of Shopping Centers TX Conference – Dallas  
Wed, Nov 8 & 9 – Trash Schedule for Thurs service has a Wed Pick-up and Fri Service to Thurs pick-up  
November 10 – City Offices Closed – Veteran's Holiday  
November 16 – Annual City-wide Employee Thanksgiving Lunch – Service Center  
November 16 – 12noon BEDC  
November 16 - 5pm GRW Steering Committee  
November 21- 4pm Joint Charter Commission / Council Work Session on proposed Charter Changes  
Wed, Nov 22 – Holiday Trash Schedule for Thursday and Friday trash service, pick-up Wednesday  
November 23 & 24 – City Offices Closed

## 9. ANNOUNCEMENTS

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

## 10. EXECUTIVE SESSION

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

- A. Pursuant to Section 551.071 (Consultation with City Attorney), the City Council will conduct a private consultation with the City Attorney to seek advice regarding the TCEQ Case and the Old Hospital.
- B. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person.
- C. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Manager Lenoir and City Attorney duties under the City Charter.

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

## 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 on Tuesday, October 17, 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 Jim Griffin, Shelly Perkins, Jane Huffman and Rey Garza. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Finance Director Lisa Remini, Police Chief Steve Thomas, Animal Control Officer Chantal Solis, and City Secretary Tina Keys. Also in attendance were Sydnie Rankin, Joan McBride and Ruthie Garcia, representing 4-H.

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

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

2. Review and discuss proposed animal control ordinance changes as directed by City Council on October 3 to address Article 2.400 Keeping Livestock and Exotic Animals in a separate ordinance.

2.403 – Council Member Huffman asked how many properties have less than an acre with at least one horse. Animal Control Officer Solis would find out. Council wants to make sure that consideration is given to 4-H / FFA Animals. Staff will bring back changes discussed to the December work session.

3. Review and discuss proposed sign ordinance (pages 1 to 10 only) – this item was not discussed.

4. Review and discuss FY18 Budget Amendments – Lisa Remini briefly reviewed.

5. Discuss name change, donations and proposed playground for Stanburn Neighborhood Park – Council would like to talk to Fairmount about naming park “Conway Park – adopted by Fairmount Santrol”.

6. Discuss paved parking requirements for commercial / industrial zoning. Peter Lamont presented. Council discussed applying fines or charges for sand/gravel removal on city streets when parking lots are not paved. Staff will review city attorney and consider options for council to discuss further.

7. Discuss items not yet addressed in the 2013 Comprehensive Plan – this item was not discussed.

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

4pm – Nov 21 – Charter Commission Joint Work Session to review and discuss proposals for May election.

**9. ANNOUNCEMENTS**

There were no announcements.

**10. ADJOURNMENT**

There being no further business, the Mayor adjourned the meeting at 5:34 pm.

\_\_\_\_\_  
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, October 17, 2017 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Jim Griffin, Rey Garza, Shelly Perkins, and Jane Huffman. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Finance Director Lisa Remini, Police Chief Steve Thomas, ACO Chantel Solis, Code Enforcement Officer Kim Davee, and City Secretary Tina Keys. Also in attendance were Dub Smith, Carl and Jeanette Tacker, Harold Tacker, Heather Jo Ashton, Michael Whitworth, Carolyn Merren, Rozanne Wilting, Brian Crabb, James Stewart, Annita Ellison, and Joan McBride.

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

Mayor Groves called the meeting to order at 6:05 p.m. Council quorum was certified.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**3. PUBLIC COMMENTS**

Michael Whitworth, 1300 Block of Peach Street, McCulloch County resident gave examples of what he saw as ordinance violations that the city staff/council was not enforcing from a drainage easement/fence permit at 1110 W 11<sup>th</sup> Street; animal control complaint made last week; to unnecessary requirements for temporary utility connections for contractors. He was frustrated that the city writes new ordinances when not enforcing existing ordinances. Carolyn Merren choose not to speak at this time, since livestock was not on the agenda.

**4. CONSENT AGENDA**

- A. Approval of Audit Board for October 17, 2017.
- B. Approval of Minutes for Regular Meeting October 3, 2017.
- C. Approval of Resolution 2017-030R to apply for a grant for Rifle-Resistant Body Armor to the Office of the Governor.

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

**5. PRESENTATIONS**

There were no presentations

**6. PUBLIC HEARINGS:**

- A. A Public Hearing regarding demolition and abatement of a structure located at 706 S. Plum Street in the Luhr Subdivision, Block 48, Lot 4. (Published 10/5/17). Peter Lamont presented. Public Hearing was opened at 6:31 p.m. There were no public comments. Closed Public Hearing at 6:32 p.m.

Council Member Rey Garza left the meeting at 6:31 p.m. for a previous engagement.

- A.1. Discussion, consideration, and possible action regarding **Demolition Order 2018-14** in accordance with the Code of Ordinances Section 3.207 to authorize the demolition of dilapidated structure(s) at 706

S. Plum Street in the Luhr Subdivision, Block 48, Lot 4. Council Member Griffin moved to issue Demolition Order 2018-14. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.

B. A Public Hearing regarding demolition and abatement of a structure located at 1308 N. College Street in the Crothers Subdivision, Block 31, Lot 5 (Published 10/5/17). Public hearing was opened at 6:33 p.m. Peter Lamont presented. Joan McBride said property has been in family since 1921 and would like to know what Council wants her to do so the house can remain. The house is owned by her son who lives in Fort Worth. It has not had utilities since 1998 and is used for storage. Public Hearing was closed at 6:36 p.m.

B.1. Discussion, consideration, and possible action regarding **Demolition Order 2018-15** in accordance with the Code of Ordinances Section 3.207 to authorize the demolition of dilapidated structure(s) at 1308 N. College Street in the Crothers Subdivision, Block 31, Lot 5. Peter Lamont presented and said he would meet with Mrs. McBride at the property to discuss. Mayor Groves recommended not acting on this item at this time. No action was taken.

C. A Public Hearing regarding demolition and abatement of a structure located at 201 W. 6<sup>th</sup> Street in the Luhr Subdivision, Block 147, Lot 2. Public Hearing was opened at 6:40 p.m. Peter Lamont presented. There were no public comments. Public Hearing was closed at 6:41 p.m.

C.1. Discussion, consideration, and possible action regarding **Demolition Order 2018-16** in accordance with the Code of Ordinances Section 3.207 to authorize the demolition of dilapidated structure(s) at 201 W. 6<sup>th</sup> Street in the Luhr Subdivision, Block 147, Lot 2. Council Member Griffin moved to approve issuing Demolition Order 2018-16. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.

D. A Public Hearing regarding demolition and abatement of a structure located at 300 S. Hackberry Street in the Luhr Subdivision, Block 13, Lot 2. (Published 10/5/17). Public Hearing was opened at 6:44 p.m. Peter Lamont presented. There were no public comments. Closed Public Hearing at 6:45 p.m.

D.1. Discussion, consideration and possible action regarding **Demolition Order 2018-17** in accordance with the Code of Ordinances Section 3.207 to authorize the demolition of dilapidated structures(s) at 300 S. Hackberry Street in the Luhr Subdivision, Block 13, Lot 2. Council Member Huffman moved to approve issuing Demolition Order 2018-17. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.

## 7. INDIVIDUAL CONCERNS

A. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1236** of the City of Brady, Texas, to amend FY 2018 Budget transferring the fund balance reserves of the Sewer Fund and separating the Wastewater Treatment Plant and Special Projects-CW Budgets from the Electric-Sewer Fund and adding to the new Water-Sewer Fund. Lisa Remini presented. Council Member Jim Griffin moved to approve the second and final reading of Ordinance 1236. Seconded by Council Member Jane Huffman. All Council Members, voted “aye” and none voted “nay”. Motion carried in a 4 - 0 vote. (Item was addressed before Public Comments so four council members would be present, as required by Charter).

B. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1237** to amend Article 2 of the City of Brady Municipal Code of Ordinances to establish fencing requirements and to clarify rules (Not including Article 2.400 Keeping Livestock and Exotic Animals. Kim Lenoir Presented. Council member Huffman moved to approve the **second and final reading of Ordinance 1237**. There was no second. Motion failed for lack of a second.

- C. Discussion, consideration and possible action regarding **first reading of Ordinance 1238** of the City of Brady, Texas, to amend FY 2018 Budget transferring unfinished FY2017 projects to the FY2018 budget. Lisa Remini presented. Council Member Perkins moved to approve the first reading of Ordinance 1237. Seconded by Council Member Griffin. All Council Members voted “aye” and none “nay”. Motion carried in a 4 – 0 vote. (Item was addressed before Public Comments so four council members would be present, as required by Charter).
- D. Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at **1210 S. Elm per Demolition Order 2016-09**. Council Member Perkins is frustrated that the City is having to pay \$4050.00 to abate the property when the owner is a local resident (Joe and Lillie Sanchez) and should do it themselves. Council Member Perkins moved to authorize the abatement of **1210 S. Elm Street**. Seconded by Council Member Griffin. Motion carried in a 3 – 0 vote.
- E. Discussion, consideration and possible action to authorize the abatement of dilapidated structures at **903 S. Pine per Demolition Order 2016-11**. Council Member Griffin moved to approve the abatement of 903 S. Pine. Seconded by Council Member Huffman. Motion carried in a 3 – 0 vote.
- F. Discussion, consideration, and possible action to authorize the abatement of dilapidated structures at **907 N. Davidson per Demolition Order 2016-12**. Council Member Perkins moved to approve the abatement of 907 S. Davidson. Seconded by Council Member Huffman. Motion carried in a 3 – 0 vote.
- G. Discussion, consideration, and possible action to authorize the abatement of dilapidated structure at **221 Melvin Street per Demolition Order 2016-12**. Council Member Griffin moved to approve the abatement of 221 Melvin Street. Seconded by Council Member Perkins. Motion carried in a 3 – 0 vote.
- H. Discussion, consideration and possible action regarding **Resolution 2017-035** authorizing the mayor to sign a letter of support for the McCulloch County Application for the Concho Valley Workforce Development Board’s (CVWDB) Work Ready Communities Initiative (recommended by BEDC 5-30-17). Peter Lamont presented. Council Member Perkins moved to approve Resolution 2017-035. Seconded by Council Member Griffin. All Council Members voted “aye” and none “nay”. Motion carried in a 3 – 0 vote.
- I. Discussion, consideration and possible action regarding **2017 Annual Comprehensive Plan / Community Improvement Plan (CIP) Status Report** of all current projects as required by the City Charter Art. 5, Sec 4, and publish in the newspaper (recommended by P&Z 10-10-17). Council Member Perkins noted several corrections to the report and then moved to approve the plan as amended. Seconded by Council Member Griffin. Motion carried in a 3 – 0 vote.
- J. There was no discussion regarding City Council procedures and process.

Council took a brief recess and resumed at 8:01pm.



## 8. STAFF REPORTS

- A. September Monthly Financial and Utility Reports by Finance Director Lisa Remini.
- B. September Monthly Activity Reports – Seniors, Golf, BPD, Animal Control, Tourism Funding, Airport, Code Enforcement, and Chronic Code Complaints & Structures Inhabited without Utilities
- C. Upcoming Special Events/Meetings:
  - October – Breast Cancer Awareness Month – “Fired Up to Save Lives”
  - October 17 – 2pm Butterfly Garden Tour celebrating National Native Plant Week, Central Texas Master Gardeners Association at EO Martin Park - Nature Trail.
  - October 18 – 12 noon Good News Luncheon by Chamber of Commerce, HOT Event Center
  - October 28-29 – Hogtoberfest – GRW Complex
  - November 18 – Livestock Judging Contest – GRW Complex
  - November 18 – Hunter’s Appreciation Dinner – Civic Center
- D. Upcoming City Calendar:
  - October 18 – 8:30am Monthly Municipal Court
  - October 25 – 24<sup>th</sup> Annual Texas Midwest Conference – Abilene (9am to 2:30pm)
  - October 26 – 5:30pm Charter Review Commission
  - November 7- WWTP Update (Clean Water Project) by Freese and Nichols Engineers
  - Wed, Nov 8 & 9 – Trash Schedule for Thurs service has a Wed Pick-up and Fri Service to Thurs pick-up
  - November 10 – City Offices Closed – Veteran’s Holiday
  - November 16 – 12noon BEDC; 5pm GRW Steering Committee
  - November 21- Joint Charter Commission / City Council Work Session on proposed Charter Changes
  - Wed, Nov 22 – Holiday Trash Schedule for Thursday and Friday trash service, pick-up Wednesday
  - November 23 & 24 – City Offices Closed

## 9. ANNOUNCEMENTS

Jim Griffin complemented the Street Department on their work on China Street

## 10. EXECUTIVE SESSION

There was no Executive Session.

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

No executive session was held.

## 12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 8:15 p.m.

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Mayor Anthony Groves

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

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	11/7/2017	<b>AGENDA ITEM</b>	4.C.
<b>AGENDA SUBJECT:</b>	Approval of Brady Project Graduation 1 <sup>st</sup> Turkey Trot Walk/5K Run		
<b>PREPARED BY:</b>	Tina Keys	<b>Date Submitted:</b>	10/31/2017
<b>EXHIBITS:</b>	Letter from Tony Bucholz, Treasurer, Project Graduation		
<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>	Letter Map		

<b>SUMMARY:</b>	<p>Tony &amp; Marisol Bucholz have requested use of City streets and Richards Park to hold a Turkey Trot walk/5K run to be held on November 18, 2017 benefiting Project Graduation.</p>
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<b>RECOMMENDED ACTION:</b>	<p>Approve use of City of Brady Streets &amp; Richards Park</p>
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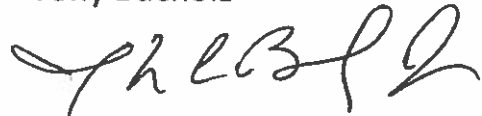
To whom it may concern,

27 October, 2017

My name is Tony Bucholz, treasurer for the McCulloch County Brady High School project graduation. The main objectives of project graduation is to provide the graduating students of 2018 a safe, drug and alcohol free environment to celebrate their accomplishment. This year project graduation will be held locally instead of traveling out of town. During the year the committee tries to raise as much money as possible to provide this experience. One of our events is the 1<sup>st</sup> annual Turkey Trot walk/run 5K. This event will be held on November 18<sup>th</sup>, 2018 at 0800 beginning at the soccer fields and ending no later than 1100am. This event is one of many that the committee and the parents of project graduation have planned for this school year. We appreciate the opportunity to have the support of the city and the local community to allow us to provide this event to our kids. Please feel free to contact me at your convenience if there is any questions or concerns.

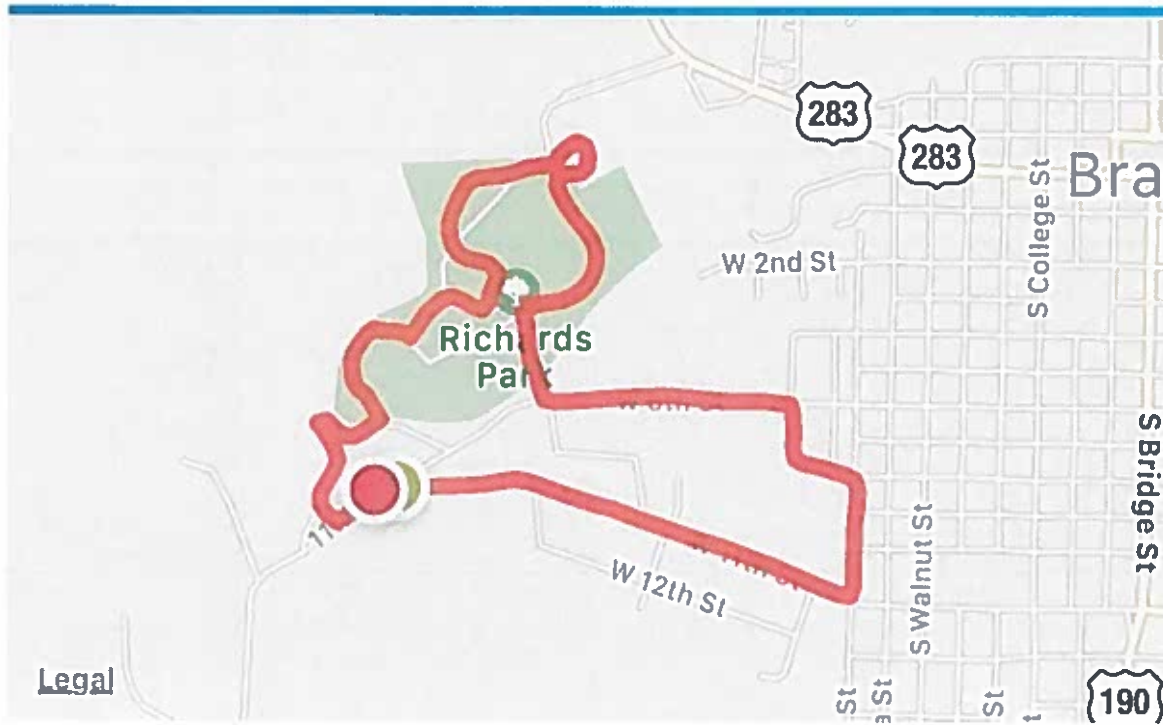
Very Respectfully,

Tony Bucholz

A handwritten signature in black ink, appearing to read 'Tony Bucholz', written in a cursive style.

Treasurer, Project Graduation

325-792-6502



Tentative route pending council approval




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**AGENDA**



1. Previous Phase Review
2. Phase II Design Updates
3. Phase II Cost Estimate Updates
4. Funding Options
5. Schedule/Path Forward
6. Questions



**FRESE NICHOLS**

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**PREVIOUS PHASE REVIEW**

- Phase I (Planning) – 2015 & 2016
 

Sewer System Improvements  
TM

Engineering Feasibility Report

Interim Solids Handling  
TM

Interim Solids Handling Final Design

✓ Postponed

✓ Credit to City

J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
2015												2016											

- Developed Phase II Design Contracts

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### PREVIOUS PHASE REVIEW

**Phase II (Preliminary Design, Permitting, Environmental)**



- Surveying Services
- Geotechnical Soil Drilling and Sampling
- TPDES Permit Application
- Environmental Assessment (TWDB)
- 30% Design Documents

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### PREVIOUS PHASE REVIEW

- **Presentation to Council July 5, 2016**
- 1.1 MGD WWTP Replacement Project
 

Probable Construction Cost	\$ 14,500,000.00
Gravity Sewer Trunk Line at WWTP	\$ 1,100,000.00
Construction Phase Services	\$ 920,000
Financial, Legal, Admin, Application, and Contingency	\$ 855,200
<b>Total Preliminary Estimated Cost</b>	<b>\$ 17,435,200.00</b>

**Cost Out of City's Budget**

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### PREVIOUS PHASE REVIEW

- **Sensitivity Analysis**
  - Submitted Fall 2016
- Decision to reduce plant flow to 0.6 MGD
  - 0.95 MGD Ultimate Capacity
- Produced planning level cost estimates
 

<b>Construction Cost Estimated at ≈ \$6.3 million</b>	
2015 Hutto South WWTP (2.0 MGD)	≈ \$7.75/gallon
2013 Aledo WWTP Expansion (0.6 MGD)	≈ \$10.67/gallon
2015 Bulverde WWTP (0.5 MGD)	≈ \$6.50/gallon
<b>Brady Estimated at \$10.50/gallon</b>	




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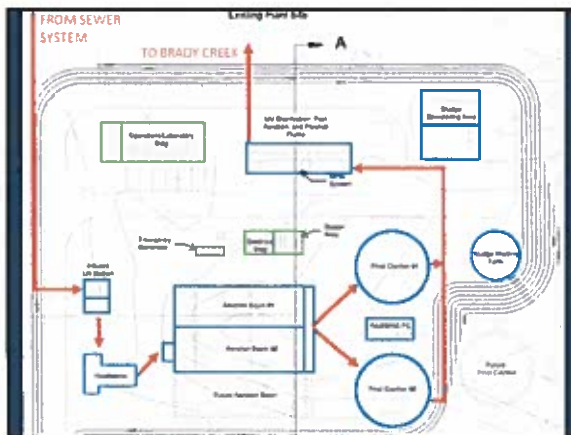
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## PHASE II DESIGN UPDATES

### Phase II Progress

- Project Notice to Proceed – October 2016
- 30% Design Effort
  - Technology Transfer Workshop – December 2016
  - Submitted Draft 30% Design Documents – May 2017
- Submitted Draft Environmental Assessment – May 2017
- ✓ Initial Clearance Received – October 2017
- Submitted TPDES Permit Application – July 2017



## PHASE II DESIGN COST UPDATES

- |                                    |   |
|------------------------------------|---|
| FNI 30% Estimate                   | <ul style="list-style-type: none"> <li>▪ 30% detailed estimate produced by FNI</li> <li>▪ Estimate was above planning level estimate</li> </ul>       |
| ↓                                  |   |
| MGC 3 <sup>rd</sup> Party Estimate | <ul style="list-style-type: none"> <li>▪ Solicited services of experienced estimator</li> <li>▪ Selected MGC Contractors on qualifications</li> </ul> |
| ↓                                  |   |
| Value Engineering (VE)             | <ul style="list-style-type: none"> <li>▪ Worked with MGC to develop VE options</li> </ul>   |



## PHASE II DESIGN COST UPDATES

- FNI Estimate - \$13.2 million
- 3<sup>rd</sup> Party Estimate (MGC Contractors) - \$13.05 million
- Cost Increase Factors
  - ❖ Market Conditions
  - ❖ Location and Labor
  - ❖ Vendor Demands
  - ❖ Site Fill (Floodplain)
  - ❖ Grit Removal
  - ❖ Solids Handling




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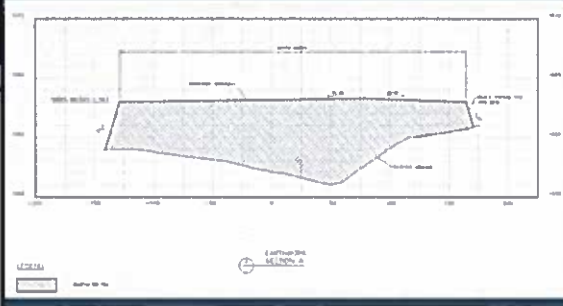
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## PHASE II DESIGN COST UPDATES

- Site Fill Exhibit




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## PHASE II DESIGN COST UPDATES

- Budget Review Meeting – August 8, 2017
- Reviewed VE options with MGC and City
- Incorporated VE measures, examples:
  - ✓ Buildings
  - ✓ Plant Roads
  - ✓ Material Selection
- Construction Cost Estimate after Review Meeting - **\$12.8 million**
- Total Loan Request - **\$14.705 million**
  - Construction inspection, financial advisor, bond counsel, contingency, etc.




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## FUNDING OPTIONS



- Clean Water State Revolving Fund
- 2018 Funding Cycle
  - Submitted Project Information Form
    - March 2017
  - TWDB Released Project Rankings
    - July 2017 (next slide)



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## FUNDING OPTIONS

2018 Project Ranking -- Draft July 2017

Rank	Points	City	Cost	% Eligible	Last Year?	% Disadvantage
1	123	Clisco - WWTP Rehab.	\$5,839,000	70%	Yes (2,129)	\$4,087,300
2	114	Kerr County - Septic system issues	\$23,486,540	70%	No	\$16,440,578
4	91	Vinton - On-site sewage facilities	\$22,805,000	70%	Yes (7,91)	\$15,963,500
8	87	Alamo - New 2.5 MGD WWTP	\$11,250,000	30%	Yes (27,61)	\$3,375,000
10	83	Comanche - Sewer line replacement	\$425,000	30%	Yes (39,50)	\$127,500
		<b>Loan Forgiveness Available</b>	<b>\$13,634,600</b>		<b>Total</b>	<b>\$39,993,878</b>
12	80	Brady - WWTP Replacement	\$9,000,000	50%	Yes (42,46)	\$4,500,000

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## FUNDING OPTIONS

- 2019 TWDB Loan Cycle
  - -Kerr County
  - -Vinton
- Economic Development Administration (EDA) Grant

**Funding Timeline**



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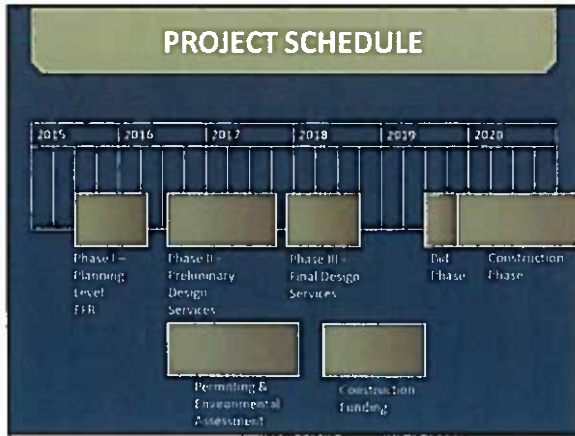
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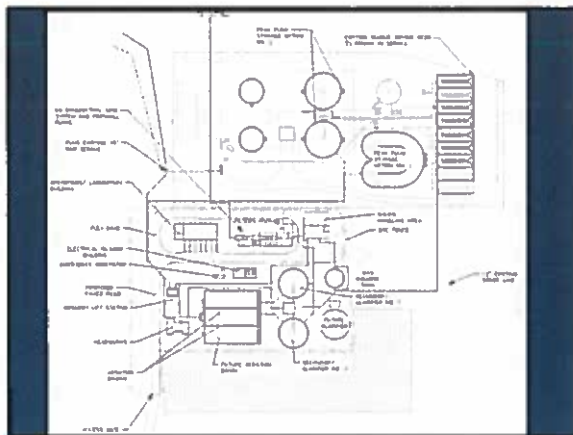
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## SUMMARIZED CONSTRUCTION COST

ITEM	DESCRIPTION	TOTAL
1.0	On-Site Influent Lift Station	\$449,000
2.0	Headworks (Screening and Grit Removal)	\$1,055,000
3.0	Aeration Basins	\$1,931,000
4.0	Secondary Clarifier	\$2,320,000
5.0	UV Disinfection and Effluent Structure	\$757,000
6.0	Sludge Handling	\$1,533,000
7.0	Operations/Laboratory Building	\$430,000
8.0	Blower Canopy & Electrical Building	\$450,000
9.0	Yard Piping and Miscellaneous	\$356,000
10.0	Storm Water, Civil/Site Work, and Roadway	\$279,000
11.0	Electrical	\$408,000
	SUBTOTAL	\$8,968,000
	OH & P, MOBILIZATION, CONTINGENCY, INFLATION	\$2,750,000
	PROJECT TOTAL	\$12,718,000

Uses	Total TWDB Cost
<b>Construction</b>	
Construction	\$13,000,000
<b>Basic Engineering Fees</b>	
Construction Engineering	\$250,000
<b>Special Services</b>	
Application	\$20,000
Environmental	\$2,000
Testing	\$200,000
Permits	\$5,000
Inspection	\$450,000
O&M Manual	\$75,000
<b>Other</b>	
Administration	\$27,000
Project Legal Expenses	\$10,000
<b>Fiscal Services</b>	
Financial Advisor	\$57,000
Bond Counsel	\$37,500
Insurance Cost	\$2,500
Fiscal/Legal	\$9,500
Loan Origination Fee	\$260,000
<b>Contingency</b>	
Contingency	\$300,000
<b>TOTAL COSTS</b>	<b>\$14,795,500</b>

Prior to Value Engineering Meeting			
Proposed VE Item	Potential Savings	Incorporated?	Total Savings
Combine RAS/WAS Pumps	\$ 45,000	Yes	\$ 45,000
Use only specific plant structures		No	\$ -
Reduce Paved Roadway Area	\$ -	Yes	\$ -
Painted Steel Clarifiers	\$ 10,000	No	\$ -
Reduce number of mixers in sludge holding tank	\$ 35,675	Yes	\$ 35,675
Reduce height of sludge dewatering equipment	\$ 10,000	Yes	\$ 10,000
Delete Influent flow meter	\$ 10,000	No	\$ -
Remove baffle walls for aeration basins	\$ 50,000	Yes	\$ 50,000
Remove walkway from south side of aeration basin	\$ 12,000	Yes	\$ 12,000
<b>Total \$</b>	<b>1,247,675</b>		<b>\$ 1,227,675</b>

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Value Engineering Items 1 of 2			
Proposed VE Item	Potential Savings	Incorporated?	Actual Savings
Convert Aeration Basins to Carroussels	\$ 230,000	No	\$ -
<b>Buildings</b>			
Simplify Operations/Laboratory Building	\$ 255,000	Partly	\$ 50,000
Modify electrical building to precast	\$ 10,000	Yes	\$ 10,000
<b>Overall Site</b>			
Remove "dead space" from site to reduce overall fill and site piping	\$ 50,000	Yes	\$ 50,000
Eliminate plant access road completely	\$ 115,000	Yes	\$ 115,000
<b>Total \$</b>	<b>660,000</b>		<b>\$ 225,000</b>

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Value Engineering Items 2 of 2			
Proposed VE Item	Potential Savings	Incorporated?	Actual Savings
Remove baffle wall from ILS	\$ 5,000	Yes	\$ 5,000
Eliminate peak flow storage	\$ 200,000	Yes	\$ 200,000
Remove grit removal system	\$ 500,000	No	\$ -
Remove grout from bottom of clarifier	\$ 80,000	Yes	\$ 80,000
Convert UV to chlorine gas	\$ 120,000	No	\$ -
Reduce size of sludge holding tank	\$ 37,000	No	\$ -
Simplify Influent lift station pumping (3 pumps)	\$ 22,000	No	\$ -
Provide galvanized metal components	\$ 50,000	Yes	\$ 50,000
Flex base everywhere besides solids handling drive	-	No	\$ -
Simplify plant drains at aeration basins and clarifiers	\$ 15,000	Yes	\$ 15,000
Simplify SCADA system	\$ 92,000	Yes	\$ 92,000
<b>Total \$</b>	<b>1,121,000</b>		<b>\$ 442,000</b>

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

<b>AGENDA DATE:</b>	11-7-2017	<b>AGENDA ITEM</b>	7. A.
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>second reading of Ordinance 1238</b> of the City of Brady, Texas, to amend FY 2018 Budget transferring unfinished FY2017 projects to FY2018 Budget, and adding new requests.		
<b>PREPARED BY:</b>	Lisa Remini	<b>Date Submitted:</b>	10-18-2017
<b>EXHIBITS:</b>	Ordinance #1238 Amendment Summary		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$1,970,914.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$1,970,914.00	
<b>CITY MANAGER APPROVAL:</b>			

**SUMMARY:**

Staff is requesting to carry over projects that were approved and started in the FY 17 Budget period, but due to delays in product delivery and timing to coordinate with various agencies and professionals, these projects could not be fully completed in the FY 17 time period.

Additionally, staff has six (6) new requests:

1. Rebuilding golf cart sheds with insurance proceeds.
2. Purchase bullet proof vests with grant funding
3. Purchase a voice over internet phone system for the Police Station with excess fund balance from unfilled personnel positions
4. Provide funding assistance for the CVGOG Transit system
5. Develop tourism signs with hotel/ motel funds
6. Purchase additional Christmas lights with sale of scrap proceeds acquired October 10, 2017

The need for these expense items materialized after the budgeting work sessions. Staff requests to include these projects in the FY 18 budget at this time.

**RECOMMENDED ACTION:**

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

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

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

**Mayor calls for a motion:**

Move to approve the **second and final** reading of Ordinance 1238.

**ORDINANCE NO. 1238**

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE FISCAL YEAR 2018 BUDGET TRANSFERRING UNFINISHED FY2017 PROJECTS TO FY2018 BUDGET, AND ADDING NEW REQUESTS FOR MUNICIPAL PURPOSES**

An ordinance amending 2018 Fiscal Year Budget to include projects that were approved and started in the FY 17 Budget period, but due to delays in product delivery and timing to coordinate with various agencies and professionals, these projects could not be fully completed in FY 2017:

And providing for new requests including:

1. Rebuilding golf cart sheds with insurance proceeds
2. Purchase bullet proof vests with grant funding
3. Purchase a voice over internet phone system for the Police Station with excess fund balance from unfilled personnel positions
4. Provide funding assistance for the CVCOG Transit System
5. Develop tourism signs with hotel/motel funds
6. Purchase additional Christmas lights with the sale of scrap proceeds acquired 10/10/17

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY TEXAS** that the FY 2018 budget be amended accordingly for municipal purposes.

**APPROVED UPON FIRST READING THIS THE 17th day of October 2017.**

**APPROVED AND PASSED UPON SECOND READING THIS THE 7<sup>th</sup> day of November 2017.**

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

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



CITY OF BRADY  
FY 18 PROPOSED BUDGET AMENDMENTS (2)  
11/7/2017




DIVISION	ACCOUNT DESCRIPTION	AMOUNT	REASON FOR AMENDMENT
<b>GENERAL FUND</b>			
<b>REVENUES</b>			
Police	Grants	\$ 7,500	Grant from Office of the Governor
Police	Grants	\$ 5,060	Grant from Office of the Governor
	<b>TOTAL</b>	<b>\$ 12,560</b>	
<b>EXPENDITURES</b>			
Golf	Capital Projects	\$ 21,000	NEW REQUEST - City received \$21,000 from TML insurance to rebuild burned cart sheds
Fire	Capital Equipment	\$ 289,416	Carry-over budgeted expense to purchase fire truck
Police	Computer Software	\$ 7,500	Carry-over budgeted expense to purchase software that will comply with NIBRS (grant)
Police	Uniforms	\$ 5,060	NEW REQUEST - to purchase bullet-proof vests (grant)
Police	Communications	\$ 8,500	NEW REQUEST - purchase a phone system
Streets	Capital Equipment	\$ 36,445	Carry-over budgeted expense to purchase truck
Civic Center	General	\$ 9,890	Carry-over budgeted expense to purchase stage, steps and outlets and kitchen tables
Community Supt	Transit System	\$ 14,250	NEW REQUEST - to provide financial assistance to for the County Transit System
Animal Control	Rentals	\$ (40,000)	Reallocate budget to Capital Projects
Animal Control	Capital Projects	\$ 70,000	Carry-over \$30,000 plus \$40,000 from Rentals to construct a basic shelter
Administration	Transfers out to Sp Revenue	\$ 50,000	Transfer donated funds to support Stanburn Park improvements
	<b>TOTAL</b>	<b>\$ 472,061</b>	
<b>SPECIAL REVENUE FUND</b>			
<b>REVENUES</b>			
Comm Dev	TXDOT Grant - AWOS	\$ 150,000	Carry-over grant funds not earned yet.
Comm Dev	TWP Grant - Boat Ramp	\$ 16,560	Carry-over grant funds not earned yet.
Comm Dev	TPW Grant - Richards Park	\$ 35,000	Carry-over grant funds not earned yet.
Comm Dev	TPW - W Washington Park	\$ 3,530	Carry-over grant funds not earned yet.
Comm Dev	Transfers in- General Fund	\$ 50,000	Donated funds for Stanburn Park
	<b>TOTAL</b>	<b>\$ 255,090</b>	
<b>EXPENDITURES</b>			
Pass-Thru	Qualified Projects	\$ 45,000	NEW REQUEST - to develop tourism signs
Comm Dev	TXDOT Grant - AWOS	\$ 200,000	Carry-over budgeted cost for study not completed.
Comm Dev	TWP Grant - Boat Ramp	\$ 21,850	Carry-over budgeted cost for study not completed.
Comm Dev	TPW Grant - Richards Park	\$ 70,000	Carry-over budgeted cost for work not completed.
Comm Dev	TPW - W Washington Park	\$ 7,060	Carry-over budgeted cost for work not completed.
Comm Dev	Stanburn Park	\$ 50,000	NEW REQUEST - to meet donation request
	<b>TOTAL</b>	<b>\$ 393,910</b>	

**FY 18 PROPOSED BUDGET AMENDMENTS (2) 10-17-2017**

<b>DIVISION</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT</b>	<b>REASON FOR AMENDMENT</b>
<b>ELECTRIC FUND</b>			
<b>REVENUES</b>			
Electric	Sale of Scrap	\$ 8,400	Sold old copper wire October 10, 2017
Electric	Reimbursed Expenses	\$ 18,000	TXDOT 377N job
	<b>TOTAL</b>	<b>\$ 26,400</b>	
<b>EXPENDITURES</b>			
Power Plant	Professional Fees	\$ 10,000	Carry-over budgeted expense for geoservices.
Power Plant	Clean-up costs	\$ 25,000	Carry-over budgeted expense for closure.
Electric	Professional Fees	\$ 5,000	Carry-over budgeted expense for DG ordinance
Electric	Transformers	\$ 26,200	Carry-over budgeted expense for ordered items for Premier Silica and TXDOT 377N jobs
Electric	General	\$ 3,000	Carry-over budgeted expense for TXDOT 377N job
Electric	Meters	\$ 2,000	Carry-over budgeted expense for ordered meters
Electric	Small Equipment	\$ 1,500	Carry-over budgeted expense for ordered tools
Electric	Christmas Decorations	\$ 8,400	NEW REQUEST- for additional lights on square
Electric	Transfers out to Wat/Sew	\$ 211,000	To transfer FY 17 Sewer funds to new Water/Sewer Fund
	<b>TOTAL</b>	<b>\$ 292,100</b>	
<b>WATER / SEWER FUND</b>			
<b>REVENUES</b>			
Sewer	Transfers in from Electric	\$ 211,000	To transfer FY 17 Sewer funds to new Water/Sewer Fund
	<b>TOTAL</b>	<b>\$ 211,000</b>	
<b>EXPENDITURES</b>			
Sewer	Capital Projects	\$ 150,000	Carry-over budgeted expense for Sludge pump work
LT-Cap Proj-CW	TWDB CW#73638-CO 2012	\$ 74,988	Carry-over funds not spent in FY 17
LT-Cap Proj-CW	TWDB CW#73638-LF 2012	\$ 18,249	Carry-over funds not spent in FY 17
Water	Capital Projects	\$ 14,165	Carry-over budgeted expense for sewer line at LEC complex
LT-Cap Proj- DW	TWDB DW#62545-EDAP 2015	\$ 342,077	Carry-over funds not spent in FY 17
	<b>TOTAL</b>	<b>\$ 599,479</b>	
<b>FUNDS</b>			
<b>EXPENDITURES</b>			
GAS	Capital Projects	<b>\$ 173,400</b>	Carry-over budgeted Lynn Gavit line rebuild project
SOLID WASTE	Agency Fees	<b>\$ 29,000</b>	Carry-over budgeted cost for TCEQ fine
EDC	Comm Dev- Lake Fish House	<b>\$ 10,964</b>	Carry-over budgeted cost to complete fish house



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

<b>AGENDA DATE:</b>	11/7/2017	<b>AGENDA ITEM</b>	7.B.
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>second and final reading of Ordinance 1237</b> to amend Article 2 of the City of Brady Municipal Code of Ordinances to establish fencing requirements and to clarify rules (Not including Article 2.400 Keeping Livestock and Exotic Animals).		
<b>PREPARED BY:</b>	K Lenoir	<b>Date Submitted:</b>	10/26/2017
<b>EXHIBITS:</b>	Ordinance 1237 Exhibit A – all sections except 2.400		
<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 August 27, Council Member Garza requested a change in the Animal Control Ordinance to restrict livestock (goats, sheep, horses) from the city limits. He had received numerous complaints from citizens about odors, flies and maintenance of the grounds. The City Council discussed concerns with the Animal Control Officer and directed staff to bring a revised ordinance for City Council to consider. Staff and Council Members reviewed and discussed draft changes at a Work Session on September 19. Changes include restricting livestock, establishing fence requirement for all animals, requiring annual permits for 4-H and FFA animals kept in residential areas, and several grammar corrections.

October 3, City Council approved the first reading of Animal Control Ordinance changes (except for Article 2.400 entitled Keeping Livestock and Exotic Animals). City Council discussed Article 2.400 changes at the October 17 work session and are working on a second ordinance as needed for livestock.

At the regular council meeting on October 17, Council discussed with staff dangerous dogs, assistance animals and breeders. The second reading motion died for lack of a second. Staff will be available to discuss and answer questions. In accordance with City Charter, changes in the draft presented can be made during the first reading of the ordinance. The ordinance changes go into effect after a second reading is approved by City Council.

**RECOMMENDED ACTION:**

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

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

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

**Mayor calls for a motion:**

Move to approve the **second reading of Ordinance 1237**

**ORDINANCE 1237**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES ARTICLE 2 ANIMAL CONTROL TO ESTABLISH FENCING REQUIREMENTS AND CLARIFYING RULES;**

**WHEREAS**, in review of the Municipal Code of Ordinances, Chapter 2, Animal Control, it has become apparent that the Ordinance should more clearly define issues dealing with all animals within the City limits of the City of Brady; and

**WHEREAS**, changes to the City of Brady Municipal Code of Ordinances must be done by a new Ordinance; and

**WHEREAS**, the City Council of the City of Brady has determined that it is in the best interests of the general public and residents of Brady to approve the proposed changes to the City of Brady Animal Control Ordinance, except for Article 2.400 Keeping Livestock and Exotic Animals.

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

The City Council of the City of Brady, Texas, hereby amends Chapter 2, Animal Control of the Municipal Code of Ordinances, except for Article 2.400 Keeping Livestock and Exotic Animals; see Exhibit A as attached.

**PASSED AND APPROVED ON FIRST READING** on this 3rd day of October 2017.

**PASSED, APPROVED AND ADOPTED ON SECOND READING** on this \_\_\_\_ day of \_\_\_\_\_ 2017.

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

ATTEST:

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

## Exhibit A - CHAPTER 2 - ANIMAL CONTROL ORDINANCE

### ARTICLE 2.100 IN GENERAL

#### Sec. 2.101 Definitions

As used in this chapter the following terms mean:

4-H/FFA Animal. A 4-H/FFA animal is any animal under the control of an authorized 4-H or FFA program.

Animal. Any living creature except human beings, and including (without limiting the generality thereof) animals, birds, reptiles and fish, except the word “animal” shall mean only a mammal when referring specifically to the control of rabies.

Animal Control Authority or Animal Control Officer. The city animal control officer, or his or her designee, with authority over the city limits within which the dog, cat or animal is kept.

Animal Control Center or Center. Facility in which the division of animal and rabies control is housed.

Bite. An abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by the mouth of any animal.

Breeder. Any person licensed by the city to keep, harbor, breed and/or raise in excess of four (4) dogs or four (4) cats, six (6) months of age or older, on any premises used or zoned for residential purposes and less than two acres in area.

Collar. A band, chain, harness or other suitable device worn around the neck of an animal to which a current rabies vaccination tag can be affixed.

Current Vaccination. Vaccinated and satisfying the following:

- (1) The animal must have been at least three (3) months of age at the time of vaccination.
- (2) At least thirty (30) days have elapsed since the initial vaccination.
- (3) Not more than thirty-six months have elapsed since the most recent vaccination.

Dangerous Dog. A dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the dog enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Department. The police department of the city.

Exotic animal. An exotic animal is any animal that is not indigenous to the state of Texas. Exotic animals include the following: feral hog, Russian boar, aoudad sheep, axis deer, elk, elk hybrids, sika deer, fallow deer, red deer, and blackbuck and nilgai antelope.

Exotic fowl. An exotic fowl is any avian species not indigenous to the state of Texas. Exotic fowls include the following: ratites, emu, ostrich, rhea, and cassowary.

Exposed to Rabies. An animal has been exposed to rabies if it has been bitten by any other animal or if it has been in contact with any animal known to be, or suspected of being infected with rabies.

Euthanize. To cause death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an agent that causes painless loss of consciousness, and death following such loss of consciousness.

Including. The term including is not a term of limitation. It means "including but not limited to."

Kennel. A place where animals are bred and boarded that has been approved by the animal control officer.

License. A document issued by the officer or any other employee of the city that shows that the owner is entitled to keep an animal as required by this chapter.

Livestock. Livestock means cattle, horses, mules, asses, sheep, goats, llamas, alpacas, exotic livestock, and hogs, unless otherwise defined.

Officer. Any animal warden or animal quarantine investigator employed by the city police department.

Owner. Any person who owns, harbors, handles, keeps or causes or permits to be harbored, handled, or kept, or has in his care, an animal or bird on or about his premises.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

Pet Shelter. A facility that is approved to keep and care for animals by the animal control officer. The facility houses homeless, lost or abandoned animals: primarily a large variety of dogs and

cats. The animals are kept at the shelter until they are either reclaimed by an owner, adopted by a new owner, placed with another organization, or if necessary, euthanized.

**Secure Enclosure.** A fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the animal control officer.

**Tag.** A small identifying mark.

**Vaccination.** Inoculation of an animal with a vaccine that is licensed by the United States Department of Agriculture, and which is administered by a veterinarian for the purpose of immunizing the animal against rabies.

**Veterinarian.** A doctor of veterinary medicine who holds a valid license to practice his profession.

**Wild animal.** Any animal that is not tame or domesticated.

## **Sec. 2.102 Enforcing Officer**

(a) It shall be the duty of the animal control officer and the city police department to enforce the provisions of this chapter.

(b) It shall be the duty of the city police department to keep, or cause to be kept, accurate records pertaining to bite incidents and investigations thereof, impoundments and dispositions thereof, and any other information as deemed necessary by the city council.

## **Sec. 2.103 Noise**

If any court determines that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court, after a hearing, may order that such dog or other animal be removed permanently beyond the city corporate limits or delivered to the animal control officer. Failure or refusal to remove the animal within twenty-four (24) hours after receiving an order shall be deemed an offense. A copy of the notice of the hearing detailing the time, date, place and purpose, personally delivered or enclosed in a correctly addressed envelope to the owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of the hearing, shall be deemed sufficient and proper notice. (Ordinance 1194 approved 5-3-16).

#### **Sec. 2.104 Reward Offered**

(a) A reward is hereby offered by the city to any person who furnishes testimony or evidence leading to the conviction of any person or persons who willfully poisons or kills any animal within the city.

(b) The finance officer is directed, upon recommendation of the city manager, to pay a reward to any person who is entitled to receive it in accordance with this section.

#### **Sec. 2.105 Treatment of Animals**

An animal's owner shall keep the animal in a clean, sanitary, and healthy condition. An animal's owner shall provide for the animal:

- (1) regular and adequate amounts of nutritious food that is appropriate for the species and maintains the animal in good health,
- (2) a constant and adequate supply of clean, fresh water that keeps the animal hydrated for current environmental conditions, and
- (3) care and medical treatment for injuries, parasites and diseases that is sufficient to maintain the animal in good health and minimize suffering.

An animal's owner shall provide the animal with shelter that:

- (1) is large enough for the animal to enter, stand, turn around, and lie down in a natural manner,
- (2) keeps the animal dry,
- (3) provides the animal with shade from direct sunlight, and
- (4) protects the animal from excessive heat and cold and other adverse weather conditions.

An animal's owner shall regularly maintain the animal and its shelter to prevent odor or a health or sanitation problem. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.106 Abandoning**

It shall be unlawful for any person to abandon or dump any animal in the city. After leaving notice, the animal control officer has the authority to impound any animal that appears to be abandoned. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.107 Report of Animals at Large**

It shall be the duty of every person to report immediately to the police department the location and description of any animal which is not under the owner's direct control by a leash or tether. Any animal that is not on a leash or under the owner's direct control by leash or tether as reasonably determined by the animal control officer is deemed an unlawful animal at large and the animal's owner may be cited as in violation of this chapter. (Ordinance 1194 approved 5-3-16)

### **Sec. 2.108 City-Sponsored Clinics Authorized**

The city manager or designee is authorized to arrange for city-sponsored vaccination-registration clinics when and where deemed necessary and approved by the city council.

### **Sec. 2.109 Restraint of Animals and Birds**

(a) Every person owning or having charge, care, custody or control of any domestic animal or bird shall keep the animal or bird under his control by means of physical restraint as follows:

- (1) confined in the backyard of the premises of the owner within a fence, kennel, dog run, or enclosure that meets the requirements of Section 2.105;
- (2) under the control of a person by a leash;
- (3) on or within a vehicle being driven or parked; or
- (4) confined inside a building.

(b) Any domestic animal or bird in violation of this section may be seized and impounded by the police department.

### **Sec. 2.110 Animals Registered to be Vaccinated**

It shall be unlawful for the owner of animals over the age of six (6) months to possess, keep or maintain within the city any animals that are not currently registered and vaccinated for rabies. Failure to comply is an offense. Vaccinations must be valid for the entire licensing period. (Ordinance 1194 approved 5-3-16)

### **Sec. 2.111 Notice of Impoundment**

Reasonable efforts must be made by the police department to promptly notify the owner of any impounded animal. No impounded animal shall be redeemed unless approved for redemption by the animal control officer. To obtain approval for redemption, the owner shall provide proof of vaccinations and registration and pay all applicable fees, cost and expenses incurred in the seizure, impoundment and redemption of the animal including an impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration. (Ordinance 1194 approved 5-3-16)

### **Sec. 2.112 Right to Redeem Impounded Dog**

The owner of an impounded dog has the right to redeem possession of an impounded dog within the timeframe specified below upon payment of all applicable fees, cost, and expenses incurred in the seizure, impoundment, and redemption of the dog including impoundment fees, daily boarding fees, and fees for alteration, vaccination and registration and proof of vaccination and registration. The owner of an impounded dog has the right to redeem an impounded dog which is wearing a tag required by this chapter within 120 hours of impoundment. The owner of an impounded dog has the right to redeem an impounded dog which is not wearing a tag required by this chapter within 72 hours of impoundment. An owner and the animal control officer may extend the time to redeem the impounded dog by written agreement if an agreement is made during the 120 hour or 72 hour

period, as applicable, and the agreement does not exceed ten days of total impoundment time. No impounded animal shall be redeemed unless approved for redemption by the animal control officer. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.113 Right to Redeem Other Animals**

The owner of an impounded animal, other than a dog, may redeem possession of the animal upon payment of all applicable fees, cost, and expenses incurred in the seizure, impoundment, and redemption of the animal including impoundment fees, daily boarding fees, and fees for alteration, vaccination and registration and proof of vaccination and registration.

#### **Sec. 2.114 Redemption of Quarantined Animals**

If any dog or other animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine or observation by a veterinarian, and after payment of all fees necessary for such release. The payment of fees may be deferred until the animal is eligible for release.

#### **Sec. 2.115 Disposition of Unredeemed Dogs**

Any dog impounded and not reclaimed by the owner as set forth in Section 2.112 above may be euthanized after being held for at least 120 hours if such dog is wearing a tag and 72 hours after impoundment if such dog is not wearing a tag. If the animal control officer determines that any unclaimed dog is reasonably healthy, currently vaccinated against rabies, and should not constitute a threat to the public or the health of the animals in the community, the animal control officer may, after the applicable 120 or 72 hour holding period, offer the dog for adoption. If the dog is not adopted, it shall be euthanized, or relinquished to approved 501(c)3 non-profit rescue service. Prospective adopting persons must show proof of reasonable facilities for caring for an adopted animal before being permitted to adopt. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.116 Disposition of Unredeemed Animals Other Than Dogs**

If any impounded animal, other than a dog, is not reclaimed by the owner as set forth in Section 2.113 within 120 hours if wearing a tag or 72 hours if not wearing a tag, the animal shall be held for such time as the animal control officer deems reasonable, considering the animal's probable value, condition of health and suitability for use. Upon expiration of such reasonable time, the animal control officer may offer the animal, if suitable, to be sold by posting the date of sale, animal's description and sale location for five (5) days on the city hall bulletin board, on the courthouse door and on one other public place in the city. Animals not suitable for sale shall be euthanized.

#### **Sec. 2.117 Euthanizing of Sick or Injured Impounded Animals After 120 or 72 Hour Period**

Any animal impounded and suffering from serious injuries, in great pain with probability of recovery remote, or having a communicable or infectious disease, which would endanger the health of people or other animals, may be euthanized after reasonable efforts to determine



ownership have failed. However, no animal under quarantine or observation for a bite incident or under suspicion of having rabies shall be destroyed until it has been released from quarantine or observation for rabies testing. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.118 Euthanizing Impounded Animals Prior to 120 or 72 Hour Period**

Notwithstanding the prescribed impoundment periods, the animal control officer shall have the discretion to dispose of any animal determined to be at risk due to a state of illness, injury or infirmity in the most humane manner as possible to avoid prolonging its suffering or transfer an animal determined to be at risk due to a state of illness, injury or infirmity to an approved 501(c)(3) non-profit animal rescue service. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.119 Fees (Listed in consolidated fee schedule)**

- (1) An impoundment fee shall be collected for each occurrence.
- (2) A daily board fee shall be charged for every day or fraction thereof that an animal is confined.
- (3) A fee shall be charged for animal pickup service requested by the owner of the animal.

City Council shall establish the amount of the fees by separate ordinance.

#### **Sec. 2.120 Redeemed Dogs to be Vaccinated and Registered**

Any dog redeemed by or released from quarantine to an owner shall be required to meet the vaccination and registration requirements of this chapter prior to release.

#### **Sec. 2.121 Vicious Animals to be Confined**

The owner of a fierce, dangerous, or vicious animal shall confine the animal within a building or enclosure. An animal is "confined" as the term is used in this section if the animal is securely confined indoors or confined in a secure enclosure which meets the following requirements:

- (1) The enclosure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;
- (2) The enclosure must have a bottom permanently attached to the sides or sides embedded into the ground not less than one (1) foot; and
- (3) The enclosure must be of such material and closed in such a manner that the animal cannot exit the enclosure on its own. (No person who owns, possesses, keeps or exercises any control over a dangerous animal shall permit such animal to be on the premises of such person without being confined.

No person who owns, possesses, keeps or exercises any control over a dangerous animal shall permit such animal to go beyond the premises of such person unless the dangerous animal is securely leashed and muzzled. (Ordinance 1194 approved 5-3-16)

### **Sec. 2.122 Authority of Animal Control Officer Over Vicious Animals**

The animal control officer may cause the muzzling, secure confinement, removal from the city or euthanizing of any animal for any of the following reasons:

- (1) Whenever an animal has committed an unprovoked attack upon any person or animal on more than one occasion; or
- (2) Whenever a lawful patron or visitor of a business is jeopardized by a guard dog which is not securely confined during the time business is open to the public.

(Ordinance 996 adopted 5/2/07)

### **Sec. 2.123 Tethering Animals to Meters Prohibited**

It is unlawful to chain, leash or otherwise tether any animal to any city property, to a city water meter, gas meter, or electrical meter, or to any other object that allows the animal to reach the meter while tethered, chained, or leashed. An animal may not be tethered in any manner so as to interfere with the reading of a meter. Notwithstanding Section 2.802, any person found to be in violation will be liable for a fine not to exceed \$250.00 for the first violation and \$500.00 for any subsequent violation. (Ordinance 1079 adopted 3/15/11)

### **Sec. 2.124 Keeping Animals in Front Yards Prohibited**

It is unlawful to keep any animal in the front yard of any property. Animals shall be kept in accordance with Section 2.109. The animal control officer may allow an exception to this section in writing. Electronic fencing shall be considered fencing for the purposes of this section, but is not a secured enclosure for purposes of this chapter. Any animal not compliant with this Section 1.124 is subject for impoundment. (Ordinance 1194 approved 5-3-16)

## **ARTICLE 2.200 ANIMALS SUSPECTED OF RABIES**

### **Sec. 2.201 Reports of Human Exposure to Rabies**

- (a) Any person having knowledge of an animal bite to a human shall report the incident to the animal control officer and the police department as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- (b) The animal control officer and the police department shall investigate each bite incident, utilizing standardized reporting forms provided by the Texas Department of Health. The animal control officer shall, immediately upon receiving such report, relay the same to the city manager.

### **Sec. 2.202 Report of Rabies Suspects, Quarantine Method and Testing**

- (a) It shall be the duty of every veterinarian to report immediately to the police department the diagnosis of any animal observed by the veterinarian as a rabies suspect and to make disposition of the confirmed cases of rabies as herein provided.
- (b) When an animal that has bitten a human has been identified, the owner shall quarantine the animal. The quarantine period must last at least ten days immediately following the date and time of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of the animal may request permission from the animal control officer for home quarantine if the following criteria are met.
  - (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the animal control officer.
  - (2) The animal is currently vaccinated against rabies.
  - (3) The animal control officer or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the animal control officer must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing.
  - (4) The animal was not in violation of any laws at the time of the bite.
  - (5) If the biting animal cannot be maintained in any secured quarantine, it shall be euthanized and the brain submitted to a Texas Department of Health certified laboratory for rabies diagnosis.
- (c) No wild animal may be placed in quarantine. All wild animals involved in biting incidents shall be euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.

### **Sec. 2.203 Quarantine of Animals Suspected of Rabies**

Every animal that bites a human or other animal, or has rabies or is under suspicion of having rabies shall be immediately confined by the owner, who must promptly notify the police department, or a police officer, who must notify the police department of the place where such animal is confined and the reason therefor. The owner may not permit such an animal to come in contact with any other person or animal. The owner must surrender possession of the animal to the police department when the police department demands supervised quarantine of the animal. Supervised quarantine shall be in a veterinary hospital; or by any other method of adequate confinement approved by the animal control officer. The quarantined period must last at least ten days immediately following the date and time of the bite incident and must be under the supervision of a veterinarian. A release from quarantine may be issued if no signs of rabies have been observed during the quarantine period. The owner of the animal shall pay the charges for the quarantine period to the veterinarian directly as a prerequisite to the animal's release. The city shall pay the charges if the owner refuses to do so and if the owner requests that the animal be disposed of as provided for in this chapter under the direction of the animal control officer.

### **Sec. 2.204 Supervision of Quarantine**

Any animal quarantined must be observed by a veterinarian throughout the entire required quarantine period in the same manner as outlined in Section 2.203 above. The owner of an animal that is quarantined must immediately notify the police department as to the veterinarian supervising the quarantine.

### **Sec. 2.205 Quarantine on Order of Animal Control Officer**

If the animal control officer orders quarantine, the owner is responsible for confining the animal as designated by the animal control officer to prevent further exposure to humans or animals during the quarantine period. The animal control officer shall also obtain the same veterinary supervision of the animal and release from quarantine as required in a veterinary hospital.

### **Sec. 2.206 Quarantine of Guard or Police Dogs**

Any guard or police dog currently vaccinated that is involved in a bite incident while in the performance of guard or police duties shall be allowed to continue on duty under quarantine. The handler of the dog is responsible for having the dog observed during the quarantine and released from quarantine by a veterinarian.

### **Sec. 2.207 Violation of Quarantine**

The violation of quarantine by any person is just cause for seizure and impoundment of the quarantined animal by the police department.

### **Sec. 2.208 Investigation of Bite Reports**

All animal bite reports shall be investigated by the police department.

#### **Sec. 2.209 Removing Biting Animal from the City**

It is unlawful for any person to kill or remove from the city limits any animal that has bitten a human or another animal, or that has been placed under quarantine, without permission of the animal control officer. However, a person may kill an animal that has bitten a human or another animal, or that has been placed under quarantine, to protect any person or other animal.

#### **Sec. 2.210 Supervision of Euthanizing of Animals Suspected of Rabies**

The animal control officer shall direct the euthanizing of any animal found to be or suspected of being rabid.

#### **Sec. 2.211 Surrender of Carcass of Animal Suspected of Rabies**

The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the police department.

#### **Sec. 2.212 Bitten Animals to be Confined**

Every animal that has been bitten by another animal must be immediately confined by the owner who shall promptly notify the police department of the place where the animal is confined and the reason for the confinement. The owner may not permit such an animal to come in contact with any other person or animal.

#### **Sec. 2.213 Handling of Animals Exposed to Rabies**

Any animal exposed to rabies must be handled in one of the following ways:

- (1) Euthanized with notification to, or under the supervision of the police department;
- (2) If not currently vaccinated, quarantine for at least 90 days immediately following the date of exposure. The animal must be vaccinated 30 days prior to release;
- (3) If currently vaccinated, immediately placed in quarantine for at least 45 days immediately following the date of exposure; or

No person shall fail or refuse to surrender an animal for supervised quarantine or to be euthanize as required herein for rabies control when demand is made by the police department.

Any person having possession of or responsibility for any quarantined animal shall immediately notify the police department if such animal escapes, or becomes or appears to become sick, or dies. If any quarantined animal dies while under quarantine, the person shall immediately surrender the dead body to the police department for diagnostic purposes.

No animal may be released until all fees are paid in accordance with this chapter. (Ordinance 996 adopted 5/2/07)

## **ARTICLE 2.300 LICENSING/REGISTRATION AND VACCINATION**

### **Sec. 2.301 License/Registration and Fees**

(a) All dogs and cats four months or older that are kept, harbored or maintained within the corporate limits of the city must be licensed. To receive a license, the owner must show proof of a current rabies vaccination, the form of a rabies vaccination certificate, and pay for the licensing fee for each animal. The license is valid for exactly one year from the issue date if the dog or cat is receiving its first vaccination. After the dog or cat's second vaccination, a license is valid for a period of two (2) years. The license may be obtained from the city or any licensed veterinarian. If the city or veterinarian determines that a license should be granted, the owner shall be given a written document that contains the date of vaccination, the date that the license is granted and how long the license is good for, the owner's name and a brief description of that dog or cat. A pet shelter does not have to comply with the licensing, vaccination, or tag requirements in this chapter as long as it obtains approval from the animal control officer on an annual basis to serve as a pet shelter in accordance with this chapter and all applicable state laws.

(b) The city shall charge a license fee for registration of dogs and cats. City Council shall establish the amount of the license fee by separate ordinance. (Ordinance 1020 adopted 1/16/08)

### **Sec. 2.302 Dogs and Cats to be Vaccinated**

(a) No person shall own, keep or harbor within the city limits any dog or cat four months of age or older unless such dog or cat has a current vaccination. A dog or cat will have a current vaccination for the remainder of the month during which it is first vaccinated at an age of 4 months or less and for the following 12 months. After a dog or cat's second vaccination, the dog or cat shall obtain a vaccination once every 36 months. The dog or cat must be revaccinated before the expiration of the first and each subsequent current vaccination period.

(b) Official current vaccination certificates issued by the vaccinating veterinarian must contain certain standard information as designated by the Texas Department of Health. Information required is as follows:

- (1) Owner's name, address, and telephone number;
- (2) Animal identification. Species, sex, age (3 months to 12 months, 12 months or older);
- (3) Vaccine used, producer, expiration date and serial number;
- (4) Date vaccinated;
- (5) Rabies tag number; and
- (6) Veterinarian's signature and license number.

### **Sec. 2.303 Dogs and Cats Exempted from Vaccination**

Vaccination will not be required for any dog or cat that a veterinarian determines should not be inoculated for valid medical health reasons.

#### **Sec. 2.304 Licenses and Tags**

The city shall issue a tag for each licensed pet. The tag must be displayed on a dog or any other animal, except a cat, at all times. Tags for cats do not have to be displayed on the cat, but must be immediately available upon request from an owner. Replacement tags for lost or stolen tags may be obtained by presenting the receipt for the current year's license fee and by paying a replacement tag fee. If the owner does not have a receipt for the current license fee, the license fee must be paid in order to obtain a new license and the new tag that will accompany it. Tags are not transferable and no refunds will be made. Tags are not required to be displayed for dogs that are being used for hunting, during the time when the dogs are hunting. At all other times, hunting dogs must have tags displayed to show that they are licensed.

#### **Sec. 2.305 Assistance Animal May Accompany Master**

Any assistance animal trained to guide a person with a disability shall be admitted to any public facility with the person with the disability, if the assistance animal is currently vaccinated.

#### **Sec. 2.306 Late Fee**

(a) For the purpose of this chapter, a late fee may be assessed under the following conditions:

- (1) Failure to obtain a license for a dog or cat that is over four months of age;
- (2) Failure to renew a license within 30 days of expiration of a current license; or
- (3) Failure to obtain a license within 30 days of taking up residence in the city;

(b) The animal control officer shall assess all late fees.

(c) The city shall create a brochure that will accompany the initial utility bill sent to all new customers that will notify the new customers that dogs and cats must be licensed in the city.

(d) City Council shall establish the amount of the late fees by separate ordinance.

#### **Sec. 2.307 Revocation of License**

The police department may revoke any cat or dog license after a hearing for any one or more of the following reasons:

- (1) Impoundment of a cat or dog by the city more than three times during a 12-month period;
- (2) If a dog or cat has been involved in a conviction of an offense under this chapter more than three times;
- (3) Any combination of subsections (1) and (2) totaling three incidents; or
- (4) Upon the determination that a dog is a dangerous dog as defined in this chapter.

#### **Sec. 2.308 Inspections**

The animal control officer is authorized to inspect the property of the person to whom a license is granted or will be granted at any time between the hours of 8:00 a.m. and 7:00 p.m.

## **ARTICLE 2.500 DANGEROUS DOGS**

### **Sec. 2.501 Requirements for Owners of Dangerous Dog**

(a) Not later than the 30th days after a person learns that the person is the owner of a dangerous dog, the person must:

- (1) Register the dangerous dog with the animal control officer for the area in which the dog is kept;
- (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure.
- (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control officer for the area in which the dog is kept; and
- (4) Comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

(b) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the animal control officer not later than the 30th day after the owner learns that the dog is a dangerous dog.

(c) If, on application of any person, any court finds, after notice and hearing as provided in this article, that the owner of a dangerous dog has failed to comply with subsection (a) or (b), the court shall order the animal control officer to seize the dog and shall issue a warrant authorizing the seizure. The animal control officer shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(d) The owner shall pay all costs and fees related to the seizure, acceptance, impoundment, or destruction of the dog. City Council shall establish the fees by separate ordinance.

(e) The court shall order the animal control officer to euthanize the dog if the owner has not complied with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the animal control officer. The court shall order the animal control officer to return the dog to the owner if the owner complies with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the animal control officer.

(f) The court may order the euthanizing of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.

(g) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:



- (1) The owner knows of an attack described in Section 2.101;
- (2) The owner receives notice that a justice court, county court, or municipal court has determined that the dog is a dangerous dog; or
- (3) The owner is informed by the animal control officer that the dog is a dangerous dog under Section 2.101.

(h) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure and dangerous dog must be identified with yellow designated dangerous dog collar provided by the police department. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.502 Determination that Dog is Dangerous**

(a) If a person reports an incident described by Section 2.101, the animal control officer may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the dog is a dangerous dog, it shall notify the owner of that fact.

(b) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer to a justice, county, or municipal court of competent jurisdiction. An owner may appeal the decision of the justice, county, or municipal court in the same manner as appeal for other cases from the justice, county, or municipal court.

#### **Sec. 2.503 Reporting of Incident**

(a) The city elects to be governed by Health and Safety Code Section 822.0422 et seq.

(b) A person may report an incident described by Section 2.101 to a municipal court, a justice court, or a county court. The owner of the dog shall deliver the dog to the animal control officer not later than the fifth day after the date on which the owner receives notice that the report has been filed. The animal control officer shall impound the dog in secure and humane conditions until the court orders the disposition of the dog.

(c) If the owner fails to deliver the dog as required by subsection (b), the court shall order the animal control officer to seize the dog and shall issue a warrant authorizing the seizure. The animal control officer shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.

(d) The court shall determine, after notice and hearing as provided in this article, whether the dog is a dangerous dog.

(e) The court, after determining that the dog is a dangerous dog, may order the animal control officer to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog under this section.

(f) The owner shall pay all costs and fees assessed by the city.

#### **Sec. 2.504 Hearing**

(a) A municipal court, justice court, or county court, on receiving a report of an incident under Section 2.503 or on receiving an application under this chapter, shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of the dog has complied with Section 2.501. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered.

(b) The court shall give written notice of the time and place of the hearing to:

- (1) The owner of the dog or the person from whom the dog was seized; and
- (2) The person who made the complaint.

(c) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.

(d) An owner or person filing the action may appeal the decision of the municipal court, justice court, or county court in the manner provided for the appeal of cases from the municipal, justice, or county court.

#### **Sec. 2.505 Registration**

(a) The animal control officer shall annually register a dangerous dog if the owner:

- (1) Presents proof of:
  - (A) Liability insurance or financial responsibility, as required by Section 2.501;
  - (B) Current rabies vaccination of the dangerous dog; and
  - (C) The secure enclosure in which the dangerous dog will be kept.
- (2) Pays an annual registration fee established by city council.

(b) The animal control officer shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control officer for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior tag and payment of a fee established by city council, the animal control officer shall issue a new tag to be placed on the dangerous dog's collar.

(d) An owner of a registered dangerous dog shall notify the police department of any attacks the dangerous dog makes on people.

#### **Sec. 2.506 Attack by Dangerous Dog**

(a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(b) An offense under this section is a class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.

(c) If a person is found guilty of an offense under this section, the court may order the dangerous dog euthanized by a person listed in Section 822.004 of the Health and Safety Code.

(d) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. The city attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the city.

#### **Sec. 2.507 Violations**

(a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 2.501 or Section 2.502.

(b) Except as provided by subsection (c), an offense under this section is a class C misdemeanor.

(c) An offense under this section is a class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

#### **Sec. 2.508 Defense**

(a) It is a defense to prosecution under Section 2.506 or Section 2.507 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

(b) It is a defense to prosecution under Section 2.506 or Section 2.507 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(c) It is a defense to prosecution under Section 2.506 or Section 2.507 that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

## **ARTICLE 2.600 NUMBER OF DOGS AND CATS ALLOWED**

### **Sec. 2.601 Number of Dogs and Cats Allowed**

(a) Unless specific written permission is obtained by the animal control officer, the city hereby limits ownership of cats and dogs within the city limits to a total of four (4) cats or four (4) dogs or any combination thereof. More than four (4) cats or dogs or a combination thereof, may be allowed by the animal control officer, but such approval must be in writing and obtained from the animal control officer based on the standards set forth in subsection (c) of this section.

(b) Exceptions to subsection (a) above are hereby made for breeders as provided for in this chapter, pet shelters, kennels, and new litters of dogs or cats that are less than 60 days provided that each of these exceptions must be approved in writing by the animal control officer.

(c) If an applicant requests permission to keep more than a total of four cats or four dogs or any combination thereof, the animal control officer may inspect the property where the dogs or cats are to be kept to determine whether written approval should be granted to the applicant. Written approval may not be granted to the applicant if it is found that the animals cannot be maintained without creating noise or odor nuisances or otherwise being detrimental to the public health, safety or welfare. The animal control officer may deny the applicant's request if he or she determines in writing that there is a reasonable probability that the additional animals would not be maintained in a healthy or sanitary environment. The animal control officer may revoke a multi-animal permit at any time as long as the officer makes a written finding of necessity of revocation within 10 business days.

### **Sec. 2.602 Pet Shelters and Kennels**

Pet shelters and kennels that meet applicable state law and the requirements in this chapter are allowed to exceed the limit of four dogs and cats or any combination thereof, if they obtain permits from the animal control officer on an annual basis to serve as a pet shelter or kennel. Pet shelters and kennels are not required to obtain permits for each animal above the limit, but instead shall be required merely to obtain one license to operate as a pet shelter from the animal control officer on an annual basis. The animal control officer may inspect a pet shelter or kennel at his or her discretion during weekday business hours from 9 a.m. to 5 p.m. Monday through Friday.

## **ARTICLE 2.700 BREEDERS**

### **Sec. 2.701 Breeder License**

Upon approval of the city council, the animal control officer shall issue annual breeder licenses, subject to the terms and conditions of this article.

### **Sec. 2.702 Breeder License Application**

The initial application for an annual dog or cat breeder license, and any application for its renewal, shall at a minimum contain the following information:

- (1) Name and permanent address of the applicant and, if different, the location and/or address of the subject property or premises;
- (2) The maximum number of dogs or cats that the applicant will keep, harbor, breed and/or raise on the subject property or premises; and
- (3) A drawing showing the dimensions of the subject property or premises and identifying all structures on the premises, all fenced or enclosed areas, and the proximity of adjacent property owners and public streets.

### **Sec. 2.703 Public Hearing on Application for Breeder License**

The city council shall hold a public hearing on any application for either a breeder license or its renewal. Public notice of the hearing shall be given by depositing a written notice in the mail addressed to all owners of real property located within 200 feet of the subject property or premises, as determined from the last approved city tax roll, and by its publication in a newspaper of general circulation in the city. Both the mailed and published notices shall be given at least ten (10) days prior to the date set for the hearing. Such notice shall state the date, time and place of the public hearing; adequately identify the location and/or address of the subject property or premises; state the nature of the application to be considered; and state that any party may appear in person or by attorney or agent. The public hearing procedure prescribed in this section shall apply to the initial application for any such license and any application for its renewal.

### **Sec. 2.704 Breeder License Fee**

An annual license and inspection fee shall be paid to the city prior to the issuance of any breeder license or annual renewal. City Council shall establish the amount of the fee by separate ordinance.

### **Sec. 2.705 Licensee Requirements**

Requirements to be met by licensees are as follows:

- (1) The dogs or cats shall be housed in cages or pens inside a residence or a completely enclosed accessory structure.

- (2) The dogs or cats shall be kept, harbored, bred and/or raised so as to not be a nuisance or detriment to any adjoining property or adjacent neighbors.
- (3) The dogs or cats shall not bark, howl, or create noises that cause the peace and quiet of the neighborhood or the adjacent premises to be disturbed, or create a public nuisance.
- (4) The cages or pens in which the dogs or cats are housed shall be maintained in a sanitary condition, so as not to create any hazards to the general health and welfare of the community. The cages or pens in which the dogs or cats are housed shall be maintained in a sanitary condition so as not to produce odors or unclean conditions sufficient to create a public nuisance. All excrements shall be disposed of in such a manner so as to prevent them from becoming a public nuisance.
- (5) The subject property or premises shall provide an enclosed or fenced area for the exercise of the dogs or cats that will be kept, harbored, bred and/or raised thereon containing a minimum area equal to or greater than 500 square feet multiplied by the number of dogs or cats six (6) months of age or older.
- (6) The enclosed area in which the dogs or cats are to be housed shall be of adequate size, height and construction to prevent the dogs or cats from running at large.
- (7) The subject property or premises shall be subject to inspection by the animal control officer between the hours of 8:00 a.m. and 7:00 p.m.

## **ARTICLE 2.800 SEIZURE OF CRUELLY TREATED ANIMALS**

### **Sec. 2.801 Seizure of Cruelly Treated Animal**

A peace officer or the animal control officer may apply to the municipal court or to the applicable county court for a warrant to seize a cruelly treated animal. If the animal control officer provides sufficient proof of probable cause, the court shall issue a warrant and set a hearing within 10 days of issuance of the warrant to determine if the animal has been cruelly treated. The animal control officer shall impound the animal and provide notice to the owner in accordance with Chapter 821 of the Texas Health and Safety Code.


### **Sec. 2.802 Penalty**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, fined in accordance with the general penalty provision set forth in Section 1.109 of this code, except that a first offense shall be punishable by a fine not exceeding two hundred and fifty dollars (\$250.00).

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	11/7/17	<b>AGENDA ITEM</b>	7C
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding <b>Demolition Order 2018-15</b> in accordance with Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 1308 N. College in the Crothers Subdivision, Block 31, Lot 5.		
<b>PREPARED BY:</b>	Lisa McClain	<b>Date Submitted:</b>	10/31/2017
<b>EXHIBITS:</b>	Demolition Order 2018-15 Photos of Property		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$1,800.00	
	<b>Amount Budgeted:</b>	\$28300.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>	<p>This structure at this address has been determined to be a dangerous premise because the structure is unstable. This property has not had utilities connected since June 30, 1998.</p> <p>Owners: Joseph &amp; Annette Berman  Last Known Address: 3509 Haltom Rd., Fort Worth, TX 76117  Property Taxes: Delinquent (\$460.05)  Amount of Tax Lien: \$2,480.00</p> <p><u>Action taken:</u>  <b>July 09, 2015</b> - Property was given a violation notice for Weeds and Vegetation and Junked Vehicle. The weeds were abated but the junked vehicle remained.  <b>May 13, 2016</b> - Property owner was issued a violation notice for Weeds and Vegetation.  <b>May 25, 2016</b> - A citation was issued to the property owner.  <b>November 30, 2016</b> - Case was closed for compliance.  <b>September 29, 2017</b> - The structure was inspected and pictures were taken to determine if this was a dangerous premises. Kim Davce, Code Enforcement Officer, has determined the building does meet the standards of a dilapidated/dangerous premises.  <b>October 3, 2017</b>- A public hearing notice was sent via certified mail to the property owner at the address on file with the McCulloch County Appraisal District.  <b>October 4, 2017</b>- A public hearing notice was published in the newspaper.  <b>October 17, 2017</b> – A public hearing was held by City Council to determine if the building meets the standards set out in the dilapidated buildings ordinance. Joan McBride was present for the owners. City Council gave more time to meet with city staff to see what would need to be done to save the house.  <b>October 27, 2017</b> – Kim Davce met with Joan McBride at the location to do an inspection. The house is locked and interior inspection could not be performed. Mrs. McBride was told what would need to be done on</p>
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the exterior to bring it up to code.

**October 30, 2017** – Kim Davee spoke with Annette Berman who said that she would not be able to come to Brady during the week for an interior inspection. She was informed that she would need to provide City Council with a timeline for repairs.

**RECOMMENDED ACTION:**

It is recommended that City Council issue Demolition Order 2018-15 for 1308 North College.

## **DEMOLITION ORDER 2018-15**

### **AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 1308 NORTH COLLEGE, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES**

**WHEREAS**, on October 3, 2017, the City provided the owner of the property located at 1308 North College, Brady, Texas with notice, via certified mail, of a hearing to be held on October 17, 2017; and

**WHEREAS**, on October 17, 2017, the City Council conducted a public hearing concerning the structure located at 1308 North College, City of Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the Brady Code of Ordinances (Dangerous Premises); and

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

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

**WHEREAS**, the property owners, Joseph and Annette Berman, did/did not appear at the hearing; and

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

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

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

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

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

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

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

(2) The structure located at 1308 North College Brady, Texas satisfies one or more of the substandard and dangerous conditions set forth in Section 3.204 of the Brady Code of Ordinances (Dangerous Premises). Specifically, Subsections (choose 1 – 12) of Section 3.207 of the Code of Ordinances have been violated. Therefore, the City is authorized to demolish the building under Section 3.210 of the City Code of Ordinances

(3) The owner is hereby ordered to demolish the structure located at 1308 North College, Brady, Texas by no later than ninety (90) days from the date of this Order, which is January 15, 2018; and

(4) This property will be inspected for compliance with this order on January 15, 2018. If the owner fails to demolish and remove the building before January 15, 2018, the City will demolish and remove the building and assess the expenses against the lot, tract, or parcel of land or the premises upon which such expense was incurred.

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

**ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.**

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

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





cheldan  
HAMPDEN

09/21/2017




09/21/2017



# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	11/7/17	<b>AGENDA ITEM</b>	7.D.
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regard <b>Demolition Order 2016-10</b> in accordance with Code of Ordinances Section 3.207 to authorize demolition of dilapidated structures at 502 West 2nd Street, Block 97, Lot 3 of the Luhr Subdivision		
<b>PREPARED BY:</b>	Lisa McClain	<b>Date Submitted:</b>	10/24/17
<b>EXHIBITS:</b>	Demolition Order 2016-10 Photos of Property Code Enforcement Inspection Report		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$4,510.00	
	<b>Amount Budgeted:</b>	\$28300.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

#### SUMMARY:

The structure at this address has been determined to be a dangerous premises per Subsection(s) (2) the building or structure was constructed or maintained in violation of any provision of the city's building code, or any other applicable ordinance or law of the city, county, state, or federal government; (5) the nonsupporting coverings of walls, ceilings, roofs, or floors are fifty (50) percent or more damaged or deteriorated; (10) the structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease; and (11) the structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to failure to comply with any provision in Chapter 13 of the city code ("Utilities"). This property has not had utilities connected since October 9, 2006.

Owner: Julie C. Ramos  
 Last Known Address: 1025 Cardinal Ridge Avenue  
 Property Taxes: Delinquent (\$1,725.55)  
 Amount of Tax Lien: \$4,510.00

#### Action taken:

**May 5, 2016** - The structure was inspected and determined to a dangerous building/nuisance by former Code Enforcement Officer, Carey McBride.

**May 3, 2017** - The structure was (re)inspected, photographed, and again determined to be a dangerous building by Code Enforcement Officer Kim Davee.

**Week of July 3, 2017**- A Notice of Public Hearing was sent to and published in the newspaper, posted on the property, and mailed via *Certified Mail* to the property owner at the address on file with the McCulloch County Appraisal District (MCAD).

**July 18, 2017** – A public hearing was held by City Council. Julie Ramos was present at this meeting and asked for time to bring the structure up to code. City Council asked for a timeline on repairs to be made. No timeline was received from the owner.

**September 5, 2017** – City Council authorized Julie Ramos to repair the roof on the structure and gave her until November to complete the roof repairs.

**October 18, 2017** – An inspection of the structure was performed through an administrative warrant issued by Judge Bill Spiller on October 17, 2017. Kim Davee, Code Enforcement Officer and Fire Chief Brian Meroney. It was determined that this property is in violation of every building code adopted by this jurisdiction and meets the requirements of a Dangerous Building.

Julie Ramos emailed Peter Lamont and said the roof repairs should be completed by October 27<sup>th</sup> but the roof remains in bad shape.

During the inspection on October 18, 2017, it was determined that the structure would not be strong enough to handle a new roof. The roof is held by insufficient supports. There are two columns missing on the front porch and these are supporting members. Roofers would not be able to climb on the roof without the support beams being replaced.

A copy of the report is in the packet.

**RECOMMENDED ACTION:**

It is recommended that City Council issue Demolition Order 2016-10 for 502 West 2<sup>nd</sup> Street.



## **DEMOLITION ORDER 2016-10**

**AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 502 WEST 2<sup>ND</sup> STREET, IN THE LUHR SUBDIVISION, BLOCK 97, LOT 3, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE DEMOLITION OF DILAPIDATED STRUCTURES IN ACCORDANCE WITH THE MUNICIPAL CODE OF ORDINANCES.**

**WHEREAS**, on July 6, 2017, the City provided the owner of the property located at 502 West 2<sup>nd</sup> Street, Brady, Texas with notice, via *Certified Mail*, of a hearing to be held on July 18, 2017; and

**WHEREAS**, on July 18, 2017, the City Council conducted a public hearing concerning the structure located at 502 West 2<sup>nd</sup> Street, Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the City of Brady Municipal Code of Ordinances (Dangerous Premises); and

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

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

**WHEREAS**, the property owner, Julie Ramos, did/did not (mark one) appear at the hearing; and

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

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

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

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

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



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

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

(2) The structure located at 502 West 2<sup>nd</sup> Street, Brady, Texas satisfies one or more of the substandard and dangerous conditions set forth in Section 3.204 of the City of Brady Municipal Code of Ordinances (Dangerous Premises). Specifically, Subsections (2), (5), (10), (11) of Section 3.207 of the Municipal Code of Ordinances have been violated. Therefore, the City is authorized to demolish the building under Section 3.210 of the Municipal Code of Ordinances.

(3) The owner is hereby ordered to demolish the structure located at 502 West 2<sup>nd</sup> Street, Brady, Texas by no later than ninety (90) days from the date of this Order, which is October 16, 2017; and

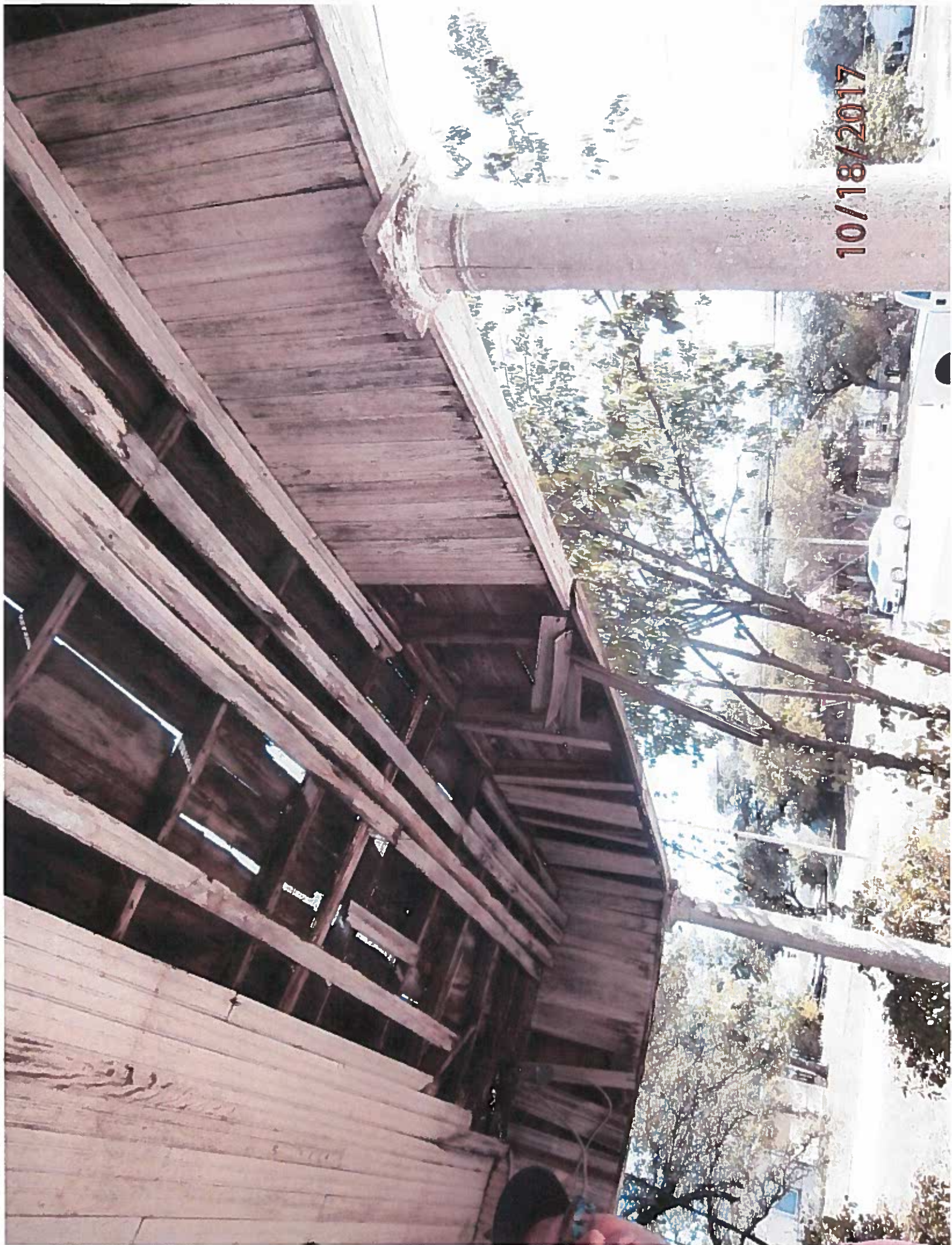
(4) This property will be brought back to the City Council at its next regular meeting after October 16, 2017 for review and to ensure compliance with this Order. Failure to adhere to the mandates in this Order within the specified time may result in the City taking requisite actions to remove any dangerous or substandard structure or conditions, including demolition of the structure and establishment of a City lien on the property.

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

**ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.**

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

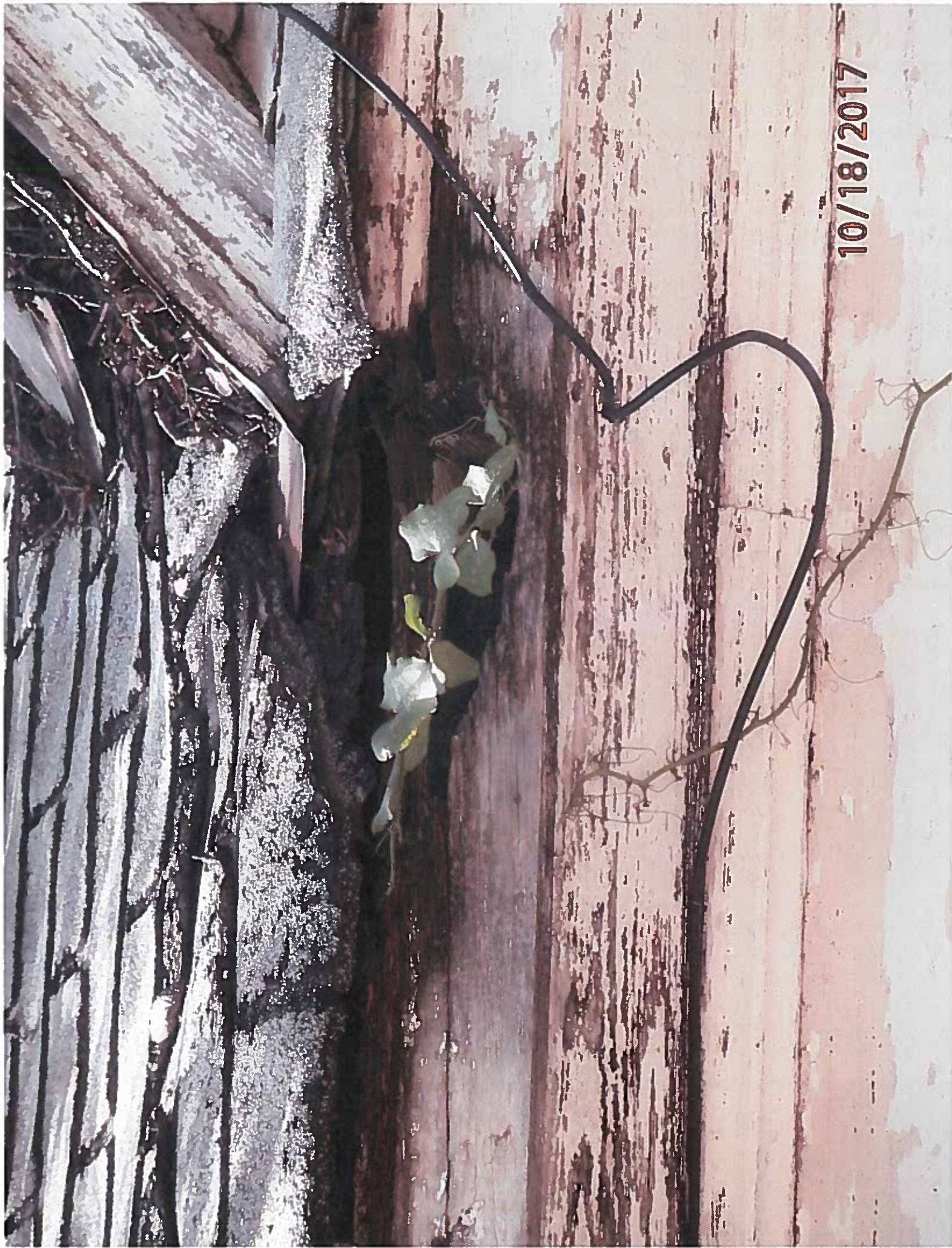
ATTEST: \_\_\_\_\_  
Tina Keys, City Secretary



10/18/2017



10/18/2017





**DANGEROUS PREMISES INSPECTION REPORT  
502 WEST 2<sup>ND</sup> STREET**

October 19, 2017

On October 18, 2017, an inspection of the structure located at 502 West 2<sup>nd</sup> Street was performed through an administrative warrant issued by Judge Bill Spiller on October 17, 2017. Kim Davee, Code Enforcement Officer, and Fire Marshal Brian Meroney were present on the inspection.

This structure is a dangerous premises and has been brought to the City Council to determine if the structure should be demolished or repaired.

It is the determination of the Code Enforcement Officer and the Fire Marshal that this structure is a dangerous premises. The deterioration of the structural members of the building are so dilapidated that it is causing the structure to buckle and lean.

There are only two of four columns remaining on the front porch. These columns were constructed to carry the load of the front part of the structure. Where the columns have been removed, the porch is bowed causing a strain on the remaining two columns.

The roof is so dilapidated that it would not hold the weight of roofers or a new roof. On the interior, braces can be seen that are keeping the roof from caving but this will not hold very long. A tree can be seen putting weight on the roof with limbs growing into the structure. The ceilings are very minimal with sheetrock hanging and most is missing. In the bathroom, the ceiling has collapsed into the bathtub. Most of the ceiling is now on the floor of the structure.

The floor is so unstable that it moves when pressure is applied to it. The floor in the main entrance is rotted with missing boards and is very dangerous.

There are bats inside the building and visible evidence of mice or rats.


This structure is posing a health and safety hazard as well as a fire hazard. It is not secure from entry so it is easily accessible to children, vagrants, and criminals.

In conclusion, it is recommended by the Code Enforcement Officer and the Fire Marshal that this property be demolished. It is in violation of every building code adopted by this jurisdiction and meets the requirements of a Dangerous Building.

# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	11-07-2017	<b>AGENDA ITEM</b>	7.E.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding acceptance of the <u>McCulloch County/Brady Chamber of Commerce Annual Tourism Report</u> , as required by Resolution 2014-030 and contract agreement.		
<b>PREPARED BY:</b>	Peter Lamont	<b>Date Submitted:</b>	10-31-17
<b>EXHIBITS:</b>	Brady/McCulloch County Chamber of Commerce Tourism Agreement 2014 Annual Report 2017		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$0.00
	<b>Amount Budgeted:</b>		\$0.00
	<b>Appropriation Required:</b>		\$0.00
<b>CITY MANAGER APPROVAL:</b>			

#### SUMMARY:

The City of Brady and the McCulloch County Chamber of Commerce have in place an agreement for the Chamber to provide tourism marketing and event development services to the City. As part of the agreement, the Chamber is to provide an annual report on its activities to the City Council. This report shows expenditure versus revenues and what marketing has been done for the past year to promote tourism in the City.

#### RECOMMENDED ACTION:

Review and accept the report.

RESOLUTION NO. 2014-030

**A RESOLUTION OF THE CITY COUNCIL OF Brady, TX AUTHORIZING THE MAYOR TO SIGN A CONTRACT AGREEMENT BETWEEN "CITY OF BRADY" AND "BRADY/MCCULLOCH COUNTY CHAMBER OF COMMERCE," TO PROVIDE TOURISM RELATED ADVERTISING AND PROMOTION SERVICES FOR THE CITY**

WHEREAS, by ordinance passed and approved on the 6<sup>th</sup> day of September, 1985, City has assessed a Hotel-Motel Occupancy tax to be collected by all hotels and motels located within the city limits of the City of Brady, Texas;

WHEREAS, the City desires to contract with the Chamber to act as the contractor for the City to perform tourism related advertising and promotion services for the City for which said Hotel-Motel Occupancy Tax has been levied;

WHEREAS, the original contract between the City and the Chamber was entered into in 1985 and this Contract amends such contract as originally written so as to provide continuity in contracting between the City and the Chamber; and

WHEREAS, it is understood that the City enters into this Contract with the Chamber under its power to contract the functional and administrative work of expending said funds for public purposes.

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

That the City authorize the Mayor to sign Exhibit a, a contract agreement between the City of Brady and the Brady/McCulloch County Chamber of Commerce to provide tourism related advertising and promotion services for the City.

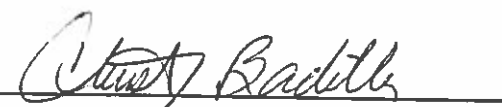
PASSED AND APPROVED this the 2 day of September, 2014

CITY OF BRADY



Anthony Groves, Mayor

Attest:



Christy Badilla, City Secretary

## CONTRACT

STATE OF TEXAS

COUNTY OF MCCULLOCH

This Agreement is made and entered into by and between the City of Brady, Texas, a municipal corporation of McCulloch County, Texas (hereinafter referred to as "City" and the Brady/McCulloch County Chamber of Commerce, a Texas non-profit corporation (hereinafter referred to as "Chamber").

WHEREAS, by ordinance passed and approved on the 6<sup>th</sup> day of September, 1985, City has assessed a Hotel-Motel Occupancy tax to be collected by all hotels and motels located within the city limits of the City of Brady, Texas;

WHEREAS, the City desires to contract with the Chamber to act as the contractor for the City to perform tourism related advertising and promotion services for the City for which said Hotel-Motel Occupancy Tax has been levied;

WHEREAS, the original contract between the City and the Chamber was entered into in 1985 and this Contract amends such contract as originally written so as to provide continuity in contracting between the City and the Chamber; and

WHEREAS, it is understood that the City enters into this Contract with the Chamber under its power to contract the functional and administrative work of expending said funds for public purposes.

NOW, THEREFORE, the parties agree as follows:

1. The Chamber's Board of Directors shall prepare an annual budget describing in detail a program of work for tourism related advertising and promotion services. The budget shall be submitted to the City Council no later

than June 15 of each year for approval by the Council. The City Council shall approve, disapprove and/or amend the proposed budget during its budgeting process. The approved budget shall then be adopted by the City no later than the second meeting of the City Council in September of each year.

2. All funds received by the Chamber from the Hotel-Motel Occupancy Tax shall be disposed of in a manner not in violation of Section 3c of Article 1269j-4.1, Revised Civil Statutes, which statute is made a part of this Contract for all purposes, the same as though copied at length at this point.

3. This Contract shall be for a term ending on September 30, 2015 and from year to year thereafter upon like terms and conditions, unless either party shall give to the other party written notice of its intention to terminate the Contract, such notice to be given in writing sixty (60) days prior to the renewal date, and the right to so terminate this Contract is hereby specifically reserved to both parties.

4. The funds provided for the services approved and budgeted by City Council under this Contract shall be budgeted and segregated in a special fund by the Chamber, shall be expended only for the purposes hereinabove set out, and shall be disbursed under the direction of the Chamber's Board of Directors in accordance with the City Council's approved budget. Accurate account of all funds received and expended, with supporting documentation, shall be kept thereon.

5. The Chamber shall make and render to the City an annual written report no later than October 30<sup>th</sup> of each year, showing in detail with supporting documentation how said funds from the previous year have been expended, for what purposes, and the beneficial results thereof. If there are any unexpended funds, the Chamber shall repay these unexpended funds to the City within 30 days of the close of the fiscal year.



6. In addition to the provisions of Section 3 herein, the City reserves the right to cancel this Contract on sixty (60) days written notice for breach of any of its provisions by the Chamber expressed through a resolution of the City Council, and this Contract shall terminate at the expiration of said sixty (60) days unless the Chamber shall have previously corrected the defaults set out in the canceling resolution.

7. The City shall not be liable for claims or demands for damages, monetary or otherwise, that may develop from the Chamber's actions in the performance of its work and activities financed under this Contract, and the Chamber shall hold the City harmless from such claims and demands.

8. It is further understood that by entering into this Contract with the Chamber, the City does not bind itself in the future to any action of the Council in connection with the alteration, repeal, or amendment of the City of Brady's Hotel-Motel Occupancy Tax. The City shall not be obligated under contract to pay over any funds of the City to the Chamber of Commerce. It is also understood between the parties to the Contract that, in the event no funds are available from the City of Brady seven percent (7%) Hotel-Motel Occupancy Tax, the Chamber shall have no right or demand upon the City for funds payable under this Contract if such funds are not available for any reason.

By: Anthony W. Groves  
City of Brady

Anthony Groves, Mayor


By: Ben Francisco  
Brady/McCulloch County Chamber of Commerce  
Ben Francisco, President

Attest:

By Christy Badilla  
Christy Badilla, City Secretary

# City Council

## City of Brady, Texas

<b>AGENDA DATE:</b>	11/7/2017	<b>AGENDA ITEM</b>	7.F.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding <b>Resolution 2017-036</b> renaming Stanburn Neighborhood Park in compliance with the Brady Parks and Recreational Naming Policy, to Lt. Daniel R. Conway Park, adopted by Fairmount Stantrol, and accepting \$50,000 donation to replace playground equipment, as well as plans to renovate other park facilities and plant new trees		
<b>PREPARED BY:</b>	Peter Lamont	<b>Date Submitted:</b>	10/31/17
<b>EXHIBITS:</b>	Resolution 2017-036 Naming Policy Initial proposal from Fairmount Stantrol Playground Buyboard quote Conceptual drawings of playground equipment Schematic of proposed playground equipment		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$29,999.85	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b>	<p>In December of 2014 City Council approved a Policy for Naming Parks and Recreation Facilities. This was in response to a request from Fairmount Stantrol to upgrade Stanburn Park. A presentation was made to City Council on March 3, 2015. As a part of the project, the family of one of the founders offered to donate \$50,000 to recognize a brother who died in Brady while training with the U.S. Army Air Corps.</p> <p>At the October 17, 2017 Council Workshop, the project was discussed and Council suggested naming the park after LT. Daniel Conway and note that it was adopted by Fairmount Stantrol. Staff has visited with the Fairmount Stantrol representative, Michael Cook, and the company supports the name proposed by the Council</p> <p>The city has received the full \$50,000 from the family. One payment of \$15,000 in February of 2016 and one payment of \$35,000 in May of 2017. Staff has been working with Fairmount Stantrol's representative, Michel Cook and TF Harper, who built the Willie Washington Playground on a design for new equipment at Stanburn Park. This is a playground designed for 5-12 year olds, and includes all appropriate molded plastic borders and fall zone materials. The quoted price is \$29,999.85.</p> <p>Additional projects in the park include replacing the lights at the tennis court, additional seating around the court, adding basketball goals to the tennis courts and making them multi use. Fairmount Stantrol is ready to plant trees and install the necessary irrigation for a period of five years. A future project is the resurfacing of the tennis court.</p> <p>Funds are being proposed in the budget amendment being brought forward this evening in the Special Revenue Fund.</p>		

<b>RECOMMENDED ACTION:</b> Approve <b>Resolution 2017-036</b>
--

**RESOLUTION 2017-036**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS RENAMING STANBURN NEIGHBORHOOD PARK IN COMPLIANCE WITH THE BRADY PARKS AND RECREATIONAL NAMING POLICY TO LT. DANIEL R. CONWAY PARK, ADOPTED BY FAIRMOUNT SANTROL.**

**WHEREAS**, in December 2014, City Council approved a Policy for Naming Parks and Recreation Facilities; and

**WHEREAS**, Fairmount Santrol has requested to upgrade Stanburn Park; and

**WHEREAS**, the family of one of the founders offered to donate \$50,000 to recognize a brother who died in 1941 in Brady while training with the U.S. Army Air Corps; and

**WHEREAS**, the project was discussed and Council suggested naming the park after Lt. Daniel Conway and a note that it was adopted by Fairmount Santrol, and;

**WHEREAS**, Fairmount Santrol supports the proposed name.

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

That Stanburn Park in Brady, Texas, be renamed to Lt. Daniel R. Conway Park, adopted by Fairmount Santrol.


**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2017

**CITY OF BRADY:**

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

Attest: \_\_\_\_\_

Tina Keys, City Secretary

CITY OF BRADY ADMINISTRATIVE PROCEDURES		
SUBJECT:	EFFECTIVE DATE:	
CITY OF BRADY PARKS AND RECREATIONAL FACILITIES NAMING POLICY	12/16/2014	
APPROVED: 	Reference No: Resolution 2014-041	

### I. Purpose

To provide a formal process for the City of Brady to evaluate proposals for the naming or renaming of parks and recreational facilities. It is the intent of the City to review all requests for facility naming, evaluate each request in accordance with the following guidelines, and provide insight and recommendations via the City Manager to the City Council.

### II. Process

To request a name for a specific Park, Facility, or a major feature within a Park such as a street, lake, building or athletic field, an applicant should submit a written request to the Director of Community Services. Applicant may obtain a copy of the Park Naming Guidelines from the City Secretary. The application should clearly state the name of the requesting organization along with the name, address and phone number of a contact person. The request must include all information as stated in the guidelines below and verified by City staff. Upon receipt of all information, the City Management Team will review the application and request any clarification as needed. The Management Team will have no more than 45 days to review and evaluate any and all naming requests from applicants once all information has been received. Upon completion of review by the Management Team, the City Manager will place the request on the City Council agenda. The City Management Team reserves the right not to endorse a request to the City Council.

### III. Guidelines for Naming or Renaming

Proposed names shall identify one of the following:

1. An adjacent street to the park or facility
2. Predominant physical features (such as lakes, rivers, creeks, etc.) in or adjacent to the park;
3. The subdivision in which the park property is located;
4. A significant historic feature or event;
5. An individual or group who has made exceptional contributions to the City of Brady with preference being given for contributions to parks and recreation services. Exceptional contributions include:
  - i. Donating or contributing a significant amount for the acquisition and/or development of the park facility
  - ii. Providing direct and significant volunteer services benefiting the public as a local or community leader
  - iii. Person for whom the facility is being named must be deceased for at least two years

#### **IV. Procedures for Naming or Renaming**

- A. Individuals or organizations shall submit a written nomination for park names along with justification to the Director of Community Services. The nomination shall include:
  1. Reasons for the proposed name
  2. Evidence of community support for the proposed name
  3. Petitions, if submitted, must state the intent and include printed names, signatures, addresses, zip codes and telephone numbers of each signer as proof of residency
  4. All of the above must be submitted to the City Secretary and the City Management Team will:
    - i. Review the nomination in accordance with Section III of the guidelines
    - ii. Research, review and study the supporting documentation
    - iii. Forward recommendations to the City Manager. The Management Team reserves the right not to support renaming applications
- C. The City Manager shall review the City Management Team's recommendations and forward recommendations to City Council for final determination.
- D. Renaming of Parks and Recreational Facilities shall be allowed to maintain consistency with these guidelines. However, renaming carries with it a much greater burden of process compared to initial naming. Tradition and community identification are important community values. Each request to rename must meet the criteria of this policy, but meeting all criteria does not ensure renaming.



**FairmountSantrol**

February 11, 2015

Dear Mrs. Kim Lenoir:

My name is Michael Cook, Sustainable Development Coordinator at Fairmount Santrol. Over the past few months, I have had the opportunity to work with Mr. Lamont discussing the renaming of Stanburn Park.

Fairmount Santrol requests that the park be renamed "Fairmount Santrol Park" with a plaque in the memory of Lt. Daniel R. Conway. Mr. Conway was stationed at Curtis Field in the 1940's and lost his life in September 1941 in a training accident. In exchange for the naming rights and plaque, Fairmount Santrol is offering time and talent to increase the parks safety and aesthetics. First, we would like to plant trees near the existing basketball court to create shade. We will also install water lines to sustain the life of the trees and will commit to maintain watering obligations for five years. Second, we will donate and install new playground equipment to replace out of date equipment. Finally, the resurfacing of the basketball court and new goals will be included in the scope of Fairmount Santrol's commitment. In addition we will provide volunteers to complete such activities as the tree planting, installation of water lines, and the creation of new benches and picnic tables.

Furthermore, the family of Lt. Daniel R. Conway is committing a one-time gift of \$50,000, on behalf of Fairmount Santrol, to go towards the beautification effort of our local park.

Sincerely,

Michael Cook  
Sustainable Development Coordinator  
325-869-0064

**BUYBOARD QUOTE**

103 Red Bird Lane  
Austin, Texas  
78745-3122

9

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

**Stan Burn Park**

QUOTE #: 07062017-113-tfh  
DATE: July 6, 2017

**OPTION ONE**

QTY	DESCRIPTION OF EQUIPMENT	UNIT PRICE	TOTAL COST
1	5-12 Playground Equipment #TJ-07001-17		\$18,471.00
34	4' x 12" x 4" Plastic Border Timbers		\$1,190.00
1	Installation of all Equipment Listed Above		\$8,475.00
1	Freight on all Equipment Listed Above		\$2,001.85
60	C.Y. Certified Playground Wood Mulch Material		\$1,650.00
	Freight on Above Material Delivered to Brady, Texas 76825		\$750.00
	Discount		(\$2,538.00)
		Sales Tax	Exempt
<b>TOTAL</b>			<b>\$29,999.85</b>

**QUOTE IS VALID FOR 90 DAYS FROM DATE OF QUOTE OR FROM DATE OF REVISION****PRICING IS BASED ON A WORKSITE THAT IS FULLY ACCESSIBLE BY TRUCK OR BOBCAT.**

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

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

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

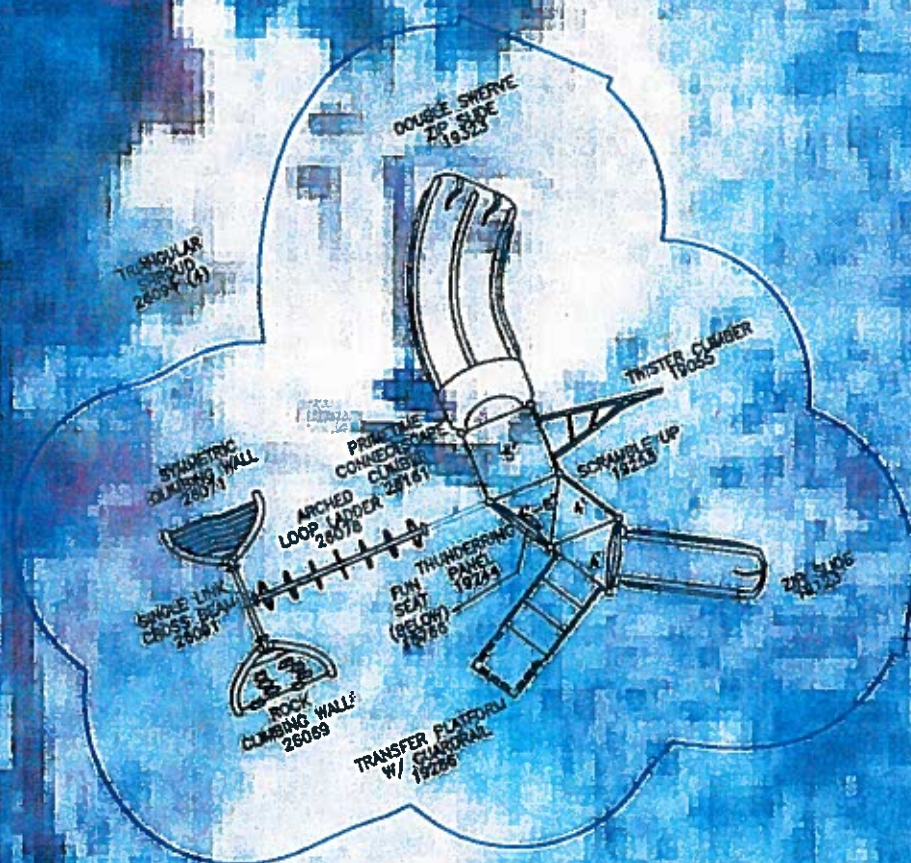
**Accepted by:** \_\_\_\_\_**Date:** \_\_\_\_\_**P.O. # (if applicable):** \_\_\_\_\_

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

**Tommy Harper**

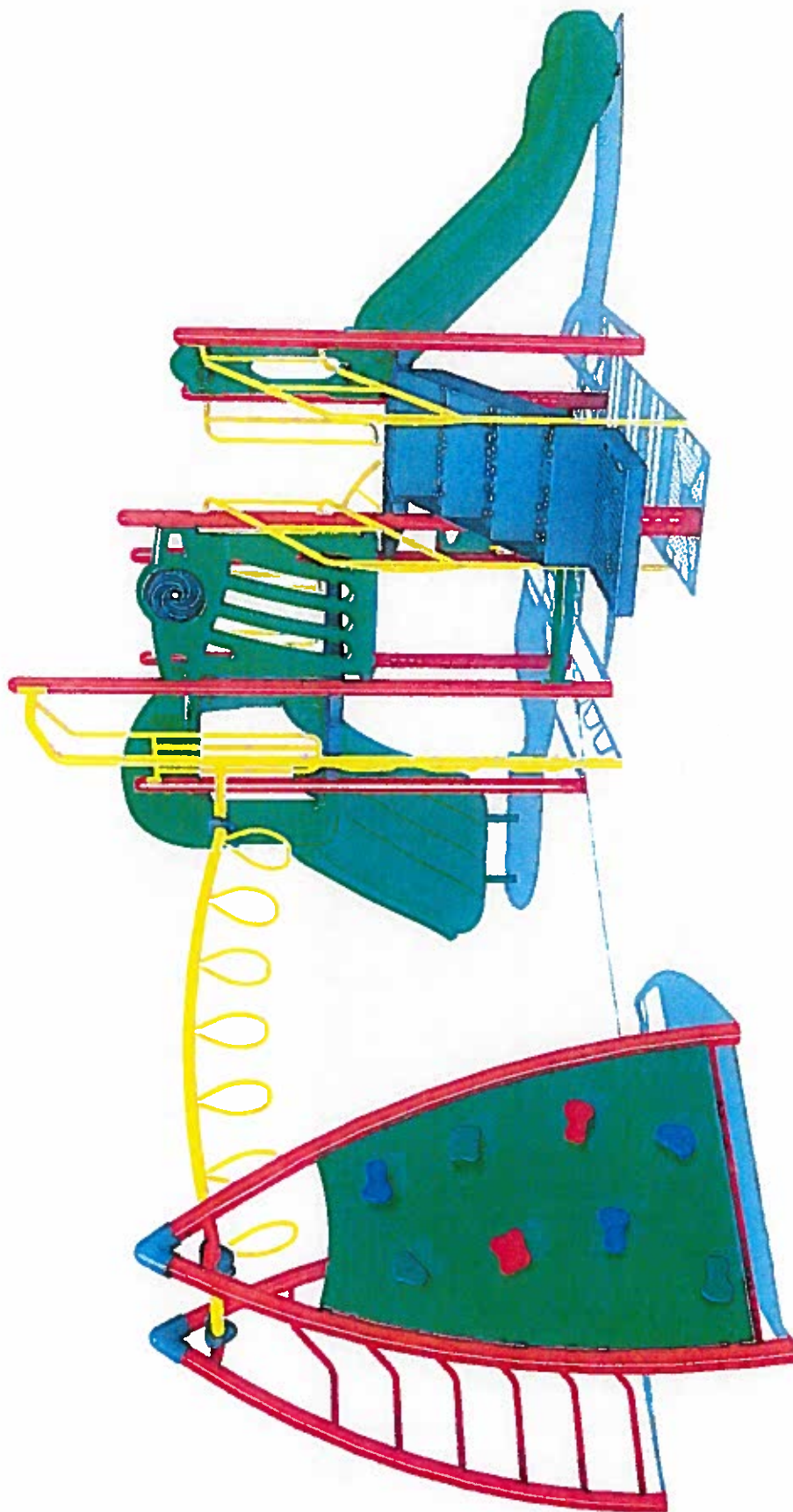
**Commercial Play and Recreational Equipment**

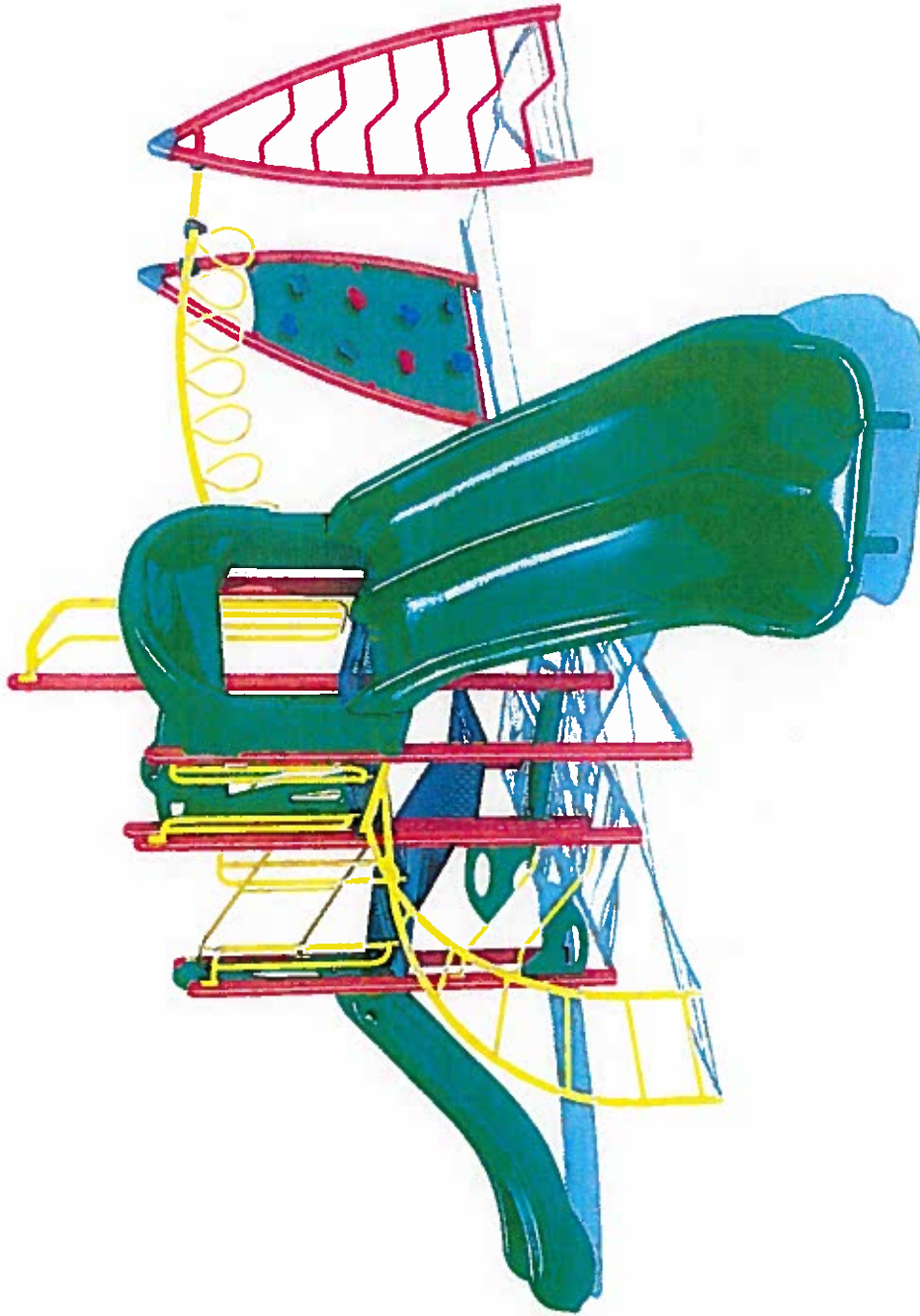




TJ-07001-17-2A2



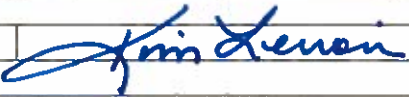




Intellectual property of GameTime, a PlayCore Company

# City Council

## City of Brady, Texas

<b>AGENDA DATE:</b>	11/7/2017	<b>AGENDA ITEM</b>	7.G.
<b>AGENDA SUBJECT:</b>	Discussion, consideration, and possible action regarding Public Comments from Michael Whitworth, 1300 Block of Peach Street, McCulloch County resident concerning drainage easement/fence repair/replat proposal at 1110 W 11 <sup>th</sup> Street; animal control complaint at Joe Sanchez, 700 South Elm Street; temporary utility connection policies for contractors; and process of general enforcement of existing ordinances.		
<b>PREPARED BY:</b>	Peter Lamont	<b>Date Submitted:</b>	10/31/17
<b>EXHIBITS:</b>	Timeline of issue at 1110 W. 11 <sup>th</sup> Proposed Standard Operating Procedure for Code Enforcement		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>		\$00.00
	<b>Amount Budgeted:</b>		\$00.00
	<b>Appropriation Required:</b>		\$00.00
<b>CITY MANAGER APPROVAL:</b>			
<b>SUMMARY:</b>	<p>At the October 17, 2017 City Council Meeting, during Public Comments, county resident Michael Whitworth question the City's handling of several items. Specific cases included the issuance of a fence permit at 1110 W. 11<sup>th</sup>, and animal control violation at 700 South Elm. Less specific were comments concerning the utility connection procedures for utility connections for contractors and general enforcement of existing ordinances.</p> <p>Since Mr. Whitworth's comments were made during the Public Comments portion of the meeting, neither staff nor Council could respond or ask questions. Staff at this time would like to address the concerns raised and provide Council clarification on the specific items brought up as well as discuss general policies for utility connections and code enforcement.</p>		
<b>RECOMMENDED ACTION:</b>			
Provide direction to staff			

### Timeline for 1110 W. 11<sup>th</sup> street Drainage

June 11, 2017 – Kim Lenoir sent me an email stating a customer reported to her a fence had been built over a platted drainage easement.

June 12, 2017 – Kim Davee did an inspection of the property. The drainage area seemed to be on the East side of the property. Kim spoke with the potential owner of the property, Jeremy Slatton and explained the fence had been built without a permit and that it could potentially be blocking a drainage easement. He had Wells Fargo contact me since they were buying the property from them. I explained the problem and they were willing to have the fence moved.

July 3, 2017 – I researched the property which did reveal the drainage easement on the West side of the property. I spoke with Wells Fargo and explained the platted easement and its location. She said they would move the fence past the 15' easement and they were going forward with the re-plat of the property.

July 21, 2017 – Permit was issued for the fence.

September 28, 2017 – Wells Fargo called Tina Keys to see what would need to be done to vacate the drainage easement.

September 29, 2017 – Kim Lenoir emailed city staff and said an engineer would need to determine if the drainage easement could be abandoned or moved. The engineer would have to be hired at the owner's expense.

October 27, 2017 – Steven Miller sent an email out that KSA was looking at the drainage issue for Wells Fargo.

October 31, 2017 – Kim Davee received a phone call from John Henry with KSA Engineers to discuss the drainage easement and how to go about re-platting and moving the easement to its actual location. Mr. Henry said the drainage is actually in the center of the property. The city will receive a copy of the preliminary and final plats for review.

## **Standard operating procedure for Code Enforcement.**

The purpose of this policy is to provide guidelines to the City of Brady Code Enforcement Officers. Officers are expected to act consistently with these policies. Officers are authorized to use discretion in enforcement or in refraining from enforcement, so long as they do so in a non-discriminatory manner.

Code Enforcement Department is responsible for the enforcement of the City of Brady Ordinances, adopted Zoning Ordinances, adopted Building codes, and all other issues as directed by the City Counsel. These ordinances and codes are designed to protect the health, safety, and welfare of all who live, work or visit our town. They ensure a positive effect on property value, community appearance and city pride.

Responsibility for maintenance of properties and the overall aesthetic appearance of neighborhood ultimately lie with the property owners. Properties that are not maintained fall into disrepair; deteriorate; devalue neighborhoods: become an encouragement to crime and lead to blight. It is crucial to ensure that all property owners are aware of the ordinances and requirements for maintenance of their properties.

Code enforcement should be flexible to allow enforcement that fits the type and circumstance of the code violations.

### **Enforcement Mechanisms:**

Obtain voluntary compliance

Mediate settlement of code violation complaints

Notice of Violation

#### **Informal Enforcement Methods**

- a. Personal contact
- b. Verbal education
- c. Verbal warning

#### **Formal Enforcement Methods**

- a. Written warning
- b. Official notices and citations

Citation and prosecution of infractions in Municipal Court

Nuisance Abatement

Code enforcement may be initiated by any of the following methods.

Online at [bradytx.us](http://bradytx.us) on complaint form

Call 325-597-2244 Ext. 202

Code enforcement may initiate enforcement any time a violation is observed

Information from other sources may reveal code violations and may be investigated

At the beginning of each investigation, the following shall be established

- a. Jurisdiction. The property upon which the alleged code violation has occurred must be land over which the city has code enforcement jurisdiction.
- b. Zoning. The zoning of the subject property shall be determined, if relevant.
- c. Property Ownership. All persons with a recorded legal interest in the subject property shall be determined.
- d. Other Potentially Responsible Persons. Any other person potentially responsible for the alleged code violation.
- e. Identification of Applicable Code Provisions. The Code enforcement Officer shall identify the pertinent provisions of the ordinances that may have been violated according to the complaint.
- f. Prior Complaint History. The Code Enforcement Officer shall examine records to determine the existence and status of any prior or existing violation complaints on the subject property or concerning the alleged violator.
- g. Photos. Photos shall be taken of alleged violation and recorded with property and attached violation.

The Code Enforcement Officer shall determine whether there are reasonable grounds to believe that the alleged violation did occur. Such grounds may be established by personal observation by Code Enforcement Officer. If the Code Enforcement Officer determines that reasonable grounds do not exist, no enforcement action shall be taken.

#### Field Investigation

##### Purpose:

- a. To verify the existence and severity of code violations
- b. To document code violations by means of written notes, photos witness interviews
- c. To obtain supporting evidence
- d. If possible, to discuss with the property owner, occupant or other responsible person;
  1. The nature of code violations
  2. Methods for complying with code
  3. Timeline for code compliance

4. Code enforcement procedures
5. Potential consequences for failure to comply

## Enforcement Procedures

### Voluntary compliance without penalty

- a. It is the City's policy to encourage voluntary compliance by providing code violators and other responsible persons with the opportunity during code enforcement to comply with the codes with little or no penalty.
- b. The Code Enforcement Officer may issue a Notice of Violation to the property owner and any responsible party when there are reasonable grounds to believe a violation did or does occur. Notice of Violation shall be sent standard and/or certified mail to the most recent known address for the property owner and other responsible person. The Notice of Violation shall establish a deadline for compliance.

### Citation

- a. Where voluntary compliance is not obtained within a reasonable time. A citation may be issued as provided by city code.

### Nuisance Abatement

- a. The City following, code procedures, and state laws may abate code violations that are defined as "nuisances."

## File Closure

Code Enforcement files may be closed for the following reasons:


- a. When no code violation is found after investigation
- b. When there is voluntary compliance
- c. When a judgement is entered resolving the matter
- d. When an injunction has been issued and the property owner or other responsible person has corrected the violation
- e. When investigation and prosecution of the violation have been completed by federal or state agency to which the town deferred code enforcement
- f. When it is determined in writing that the code violation is not likely to be successfully resolved within a reasonable timeline, due to factors outside the city's control.



# City Council

## City of Brady, Texas

### Agenda Action Form

<b>AGENDA DATE:</b>	11/7/2017	<b>AGENDA ITEM</b>	7.H.
<b>AGENDA SUBJECT:</b>	Discussion, consideration and possible action regarding Votes for McCulloch County Appraisal District Board of Directors Members.		
<b>PREPARED BY:</b>	Tina Keys	<b>Date Submitted:</b>	10/31/2017
<b>EXHIBITS:</b>	Copy of letter to taxing entities regarding votes for Members of the McCulloch County Appraisal District Board of Directors Resolution 2017-037		
<b>BUDGETARY IMPACT:</b>	<b>Required Expenditure:</b>	\$00.00	
	<b>Amount Budgeted:</b>	\$00.00	
	<b>Appropriation Required:</b>	\$00.00	
<b>CITY MANAGER APPROVAL:</b>			

<b>SUMMARY:</b>	<p>The term for three Members of the McCulloch County Appraisal District Board of Directors is up on December 31, 2017. Nominations were received and four members were nominated for the three positions. Therefore, each voting entity must vote in an open meeting and report the vote to the Chief appraiser. Once your selection (s) is/are made, the City Secretary will report to McCulloch County Appraisal District on your behalf. The City of Brady has 237 votes.</p>
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<b>RECOMMENDED ACTION:</b>	<p>Cast votes as instructed on the attached letter. The taxing unit may cast all of their votes for one candidate or may distribute its votes among <b>THREE</b> candidates.</p>
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**RESOLUTION 2017-037**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS  
VOTING FOR BOARD OF DIRECTORS FOR THE MCCULLOCH COUNTY  
APRAISAL DISTRICT TO SERVE DURING THE 2018-2019 TERM.**

**WHEREAS**, nominations for the McCulloch County Board of Directors for the McCulloch County Appraisal District 2018-2019 term were held; and

**WHEREAS**, there are three openings and there were four names nominated; and

**WHEREAS**, the appraisal district is requesting each taxing unit to report their vote by written resolution to the Chief Appraiser by December 20, 2017; and

**WHEREAS**, the City of Brady is entitled to cast 237 votes for the individual(s) to serve as directors of the appraisal district's board of directors.

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

That the City Council for the City of Brady hereby casts the following number of votes for the following individuals:

Jason Jacoby \_\_\_\_\_

Matt McBee \_\_\_\_\_

Cynthia Quinn \_\_\_\_\_

Reed Williams \_\_\_\_\_

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2017

**CITY OF BRADY:**

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

Attest: \_\_\_\_\_

Tina Keys, City Secretary

TO ALL VOTING TAXING ENTITIES:

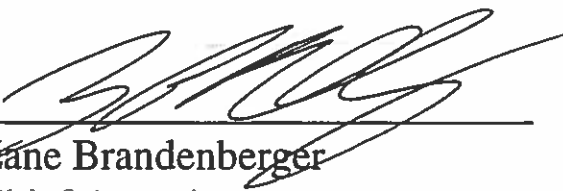
Enclosed is a ballot for selection of Board of Directors for the McCulloch County Appraisal District to serve during the 2018-2019 term. The nominees are listed alphabetically by each candidate's last name.

Each voting unit must vote in an open meeting, report the vote by written resolution to the Chief Appraiser by December 20, 2017. The unit may cast all of its votes for one candidate or may distribute its votes among **THREE** candidates. A voting unit must cast its votes for a person nominated and named on the ballot. There is no provision for write-in candidates.

The Chief Appraiser must count the votes and declare the candidates who receive the largest vote totals before December 31, 2017. The Chief Appraiser will notify all taxing units (voting and non-voting) and all candidates who were on the ballot of the outcome.

If you have any questions regarding this process please give me a call.

Sincerely,

  
\_\_\_\_\_  
Zane Brandenberger  
Chief Appraiser

**October 26, 2017**

Candidates for the McCulloch County Appraisal District Board of Directors for 2018-2019.

**BALLOT**

Jason Jacoby	_____
Matt McBee	_____
Cynthia Quinn	_____
Reed Williams	_____

**NUMBER OF VOTES**

McCulloch County	812
City of Brady	237
City of Melvin	6
Brady ISD	1,612
Lohn ISD	91
Rochelle	174
Mason ISD	68

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Presiding Officer of City of Brady