



**CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
FEBRUARY 20, 2018 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 February 20, 2018, 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.

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

Sarah Griffin
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.

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 February 20, 2018.
- B. Approval of Minutes for Regular and Work Session Meetings February 6, 2018.

5. PRESENTATION AND INDIVIDUAL CONCERNS:

- A. Presentation of distributed generation, i.e., solar, wind and fuel powered electric generating systems and regulations.
- B. Discussion, consideration, and possible action on **first reading of Ordinance 1245** of the City of Brady adopting Distributed Generation (DG) Ordinance; amend and repeal all existing distributed generation or related ordinances.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS:

- A. Public Hearing regarding demolition and abatement of structures located at 506 Crothers
 - A.1. Discussion, consideration and possible action regarding **Abatement Order 2018-26** in accordance with the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structure(s) at 506 Crothers.

- B. Public Hearing regarding demolition and abatement of structures located at 1707 Marlow.
 - B.1. Discussion, consideration and possible action regarding **Abatement Order 2018-27** in accordance with the Code of Ordinances Section 3.207 to authorize demolition of dilapidated structure(s) at 1707 Marlow.
- C. Public Hearing regarding a new Sign Ordinance.
- D. Discussion, consideration, and possible action regarding **first reading of Ordinance 1247** of the City of Brady; to adopt new sign regulations and rules.
- E. Discussion, consideration, and possible action regarding **first reading of Ordinance 1248** of the City of Brady; to remove current sign regulations and rules in Municipal Code of Ordinances Section 4.201 to 4.210.

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 and final reading of Ordinance 1244** of the City of Brady; to order the Special Election for amendments to the City Charter, as recommended by the City Charter Commission.
- B. Discussion, consideration, and possible action regarding **first reading of Ordinance 1249** terminate the franchise agreement between Sharyland Utilities L.P. (Sharyland) and the City of Brady.
- C. Discussion, consideration and possible action authorizing the city manager to execute an engineering amendment with Freese and Nichols, Inc. for final design and bid phase engineering services related to production of 100% plans & specifications describing full replacement of wastewater treatment plant, in compliance with the Texas Water Development Board Clean Water Program (\$1,058,560).
- D. Discussion, consideration, and possible action regarding final Demolition Order 2016-10 for 502 West 2nd Street.
- E. Discussion, consideration, and possible action regarding final Demolition Order 2018-20 for 501 West 2nd Street.
- F. Discussion, consideration, and possible action regarding final Demolition Order 2018-21 for 703 East 11th Street.
- G. Discussion, consideration, and possible action approving donation of Brady Fire Department 1980s Tanker 9 truck to the Texas Forest Service "Helping Hand Program" for the London VFD.
- H. Discussion and summary of City Council action and if procedures and processes worked.

- A. **January Monthly Financial and Utility Reports**
- B. **January Monthly Activity Reports** – Seniors, Golf, BPD, Animal Control, Tourism Funding, Airport, Code Enforcement, Brady Lake Deer Management, Chronic Code Complaints & Structures Inhabited without Utilities; Brady Police Department Grant(s) Status Reports and Donations Received
- C. First Annual Report of new Ed Davenport Civic Center – Revenues vs Expenses
- D. **Upcoming Special Events/Meetings:**
March 16 – 24, 2018 – Country Music Festival
- E. **Upcoming City Calendar:**
Feb 21 – 8:30am Municipal Court
March 6 – Annual Report Brady Police Department

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 Lawsuit and Old Hospital.
- B. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Manager Lenoir and City Attorney duties under the City Charter.
- C. 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.

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

12. ADJOURNMENT

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

Tina Keys, City Secretary

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

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

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

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

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session Meeting on Tuesday, February 6, 2017 at 5:00 p.m. at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Tony Groves presiding. Council Members present were Jim Griffin, Shelly Perkins, Jeffrey Sutton, and Jane Huffman. City staff present were City Manager Kim Lenoir, Public Works Director Steven Miller, Environmental Compliance Operator Loye Young, City Attorney Shannon Kackley, Attorneys Scott Tschirhart and Sarah Griffin, and City Secretary Tina Keys.

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

Mayor Groves called the meeting to order at 5:00 p.m. Council quorum was certified.

2. EXECUTIVE SESSION

Council adjourned into Executive Session at 5:01pm. Regular Session was then reopened at 5:01pm to read executive session items then adjourned into executive session at 5:02pm 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 Lawsuit.
Council took a break to move locations at 5:39pm and continued the executive session.
- B. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City Manager Lenoir and City Attorney duties under the City Charter.
- C. 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.

Executive Session was closed at 6:00pm

3. ADJOURNMENT

There being no further business, the Mayor adjourned the Work Session meeting at 6:01 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, February 6, 2018 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 Jane Huffman, Jim Griffin, Shelly Perkins, and Jeffrey Sutton. City staff present were City Manager Kim Lenoir, Community Services Director Peter Lamont, Public Works Director Steve Miller, Finance Director Lisa Remini, Police Chief Steve Thomas, Fire Chief Brian Meroney, Assistant Fire Chief Lloyd Perrin, Animal Control Officer Chantal Solis, Golf Course Manager Brett Sheguit, City Attorney Shannon Kackley and City Secretary Tina Keys. Also in attendance were Attorney Sarah Griffin, James Stewart, Eddie Sales, Carl Tacker, Harold Tacker, Teresa & Chris Liefeste, JoAnn Coffey, and Karen Laake.

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

Mayor Groves called the meeting to order at 6:02 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

Peter Lamont introduced Golf Course Manager Brett Sheguit.

4. CONSENT AGENDA

- A. Approval of Audit Board for February 6, 2018.
- B. Approval of Minutes for Regular and Work Sessions Meeting January 16, 2018.

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

5. PRESENTATIONS

Chief Brian Meroney presented 2017 Annual Report of Fire and EMS Services

6. INDIVIDUAL CONCERNS / CONTRACT

- A. Discussion, consideration and possible regarding authorizing the Mayor to sign an EMS Billing Service Agreement with Emergicon, transferring billing services. Brian Meroney presented. Karen Laake from Specialized Billing, current service, talked about discrepancies in report and went on to say the contract can be cancelled at any time. Eddie Sales asked if the City is aware of a potentially 90-day lag in incoming funds. Mayor Groves recommended to delay action to better understand impacts. Council Member Sutton moved to postpone until a future meeting. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion passes 4 – 0.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1243** of the City of Brady to add and revise portions of Chapter 2 Animal Control, Section 2.101 Definitions, and Article 2.400 Keeping Livestock and Exotic Animals. Kim Lenoir presented. Council Member Griffin moved to approve the second and final reading of Ordinance 1243. Seconded by Council Member Perkins. Three Council Members voted "aye" with one Council Member, Huffman, voting "nay". Motion carried 3 - 1 vote.

- B. Discussion, consideration, and possible action regarding approving **Resolution 2018-003** to order a Special Election on May 5, 2018 for the purpose of presenting to the voters of the City of Brady certain Charter amendments as recommended by the Charter Review Commission. Kim Lenoir presented. Council Member Perkins moved to approve Resolution 2018-003. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion carried in a 4 – 0 vote.

- C. Discussion, consideration, and possible action regarding **first reading of Ordinance 1244** in accordance with the City of Brady to order the Special Election for amendments to the City Charter as recommended by the Charter Review Commission. Kim Lenoir presented. Council Member Sutton moved to approve the first reading of Ordinance 1244 as amended. Seconded by Council Member Huffman. All Council Members voted “aye” and none “nay”. Motion carried in a 4 – 0 vote.

- D. Discussion and summary of City Council action approving the purchase 2,000T Limestone Rock Asphalt, Type 1, Grade D (cold mix) material at \$40.05 per ton for **\$80,100.00**. Delivery charge is \$0.15 per Ton/Mile at 184 miles or **\$55,200.00**. Total purchase w/ delivery equals **\$135,300.00**. Steven Miller presented. Council Member Sutton moved to approve the purchase. Seconded by Council Member Perkins. Three Council Members voted “aye” and Council Member Griffin, voted “nay”. Motion carried in a 3 – 1 vote.

- E. Discussion and summary of City Council action and if procedures and processes worked. Council Member Perkins presented wording for demolition order and abatement orders on research that she did. She is also requested clarification of numbering system for demolition orders. Also would like update on 901 Bombay.

8. STAFF REPORTS

- A. **2017 Annual Report – Brady Housing Authority**
- B. **Upcoming Special Events/Meetings:**
 - Feb 15 – 10am Upper Colorado River Authority – Brady Creek Project Kick-off Meeting
 - Feb 17 – Hope from the Heart Fundraiser – Civic Center
- C. **Upcoming City Calendar:**
 - Feb 7 – 5pm GRW Steering Committee
 - Feb 13 – P&Z Meeting – Public Hearing Sign Ordinance
 - Feb 16 – 5pm, End of Filing Period for Council Positions Place 2 and 3
 - Feb 19 – City Offices Closed – Holiday Trash Schedule – Mon to Tue; Tues to Wed
 - Feb 20 – City Council Meeting – Public Hearing – Sign Ordinance
 - Feb 21 – 8:30am Municipal Court

9. ANNOUNCEMENTS

There were no announcements

10. EXECUTIVE SESSION

Executive Session was before regular session so council did not recess into executive session

11. OPEN SESSION ACTION on any Executive Session Item listed above.

There was no action

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 8:23 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

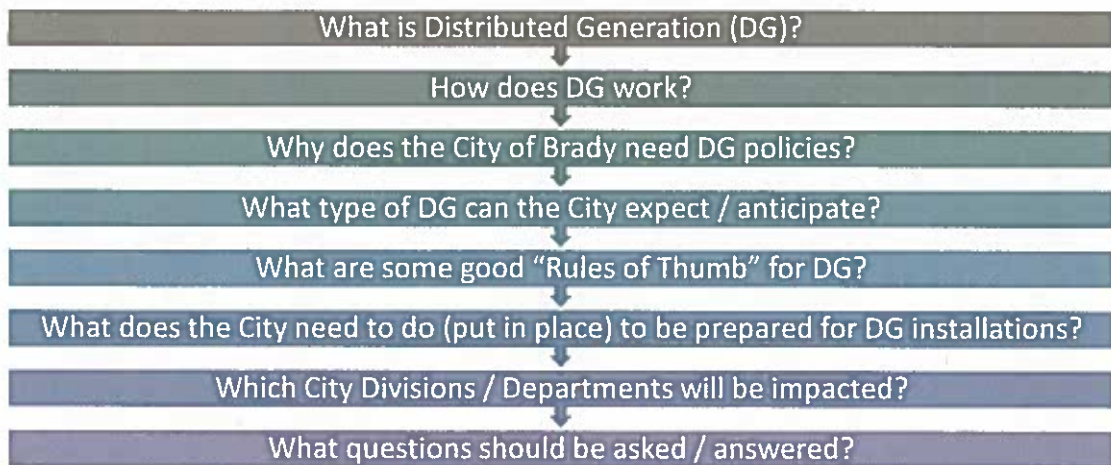
Distributed Generation Overview

Prepared for City of Brady – Council Work Session

February 20, 2018



OVERVIEW OUTLINE



SLIDE 2



WHAT IS DISTRIBUTED GENERATION (DG)?

Electrical generating facility located at a customer's point of delivery of ten megawatts (MW) or less

Connected at a voltage less than 60 kilovolts (kV) which may be connected in parallel operation to the utility's electric system



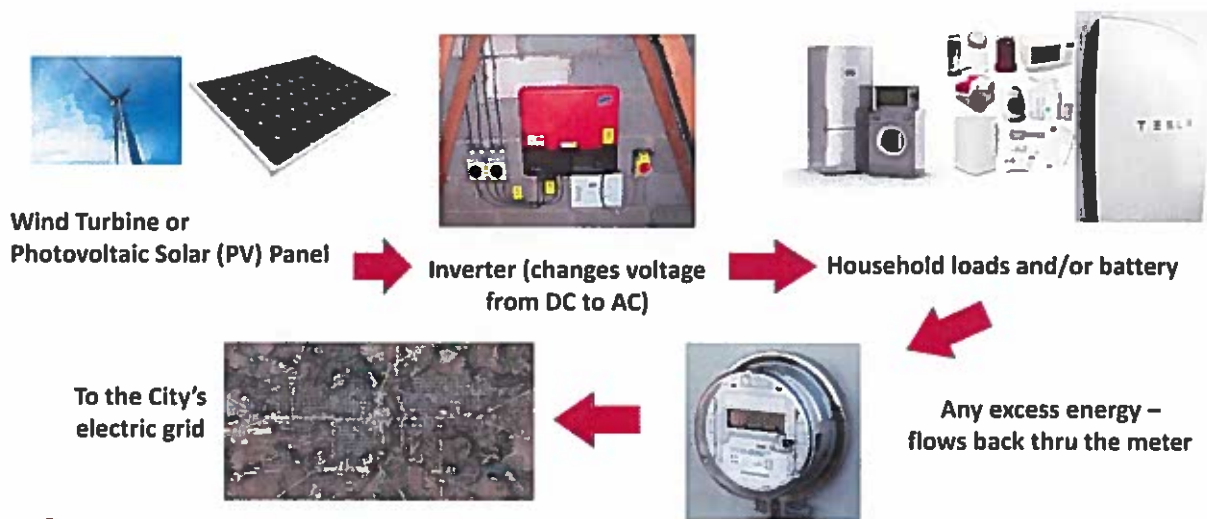
1. **DG must be connected at distribution voltage – not transmission voltage (69KV or 138KV) – if connected at transmission voltage – not the City's issue (between developer; transmission owner and ERCOT)**
2. **Above 1-2 MW is a huge DG system (not realistic) – most DG systems range from 1KW – 50KW**



SLIDE 3



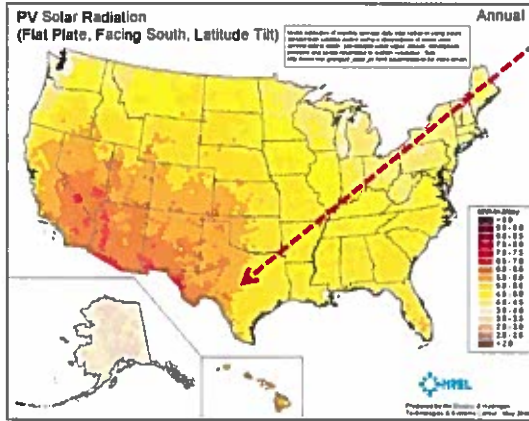
HOW DOES DG WORK?



SLIDE 4



WHY DOES THE CITY NEED DG POLICIES?



Brady is in a very good "solar area"

Solar PV costs have dropped dramatically (past several years)

Nationally, some large companies have entered the market – and in Central Texas – many installers in Austin / SA region (due to utility incentive programs)

Some Texas utilities are seeing significant increases in applications for / installations of DG (mainly solar PV systems)

Payback scenarios are dependent (to some degree) on policies and rates (for energy sent back to the grid) established by distribution utilities



SLIDE 5



WHY DOES THE CITY NEED DG POLICIES? (cont.)

But the primary reason for sound DG Policies and Procedures is:

The **SAFE** interconnection of DG systems

The **SAFE** operation of DG systems



SLIDE 6



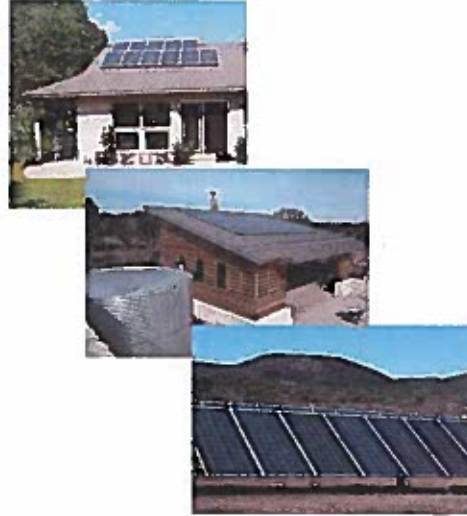
WHAT TYPE OF DG CAN BE EXPECTED?

(100% own use) Small renewable DG (solar PV) that only supplies energy that is consumed on premise

(Almost 100% own use) Small renewable DG (solar PV) primarily supplies energy that is consumed at the premise

(Solar PV on a hunting cabin) Small renewable DG (solar PV) that supplies energy consumed at the facility when occupied and sends a significant percentage of output back to the City's distribution grid

(Merchant DG) Larger scale DG – that is designed to send energy to the City's grid



SLIDE 7

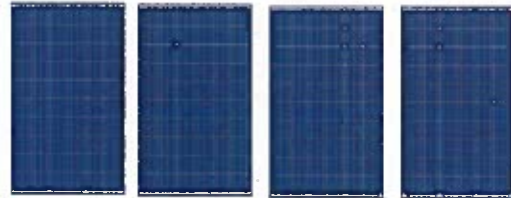


HOW MUCH SURFACE AREA IS NEEDED FOR SOLAR? HOW MUCH ENERGY IS PRODUCED?

Rule of Thumb-1: 1KW = 70-80 Sq. Ft of surface area

Each panel = 64.6"x39"x1.6" (5.3' x 3.25') = 250w

Rule of Thumb-2: 7-10 Acres for 1MW of Solar



Rule of Thumb-3: 1KW = 1,500 KWh / year

(approximately 1 month of usage for a average house)



SLIDE 8



HOW MUCH DOES SOLAR DG COST?



➔ For residential size systems = approximately \$2,000 - 4,000 per KW



➔ For utility scale systems = approximately \$1,500 - \$2,000 per KW

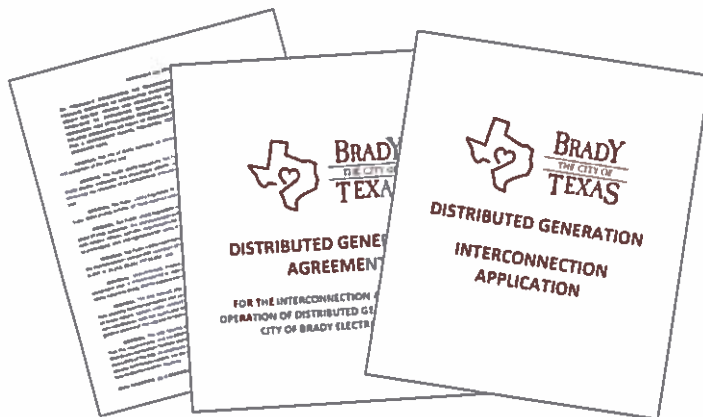
But typically sell the output at a per KWh price (Purchase Power Agreement (PPA) in the same range as utility scale wind projects)



SLIDE 9



WHAT DOES THE CITY NEED TO DO TO BE READY?



DG Ordinance

DG Agreement

DG Application

Internal Procedures

Customer Information

- Interconnection Guide
- DG Diagram
- Website Content



SLIDE 10



WHICH CITY DIVISIONS ARE IMPACTED?

City Communications / Customer Service staff

- Prepare and provide website; brochure(s); diagrams; handouts

City Code Enforcement Public Works Electric Utility Division

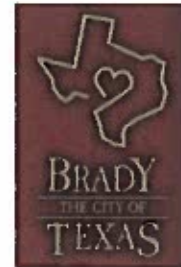
- Review applications
- Determine if engineering study is needed
- Conduct inspection of installation(s)
- Ensure proper metering / meter settings

City Manager's Office

- Prepare and Sign DG Agreement(s)
- Ensure proper DG rate rider (Rate Ordinance)

Billing Division

- Set up procedures and fees to track any energy sent to the City and related purchases and credits / payments



SLIDE 11



GOOD QUESTIONS TO ASK

If DG systems are installed to the City's technical requirements – do these systems pose a safety risk to the City's electrical workers?

The City will lose revenue if DG systems are installed?

Why does the City have to reimburse for energy sent to the City from a DG system?

Should the City revise the electric rate structure to address the loss of revenue from DG systems?

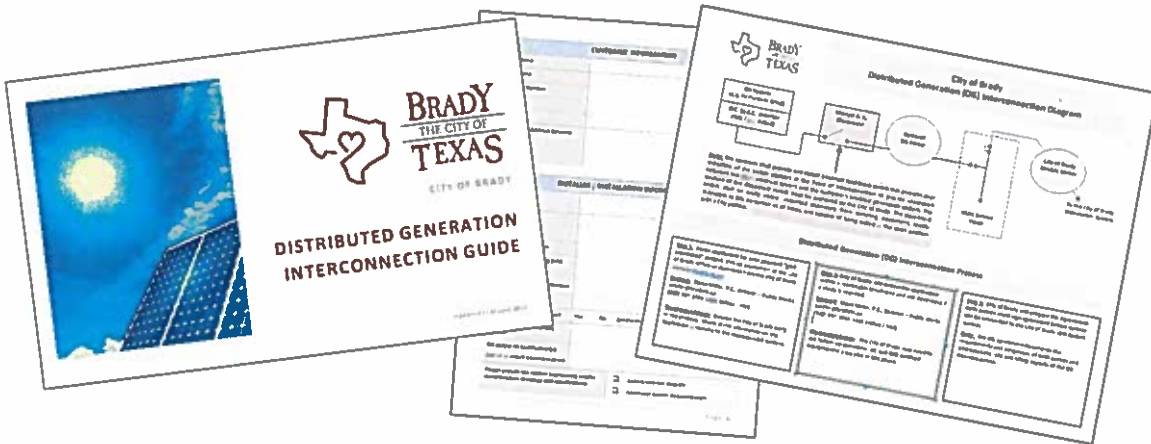
At what rate should the City reimburse for energy sent to the City?



SLIDE 12



CUSTOMER INFORMATION



SLIDE 13



OTHER QUESTIONS / DISCUSSION



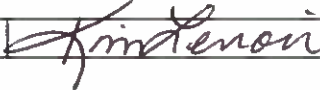
SLIDE 14



City Council

City of Brady, Texas

Agenda Action - Ordinance

AGENDA DATE:	02/16/2016	AGENDA ITEM	5.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action on first reading of Ordinance 1245 of the City of Brady adopting Distributed Generation (DG) ordinance; amend and repeal all existing distributed generation or related ordinances.		
PREPARED BY:	S. Miller	Date Submitted	2/13/2016
EXHIBITS:	Proposed Distributed Generation Ordinance		
BUDGETARY IMPACT:	Required Expenditure:		\$6,000.00
	Amount Budgeted:		\$6,000.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			
SUMMARY:	<p><u>Guest expert:</u> Ned Brown, Schneider Engineering, LTD.</p> <p><u>Background</u> - On or about January 2016 city council took action to address a safety issue in the city's electrical distribution grid by adopting Ordinance 1188 controlling or prohibiting the use of generators for producing electricity to be connected to the local electrical grid. This action was taken in response to an incident in which city electrical linemen were conducting a power outage repair and discovered an electrical current present on overhead power lines from an unknown source.</p> <p><u>Since that time</u> - the matter of distributed generation (electrical generating equipment) has been under evaluation for suitability and adaptability to individual homes, businesses and commercial applications. City staff identified several municipalities and cities that have adopted DG ordinances addressing the matter of market available power generation products suitable for residences, businesses or commercial settings as installations in local communities. City staff engaged Schneider Engineering, LTD., Boerne, Texas for professional engineering and technical services to address a more robust approach to accepting the connection of distributed generation into the city's electrical grid.</p> <p><u>To this end</u> - the attached exhibit describes the newly developed ordinance that also meets requirements of the Public Utility Commission (PUC).</p>		
RECOMMENDED ACTION:	<p>Mayor: <u>"Do I have a motion to read the full ordinance.</u></p> <p>If no, Mayor will state: <u>"A majority of the City Council has dispensed with the full reading of the ordinance."</u></p> <p>Mayor will ask: <u>"Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter."</u> "Secretary reads preamble"</p> <p>Mayor calls for a motion: Move to approve the first reading.</p>		

ORDINANCE NO. 1245

AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR INTERCONNECTION AND PARALLEL OPERATION OF DISTRIBUTED GENERATION FACILITIES WITHIN THE CITY OF BRADY ELECTRIC SYSTEM AND PROHIBITING INTERCONNECTION AND/OR PARALLEL OPERATION OF DISTRIBUTED GENERATION WITHOUT COMPLIANCE WITH THIS ORDINANCE AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY; REPEALING ALL RELATED ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PRESCRIBING AN EFFECTIVE DATE.

WHEREAS, The City of Brady operates an electric distribution utility for the benefit of the citizens and customers of the utility; and

WHEREAS, The Public Utility Regulatory Act, TEX. UTIL. CODE ANN. § 31.005 (Vernon 1998 & Supp. 2005) (PURA) authorizes and encourages electric utilities to establish customer option programs that encourage the reduction of air contaminant emissions including distributed energy generation technology; and

WHEREAS, The Public Utility Regulatory Act, TEX. UTIL. CODE ANN § 39.101 (b)(3) (Vernon 1998 & Supp. 2005) (PURA) entitles all Texas electric customers to access to on-site distributed generation; and

WHEREAS, The Public Utility Regulatory Act, TEX. UTIL. CODE ANN § 39.916 (Vernon 1998 & Supp. 2005) (PURA) authorizes the interconnection and parallel operation of Distributed Renewable Generation with electric utilities, specifies requirements for same, and requires the Public Utility Commission of Texas to promulgate rules and regulations for same; and

WHEREAS, The Public Utility Commission of Texas has promulgated rules and regulations regarding the interconnection and parallel operation of Distributed Generation facilities with electric utilities as P.U.C. SUBST. R. 25.211, 25.212 and 25.217; and

WHEREAS, Unauthorized, inadequately protected, or substandard Distributed Generation equipment that is interconnected or operated in parallel to the electric distribution system can pose a safety hazard to Brady Electric Division personnel and to other persons; and

WHEREAS, The City Council, after careful consideration of the matter, hereby finds and declares that allowing the interconnection and parallel operation of Distributed Generation facilities within the City of Brady electric system under carefully controlled and managed conditions to provide for the safety and non-interference with the quality and reliability of service to other customers is in the best interests of the general welfare of the City and its residents; and

WHEREAS, The City Council, after careful consideration of the matter, hereby finds and declares that the requirements and conditions put forth herein for the interconnection and parallel operation of Distributed Generation facilities within the City of Brady electric system are necessary to protect the health and safety of the City, its employees and residents, are necessary to protect the quality and reliability of the electric distribution system, are equitable, and do not impose an unfair burden on the owners and users of Distributed Generation facilities:

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

DISTRIBUTED GENERATION

1. GENERAL PROVISIONS

- 1.1. **Intent.** This article is intended to provide for the orderly, safe and effective interconnection and parallel operation of distributed generation facilities within the City of Brady electric system by customers of the City of Brady Electric Utility.
- 1.2. **Authority.** The City is authorized to enact this article by the Tex. Util. Code Ann. § 31.005, which authorizes and encourages electric utilities to establish customer option programs that encourage the reduction of air contaminant emissions including distributed energy generation technology. Also, Tex. Util. Code Ann § 39.101 (b)(3) entitles all Texas electric customers access to on-site distributed generation. Finally, Tex. Util. Code Ann § 39.916 authorizes electric utilities to establish requirements for and allow the interconnection and parallel operation of distributed renewable generation, and requires the Public Utility Commission of Texas to promulgate rules and regulations for the implementation of interconnection and parallel operation of distributed renewable generation.
- 1.3. **Definitions.** As used in this article, the following words and terms shall have the meanings as set forth below:
 - **City contact person:** The person or persons designated by the City Manager to serve as the City's contact for all matters related to distributed generation interconnection.
 - **City Manager:** The City Manager and/or duly authorized representative.
 - **Commission:** The Public Utility Commission of Texas.
 - **Customer:** A person or entity interconnected to the City's electric system for the purpose of receiving or exporting electric power from or to the City's electric system.
 - **DG Agreement:** An agreement between a customer and the City that sets forth the contractual conditions under which a company and a customer agree that one or more facilities may be interconnected with the City's electric system.
 - **DG Application:** The form of application of a customer seeking interconnection and parallel operation of distributed generation with the City's electric system.
 - **Distributed generation (DG):** An electrical generating facility located at a customer's point of delivery (point of common coupling) of ten (10) megawatts (MW) or less and connected at a voltage less than sixty (60) kilovolts (kV) which may be connected in parallel operation to the City's electric system.
 - **Distributed generation owner:** An owner of distributed generation, the customer on whose side of the meter distributed generation is installed and operated, regardless of whether the customer takes ownership of the distributed generation, or a person who by contract is assigned ownership rights to energy produced from distributed generation located at the premises of the customer on the customer's side of the meter.
 - **ERCOT:** The Electric Reliability Council of Texas, Inc. or successor independent organization under PURA §39.151 for the power region to which the City's system is connected.
 - **Interconnection:** The physical connection of distributed generation to the utility system in accordance with the requirements of this article so that parallel operation can occur.

- **Manual disconnect device:** A manual switch at the Point of Interconnection that provides clear indication of the switch position, and when in the open position isolates the distributed generation from load unrelated to generation of electricity or operation of the facility.
- **Network service:** Two or more utility primary distribution feeder sources electrically tied together on the secondary (or low voltage) side to form one power source for one or more customers. The service is designed to maintain service to the customers even after the loss of one of these primary distribution feeder sources.
- **Parallel operation:** The operation of distributed generation while the customer is connected to the City's electric system.
- **Point of Interconnection (point of service; point of common coupling):** The point where the electrical conductors of the City's utility system are connected to the customer's conductors and where any transfer of electric power between the customer and the utility system takes place, such as a switchgear near the meter.
- **Pre-certified equipment:** A specific generating and protective equipment system or systems that have been certified as meeting the applicable parts of this article relating to safety and reliability by an entity approved by the commission.
- **Pre-interconnection study:** A study or studies that may be undertaken by the City in response to its receipt of a completed DG Application. Pre-interconnection studies may include, but are not limited to, service studies, coordination studies and utility system impact studies.
- **Stabilized:** the City's electric system is considered stabilized when, following a disturbance, the system returns to the normal range of voltage and frequency for a duration of two minutes or a shorter time as mutually agreed by the City and the customer.

1.4. Applicability.

1.4.1. This article applies to all persons or entities that desire to interconnect or operate in parallel a distributed generation system within the City of Brady electric system.

1.5. Application and agreement required

1.5.1. Before a person or entity may interconnect or operate in parallel a distributed generation system within the City of Brady electric system, that person or entity must apply to City of Brady by completing a City of Brady DG Application form and execute a DG Agreement with City of Brady that establishes the terms and conditions for the interconnection and parallel operation of the distributed generation system.

1.5.2. The City Manager has the authority to execute Agreements with Customers for the interconnection and parallel operation of distributed generation within the City of Brady electric system in accordance with this DG Ordinance, DG Agreement and in accordance with all applicable City codes and applicable state and federal laws and regulations.

1.5.3. The interconnection shall not be energized prior to the execution of the DG Agreement.

1.6. Registration with ERCOT.

1.6.1. Distributed Generation with installed capacity greater than 1 MW, which exports energy into the City's Electric Distribution System, is required to be registered with ERCOT.

1.7. Utility contact person.

- 1.7.1. The City of Brady contact person or persons for all matters related to distributed generation interconnection is provided on the City's DG customer information materials and the City's web site.
- 1.7.2. The designated City of Brady DG contact person shall review applications for distributed generation with attached technical documentation and determine compliance with the City of Brady technical requirements for interconnection and parallel operation of distributed generation.
- 1.7.3. When City of Brady is satisfied that the customer has complied with the application requirements and that the DG system complies with the technical requirements for interconnection and parallel operation of distributed generation, the City of Brady DG contact person shall recommend to the City Manager that a DG Agreement be executed with the Customer for the interconnection and parallel operation of distributed generation.

2. TECHNICAL REQUIREMENTS

2.1. General requirements.

- 2.1.1. All DG interconnections shall comply with PUC SUBST. R. 25.212 and successors. In addition, all DG interconnections shall comply with applicable state and federal laws and regulations.
- 2.1.2. All DG interconnections shall comply with local building and electric codes. Building codes are enforced by the City of Brady Code Enforcement Division. Installation of all interconnections shall be inspected by City of Brady to ensure compliance with City of Brady DG specifications and requirements. Inspection and approval of the installation by City of Brady is a condition of interconnection and parallel operation of distributed generation.
- 2.1.3. Variations from the technical requirements must be reviewed and approved by City of Brady prior to implementation. Variations in the Point of Interconnection must be approved and included in the DG Agreement approved by the City Manager.

2.2. Protection of line workers and City's system.

- 2.2.1. The distributed generation facility must have an interrupting device capable of interrupting the maximum available fault current, an interconnection disconnect device, a generator disconnect device, an over-voltage trip, an under-voltage trip, an over/under frequency trip and a manual or automatic synchronizing check (for facilities with stand-alone capability).

2.3. Manual disconnect device.

- 2.3.1. The customer shall provide and install a manual load break switch that provides clear indication of the switch position at the Point of Interconnection to provide separation between the City of Brady electrical system and the customer's electrical generation system. The location of the disconnect switch must be approved by City of Brady. The disconnect switch shall be easily visible, mounted separately from metering equipment, readily accessible to City of Brady personnel at all times, and capable of being locked in the open position with a City of Brady padlock. City of Brady reserves the right to open the disconnect switch isolating the customer's electrical generating system (which may or may not include the customer's load) from City of Brady electrical system for the following reasons:

- 2.3.1.1. To facilitate maintenance or repair of the City of Brady electrical system.
- 2.3.1.2. When emergency conditions exist on the City of Brady electrical system.
- 2.3.1.3. When the customer's electrical generating system is determined to be operating in a hazardous or unsafe manner or unduly affecting the City of Brady electrical system waveform.
- 2.3.1.4. When the customer's electrical generating system is determined to be adversely affecting other electric consumers on the City of Brady electrical system.
- 2.3.1.5. Failure of the customer to comply with applicable codes, regulations and standards in effect at the time.
- 2.3.1.6. Failure of the customer to abide by any contractual arrangement or operating agreement with City of Brady.

2.4. Power Quality Specifications / Requirements:

- 2.4.1.Voltage – The customer shall provide an automatic method of disconnecting generation equipment from the City of Brady electrical system within 10 cycles should a voltage deviation greater than +5% or -10% from normal be sustained for more than 30 seconds (1800 cycles) or a voltage deviation greater than +10% or -30% from normal be sustained for more than 10 cycles. If high or low voltage complaints or flicker complaints result from the operation of the customer's electrical generation, the customer's generating system shall be disconnected until the problem is resolved.
- 2.4.2.Frequency – City of Brady shall endeavor to maintain a 60-hertz nominal frequency on the electrical system. The customer shall provide an automatic method of disconnecting generation equipment from the City of Brady electrical system within 15 cycles should a deviation in frequency of +0.5Hz or -0.7Hz from normal occur.
- 2.4.3.Harmonics – In accordance with IEEE 519, the total harmonic distortion (THD) of voltage shall not exceed 5% of a pure sine wave of 60-hertz frequency or 3% of the 60-hertz frequency for any individual harmonic when measured at the Point of Interconnection with the City of Brady electrical system. Also, the total current distortion shall not exceed 5% of the fundamental frequency sine wave. If harmonics beyond the allowable range result from the operation of the customer's electrical generation, the customer's generating system shall be disconnected until the problem is resolved.
- 2.4.4.Flicker – The distributed generation facility shall not cause excessive voltage flicker on the City of Brady electrical system. This flicker shall not exceed 3% voltage dip, in accordance with IEEE 519 (Section 10.5), as measured at the Point of Interconnection.
- 2.4.5.Power factor – The customer's electrical generation system shall be designed, operated and controlled at all times to provide reactive power requirements at the Point of Interconnection from 0.97 lagging to 0.95 leading power factor. Induction generators shall have static capacitors that provide at least 97% of the magnetizing current requirements of the induction generator field. City of Brady may, in the interest of safety, authorize the omission of capacitors. However, where capacitors are used for power factor correction, additional protective devices may be required to guard against self-excitation of the customer's

generator field.

2.5. Loss of Source:

2.5.1. The customer shall provide approved protective equipment necessary to immediately, completely and automatically disconnect the customer's electrical generation equipment from the City of Brady electrical system in the event of a fault on the customer's system, a fault on the City of Brady system or loss of source on the City of Brady system. Such protective equipment shall conform to the criteria specified in UL 1741 and IEEE 1547. The customer's generating system shall automatically disconnect from the grid within 10 cycles if the voltage on one or more phases falls and stays below 70% of nominal voltage for at least 10 cycles. The automatic disconnecting device may be of the manual or automatic reclose type and shall not be capable of reclosing until after the City of Brady service voltage and frequency are restored to within the normal operating range and the system is stabilized.

2.6. Coordination and Synchronization

2.6.1. The customer shall be solely responsible for coordination and synchronization of the customer's electrical generating system with all aspects of the City of Brady electrical system, and the customer assumes all responsibility for damage or loss that may occur from improper coordination and synchronization of its generating system with the City of Brady electrical system.

2.7. Metering

2.7.1. The actual metering equipment required, its voltage rating, number of phases and wires, size, current transformers, number of input and associated memory is dependent upon the type, size and location of the electric service provided. Customer shall pay for the installation of the data recorder (meter) that is capable of measuring the "KWh Delivered" (energy delivered to the Customer) and the "KWh Received" (energy received by the City of Brady Electric Distribution System) in intervals established by the City of Brady, using a single meter or two-meter configuration.

2.7.2. The City may waive this fee if a standard electric meter can be programmed or configured to support the required measurements and functionality.

2.8. Pre-Interconnection Study

2.8.1. The City of Brady may perform pre-interconnection studies, which shall include service study, coordination study, and utility system impact study, as needed and determined in the sole discretion of City. In instances where such studies are deemed necessary, the scope of such studies shall be based on the characteristics of the particular distributed generation facility to be interconnected and the City's distribution system at the specific proposed location. The City may charge Customer fees for Pre-Interconnection Studies that recover the costs of performing such studies. Any modifications or additions to the City's Electric System identified through the study as required for the safe and reliable interconnection of Customer's facility shall be solely at the Customer's expense. Customer shall not acquire any ownership in such modifications or additions to City's Electric System.

2.8.2. City of Brady will determine whether a pre-interconnection study is necessary, based on relevant engineering factors including the output of the system, the location of the system

and other City of Brady distribution system factors. If the pre-interconnection study is deemed necessary, City of Brady shall perform the study under reasonable terms and conditions agreed upon by both the customer and City of Brady and at the customer's sole expense. No study fee will be charged if the proposed generation site is not on a networked secondary and if all of the following apply:

2.8.3. Proposed generation equipment is pre-certified

2.8.3.1. Generation equipment that are less than 20 kW AC shall be considered pre-certified if system meets appropriate codes and standards provided by NESC (National Electrical Safety Code), ANSI (American National Standards Institute), IEEE (Institute of Electrical and Electronic Engineers), NEC (National Electric Code), UL (Underwriter's Laboratory), technical requirements and local building codes and other applicable ordinances in effect at the time of the installation of the DG system.

2.8.3.2. Proposed generation system does not expect to export more than 15% of total load on the feeder.

2.8.3.3. Proposed generation system does not contribute more than 25% of the maximum possible short circuit current of the feeder.

2.9. Protection

2.9.1. The distributed generation facility must have interrupting devices capable of interrupting the maximum available fault current, an interconnection disconnect device, a generator disconnect device, an over-voltage trip, an under-voltage trip, an over/under frequency trip and a manual or automatic synchronizing check (for facilities with standalone capability). Facilities rated over 10kW, three phase, must also have reverse power sensing and either a ground over-voltage or a ground over-current trip depending on the grounding system. Grounding shall be done in accordance with UL 1741, IEEE 1547 and NEC Article 250.

2.10. Three-Phase generators

2.10.1. Synchronous machines:

2.10.1.1.1. The distributed generation facility's circuit breakers shall be three-phase devices with electronic or electromechanical control.

2.10.1.1.2. The Customer is solely responsible for proper synchronization of its generator with the City of Brady system.

2.10.1.1.3. The excitation system response ratio shall not be less than 0.5.

2.10.1.1.4. The generator's excitation system shall conform to the field voltage versus time criteria specified in ANSI Standard C50. 13-1989.

2.10.2. Induction machines: The induction machines used for generation may be brought up to synchronous speed if it can be demonstrated that the initial voltage drop at the Point of Interconnection is within the flicker limits specified in this document.

2.11. Inverters:

2.11.1.1. Line-commutated inverters do not require synchronizing equipment.

2.11.1.2. Self-commutated inverters require synchronizing equipment.

2.12. Standards

2.12.1. The distributed generation equipment shall be designed, installed, operated and maintained in accordance with, but not limited to, ANSI standards, UL standards, IEEE standards, the National Electrical Code, ERCOT Operating Guides and any other applicable local, state or federal codes and statutes. In the case of a conflict between the requirements in this document and any of those standards or codes, this document shall prevail.

2.13. Violations

2.13.1. Any person violating this DG ordinance by interconnecting distributed generation to the City of Brady electric system without a complete DG Application and executed DG Agreement shall have the DG system disconnected from the City of Brady electric distribution system, until all violations have been corrected to the satisfaction of City of Brady.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02/20/2018	AGENDA ITEM	6.A.1.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding Abatement Order 2018-26 in accordance with Code of Ordinances Section 3.207 to authorize abatement of violations of dilapidated structure(s) at 506 Crothers.		
PREPARED BY:	Silvia Diaz	Date Submitted:	02/14/2018
EXHIBITS:	Abatement Order 2018-26 Photos of Property		
BUDGETARY IMPACT:	Required Expenditure:		\$2,250.00
	Amount Budgeted:		\$30,000.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:	<p>This structure at this address has been determined to be a dangerous premises. This property has not had utilities connected since August 27, 2015. 506 Crothers is located on the Northeast side of Brady.</p> <p>Owners: Petra Huerta Last Known Address: 506 Crothers Property Taxes: \$140.99 (2017 only) Amount of Tax Lien: No lien will be placed on the property. This has a homestead exemption even though it is vacant.</p> <p><u>Action taken:</u></p> <p>October 11, 2017- The Code Officer did an inspection of the premises. The structure has holes in the roof. There were tree limbs laying on the roof from the dead tree that is hanging over the roof. November 13, 2017- A courtesy letter was mailed to the owner. November 20, 2017- Ms. Huerta called the code office. She was informed that the house needed to be secured and the roof needed to be covered or repaired. She was informed that the repairs needed to be done over the holidays. January 4, 2018 – First Notice of Violation was sent certified mail to the owner. January 18, 2018 - Public hearing notice was sent to the newspaper. January 24, 2018 – Public hearing notice was published in the newspaper. February 7, 2018 – A letter was mailed to the homeowner via certified mail and posted on the property.</p> <p>The structure satisfies the substandard and dangerous conditions set forth in Section 3.207 of the Code of Ordinances as follows:</p>
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- (1) The building or structure is liable to partially or fully collapse.
- (5) The non-supporting coverings of walls, ceilings, roofs, or floors are fifty (50) percent or more damaged or deteriorated.
- (6) The structure has improperly distributed loads upon the structural members, or the structural members have insufficient strength to be reasonably safe for the purpose used.
- (7) The structure of any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare.
- (8) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city.
- (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.
- (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").
- (12) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to a nuisance that constitutes an unsanitary condition on property as defined in Section 8.106 of the city code.

RECOMMENDED ACTION:

It is recommended that City Council issue Abatement Order 2018-26 for 506 Crothers.

ABATEMENT ORDER 2018-26

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 506 CROTHERS, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES

WHEREAS, on February 7, 2018, the City provided the owner of the property located at 506 Crothers, Texas with notice, via certified mail, of a hearing to be held on February 20, 2018; and

WHEREAS, on February 20, 2018, the City Council conducted a public hearing concerning the structure located at 506 Crothers, City of Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the Brady Code of Ordinances (Dangerous Premises); and

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

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

WHEREAS, the property owner, Petra Huerta, 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 506 Crothers, 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, (1) The building or structure is liable to partially or fully collapse, (4) The foundation or the vertical or horizontal supporting members are twenty-five percent or more damaged or deteriorated, (5) The non-supporting coverings of walls, ceilings, roofs, or floors are fifty (50) percent or more damaged or deteriorated, (6) The structure has improperly distributed loads upon the structural members, or the structural members have insufficient strength to be reasonably safe for the purpose used, (7) The structure of any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare, (8) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city. (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. (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"). (12) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to a nuisance that constitutes an unsanitary condition on property as defined in Section 8.106 of the city code of Section 3.207 of the Code of Ordinances have been violated.

(3) The owner is hereby ordered to demolish or repair the structure located at 506 Crothers, Brady, Texas by no later than ninety (90) days from the date of this Order, which is May 21, 2018; and

(4) This property will be inspected for compliance with this order on May 21, 2018. If the owner fails to demolish and remove or repair the building before May 21, 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 _____ 2018.

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary




02/07/2018

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02/20/2017	AGENDA ITEM	6.B.1.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding Abatement Order 2018-27 in accordance with Code of Ordinances Section 3.207 to authorize abatement of violations of dilapidated structures at 1707 Marlow Street.		
PREPARED BY:	Silvia Diaz	Date Submitted:	02/14/2018
EXHIBITS:	Abatement Order 2018-27 Photos of Property		
BUDGETARY IMPACT:	Required Expenditure:		\$1,440.00
	Amount Budgeted:		\$30,000.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:	<p>This structure at this address has been determined to be a dangerous premises. This property has not had utilities connected since February 11, 2002. 1707 Marlow is located on the Northwest side of Brady.</p> <p>Owners: Debra Bradshaw Last Known Address: 2800 S CR 1213, Midland Tx. 79706 Property Taxes: Current Amount of Tax Lien: \$2,800.00</p> <p><u>Action taken:</u></p> <p>12/21/2016 – Ronnie Roberts issued a 1st Notice of Violation 12/28/2016 – Owner called Ronnie Roberts to say they would have in cleaned up by the end of February 2017 05/26/2017 – Case assigned to Kim Davee with Ronnie Roberts resignation 06/09/2017 – Kim Davee spoke with the owner who said she and her husband would be here as soon as her husband recovered from illness. Violations were to be cleaned up by the end of October 2017. 10/04/2017 – A follow-up inspection was performed. The weeds were as high as the house. The house could not be seen. A decision was made to enter this on the demolition list. 01/18/2018 – Public hearing notice was sent to the newspaper 01/24/2018 – Public hearing notice was published in the newspaper 02/07/2018 – A public hearing notice was sent to the owner and posted on the property.</p>
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The structure satisfies the substandard and dangerous conditions set forth in Section 3.207 of the Code of Ordinances as follows:

- (1) The building or structure is liable to partially or fully collapse.
- (6) The structure has improperly distributed loads upon the structural members, or the structural members have insufficient strength to be reasonably safe for the purpose used.
- (7) The structure of any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare.
- (8) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city.
- (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.
- (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").
- (12) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to a nuisance that constitutes an unsanitary condition on property as defined in Section 8.106 of the city code.

RECOMMENDED ACTION:

It is recommended that City Council issue Abatement Order 2018-27 to the owner for 1707 Marlow Street.

ABATEMENT ORDER 2018-27

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 1707 S MARLOW, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES

WHEREAS, on February 7, 2018, the City provided the owner of the property located at 1707 S Marlow, Texas with notice, via certified mail, of a hearing to be held on February 20, 2018; and

WHEREAS, on February 20, 2018, the City Council conducted a public hearing concerning the structure located at 1707 S Marlow, City of Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the Brady Code of Ordinances (Dangerous Premises); and

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

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

WHEREAS, the property owner, Debra Bradshaw, 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 1707 S Marlow, 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, (1) The building or structure is liable to partially or fully collapse, (6) The structure has improperly distributed loads upon the structural members, or the structural members have insufficient strength to be reasonably safe for the purpose used, (7) The structure of any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare, (8) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city, (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, (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"), (12) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to a nuisance that constitutes an unsanitary condition on property as defined in Section 8.106 of the city code, of Section 3.207 of the Code of Ordinances have been violated.

(3) The owner is hereby ordered to demolish or repair the structure located at 1707 S Marlow, Brady, Texas by no later than ninety (90) days from the date of this Order, which is May 21, 2018; and

(4) This property will be inspected for compliance with this order on May 21, 2018. If the owner fails to demolish and remove or repair the building before May 21, 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 _____ 2018.

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary

02/07/2018



City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02-20-2018	AGENDA ITEM	6.C.
AGENDA SUBJECT:	Public Hearing regarding a new Sign Ordinance.		
PREPARED BY:	Peter Lamont	Date Submitted:	02-16-2018
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:
A public Hearing for the Sign Ordinance is required to garner public input before the Council can vote on the proposed ordinance.

RECOMMENDED ACTION:
Hold a Public Hearing on the Proposed Sign Ordinance
Open:
Close:

City Council

City of Brady, Texas

Agenda Action - Ordinance

AGENDA DATE:	02/20/2018	AGENDA ITEM	6.D.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding first reading of Ordinance 1247 of the City of Brady; to adopt new sign regulations and rules.		
PREPARED BY:	Peter Lamont	Date Submitted	2/16/2018
EXHIBITS:	Proposed Sign Ordinance		
BUDGETARY IMPACT:	Required Expenditure:		\$0.00
	Amount Budgeted:		\$0.00
	Appropriation Required:		\$0.00
CITY MANAGER APPROVAL:			
SUMMARY:			
<p>Staff has been working with the Planning and Zoning Commission (P&Z), City Council and Legal Counsel for almost two years to develop a comprehensive sign ordinance for Brady. The attached ordinance is the result of that work. It addresses the prohibition of billboards, sign size and the use of temporary signs. City Council previously discussed this ordinance at their January 16, 2018 workshop meeting.</p> <p>At their February 13, 2018 Planning and Zoning voted 2-5 to recommend the ordinance to Council. The largest issue P&Z had with the ordinance was enforcement in the ETJ. After addressing their concern with the City Attorney, reference to the ETJ has been removed from the ordinance.</p>			
RECOMMENDED ACTION:			
<p style="color: red;">Mayor: <u>“Do I have a motion to read the full ordinance.</u></p> <p style="color: red;">If no, Mayor will state: <u>“A majority of the City Council has dispensed with the full reading of the ordinance.”</u></p> <p style="color: red;">Mayor will ask: <u>“Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.”</u> “Secretary reads preamble”</p> <p style="color: red;">Mayor calls for a motion: Move to approve the first reading.</p>			

ORDINANCE NO. 1221

AN ORDINANCE OF THE CITY OF BRADY CODE OF ORDINANCES ARTICLE 14.200 ENTITLED "SIGNS"; PROVIDING FOR THE REGULATION, INSTALLATION, AND MAINTENANCE OF SIGNS WITHIN THE CITY LIMITS OF THE CITY OF BRADY; PROVIDING FOR DEFINITIONS, EXEMPTIONS, LOCATIONS, AND SIZE AND HEIGHT RESTRICTIONS; REQUIRING PERMITS; PROHIBITING CERTAIN TYPES OF SIGNS; PROVIDING A MEANS FOR VARIANCES THERETO; PROVIDING A REPEALING SECTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, this ordinance set forth comprehensive sign and billboard regulations for the City of Brady that are now codified as Article 14 of the Code of Ordinances; and

WHEREAS, it has become necessary to adopt sign regulations in a manner that provides the citizens of Brady a content neutral sign code developed based on the United States Supreme Court decision of *Reed v. Town of Gilbert*; and

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of Brady Police Department, and Texas Local Government Code Chapters 211 and 216; and

WHEREAS, it is the desire of the City Council to adopt this ordinance as a comprehensive amendment to Chapter 14 of the Code of Ordinances; and

WHEREAS, the City Council and Planning and Zoning Commission held numerous work sessions on this ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing on this ordinance on February 6, 2018; and

WHEREAS, the City Council held a public hearing on of this ordinance on February 20, 2018; and

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

SECTION 1. ORDINANCE.

This Ordinance adds to Chapter 14 – Zoning Ordinances of the City of Brady Code of Ordinances as set forth in the attached Exhibit A creating Article 14.200.

SECTION 2. RELATION TO OTHER ORDINANCES.

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City of Brady pertaining to building and construction safety or to pedestrian and traffic safety.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. SAVINGS CLAUSE.

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Brady under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

SECTION 5. CUMULATIVE.

The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION 6. SEVERABILITY.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

SECTION 7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

First Reading PASSED AND APPROVED, this, the ___day of ____, 2018.

Second Reading PASSED AND APPROVED, this, the ___day of ____, 2018.

Anthony Groves, Mayor

ATTEST: _____

Tina Keys, City Secretary

APPROVED AS TO FORM: _____, Charles E. Zech

EXHIBIT A
Article 14.200 SIGN REGULATIONS

Sec. 14.201- Purpose and Authority.

The City of Brady, by and through its City Council, Planning and Zoning Commission, and Board of Adjustment is authorized to regulate signs by virtue of the Texas Constitution, the City of Brady Police Department, and Texas Local Government Code Chapters 211 and 216.

The purpose of this Article is to establish a content neutral sign code based on the United States Supreme Court decision of *Reed v. Town of Gilbert*.

Sec. 14.201.1 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this article. In the event of conflicting regulations or definitions thereupon, the stricter definition or regulation shall apply.

Abandoned/obsolete sign means a sign that advertises a product, service, or business no longer available or in operation or not being maintained for a certain period of time as hereinafter described in this article.

A-frame means an A-framed style sign, which is typically but not necessarily foldable or collapsible and meant to be easily moved.

Area means:

- (1) The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with two faces back to back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted as a single sign.
- (2) In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

Auxiliary sign means provides information such as hours of operation, delivery instructions, credit cards accepted, restrictions of sale to minors, no soliciting, or beware of dog.

Banner means any sign intended to be hung either with or without frames, possessing colors, characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric, or netting of any kind, supported by wire, rope, webbing, or similar means, or through the grommets of the sign. Except for sail, teardrop, feather or bow banner, which are defined as "sail banner."

Beacons includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or a light with one or more beams that move.

Billboards means all off-premises signs containing at least 48 square feet face area and owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign.

Building Official means the City Manager or designee.

Changeable copy sign means a sign, or part of a sign, on which content can be changed or rearranged without altering the face or surface of the sign, including but not limited to, a theater marquee or a gasoline price sign.

City of Brady, Brady, or city means the City of Brady, McCulloch County, Texas, an incorporated municipality.

City Designee - means the individual selected to carry out a duty or role by the City Manager to enforce and administer this article.

Code Enforcement Officer means the Code Enforcement Officer or designee.

Commercial complex means any property such as a shopping center, office park, or industrial park, which consists of two or more establishments on a single platted lot, or which is designed, developed, and managed as a unit, or are the members of a commercial association which contributes to the joint maintenance and promotional efforts of the center.

Electronic sign means a sign, display or device that exhibits its message, words, letters, numbers, images, symbols, or copy by programmable mechanical or electronic process including, but not limited to LED electronic signs and both static and moveable electronic displays.

Flag/patriotic means a national, state, church, school flags, or any other flag that constitutes protected noncommercial free speech. A fabric or plastic sheet attached at one end to a pole, cable, or rope.

Flashing sign means a message board that is electronically controlled by intermittent light impulses or alternating panels consisting of letters, words, or numerals that can either change sequentially or travel across the display area. Other than time and temperature signs, emergency signs, school zone signs, or other governmental signs.

Freestanding sign means any sign not attached to or part of a building, including, but not limited to, monument signs, pole signs and self-supported signs.

Height/ground clearance means the distance from ground level to the bottom of the sign structure, exclusive of structural supports. The ground level is the lower of:

- (1) The existing grade prior to construction of the sign; or
- (2) The newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Height/maximum means the distance from ground level to the top of the sign structure. The ground level is the lower of:

- (1) The existing grade prior to construction of the sign; or
- (2) The newly established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Historic sign means a sign that is an integral part of the historical character of a landmark building or historic district.

Holiday sign means a temporary display or decoration customarily associated with any national, state, local, or religious holiday or celebration.

Illuminated sign means any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

Monument sign means a sign which is mounted on a base at least as wide as the sign. The opening between the base and the sign must be no greater than two inches.

Moving sign means any sign or part of a sign which is animated or moves.

Nonconforming signs means signs which have been installed prior to the effective date of the ordinance from which this article is derived are in use as of the effective date of the ordinance from which this article is derived, and which do not conform to this article.

Pole/pylon sign means a self-supporting freestanding sign that must adhere to the requirements of construction using durable building materials utilizing but not limited to masonry, stucco, painted pipe, aluminum clad piping or other complimentary materials. Signs larger than 48 square feet in size must be certified by a Texas Licensed Professional Engineer as being able to withstand a wind pressure load of at least 30 pounds per square foot and support the weight of the sign.

Portable changeable copy sign means a transportable sign whether on attached wheels or otherwise, of durable construction, skids, legs, or framing, including trailers or truck beds, and searchlights, and which is not designed nor intended to be permanently affixed to a building, other structure, or the ground.

Portable Sign - A portable sign that only has wheels shall be considered a portable sign.

Poster size enclosure sign means a metal or plastic frame with or without glass or Plexiglas and which can be secured or locked (not to exceed three feet in length, four feet in height, and five inches in depth), and is affixed to the outside of a building, which permits an individual to insert a paper advertisement into the enclosure for outside display and regularly change out the paper display. It is the intent of the city council for such poster size enclosure signs to be similar to the enclosures typically and traditionally used to display movie posters outside of movie theaters.

Premises means a lot or tract within the city, and contiguous tracts in the same ownership, which are not divided by any public highway, street, alley, or right-of-way.

Residential area means any property within the city limits which is zoned for residential use. Any unzoned property within the city limits, which is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within 200 feet of any such property.

Responsible party means the owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

Rooftop signs means a sign placed on the roof of a building.

Sail, teardrop, feather, or bow banner means a self-supported wing, feather, blade, cone, or rectangular shaped flag mounted on a flexible pole.

Sign means any medium for visual communication or its structure used or intended to attract the attention of the public.

Single commercial building means a structure containing a single commercial establishment, office, business, school, church, nonprofit organization, charity, or government agency.

Snipe Sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, along road-side curbing or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located.

Street banner means a banner suspended above a right-of-way.

Temporary sign means any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be

placed permanently. Signs shall be removed promptly upon the conclusion of any such sale, event, occurrence or activity. Includes real estate signs.

Trailer sign means a permanent or temporary sign affixed to a trailer. The primary purpose of the display is to attract the attention of the public to the subject matter of the sign rather than to serve the customary identification purpose of said trailer/semi-trailer/tractor trailer.

Variance means written approval as outlined in Section 14.214 to depart from the strict application of the provisions of this article.

Vehicular sign means a permanent or temporary sign affixed to a vehicle. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said vehicle.

Vintage sign means a sign that is representative of events or dates from a period older than 50 years and is for decorative purposes only.

Wall-painted sign means a sign painted directly on the exterior wall of a building to include murals.

Sec. 14.202 - Purpose.

The purpose of this article is to provide uniform sign standards and regulations in order to ensure public safety, efficient communication and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the city's business, cultural, historical, and residential areas as follows:

- (1) *Public safety.* To promote the safety of persons and property by ensuring that signs do not:
 - (a) Create a hazard due to collapse, fire, decay, or abandonment;
 - (b) Obstruct firefighting or police surveillance; or
 - (c) Create traffic hazards by confusing, distracting, or obstructing the view of pedestrians or vehicles.
- (2) *Efficient communications.* To promote the efficient transfer of information in sign messages by ensuring:
 - (a) Those signs which provide public safety messages and information are given priority;
 - (b) Businesses and services may identify themselves;
 - (c) Customers and other persons may locate businesses or services;
 - (d) No person or group is arbitrarily denied the use of sight lines from public rights-of-way for communication purposes;
 - (e) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages according to the observer's purpose; and
 - (f) The right of free speech exercised through the reasonable use of signs is preserved.
- (3) *Landscape quality and preservation.* To protect the public welfare and enhance the appearance and economic value of the landscape by ensuring that signs:
 - (a) Do not interfere with scenic views;
 - (b) Do not create a nuisance to persons using public rights-of-way;

- (c) Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;
- (d) Are not detrimental to land or property values;
- (e) Do not contribute to visual blight or clutter; and
- (f) Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

Sec. 14.203 - Enforcement.

- (1) *Civil and criminal penalties.* The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations.
- (2) *Criminal prosecution.* Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$500.00, except that the fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed \$2,000.00. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class C misdemeanor.
- (3) *Civil remedies.* Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:
 - (a) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
 - (b) A civil penalty up to \$250.00 a day, except that a fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed \$1,000.00, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
 - (c) Any and all other available relief allowed by law.
- (4) *Removal.* In addition to remedies otherwise provided in this article, whenever the city has evidence of a sign which after the effective date of the ordinance from which this article is derived was constructed, reconstructed, placed, installed, repaired, maintained, relocated, altered, or used in violation hereof, or is otherwise in violation hereof, the city council or the city designee shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so or if it appears to the city council or the city designee that the sign poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign. The city shall have the authority to immediately remove and dispose of signs deemed in violation of this article, if such signs are placed on or attached to trees, utility poles, or pedestals, or located on any public land or public right-of-way. The city may enforce this section without notice and without returning the removed signs to the responsible party.

Sec. 14.204 - Compliance required.

No person may construct, reconstruct, place, install, relocate, alter, or use a sign after the effective date of the ordinance from which this article is derived unless such installation, construction, reconstruction, placement, relocation, alteration, or use meets all the provisions of this and all other applicable ordinances adopted by the city council.

Sec. 14.205 - Jurisdiction.

The provisions of this article shall apply within the city limits as defined by state law.

Sec. 14.206 - Exemptions for certain types of signs.

The following are exempt from regulation under this article:

- (1) Any sign attached to a window or door of a building.
- (2) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a freestanding monument sign when placed or approved by a governmental entity, historical society, religious organization, or other nonprofit entity to commemorate a person, event, or other matter of historical interest.
- (3) Any sign installed or required to be installed by any governmental entity or public utility to give information, directions, or warnings to the general public, regardless of the sign's location on public or private property.
- (4) Vintage or historic signs
- (5) Holiday signs.
- (6) Banners that span a state roadway that have been approved and granted a permit by the Texas Department of Transportation.
- (7) Signs within a stadium, open-air theater, or arena which are designed primarily to be viewed by patrons within such structure.

Sec. 14 207 - Sign permits.

- (1) *Permit and fee required.* Except as otherwise provided in this article, no person may construct, place, install or relocate any sign without first obtaining a sign permit from the city. Each application for a sign permit must be accompanied by the appropriate fee as currently established or as hereafter adopted by ordinance of the city council from time to time.
 - (a) Fees for construction, reconstruction, placement, installation, or relocation of any sign shall not be refundable.
 - (b) Permit fees for subdivision temporary signs, inflatable temporary signs, banner temporary signs, or new business temporary signs shall not be refundable.
 - (c) A permit but no fee, is required for replacing a previously permitted sign (excluding billboards) with another sign that is of like size, location, and that is otherwise compliant with this article.
 - (d) A permitted billboard shall renew the billboard permit annually. The annual fee is due by October 1 of each year. No fee will be assessed for routine changes of the sign face.
 - (e) No permit will be issued for a proposed sign that will cause the aggregate of all signs on the property to exceed the square footage provided for in this article.
 - (f) Changing of the complete sign message (excluding changeable copy signs and billboards) shall require a new permit and remittance of a fee.
- (2) *Expiration of permits.* Properly issued permits shall expire as provided by law or if not used within one year.
- (3) *Application for sign permit.* A person proposing to erect or display a sign shall file an application for permit with the building official or designee. The application must be made on a form provided by the city and shall contain and have attached to it the following information:
 - (a) Contact name, business, address and telephone number of the applicant;
 - (b) Name, address, telephone number, and firm or person erecting the sign;
 - (c) If the applicant is not the owner of real property where the sign is proposed to be erected, written consent of and name, address, and telephone number of the property owner and a copy of the executed lease agreement;
 - (d) Location of building, structure, address, or legal lot and block to which or upon which the sign is to be attached or erected;
 - (e) A site plan indicating position, height, and size of the proposed sign and other existing advertising structures on the property in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, and setback clearance zone;
 - (f) Specifications for the construction, maintenance and display of the sign;
 - (g) Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of sign. The city assumes no liability for safety and structural integrity of any sign;
 - (h) Statement indicating whether the sign will require electricity. If so, the sign must comply with the current International Electrical Code or any successor code as may be adopted and amended by the city;
 - (i) Copy of permit approved by state department of transportation, state transportation commission, the county or successor agencies, if state law requires a state permit;
 - (j) Date on which the sign is to be erected or displayed;

- (k) Any variance that will be requested; and
- (l) Such other information as the city requests to show full compliance with this and all other standards of the city.

The city is not required to act upon a permit application until it is deemed by the city to be administratively complete.

(4) *Approval and denial of permit.*

- (a) Building Official shall promptly review an administratively complete application upon receipt and upon payment of applicable fees by the applicant. The Building Official shall grant or deny an administratively complete permit application within 45 days after the date that the application was administratively complete, including the payment of all fees. The Building Official shall examine the application, plans, and specifications and may inspect the premises upon which the proposed sign shall be erected, as needed. The Building Official shall issue a permit if the proposed sign complies with the requirements of this article and all other regulations of the city, to include building, electrical, or other similar codes adopted by the city. If the Building Official denies a permit, the Building Official shall state the reasons for the denial in writing and shall mail a certified letter or hand deliver to the applicant stating the reasons for the denial.
 - (b) Any applicant whose permit application is denied by the Building Official may appeal the denial to the Board of Adjustment. Such an appeal must be filed, in writing, with the Building Official, within ten days after receipt of the denial. The Board of Adjustment shall review the denial and determine if the Building Official incorrectly concluded the proposed sign did not comply with the requirements of this article and all other regulations of the city. If the Building Official fails to grant or deny any application by the 45th day after the application is administratively complete, the applicant may appeal the refusal to grant or deny the application to the Board of Adjustment as if it were a denial.
 - (c) If the Board of Adjustment does not issue a ruling within 45 days after a written appeal is filed with the Building Official, the sign application shall be automatically deemed approved.
- (5) *Modifications.* After a sign permit has been issued by the Building Official or the Board of Adjustment, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior written approval by the Building Official or the Board of Adjustment.

Sec. 14.208 - General regulations.

- (1) *Inventory of signs.* The city shall inventory of all signs on TXDOT Highways that are not in compliance with this ordinance within the city limits. Signs constructed prior to the effective date of the ordinance from which this article is derived shall file an inventory form no later than October 1, 2018. Signs which are constructed after October 1, 2018 must file an inventory form with the building official within 15 days after such sign is fully constructed. As part of the required inventory, each responsible party of the sign shall complete and file the required form with the building official, as to the size, type, condition, and location of sign, regardless if the sign are in compliance with this article or any prior ordinances of the city. The responsible party of a sign shall provide the following information on the inventory form: name, address, and telephone number of the responsible party; location and street address of the building or structure upon which the sign is located or other information necessary to positively identify the location of the sign; specification of the overall height and length of the sign, the material of which the sign is constructed, the position of the sign on the building or on the ground; color photograph or sketch graphically depicting the sign and the location at which or building for which it is displayed; and the date on which the sign was erected and cost of construction of the sign.
- (2) *Identification of signs.* All signs shall have the sign permit number affixed.
- (3) *Existing historic signs.* Historic signs existing prior to the effective date of the ordinance from which this article is derived that are part of the unique architectural, historic, or scenic characteristics of the building, that enhance its visual character, and that are compatible with the building shall be allowed to remain in place after the effective date of the ordinance from which this article is derived.
- (4) *Provisions application.* This section shall apply to all signs located within the city limits of the city, with the exception of those referenced in Section 14.106. No sign or part of a sign shall:
 - (a) Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal;
 - (b) Be placed upon real property without the consent of the property owner;
 - (c) Be located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign, other than informational signs erected by government agencies, shall constitute a nuisance;
 - (d) Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve, or corner. This includes signs located on private property. Any such sign shall constitute a nuisance;
 - (e) Imitate or resemble an official traffic-control device or railroad sign or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal. Any such sign shall constitute a nuisance;
 - (f) Be placed closer than ten feet to the edge of a road surface. Exception: monument signs that are placed in the center of a divided roadway as an island;
 - (g) Have unreasonably bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature;
 - (h) Be located so that it is on, or in any way obstructs, any sidewalk, walkway, or pathway used by the public for normal pedestrian access. Any such sign shall constitute a nuisance; or
 - (i) At the time of installation be located closer than specified in the National Electric Safety Code and as may be amended from time to time.

- (5) **Required Signage.** The following signs are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property and are therefore authorized under Chapter 15 in every District and do not count against a property's maximum signage square footage:
- (a) Traffic control devices on private or public property and directional signs, including but not limited to, signs depicting one-way traffic, entrances, and exits, which are not greater than ten (10) square feet per sign that are erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.
 - (b) Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than three square feet. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.
 - (c) Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
- (6) **Flags.** A flag that has been adopted by a national or federal government, state, local government, school district, or university may be displayed as provided under the law that adopts or regulates its use and as follows:
- (a) Residential Zoning Districts. In a residential zoning district two flag poles per premises. Each flag pole may have a maximum of 15 square feet in area per pole. The flag pole may be a maximum of 25 feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles must meet the minimum yard setback requirements for a principal building.
 - (b) Nonresidential Zoning Districts. In a non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of three flags and three flag poles per premises. Each flag may be a maximum of 24 square feet in area. Flag poles may be a maximum of 50 feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.
- (7) **Lessor Rights.** For purposes of this Article the lessor of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.

Sec. 14.209 – Temporary signs (residential).

General provisions. Temporary signs are exempt from the requirement to obtain a permit, provided they comply with all other provisions of this and other ordinances of the City of Brady. Signs shall be allowed without a permit as follows.

- (1) A person exercising the right to place temporary signs on a property as described in this section must limit the number of signs on the property to 5.
- (2) Unless otherwise stated herein or specifically authorized by state law, the sign face of any temporary sign, shall not exceed 32 square feet.

Sec. 14.210 - Permitting regulations.

When determining whether to issue a permit, the following regulations apply:

Signs on property in other than residential areas. All pole, pylon, and facade (wall) signs that exceed 48 square feet must be certified by a Texas Licensed Professional Engineer as being able to withstand a wind pressure load of at least 30 pounds per square foot and support the weight of the sign.

(1) *Single commercial building.*

- (a) Signs on the facade and each side of a building shall not exceed 48 square feet, unless they are certified by a Texas Licensed Professional Engineer as being able to withstand a wind pressure load of at least 30 pounds per square foot and support the weight of the sign.
- (b) One pole/pylon sign per premises may be permitted that does not exceed in areas of 3 lanes of traffic – 32 SF or 4 lanes of traffic 40 SF the maximum height of such a sign shall not exceed 40 feet. If the commercial establishment borders two or more streets then only one additional freestanding sign will be permitted on the secondary street, and the square footage of the sign may not exceed the allowable square footage of this section.
- (c) A premises that displays a monument sign in lieu of a pole/pylon sign may increase its size to 40 square feet.
- (d) One additional freestanding sign not to exceed the allowable square footages described in this section may be permitted for premises with frontages of 140 feet or more.

(2) *Commercial complex.*

- (a) Signs on the facade or on the side of a building identifying the complex may not exceed 48 square feet, unless they are certified by a Texas Licensed Professional Engineer as being able to withstand a wind pressure load of at least 30 pounds per square foot and support the weight of the sign.
- (b) Signs on the facade or on the side of a building identifying a business within a commercial complex may not exceed 48 square feet.
- (c) Size allowances for pole/pylon signs for commercial complexes:

- (i) A commercial complex under five acres in size and having less than 140 linear feet of road frontage may have one pole/pylon sign that does not exceed 40 feet in height has a minimum ground clearance of six feet with the primary complex or anchor tenant identification sign not exceed 75 square feet in size and the individual business signs in the complex sign not to exceed 150 square feet collectively with no one tenant individually exceeding 50 square feet.
 - (ii) A commercial complex over five acres in size and having 140 linear feet or more of road frontage may have one pole/pylon sign that does not exceed 40 feet in height, has a minimum ground clearance of six feet with the primary complex or anchor tenant identification sign not exceeding 128 square feet in size and the individual business signs in the complex sign not to exceed 250 square feet collectively with no one tenant individually exceeding 50 square feet.
 - (d) If the structure of a freestanding sign (monument or pole/pylon) contains or supports more than one sign, then each sign shall be of the same construction.
 - (e) For businesses with linear road frontages in excess of 140 feet only one additional freestanding sign not to exceed the allowable square footages described in this section is permitted for the site regardless of any amount of additional linear road frontages or additional streets.
 - (f) A premises displaying a monument sign in lieu of a pole/pylon sign cannot exceed 150 square feet in size.
 - (g) For commercial complexes with the front facades of the businesses facing both the primary and secondary streets one additional freestanding sign will be permitted on the secondary street. The freestanding sign is not to exceed the allowable square footages specified in this section. If the orientation of the front facade of the business face neither street then the one additional freestanding sign is allowed and shall not exceed the allowable square footages specified in this section.
 - (h) Industrial parks are permitted to display a monument sign not to exceed 150 square feet or a pole/pylon sign not to exceed 25 feet in height having a minimum ground clearance of six feet with the primary complex or anchor tenant identification sign not exceed 75 square feet in size and the individual business signs in the complex sign not to exceed 150 square feet collectively with no one tenant individually exceeding 50 square feet. The sign must be located at the street intersection access to the industrial park. The name of the industrial park must be included on the sign.
- (3) *Inflatable signs.* Inflatable signs with a volume no greater than 27 cubic feet may be permitted but may not be displayed for more than 14 days in succession and must be removed no more than three days following any event to which they relate.
- (4) *Banner signs:*
- (a) Banners must be kept in good repair throughout the time of their display;
 - (b) Banners must be attached to all four corners at a minimum;
 - (c) Banners may be displayed for a period not to exceed six months;
 - (d) Banners may be immediately replaced.

- (5) *Sail, teardrop, feather or bow banner signs:*
- (a) *Height and width restrictions.* A sail, teardrop, feather, or bow banner shall have a maximum height of 13.5 feet, and a maximum width (at its widest point) of three feet.
 - (b) *Number.* Two sail, teardrop, feather, or bow banners are allowed per legal business for a single-tenant property. For a multi-tenant property, two sail, teardrop, feather, or bow banners are allowed at any given time. Tenants in multi-tenant property shall be required to obtain the signature of the building's owner as a joint applicant.
 - (c) *Spacing requirements.* Sail, teardrop, feather, or bow banners placed along contiguous streets frontage must be spaced a minimum of 30 feet apart.
 - (d) *Sign placement plan.* A sign placement plan indicating sail, teardrop, feather, or bow banner locations on the property shall be submitted with each permit application.
 - (e) *Setback.* Sail, teardrop, feather, or bow banners shall have a minimum setback of five feet from the property line.
 - (f) *Appearance.* Sail, teardrop, feather, or bow banners must be kept in good repair throughout the time of their display.
 - (g) *Hours of display.* Sail, teardrop, feather, or bow banners shall be placed out-of-doors during business hours for display and returned indoors during off hours.
- (6) *Electronic signs.* Electronic sign message boards that meet the following criteria are allowable with a permit and are calculated as a portion of the aggregate allowable sign square footage as provided in Section 14.210, permitting regulations of this article.
- (a) The electronic sign message board portion of the sign cannot exceed 50 square feet in size.
 - (b) The text or clip art images of the electronic message board can be of multi-color. Video images are prohibited.
 - (c) Each message on an electronic sign message board shall be displayed for at least 20 seconds and a change of the message shall be accomplished within two seconds; a change of the message shall occur simultaneously on the sign face.
 - (d) An electronic sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs and automatically adjusts the intensity of its display according to natural ambient light conditions.
 - (e) Signs may be illuminated but shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
 - (f) A maximum of 70% of the sign face may be devoted to changeable sign copy.
 - (g) Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.
 - (h) Any marquee signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m. Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.

- (i) Additional requirements may be set forth by the Planning and Zoning Commission and/or City Council.

Sec. 14 211. - Prohibited sign types.

The following signs are prohibited within the city:

- (1) *Abandoned/obsolete signs.*
 - (a) A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a period of one year after the cessation of a product, service, or business at location (or in the case of leased premises, two years after the most recent tenant ceases to operate on the premises) shall be presumed abandoned. Related off-premises signs pertaining to same shall also be presumed abandoned.
 - (b) If a sign is determined to be abandoned and/or obsolete under this article by the city designee, sign shall be removed by the owner/lessor of the property. The city may agree with the owner/lessor of the sign or sign structure to remove only a portion of the sign or sign structure.
- (2) *Beacons.*
- (3) *Billboards.*
- (4) *Flashing signs.*
- (5) *Illuminated signs (illuminated from the exterior or within).* Signs that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor vehicles upon any public street or road or substantially interferes with the reasonable enjoyment of residential property or interferes with the effectiveness of traffic control.
- (6) *Moving signs.*
- (7) *Snipe signs.*
- (8) *Signs displayed for a fee or other form of consideration.*
- (9) *Portable changeable copy signs.*
- (10) *Satellite.* Any type of satellite dish the primary use of which is for advertising, rather than to serve the customary purpose.
- (11) *Trailer sign.*
- (12) *Vehicular sign.* When the vehicle is used with the intent to substitute a stationary sign instead of to be used as a vehicle or when a sign is erected in the bed of a truck or on the roof of a vehicle and intended to advertise a business, person, or event. Vehicle signs which are either painted onto the body of the vehicle for advertising purposes or are affixed to the vehicle by magnetic means for advertising purposes are permitted.
- (13) *Other signs.*
 - (a) Painted on any roof surface or installed so that it faces contiguous residential property;
 - (b) Placed upon a building or structure in a manner which would disfigure, damage, or conceal any significant architectural feature or detail of the building;
 - (c) Brighter than necessary to permit the sign to be read from a reasonable distance. No sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard;

- (d) Hung with less than 7½ feet of vertical clearance above the sidewalk or less than 18 feet of vertical clearance above the street, drive, or parking area. This applies to any part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive, or parking area, whether on public or private land;
- (e) Any other signs not specifically authorized under this article.

Sec. 14.212 - Sign maintenance and nuisances.

- (1) All signs must be maintained in a structurally safe condition and in good repair at all times. No permit shall be required for the normal maintenance of any existing sign or repainting of the original sign message, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. Changing of the complete sign message, alterations to the sign, or major repairs (replacement of more than 20 percent of the sign to the original condition) shall not be considered normal maintenance and will require a permit. All signs shall be kept neatly painted or otherwise maintained, including all metal parts and supports thereof that are not galvanized or of rust resistant material. The city designee shall inspect and have authority to order the painting, repair, alteration, or removal of a sign that constitutes a nuisance, a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Changing of the sign message (limited to signs originally designed with removable letters) is limited to changing messages without changing the sign or its components and is considered to be normal maintenance.
- (2) The area around the sign shall be kept clean at all times by cutting vegetation around the sign and the supporting structure.
- (3) A sign shall constitute a nuisance if it causes injury or threatens to injure the public health, peace, or comfort or is a nuisance per se under the law and is declared to be a nuisance by the city designee pursuant to this article. The city designee shall notify, by certified mail or hand delivery, the responsible party of any sign that constitutes a nuisance in order to allow the responsible party the opportunity to cure such nuisance. The responsible party shall cure such nuisance by repair or remove the sign or may seek an appeal of the nuisance determination to the City of Brady Board of Adjustment within ten (10) days of receipt of the notice. Any appeal must be filed, in writing, and received by the building official no later than the tenth day after receipt of the notice of nuisance.
 - (a) If the responsible party chooses not to take the instructed action or institute an appeal, the city may remove the sign, to the extent necessary to abate the nuisance. The city may charge to the responsible party all costs associated with the sign's removal.
 - (b) The city may not remove any sign declared to be a nuisance if an appeal of the nuisance determination is pending. If the board of adjustment does not issue a ruling within 30 days after a written appeal is filed with the building official, the city designee determination of a nuisance shall be deemed affirmed. Any determination that a sign does not constitute a nuisance does not prejudice the city, foreclose or prevent a later determination a sign is a nuisance.
- (4) Imminent hazard. Any sign which in the judgment of the city council or the city designee has become an imminent hazard to public health and safety shall be removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal and the notice may be served upon the responsible party by any means available. A sign which constitutes an imminent hazard and is not repaired or removed within the time specified in the notice may be removed by the city. The city may charge to the responsible party all costs associated with the sign's removal.

- (5) The cost of removal and impound fees of \$10.00 a day for the storage of any removed sign shall be charged to the responsible party. If a sign has been removed by the city and the sign remains unclaimed for a period of 30 days, the city may destroy, sell, or otherwise dispose of the sign.

Sec. 14.213 - Nonconforming signs.

- (1) *Not transferable.* Except as otherwise provided by this section, nonconforming signs are not transferable and may not be transferred to another location within the city limits without the signs first being brought into full compliance with all requirements of this article, including obtaining a properly authorized permit. However, a previously inventoried/permitted nonconforming sign, excluding portable changeable copy signs, already in existence may be transferred to a new owner upon the transfer of the property upon which the nonconforming sign is located to such new owner. In such cases, the new property owner must submit a permit application (no fee assessed) to indicate the change in ownership.
- (2) *Removal of destroyed/deteriorated signs.* A nonconforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or deteriorated is more than 51 percent of the cost of erecting a new sign of the same type at the same location. It shall be the responsibility of the responsible party to supply the city with a quote from a reputable sign company that shows the replacement value and the cost to restore the sign to full compliance upon request by the city council or the city designee within 15 days of the request. If the sign is determined to be destroyed by the city council or the city designee, it must be removed by the responsible party without compensation by the city within ten days of the determination. A replacement sign must fully comply with this article and shall require a permit to be obtained from the city at the set fee.
- (3) *Filing of inventory form, without permit.* All nonconforming signs existing prior to the effective date of the ordinance from which this article is derived and that have filed the required inventory form shall be allowed to remain in place without the requirement of a permit provided that they otherwise comply with:
 - (a) Section 14.208, pertaining to general regulations; and
 - (b) Section 14.212, pertaining to sign maintenance and nuisances.
- (4) *Specific time period.* Nonconforming signs existing prior to the effective date of the ordinance from which this article is derived that are of a type that are limited to a specified time period for use in this article must abide by those specified time periods beginning with the effective date of the ordinance from which this article is derived.

Sec. 14.214 - Variances.

- (1) *Application and fee required.*
 - (a) Any person, business, or other organization desiring to continue to construct, reconstruct, place, install, relocate, alter, or use any sign which does not conform to the provisions of this article may make application to the Board of Adjustment for a variance to the provisions of this article. The application shall be reviewed at the next regularly scheduled Board of Adjustment meeting. The application shall be filed with the city designee, accompanied by the appropriate fee established by city council, and conform to all requirements established in Section 14.207 Sign permits.
 - (b) Fee shall be as currently established or as hereafter adopted by resolution of the city council from time to time, and shall not be refunded.

- (2) *Requests for variances after permit denial.* Within ten (10) days after denial of a sign permit by the city designee an applicant may file a written request for a variance with the Board of Adjustment.
- (3) *Action.* Unless an extension or postponement is sought by the applicant, the Board of Adjustment must consider and take action on the written request for a variance within 45 days of receipt of an administratively complete variance request.
- (4) *Standards for variances.* The Board of Adjustment may approve a variance only if it makes affirmative findings, reflected in the minutes of the Board of Adjustment's proceedings, as to all of the following:
 - (a) The variance will not authorize a type of sign which is specifically prohibited by this article;
 - (b) The variance is not contrary to the goals and objectives outlined by the city;
 - (c) The variance is not contrary to the public interest;
 - (d) Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of this article would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly-classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;
 - (e) The spirit and purpose of this article will be observed and substantial justice done; and
 - (f) The applicant has not sought a variance from the city council within the past 12 months.
- (5) *Conditions of variances.* The Board of Adjustment may impose such conditions or requirements in a variance as are necessary in the Board of Adjustment's judgment to achieve the fundamental purposes of this article. A violation of such conditions or requirements shall constitute a violation of this article. A variance, if granted, shall be for a specific event, use, or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within three months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

City Council

City of Brady, Texas

Agenda Action - Ordinance

AGENDA DATE:	02/20/2018	AGENDA ITEM	6.E.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding first reading of Ordinance 1248 of the City of Brady; to remove current sign regulations and rules in Municipal Code of Ordinances Section 4.201 to 4.210.		
PREPARED BY:	Peter Lamont	Date Submitted	2/16/2018
EXHIBITS:	Proposed Ordinance repealing sections 4.201 to section 4.210		
BUDGETARY IMPACT:	Required Expenditure:		\$0.00
	Amount Budgeted:		\$0.00
	Appropriation Required:		\$0.00
CITY MANAGER APPROVAL:			
SUMMARY:	Should City Council approve Ordinance 1247 regulating signs then the existing regulations in the Code of Ordinances should be repealed.		
RECOMMENDED ACTION:	<p style="color: red;">Mayor: <u>“Do I have a motion to read the full ordinance.</u></p> <p style="color: red;">If no, Mayor will state: <u>“A majority of the City Council has dispensed with the full reading of the ordinance.”</u></p> <p style="color: red;">Mayor will ask: <u>“Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.”</u> “Secretary reads preamble”</p> <p style="color: red;">Mayor calls for a motion: Move to approve the first reading.</p>		

ORDINANCE 1248

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS
AMENDING MUNICIPAL CODE OF ORDINANCES ARTICLE 4.201 to 4.210 SIGNS;**

WHEREAS, in review of the Municipal Code of Ordinances, Article 4.200 Signs, it has been determined that a more thorough, comprehensive Sign Ordinance is necessary; 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 remove Articles 4.201 to 4.210 of the City of Brady Municipal Code of Ordinances; and

WHEREAS, City Staff is in the process of preparing a more comprehensive Sign Ordinance which will address the prohibition of billboards, sign size and the use of temporary signs; and

WHEREAS, a more comprehensive Sign Ordinance will be presented to City Council for approval.

**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 repeals Article 4.201 to 4.210 Sign of the Municipal Code of Ordinances accordingly.

PASSED AND APPROVED ON FIRST READING on this ____ day of _____ 2018.

PASSED, APPROVED AND ADOPTED ON SECOND READING on this ____ day of _____ 2018.

Anthony Groves, Mayor

ATTEST:

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

ARTICLE 4.200 SIGNS*

Division 1. In General

Sec. 4.201 Posting on Public Property

Any person who shall, in this city, paste or paint any word, sign, picture or any character of advertisement upon any sidewalk or other public property of this city without permission from a city officer shall be deemed guilty of a misdemeanor. (1975 Code of Ordinances, Chapter 3, Article I, Sec. 3-1)

Sec. 4.202 Posting on Private Property

Any person who shall, in this city, stick, paint or stamp upon any house, fence, wall, pavement or other objects not his own or on the property of another any written, printed or other improvised bill, sign, circular, poster or advertisement without having first obtained permission from the owner to do so shall be deemed guilty of a misdemeanor. (1975 Code of Ordinances, Chapter 3, Article I, Sec. 3-2)

Sec. 4.203 Posting on Poles

It shall be unlawful for any person to leave or place upon or against any telegraph, telephone, or electric light pole or electric light standard within the city any advertisement of any character or description. (1975 Code of Ordinances, Chapter 3, Article I, Sec. 3-3)

Sec. 4.204 Destroying Lawful Posters

It shall be unlawful for any person to wrongfully and maliciously tear down, deface or cover up any posted advertisement or bill of any person when the same is rightfully posed and put up and during the time such sign or advertisement shall be of value. (1975 Code of Ordinances, Chapter 3, Article I, Sec. 3-4)


Secs. 4.205-4.210 Reserved

Division 2. Distribution of Handbills

Sec. 4.211 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

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

AGENDA DATE:	02/20/2018	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding second and final reading of Ordinance 1244 in accordance with the City of Brady to order the Special Election for amendments to the City Charter, as recommended by the City Charter Review Commission.		
PREPARED BY:	T. Keys	Date Submitted:	02/01/2017
EXHIBITS:	Ordinance 1244 Exhibit A – Ballot language		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

City of Brady Charter Review Commission has met several times and has recommended several changes be made to the City of Brady Home Rule Charter. Per the City of Brady Home Rule Charter, Council must call a Special Election. The City of Brady is required by law to hold an election on a uniform election date. McCulloch County has only a limited amount of voting equipment and has been unable to assist the City with elections due to conflicting dates of Primary Elections and possible run-off elections. Therefore, we have had to seek help from the Brown County Election Administrator. This Ordinance calling the election and any needed subsequent agreements will allow the city to meet its obligations to the citizens of Brady, to the BISD School Board, and Brown County by gaining access to needed election equipment and other required resources.

Ordinance 1244, Exhibit A will outline the final ballot questions and charter wording for each Home Rule City Charter Proposition proposed for the voters to consider. The city council may make changes to the ordinance during the first reading of this ordinance.

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 1244.**

ORDINANCE 1244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 5, 2018, FOR THE PURPOSE OF AMENDING THE CITY OF BRADY CHARTER; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROVIDING FOR EARLY VOTING; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE;

WHEREAS, Brady Texas is a home rule municipality acting under its City Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, it is the intention of the City Council to call a Special Election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

WHEREAS, an election to submit to voters proposed amendments to the City Charter is required by law to be held on a uniform election date and that May 5, 2018 is a uniform election date.

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

Section 1. The City Council of the City of Brady does hereby order an election to submit to the voters of the City of Brady proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in **Exhibit "A"** attached to this Ordinance and are incorporated herein for all purposes and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas and shall be held on Saturday, May 5, 2018 from 7:00 a.m. to 7:00 p.m. at:

Section 2. The official ballot of the election shall be prepared in accordance with the Texas Election Code and the Texas Local Government Code.

The official ballot shall be printed in both English and Spanish languages and shall contain such provisions, markings, language as required by law so as to permit the electors to vote "FOR" or "AGAINST" on the PROPOSITIONS and with the ballots to contain such provisions, markings, and language as required by law.

Section 3. Location of Polling Place: 201 E. Main St., Brady, Texas

Early voting by personal appearance will be conducted each weekday at 201 E. Main Street, Brady, Texas

From 8:00 a.m. to 5:00 p.m. on April 23, 2018 through May 1, 2018
and

between the hours of 7:00 a.m. to 7:00 p.m. on April 24, 2018 and April 26, 2018

Applications for ballots by mail must be mailed to Tina Keys, Early Voting Clerk, PO Box 251, Brady TX 76825 and must be received no later than the close of business on April 24, 2018.

Section 4. In all respects, the election shall be conducted in accordance with the Texas Election Code.

Section 5. All qualified electors of the City of Brady shall be entitled to vote in the election.

Section 6. The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Local Government Code, Texas Election Code, and the City Charter.

Section 7. The City Manager is authorized to execute contracts for election services and joint election agreements as appropriate for conducting the May 5, 2018 Special Election.

Section 8. The Mayor, City Manager, and City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with the provisions of the Texas Election Code, the Texas Local Government Code, state and federal statutes, and state and federal constitutions in carrying out the conduction of this Special Election, whether or not expressly authorized herein.

Section 9. Resolution No. 2018-003 of the City of Brady, and its lawful effects, are hereby fully incorporated hereto for all purposes.

This Ordinance shall be effective on the date of its second and final reading.

PASSED AND APPROVED ON FIRST READING on this 6th day of February 2018.

PASSED, APPROVED AND ADOPTED ON SECOND READING on this 20th day of February 2018.

Anthony Groves, Mayor

ATTEST:

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

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition A ballot language shall read:

Shall Section 3.01 of the City Charter be amended to correct grammatical errors and to change the terms & term limits for Mayor and City Council from three (3) consecutive terms of three (3) years each with a layout of three (3) years to three (3) consecutive terms of four (4) years each with a layout of one (1) year?

For

Against

In the event Proposition A is approved by the voters on May 5, 2018, Section 3.01 of the Charter shall thereafter read as follows:

Section 3.01 Number, Selection, Term and Transition:

The legislative and governing body of the City shall consist of a Mayor and five (5) Council Members and shall be known as the "Council of the City of Brady, Texas". The Mayor and Council Members shall be elected from the City at large. The places on the Council shall be the Mayor and places One (1) through Five (5), consecutively.

The terms of the Mayor and Council Members shall be limited to three (3) consecutive terms of four (4) years. With a layout of one (1) year, members could again be reelected for three (3) consecutive terms. There shall be no more than a total of three (3) consecutive terms in any position of Council Members or Mayor without a layout of one (1) year period. There shall be two (2) Council Members of the Council elected each election year.

The Mayor and each Council Member shall serve until a successor is elected to serve. Regular terms of office shall commence at the first regular Council meeting following the uniform May Election Date of each year.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED -- 16 PROPOSITIONS

City of Brady Proposition B ballot language shall read:

Shall Section 3.02 of the City Charter be amended to delete "his," to include language from the Texas Election Code, and to comply with State law?

For

Against

In the event Proposition B is approved by the voters on May 5, 2018, Section 3.02 of the Charter shall thereafter read as follows:

Section 3.02 Qualifications:

The Mayor and each Council Member shall, on the date of election, have the following qualifications:

- (1) Be a citizen of the United States;
- (2) Be a resident of the City of Brady for at least twelve (12) consecutive months prior to election day and must remain a resident of the City throughout the elected term;
- (3) Be a registered voter of the State of Texas;
- (4) Be 21 years of age or older;
- (5) Have no felony convictions; and
- (6) Not be found mentally incapacitated by a court having jurisdiction.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition C Ballot language shall read:

Shall Section 3.04 of the City Charter be amended to increase the compensation of Mayor from one-hundred dollars (\$100.00) to three-hundred dollars (\$300.00) per month, the Mayor Pro Tem from sixty dollars (\$60.00) to one-hundred eighty dollars (\$180.00) per month, and other Council Members from fifty dollars (\$50.00) to one-hundred fifty dollars (\$150.00) per month?

For

Against

In the event Proposition C is approved by voters on May 5, 2018, Section 3.04 of the Charter shall thereafter read as follows:

Section 3.04 Compensation:

The Mayor shall be paid three-hundred dollars (\$300.00) per month. The Mayor Pro-Tem shall be paid one-hundred eighty dollars (\$180.00) per month. Each other Council Member shall be paid one-hundred fifty dollars (\$150.00) per month. These amounts are not intended to be salaries for services rendered but compensation for routine expenses. This compensation may be reviewed by the Council at five (5) year intervals and be adjusted at the will of the Council; except that no member shall be paid an increased amount during the term of office in which the change was approved. In addition, each shall be paid for any actual and necessary expense incurred while in the discharge of the non-routine duties of the office upon presentation of an itemized statement of such expense to the Council. No member shall hold or exercise more than one (1) paid civil office.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition D Ballot language shall read:

Shall Section 3.09 of the City Charter be amended to clarify meeting dates and to update public notice requirements in conformance with State law?

For

Against

In the event Proposition D is approved by the voters on May 5, 2018, Section 3.09 of the Charter shall thereafter read as follows:

Section 3.09 Meetings:

The Council shall hold at least two (2) regular meetings each month and as many special (additional) meetings as necessary to transact the business of the City and citizens.

Regular and Executive Session Meetings: The Council shall fix by ordinance the dates and times of the regular meetings, and such meetings must be at least two (2) weeks apart. Executive Session Meetings (closed to the public) shall also be permitted in accordance with the Open Meetings Act. For Regular Meetings and subsequent Executive Session Meetings, public notice shall be given by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

Special Meetings: Special (additional) meetings of the Council shall be held if called by the Mayor or by a majority of the Council Members. Special Meetings shall be open to the public, and public notice shall be given upon no less than seventy-two (72) hours notice by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

Emergency Meetings: In case of an urgent need to meet regarding a public emergency affecting life, property or the public peace, or essential, time-sensitive City business requiring a response in less than seventy-two (72) hour response, the Council may convene for an Emergency Meeting. In the case of an Emergency Meeting, the subjects to be discussed (when applicable) must be posted in City Hall at least two (2) hours before the Emergency Meeting is convened.

Meeting Agendas: The Mayor shall approve all agendas to be posted but shall not approve an agenda which does not specify the subjects to be discussed in an executive session. Any two (2) Council Members may require the Mayor to include additional subjects, for which notice must be posted in accordance with the Open Meetings Act.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition E Ballot language shall read:

Shall Section 3.12 of the City Charter be amended to change when roll call votes are required and changes to the oath?

For

Against

In the event Proposition E is approved by the voters on May 5, 2018, Section 3.12 of the Charter shall thereafter read as follows:

Section 3.12 Rules of Procedures:

The Council shall, by ordinance, determine its own rules and order of business except that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter. Minutes shall be kept by the City Secretary for all meetings and all such minutes shall be complete so as to provide a public record of the transaction of the Council meeting. The minutes shall record the vote of the Council Members on all issues voted upon. All minutes must be approved by Council at the next regular Council meeting and the approved minutes shall be attested to by the presiding officer and the City Secretary. Such minutes so approved shall be filed by the Secretary and become archives of the City.

The ordinance prescribing the procedures of the Council may provide for compelling members to attend Council meetings and may provide for penalties for failure to attend. The ordinance shall require all newly elected officials, prior to being sworn in, read and be familiar with this Charter, the City code of ordinances, the current City budget, the file of resolutions, and any other records or documents as the Council deems appropriate for orientation. Each elected official shall take the oath of office as prescribed by state law and further affirm the following: "I have read and will abide by the articles and sections of the City Charter and will uphold the ordinances of this City." Prior to the second Council meeting of any newly elected official, the City Manager shall conduct a briefing for orientation of the new official.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition F Ballot shall read:

Shall Section 3.16 of the City Charter be amended to allow ordinances to be passed at two scheduled meetings under exceptional circumstances and to eliminate the need to require a vote to read only the caption of the ordinance?

For

Against

In the event Proposition F is approved by voters on May 5, 2018, Section 3.16 of the Charter shall thereafter read as follows:

Section 3.16 Ordinances:

The Council shall legislate by ordinance and the enacting clause of every ordinance shall read: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS."

An ordinance must be enacted: whenever the purpose is to regulate persons and property; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate paid by consumers; whenever an ordinance is required by State law or the Charter; or when an ordinance is being amended.

An ordinance must be enacted to legally commit the City to any contract that: (1) affects rates for services or utilities, and/or (2) that will in any manner require the expenditure of City funds either currently or in the future. Expenditures shall be clearly defined in monetary terms in all contracts. No such ordinance shall be enacted as an emergency ordinance. This provision shall not apply to contracts for professional services as prescribed in Section 13.16 General Provisions/Definitions.

The form of all ordinances shall include in the following order:

- (1) A unique number to be used for indexing and filing.
- (2) A descriptive caption consisting of a concise summary of the subject, any penalties provided for its violation and whether the ordinance was passed as an emergency as provided in Section 3.17 Emergency Ordinances.
- (3) A preamble is optional but should be used whenever the Council desires to define the reason for the ordinance.
- (4) The ordaining clause.
- (5) The body of the ordinance.
- (6) A final statement, "PASSED AND APPROVED THIS ____ DAY OF _____," and the signature blocks. All ordinances must be signed by the Mayor, Mayor Pro Tem, or any two (2) Council Members. The City Secretary shall attest to all signatures.

Unless an exceptional circumstance exists, each ordinance, except when deemed an emergency, shall be read and considered at two (2) regular scheduled meetings of the Council. The Council may dispense with full readings provided the caption is read and the ordinance was distributed to all Council Members at least two (2) days prior to the meeting.

Each ordinance shall be submitted in writing prior to the meeting at which it is introduced. The ordinance may be modified or amended by the Council at any meeting when it is read and considered;

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

except it cannot be changed at the meeting when it is finally voted upon. All ordinances, duly passed, shall be filed and maintained by the City Secretary as prescribed by Section 4.07 City Secretary. Unless prescribed otherwise, an ordinance shall become effective on the fourth day following passage.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for violation of any of its provisions and of every other ordinance required by law to be published by causing the ordinance or its caption to be published in the official newspaper at least one (1) time within ten (10) days after final passage thereof. The ordinance shall take effect ten (10) days after the date of such publication. Any Emergency Ordinance shall become effective upon passage as provided in Section 3.17 Emergency Ordinances.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition G Ballot shall read:

Shall Section 4.02 of the City Charter be amended to clarify provisions and remove the requirement that a department head must have Council approval to be appointed or removed?

For

Against

In the event Proposition G is approved by voters on May 5, 2018, Section 4.02 of the Charter shall thereafter read as follows:

Section 4.02 Administrative Departments:

There shall be such administrative departments as established in this Charter or by ordinance.

The Council shall have power by ordinance to establish administrative departments or offices not provided in this Charter. The Council may discontinue, redesignate, or combine any of the departments and/or administrative offices established by ordinance. No changes shall be made by the Council in the organization of the City until the recommendations of the City Manager have been heard and approved. A department head shall be appointed and can be removed from office by the City Manager.

Job duties shall be established for Department Heads by the City Manager. Their job duties shall be provided to each Department Head in writing. Each Department Head shall be evaluated by the City Manager and reviewed by the City Council no less than annually.

The Department Heads shall have supervision and control over their department, and shall establish their job descriptions, and initiate evaluations and submit the evaluations for review by the City Manager.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady **Proposition H** shall read:

Shall the Submission paragraph in Section 6.03 of the City Charter be amended to clarify when the draft budget and proposed budget is to be submitted to Council?

For

Against

In the event Proposition H is approved by voters on May 5, 2018, Section 6.03, Submission paragraph of the Charter shall thereafter read as follows:

Section 6.03 Annual Budget:

...

Submission. The City Manager shall submit a draft budget on or before the thirtieth (30) day of June of each year. Council shall review the draft budget and revise it as deemed appropriate prior to the proposed budget. The City Manager shall submit to the Council a proposed budget and accompanying message by the first council meeting in August. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

...

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition I shall read:

Shall Section 6.04 of the City Charter be amended to clarify which and when reports by the Finance Officer are required to be provided to Council?

For

Against

In the event Proposition I is approved by voters on May 5, 2018, Section 6.04 of the Charter shall thereafter read as follows:

Section 6.04 Administration of Budget:

Payments and Obligations Prohibited. No payment shall be made or obligation incurred except in accordance with appropriation duly passed, and unless the Finance Officer first certifies there is a sufficient unencumbered balance and sufficient funds are, or will be available to meet the obligation when it comes due and payable. If funds are not currently available to make an appropriate payment, but will become available within the fiscal year, the Finance Officer may request the Council for authority to borrow money to make payment provided that the money will be repaid by the end of the fiscal year. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made illegal. Such action shall be the cause for removal of any officer who, not acting in good faith, knowingly authorized or made such payment or incurred such obligations.

However, this prohibition shall not be interpreted to prevent the making or authorizing of payments or making of contracts for capital expenditures. These payments may be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, certificates of obligation or other similar evidence of indebtedness. Nor may they prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that action is made or approved by ordinance. Section 6.06 Borrowing to Meet Emergency Appropriations and Section 6.07 Borrowing in Anticipation of Property Taxes discuss additional borrowing provisions. Borrowing Provisions for capital expenditures are detailed in ARTICLE X. BONDS, Section 10.01.

Financial Reports. In the event there is no Department of Finance, the City Manager, with approval of the Council, shall designate a person as Finance Officer for the City. The Finance Officer shall be responsible to the City Manager and the Council for preparing all reports.

Some Additional Duties of the Finance Officer. The Finance Officer shall provide Council with monthly financial reports showing the financial condition of the City. The monthly financial reports may be provided electronically, posted on city website, and are due prior to the second regularly scheduled meeting each month. In addition, the Finance Officer shall also present Council with quarterly financial reports for quarters ending December 31 (Q1), March 31 (Q2), June 30 (Q3), and September 30 (Q4). The quarterly financial reports shall be presented to Council during the second regularly scheduled City Council meeting of the month after the end of each quarter (Quarter 1 – January; Q2 – April; Q3 – July; Q4 – Year end November).

These financial reports shall include the following: Balance Sheet, Revenue and Expenditure Statement in summary form for the preceding month, Year-to-Date Expenditure Statement for each department, detailed statement of each category of Revenue and Expense by department, and an analysis of all funds invested including rates, and any other report requested by Council. The financial reports and records of the City shall be maintained on a modified accrual basis to support this type of financial management.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition J shall read:

Shall Section 6.05 of the City Charter be amended to clarify that changes to the budget can be made to the fullest extent allowed by State law?

For

Against

In the event Proposition J is approved by voters on May 5, 2018, Section 6.05 of the Charter shall thereafter read as follows:

Section 6.05 Amendment and Supplemental Budgets:

In accordance with State Law, the City Council may make changes in the budget for municipal purposes. Emergency expenditures may be necessary to protect public health, safety or welfare. These emergency expenditures may be authorized to meet conditions which were not anticipated in the original budget. They shall be authorized by a majority of the Council Members present as provided in Section 3.17 Emergency Ordinances. Supplements and amendments shall be approved by ordinance as provided in Section 3.16 Ordinances and Section 3.17 Emergency Ordinances and shall be filed with the original budget. Borrowing to meet deficit spending is provided in Section 6.06 Borrowing to Meet Emergency Appropriations.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady **Proposition K** shall read:

Shall Section 6.10 of the City Charter be removed to reduce redundancy and inefficiencies as budgets, audits, and expenditures are already posted on the city website?

For

Against

In the event Proposition K is approved by voters on May 5, 2018, Section 6.10 of the Charter shall be deleted. "Section 6.10 Reserved"

City of Brady **Proposition L** shall read:

Shall Section 6.12 of the City Charter be amended to change the deadline for the City Manager to provide the non-designated funds report to Council from 30 days to 60 days?

For

Against

In the event Proposition L is approved by voters on May 5, 2018, Section 6.12 of the Charter shall be read as follows:

Section 6.12 Appropriation of Funds:

Within sixty (60) days after the close of each fiscal year, the City Manager shall report to the Council all non-designated funds. The Council shall designate such funds as appropriated funds for a specific purpose including appropriate reserves. The budget may be amended to reflect this designation of funds.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady **Proposition M** shall read:

Shall Section 7.02 of the City Charter be amended clarify the elected office and require each candidate running for a place on City Council to pay a filing fee of \$100 or submit a petition of 100 qualified voters of the City?

For

Against

In the event Proposition M is approved by voters on May 5, 2018, Section 7.02 of the Charter shall read as follows:

Section 7.02 Filing for Office:

Each candidate filing for a place on the City Council ballot shall meet the following qualifications:

- (1) Have all the qualifications for a Council Member as described in Section 3.02.
- (2) An incumbent seeking reelection shall file for the same place presently serving.
- (3) No candidate may file for more than one (1) office or place per election.
- (4) No candidate may withdraw from an election and file for another office or place at the same election.
- (5) Each candidate shall file such application as required by State Election Laws.
- (6) Each candidate shall pay a filing fee of \$100 or submit a petition of 100 qualified voters of the City of Brady.

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady Proposition N shall read:

Shall Section 7.02 of the City Charter be amended to clarify the elected office and to allow an incumbent to seek reelection for any place on City Council?

For

Against

In the event Proposition N is approved by voters on May 5, 2018, Section 7.02 of the Charter shall read as follows:

Section 7.02 Filing for Office:

Each candidate filing for a place on the City Council ballot shall meet the following qualifications:

- (1) Have all the qualifications for a Council Member as described in Section 3.02.**
- (2) No candidate may file for more than one (1) office or place per election.**
- (3) No candidate may withdraw from an election and file for another office or place at the same election.**
- (4) Each candidate shall file such application as required by State Election Laws.**

EXHIBIT A - 2018 CHARTER ELECTION LANGUAGE PROPOSED – 16 PROPOSITIONS

City of Brady **Proposition O** shall read:

Shall Section 12.15 of the City Charter be amended to clarify that a City-Owned Utility may be sold or leased only if approved by a majority vote of the qualified voters of the City voting at an election for that purpose?

For

Against

In the event that Proposition O is approved by voters on May 5, 2018, Section 12.15 of the Charter shall read as follows:

Section 12.15 Election Required for City-Owned Utilities:

In accordance with State law, no City-owned electric utility, natural gas system, water system, sewer system, park or swimming pool shall ever be sold or leased in whole or in part without authorization by a majority vote of the qualified voters of the City voting at an election held for that purpose, nor shall the same be encumbered except as authorized by State law and this Charter. Such determination to sell, lease, or encumber such systems or facilities in whole or in part shall be ascertained at an election which shall be held in accordance with the laws applicable to the issuance of municipal bonds by the City. Any encumbrance herein authorized shall be payable only from revenues derived from said system.

Proposition P deleted

**City Council
City of Brady, Texas**

Agenda Action Form for Ordinance

AGENDA DATE:	2-20-18	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding first reading of Ordinance 1249 terminate the franchise agreement between Sharyland Utilities L.P. (Sharyland) and the City of Brady.		
PREPARED BY:	K Lenoir	Date Submitted:	2-2-18
EXHIBITS:	Ordinance 1249 Letter of request from Sharyland		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:	<p>Sharyland Utilities L.P. (Sharyland) facilities in Brady are now owned by Oncor Electric Delivery Company LLC (Oncor). Sharyland has requested termination of their franchise agreement with the City of Brady.</p> <p>Staff is working with Oncor to develop a new franchise agreement with the City of Brady.</p> <p>Staff will be available to answer any questions.</p>
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RECOMMENDED ACTION:	<p>Mayor: <u>"Do I have a motion to read the full ordinance?"</u></p> <p>If no, Mayor will state: <u>"A majority of the City Council has dispensed with the full reading of the ordinance."</u></p> <p>Mayor will ask: <u>"Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter."</u> "Secretary reads preamble"</p> <p>Mayor calls for a motion: Move to approve first reading of Ordinance 1249</p>
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ORDINANCE NO. 1249

AN ORDINANCE OF THE CITY OF BRADY, TEXAS, TERMINATING A NON-EXCLUSIVE FRANCHISE TO SHARYLAND UTILITIES, LP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the franchise and regulation of private electric services are necessary and further a compelling public interest; and

WHEREAS, the City of Brady is authorized to grant and terminate franchises for private electric services within the City of Brady; and

WHEREAS, in November 2000, the City of Brady entered into a Franchise Agreement with Sharyland Utilities, LLP (Sharyland) for private electric services within the City of Brady; and

WHEREAS, on November 9, 2017, Sharyland exchanged its distribution operations for transmission lines in West and Central Texas owned by Oncor Electric Delivery Company, LLC (Oncor); and

WHEREAS, on January 26, 2018, Sharyland, requested the termination of its existing Franchise Agreement with the City of Brady; and

WHEREAS, the City of Brady anticipates entering into a new franchise agreement with Oncor for private electric services within the City of Brady; and

WHEREAS, the City Council of the City of Brady is of the opinion that the termination of the Franchise Agreement with Sharyland on the terms and conditions set forth in this Ordinance is in the public interest and in the interest of the City of Brady and its residents.

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

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

Section 2. Termination of Franchise. In accordance with Section 12.06 of the City of Brady, Texas (City) Home Rule Charter for the City, the City hereby terminates the Franchise Agreement with Sharyland, its successors and assigns (the "Company") to operate within the City or to occupy or use the streets of the City to provide a Private Electric Services,

Section 3. Effective Date. Sharyland requested effective date of November 9, 2017 when ERCOT approved the transfer from Sharyland to Oncor Electric Services LLP to own and operate their facilities in the City of Brady. This Ordinance will be read at two consecutive regular City Council meetings. The Ordinance will be effective after final passage.

Section 4. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of

each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

PASSED AND APPROVED this ____ day of _____ 2018.

PASSED AND APPROVED this ____ day of _____ 2018.

CITY OF BRADY, TEXAS

By: _____
Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

APPROVED AS TO FORM:

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



Sharyland Utilities, L.P.
Dallas Corporate Office
1900 North Akard Street
Dallas, Texas 75201
Toll Free: 866-354-3335
Phone: 214-978-8958
Fax: 214-978-8810

January 26, 2018

Ms. Kim Lenoir
City Manager
City of Brady, Texas
P.O. Box 351
Brady, Texas 76825

Dear Ms. Lenoir:

I am writing on behalf of Sharyland Utilities, L.P. (Sharyland) to notify you of our recent transaction with Oncor Electric Delivery Company LLC (Oncor) and, as a result of this transaction, to respectfully request the timely termination of our existing franchise agreement with the City of Brady.

On November 9, 2017, Sharyland and Oncor successfully closed a transaction to exchange Sharyland's retail distribution operations for a set of Oncor's transmission lines in West and Central Texas. As a result, all of Sharyland's approximately 54,000 retail distribution customers are now served by Oncor, and Sharyland no longer serves any retail distribution customers within your city limits.

Under Sharyland's existing franchise agreement with the City of Brady, Sharyland currently pays franchise fees based upon the number of kilowatt hours delivered to retail distribution customers located within the city's jurisdiction.

Enclosed please find a check in the amount of \$5,090.92 to settle our financial obligation under the current franchise agreement through November 9, 2017.

Since Sharyland is no longer serving retail distribution customers within the City of Brady, we respectfully request that our existing franchise agreement be terminated at your earliest convenience.

Your assistance is greatly appreciated. If you have any questions, please do not hesitate to contact me by phone at 214-978-8536 or by email at paul.schulze@sharyland.com.


Sincerely,

A handwritten signature in blue ink that reads "Paul R. Schulze".

Paul R. Schulze
Vice President for Public Affairs

Attachment

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

AGENDA DATE:	2/20/2018	AGENDA ITEM	7.C.
AGENDA SUBJECT:	Discussion, consideration and possible action authorizing the city manager to execute an engineering amendment with Freese and Nichols, Inc. for final design and bid phase engineering services related to production of 100% plans & specifications describing full replacement of wastewater treatment plant, in compliance with the Texas Water Development Board Clean Water Program (\$1,058,560).		
PREPARED BY:	K. Lenoir / M. Martin / S. Miller	Date Submitted:	02/12/2018
EXHIBITS:	Amendment Agreement and Scope of Work.		
BUDGETARY IMPACT:	Required Expenditure:		\$1,058,560.00
	Available Budget Amount:		\$1,078,806.77
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

Freese and Nichols, Inc. has submitted a negotiated final engineering fee for 100% plans & specifications development including bid phase services at \$1,058,560.00 and is summarized as follows:

- Basic Services
 - Final Design Phase incl. Project Management \$ 939,692.00
 - Funding Assistance \$ 34,301.00
 - Bid Management Phase \$ 33,862.00
 - Subtotal \$1,007,855.00
- Special Services
 - Geotechnical Soil Investigation \$ 49,130.00
 - Survey Services \$ 1,575.00
 - Subtotal \$ 50,705.00
 - Total Fee \$1,058,560.00

This fee is within budget.

The final design services will return documents describing a high efficiency wastewater treatment facility. Interim design capacity is 600,000 gal/day (avg.) with a future permitted flow of 990,000 gal/day including an approximate 2-hr peak flow of 2.75 M.G.D. Upon start-up of the new WWTP the existing facility will be abandoned and secured.

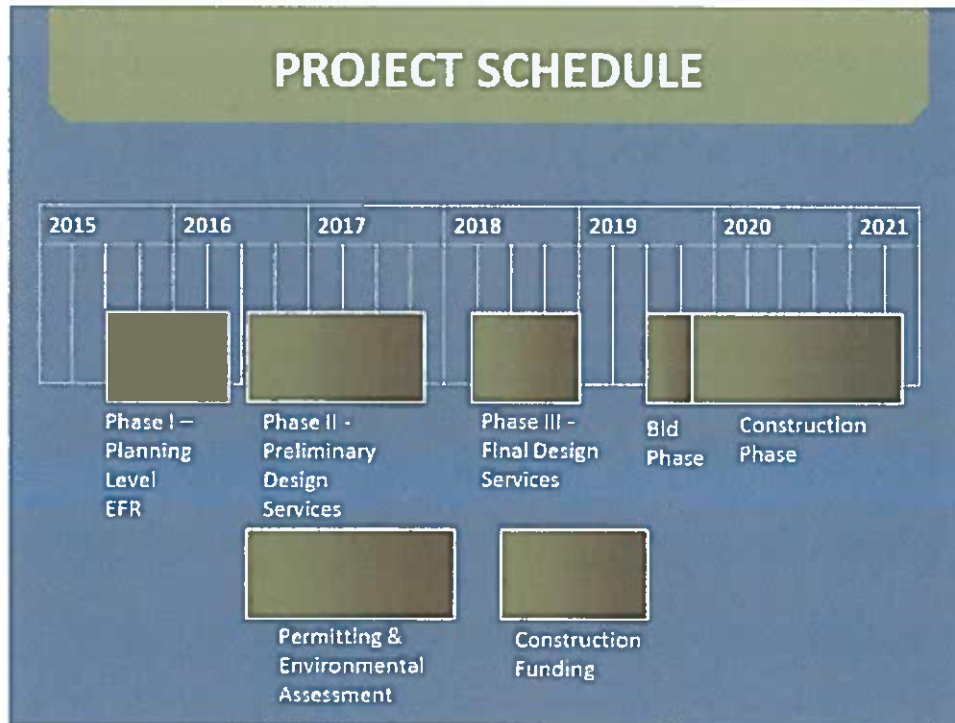
The final design fee applied as an expenditure against the remaining loan funds leaves a forecast balance as shown (including current commitments).

TWDB Fund Identifier	Loan Amount	2-20-18 Available Balance	Outstanding Charges (Phase II)	Forecast Available Balance	FNI Fee (Phase III - final design)	Remaining Balance
LF1000019	\$1,441,990.00	\$13,939.12	\$13,939.12	\$0.00		
L1000011	\$1,210,000.00	\$1,106,452.95	\$27,646.18	\$1,078,806.77	\$1,058,560.00	\$20,246.77

Project schedule for major design activities is outlined as follows:

- Mid-Point Draft Design Plans Submittal 6 - Months After N.T.P.
- 90% Draft Design Plans & Specifications Submittal 3 - Months After Mid-Point Review
- Draft Bid Level Plans & Specs. Submittal Issuance to TWDB 1 - Month After 90% Review
- Final Bid Level Plans, Specs. Submittal to TWDB and City 1 - Month
- **Total Design Time** **11 - Months**

Overall project schedule:



RECOMMENDED ACTION:

Move to approve.

AMENDMENT #3 FOR CONSULTING SERVICES
WWTP Replacement Project
(Final Design, 100% level and Bid Phase)

STATE OF TEXAS §
COUNTY OF McCULLOCH §
CITY OF BRADY, TX §

This is an **Amendment** by and between the City of Brady, Texas, (CITY), a home rule municipal corporation located at 201 E. Main Street, Brady, Texas 76825, and, Freese and Nichols, Inc. (FNI), a professional engineering firm located at 10431 Morado Circle, Ste. 300, Austin, TX 78759, from the original Agreement executed on February 19, 2015.

WHEREAS, CITY desires to obtain certain professional engineering services; and

WHEREAS, FNI is in the business of providing such services,

NOW, THEREFORE, the CITY and FNI mutually agrees as follows:

I. SCOPE OF SERVICES & OBLIGATIONS

FNI, HEREINAFTER referred to as ENGINEER and shall serve as an ENGINEER of the CITY. The description of services contained herein is intended to be general in nature. It is neither exhaustive, nor a limitation on ENGINEER's services so long as its services actually delivered are consistent with the provisions of this Amendment.

ENGINEER agrees to provide professional services to the CITY generally described as Phase III – FINAL ENGINEERING DESIGN (100% LEVEL) AND BID PHASE SERVICES or as more fully described in and made a part of this Amendment in Attachment A the parts of which are listed as follows:

1. ARTICLE I - BASIC SERVICES
2. ARTICLE II - SPECIAL SERVICES
3. ARTICLE III - ADDITIONAL SERVICES
4. ARTICLE IV - TIME OF COMPLETION
5. ARTICLE V - RESPONSIBILITIES OF CITY
6. ARTICLE VI - DESIGNATED REPRESENTATIVES

An Authorization to Proceed shall be issued by the CITY prior to any work commencing or initiation of services by the ENGINEER.

ENGINEER shall procure and maintain at all times, and at its own expense, for the program or services covered by this Amendment, any and all necessary liability insurance with companies authorized to do business in the State of Texas. ENGINEER must deliver to CITY proof of insurance (Attachment B as attached) evidencing that coverage's are in full force and effect.

Special Services, Additional Services and Reimbursable Expenses, if any, under this **Amendment** within 60-days after ENGINEER's presentation of payment invoice. ENGINEER understands payment administration is coordinated with the Texas Water Development Board and release of reimbursements to CITY is through OUTLAY EXPENDITURE REPORTS.

Reimbursable expenses shall mean the ENGINEER's cost of reproduction of reports, drawings and similar project related items. Reimbursable expenses are controlled or otherwise limited as shown in the Reimbursable Expense Addendum as attached and made a part of this **Amendment**.

III. SPECIAL CONDITIONS

No officer, agent or employee of the CITY is employed by ENGINEER or has a financial interest direct or indirect in this **Amendment** or the compensation to be paid under this **Amendment**.

ENGINEER shall promptly correct any defective designs or specification furnished by ENGINEER at no cost to CITY. CITY's approval, acceptance, use of, or payment for all or any part of the Engineer's services hereunder shall in no way alter the Engineer's obligations or rights hereunder.

All documents, including but not limited to original drawings, estimates, specifications, field notes and data that are created for or an outcome of work generated or produced for the CITY shall become the property of CITY. This includes certain intellectual property, such as datasets/results generated from computer programs or software, documentation, specifications, inventions, improvements, discoveries and other copyrightable or patentable works ("Works") developed by ENGINEER, solely or with others, resulting from performance of services under this **Amendment** or Contract and which shall become the property of the CITY.

ENGINEER does hereby irrevocably grant and assign to CITY and its licensees all rights in and to the Works during the performance period of this **Amendment** or Contract and thereafter, including by not limited to the right to reproduce, distribute, prepare derivative Works, display and perform action on the Works.

ENGINEER understands that performing work for the CITY may involve access to and creation of confidential information or information involving the personal privacy and personal identity of customers or citizens, trade secret or other confidential information ("proprietary information") of the CITY and its affiliates or customers. ENGINEER agrees not to disclose or use any proprietary information without the prior written consent of the CITY.

This **Amendment** contains the entire **Amendment** of the Parties and there are no other promises or conditions in any other **Amendment** whether oral or written. This **Amendment** may be modified or amended if the addendum is made in writing and is executed by both parties.

This **Amendment** shall be governed by the laws of the State of Texas. Venue shall be in McCulloch County, Texas

ENGINEER shall defend, indemnify and hold harmless the CITY, its officials and employees, against all suits or claims that may be based on any injury to persons or property that may occur, or may be alleged to occur, in the course of the performance of this **Amendment** by ENGINEER, its agents or employees, provided, that the damage, claims, loss, demand, or suit is caused in whole or in part by any negligent act or omission of ENGINEER, or any sub-consultant of ENGINEER, or anyone directly or indirectly employed by ENGINEER.

All professional services provided under this **Amendment** must be completed as described in each work order; the dates for performance can only be extended with a written consent letter signed by both CITY and ENGINEER.

ENGINEER shall provide services which reflect normal professional and industry standards, procedures and performances. ENGINEER shall exercise due diligence and proper care and perform services subject to this **Amendment** or Contract in a good and professional workmanlike manner. Approval or acceptance of work delivered or rendered by ENGINEER to CITY shall not constitute, or be deemed, a release of the responsibility and liability of the ENGINEER, its employees, agents, or associates from the exercise of skill and diligence, nor shall CITY's approval be deemed to be an assumption of responsibility by CITY or any defect or error by ENGINEER.

II. COMPENSATION

CITY shall compensate ENGINEER for its services in the amount and manner as described by the individual work orders. A Lump Sum Fee Summary as follows:

Basic Services -	
• Final Design Phase (100%) & Project Management	\$ 939,692.00
• Funding Assistance	\$ 34,301.00
• Bid Management Phase	\$ <u>33,862.00</u>
Subtotal Basic Services	\$1,007,855.00
Special Services -	
• Geotechnical Soil Investigation	\$ 49,130.00
• Survey Services	\$ <u>1,575.00</u>
Subtotal Special Services	\$ 50,705.00
TOTAL FEE BASIS	\$1,058,560.00

Unless otherwise stated or agreed to in writing by both parties, ENGINEER shall invoice CITY at the end of each month for the services performed under the scope of services in each work order during that month.

Additional services shall be negotiated through contract amendment(s) that are authorized by the CITY.

IV. TERM

ENGINEER shall complete all Basic Services and Special Services on or before the timeline established in Attachment A.

Either party may terminate the Amendment or Contract at any time upon thirty (30) days written notice. Upon ENGINEER's receipt of such Notice by the CITY, ENGINEER shall cease work immediately.

If this Amendment is terminated by the CITY, the ENGINEER will be paid for services performed to the date of termination. If this Amendment is terminated by the ENGINEER, the ENGINEER will be paid for services performed on the completed portions of the project which are usable to the CITY.

If, through any cause, ENGINEER fails to fulfill its obligations under this Amendment, or if the ENGINEER violates any of the conditions or requirements of this Amendment, CITY has the right to terminate this Amendment or Contract by giving the ENGINEER five (5) days written notice the ENGINEER will be compensated for the services satisfactorily performed before the termination date.

CITY OF BRADY, TEXAS

Kim Lenoir, City Manager

Date

ATTEST:

Tina Keys, City Secretary

FREESE AND NICHOLS, INC.

Trooper Smith, P.E., ENV SP - Vice President

Date

SCOPE OF SERVICES AND RESPONSIBILITIES OF CITY

ARTICLE I

PROJECT DESCRIPTION: This AMENDMENT includes Phase 3 – Final Design (100% Level) and Bid Phase Services for the Brady WWTP Replacement Project.

BASIC SERVICES: FNI shall render the following professional services in connection with the development of the Project. Final Design (100%) and Bid Phase Services for the new WWTP Replacement Project will be administered within this contract.

The construction phase services for the remainder of the Project will be administered through a separate amendment.

A. **PROJECT MANAGEMENT AND ADMINISTRATIVE DUTIES:** Upon execution of this AMENDMENT and upon receiving a Notice to Proceed from the CITY, FNI will provide the project management services for each phase as follows:

FNI shall coordinate internally and also with the CITY for successful project initiation, planning, execution, monitoring/controlling and closeout. FNI shall manage scope, time, cost, quality, staff resources, communications, risk and procurements as necessary. This includes but is not limited to:

1. **Consult with the CITY** throughout the project to ensure the scope of services is met and verify the CITY'S requirements for the project are satisfactory.
2. **Invoicing:** FNI will prepare and submit invoices to the CITY and TWDB following TWDB Outlay procedures.
3. **Monthly Status Reports:** FNI will prepare and submit monthly status reports to the CITY with FNI's monthly invoice. Monthly status reports will comprise a one to two-page summary of the progress to date on the Project, work completed during the prior month, work anticipated to be completed during the upcoming month, and discussion of any scope, schedule, or budget issues that may need to be resolved.
4. **Project Schedule:** FNI will maintain and update project design and bid phase schedule.
5. **Quality Assurance / Quality Control:** FNI will develop and implement a QA/QC plan for the work.
6. **Project Comment Response Forms:** For each deliverable, FNI will provide a comment response form addressing each of the CITY's comments.

B. MEETINGS: FNI will schedule the following meetings and prepare agendas and meeting minutes:

1. Final Design Kickoff Meeting: Will include kickoff meeting with design team and CITY and a site visit with design team, and, geotechnical team in order to clarify the required services and communicate the project scope with all related departments at the CITY.
2. Review Meetings: Up to two (2) review meetings with CITY staff after draft Mid-Point Level and 90% deliverables.
3. Conference Calls: Up to five (5) conference call meetings with CITY staff throughout the final design and bid phase of the project. A conference call meeting is defined as a scheduled event with dedicated staff members engaged.
4. CITY Council Presentations: Presentations will be scheduled for major milestones, as well as for progress reports. Drafts of proposed presentations shall be coordinated with CITY for review and comment prior to scheduling any particular council agenda. This includes up to four (4) presentations during the final design and bid phase as described below.
 - a. Presentation after submission of select design deliverables (Mid-Point and 90% Deliverables).
 - b. Presentation to award construction contract to selected bidder.
 - c. One (1) additional CITY Council project updates
5. Agency Meetings: Up to four (4) with agencies such as the Texas Water Development Board (TWDB), Texas Commission on Environmental Quality (TCEQ), and Economic Development Administration (EDA).
6. Pre-Bid Meeting: Attend one (1) Pre-Bid Meeting and site visit with interested bidders and TWDB at CITY. Assist the OWNER in conducting the meeting and coordinate responses with OWNER. Responses to the pre-bid conference will be in the form of addenda issued after the conference.
7. Bid Opening: Attend project Bid Opening at CITY and open bids as required by the OWNER.

C. FUNDING ASSISTANCE

1. TWDB Coordination: FNI will work with TWDB to ensure appropriate forms are provided and procedures are followed to secure funding.
2. TWDB Project Information Form (PIF): Aid City in preparation and submission of Project Information Form for 2019 Clean Water State Revolving Fund (CWSRF)
3. TWDB CWSRF Construction Funding Application: Aid City in preparation and submission of funding application for 2019 CWSRF Program. City will have primary responsibility for completion of overall funding application. FNI will complete Part D and Part F as well as a general review of the other application sections
4. EDA Public Works Grant: Assist City with preparation of a proposal and application for the Economic Development Administration's (EDA) Public Works Grant.
 - a. Assist in development of Phase I proposal including:
 - i. Form SF-424, Form ED-900P, and Form SF-424C
 - b. Assist in development of Phase II complete application including:

- i. Form SF-424D, Form ED-900, Form ED-900A, Form ED-900B, Form ED-900C, Form ED-900E
- ii. Environmental Narrative
- iii. Applicant's Certification Clause
- iv. Form CD-511
- v. Form SF-LLL

D. FINAL DESIGN PHASE

1. SURVEYING SERVICES: Reference Article II – Special Services.
2. GEOTECHNICAL REPORT: Reference Article II – Special Services.
3. PERMITTING: Coordinate with City for completion of City of Brady Electrical and Development Permit.
4. Detailed design elements shall be developed using AutoCAD and Autodesk Revit BIM software for modeling the plant arrangement.
5. Submit drawings, specifications, design documentation and Construction Contract Documents to the applicable federal and state agency(s) for regulatory approval, where required. Submit drawings for the Laboratory/Operations Building improvements to the Texas Department of Licensing and Regulation for required ADA compliance rule reviews and associated approvals, and to the CITY's Planning and Development Department for review of building facilities. Any fees associated with these reviews shall be paid by the CITY.
6. MID-POINT LEVEL DESIGN PHASE – FNI shall develop mid-point level design deliverables as noted below. Deliverables will be delivered in a workshop setting. Major design plan aspects will be presented for owner consideration and review. Targeted improvements for CITY special consideration shall be identified.
 - a. Mid-point level design plans for the main project components listed below
 - b. Mid-point level project specifications for the main project components listed below. *FNI standard Division 00 and Division 01 documents will be utilized for the project. Division 00 documents define the Procurement and Contracting Requirements of the project and Division 01 provides General Requirements for the Contractor with regards to product quality, submittals, project controls, etc.*
 - c. Mid-point level Opinion of Probable Construction Costs (OPCC)
 - i. Main Project Components
 1. General Notes and Details
 2. Site Plans
 3. Process Flow Diagram
 4. Hydraulic Profile
 5. Grading and Drainage

6. Storm Water Pollution Prevention Plan
 7. Plant Access Road (Bid Alternate)
 8. Yard Piping and Details
 9. Converted Peak Flow Storage Basins (Bid Alternate)
 10. Influent Lift Station
 11. Headworks (Fine Screen and Grit Removal)
 12. Splitter Structures (2)
 13. Aeration Basins (2)
 14. Secondary Clarifiers (2)
 15. RAS/WAS Pump Station
 16. UV Disinfection System
 17. Effluent Flow Meter and Outfall Connection
 18. WAS Holding Tank
 19. Screw Press Area
 20. Prefabricated Electrical Building with Blower Canopy
 21. Prefabricated Laboratory/Operations Building
 22. Standard Details
 23. Process and Instrumentation
 24. Electrical
- d. Conduct internal quality control (QC) and constructability reviews at the mid-point design level
 - e. Incorporate City comments at mid-point level design into 90% set and provide mid-point level comment response form
7. 90% DESIGN PHASE: FNI will develop and submit 90% design deliverables including:
 - a. 90% design plans
 - b. 90% project specifications
 - c. 90% Opinion of Probable Construction Costs (OPCC)
 - i. Main Project Components (*Same as mid-point level design list of "Main Project Components"*)
 - d. Conduct internal quality control (QC) and constructability reviews at the 90% design level

- e. Incorporate City comments on 90% design into Issued for Bid set and provide 90% comment response form
- 8. Amended Engineering Feasibility Report: Compile design calculations and decisions as an amendment to existing Engineering Feasibility Report (EFR) for submission to TWDB as final Engineering Design Report required for construction approval.
- 9. Storm Water Pollution Prevention Plan (SWPPP): Prepare a SWPPP for City's use and compliance with TXR150000 for construction of the Brady WWTP Replacement Project. The SWPPP will be shared with Contractor and Contractor shall be responsible for updating and revising the SWPPP during the subsequent construction phase of the project.
- 10. Coordinate Accessibility Review for new Laboratory/Operations Building.
- 11. Incorporate the required Texas Water Development Board (TWDB) forms and documents within the final contract documents. Submit all required forms and documentation to TWDB as necessary for approval of construction.
- 12. ISSUED FOR BID DOCUMENTS (100%): Upon receipt of 90% comments, FNI shall prepare the Issued for Bid set of documents
 - a. Submit Issued for Bid (100%) deliverable to TWDB for review.
 - b. Receive and respond to comments from TWDB on Issued for Bid (100%) set of documents.
 - c. Incorporate final comments from TWDB and resubmit revised Issued for Bid (100%) set to TWDB for bid approval.
 - d. Upon approval of revised Issued for Bid (100%) documents, submit documents to CITY for bidding purposes.

E. BID PHASE

- 1. FNI will set up the project on CivCastusa.com to distribute the bid documents to prospective bidders and plan rooms. Electronic sets of documents will be made available at no charge to plan holders. Hard copy plans will not be provided by the Engineer except as indicated in this contract. CivCast updates and processes will be the responsibility of FNI
- 2. Advise CITY by responding to questions and interpreting bid documents. Prepare and issue addenda to the bid documents to plan holders and TWDB if necessary.
- 3. Tabulate and analyze the bids received. Review the qualification information provided by the apparent low bidder to determine if, based on the information available, they appear to be qualified to construct the project.
- 4. Assist City in preparation of bid documents submittal for TWDB project reviewer, including:
 - a. Tabulation of bids
 - b. Proposal of the lowest responsive Bidder, which represents the most advantageous Bid to the City, price and other factors considered.
 - c. Certified copy of advertisement for bids
 - d. FNI's recommendation to Applicant for award

- e. Explanation for any rejected bids or otherwise disqualified bidders
 - f. DBE documentation
 - g. Vendor Compliance with Reciprocity of Non-Resident Bidder (TWDB-0459)
 - h. Certification Regarding Debarment, Suspension and Other Responsibility Matters, SRF-404
 - i. Site Certificate, ED-101, or evidence of authority to acquire the site if not previously submitted
 - j. A resident inspection proposal including contract, inspector's name, relevant inspection experience and organizational reporting structure, if not previously submitted, ED-005
5. Recommend award of contracts or other actions as appropriate to be taken by CITY.
 6. Provide Notice of Award of Contract to the Contractor and provide letter with directions for the execution of the contract documents.
 7. Prepare Conformed Construction Contract Documents for construction contracts.
- F. **DELIVERABLES:** FNI will provide copies to the CITY as required. For each submittal, furnish copies as shown:
- a. Mid-point level and 90% Design Phase
 - i. Plans – Four (4) 11x17 hard copies and one (1) electronic copy
 - ii. Specifications – Four (4) hard copies and one (1) electronic copy
 - iii. OPCC – Four (4) hard copies and one (1) electronic copy
 - b. Draft Issued for Bid Deliverable
 - i. Amended Engineering Feasibility Report – One (1) electronic copy and one (1) hard copy to TWDB
 - ii. Plans – One (1) 11x17 hard copy and one (1) electronic copy to TWDB
 - iii. Specifications – One (1) hard copy and one (1) electronic copy to TWDB
 - iv. OPCC – One (1) hard copy and one (1) electronic copy to TWDB
 - c. Revised Issued for Bid Deliverable
 - i. Plans
 1. Two (2) 11x17 hard copies and one (1) electronic copy to TWDB
 2. Two (2) 11x17 hard copies and one (1) electronic copy to CITY
 - ii. Specifications
 1. Two (2) hard copies and one (1) electronic copy to TWDB
 2. Two (2) 11x17 hard copies and one (1) electronic copy to CITY

iii. OPCC

1. Two (2) hard copies and one (1) electronic copy to TWDB
2. One (1) hard copy and one (1) electronic copy to TWDB

d. Conformed Construction Contract Documents after Bid Opening.

- i. Provide nine (9) sets of Construction Contract Documents which include information from the apparent low bidders bid documents, legal documents, and addenda bound in the documents for execution by the OWNER and construction contractor.
 1. Executed Copies: Distribute five (5) copies of these documents to the contractor with a notice of award that includes directions for the execution of these documents by the construction contractor. Following execution by OWNER and the construction contractor, submit one (1) executed set [11x17] to TWDB and two (2) sets [1 set - 22x34, 1 set - 11x17] each to the OWNER and contractor.
 2. Conformed Copies: Provide OWNER with the remaining four (4) copies [11x17] and 1 copy of [22x34] of these documents for use during construction. Additional sets of documents can be provided as an additional service.
 3. Provide OWNER, TWDB, and Contractor with one (1) electronic file [.pdf]

ARTICLE II

SPECIAL SERVICES: FNI shall render the following special services in connection with the development of the Project.

A. SURVEYING SERVICES – FINAL DESIGN PHASE SERVICES

1. FNI will solicit the services of Ross Land Surveying to perform field surveying of the incoming sewer line from the South and proposed plant access road route.

B. GEOTECHNICAL REPORT – FINAL DESIGN PHASE SERVICES:

1. During the preliminary design phase Arias was selected for geotechnical services and completed an initial (first phase) geotechnical report. Arias will conduct the second phase of the geotechnical investigation as part of the final design phase and amend the existing report as described below:
 - a. Task 1.1 - Planning and Coordination (staking of borings, utility locate, coordination)
 - b. Task 1.2 - Drilling and Sampling (14 additional bores and 500 total drilling footage)
 - c. Task 1.3 – Insitu Testing (1.5 days of Dilatometer Testing, equipment rental)
 - d. Task 2 – Laboratory Testing (soil classification, compression, triaxial)
 - e. Task 3 – Engineering and Report
2. **DELIVERABLES:** FNI will provide copies to the CITY as required. For each draft and final submittal, furnish electronic and hard copies as shown for the following deliverables of the Final Design Phase:
 - a. Geotechnical Report TM
 - i. Two (2) hard copies
 - ii. One (1) electronic copy

ARTICLE III

ADDITIONAL SERVICES: Additional Services to be performed by FNI, if authorized by CITY, which are not included in the above described basic services and special services, are described as follows:

- A. Providing Construction General Representation or Resident Representation Services. *Construction Phase Services will be developed in Phase 4.*
- B. Funding Related Services beyond what is described in Article I, Item C. Finding Assistance
- C. Completion of Letter of Map Revision (LOMR) for FEMA. *(Will be included in Construction Phase Services: Phase 4)*
- D. Bidding the project as more than one bid package for construction of the WWTP Replacement Project.
- E. Field Surveys – Prepare detailed topographic survey for use in the preparation of the hydrologic and hydraulic models. The survey will correspond to the effective FEMA vertical benchmark.

- F. As-Built Survey – Upon construction completion of the project, necessary field surveys will be completed for as-built hydraulic model verification.
- G. Property Owner Research and Individual Notification of Adverse Impacts:
 - a. Identify adversely impacted properties from flood study.
 - b. Research property ownership obtaining names and addresses of adversely impacted properties.
 - c. Coordinate with the community to distribute certified mail notifications to these property owners.
 - d. Supply FEMA with copies of certified mail distributions.
- H. Site clearing activities needed to provide site access to complete survey or geotechnical investigation services.
- I. The preparation and solicitation for CMAR services and additional CMAR assistance to the City.
- J. Presence/absence surveys for federally listed threatened/endangered species.
- K. Preparation of an individual 404 permit application, Letter of Permission, preconstruction notification (PCN), or jurisdictional determination report for the U. S. Army Corps of Engineers.
- L. Application for General Land Office easements.
- M. Application for Texas Parks & Wildlife Department Sand and Gravel Permit.
- N. Additional field investigations or analysis required to respond to public or regulatory agency comments, including additional data requests, schematics or drawings of project features.
- O. Subsurface utility exploration (SUE).
- P. Field layouts or the furnishing of construction line and grade surveys.
- Q. GIS mapping services or assistance with these services.
- R. Making property, boundary and right-of-way surveys, preparation of easement and deed descriptions, including title search and examination of deed records.
- S. Providing services to investigate existing conditions or facilities, or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by CITY.
- T. Providing renderings, model, and mock-ups requested by the CITY.
- U. Making revisions to drawings, specifications or other documents when such revisions are 1) not consistent with approvals or instructions previously given by CITY or 2) due to other causes not solely within the control of FNI.
- V. Investigations involving consideration of operation, maintenance and overhead expenses, and the preparation of rate schedules, earnings and expense statements, feasibility studies, appraisals, evaluations, assessment schedules, and material audits or inventories required for certification of force account construction performed by OWNER.

- W. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.
- X. Providing shop, mill, field or laboratory inspection of materials and equipment. Observe factory tests of equipment at any site remote to the project or observing tests required as a result of equipment failing the initial test.
- Y. Conducting pilot plant studies or tests.
- Z. Preparing data and reports for assistance to CITY in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
- AA. Assisting OWNER in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this AMENDMENT. Such services, if any, shall be furnished by FNI on a fee basis negotiated by the respective parties outside of and in addition to this AMENDMENT.
- BB. Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance, and other assistance required to address environmental issues.
- CC. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this AMENDMENT.
- DD. Visits to the site in excess of the number of trips included in Article I for periodic site visits, coordination meetings, or contract completion activities.
- EE. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the CITY.
- FF. Providing services made necessary because of unforeseen, concealed, or differing site conditions or due to the presence of hazardous substances in any form.
- GG. Preparing statements for invoicing or other documentation for billing other than for the standard invoice for services attached to this professional services AMENDMENT.
- HH. Providing additional Geotechnical Services, studies and reports besides what is described in Article II.
- II. Providing additional Surveying Services, studies and reports besides what is described in Article II.
- JJ. Providing additional GIS Digitizing Services, studies and reports besides what is described in Article II.
- KK. Wastewater Modeling of the CITY Sewer System.
- LL. SCADA Technical Memo/Review
- MM. Providing design of security systems including cameras, card readers, door locks, gate intercom systems.
- NN. Additional Technical Memos not included in the Final Design Phase.
- OO. Providing Radio Path Analysis for plant to City communications.

- PP. Coordinate remote telemetry with plant SCADA system.
- QQ. Providing a Power System Study.
- RR. Evaluation between generator fuel types, electrical equipment manufacturers, etc.

ARTICLE IV

TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this AMENDMENT and agrees to complete the services in accordance with the following schedule:

Activity #	Activity (in chronological order – beginning after NTP)	Completion Time
1	Mid-Point Level Draft Design Submittal	6 months after NTP
2	90% Draft Design Submittal	3 months after 60% Review Comments
3	Draft Issued for Bid Submittal to TWDB	4 weeks after 90% Review Comments
4	Revised Issued for Bid Submittal to TWDB and City	4 weeks after TWDB Comments on Draft Issued for Bid Documents
	TOTAL Final Design Time	11 months

If FNI’s services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in CITY or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this AMENDMENT and in Attachment B.

ARTICLE V

RESPONSIBILITIES OF CITY: CITY shall perform the following in a timely manner so as not to delay the services of FNI:

- A. Designate in writing a person to act as CITY's representative with respect to the services to be rendered under this AMENDMENT. Such person shall have contract authority to transmit instructions, receive information, interpret and define CITY's policies and decisions with respect to FNI's services for the Project.
- B. Provide all criteria and full information as to CITY's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which CITY will require to be included in the drawings and specifications.
- C. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project. Information needed for the TPDES permit application includes, but is not necessarily limited to, the following items: tables of effluent analyses to be prepared by the CITY's laboratory for all required parameters and copies of signed laboratory reports for the required analyses.
- D. The CITY shall provide the application fee and submit the final application, copies, and the fee to the TCEQ. The CITY shall also provide for advertisement and notification of the permit amendment/renewal application, if required by the TCEQ.
- E. The CITY shall prepare public notices for TPDES applications, EAs, and public meetings or hearings, as required, and submit for publication in the appropriate newspapers. The CITY shall make available to FNI affidavits from publishers of such notices as needed to document publication.
- F. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this AMENDMENT.
- G. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as CITY deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of FNI.
- H. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
- I. CITY shall make or arrange to have made all subsurface investigations, including but not limited to borings, test pits, soil resistivity surveys, and other subsurface explorations. CITY shall also make or arrange to have made the interpretations of data and reports resulting from such investigations. All costs associated with such investigations shall be paid by CITY.
- J. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as CITY may require or FNI may reasonably request with regard to legal issues pertaining to the Project including any that may be raised by Contractor(s), such auditing service as CITY may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as CITY may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.

- K. CITY shall determine, prior to receipt of construction bid, if FNI is to furnish Resident Project Representative service so the Bidders can be informed.
- L. If CITY designates a person to serve in the capacity of Resident Project Representative who is not FNI or FNI's agent or employee, the duties, responsibilities and limitations of authority of such Resident Project Representative(s) will be set forth in an Attachment attached to and made a part of this AMENDMENT before the Construction Phase of the Project begins. Said attachment shall also set forth appropriate modifications of the Construction Phase services as defined in Attachment A, Article I, together with such adjustment of compensation as appropriate.
- M. Attend the pre-bid conference, bid opening, preconstruction conferences, construction progress and other job related meetings and substantial completion inspections and final payment inspections.
- N. Give prompt written notice to FNI whenever CITY observes or otherwise becomes aware of any development that affects the scope or timing of FNI's services, or any defect or nonconformance of the work of any Contractor.
- O. Furnish, or direct FNI to provide, Additional Services as stipulated in Attachment A, Article III of this AMENDMENT or other services as required.
- P. Bear all costs incident to compliance with the requirements of this Article V.

ARTICLE VI

DESIGNATED REPRESENTATIVES: FNI and CITY designate the following representatives:

- | | |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| CITY's Designated Representative – | Steven Miller
201 East Main
P.O. Box 351
Brady, Texas 76825
Phone: 325/597-2152
Fax: 325/597-2068
E-mail: smiller@bradytx.us |
| FNI's Designated Representative – | Coby Gee
10431 Morado Circle
Ste. 300, Austin, TX 78759
Phone: 512/617-3183
Fax: 512/617-3101
E-mail: Coby.Gee@freese.com |
| FNI's Principal in Charge – | Trooper Smith
10431 Morado Circle
Ste. 300, Austin, TX 78759
Phone: 512/617-3116
Fax: 512/617-3101
E-mail: Trooper.Smith@freese.com |
| FNI's Accounting Representative – | Billy Metzger
10431 Morado Circle
Ste. 300, Austin, TX 78759
Phone: 512/617-3177
Fax: 512/617-3101
E-mail: Billy.Metzger@freese.com |

ATTACHMENT B

CERTIFICATE OF INSURANCE REQUIREMENTS
CITY OF BRADY, TEXAS

Without limiting any of the other obligations or liabilities of the contractor, the ENGINEER shall provide MINIMUM insurance coverage as listed below, prior to the execution of the contract and maintain coverage, without interruption provided by an insurer of a Best Rating of B+ or better, until the work is completed and accepted by the CITY. A certification of insurance will be placed on file with the Purchasing Agent of the City of BRADY, prior to the execution of the Amendment or contract.

TYPE OF COVERAGE MINIMUM LIMITS

WORKER'S COMPENSATION - Coverage A Statutory

Worker's Compensation Insurance shall include a Waiver of Subrogation in favor of the City of BRADY

EMPLOYERS LIABILITY - Coverage B

Bodily Injury by Accident -	Each Accident	\$ 100,000
Bodily Injury by Disease -	Policy Limit	\$ 500,000
Bodily Injury by Disease -	Each Employee	\$ 100,000

COMMERCIAL GENERAL LIABILITY:

Coverage A - Each Claim	\$ 500,000
Coverage B - Personal & Advertising Injury	\$ 500,000
General Aggregate Other Than Products/ Completed Operations	\$ 500,000
Products/Completed Operations Aggregate	\$ 500,000

PROFESSIONAL LIABILITY INSURANCE:

Each Claim	\$ 750,000
General Aggregate	\$1,000,000

AUTOMOBILE LIABILITY:

Bodily Injury Liability -	Each Person	\$ 250,000
Bodily Injury Liability -	Each Claim	\$ 500,000
Property Damage Liability -	Each Claim	\$ 100,000

NOTES (as applicable):

- 1) Coverage must include all owned, hired, and non-owned vehicles.
- 2) Coverage must include the City of BRADY as an Additional Insured for all work performed for or on behalf of the City with the exception of workers compensation and professional liability insurance.
- 3) Contractual liability coverage cannot be excluded; and ENGINEER will assume all liability for independent subcontractors.
- 4) Vendor may satisfy the minimum limits required by the Commercial General Liability or Business Automobile Liability insurance with an umbrella or excess liability policy.
- 5) Vendor's insurance shall be deemed primary with respect to any insurance or self-insurance program carried by the CITY.

In the event of any material change, non-renewal, or cancellation of any policy, ENGINEER's insurance company will give thirty (30) days actual prior written notice to the Contracting Department of the City of BRADY for such changes or cancellation.

REIMBURSIBLE EXPENSES ADDENDUM TO AMENDMENT

FOR ENGINEERING SERVICES -

The **Amendment** to which this Addendum is attached obligates the City of Brady ("CITY") to pay your expenses associated with delivery of services and work product.

This Addendum amends the **Amendment** to state the maximum amounts, which CITY will reimburse you for the types of expenses listed. CITY provides quality services on a frugal public budget and we expect the same good stewardship of public funds by ENGINEERS or professionals with whom CITY contracts.

These expense limitations also apply to subconsultants, subcontractors, experts and other third parties whom you may hire. You and others are free to incur any level of cost or luxury desired, but City's obligation to reimburse expenses is capped at the lesser of either actual cost or the maximums stated for each category below. Itemized receipts or accounting are a prerequisite to City's obligation to pay the expenses listed in this Addendum:

Hotel. \$100.00 per night inclusive of taxes. City will not pay for room service, Internet, movies, massages, valet parking, telephone calls (except to City personnel on job-related matters), or other hotel services. (In cities over 200,000 population, the rate = \$125.00/night).

Airfare. City pays only the lowest available fare for economy e-ticket as shown on the airline's website.

Rental car. City will pay the rental, taxes and self-serve fuel for a compact or mid-size car; no fuel charges, waivers, or insurance fees. A larger vehicle may be authorized for special needs or business necessity.

Meals. Actual costs, up to a maximum of \$38 per day per person; no alcohol. Receipts are required.

Amenities. You are solely responsible for the cost of snacks, drinks, alcohol, etc. that are not necessary for conducting City business.

Business services. When in Brady – you shall use photocopiers, printers, facsimiles, and similar services at City Hall. When in other locations – CITY will pay you the actual cost of such services as evidenced by your receipts.


Surcharges and/or Overhead. CITY does not pay any percentage defined as "administrative" cost or other expenses.

Exceptions. You may request an exception by CITY to any of the above limits due to special needs of the case or reasonable accommodation for a disability.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02/20/2018	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding final Demolition Order 2016-10 for 502 West 2 nd Street.		
PREPARED BY:	Kimberly Davee	Date Submitted:	02/14/2018
EXHIBITS:	Demolition Order 2016-10 Photos of Property Code Enforcement Inspection Report		
BUDGETARY IMPACT:	Required Expenditure:		\$4,510.00
	Amount Budgeted:		\$28,300.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:	<p>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.</p> <p>Owner: Julie C. Ramos Last Known Address: 1025 Cardinal Ridge Avenue, Fort Worth, TX Property Taxes: Delinquent (\$1,725.55) Estimated amount of Tax Lien: \$4,510.00</p> <p><u>Action taken:</u> 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 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 <i>Certified Mail</i> 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.</p>
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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 determined that this property is in violation of every building code adopted by this jurisdiction and meets the requirements of a Dangerous Building. 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.

November 07, 2017 – City Council issued Demolition Order 2016-10.

RECOMMENDED ACTION:

Move to authorize the City to initiate final action on Demolition Order 2016-10.

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 2ND 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 2nd 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 2nd 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 2nd 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 2nd 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



City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02/20/2018	AGENDA ITEM	7.E.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding final Demolition Order 2018-20 for 501 West 2 nd Street.		
PREPARED BY:	Kimberly Davee	Date Submitted:	2/13/2018
EXHIBITS:	Demolition Order 2018-20 Photos of Property		
BUDGETARY IMPACT:	Required Expenditure:		\$1,080.00
	Amount Budgeted:		\$30,000.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

This structure at this address has been determined to be a dangerous premises. This property has not had utilities connected since April 8, 2013.

Owners: Erbey Valdez
 Last Known Address: 618 E. Highland, San Angelo, TX 76903
 Property Taxes: Delinquent (\$2,776.85)
 Estimated amount of Tax Lien: \$1,760.00

Action taken:

02/27/2014 – Carey McBride inspected the exterior of the house at the request of the owner. Notes were that the siding was missing, no trim, not painted, tree in electrical service, debris on front porch, debris at south and west sides, no windows, plumbing not vented or connected, hole in the rear of the house, roof not flashed, interior must be inspected. Later that day, interior was inspected. Carey noted that prior to temporary power, all electrical must be removed. Panel must be locked, roof must be flashed and made water tight. Have a licensed electrician do all work.
 11/18/2014 – Note: No activity for repairs or anyone living at this location.
 04/14/2015 – Potential owner wanted a list of repairs and to meet Carey McBride at the location.
 04/15/2017 – Carey McBride met with potential owner and did another inspection of property. The potential owner said too many repairs would need to be made and he would not pursue purchase of the house.
 11/02/2017 – Public hearing notice was sent to the newspaper for publication in the November 8, 2017 edition.
 11/03/2017 – Public hearing notice was sent to the owner and posted on the structure near the door.
 11/21/2017 – City Council issued Demolition Order 2018-20.

RECOMMENDED ACTION:

Move to authorize the City to initiate final action on Demolition Order 2018-20.

DEMOLITION ORDER 2018-20

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 501 WEST 2ND STREET, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES

WHEREAS, on November 3, 2017, the City provided the owner of the property located at 501 West 2nd Street, Brady, Texas with notice, via certified mail, of a hearing to be held on November 21, 2017; and

WHEREAS, on November 21, 2017, the City Council conducted a public hearing concerning the structure located at 501 West 2nd Street, City of Brady, Texas to determine whether to order the demolition or repair of the structure under Section 3.212 of the Brady Code of Ordinances (Dangerous Premises); and

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

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

WHEREAS, the property owner, Erbey Valdez, 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 501 West 2nd Street, 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 501 West 2nd Street, Brady, Texas by no later than ninety (90) days from the date of this Order, which is February 19, 2018; and

(4) This property will be inspected for compliance with this order on February 19, 2018. If the owner fails to demolish and remove the building before February 19, 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



City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02/20/2018	AGENDA ITEM	7.F.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding final Demolition Order 2018-21 for 703 East 11 th Street.		
PREPARED BY:	Kimberly Davee	Date Submitted:	02/12/2018
EXHIBITS:	Demolition Order 2018-21 Photos of Property		
BUDGETARY IMPACT:	Required Expenditure:		\$1,260.00
	Amount Budgeted:		\$30,000.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

This structure at this address has been determined to be a dangerous premises. This property has not had utilities connected since April 19, 2007.

Owners: Shorty McFarland Estate
 Last Known Address: 501 West 9th Street, Brady, TX 76825
 Property Taxes: Delinquent (\$122.03)
 Estimated amount of Tax Lien: \$1,940.00

Action taken:
 03/25/2015 – Carey McBride spoke with Jerry McFarland who is one of the estate owners. Mr. McFarland stated there are 3 other estate owners and that 2 of the estate owners would sign the property over to the city but he would have to ask the remaining property owners if they would be willing to sign.
 05/11/2015 – Dugan Sewell reported a tree growing over the public ROW. A violation letter was mailed to Jerry McFarland.
 05/15/2015 – Jerry McFarland contacted the Code office and said he would trim the tree. Case was closed on 08/12/2015.
 01/26/2017 – Proactive case started for high weeds and grass.
 02/06/2017 – No progress was made. 1st Notice of Violation was mailed via certified mail to the property owner.
 02/13/2017 – Property owner called the Code office and left a message.
 02/20/2017 – Kim Davee contacted Jerry McFarland and discussed signing the property over to the EDC. Again, he stated that he was not the only owner. No resolution was reached.
 11/02/2017 – Public hearing notice was sent to the newspaper for publication in the November 8, 2017 edition.
 11/03/2017 – Public hearing notice was sent to the property owner via certified mail and posted on the structure near the door.

RECOMMENDED ACTION:

Move to authorize the City to initiate final action on Demolition Order 2018-21.

DEMOLITION ORDER 2018-21

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 703 EAST 11TH STREET, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES

WHEREAS, on November 3, 2017, the City provided the owner of the property located at 703 East 11th Street, Brady, Texas with notice, via certified mail, of a hearing to be held on November 21, 2017; and

WHEREAS, on November 21, 2017, the City Council conducted a public hearing concerning the structure located at 703 East 11th Street, 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, Jerry McFarland, Samuel McFarland, Kayla McFarland, and R.L. McFarland, 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 703 East 11th Street, 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 703 East 11th Street, Brady, Texas by no later than ninety (90) days from the date of this Order, which is February 19, 2018; and

(4) This property will be inspected for compliance with this order on February 19, 2018. If the owner fails to demolish and remove the building before February 19, 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

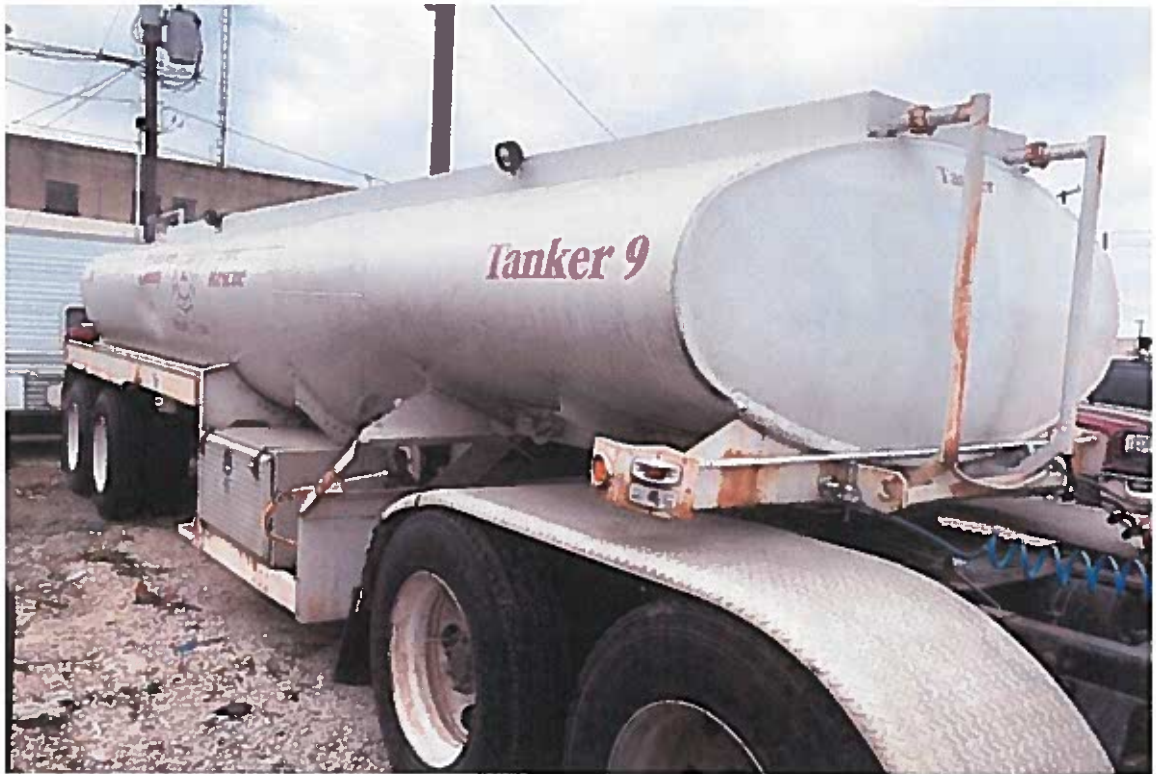


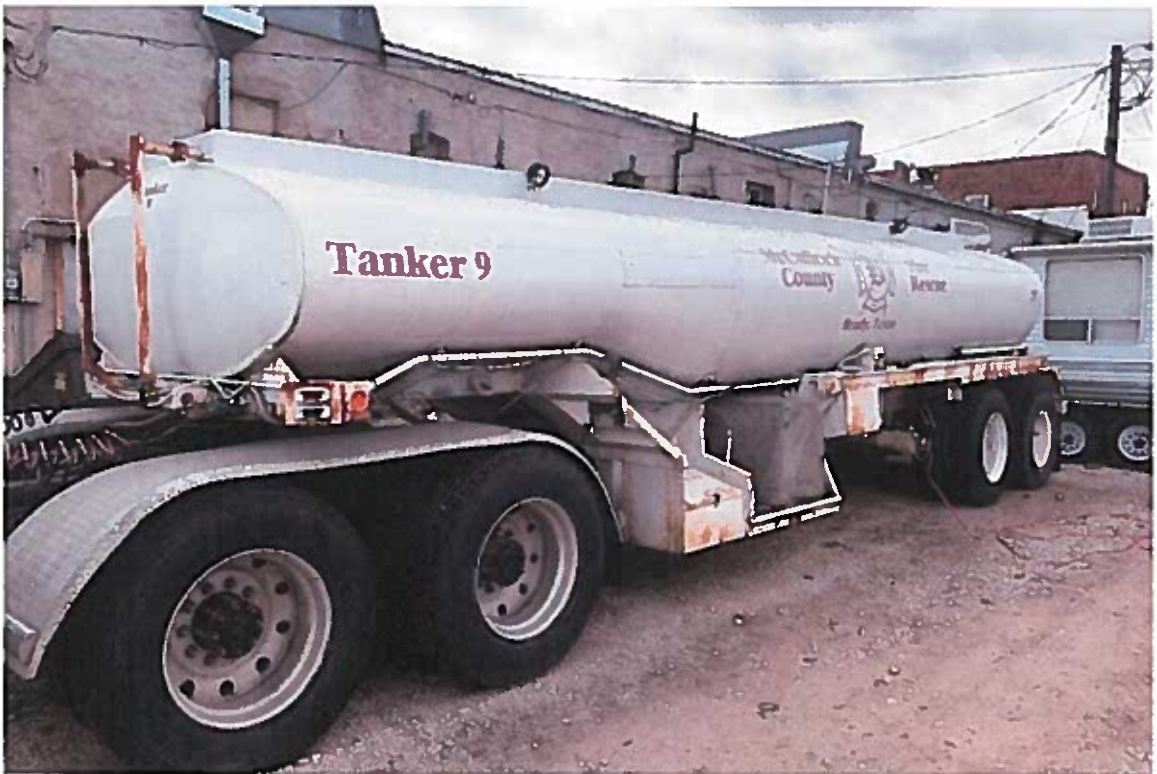
**CITY COUNCIL
CITY OF BRADY, TEXAS
AGENDA ACTION FORM**

AGENDA DATE:	2-20-2018	AGENDA ITEM	7.G.
AGENDA SUBJECT:	Discussion, consideration, and possible action approving donation of Brady Fire Department 1980s Tanker 9 truck to the Texas Forest Service "Helping Hand Program" for the London VFD.		
PREPARED BY:	Brian Meroney	Date Submitted:	2-14-2018
EXHIBITS:	Photos		
BUDGETARY IMPACT:	Required Expenditure:		0
	Amount Budgeted:		0
	Appropriation Required:		0
CITY MANAGER APPROVAL:			

SUMMARY:	<p>Tanker 9 is a 1981 Freightliner Tractor which pulls a 5000 gallon water trailer. The age of the trailer is unknown, but is much older than that of the tractor.</p> <p>Tanker 9 has only responded to one emergency incident in the last year and was unable to make it to the scene due to its size.</p> <p>Within our department there are only 3 people who have the license or the ability to drive and operate Tanker 9.</p> <p>Tanker 9 because of its size if forced to be parked outside in the elements year round with no protection from the hot west Texas sun in the summer and the freezing conditions on the winter. Because of this mechanical issues are starting to show such as the need of replacement tires. Each tire is approximately \$800 and because the apparatus is carried as an emergency vehicle retreads are not allowed to be used. Tanker 9 will not pass TX DOT inspection due to its age and long list of mechanical issues.</p> <p>With the creation of Texas House Bill 680 it allows cities, counties, and other industries to donate fire equipment and used apparatus to the Texas Forest Service with no liability. The Texas Forest Service receives request for help from volunteer fire departments across Texas for these apparatus and used equipment.</p> <p>London VFD in Kimbell County will be the volunteer fire department that will receive Tanker 9.</p>
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RECOMMENDED ACTION:	Move to approve donation of Tanker 9 to the Texas Forest Service "Helping Hands Program."
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City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	2-20-2018	AGENDA ITEM	8.A
AGENDA SUBJECT:	Monthly Financial Reports		
PREPARED BY:	Lisa Remini	Date Submitted:	2-15-2018
EXHIBITS:	Monthly Financial Report Fund Balance and Cash Reconciliation Investment Activity Operating Cash /Utility Billing History Sales Tax Report Motel Tax Collection and Distribution Report Utility Customer Service Reports		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

Financial Reports for the fourth fiscal month of FY 18 – January 2018 have been emailed to you for review.

Total Sales Tax collections are better compared to last year, and for the month of January 2018 are \$7,430 (7%) more than January 2017 collections.

The City Council approved a stipend of \$1,000 per month for an annual total of \$12,000 for the FY 18 to the Brady Volunteer Fire Department. Monthly expenditure data provided by the Volunteer Fire Department is included for your review.

RECOMMENDED ACTION:

This item is for discussion purposes only.

Note:
 After each Audit Board and upon Council approval, the check register denoting the checks issued to each Vendor, amount paid, and description of the item paid will be on the City's website for public view. Go to the Finance Department tab and then click on the Check Register tab.

CITY OF BRADY
MONTHLY FINANCIAL REPORT
AS OF: JANUARY 31ST, 2018

33.33% OF FISCAL YEAR

	CURRENT BUDGET	YEAR TO DATE ACTUAL	% TO DATE	YEAR TO DATE PRIOR YEAR
BEGINNING FUND BALANCE & NET WORKING CAPITAL	13,667,019.78	13,667,019.78		14,849,387.31
REVENUES				
10 -GENERAL FUND	7,398,110.00	2,864,493.54	38.72	2,897,493.32
20 -ELECTRIC FUND	7,771,810.00	2,427,982.90	31.24	2,707,082.37
30 -WATER / SEWER FUND	5,232,000.00	3,871,369.18	73.99	581,491.18
40 -GAS FUND	1,125,000.00	453,476.39	40.31	421,573.72
50 -UTILITY SUPPORT FUND	509,700.00	161,226.52	31.63	161,461.52
60 -SOLID WASTE FUND	1,086,000.00	366,013.52	33.70	375,634.79
80 -SPECIAL REVENUE FUND	<u>1,837,640.00</u>	<u>362,222.46</u>	<u>19.71</u>	<u>216,378.91</u>
TOTAL REVENUES	24,960,260.00	10,506,784.51	42.09	7,361,115.81
EXPENDITURES				
10 -GENERAL FUND	8,129,544.00	2,104,989.03	25.89	2,440,500.74
20 -ELECTRIC FUND	10,512,417.00	5,389,852.35	51.27	3,075,563.60
30 -WATER / SEWER FUND	4,470,209.00	828,934.10	18.54	828,741.25
40 -GAS FUND	1,483,703.00	636,142.50	42.88	541,579.47
50 -UTILITY SUPPORT FUND	531,246.00	137,925.56	25.96	179,131.08
60 -SOLID WASTE FUND	1,315,605.00	410,483.89	31.20	338,866.23
80 -SPECIAL REVENUE FUND	<u>2,043,546.00</u>	<u>364,496.61</u>	<u>17.84</u>	<u>314,392.58</u>
TOTAL EXPENDITURES	28,486,270.00	9,872,824.04	34.66	7,718,774.95
REVENUES OVER/(UNDER) EXPENDITURES	(3,526,010.00)	633,960.47		(357,659.14)
ENDING FUND BALANCE & NET WORKING CAPITAL	10,141,009.78	<u>14,300,980.25</u>		14,491,728.17

FUND BALANCE AND CASH RECONCILEMENT

As of: **January 31, 2018**

		Unrestricted Cash	Restricted Cash	Total Cash	Comments
BRADY NATIONAL BANK					
Operating Account	#100677	\$ 11,871,269.17		12,813,284.06	
Operating Account	#100677		103,408.30		Motel Funds
Operating Account	#100677		65,154.25		Cemetery Funds
Operating Account	#100677		85,563.38		Street Sanitation \$
Operating Account	#100677		467,888.96		Utility Deposit \$
Operating Account	#100677		220,000.00		TWDB covenant
Airport Account	#172791	\$ 12,505.82	-	12,505.82	
CW - WWTP Construction	#103671	\$ -	28,544.32	28,544.32	
DW Construction	#104828	\$ -	5,120.04	5,120.04	
Sinking Fund 2000	#172890	\$ -	158,273.94	158,273.94	
Sinking Fund 2012 - Refunding	#103069	\$ -	97,004.42	97,004.42	
Sinking Fund 2012 - WWTP	#103663	\$ -	55,380.66	55,380.66	
Sinking Fund 2013 - DW	#105770	\$ -	17,143.65	17,143.65	
Landfill Closure Reserve	#172775	\$ -	443,752.21	443,752.21	
Drug Seizure FDS	#172668	\$ -	14,614.81	14,614.81	
Police Educational	#172700	\$ -	7,325.87	7,325.87	
Court Security	#102533	\$ -	5,861.51	5,861.51	
Court Technology	#102541	\$ -	3,132.24	3,132.24	
Community Development Block	#172627	\$ -	-	-	
Cash on Hand		\$ 1,960.00	-	1,960.00	
Bank Balances - Interest rate 1.66%	Subtotal	\$ 11,885,734.99	1,778,168.56	13,663,903.55	
Certificate of Deposit at CNB		\$ -	244,069.56	244,069.56	Utility Deposit \$
BOTX Escrow Account - CO 2012 CW Project		\$ -	1,120,150.88	1,120,150.88	
BOTX Escrow Account - LF 2012 CW Project		\$ -	20,531.43	20,531.43	
BOTX Escrow Account - EDAP 2015 DW Project		\$ -	323,246.78	323,246.78	
	Subtotal	\$ -	1,707,998.65	1,707,998.65	
TOTAL CASH BALANCES RECONCILED		11,885,734.99	3,486,167.21	15,371,902.20	
1-31-18 GENERAL LEDGER					
Total Current Non-Cash Assets - All Funds				1,063,355.95	
(Total Current Liabilities - All Funds)				(2,134,277.90)	
Total Fund Balance / Net Working Capital				14,300,980.25	

CITY OF BRADY

INVESTMENT ACTIVITY

DATE: January 31, 2018

Certificates of Deposit at	Commercial National Bank:					Interest Earnings	
						Y-T-D	
1. #32788	\$244,069.56	at	0.20%	for	180 days maturity	6/17/2018	\$240.49

GRAND TOTAL \$244,069.56 TOTAL SHORT-TERM CASH INVESTMENTS

The City investment portfolio is in compliance with the PFIA and the City's investment strategy as outlined in the Council approved Investment Policy dated 9-05-17 by Resolution 2017-031.

Lisa Remini

Lisa Remini, Investment Officer

RECONCILED OPERATING CASH / TOTAL UTILITY BILLINGS

Fiscal Year 17-18

MONTH	OPERATING CASH	PCRF	ELECTRIC DISTRIBUTION	SEWER	WATER	FUEL	GAS DISTRIBUTION	SOLID WASTE	TOTAL BILLINGS
October 2017	12,207,417.14	328,815.03	325,525.12	88,032.99	205,579.20	14,125.66	28,153.63	73,592.29	1,063,823.92
November 2017	12,416,164.86	287,309.19	284,463.75	87,594.66	180,808.42	22,834.91	36,511.17	73,776.48	973,298.58
December 2017	12,323,587.88	274,380.70	260,483.84	84,912.07	162,851.40	38,975.30	50,723.88	74,606.25	946,933.44
January 2018	12,813,284.06	324,359.46	291,919.78	80,050.09	134,989.13	93,029.61	82,175.98	74,805.51	1,081,329.56
February 2018									0.00
March 2018									0.00
April 2018									0.00
May 2018									0.00
June 2018									0.00
July 2018									0.00
August 2018									0.00
September 2018									0.00
		1,214,864.38	1,162,392.49	340,589.81	684,228.15	168,965.48	197,564.66	296,780.53	4,065,385.50

1171 - Brady, City of (General Obligation Debt)
Report - Brady, City of (General Obligation Debt) / Sales Tax Data

The Charts below contain sales tax revenue allocated each month by the State Comptroller. For example, the February allocations reflect December sales, collected in January and allocated in February.

*Excludes any sales tax retained by the municipality and not remitted to the Comptroller.

- View Grid Based on Calendar Year
- View Grid With All Years

Download to Excel

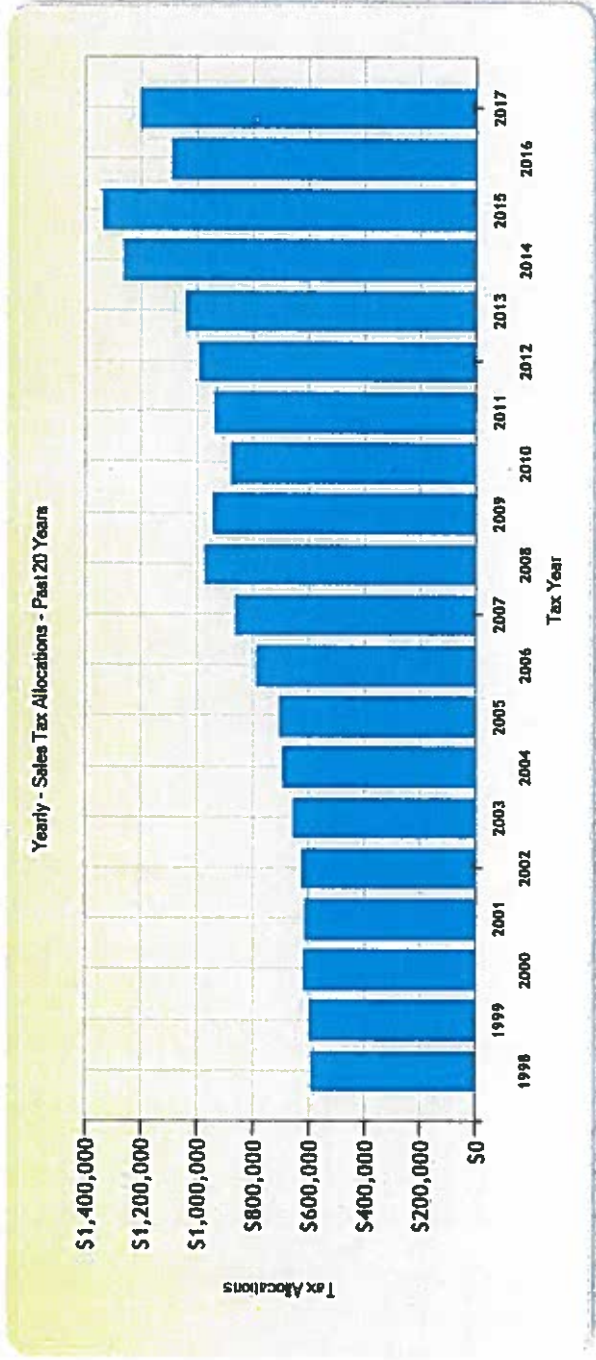
Change Fiscal Year

09/30/2019

Submit

By Fiscal Year 10/01 - 09/30

Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
2018	\$101,224	\$103,733	\$112,475	\$107,463	\$108,139	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$533,034
2017	\$87,306	\$91,161	\$89,413	\$100,033	\$109,289	\$86,358	\$97,988	\$101,730	\$86,536	\$97,051	\$103,953	\$100,236	\$1,151,056
2016	\$143,834	\$112,101	\$107,933	\$98,515	\$113,278	\$84,869	\$85,238	\$96,257	\$81,982	\$80,944	\$94,673	\$85,349	\$1,184,973
2015	\$113,438	\$115,026	\$128,575	\$118,282	\$127,008	\$90,659	\$99,414	\$119,166	\$107,160	\$99,436	\$107,394	\$106,966	\$1,332,523
2014	\$86,905	\$90,223	\$83,575	\$87,608	\$114,999	\$83,194	\$86,383	\$103,052	\$119,190	\$96,615	\$101,343	\$109,279	\$1,162,366
2013	\$81,575	\$84,095	\$78,857	\$88,594	\$108,399	\$69,954	\$76,038	\$92,661	\$84,448	\$82,176	\$91,353	\$87,852	\$1,026,002
2012	\$76,182	\$79,173	\$73,628	\$81,661	\$100,901	\$64,794	\$79,473	\$88,392	\$76,641	\$60,890	\$87,159	\$105,230	\$974,124
2011	\$78,998	\$93,104	\$65,476	\$83,507	\$93,953	\$70,399	\$72,121	\$81,841	\$76,174	\$71,819	\$84,522	\$71,003	\$942,918
2010	\$70,849	\$72,537	\$66,287	\$69,364	\$86,286	\$70,868	\$54,779	\$73,192	\$69,685	\$64,455	\$93,443	\$58,872	\$850,618
2009	\$79,109	\$125,392	\$86,622	\$79,704	\$95,830	\$73,457	\$68,319	\$79,191	\$78,551	\$96,167	\$89,024	\$73,646	\$1,025,012



MOTEL OCCUPANCY TAX

FY 2018 Quarter Totals

1st Quarter FY 18 (October - December 2017)	Total
	\$63,051.54
2nd Quarter FY 18 (January - March 2018)	\$0.00
3rd Quarter FY 18 (April - June 2018)	\$0.00
4th Quarter FY 18 (July - September 2018) Due October 31, 2018	\$0.00
	\$63,051.54
Less: TBWEF refund	(\$6.37)
	\$63,045.17

FY 2018 Summary Collections

	Taxable Receipts	Tax @ 7%	1% Discount - Penalties	Net Tax
Holiday Inn Express - 2320 S Bridge 597-1800	\$546,183.49	\$38,232.84	\$382.33	\$37,850.51
Best Western - 2200 S. Bridge 597-3997	\$263,711.57	\$18,459.81	\$184.60	\$18,275.21
Sunset Inn - 2108 S. Bridge 597-0789	\$0.00	\$0.00	\$0.00	\$0.00
Gold Key Inn - 2021 S Bridge 597-2185	\$89,340.12	\$6,253.80	\$62.54	\$6,191.26
Brady Motel - 603 W. Commerce 597-2442	\$10,599.65	\$741.97	\$7.41	\$734.56
	\$909,834.83	\$63,688.42	\$636.87	\$83,051.54

FY 2018 Grants	Commitment	YTD Distributions	Payment Date
Chamber of Commerce	\$165,000.00	\$55,000.00	Monthly thru 1/01/18
Chamber of Commerce - Visitor Assessment	\$18,000.00	\$18,000.00	1/12/2018
YTD Total	\$183,000.00	\$73,000.00	
2018 Budget	\$275,000.00		

FY 2017 Quarter Totals

1st Quarter FY 17 (October - December 2016)	Total
	\$60,349.68
3rd Quarter FY 16 - Gold Key Inn underpayment	\$1,076.45
2nd Quarter FY 17 (January - March 2017)	\$56,297.42
3rd Quarter FY 17 (April - June 2017)	\$68,455.82
4th Quarter FY 17 (July - September 2017) Due October 31, 2017	\$67,407.03
MuniServices Audit - underpayment collection	\$2,457.73
	\$256,044.13
Chamber of Commerce - signature funds	\$35,000.00
Less: TBWEF refund	(\$6.23)
	\$291,037.90

FY 2017 Summary Collections

	Taxable Receipts	Tax @ 7%	1% Discount - Penalties	Net Tax
Holiday Inn Express - 2320 S Bridge 597-1800	\$1,828,020.61	\$127,961.44	\$1,262.28	\$126,699.17
Best Western - 2200 S. Bridge 597-3997	\$1,022,156.47	\$71,550.95	\$715.50	\$70,835.45
Sunset Inn - 2108 S. Bridge 597-0789	\$386,482.37	\$27,053.77	\$263.34	\$26,790.44
Gold Key Inn - 2021 S Bridge 597-2185	\$408,113.53	\$28,567.94	\$225.41	\$28,342.52
Brady Motel - 603 W. Commerce 597-2442	\$48,723.61	\$3,410.64	\$34.09	\$3,376.55
	\$3,693,496.59	\$258,544.75	\$2,500.63	\$256,044.13

FY 2017 Grants	Commitment	YTD Distributions	Payment Date
MuniServices Fees	\$3,500.00	\$4,036.14	9/30/2017
Chamber of Commerce	\$177,700.00	\$177,700.00	Monthly thru 9/01/17
Chamber of Commerce - Visitor Assessment	\$18,000.00	\$18,000.00	11/8/2016
McCulloch Co Historical Commission	\$3,000.00	\$3,000.00	2/10/2017
Morgan Military Aviation Museum	\$8,500.00	\$8,500.00	2/15/2017
Brady Golf Association	\$3,000.00	\$1,050.00	4/26/2017
Milestone Media Production	\$7,500.00	\$7,500.00	5/30/2017
YTD Total	\$221,200.00	\$219,786.14	
2017 Budget	\$215,000.00		

HISTORICAL COLLECTION / PAYOUT HISTORY

	2017	2016	2015	2014
% CHANGE	40.91%	-12.54%	4.17%	19.35%
COLLECTONS	\$291,037.90	\$206,535.69	\$236,148.85	\$226,685.90
GRANTS	(\$219,786.14)	(\$224,778.00)	(\$185,750.00)	(\$226,685.90)
FUND BALANCE	103,408.30	32,156.54	50,398.85	0.00

BNB/Brady VFD Maintenance		Description				
Date	Payee	Amt	Ck. #	Recurring Payment	Other Comments	
Jan-18						
1/6/2018	CTTC	25.00	EFT	X	Tower Lease	
1/8/2018	City Brady	2,000.00	DEP		November and December 2017 expense checks (\$1,000.00 each)	
1/8/2018	NAPA	43.23	214		Power Inverter	

SERVICES	FISCAL YEAR 2017-2018												To Date Total
	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APR	MAY	JUNE	JULY	AUG.	SEPT.	
Meals @ Sunset Center	622	557	495										1,674
Meals sent-Helping Hands	205	210	211										626
Home Delivered Meals	855	759	728										2,342
Total Meals	1,682	1,526	1,434	-	-	-	-	-	-	-	-	-	4,642
Closed Oct. 10 for Inservice													

SERVICES	FISCAL YEAR 2016-2017												To Date Total
	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APR	MAY	JUNE	JULY	AUG.	SEPT.	
Meals @ Sunset Center	793	686	642	678	667	742	635	728	705	664	735		7,675
Meals sent-Helping Hands	329	366	418	342	315	351	333	341	340	316	282		3,733
Home Delivered Meals	795	769	788	785	763	888	705	864	862	790	971		8,980
Total Meals	1,917	1,821	1,848	1,805	1,745	1,981	1,673	1,933	1,907	1,770	1,988		20,388
Medicaid Trips	91	118	115	185	142	104	130	113	136	107	113		1,354
Closed Oct. 10th difference from last year													
Closed Jan. 16th difference from last year													
Closed Feb. 20th difference from last year													
Closed April 14th Good Friday													
Closed July 4th Independence Day													

Brady Municipal Golf Course
Monthly Report
FY 18

Item	FY 2016	FY 2017	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Totals
Rounds	1462	2311	320	49	120	47	29								245
Green Fees	\$18,369.14	\$16,137.00	\$1,488.00	\$1,765.00	\$664.00	\$277.00									\$4,194.00
Membership Rounds	2625	3678	355	220	148	217									940
Student Rounds	242	226	2	1	21										24
Total Rounds	4329	6215	477	269	196	267	0	0	0	0	0	0	0	0	1,209
Trail Fee	360	26	0	0	0	1									1
Trail Fee Revenues	\$208.00	\$104.00	\$0.00	\$0.00	\$0.00	\$0.50									\$0.50
Cart Rentals	943	636	50	59	23	11									143
Cart Revenue	\$16,670.64	\$10,017.76	\$962.50	\$775.00	\$350.00	\$162.50									\$2,250.00
Cart Shed Rental	\$10,714.53	\$16,165.50	\$100.00	\$885.00	\$200.00										\$12,905.00
Vending Revenue	\$16,290.04	\$15,126.94	\$698.59	\$170.36											\$2,668.31
Memberships	305	278	25	48	19	18									110
Membership Fees	\$30,321.10	\$35,825.00	\$12,045.00	\$2,855.00	\$1,025.00	\$1,120.00									\$17,045.00
Driving Range	298	296	28	28	36	23									115
Range Revenue	\$1,296.00	\$1,185.00	\$112.00	\$110.00	\$114.00	\$85.00									\$421.00
Misc.	\$16,035.37	\$31,109.30	\$9,882.34	\$18.39	\$3.69	\$204.89									\$10,072.53
Total Revenue	\$109,904.82	\$125,670.50	\$37,315.84	\$6,285.20	\$3,212.05	\$2,743.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$49,556.34

None of the above figures included sales tax

Trail fees were eliminated with the increase in cart shed rentals beginning in January. Only charged to individuals who bring their own cart and do not rent a shed at the Golf Course
Joint Funding Agreement with the Brady Golf Association for the Irrigation system began Oct 1, 2008. The final payment is due October 1, 2017 and has been made.

TO: BRADY CITY COUNCIL

FROM: STEVE THOMAS, CHIEF OF POLICE

THROUGH: KIM LENOIR, CITY MANAGER

SUBJECT: MONTHLY POLICE REPORT FOR JANUARY 2018

DATE: FEBRUARY 16, 2018 - FISCAL YEAR 2017-2018



	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
Person Crimes	15	22	15	20									72
Property Crimes	38	50	28	39									155
Narcotics Crimes	14	6	4	6									30
Disturbances	49	81	48	53									231
Felony Arrests	2	5	7	8									22
Misdemeanor Arrests	13	15	7	18									53
Suspicious Person/Vehicle	87	99	51	67									304
Felony Warrant	1	4	4	6									15
Misdemeanor Warrant	7	2	5	6									20
D.W.I.	0	1	1	1									3
Alarms	14	12	13	9									48
Agency Assist	28	41	31	33									133
Public Assist	19	18	25	20									82
Escorts	12	16	9	1									38
Animal Calls	11	15	7	14									47
Traffic Direction	12	17	11	7									47
Close Patrols	134	150	115	93									492
Civil Matters	28	32	37	54									151
Juvenile	16	10	6	4									36
Crash Investigation	12	25	18	18									73
Welfare Concerns	27	31	22	22									102
Information	41	71	57	46									215
Court	3	0	4	5									12
Citations	50	93	46	47									236
Warnings	65	93	68	78									304
Building Checks	211	303	282	249									1045
Misc. Incidents	139	217	130	153									639
Supplements	12	9	13	13									47
Follow ups	41	32	21	21									115
Reports	43	44	43	36									166
Brady Police Department Abbreviations:													
FV - Family Violence DW - Deadly Weapon PS - Public Servant FI - Financial Instrument CS - Controlled Substance BI - Bodily Injury DOC - Disorderly Conduct													
DWI - Driving While Intoxicated MJ - Marijuana DD - Dangerous Drug DWLI - Driving While License Invalid DWLS - Driving While License Suspended													

**Hotel Occupancy Monthly Tax Grant Recipients thru January 31, 2018
FY 2018**

<u>Group</u>	<u>Amount</u>	<u>Proposed use</u>	<u>Event Date</u>
Approved Brady McCulloch County Chamber	\$18,000.00	Tourism Master plan	2nd Year
Total Awarded	\$18,000.00		
Budgeted	\$65,000.00		
Remaining	\$47,000.00		
Pending			

City of Brady Curлис Field Airport
Monthly Invoice Register

Invoice No.	Date	Last Name	Type	611.00 Rent	611.01 Hanger I	611.02 Hanger A/B	815.00 REM Income	645.00 Misc.	646.00 100-LL	646.01 Jet-A	Price per Gallon	647.00 Military	Total Sale	100-LL Gals	Jet-A Gals	Mil Jet Gals
312843	1/8/2018	Cromer	cc						99.45	0.00	4.250000	0.000000	99.450000	23.4		
312847	1/4/2018	Amyelt	cc					60.00	0.00	0.00		0.000000	60.000000			
312848	1/5/2018	Raudry	charge						0.00	0.00		0.000000	50.000000			
312849	1/5/2018	Amyelt	charge	70.00					0.00	0.00		0.000000	70.000000			
312850	1/5/2018	Day Aircraft Refinishers	charge	1,700.00					0.00	0.00		0.000000	1,700.000000			
312851	1/5/2018	Kothman	charge		70.00				0.00	0.00		0.000000	70.000000			
312852	1/5/2018	Boyles	charge		70.00	30.00			0.00	0.00		0.000000	30.000000			
312853	1/5/2018	Smastirja	charge		70.00	70.00			0.00	0.00		0.000000	70.000000			
312854	1/5/2018	Roy	charge		70.00	70.00			0.00	0.00		0.000000	70.000000			
312855	1/5/2018	Powell	charge		70.00	120.00			0.00	0.00		0.000000	70.000000			
312856	1/5/2018	Amyelt	charge		70.00				0.00	0.00		0.000000	120.000000			
312857	1/5/2018	Kruszku	charge		70.00				0.00	0.00		0.000000	70.000000			
312858	1/5/2018	Morgan	charge		70.00				0.00	0.00		0.000000	70.000000			
312859	1/5/2018	Morgan	charge		70.00				0.00	0.00		0.000000	70.000000			
312860	1/5/2018	Merrin	charge		140.00				0.00	0.00		0.000000	140.000000			
312861	1/5/2018	Ramsey	charge		70.00				0.00	0.00		0.000000	70.000000			
312862	1/5/2018	Rice	charge		70.00				0.00	0.00		0.000000	70.000000			
312863	1/5/2018	Scott	charge		70.00				0.00	0.00		0.000000	70.000000			
312864	1/5/2018	Branch	charge		70.00				0.00	0.00		0.000000	30.000000			
312865	1/5/2018	Hammond	charge		30.00				0.00	0.00		0.000000	30.000000			
312865	1/5/2018	Gulf Coast Helicopters	charge		30.00				151.30	0.00	4.250000	0.000000	151.300000	35.6		
312866	1/5/2018	Strayza	cc					10.00	0.00	0.00		0.000000	10.000000			
312867	1/5/2018	Gulther	cc						77.35	0.00	4.250000	0.000000	77.350000	18.2		
312869	VOID		cc						0.00	0.00		0.000000	0.000000			
312870	1/8/2018	NASCC	cc						0.00	0.00	3.159415	603.448265	645.086265			191
312871	1/8/2018	NASCC	cc						0.00	0.00	3.159415	609.767095	651.841095			193
312872	1/8/2018	Brady Fire Dept	charge						0.00	0.00	4.250000	0.000000	108.375000	25.5	250.0	
312873	1/9/2018	Gama Aviation	contract						108.38	0.00	3.119700	0.000000	779.925000	390.0	52.0	
312874	1/12/2018	Rancho Benito	charge						0.00	779.93	4.250000	0.000000	1,657.500000			
312875	1/12/2018	Chase	cc						1,657.50	0.00	4.250000	0.000000	249.600000	9.0	560.0	
312876	1/12/2018	Scott	charge						38.25	0.00	4.250000	0.000000	38.250000	22.3	54.0	
312877	1/13/2018	Morgan	charge						94.78	0.00	4.250000	0.000000	94.775000	5.0	520.0	
312878	1/15/2018	Summit Helo	cc			50.00			0.00	2,688.00	4.800000	0.000000	2,738.000000			
312879	1/17/2018	Rice	cc						21.25	0.00	4.250000	0.000000	21.250000			
312880	1/17/2018	Jameson	cc						0.00	259.20	4.800000	0.000000	259.200000			
312881	1/18/2018	LD Services	charge			50.00			0.00	0.00		0.000000	50.000000			
312882	1/18/2018	Air Alliance	contract						0.00	1,622.24	3.119700	0.000000	1,622.240000			
312883	1/20/2018	Amyelt	cc						35.28	0.00	4.250000	0.000000	35.275000	8.3		

Invoice No.	Date	Last Name	Type	611.00	611.01	611.02	815.00	645.00	646.00	646.01	Price	647.00	Total	100-LL	Jet-A	MillJet
312884	1/25/2018	Chrasitka	cc	Rem	Hanger I	Hanger A/B	REM	Misc.	100-LL	Jet-A	per Gallon	Military	Sale	Gals	Gals	Gals
							Income		42.50	0.00	4.250000	0.000000	42.500000	10.0		

Invoice No.	Date	Last Name	Type	611.00 Rent	611.01 Hanger I	611.02 Hanger A/E	815.00 Rem Income	645.00 Misc.	646.00 100-LL	646.01 Jet-A	Price per Gallon	647.00 Military	Total Sale	100-LL Gals	Jet-A Gals	MIL Jet Gals
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Monthly Invoices Totals By General Ledger Number

'611.00 Rent:	1,700.00
'611.01 T Hanger:	770.00
'611.02 Bid Rnt:	450.00
'640.01 Tie Down:	50.00
'645.00 Misc.:	70.00
'646.00 Fuel:	2,326.03
'646.01 Jet-a:	5,598.97
'647.00 Military:	1,213.2154
Total Sale:	12,261.92
Total Gallons 100-LL:	547.3
Total Gallons Jet-A:	1,436.0
Total Gallons MIL Jet:	384.0
FET due from IRS:	83.712

Chronic Code Complaints

901 Bombay – Citations will be written weekly until compliance is provided. This property has no water, electric, or gas. Health issues are a great concern and have been for quite some time.

204/206 S Walnut – Customer will be in court on the February docket.

6th and S Blackburn – Owner cannot be found. No change in the property violations.

502 W 2nd – The 90 day waiting period has expired for compliance with the Demolition Order. No changes have been made to the property. If City Council finds the property owner in violation of Demolition Order 2016-10, the property will be demolished by the City in 30 days.

1403 S College – The property owner has made contact with the code office. He says he is planning to get the repairs started the beginning of February.

1006 Boudinotz – No contact can be made with the owner. I am told he is incarcerated in the County jail.

200 East White – The owner and violators will be in court on February 21st.

612 North High – The property owners listed on the McCulloch County Appraisal District have abandoned the property. This was an owner finance. Mrs. Diana Tate is the financing party and is planning to take the property back and says she is in the process of hiring someone to fix the house and clean up the property.

1707 Marlow – This property is on the agenda. Abatement Order 2018-27

503 S Walnut – This property has a structure that is unsecured with a junked vehicle in the front yard. The property was first issued violation notices in September 2016 (some were abated). The owner has been contacted and informed of the violations with the house and the yard. He says he will take care of the violations whether it involves demolishing the house or restoring it to a habitable structure. I have not seen any progress since this conversation took place in October 2017.

507 W 1st – Ronnie Roberts started this case in December 2016. The property has junk and unsightly matter and unsanitary conditions on the property. He was issued a citation and never appeared in court.

Occupied Structures with No Utilities

- a) 504 E 11th
- b) 309 Irish
- c) 401 Bee
- d) 401 W 7th
- e) 901 Bombay
- f) 1006 Boudinotz
- g) 702 S Willow
- h) 607 E 5th

**Ed Davenport Civic Center
Annual Report**

Number of Events:

January 2017 – January 2018: 49

Weekend Events: 30

Weekday Events: 19

Future Events

February 2018- December 2018: 21

Operating Expenses/Revenues:

Revenues: \$ 29,950.00

Expenses: \$ 33,226.67

Over/Under \$ <3,276.67>

-\$66.87 per event

Fees:

Booking/Damage Deposit: \$200.00 (refundable-to be paid to hold reservation date)

Alcohol/Damage Deposit: \$200.00 (refundable-if alcohol will be allowed)

Rental Fee: \$500.00 Friday or Saturday – all day (\$250 Jan/Feb)

\$250.00 Sunday-Thursday- over 4 hours

\$125.00 Sunday-Thursday-under 4 hours

Add \$100.00 for High Demand surcharge for holidays

Cleaning Fee: \$100.00/day Sunday-Thursday

\$150.00/day Friday and Saturday

+\$50.00/day for multi-day events – cleaning during event