



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.

CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING MARCH 6, 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 March 6, 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.

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 March 6, 2018.
- B. Approval of Minutes for Regular and Work Session Meetings February 20, 2018.
- C. Approve Resolution 2018-005 to cancel the May 5, 2018 General Election for City Council places 2 and 3

5. PRESENTATIONS:

- A. Annual 2017 Report of the Brady Police Department
- B. Annual 2017 Racial Profiling Report – Police Chief Steve Thomas

6. PUBLIC HEARINGS:

- A. Rescheduled for March 20 - Public Hearing to hear comments for or against a zoning change from Commercial District to Commercial Business District as requested by James Minor for property located at 212 North Church of the Fulcher Subdivision, Block 11, Lot 13.

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 **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. Discussion, consideration, and possible action regarding **second and final 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 regarding **second and final reading of Ordinance 1247** of the City of Brady; to adopt new sign regulations and rules.
- D. Discussion, consideration, and possible action regarding **second and final 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.
- E. Discussion, consideration and possible action requesting council approval of establishing program funding in the FY 18 Supplemental Decision Packet for two previously "Not Approved" line items, namely, LCRA Project 11 – add 3 phase recloser and Project 10 – add a single phase recloser (\$18,000).
- F. Discussion, consideration, and possible action authorizing the City Manager to execute an agreement with Austin Engineering Co., Austin, Texas, for construction services to complete the FY18 Gas Line Improvements – 4 inch P.E. Main Extension by Horizontal Directional Drilling Method and 8 inch casing (\$148,745.50).
- G. Discussion, consideration and possible action regarding award of bid to Progressive Commercial Aquatics of Houston TX for repairs to the pool at E.O. Martin Park, in the amount of \$107,363.60.
- H. Discussion, consideration and possible action regarding Davee Addition lot appraisals and Dodge Heights replatting and leases.
- I. Discussion and summary of City Council action and if procedures and processes worked.

8. STAFF REPORTS

- A. **Upcoming Special Events/Meetings:**
March 16 – 24, 2018 – Country Music Festival – Civic Center
- B. **Upcoming City Calendar:**
*March 19 – 5:30pm P&Z Commission Meeting *rescheduled due to Spring Break
March 19 – 10am Tour of the Golf Course
March 20 – 4pm Council Work Session – Two Pro Contract and Golf Course Management
March 21 – 8:30am Monthly Municipal Court
March 27 – 6pm Monthly BEDC Meeting
March 28 – 5pm GRW Steering Committee
April 23 – Early Voting Begins

9. ANNOUNCEMENTS

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

10. EXECUTIVE SESSION

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

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

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 Regular Meeting on Tuesday, February 20, 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, Rey Garza 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, Code Enforcement Officer Kim Davee, City Attorney Charles Zech and City Secretary Tina Keys. Also in attendance were Taylor Hoffpauir, Missi Davis, Coby Gee, Kendell King, Petra Huerta, Annita Ellison, Carl Tacker, Harold Tacker, Ned Brown, Fran Lilly and Lynn Farris.

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

There were no public comments.

4. CONSENT AGENDA

- A. Approval of Audit Board for February 20, 2018.
- B. Approval of Minutes for Regular and Work Sessions Meeting February 6, 2018.

Council Member Sutton moved to approve the Consent Agenda. Seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.

5. PRESENTATIONS AND INDIVIDUAL CONCERNS

- A. Presentation of distributed generation, i.e., solar, wind and fuel powered electric generating systems and regulations. Steve Miller presented and introduced Ned Brown with Schneider Engineering who discussed distributed generation.
- 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. There was no action taken. This item will be discussed at a later time.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS

- A. Public Hearing regarding demolition and abatement of structures located at 506 Crothers. Public hearing was opened at 6:22 p.m. Peter Lamont presented. The owner, Petra Huerta, was present and requested time to talk to daughter to see what they can do. Missi Davis asked what determines which structures are moved forward with and what criteria is used. Lamont explained the Code Enforcement officer has a list to go by. Owner said taxes will be paid. Owner will look for somebody to help fix property. Public hearing was closed at 6:29pm.

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. Peter Lamont presented. Council Member Sutton asked what option we have if it is a homestead. Lamont said we can still demolish but can't place a lien. Council Member Perkins asked if this is the first time this property has been brought before Council. Lamont said yes, this is the first time and will be brought back again in 90 days. Mayor suggested the motion to move to next council meeting after we find out homestead situation. Council Member Sutton moved to delay until next meeting. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.

B. Public Hearing regarding demolition and abatement of structures located at 1707 Marlow. Public hearing was opened at 6:37pm. Peter Lamont presented. There were no comments from the public. Public hearing was closed at 6:39pm.

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. Council Member Sutton moved to issue Abatement Order 2018-27. Seconded by Council Member Huffman. Council Member Perkins asked about paragraph 4 of abatement order. The Abatement order will be amended to insert the words "issue a demolition order". Council Member Sutton moved to amend Abatement Order. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote. Council Member Sutton Motion to issue Abatement Order as amended. Seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.

C. Public Hearing regarding a new Sign Ordinance. Public hearing was opened at 6:46pm. There were no comments. Public hearing was closed at 6:46pm.

D. Discussion, consideration and possible action regarding **first reading of Ordinance 1247** of the City of Brady; to adopt new sign regulations and rules. Peter Lamont presented and noted that page 19, Item (4) f needs to be amended to read: "The applicant has not sought a sign variance from the City within the past 12 months." The ordinance presented does not regulate the ETJ. P&Z Commission had voted against the sign ordinance because it included regulating the ETJ. Council Member Perkins moved to approve the first reading of Ordinance 1247 as amended. Seconded by Council Member Garza. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.

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. Staff will change title from "amending" to "removing". Council Member Garza moved to approve the first reading of Ordinance 1248. Seconded by Council Member Huffman. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.

7. INDIVIDUAL CONCERNS

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. Kim Lenoir presented. Council Member Griffin moved to approve the second and final reading of Ordinance 1244. Seconded by Council Member Perkins. All Council Members voted "aye" and none "nay". Motion carried 5 - 0 vote.

B. Discussion, consideration, and possible action regarding approving **first reading of Ordinance 1249** to terminate the franchise agreement between Sharyland Utilities L.P. (Sharyland) and the City of Brady. Kim

Lenoir presented. Council Member Sutton moved to approve the first reading of Ordinance 1249. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.

- C. Discussion, consideration, and possible action regarding 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). Steve Miller presented and introduced Kendell King and Koby Gee with Freese and Nichols, Inc. Council Member Perkins moved to authorize the City Manager to execute an Engineering amendment with Freese and Nichols. Seconded by Council Member Griffin. Council Member Sutton stepped out of the meeting. All Council Members voted "aye" and none "nay". Motion carried in a 4 – 0 vote.
- D. Discussion, consideration and possible action regarding final **Demolition Order 2016-10 for 502 W. 2nd Street**. Council Member Perkins noted the order needs to be amended to indicate owner "did" appear at hearing. Council Member Perkins moved to approve Demolition Order 2016-10 as amended. Seconded by Council Member Sutton. All Council Members voted "aye" none "nay". Motion carried in a 5 – 0 vote.
- E. Discussion, consideration, and possible action regarding final **Demolition Order 2018-20 for 501 West 2nd Street**. Peter Lamont noted that the owner "did not" appear at hearing. Council Member Sutton moved to approve Demolition Order 2018-20. Seconded by Council Member Griffin. All Council Members voted "aye" none "nay". Motion carried in a 5 – 0 vote.
- F. Discussion, consideration, and possible action regarding final **Demolition Order 2018-21 for 703 East 11th Street**. Peter Lamont noted that the owner "did not" appear at the hearing. Council Member Sutton moved to approve Demolition Order 2018-21. Seconded by Council Member Griffin. All Council Members voted "aye" none "nay". Motion carried in a 5 – 0 vote.
- 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. Chief Brian Meroney presented. Council Member Sutton moved to approve. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 5 – 0 vote.
- H. Discussion and summary of City Council action and if procedures and processes worked. Council Member Griffin asked that on the future demolition and abatements orders, for something that shows a picture, something from CAD showing site location, as well as, a code history. Lamont said that is all provided in the AAF except for a map. Council Member Garza asked about P & Z Commission meeting. Attorney Zech advised the item is not on the agenda and therefore, could not be discussed, and suggest Council Member Garza discuss with Peter Lamont after the meeting.

8. STAFF REPORTS

- A. January Monthly Financial and Utility Reports – Lisa Remini presented.
- 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

Kim Lenoir announced that only one candidate for each council position has filed and no write-in candidates had filed; therefore, the City Council can consider at the next meeting cancelling the General Election.

10. EXECUTIVE SESSION

The City Council of the City of Brady adjourned into Executive Session at 7:49 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.

Executive Session closed at 8:14pm.

At 8:15pm, Mayor Groves reconvened the open session.

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

- 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 Old Hospital.

Motion by Council Member Sutton, second by Council Member Huffman to pursue Old Hospital Lawsuit as discussed in executive session. All Council Members voted "aye" none "nay". Motion carried in a 5 – 0 vote.

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 8:16 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 Work Session Meeting on Tuesday, February 20, 2018 at 4:00 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 Shelly Perkins, Jeffrey Sutton, Rey Garza and Jane Huffman. City staff present were City Manager Kim Lenoir, Public Works Director Steven Miller, City Attorney Charles Zech, Utility Billing Supervisor Letha Moore and City Secretary Tina Keys. Also in attendance was Ned Brown with Schneider Engineering.

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

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

2. Presentation and discussion of possible procedures and processes for initial customer contact concerning distributed generation, i.e., solar, wind and fuel powered electric generating systems

Steven Miller reviewed and introduced Ned Brown, Schneider Engineering.

3. Discuss proposed Distributed Generation Ordinance

Council, Staff and Schneider Engineering representative discussed various aspects of distributed generation ordinance. Council would like more information before going forward.

4. EXECUTIVE SESSION

Due to time restrictions, there was no executive session.

5. ADJOURNMENT

There being no further business, the Mayor adjourned the Work Session meeting at 5:45 p.m.


Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	03/06/2018	AGENDA ITEM	4.C.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding approving Resolution 2018-005 to cancel May 5, 2017 General Election, for City Council places 2 and 3.		
PREPARED BY:	T. Keys	Date Submitted:	2/28/2018
EXHIBITS:	Resolution 2018-005		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:
City of Brady City Council Member Places 2 and 3 are up for reelection this year. The deadline to file for a place on the ballot has passed. Missi Davis filed for Place 2 and Jeffrey Sutton filed for Place 3. Both candidates are unopposed and therefore the General Election to fill those places must be cancelled.

RECOMMENDED ACTION:
Move to approve Resolution 2018-005

CITY OF BRADY, TEXAS

RESOLUTION NO. 2018-005

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY,
TEXAS, CANCELLING OF THE MAY 5, 2017 GENERAL ELECTION FOR
CITY COUNCIL PLACES 2 AND 3**

WHEREAS, the City Council of the City of Brady, Texas ordered a General Election to be held on May 5, 2018, and:

WHEREAS, the deadline to file for candidacy and for a write-in-candidate has passed, and;

WHEREAS, the candidates who filed for places 2 and 3 are unopposed.

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

The General Election to be held on May 5, 2018 to elect Council Members is hereby cancelled.

PASSED AND APPROVED this ____ day of _____, 2018

Anthony Groves, Mayor

ATTEST: _____
Tina Keys, City Secretary

Certification of Unopposed Candidates

I, Tina Keys, certify that I am the City Secretary of the City of Brady, Texas and the authority responsible for preparing the ballot for the May 5, 2018 General Election. I further certify that no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

Jeffrey Sutton

LaDonna Davis Wickson (Missi Davis)

City Secretary
City of Brady

Dated this _____ day of _____, 2018



BRADY POLICE DEPARTMENT 2017 ANNUAL REPORT

CHIEF STEVE THOMAS

2017 BRADY POLICE STRENGTH/STAFFING

Chief of Police – Steve Thomas

Captain/Investigator – Lupe Carrizales

A SHIFT – SERGEANT HUDSON

- OFFICER KEVIN JIMENEZ
- OFFICER SEAN HALVORSON
- OFFICER RANDY BATTEN / K9 "SATOR"

B SHIFT – SERGEANT ZAPATA

- OFFICER RICK CHAIRES
- OFFICER TREVOR SUTTON
- OFFICER JASON LAVENDER (02/19)

Animal Control Officer – Chantal Solis

2017 BRADY POLICE STRENGTH/STAFFING (CON'T)

COMMUNICATIONS DIVISION – GLORIA SLOAN (TAC)

- Brenda Fairchild
- Jasmine Ables
- Tammy Maricle
- Victoria Hernandez
- Vacant

KEEPER OF RECORDS – GRANT HALL

EVIDENCE TECHNICIAN/COMMUNICATIONS OFFICER – EMILY HOPPER

2017 CRIME SUMMARY – FELONY OFFENSES

	Incidents	Arrests	Clearance Rate
• ASSAULT (FV)	2	2	100%
• ASSAULT (DW)	4	3	87%
• ASSAULT (PS)	3	3	100%
• THEFT	6	1	17%
• THEFT (FIREARMS)	6	1	17%
• THEFT (AUTOMOBILE)	3	3	100%
• BURGLARY (HABITATION)	20	3	15%
• BURGLARY (BUILDING)	27	3	11%
• FORGERY (FI)	9	1	11%
• DWI (3 RD OR MORE)	3	3	100%

2017 CRIME SUMMARY – FELONY OFFENSES (CON'T)

	Incidents	Arrests	Clearance Rate
• POSSESSION (CS)	20	20	100%
• MAN/DEL (CS)	0	0	—
• DEADLY CONDUCT	0	0	—
• POSS/MARIJUANA (>4oz)	0	0	—
• *OTHER (SEE BELOW)	30	20	67%

* **Other** – Credit/Debit Card Abuse (5), Evading Arrest/Detention (5), Child Endangerment (4), Unlawful Possession of a Firearm (2), Injury to Elderly Person (2), Tampering with Physical Evidence (2), Prohibited Substance in Correctional Facility (2), Indecency With a Child (1), Criminal Mischief (1), Forgery/Government Document (1), Hindering Apprehension/Felon (1), Interfering with Public Duties (1), Cruelty to Non-Livestock Animal (1), Resisting Arrest (1), Stalking (1)

2017 CRIME SUMMARY – MISDEMEANOR OFFENSES

	Incidents	Arrests	Clearance Rate
• ASSAULT (FV)	17	16	94%
• ASSAULT (BI)	3	3	100%
• CRIMINAL TRESPASS	17	15	88%
• CRIMINAL MISCHIEF	27	2	7%
• THEFT	43	15	35%
• DWI (2 OR LESS)	5	5	100%
• ALCOHOL LAW VIOLATIONS	0	0	—
• POSSESSION (CS)	1	1	100%
• POSSESSION MJ<2oz	29	29	100%

2017 CRIME SUMMARY – MISDEMEANOR OFFENSES (CON'T)

	Incidents	Arrests	Clearance Rate
• POSSESSION (DD)	3	3	100%
• DWLI/DWLS	11	11	100%
• *OTHER (SEE BELOW)	24	19	79%

* **Other** – Resisting Arrest (4), Terroristic Threat (3), Failure to Identify/Fugitive (3), Runaway (2), Unlawful Carrying of a Weapon (2), Possession of Drug Paraphernalia (2), Violation of Protective Order (2), Deadly Conduct (1), Disorderly Conduct/Display Firearm (1), Interfering with an Emergency Phone Call (1), False Drug Test (1), Threat to Publish Inmate Visual Material (1), Silent/Abusive Call to 911 (1)

Non-Traffic Related Citations Issued: Public Intoxication (30), Class C Theft (17), Class C Assault/DOC-Fighting in Public (17), Alcohol Violations (9), Possession of Drug Paraphernalia (27).

2015 -17 OVERVIEW (CASES AND CRASH REPORTS)

2015	2016	2017
146 FELONY CASES	90 FELONY CASES	130 Felony Cases (44%)
222 MISDEMEANOR CASES	221 MISDEMEANOR CASES	204 Misdemeanor Cases
TOTAL: 435 CASES	TOTAL: 311 CASES	Total: 334 Cases (7%)
CRASH REPORTS: 123	CRASH REPORTS: 110	Crash Reports: 107

STATISTICAL ANALYSIS: 2015 - 17 CRIME SUMMARIES

Felony Offenses

	<u>2015</u>	<u>%</u>	<u>2016</u>	<u>%</u>	<u>2017</u>	<u>%</u>
• ASSAULT (FV)	12	0	7	-42	2	-71
• ASSAULT (DW)	5	+400	1	-80	4	+300
• ASSAULT (PS)	1	-67	3	200	1	-66
• DEADLY CONDUCT	0	0	1	100	0	-100
• THEFTS	8	-27	2	-75	6	+200
• THEFT (FIREARMS)	3	+300	0	-100	6	+600
• THEFT (VEHICLE)	12	+200	6	-50	3	-50
• BURGLARY(HABITATION)	18	+13	10	-44	20	+100
• BURGLARY (BUILDING)	18	+80	12	-33	27	+125
• FORGERY (FI)	11	+267	3	-73	9	+200

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

Felony Offenses

	<u>2015</u>	<u>%</u>	<u>2016</u>	<u>%</u>	<u>2017</u>	<u>%</u>
• DWI (3 RD OR MORE)	11	38	4	-64	2	-50
• POSSESSION (CS)	11	-66	11	0	20	+82
• MAN/DEL (CS)	1	-75	0	-100	0	---
• POSSESSION (MJ>4OZ)	0	-100	1	100	0	---
• OTHER	36	33	26	-28	30	+15

STATISTICAL ANALYSIS: 2015 - 17 CRIME SUMMARIES

Misdemeanor Offenses

	<u>2015</u>	<u>%</u>	<u>2016</u>	<u>%</u>	<u>2017</u>	<u>%</u>
• ASSAULT (FV)	18	64	19	6	17	-6
• ASSAULT (BI)	19	217	13	-31	3	-76
• CRIMINAL TRESPASS	15	200	20	33	17	-15
• CRIMINAL MISCHIEF	35	119	18	-49	27	+50
• THEFTS	79	126	45	-43	43	-4
• BURGLARY (VEHICLE)	18	260	17	-6	24	+41
• DWI (2 OR LESS)	17	55	16	-6	5	-68
• ALCOHOL LAW VIOLATIONS	22	144	4	-82	0	-100
• POSSESSION (CS)	2	100	4	100	1	-75
• POSS. (MJ <2oz)	31	-24	31	0	29	-7

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

Misdemeanor Offenses

	<u>2015</u>	<u>%</u>	<u>2016</u>	<u>%</u>	<u>2017</u>	<u>%</u>
• POSSESSION (DD)	1	-86	6	500	3	-50
• DWLI/DWLS	3	-75	10	233	11	+10
• OTHER	69	60	39	-43	24	-38

Non-Traffic Citations Issued

	<u>2015</u>	<u>%</u>	<u>2016</u>	<u>%</u>	<u>2017</u>	<u>%</u>
• Public Intoxication	19	-39	20	5	30	+50
• Class C Theft	14	40	27	99	17	-37
• Assault/DOC Fighting	7	-74	11	67	17	+54
• Alcohol Law Violations	23	28	42	83	9	-79
• Poss/Drug Paraphernalia	20	33	11	-45	27	+145

PERSONS CRIMES	426 (-4)	2 0 1 7 T O T A L S	TRAFFIC DIRECTION	107 (25)
PROPERTY CRIMES	514 (-7)		CLOSE PATROLS	847 (24)
NARCOTICS CRIMES	69 (-15)		CIVIL MATTERS	346 (17)
DISTURBANCES	694 (22)		JUVENILE CALLS	165 (3)
FELONY ARRESTS	90 (-14)		CRASH INVESTIGATIONS	107 (-50)
MISDEMEANOR ARRESTS	186 (14)		WELFARE CONCERNS	248 (-15)
SUSP. PERSONS/VEHICLE	1,140 (40)		INFORMATION	380 (-26)
FELONY WARRANTS SERVED	55 (-32)		COURT	21 (-11)
MISD. WARRANTS SERVED	50 (-20)		CITATIONS	791 (45)
DWI	11 (83)		WARNINGS	927 (-6)
ALARMS	159 (31)		BUILDING CHECKS	1,238 (87)
AGENCY ASSIST	340 (23)		MISC. INCIDENTS	2,569 (-28)
PUBLIC ASSIST	185 (123)		SUPPLEMENTS	137 (12)
ESCORTS	74 (0)		FOLLOW-UPS	256 (-24)
ANIMAL CALLS	332 (17)		REPORTS	472 (-7)

ANIMAL CONTROL – 2017 TOTALS

FERAL CATS HANDLED	126 (-32)	QUARANTINE	7 (-74)
STRAY DOGS HANDLED	229 (-27)	DANGEROUS DOG	0
STRAY CATS HANDLED	15 (-86)	BITE REPORTS	16 (-27)
OWNER SURRENDER/DOGS	17 (-69)	EUTHANIZED	210 (101)
OWNER SURRENDER/CATS	4 (-73)	ANIMALS HIT BY VEHICLE	3 (-80)
OWNER RECLAIMS	48 (-20)	RESCUE PULL	109 (41)
SHELTER INTAKE	332 (-10)	WILDLIFE	34 (-47)
CITATIONS ISSUED	10 (100)	WARNINGS ISSUED	40 (400)
CALLS FOR SERVICE	332 (28)		



BRADY POLICE DEPARTMENT 2017 RACIAL PROFILING REPORT

CHIEF STEVE THOMAS

2017 TOTALS: TRAFFIC-RELATED CONTACTS ONLY

Citations: 392 Arrests: 2 Both (Arrest Made/Citation Given): 2

BREAKDOWN BY ETHNICITY

Caucasian/White	239	Hispanic	131	African American	20
Middle Eastern	1	Asian	1	Native American	0

RACE KNOWN PRIOR TO STOP?

Yes	8	No	284
-----	---	----	-----

SEARCH CONDUCTED?

Yes	23	No	269
-----	----	----	-----

SEARCH CONSENSUAL?

Yes	13	No	10
-----	----	----	----

CONTRABAND LOCATED?

Yes	9	No	14
-----	---	----	----

2015/2016 COMPARISON TOTALS: TRAFFIC-RELATED ONLY

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

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

BREAKDOWN BY ETHNICITY

Caucasian/White: 145/232 Hispanic: 77/151 African American: 11/14

Middle Eastern: 1/2 Asian: 1/2 Native American: 1/1

RACE KNOWN PRIOR TO STOP?

Yes – 6/5 No – 229/397

SEARCH CONDUCTED?

Yes – 11/22 No – 224/380

SEARCH CONSENSUAL?

Yes – 5/17 No – 5/5


CONTRABAND LOCATED?

Yes – 8/6 No – 2/16

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	3-6-2018	AGENDA ITEM	7.A.
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 / Kim Davee	Date Submitted:	02/26/2018
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:

On February 20, City Council requested this item return to this meeting, to address the homestead exemption. The Appraisal District will be sending a letter to the owner to begin the process of removing the homestead exemption due to this property being vacant. The process may take 60 to 90 days to complete.

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.

Owners: Petra Huerta
Last Known Address: 506 Crothers
Property Taxes: \$140.99 (2017 only)
Amount of Tax Lien: No lien allowed on the property, due to current homestead exemption even though it is vacant.

Action taken:

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.

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.
- (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

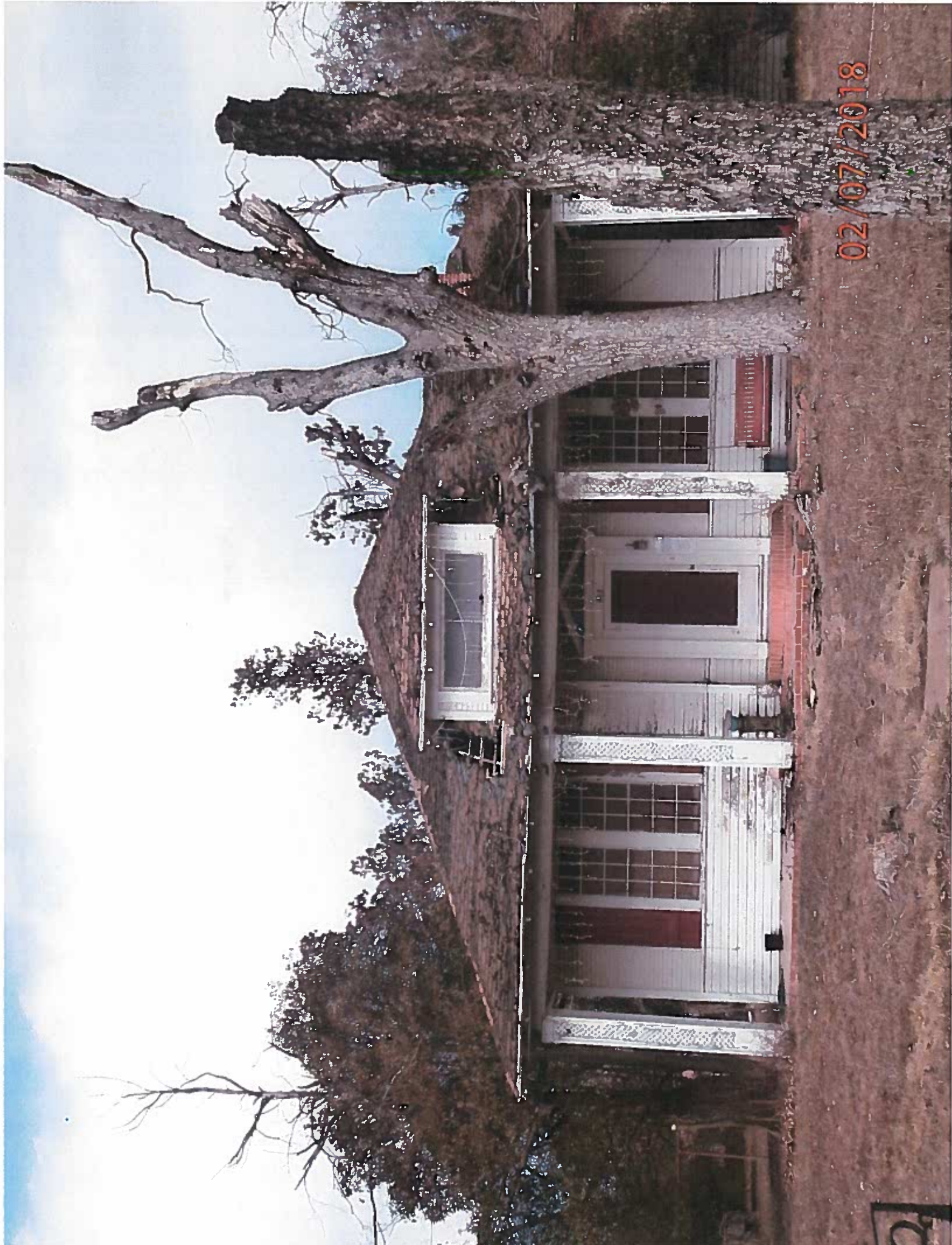
(4) This property will be inspected for compliance with this order on May 21, 2018. If the owner fails to demolish and remove or repair the building before May 21, 2018, the City will demolish and remove the building and assess the expenses against the lot, tract, or parcel of land or the premises upon 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 for Ordinance

AGENDA DATE:	3-6-18	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding second and final 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:	2-26-18
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:
On February 20, City Council approved the first reading of this ordinance.
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.
Staff is working with Oncor to develop a new franchise agreement with the City of Brady.
Staff will be available to answer any questions.

RECOMMENDED ACTION:
Mayor: <u>"Do I have a motion to read the full ordinance?"</u>
If no, Mayor will state: <u>"A majority of the City Council has dispensed with the full reading of the ordinance."</u>
Mayor will ask: <u>"Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter."</u> "Secretary reads preamble"
Mayor calls for a motion: Move to approve second and final reading of Ordinance 1249

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,


Paul R. Schulze
Vice President for Public Affairs

Attachment

City Council

City of Brady, Texas

Agenda Action - Ordinance

AGENDA DATE:	03/06/2018	AGENDA ITEM	T.C.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding second and final 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:	Ordinance 1247		
BUDGETARY IMPACT:	Required Expenditure:		\$0.00
	Amount Budgeted:		\$0.00
	Appropriation Required:		\$0.00
CITY MANAGER APPROVAL:			
SUMMARY:			
<p>Staff worked 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 work session on January 16, 2018.</p> <p>February 13, 2018 Planning and Zoning voted down 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> <p>February 20, City Council approved the first reading.</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 second and final reading.</p>			

ORDINANCE NO. 1247

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 sign variance from the city 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:	03/06/2018	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding second and final 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	2/28/2018
EXHIBITS:	Ordinance 1248		
BUDGETARY IMPACT:	Required Expenditure:	\$0.00	
	Amount Budgeted:	\$0.00	
	Appropriation Required:	\$0.00	
CITY MANAGER APPROVAL:			
SUMMARY:	<p>If City Council approves Ordinance 1247 regulating signs then the existing regulations in the Code of Ordinances should be repealed.</p> <p>On February 20, City Council approved the first reading of Ordinance 1248.</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 second and final reading.</p>		

ORDINANCE 1248

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS
REMOVING 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 20th day of February 2018.


PASSED, APPROVED AND ADOPTED ON SECOND READING on this 6th day of March 2018.

Anthony Groves, Mayor

ATTEST:

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

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

AGENDA DATE:	March 06, 2018	AGENDA ITEM	7.E.
AGENDA SUBJECT:	Discussion, consideration and possible action requesting council approval of establishing program funding in the FY18 Supplemental Decision Packet for two previously 'Not Approved' line items, namely, LCRA Project 11 – add 3 phase recloser and Project 10 – add single phase recloser (\$18,000).		
PREPARED BY:	K. Lenoir / J. Solis / S. Miller	Date Submitted:	2/27/2018
EXHIBITS:	FY18 Supplemental Decision Package, SP2		
BUDGETARY IMPACT:	Required Expenditure:		\$18,000.00
	Amount Available from FY 18 Approved Budget*:		\$114,568.00
	Appropriation Required:		\$18,000.00
CITY MANAGER APPROVAL:			

SUMMARY:

City staff received favorable bid prices for the approved Wall Street electrical lines and poles replacement project as shown in the table below. Therefore, as demonstrated below, sufficient funding now exists to support LCRA recommended Projects 10 and 11 at \$6,000.00 and \$12,000.00, respectively.

FY2018 Budget			
SUPPLEMENTAL DECISION PACKET			
ELECTRIC FUND (20-5-22-401.00)			
<u>Requested Expenditure Description</u>	<u>Program Cost</u>	<u>Approved Bid Cost</u>	<u>Remaining Available Balance</u>
Wall Street line & pole replacement project	\$215,000.00	\$100,431.05	\$114,568.95
LCRA Project 10 – add single phase recloser	\$6,000.00		\$108,568.95
LCRA Project 11 – add 3 phase recloser	\$12,000.00		\$96,568.95

City staff recommends expenditure of available funds resulting from cost savings from the Wall Street project on LCRA recommended projects 10 and 11 which are part of the 5 year capital, maintenance and repair plan for the City of Brady electric system.

RECOMMENDED ACTION:


Move to authorize expenditure of funds for LCRA projects 10 and 11 in the amount of \$18,000.

SUPPLEMENTAL DECISION PACKAGE

SUMMARY OF SELECTED DECISIONS BY PRIORITY

Account Number	Line Item / Priority / Description		Page No.	Requesting Division	Program Cost	Program Status		
						Not Approved	Approved	Requirements
PROPOSED								
SEWER AND ELECTRIC FUND (20)								
20-5-22-401.00	1	Replace overhead electrical Line & poles - Wall St	34	Electric	215,000		215,000	
20-5-22-401.00	2	LCRA Project 4 - install voltage regulator - Airport	35	Electric	63,000		63,000	
20-5-22-401.00	3	LCRA Project 9 -add recloser feeding WWTP	36	Electric	37,000		37,000	
20-5-22-401.00	4	Replace 3 Air Switches	37	Electric	15,000		15,000	
20-5-22-401.00	5	LCRA Project 5 - install 3 phase tie switch	38	Electric	14,600		14,600	
20-5-22-401.00	6	LCRA Project 8 - replace recloser at 17th & Church St	39	Electric	15,000		15,000	
20-5-22-401.00	7	LCRA Project 11 - add 3 phase recloser	40	Electric	12,000	12,000		
20-5-22-401.00	8	LCRA Project 10 - add single phase recloser	41	Electric	6,000	6,000		
20-5-22-401.00	9	Engineering for LCRA projects		Electric	18,000		18,000	
					\$ 395,600	\$ 18,000	\$ 377,600	
WATER FUND (30)								
	1	Add 1 Full-time Crew Leader II Position & Equipment	42	W/ WW Dist	146,764		146,764	
		Market adjustment for payroll *	56	WWW Dist			85	
					\$ 146,764	\$ -	\$ 146,849	
GAS FUND (40)								
	1	None						
					\$ -	\$ -	\$ -	
UTILITY SUPPORT FUND (50)								
	1	Add two (2) office spaces at Service Center	43	Utility Support	40,500		40,500	
	2	Replace PT position with FT Asst. to CM/DOF	44	Utility Support	9,714		9,714	
		Add drive-thru window and 1 Full-time employee	45	Utility Support	74,716	74,716		
					\$ 124,930	\$ 74,716	\$ 50,214	
SANITATION FUND (60)								
60-5-14-312.00	1	Replace Dumpster and Locking Mechanisms	46	Solid Waste	9,000		9,000	
60-5-14-203.00	2	Cost of Service Study	47	Solid Waste	20,000	20,000		
	3	Replace PT position with FT Compliance Coordinator	48	Solid Waste	22,399		22,399	
60-4-14-750.00	4	Landfill Passes - ONE YEAR ONLY	49	Solid Waste	10,000		10,000	Develop Approval Criteria
					\$ 61,399	\$ 20,000	\$ 41,399	
TOTAL UTILITY FUND REQUESTS						\$ 728,693	\$ 112,716	\$ 616,062
ECONOMIC DEVELOPMENT CORPORATION FUND (90)								
90-5-90-300.00	1	Additional Travel for business recruitment		EDC	6,000		6,600	
					\$ 6,000	\$ -	\$ 6,600	
TOTAL EDC FUND REQUESTS						\$ 6,000	\$ -	\$ 6,600

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

AGENDA DATE:	3/6/018	AGENDA ITEM	7.F.
AGENDA SUBJECT:	Discussion, consideration and possible action authorizing the city manager to execute an agreement with Austin Engineering Co., Austin, Texas, for construction services to complete the FY18 Gas Line Improvements – 4 inch P.E. Main Extension by Horizontal Directional Drilling Method and 8 inch casing (\$148,745.50).		
PREPARED BY:	K. Lenoir / D. Bustamante / D. Galindo / S. Miller	Date Submitted:	2/27/2018
EXHIBITS:	Sketch of gas main alignment		
BUDGETARY IMPACT:	Required Expenditure:	\$148,745.50	
	Amount Budgeted:	\$170,000.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	<p>Purpose: The city's gas distribution mains are widely inter-connected across the city and are looped for insuring reliability in the delivery of natural gas to homes and businesses. An audit revealed that a 3 inch gas main running underneath the foundation of a lodging wing of the Gold Key Inn currently exists. This presents an unacceptable condition for safety to residents and guests and the general community. To correct this unsafe condition, the city's gas distribution superintendent identified a capital improvement project involving the abandonment of the gas line under the Gold-Key Inn lodging wing by shifting this looped gas line connection further south on S. Bridge Street to near the entrance to Bob Moore Tire. (see exhibit) Background: This project was originally initiated in FY 16 involving substantially the same improvements as described in this proposed award. However, the project was postponed due to a late notification from TxDOT that the proposed work area was scheduled to be modified with a concrete drainage channel. The work by TXDOT caused the entire project bidding to stop and dictated that a new work effort to extend the gas main further south along Bridge Street from Lynn-Gavitt Road would be required. Current Status: Sealed bids were received on 2/14/2018 from two (2) bidders – Austin Engineering Co. and Travis Cox Plumbing. The lowest responsive bid was Austin Engineering Co. at \$148,745.50 and the bid tabulation follows:</p>
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BID TABULATION				city of brady, brady texas		Feb 14, 2018	
2018 GAS LINE IMPROVEMENTS, 4"IN. P.E. MAIN & 8"IN. CASING							
item no.	est. qty.	u.m.	description	AUSTIN ENGINEERING CO.		TRAVIS COX PLUMBING	
				unit price	total price	unit price	total price
1	889	l.f.	install 4" pipe pe2406 sdr 11 h.d.d.	\$110.00	\$97,790.00	\$115.00	\$102,235.00
2	5	l.f.	install 4" pipe pe2406 sdr 11 open cut	\$150.00	\$750.00	\$180.00	\$900.00
3	4	ea.	install 4" ell pe2406 butt fusion	\$60.00	\$240.00	\$300.00	\$1,200.00
4	2	ea.	install 4" tee pe2406 butt fusion	\$150.00	\$300.00	\$575.00	\$1,150.00
5	1	ea.	install 2" tee pe2406 butt fusion	\$150.00	\$150.00	\$400.00	\$400.00
6	2	ea.	install 4x2 red. pe2406 butt fusion	\$60.00	\$120.00	\$325.00	\$650.00
7	2	ea.	install 4" valve pe2406 full port	\$400.00	\$800.00	\$2,000.00	\$4,000.00
8	2	ea.	install plastic valve box	\$150.00	\$300.00	\$425.00	\$850.00
9	167	l.f.	install casing 8.625 in.	\$200.00	\$33,400.00	\$325.00	\$54,275.00
10	1062	l.f.	install tracer wire #12 awg	\$0.25	\$265.50	\$0.25	\$265.50
11	2	ea.	install end seal 4x8 link seal	\$80.00	\$160.00	\$450.00	\$900.00
12	2	ea.	install mod. seal 4x8 casing spacers	\$80.00	\$160.00	\$410.00	\$820.00
13	168	l.f.	install 4" ell pe2406 push & shove	\$20.00	\$3,360.00	\$12.00	\$2,016.00
14	1	l.s.	hydro-excavation services	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00
15	150	l.f.	trench safety practices & procedures	\$5.00	\$750.00	\$35.00	\$5,250.00
16	1	l.s.	mobilization	\$5,200.00	\$5,200.00	\$5,313.00	\$5,313.00
TOTAL SUMMATION OF EXT. PRICE AMT.					\$148,745.50		\$183,224.50
MATERIAL INCORPORATED INTO JOB					\$11,250.00		\$18,900.00
ALL OTHER CHARGES, SERVICES					\$137,495.50		\$164,324.50
TOTAL MATERIAL & CHARGES					\$148,745.50		\$183,224.50
ADDENDUMS ACKNOWLEDGED				YES		YES	
BID BOND				YES		YES	
BID PROPOSAL SIGNED				YES		YES	

bid tabulation ok for release - 2/14/2018

smiller

This company is a well-established general contractor from Austin and their references checked satisfactory for performance and capability. Funding for this capital improvement project is established in FY18 budget as assigned to Gas Distribution in Capital Outlay Projects, Acct No. 40-5-42-401.00. City staff recommends award of the FY18 Gas Line Improvements - 4 inch P.E. Main Extension by Horizontal Directional Drilling Method and 8 inch casing to Austin Engineering Co., Inc. in the amount of \$148,756.50.


RECOMMENDED ACTION:

Move to award bid and authorize the city manager to execute a contract agreement with Austin Engineering Co., Inc. for \$148,745.50.



City Council

City of Brady, Texas

AGENDA DATE:	3-6-18	AGENDA ITEM	7.G.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding award of bid to Progressive Commercial Aquatics of Houston TX for repairs to the pool at E.O. Martin Park, in the amount of \$107,363.60.		
PREPARED BY:	Peter Lamont	Date Submitted:	2/28/18
EXHIBITS:	Bid from Progressive Commercial Aquatics		
BUDGETARY IMPACT:	Required Expenditure:		\$107,363.60
	Amount Budgeted:		\$100,000.00
	Appropriation Required:		\$7,363.60
CITY MANAGER APPROVAL:			
SUMMARY:			
<p>In the FY 18 budget City Council approved \$100,000 for repairs to the pool shell/re-plastering and replace broken spray toys at the pool at E.O. Martin Park. The City solicited bids from seven companies and hosted a pre-bid for interested parties to view the situation. Three companies attended the pre-bid meeting at the pool. Bids were opened on February 21, 2018 and one company provided a bid, Progressive Commercial Aquatics of Houston, Texas.</p> <p>The repairs will include resurfacing the pool shell and repairing cracks, Two new toys – to replace the Omni Pod Squirt Guns that are broken, replacement of any broken tiles up to potentially having to replace all tiles in the pool and startup and rebalancing the water to the appropriate chemical levels. Staff is not recommending Bid Item 3 be completed at this time for budgetary and timing reasons. This item would cost an additional \$18,750 and could not be completed in time for the summer season. Staff will look at bringing this back as a separate item during the budget process.</p> <p>Funds are available from the Public Property Maintenance budget to cover the appropriation required to fully meet the bid amount.</p> <p>This project is to replace the plaster only, should there be unseen cracks in the actual shell, additional funds may be required, and the project will be re-evaluated for approval.</p> <p>Progressive Commercial Aquatics has worked for the City before. They installed the chemical control system that now manages the chlorine and pH levels in the pool and we have been satisfied with the work.</p>			
RECOMMENDED ACTION:			
Move to award bid and issue a purchase order to Progressive Commercial Aquatics in the amount of \$107,363.60			

Released date January 22, 2018

CITY OF BRADY

**INVITATION TO BID, BID SPECIFICATION AND BID FORM
FOR
RESURFACE THE AQUATIC COMPLEX POOL TO INCLUDE THE RESTORATION OF
THE CHILDREN WATER FEATURES**



**BIDS WILL BE RECEIVED UNTIL
3:00 P.M. WEDNESDAY, FEBRUARY 21, 2018
AT CITY HALL
OFFICE OF THE CITY SECRETARY**



Project Name: City of Brady New Toy Options
Date: 2/20/18

NEW TOY OPTIONS:

Option 1-

(2) New Omni Pod Squirt guns by Raindrop (what you had) @\$7,200/each your choice of color.

(2) Installation and anchor @\$750/each

Total: \$15,900

Freight: \$750

*****Does not include any plumbing that may need to be done. This is to supply two new guns and install over current opening and that is it.**

****Lead time is currently 12-16 weeks for delivery.**

Option 2 (Choose 2 out of the 3 items, cut sheets attached)-

(1) New Boat Wheel No.1 by VORTEX @\$8,756.80/each.

(1) New Bobble No.1 by VORTEX @\$6,630/each.

(1) New Luna Cannon No.1 by VORTEX @\$7,280/each.

(2) Installation and anchor @\$750/each

Freight for two: \$750

*****Does not include any plumbing that may need to be done. This is to supply two toys and install over current opening and that is it.**

****Lead time is currently 6-8 weeks for delivery.**



Project Name: City of Brady Replaster
Date: 2/20/18

Quote for Pool Replaster:

- Saw cut around all existing tile, returns, maindrains, lights, vacuum lines.
- 90% plaster strip from the pool surface due to so much plaster popping off already that if we apply a bond kote to what is existing then it may not stick so we need to start fresh from the concrete shell.
- Apply pebble tech sandy beach in the beach entry area down to water line only and then go to tier 1 quartz throughout the whole pool in quartz blue, mushroom splash pool to become quartz blue as well as lap area and just the beach into the water will be sandy beach pebble.
- Acid wash new plaster and scrub excess residue before the pool is filled into slurry box and neutralize water.
- Cut and repair 100 linear ft crack repair before plaster.
- Remove and replace all (4) 18x18 maindrain covers for VGBA code every 7 years. Lawson exact replacements.
- Remove all debris from the site.
- Replace plastic inwall steps with new.
- Replace toe tile on all steps and benches.
- Owner is responsible for draining/refilling the pool and balancing.

Quartz Aggregate tier 1 full strip plaster with pebble on beach entry with all of the above and travel: \$65,000

****If your tile pops off due to being old then there will be an additional quote done separate from this. Sometimes on old pools there is no telling how solid the tile is. If the ALL tile has to be redone it will be \$19,100 which includes the waterline tile with a \$5/sqft tile cost to choose from where samples will be provided.**

BID QUOTATION FORM

This is a quotation form only and does not represent an order for a purchase by the City of Brady

1. Refer to "Instructions to Bidder" before completing BID
2. Delivery date of completion— Friday, April 13, 2018
3. Delivery Address — EO Martin Park, 301 Memory Lane, Brady, TX 76825

BID ITEM NO.	DESCRIPTION	QTY	UOM	UNIT PRICE	EXTENDED PRICE
1.	Aquatic Complex pool resurfacing and repair crack(s) to include all material, labor, equipment and cleanup	1	LS	\$ <u>65,000⁰⁰</u>	\$ <u>65,000⁰⁰</u>
2.	Two (2) New Omni Pod Squirt guns or an approved equal to include removal, purchase and installation	1	LS	\$ <u>16,650 - 19,763.00</u>	\$ <u>Please see attachment</u>
3.	Aquatic Complex children water features restoration to include all material, labor, equipment and cleanup	1	LS	\$ <u>18,750.00</u>	\$ <u>18,750.00</u>
TOTAL BID PRICE FOR ITEMS 1 - 3					\$ <u>\$103,513.60</u>
ITEMS 4 A, B & C (will be a determining factor in the award of the contract)					
4 A.	Pricing of tile approved by the City of Brady	1	SQ FT	\$ <u>Please see attached</u>	
4 B.	Labor rate per hour for the replacement of tile	1	HR	\$ <u>Please see attached</u>	
4 C.	Total dollar amount should the City select the option for entire replacement of tile to include material, labor, equipment and cleanup	1	LS	\$ <u>19,100⁰⁰</u>	\$ <u>19,100⁰⁰</u>
TOTAL BID PRICE FOR ITEM 4 C					\$ <u>19,100⁰⁰</u>
ALTERNATIVE BID					
5.	Startup and water balance of pool	1	LS	\$ <u>3,500⁰⁰</u>	\$ <u>3,500⁰⁰</u>
TOTAL BID PRICE FOR ITEM 5					\$ <u>3,500⁰⁰</u>

* Most expensive toy option factored. Could be less depending on toy option.

Released date January 22, 2018

PRICES TO BE QUOTED F.O.B. - CITY OF BRADY, ALL TAXES TO BE EXCLUDED FROM BID
THE CITY OF BRADY RESERVES THE RIGHT TO REJECT ANY AND/OR ALL BID


In submitting this BID, I certify that the following:

1. That the prices in this BID have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder, or with any competitor
2. That I am an Equal Opportunity Employer

Business Name:

Progressive Commercial Aquatics

Authorized Signature:



Print Name:

Myles Phelps

Date:

2/19/18

Phone:

(949) 606-5869

Fax:

Email:

Mylesproaquatic@gmail.com

****There is no hourly rate for tile as our tile crew comes from our office as a separate crew from our plaster crew so they will not already be onsite unless otherwise requested to do a job. With that being said if there is a small section of tile that pops off then we will assess with the city and issue a quote from there.**

****If you want PCA to do chemical startup and vac and brush the pool please add \$3,500 to the total. If not you must ensure you add everything we tell you for chemical startup and clean according to our instructions.**


Thank you,

Myles Phelps
Progressive Commercial Aquatics, Inc.

15616 Schmidt Loop Manor, Texas 78653 (512) 278-0801 Fax (512) 350-2154
Website www.proaquatic.com E-Mail: mylesproaquatic@gmail.com

City Council

City of Brady, Texas

AGENDA DATE:	3-6-18	AGENDA ITEM	7.H
AGENDA SUBJECT:	Discussion, consideration and possible action regarding Davee Addition lot appraisals and Dodge Heights replatting and leases.		
PREPARED BY:	Kim Lenoir	Date Submitted:	2/28/18
EXHIBITS:	Davee Addition ½ acre lot appraisals		
CITY MANAGER APPROVAL:			
SUMMARY:	<p>In 2012-2013, the City Council and Planning and Zoning Commission went through a one-year process of preparing a Comprehensive Plan including Brady Lake and zoning for the first time lake properties, due in part to a lawsuit filed against the City by several Simpson Lake Club residents. At that time, Dodge Heights was zoned Single-Family Residential (SF-5) and Davee Addition was zoned Manufactured Homes (MH).</p> <p>In 2013-2014, staff discovered the tangled web of non-compliance with active leases/billing and utility billing with lake lot leases for Davee and Dodge Heights, many city divisions acted independent and did not communicate changes that were happening, including County Clerk and the Appraisal District. In 2015, City Council increased the annual lease payments to \$1200 per year per lot. TCEQ rules also made it difficult for the city to continue to lease lots that were too small (less than ½ acre) for current septic tank requirements, especially in complying with the clean pristine water quality of the Brady Lake area. In 2016, staff began survey and plat work to clear up the records, billing, property inspections and compliance with current TCEQ septic tank regulations and new zoning.</p> <p>In February 2017, City Council put a moratorium on considering any new leases, until the lake lot leases and replats are in order. City Council waived the 2016 billing and staff billed the Davee lot leases with active leases for 2017 at the rate of the existing leases. January is time to bill for 2018 leases and again staff is working to clear up lease ownership in the Dodge Heights Addition.</p> <p>In 2017, City Council and P&Z replatted the Davee Addition. The City Council gave staff further directions on the amended lease agreements for the new lot lay-outs and to assume if bills had been sent and paid the owner had a right to a lake lot lease. City Council also discussed a desire to sell the newly replatted lots, with first right of refusal going to the active lease holder with <u>proper property improvements</u>. The City Attorney found that city could sell the leased lake lots at appraised value. In November, the required fair-market-value appraisal of the new lots was completed. Staff is working to find clear title of the City property, so sales can proceed if approved by City Council.</p> <p>The Dodge Heights replat has been more difficult to replat, with the probability of a few single family residential homes on less than a 1/2 acre tract. The goal is to have the Dodge Heights replat and staff recommendations scheduled in July 2018. The Dodge Heights subdivision, zoned single-family in 2013, will go through the replatting rules process, requiring public hearings, P&Z approval and City Council approval. As the replat is complete, new leases will be prepared and approved by city council, incorporating any current active leases yet to expire. And these lots may be appraised to sell, also. To sell the property for single family homes, new owners and the appraiser will want to confirm that existing trailers will not be allowed to remain.</p>		

RECOMMENDED ACTION:

As Council desires, if any.

AN APPRAISAL REPORT

AS OF

NOVEMBER 15, 2017

ON

**24 LAKE LOTS
BRADY LAKE
MCCULLOCH COUNTY, TEXAS**

PREPARED FOR

**CITY OF BRADY
ATTN: KIM MCADAMS LENOIR, CITY MANAGER
P.O. BOX 351
BRADY, TEXAS 76825**

PREPARED BY

**KEVIN J. HALFMANN, MAI, ARA
133 W. CONCHO, SUITE 110
SAN ANGELO, TEXAS 76903**

HALFMANN APPRAISALS

Kevin J. Halfmann, MAI, ARA
TX-1320469-G

133 W. CONCHO, SUITE 208
SAN ANGELO, TEXAS 76903
(325) 655-1278

Please refer to
our file No.
R17-0640

December 10, 2017

City of Brady
Attn: Kim McAdams Lenoir, City Manager
P.O. Box 351
Brady, Texas 76825

Re: Appraisal of the 24 lake lots located at Brady Lake in McCulloch County,
Texas.

Dear Ms. Lenoir:


In accordance with your request, I have inspected and appraised the above referenced property. The purpose of this appraisal report was to determine the market value of the surface estate in the subject properties as a whole, as though specified in pastures, and then provide a suggested equitable division of the subject into two tracts. The intended use of this appraisal was to assist in determining an equitable division of the property into two separate properties, with the intended users being the clients and property owners, their accountant, and their legal representative. This report conforms with the requirements of the Uniform Standards of Professional Appraisal Practice.

By reason of my investigation and by virtue of my experience, I have formed the opinion that the combined market value of the subject properties, as of November 15, 2017, was \$80,440 and the individual lot values are as follows:

LOT	VALUE	LOT	VALUE	LOT	VALUE	LOT	VALUE
R1	\$3,650	R7	\$3,460	R13	\$3,210	R19	\$3,130
R2	\$3,540	R8	\$3,370	R14	\$4,690	R20	\$3,090
R3	\$3,350	R9	\$3,360	R15	\$4,680	R21	\$3,520
R4	\$3,670	R10	\$3,360	R16	\$3,160	R22	\$2,610
R5	\$3,390	R11	\$3,370	R17	\$3,010	R23	\$2,570
R6	\$3,360	R12	\$3,330	R18	\$3,020	R24	\$2,540

The following pages contain the data and analyses which, in part, form the basis of my conclusions. Should you have any further questions regarding this data, please do not hesitate to contact this office. I appreciate the opportunity of performing this work for you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. J. Halfmann', written over a horizontal line.

Kevin J. Halfmann, MAI, ARA
State Certification #TX-1320469-G