

CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING MAY 1, 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 May 1, 2018, at the City of Brady Municipal Court Building, located at 207 S. Elm Street, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Tony Groves
Mayor

Jim Griffin
Mayor Pro Tem

Rey Garza
Council Member Place 1

Shelly Perkins
Council Member Place 2

Jeffrey Sutton
Council Member Place 3

Jane Huffman
Council Member Place 4

Kim Lenoir
City Manager

Tina Keys
City Secretary

Sarah Griffin
City Attorney

MISSION

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

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation 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 May 1, 2018.
- B. Approval of Minutes for Regular and Work Session Meetings on April 17, 2018.
- C. Discussion, consideration and possible action for a Motorcycle Awareness Proclamation and to grant approval of a noise variance for the Iron Horse Motorcycle Club Motorcycle Rally at the Brady Lake Gun Range on September 21 & 22, 2018.

5. PRESENTATION:

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6. PUBLIC HEARINGS:

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7. INDIVIDUAL CONCERNS

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

- A. Discussion, consideration, and possible action regarding approval of Demolition Order 2018-25 for 1112 South Willow Street.
- B. Discussion, consideration, and possible action regarding appraisals of Davee & Dodge Heights Subdivisions as requested by Sondra Turner.
- C. Discussion and summary of City Council action and if procedures and processes worked.

8. STAFF REPORTS

A. Chief Brian Meroney – Texas Commission on Fire Protection Audit Report

B. Upcoming Special Events/Meetings:

Farmer's Market – Saturdays on The Square, 9:00 a.m. – 11:00 a.m.
May 5, 7am to 7pm – Election Day – City Hall
May 5 – 27th Annual Duffers Golf Tournament
May 26 – Swimming Pool Opens for summer
May 28 – Memorial Day – City Offices Closed
May 29 – Holiday Trash Schedule – Monday Service moves to Tuesday
May 30 - Holiday Trash Schedule – Tuesday Service moves to Wednesday

C. Upcoming City Calendar:

May 7 – LEPC
May 8 – P&Z Meeting
May 15 – 4pm DG Work Session
May 15 – 6pm Seat New Council – reception for Shelly Perkins
May 16 – Bids open for Richards Park
May 22 – BEDC Monthly Meeting – Budget
May 29 – 9am – 3pm City Council Work Session Goals & 5 year CIP Review

9. ANNOUNCEMENTS

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

10. EXECUTIVE SESSION

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

- A. Pursuant to Section 551.071 (Consultation with City Attorney), the City Council will conduct a private consultation with the City Attorney to seek advice regarding the TCEQ Lawsuit and Proposed Settlement Statement

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 annual review of duties under the City Charter

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

12. ADJOURNMENT

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

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

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

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session Meeting on Tuesday, April 17, 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, Jim Griffin and Jane Huffman. City staff present were City Manager Kim Lenoir, Public Works Director Steven Miller, Community Services Director Peter Lamont, Building Official Dan Greenwood, Amanda Lewis, City Attorney Sarah Griffin, and City Secretary Tina Keys. Also in attendance were John Grimes, Linda Grimes, Carl & Jeanette Tacker, Harold Tacker, Sondra Turner, Rhonda Wright, Carolyn Clark, Sabrina Edwards, Willa Row, Tammy Watters, Linda Deeds, Melody Wilson and Joel Curtis.

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

Mayor Groves called the meeting to order at 4:01 p.m. Council quorum was certified.

2. Discussion regarding Dodge Heights Replat

Kim Lenoir presented.

103 Melvin / Lot 1, Block 2 – Mary Briones paid in 2015, passed away 2017. Dale Thornton is new owner of trailer. Peter has been speaking to him. Assumption is that it is going to be demolished by Thornton.

201 Melvin – Block 1, Lot 3 – owner tore down an old house and cleaned it up (some) – has travel trailer on site

205 Melvin – Block 1, Lot 6 - Mr. Dickson – trying to sell

207 Melvin – Block 1, Lot 7 – grandfather?

209 Melvin – recommend grandfathering corner lot

211 Melvin – Block 1 / Lot 8 – nice house – recommend grandfathering

213 Melvin – Block 1, Lot 9 – 2 story house – neighbor says it is being remodeled.

215 Melvin – Lot 10 – appraiser is proposing to split – it is lived in full time - .

Lot 11 & 12 proposing to demo. 13 has been demo'd

225 Melvin – Block 1 Lot 15 – house is appraised at \$33,000 –

Lot 14 – should be 13, 14 and half of 15 –

227 Melvin, Block 1, Lot 16 – empty house, no utilities since 2010 – owners son is interested in fixing it up – he can move mobile home – can give part of Lot 16 to Lot 15. Audience said trailer was moved in about 3 years ago

229 Melvin – Block 1, Lot 17 – has a nice trailer. Council Member Huffman asked if a permit was issued to put in trailer

Block 1, Lot 18 – mobile home with shop. Everything current. Expires 2024

303 Melvin – Block 1, Lot 19 – replat Lot 18, 19 and part of 17 to make ½ acre.

305 Melvin – Block 1, Lot 20 – Mobile home

307 Melvin – Block 1, Lot 21 – mobile home – lease expires 2019. Suggested to remove trailer on lot 21 and combine 20 & 21. Ms. Waters suggested they buy it together and split it between themselves. Ms. Clark didn't want to be made to move her trailer if others were allowed to stay. Ms Wright wanted to know why the City would allow Ms. Clark to remodel if we were going to make her move it next year.

3. Discussion regarding zoning – Single Family (SF) and Manufactured Homes (MF)

Due to time constraints, there was no discussion

4. Discussion regarding existing or new lease transitions to selling lots

Due to time constraints, there was no discussion

5. Discussion regarding lake maintenance

The Mayor closed open meeting at 5:30 for Executive Session. Executive Session was opened at 5:30 p.m. 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.

Executive Session was closed at 5:37 p.m. No action was taken.

6. ADJOURNMENT

There being no further business, the Mayor adjourned the Work Session meeting at 5:37 p.m.

Mayor Anthony Groves

Attest: _____

Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, April 17, 2018 at 6:00 pm at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Jane Huffman, Jim Griffin, Shelly Perkins, and Rey Garza. 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, Building Official Dan Greenwood, City Attorney Sarah Griffin, and City Secretary Tina Keys. Also in attendance were James Minor, Barbara Bolton, Missi Davis, Annita Ellison, John and Teresa Leifeste, Will Baker, and Josephine Medrano.

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

Mayor Groves called the meeting to order at 6:01 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. PUBLIC COMMENTS

Annita Ellison discussed the need for street signs.

4. CONSENT AGENDA

- A. Approval of Audit Board for April 17, 2018.
- B. Approval of Minutes for Regular Meeting on April 3, 2018
- C. Approval of Noise Variance requested for Cox Reunion, July 14, 2018

Council Member Perkins moved to approve the Consent Agenda. Seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 3 - 0 vote.

Rey Garza entered meeting after consent agenda at 6:06 p.m.

5. PRESENTATIONS AND INDIVIDUAL CONCERNS

City Audit – FY 2017 (Oct 2016 to Sept 2017) by Haynie CPA – Lisa Remini introduced Robert Darilek and John Boekweg who reviewed over the City Audit.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS

- A. Public Hearing to receive comments to authorize abatement of dilapidated structures at 103 Melvin, of the Dodge Heights Subdivision, Block 1, Lot 2 (Owner agrees to remove). Public Hearing was opened at 6:45 p.m. There were no comments. Public Hearing was closed at 6:46 pm.
- B. Public Hearing to receive comments to authorize abatement of dilapidated structures at 217 Melvin of the Dodge Heights Subdivision, Block 1, Lot 11. Public Hearing was opened at 6:46 p.m. There were no comments. Public Hearing was closed at 6:47 pm.
- C. Discussion, consideration, and possible action regarding **Abatement Order 2018-29** in accordance with Code of Ordinances Section 3.207 to authorize abatement of dilapidated structures at 217 Melvin in Dodge Heights Subdivision, Block 1, Lot 11. Peter Lamont presented. Council Member Perkins moved to approve Abatement Order 2018-29. Seconded by Council Member Griffin. All Council Members voted "aye" and none voted "nay". Motion carried in a 4 - 0 vote.
- D. Public Hearing to receive comments to authorize abatement of dilapidated structures at 219 Melvin, of the

Dodge Heights Subdivision, Block 1, Lot 12. Public Hearing was opened at 6:51 p.m. There were no comments. Public Hearing was closed at 6:52 p.m.

- E. Discussion, consideration and possible action regarding Abatement Order 2018-30 in accordance with Code of Ordinances Section 3.207 to authorize abatement of dilapidated structures at 219 Melvin, of the Dodge Heights Subdivision, Block 1, Lot 12. Peter Lamont presented. Council Member Perkins moved to approve Abatement Order 2018-30. Seconded by Council Member Garza. All Council Members voted “aye” and none “nay”. Motion carried in a 4 – 0 vote.
- F. Public Hearing to receive comments to authorize abatement of dilapidated structures at 204 Eden, of the Dodge Heights Subdivision, Block 2, Lot 14. City withdrew request.
- G. Public Hearing to receive comments to authorize abatement of dilapidated structures at 102 West Shore Drive, of the Simpson Lake Subdivision, Block 4, Lot 13. Peter Lamont would like to continue until May 15th. Public Hearing was opened at 6:57 p.m. There were no comments. Public Hearing will be continued.
- H. Discussion, consideration and possible action regarding Abatement Order 2018-32 in accordance with Code of Ordinances Section 3.207 to authorize abatement of dilapidated structures at 102 West Shore Drive, of the Simpson Lake Subdivision, Block 4, Lot 13. There was no action taken.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding second and final reading of Ordinance 1250 of the City of Brady adopting zoning change from Commercial District (C) to Central Business District (CBD) as requested by James Minor for property located at 212 North Church of the Fulcher Subdivision, Block 11, Lot 13. Council Member Huffman moved to approve the second and final reading of Ordinance 1250. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 4 – 0 vote.
- B. Discussion, consideration, and possible action regarding Demolition Order 2018-23 for 23 for 607 East 2nd Street (Public Hearing held 12/19/17). Peter Lamont presented. Staff recommends allowing another 90 days. Council Member Huffman moved to allow another 90 days for repairs. Seconded by Council Member Perkins. All Council Members voted “aye” and none “nay”. Motion carried in a 4 – 0 vote.
- C. Discussion, consideration, and possible action regarding final Demolition Order 2018-15 for 1308 North College Street (Public Hearing held 10/17/17). Peter Lamont presented. Staff recommends allowing another 30 days. Council Member Huffman moved to allow another 30 days for owner to secure funding. Seconded by Council Member Garza. All Council Members voted “aye” and none “nay”. Motion carried in a 4 – 0 vote.
- D. Discussion, consideration, and possible action regarding Fact Sheet for the 15 Charter Amendments Proposed. Kim Lenoir presented. There was a typographical error on page 7 that needs to be corrected. Council Member Griffin moved to approve fact sheet as amended. Seconded by Council Member Huffman. Three council members voted “aye” and one Council Member, Perkins, voted “nay”. Motion carried in a 3 – 1 vote.
- E. Discussion, consideration, and possible action regarding application of Oncor Electric Delivery Company LLC for approval of a Distribution Cost Recovery Factor filed with the Public Utility Commission. Kim Lenoir presented. No action was taken.
- F. Discussion, consideration, and possible action regarding an award of a Buy Board Bid for a Backhoe/Loader (\$91,983.00). Steve Miller presented. Council Member Griffin moved to approve the purchase for a backhoe/loader. Seconded by Council Member Garza. All Council Members voted “aye” and none “nay”.

Motion carried in a 4 – 0 vote.

G. Discussion and summary of City Council action and if procedures and processes worked. There was no discussion.

8. STAFF REPORTS

A. March Monthly Financial and Utility Reports

B. March 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. Upcoming Special Events/Meetings:

April 18 – Bulk Trash Curbside and Bagged Leaves for Thursday trash pick-up
April 19 – 6pm “Evening with the Superintendent,” BHS Cafeteria
April 21 – Car Show and Swap Meet by Child Welfare Board – Richards Park
April 23 - 6pm “Evening with the Superintendent,” Melvin Jacoby’s Cafe
April 25 -- Bulk Trash Curbside and Bagged Leaves for Friday trash pick-up

D. Upcoming City Calendar:

April 18 – 8:30am Monthly Municipal Court
April 24 – 6pm Monthly BEDC Meeting
April 25 – 5pm City/County Joint GRW Committee Monthly Meeting
April 23 – May 1 - Early Voting - Special Elections - BEDC 4A to 4B, 15 Charter Amendments and BISD Bond Election – all at City Hall
April 24 and 26 – 7am – 7pm – Tuesday and Thursday - Early Voting Extended Hours
May 1 – Council Meeting
May 5 – 7am to 7pm – City and BISD Election Day – City Hall
May 8 – P&Z Meeting
May 15 – 4pm – DG Council Work Session
May 15 – Swearing in New City Council & Appreciation Event of Council Member Shelly Perkins
May 29 – City Council Long-Range Planning and 2019 Budget Goals Work Session (9am to 3pm)

9. ANNOUNCEMENTS

Jane Huffman and Jim Griffin requested Two Pro contract be added to a May agenda

10. EXECUTIVE SESSION

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

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

There being no further business, the Mayor adjourned the meeting at 7:33 p.m.

Mayor Anthony Groves

Attest: _____

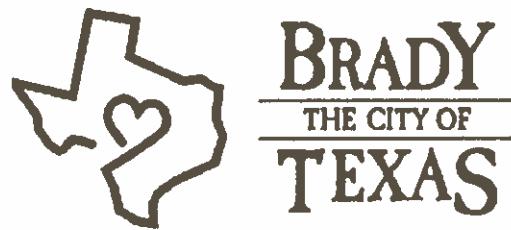
Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	05-01-2018	AGENDA ITEM	4.C.
AGENDA SUBJECT:	Discussion, consideration, and possible action for a Motorcycle Awareness Proclamation and to grant approval of a noise variance for the Iron Horse Motorcycle Club Motorcycle Rally at the Brady Lake Gun Range on September 21 st and 22 nd 2018.		
PREPARED BY:	T. Keys	Date Submitted:	4/26/2018
EXHIBITS:	proclamation		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
SUMMARY: The Iron Horse Motorcycle Club has requested that May 2018 be declared Motorcycle Awareness Month. The Club has also requested a noise variance for their rally to be held at the Brady Lake Gun Range on September 21 st and 22 nd , 2018			
RECOMMENDED ACTION: Mayor sign Proclamation and move to approve requested noise variance.			



Proclamation

Motorcycle Safety and Awareness Month

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, with the onset of warmer weather, the number of motorcycles on our streets and highways increases dramatically; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;

NOW, THEREFORE I, Anthony Groves, Mayor of the City of Brady do hereby proclaim the month of May 2018, as Motorcycle Safety and Awareness Month in this city. Further, I urge all residents to do their part to increase safety and awareness in our community.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 1st day of May in the year 2018.

Anthony Groves, Mayor

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	5/01/18	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding final Demolition Order 2018-25 for <u>1112 SOUTH WILLOW</u> (Public Hearing held 10/17/17)		
PREPARED BY:	Daniel Greenwood	Date Submitted:	4/26/18
EXHIBITS:	Demolition Order 2018-25 Photos of Property		
BUDGETARY IMPACT:	Required Expenditure:	\$1,800.00	
	Amount Budgeted:	\$30,000.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

This property is located at 1112 South Willow on the Southeast side of Brady and has not had utilities connected since July 06, 2017.

Owners: Josephine Griner
 Last Known Address: 1112 South Willow
 Property Taxes: Current
 Amount of Tax Lien: \$2,480.00

Action taken:

October 23, 2014 – Gas line replaced due to gas leak. Owner performed work without permits.

July 04, 2015 – Inspected for utilities.

July 27, 2015 – Inspected for repairs (p-trap present but not installed, covers on GFCI plugs).

February 17, 2016 – Utility inspection required more work than the first inspection.

March 02, 2016 – Permitted work inspected by Bureau Veritas. Utilities connected for permanent service.

July 06, 2017- Utilities disconnected due to fire caused by arson.

December 04, 2017- House posted with letter to owner and “DO NOT ENTER” sign.

December 05, 2017 – Letter sent by certified mail to owner.

December 06, 2017 – Public hearing notice posted in the newspaper.

December 19, 2017 – City Council issued Demolition Order 2018-25.

March 05, 2018 – The portion of the structure where the fire took place has been removed.

The structure satisfies the substandard and dangerous conditions set forth in Section 3.207 of the Code of Ordinances:

(1) The building or structure is liable to partially or fully collapse

(7) The structure or 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.

(10) The structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety and 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.

(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:

Enforce Demolition Order 2018-25

DEMOLITION ORDER 2018-25

AN ORDER OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS TO THE OWNER OF THE PROPERTY LOCATED AT 1112 SOUTH WILLOW, BRADY, MCCULLOCH COUNTY, TEXAS WITH REGARD TO THE ABATEMENT OF THE SUBSTANDARD AND DANGEROUS PREMISES

WHEREAS, on December 5, 2017, the City provided the owner of the property located at 1112 S. Willow, Texas with notice, via certified mail, of a hearing to be held on December 19, 2017; and

WHEREAS, on December 19, 2017, the City Council conducted a public hearing concerning the structure located at 1112 S. Willow, 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, Josephine Griner, 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 1112 S. Willow, 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, (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, (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, (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 Chapter 8 of the city code, of Section 3.207 of the Code of Ordinances have been violated. Therefore, the City is authorized to demolish the building under Section 3.210 of the City Code of Ordinances

(3) The owner is hereby ordered to demolish the structure located at 1112 S. Willow, Brady, Texas by no later than ninety (90) days from the date of this Order, which is March 18, 2018; and

(4) This property will be inspected for compliance with this order on March 18, 2018. If the owner fails to demolish and remove the building before March 18, 2018, the City will demolish and remove the building and assess the expenses against the lot, tract, or parcel of land or the premises upon which such expense was incurred.

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

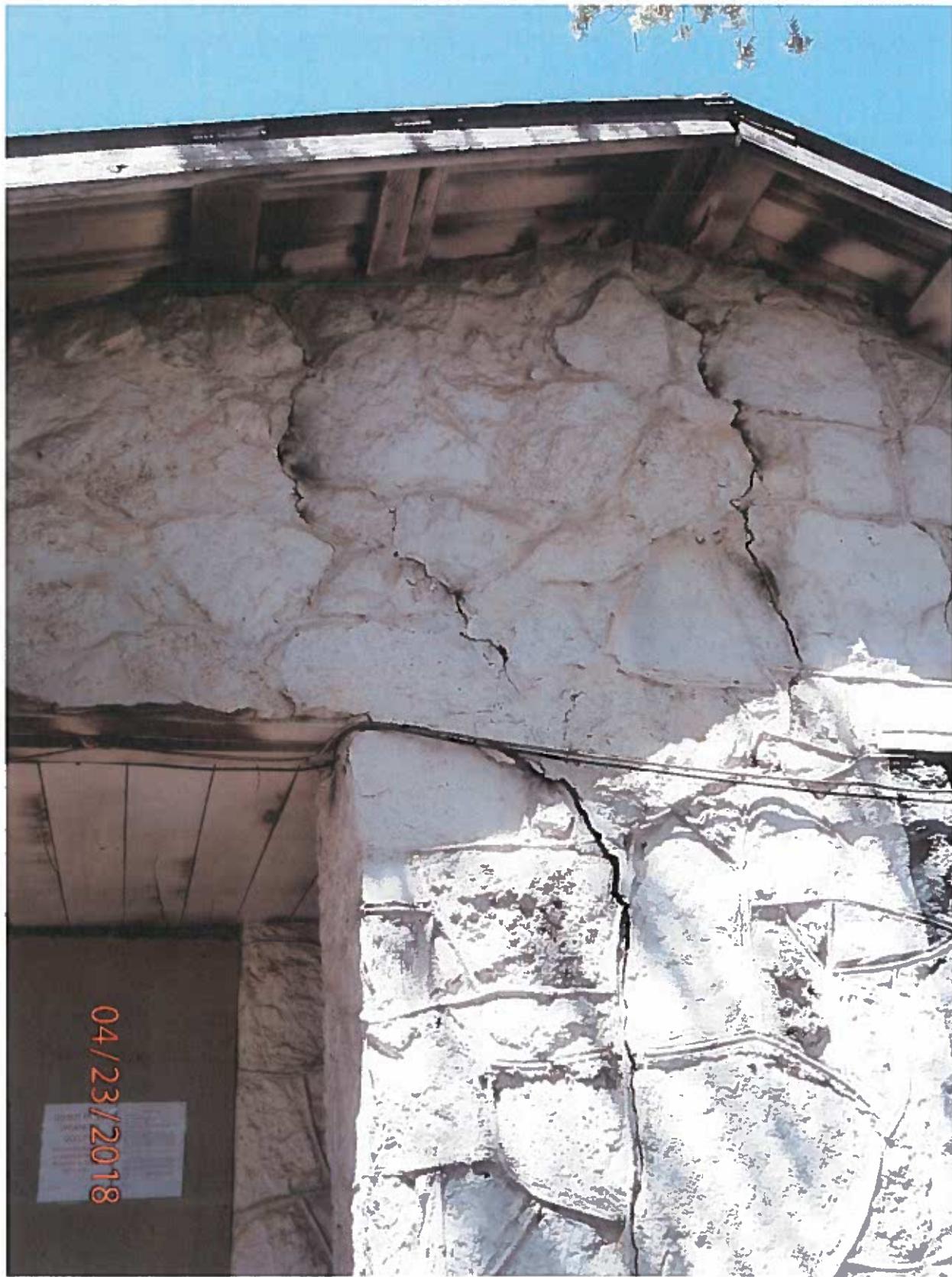
ORDERED THIS _____ DAY OF _____ 2017.

Anthony Groves, Mayor

Attest: _____

Tina Keys, City Secretary













TEXAS COMMISSION ON FIRE PROTECTION

TIM GARDNER, COMPLIANCE OFFICER
P.O. BOX 2286, AUSTIN, TEXAS 78768-2286
(512) 944-3109 FAX (512) 936-3808
AUSTIN HQ - (512) 936-3838

April 18, 2018

Brian Meroney, Fire Chief
Brady Fire Department
216 W. Commerce St.
Brady, Texas 76825

Chief Meroney:

I am pleased to report that no violations were noted following the compliance inspection conducted at your agency on April 18, 2018. I will note that your agency has met the compliance requirements, and your file for this inspection period was closed on April 18, 2018.

Once again, I want to thank you for the kind cooperation I received during the compliance inspection process. I also extend my personal thanks to you, for your continued dedication and support toward the mission of the fire service in Texas, and the regulations that enhance the safety of Texas firefighters.

Please contact me at tim.gardner@tclf.p.texas.gov or 512-944-3109 if you have any questions or comments regarding the Texas Commission on Fire Protection.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Gardner".

Tim Gardner, Compliance Officer
Texas Commission on Fire Protection
San Antonio Field Office