



**CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
OCTOBER 1, 2024, 5:00 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 **5:00** p.m. October 1, 2024, at the City of Brady Municipal Court Building located 207 S. Elm St., 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 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 to save time

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 Minutes for Regular Session Meeting on September 17, 2024 and Special Meetings on September 19 and 24, 2024.

Gabe Moreno
Council Member Place 5

Erin Corbell
City Manager

Tina Keys
City Secretary

Lloyd Newton
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.

5. PRESENTATIONS:

- Service Line Inventory Worksheet via TCEQ
- #TeachersCan Proclamation

6. PUBLIC HEARING:

None

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 discuss the item so everyone is heard. Once the City Council Members finish discussion, the Mayor will recognize attendees who have comments. Attendees and council members need to direct comments to the Mayor as they are recognized. When all comments are complete, the Mayor will call for a motion.

- A. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1388** of the City of Brady, Texas, granting a zoning change from Multi-Family District to Single Family Residential District for property located at 1305 S. College Street in the Jones Subdivision, Block 7, Lots 7-12.
- B. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1389** of the City of Brady, Texas, granting a zoning change from Commercial District to Single Family Residential District for 1404 S. High St., in the Jones Subdivision, Block 14, Lots 1-2.
- C. Discussion, consideration and possible action regarding approval of **Resolution 024-018** authorizing the mayor to approve submission and acceptance of a grant through the Texas Department of Transportation for Routine Airport Maintenance (RAMP Grant) at Curtis Field Airport for Fiscal Year 2025, in an amount not to exceed \$100,000 and authorizing compliance with the grant terms; and providing an effective date.
- D. Discussion of Mayor's attempt to veto budget ordinance.

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

Oct. 1	National Night Out
Oct. 14	Columbus Day Holiday – City Offices Closed, Altered Trash Schedule <i>Monday route on Tuesday / Tuesday route on Wednesday, Thursday and Friday route – no change</i>
Oct. 15	Regular City Council Meeting, 6:00 p.m.
Nov. 5	Regular City Council Meeting, 6:00 p.m.
Nov. 11	Veteran's Day Holiday – City Offices Closed, Altered Trash Schedule <i>Monday route on Tuesday / Tuesday route on Wednesday, Thursday and Friday route – no change</i>
Nov. 19	Regular City Council Meeting, 6:00 p.m.
Nov. 23	HAPPY BIRTHDAY JEFFREY SUTTON
Nov. 28	Thanksgiving Holiday, City Offices Closed, Altered Trash Schedule – <i>Thursday and Friday route picked up on Wednesday</i>
Nov. 29	Day After Thanksgiving, City Offices Closed, Altered Trash Schedule – <i>Thursday and Friday route picked up on Wednesday</i>
Dec. 3	Regular City Council Meeting, 6:00 p.m.
Dec. 17	Regular City Council Meeting, 6:00 p.m.
Dec. 25	Christmas Holiday, City Offices Closed, Altered Trash Schedule – see below
Dec. 26	Floating December Holiday, City Offices Closed, Altered Trash Schedule – <i>Thursday and Friday route picked up on Friday</i>
Jan. 1, 2025	New Year's Day, City Offices Closed – NO altered trash schedule

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:

- Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act:
- 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: Fire Station

11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

Discussion, consideration or possible action as a result of Executive Session, if any

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 tkeys@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. 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 regarding Real Property), 551.073 (Deliberations regarding prospective Gifts or Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices), 551.086 (Deliberate, vote or take final action on competitive matters of the public power utility), and 551.087 (Deliberation regarding 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 551.104(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, September 17, 2024 at 6:00 p.m. with Mayor Anthony Groves presiding. Council Members present were Missi Elliston, Felix Gomez, Terry Phillips, Jeffrey Sutton and Gabe Moreno. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Police Chief Randy Batten, Golf Course Superintendent R.S. Bush, City Attorney Lloyd Newton, and City Secretary Tina Keys. Also in attendance were Keith Kindle, Shiela Hemphill, Charles Hodges, Charles Bush, and James Griffin.

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

Mayor Groves called the meeting to order at 6:00 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Phillips gave the invocation, and the Pledge of Allegiance was recited

3. PUBLIC COMMENTS

Shiela Hemphill said she provides property maintenance for several properties and has encounters with city employees and meter people. For a gas line that has been detected as having a leak and has been disconnected from house, the city locked the meter down and started doing pressure testing. There is a leak from the house to the alley. There was a request was for the city to bring the sniffer to isolate where the issue is. The city said they could not do that with the potential liability of turning it on. Instead of using a sniffer, which would take 10 minutes, the response was it would be a liability to the city to turn it on. Ms. Hemphill said she thinks that's lame and said she doesn't see why there is any liability to the city. She wants to find out how she would go about appealing a decision on how the city responds to that. It's a viable needed service of the city. To force everybody to replace an entire line when it could be one section to be fixed that could be identified by turning on gas and using the sniffer. Erin Corbell said we spoke to our insurance provider and TML told us not to turn the gas on. If we turned that line on it could be a liability to the city. Corbell said there was a meeting with the gas superintendent and TML. Council Member Phillips said he had the same situation and the city's position is if it's on the owners side of the meter, they don't do anything to it because they don't own the line and for liability. He has had it happen both ways. Sheila thanked Erin.

4. CONSENT AGENDA

A. Approval of Minutes for Regular Meeting on September 3, 2024.

Mayor Groves said there were typos pointed out that will be corrected. Council Member Sutton moved to approve the Consent Agenda with the necessary typographical corrections. Seconded by Council Member Moreno. All Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

5. PRESENTATIONS:

- Rural Water Assistance Fund – TWDB – Steven Miller introduced Keith Kindle with EhT who presented to Council.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS ON PUBLIC HEARING

- Public Hearing to receive comments from the public regarding a zoning change request from Multi-Family District to Single Family Residential District for property located at 1305 S. College Street, Jones Subdivision, Block 7, Lots 7 – 12.
Public hearing was opened at 6:31 p.m. Charles Hodges asked if that will affect addressing in any way with adding new housing. Erin Corbell said the appraisal district assigns those addresses but it shouldn't affect any existing addresses. Charles Hodges said he thinks the new houses will be good for the area and encouraged council to pass. Public hearing was closed at 6:32 p.m.
- Public Hearing to receive comments from the public for a zoning change from Commercial District to Single Family Residential District for 1404 S. High St., in the Jones Subdivision, Block 14, Lots 1-2.
Public hearing was opened at 6:32 p.m. There were no public comments. Public hearing was closed at 6:33 p.m.

7. INDIVIDUAL CONCERNS

A. Discussion, consideration and possible action consideration and possible action regarding the **second and final reading of Ordinance 1384** of the City of Brady, Texas to adopt the FY 2025 Budget. Mayor groves said this requires a roll call vote and a super majority of 4 people. There is one particular item dealing with the golf course and \$200,000 that is overall a \$850,000 project over a 3 year period. The vote was 3 – 2 so it passed. For the folks that voted against, you now have a chance to cause the second reading to fail which would cause a push to a discussion about changes to be made to budget and would revert back to a first reading then a second reading on the 1st of October. If you are still opposed to the \$200,000 you should vote no. Council Member Moreno asked for clarification on a super majority vote. What would cause that to be a super majority vote, and was there a veto on first vote? Council Member Elliston said no. Council Member Moreno said it shouldn't have to be a super majority vote. Council Member Elliston said even if the two council members in opposition voted not to approve the budget, staff could still operate under same budget anyway. Mayor Groves said there is a statement in the Charter that says if council has not decided on a budget, the working budget becomes the budget. Council Member Moreno said this is very alarming when you've had a majority vote twice. Council Member Moreno said we voted 3 – 2 twice and you're trying to make it go to a 4 – 1 vote. Mayor Groves said he's not trying to make it; four people have to decide. Council Member Moreno said the Charter says majority vote unless mayor vetoes then it has to be a 4 – 0 vote. Attorney Newton agreed it's a majority vote. This is not a super majority. Attorney Newton said he can still veto it; he has the authority to veto. Mayor Groves said the Charter says he can exercise the veto. Council Member Sutton apologized for not being present at the last vote and asked if the money is in the budget. Mayor Groves said it was reserve funds that can be used anywhere. Council Member Elliston clarified and said it is additional funds, not drawing down on reserve fund balance. Erin Corbell said it is excess electric funds. It's excess revenue in next year's budget. Erin Corbell said it does not lower the reserve fund balance policy. Council Member Moreno moved to approve the second reading of Ordinance 1384. The motion was seconded by Council Member Gomez. With a roll call vote of:

Terry Phillips - Aye

Missi Elliston - Aye

Jeffrey Sutton - Aye

Felix Gomez - Aye

Gabe Moreno - Aye

all Council Members voted "aye" and none "nay". Motion passed with a 5 – 0 vote.

B. Discussion, consideration and possible action consideration and possible action regarding the **second and final reading of Ordinance 1385** of the City of Brady, Texas to adopt the 2024 Property Tax Rate. Lisa McElrath presented. Council Member Sutton moved to approve the second reading of Ordinance 1385. The motion was seconded by Council Member Phillips. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

Missi Elliston - Aye

Jeffrey Sutton - Aye

Felix Gomez - Aye

Gabe Moreno – Aye

Terry Phillips - Aye

C. Discussion, consideration and possible action consideration and possible action regarding the **second and final reading of Ordinance 1386** of the City of Brady, Texas adopting the Utility Rates and Fee Schedule for City Services. Erin Corbell presented. Corbell said our twilight fee is set at \$5.00. During the summer months, folks can still play a full round of golf. Golf personnel would like the twilight fee increased during summer. Lisa McElrath said we can’t make a change on the 2nd reading of the ordinance. Council Member Elliston moved to approve the second and final reading of Ordinance 1386. The motion was seconded by Council Member Phillips. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

D. Discussion, consideration and possible action regarding the **first reading of Ordinance 1388** of the City of Brady, Texas, granting a zoning change from Multi-Family District to Single Family Residential District for property located at 1305 S. College Street in the Jones Subdivision, Block 7, Lots 7-12. Erin Corbell presented Council Member Sutton moved to approve the first reading of Ordinance 1388. The motion was seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

E. Discussion, consideration and possible action regarding the **first reading of Ordinance 1389** of the City of Brady, Texas, granting a zoning change from Commercial District to Single Family Residential District for 1404 S. High St., in the Jones Subdivision, Block 14, Lots 1-2. Erin Corbell presented Council Member Elliston moved to approve the first reading of Ordinance 1389. The motion was seconded by Council Member Phillips. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

F. Discussion, consideration and possible action to approve the lease purchase of an 816 Compactor from Warren CAT of San Angelo, TX in the amount of \$624,591.56. Steven Miller presented. Council Member Elliston moved to approve the lease purchase of an 816 compactor from Warren CAT, San Angelo, TX in the amount of \$624,591.56. Seconded by Council Member Gomez. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

G. Discussion, consideration and possible action to approve **Resolution 2024-016** authorizing the City Manager to execute a lease-purchase contract with Caterpillar Financial Services Corporation for the use of an 816

Caterpillar Compactor. Lisa McElrath presented. Council Member Sutton moved to approve Resolution 2024-016 authorizing the city manager to execute a lease purchase contract with Caterpillar Financial Services Corporation in the amount of \$624,891.56. Seconded by Council Member Moreno. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

H. Discussion, consideration and possible action regarding approval of **Resolution 2024-017** to request financial assistance from the Texas Water Development Board (TWDB) under the Rural Water Assistance fund (RWAF) for securing funding for replacement of dilapidated or undersized waterlines, irrigation lines and appurtenances; to authorize the officers, staff and consultants to file an application and other documents for financial participation in the program; and making certain findings in connection therewith. Lisa McElrath presented. Council Member Elliston moved to approve Resolution 2024-017 authorizing the city manager as a Designated Representative of the City, with the assistance of various staff and consultants to execute an application with the TWDB-RWAF Grant Program in an amount not to exceed \$5,000,000. Seconded by Council Member Moreno. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

8. STAFF REPORTS

- A. **Monthly Financial / Utility Reports**
- B. **Monthly Activity Reports:** Seniors, Golf, BPD, Fire-EMS Calls, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Municipal Court
- C. **Upcoming Special Events/Meetings:**

Oct. 1	Regular City Council Meeting, 6:00 p.m.
Oct. 1	National Night Out
Oct. 14	Columbus Day Holiday – City Offices Closed, Altered Trash Schedule
Oct. 15	Regular City Council Meeting, 6:00 p.m.
Nov. 5	Regular City Council Meeting, 6:00 p.m.
Nov. 11	Veteran’s Day Holiday – City Offices Closed, Altered Trash Schedule
Nov. 19	Regular City Council Meeting, 6:00 p.m.
Nov 23	HAPPY BIRTHDAY JEFFREY SUTTON
Nov. 28	Thanksgiving Holiday, City Offices Closed, Altered Trash Schedule
Nov. 29	After Thanksgiving Holiday, City Offices Closed, Altered Trash Schedule

9. ANNOUNCEMENTS

Erin Corbell said she would like to hold a work session to discuss the fire station now that we have additional cash funding and also the golf course well and asked if there is a date next week. Council Member Elliston said she can do any day after 5:00. Erin Corbell asked council if Tuesday, September 24th at 5:00 worked. All were ok.

Corbell said also, our regular council meeting on 10/1 coincides with National Night Out. We could move meeting time to 5:00 and keep agenda short. Council Member Elliston said she liked keeping meeting brief and start early.

Council Member Elliston said we also have a meeting on the 19th. Erin Corbell confirmed at 5:30.

Mayor Groves said there is also a meeting midday tomorrow at the coffee shop and at 6:00 p.m. with people doing comprehensive plan. Erin Corbel advised council not to go at the same time since notice of possible quorum was not posted. Erin said the come and go is 12:00 noon to 2:00 at coffee shop and an open house from 6-8pm in the ballroom.

Council Member Moreno said he wanted to know if we heard anything about tournament this weekend. R.S. Bush said it was a success. Gabe asked how many out of towners. Answer was 82.

Council Member Gomez thanked Chief Batten and Chief Perrin and first responders for their participation in the 9-1-1 memorial.

10. EXECUTIVE SESSION

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

- Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act:

There was no executive session.

11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

12. ADJOURNMENT

There being no further business, Mayor Groves adjourned the meeting at 7:14 p.m.

Anthony Groves, Mayor

Attest: _____

Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Special Meeting on Thursday, September 19, 2024 at 5:30 p.m. with Mayor Anthony Groves presiding. Council Members present were Missi Elliston, Terry Phillips, and Gabe Moreno. City staff present were City Manager Erin Corbell, Police Sergeant Trevor Sutton, Golf Superintendent R.S. Bush, and City Secretary Tina Keys. Also in attendance were Mattie Capshaw & Cathy, Lisa Miller, Jim Lero, Charles Bush, James Griffin, Lynn Farris

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

Mayor Groves called the meeting to order at 5:30 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Phillips gave the invocation, and the Pledge of Allegiance was recited

3. PUBLIC COMMENTS

There were no public comments.

4. INDIVIDUAL CONCERN

A. Informational discussion with Verdunty to orient Council on the Comprehensive Plan and Parks Master Plan projects and hear their role as the advisory committee, make introductions, answer questions and review the expectations and schedule of in-person and virtual workshops. Erin Corbell introduced _____ who presented to council. Maddie talked about her team and what they do. Missi Elliston said she thinks there are so many top items but citizen involvement, community functions are her top priorities. Gabe said he would like to see having a financial comprehensive plan to do these projects. Terry Phillips said his top items are getting city cleaned up, economic development, make city more appealing for people to relocate here. Tony said he hopes to get a plan that gives them the basis to follow and track and get the things done that they need to do to help brady prosper.

EC said leadership team met yesterday with them and they met with different department heads. Maddie said they had very good feedback.

5. ADJOURNMENT

There being no further business, Mayor Groves adjourned the meeting at 6:08 p.m.

Anthony Groves, Mayor

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, September 24, 2024 at 5:00 p.m. with Mayor Anthony Groves presiding. Council Members present were Missi Elliston, Terry Phillips, Felix Gomez and Gabe Moreno. City staff present were City Manager Erin Corbell, Asst Fire Chief Jeremy Ramon, Fire Chief Lloyd Perrin, Fire Administrator Ron Larson, Police Chief Randy Batten, Fire Chief Lloyd Perrin, Firefighters Christian Bohannon and David Pegues, Golf Course Superintendent R. S. Bush, and City Secretary Tina Keys. Also in attendance were Eddie Sayles, Fran and Earl Leonard, Charles Bush, and James Griffin.

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

Mayor Groves called the meeting to order at 5:00 p.m. Council quorum was certified. Council Member Moreno arrived just after the quorum was certified.

2. PUBLIC COMMENTS

There were no public comments.

3. INDIVIDUAL CONCERNS

A. Discussion regarding fire station

Erin Corbell said she handed out documents which were the results of the feasibility study by EICON and a history of payments spent for engineering fees dating back to 2016. From October 2021 to current for the remodel of police and fire station figures are there as well as fund balance information. In the fall of 2021 council gave direction to pursue remodel of the old cafeteria for PD and remodel of PD and addition of fire bays on this property. There were then further discussions later about where to locate fire station. The bid for the cafeteria remodel came in under budget but we did not award that. There was a feasibility study for a different location for the fire station. Since then, we sold land that gives us \$4,229,000 that will be in construction fund. What is on the table is what is the best location, this location or the Fair Street location or another location. Council Member Moreno asked Fire/EMS personnel for their opinion and said he has heard several different ideas. Jeremy Ramon said he likes the Back on your Feet location and said he doesn't see the distance making a big difference in response time. If we went with this location, the dips in the roads will be a challenge. Ramon said if the town is going to grow, he sees it growing north. Council Member Elliston asked if taking out the dips was covered in our cost estimates. Erin said no; there was some leveling. It would be quite expensive. Council Member Elliston said she doesn't like having to spend money to acquire a building when we could get our own buildings up to par for our fire and PD as well. It's a lot of money to acquire another building. Fran Leonard asked if it would cost more to redo roadways. Council Member Elliston said we don't have any numbers but asked if it would cost as much to do that as it is going to cost to purchase a whole new facility. Council Member Moreno said people have mentioned different locations. Erin Corbell said the old hospital lot was brought up but that lot was sold and has been rezoned. Council Member Moreno said there is a lot by the old sheriff's office. Council Member Elliston said she thinks there are dips there as well. Erin Corbell said that lot isn't large enough. Corbell said based on feasibility, there is an alternate plan that has bunkrooms instead of individual rooms and that's \$100,000 that can be shaved off and removing some pavement was another \$300,000 savings bringing build cost under \$3,000,000. Council Member Gomez said he feels it's alarming that we've spent so much already and have nothing. Eddie Sayles said they've looked at several different options. He is 100% for the old hospital location over the north side location. A cardiac arrest at Walmart won't have a good outcome if you're across town. We need to be centrally located. We're going

to grow because we have water. These guys need individual bedrooms and bathrooms. We need to build it where it will last 60 years. He thinks the best geographic location is the old hospital. Eddie said he thinks the growth will be to the south. Council Member Moreno said he's excited that we have the funds to start the process; now we can do something. Everybody will not be happy but the more info we have the better decisions we can make. James Griffin said he has talked to several of the fire guys and their preference is Back on your Feet. Council Member Moreno said if we can utilize our own properties that will save us a lot of money. James Stewart said he has engineered blueprints from another county that was \$5 million. It could be modified. He wants to get something done. Council Member Elliston said the current PD is a disaster, so that's why she's adamant about doing that too. Chief Perrin said we have 1100 square miles that we cover. Time is always critical. Perrin said he hates to keep sinking money into engineering. His choice would have been the hospital location. He understands residents don't want to hear sirens. Perrin said he doesn't think the time to the north location would be an issue. He wants to make a commitment and move forward. His opinion is that Back on your Feet is a great location. Mayor Groves suggested people send us their suggestions in writing. Eddie Sayles said that old hospital lot is basically 2 city blocks. You could build a police station on the opposite side of the engine bays. It's big enough to do both. Council Member Elliston said she is tired of seeing buildings unutilized.

B. Discussion regarding golf course well.

Erin Corbell said we talked about applying for a TWDB grant. We had asked to allocate funds for the golf course well. We allocated \$180,000. The two bids came in higher. We talked to BGA about swapping land so the well could go on BGA land. We discovered that the irrigation line from well 4 would fall into funding from the TWDB. The city's portion of that line is a fraction of the cost to drill a well. Staff's recommendation would be to abandon the well idea at this time. For the irrigation line, the estimated cost is \$1,000,000 but the city's portion of that line would be \$100,000. The \$180,000 for the well would come out of the general fund. This way the money would come out of the water fund. It would have the same net result. We wouldn't be paying ourselves for water. We wouldn't worry about having to deal with the land swap or anything else. It's a really good option. Eddie Sayles said this has been discussed for many years. He thought we were on our way to get a well drilled. How strong is that well you're talking about. Erin Corbell said it would serve the golf course with raw water, not treated. It would go only to the golf course. Eddie said there are parks in the area as well and asked if it could be used later for that. Corbell said that option could be explored.

C. Discussion regarding golf course house.

Erin Corbell said a golf course employee has requested to rent the house at the golf course. She's not sure we want to get back in the landlord business. Our auditor said it needs to be fair market value, and an independent appraisal may need to be done. The rental would have to comply with state ethics laws. There might be a better use for the house. Council Member Elliston said she doesn't think we need to be in the rental business. That house needs a lot of work. Erin Corbell said it could be a golfer's lounge. It would give a kitchen resource for golf tournaments. Charlie Bush asked who would be responsible for opening and locking it up. Corbell said you make rules on when it's available and existing staff would be responsible for locking up, like the pro shop at night. Council Member Moreno said the BGA wanted to get something to go socialize, get together, BBQ, right now we have the facilities outside. He thinks a great idea to have a lounge, but there could be additional expenses. Council Member Moreno said he doesn't think anybody should live on that property. Rusty Bush said the other argument is somebody is out there all the time. Mayor Groves said if you have a strong feeling, write it down. You could open up a lot of that and have some men's and ladies' rooms, a big tv room and another room or two with a little bit of imagination. His opinion is to make it a lounge kind of thing.

5. ADJOURNMENT

There being no further business, Mayor Groves adjourned the meeting at 6:07 p.m.

Anthony Groves, Mayor

Attest: _____

Tina Keys, City Secretary



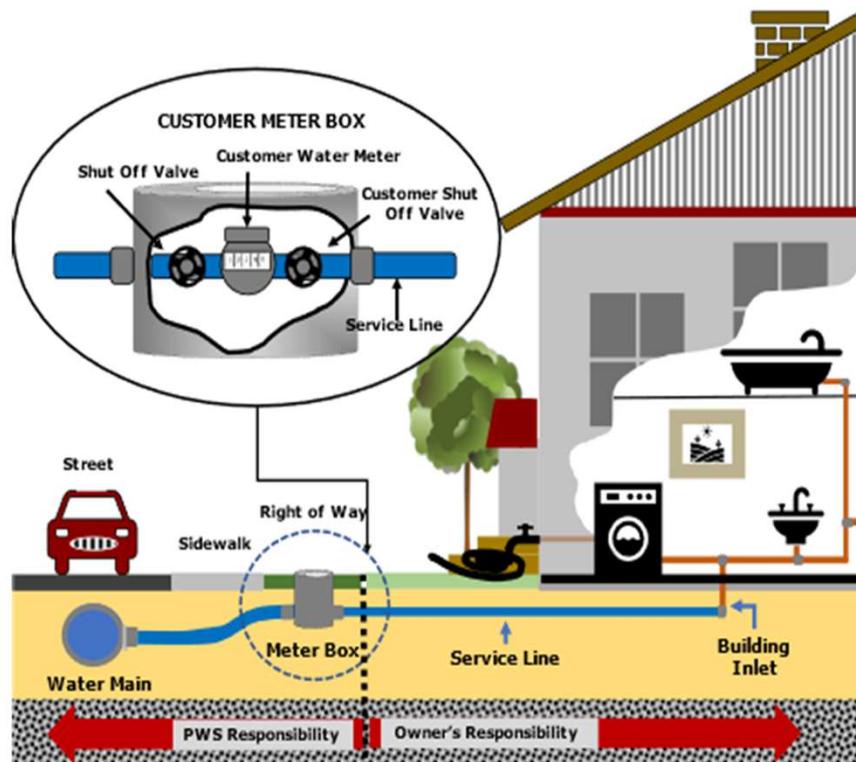
Service Line Inventory Form for Public Water Systems

Lead and Copper Rule Revisions (LCRR)

This template is required for community ... public water systems to comply with the service line inventory requirements of the January 15, 2021, (LCRR).



Service Line Inventory Form for Public Water Systems





Service Line Inventory Form for Public Water Systems

Inventory Worksheet:

TEN (10) PRIMARY DATA COLUMNS

ONE (1) DATA COLUMN DETERMINES REPLACEMENT



Service Line Inventory Form for Public Water Systems

ONE (1) DATA COLUMN DETERMINES REPLACEMENT

System-Owned Portion Service Line Material Classification ^x	If Non-Lead in Column J, Was Material Ever Previously Lead? [‡]
<i>Dropdown list includes recommended subclassifications. If "Non-Lead Other", describe in Notes field</i>	<i>Select Yes, No, or Don't know. Important for determining if downstream/ customer- owned galvanized service line requires replacement</i>



Service Line Inventory Form for Public Water Systems

Select Yes,

No,

or Don't know.

*Important for determining if downstream/ customer-owned
galvanized service line requires replacement*



Service Line Inventory Form for Public Water Systems

Select Yes, ***REPLACEMENT***

No, or ***NO REPLACEMENT***

Don't know ***REPLACEMENT***

*Important for determining if downstream/ customer-owned
galvanized service line requires replacement*



Service Line Inventory Form for Public Water Systems

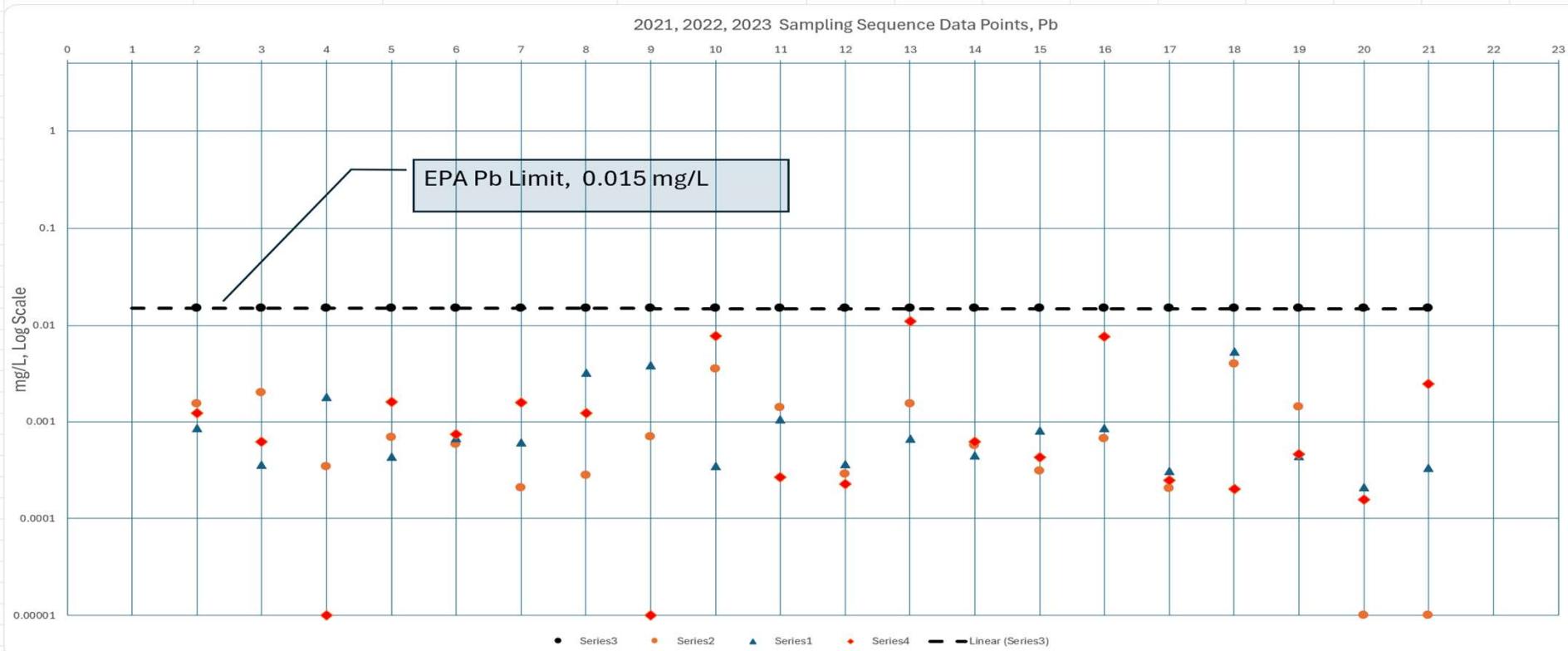
CITY OF BRADY IS REQUIRED TO COLLECT ANNUAL LEAD AND COPPER SAMPLES

WATER SAMPLES ARE TESTED BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

CITY STAFF REVIEWED DATA SETS FROM PAST THREE (3) YEARS



Service Line Inventory Form for Public Water Systems





Service Line Inventory Form for Public Water Systems

City Staff Selection in Inventory Form
is a “No” response

No Galvanized Replacement Project



Proclamation



BRADY TEXAS TEACHERS' DAY RESOLUTION

WHEREAS, Brady's future strength depends on providing a high-quality education to all students; and

WHEREAS, teacher quality matters more to student achievement than any other school-related factor; and

WHEREAS, teachers spend countless hours preparing lesson plans and supporting students; and

WHEREAS, our Brady teachers deserve our continued support, respect and admiration; and

WHEREAS, we proudly lead in demonstrating to our community to recognize and support our teachers in educating the children of this community; and

WHEREAS, #TeachersCan is a statewide movement supported by more than 150 partnering businesses and organizations committed to elevating the teaching profession and honoring the critical role teachers play in the success of Texas; and

NOW, THEREFORE, BE IT RESOLVED that the City of Brady City Council joins #TeachersCan and its partnering entities across Texas in celebrating the inaugural Texas Teachers' Day and proclaims October 5, 2024 to be Brady Teachers' Day; and

BE IT FURTHER RESOLVED that the City of Brady City Council encourages members of our community to personally express appreciation to our teachers and display a light blue ribbon outside your homes or businesses the week of October 5 as a symbol of support for our educators.

Adopted this _____ day of _____, 2024

Anthony Groves, Mayor

**City Council
City of Brady, Texas**

Agenda Action Form for Ordinance

AGENDA DATE:	10/01/2024	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding the second and final reading of Ordinance 1388 of the City of Brady, Texas granting a zoning change from Multi-Family District to Single Family Residential District for property located at 1305 S. College Street, Jones Subdivision, Block 7, Lots 7 – 12		
PREPARED BY:	T. Keys	Date Submitted:	09/18/2024
EXHIBITS:	Ordinance 1388		
BUDGETARY IMPACT:	Required Expenditure:	0.00	
	Amount Budgeted:	0.00	
	Appropriation Required:	0.00	
CITY MANAGER APPROVAL:			
<p>SUMMARY: Brady Creek Yacht Club contacted the Code Office requesting a zoning change request to Single Family Residential District for property located at 1305 S. College Street. This property is currently zoned as Multi-Family District.</p> <p>The property to the West, South, North and East is Single Family Residential.</p> <p>The zoning application was filed on August 7, 2024.</p> <p>The City published the proper notice for property located at 1305 S. College Street in the Jones Subdivision, Block 7, Lots 7 - 12, Brady Texas, for the purpose to rezone and gave proper notice to all property owners within 200 feet.</p>			

RECOMMENDED ACTION:
Mayor will ask: “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” “Secretary reads preamble”
Mayor calls for a motion: Move to approve the second and final reading of Ordinance 1388.

ORDINANCE NO. 1388

AN ORDINANCE OF THE CITY OF BRADY, TEXAS, GRANTING A ZONING CHANGE FROM MULTI-FAMILY DISTRICT TO SINGLE FAMILY RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 1305 S. COLLEGE STREET IN THE JONES SUBDIVISION BLOCK 7, LOTS 7 - 12.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers the City of Brady, Texas to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, Chapter 14 of the Brady Code of Ordinances constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, Zach Jones has requested a zoning change to Single Family Residential District, and

WHEREAS, the Planning and Zoning Commission of the City provided adequate notice and held a public hearing on September 10, 2024 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission of the City recommended approving the zoning change of the designated property and confirmed that the zoning change is uniform and does conform to the plan design of the City's Zoning regulations; and

WHEREAS, the City Council believes the zoning change will not adversely affect the character of the area of the neighborhood in which it is proposed; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City;

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

A Zoning Change from Multi-Family District to Single Family Residential District is granted for property located at 1305 S. College Street in the Jones Subdivision, Block No. 7, Lots 7 - 12.

PASSED AND APPROVED on its First Reading on this _____ day of _____ 2024.

PASSED AND APPROVED on its Second reading this _____ day of _____ 2024.

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

**City Council
City of Brady, Texas**

Agenda Action Form for Ordinance

AGENDA DATE:	10/01/2024	AGENDA ITEM	7.B.
AGENDA SUBJECT: Discussion, consideration, and possible action regarding the second and final reading of Ordinance 1389 of the City of Brady, Texas granting a zoning change from Commercial District to Single Family Residential District for property located at 1404 S. High Street in the Jones Subdivision, Block 14, Lots 1 – 2.			
PREPARED BY:	T. Keys	Date Submitted:	09/18/2024
EXHIBITS: Ordinance 1389 Zoning Application			
BUDGETARY IMPACT:		Required Expenditure:	0.00
		Amount Budgeted:	0.00
		Appropriation Required:	0.00
CITY MANAGER APPROVAL:			
SUMMARY: Brady Creek Yacht Club contacted the Code Office requesting a zoning change request to Single Family Residential District for property located at 1404 S. High Street. This property is currently zoned as Commercial District. The property to the West, South, East and North is Single Family Residential. The zoning application was filed on August 7, 2024. The City published the proper notice for property located at 1404 S. High Street in the Jones Subdivision, Block 14, Lots 1 - 2, Brady Texas, for the purpose to rezone and gave proper notice to all property owners within 200 feet.			

RECOMMENDED ACTION:
Mayor will ask: “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” “Secretary reads preamble”
Mayor calls for a motion: Move to approve the second and final reading of Ordinance 1389.

ORDINANCE NO. 1389

AN ORDINANCE OF THE CITY OF BRADY, TEXAS, GRANTING A ZONING CHANGE FROM COMMERCIAL DISTRICT TO SINGLE FAMILY RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 1404 S. HIGH STREET IN THE JONES SUBDIVISION BLOCK 14, LOTS 1 - 2.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers the City of Brady, Texas to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, Chapter 14 of the Brady Code of Ordinances constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, Zach Jones has requested a zoning change to Single Family Residential District, and

WHEREAS, the Planning and Zoning Commission of the City provided adequate notice and held a public hearing on September 10, 2024 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission of the City recommended approving the zoning change of the designated property and confirmed that the zoning change is uniform and does conform to the plan design of the City's Zoning regulations; and

WHEREAS, the City Council believes the zoning change will not adversely affect the character of the area of the neighborhood in which it is proposed; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City;

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

A Zoning Change from Commercial District to Single Family Residential District is granted for property located at 1404 S. High Street in the Jones Subdivision, Block No. 14, Lots 1 - 2.

PASSED AND APPROVED on its First Reading on this _____ day of _____ 2024.

PASSED AND APPROVED on its Second reading this _____ day of _____ 2024.

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	10/01/2024	AGENDA ITEM	7.C
AGENDA SUBJECT:	Discussion, consideration and possible action regarding Resolution 2024-018 authorizing the mayor to approve submission and acceptance of a grant through the Texas Department of Transportation for Routine Airport Maintenance (RAMP Grant) at Curtis Field Airport for Fiscal Year 2025, in an amount not to exceed \$100,000 and authorizing compliance with the grant terms; and providing an effective date		
PREPARED BY:	S. Griffin / L. McElrath	Date Submitted:	09/25/2024
EXHIBITS:	Resolution 2024-018 Texas Department of Transportation Grant documentation		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
SUMMARY: RAMP (Routine Airport Maintenance Program) Grant is a funding opportunity that has been made available to and accepted by the City for Airport maintenance for many past years. Previously planned for and approved during the FY 25 budgeting process was for a 50/50 grant up to \$50,000 eligible reimbursement for \$100,000 in qualifying expenditures. Recently TXDOT updated the RAMP grant program effective FY25, by decreasing the sponsor's match making this year's plan a 90/10 grant where \$100,000.00 is eligible for reimbursement for \$111,111.11 in qualifying expenditures. As stated in the FY 25 budget workshop, RAMP grant funding will be used for qualifying expenditures and new/upgrades to the 100 LL Fuel Farm. We are asking for Council to approve the full allocation.			
RECOMMENDED ACTION: Move to approve Resolution 2024-018.			

RESOLUTION 2024-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AUTHORIZING THE MAYOR TO APPROVE SUBMISSION AND ACCEPTANCE OF A GRANT THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR ROUTINE AIRPORT MAINTENANCE (RAMP GRANT) AT CURTIS FIELD AIRPORT FOR THE FISCAL YEAR 2025, IN AN AMOUNT NOT TO EXCEED \$100,000 AND AUTHORIZING COMPLIANCE WITH THE GRANT TERMS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brady finds it is in the best interest of the City of Brady, Texas, that Curtis Field Airport be operated and maintained for the Fiscal Year 2025; and

WHEREAS, the Texas Department of Transportation has offered grant money to the City contingent upon acceptance of the grant and its terms.

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

The City of Brady approves the submission and authorizes the acceptance of the Texas Department of Transportation Grant for Routine Airport Maintenance (RAMP Grant) for the Curtis Field Airport for Fiscal Year 2025 to offset the costs of airport maintenance and agrees to comply with all grant covenants. The grant will be for ninety percent (90%) of the eligible costs, not to exceed \$100,000.

This resolution shall become effective immediately upon adoption.

PASSED AND APPROVED this the 1st day of October, 2024.

CITY OF BRADY:

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM**

(State Assisted Airport Routine Maintenance)

TxDOT Project ID: M2523BRAD

Part I - Identification of the Project

TO: The City of Brady, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Brady, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for airport maintenance at the BRADY - CURTIS FIELD Airport.

Part II - Offer of Financial Assistance

1. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for ninety percent (90%) of the eligible project costs for this project or \$100,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2025, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.
5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 90% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Additional Requirements for Certain Equipment

1. Certain purchase, installation, and subscription costs for eligible air traffic and operations monitoring equipment (“Equipment”) are reimbursable as provided in this Part. If Grantee is seeking reimbursement for eligible Equipment costs, it must be shown in Attachment A.
2. For eligible Equipment, the State will reimburse 90% of the initial cost to purchase and install, not to exceed \$3,000.00, and 90% of the annual subscription fee for subsequent years, not to exceed \$3,000.00 per year.
3. Notwithstanding Section 2, for the one year prior to a master plan or airport layout plan update, TxDOT will reimburse up to 90% of the eligible costs, not to exceed \$5,400.00.
4. **Eligibility Requirements**
 - A. The Equipment must include the following items, at a minimum:
 1. Triangulation
 2. Noise abatement
 3. Aircraft tracking data for 30 days
 4. Identification of pavement utilization by airplane design group for the entire airport
 5. Equal effectiveness at both towered and non-towered airports
 6. Tracking of military and government aircraft, including FAA blocked aircraft
 - B. In order for costs to be eligible for RAMP reimbursement:
 1. The Sponsor must maintain and operate the Equipment for 3 years.
 2. On at least a quarterly basis, the Sponsor must provide to the State all data produced and collected by the Equipment.
 3. To be eligible for reimbursement of the annual subscription fee after the first year, the Sponsor must participate in the Routine Airport Maintenance Program, have an executed Grant Agreement for that year, and comply with all grant requirements.

- C. The State may conduct on-site or off-site monitoring reviews of the Equipment during the initial required 3-year term, and during any years Sponsor seeks reimbursement of subscription costs. The Sponsor shall fully cooperate with the State and provide any required documentation. The Sponsor shall grant full access to the Equipment to the State or its authorized designee for the purpose of determining compliance, including, but not limited to:
 - 1. Whether the Equipment, and its operation and maintenance, are consistent with the requirements set forth in the Grant Agreement and this First Amendment;
 - 2. Whether the Sponsor is making timely progress with installation of the Equipment, and whether its management, financial management and control systems, procurement systems and methods, and overall performance are in conformance with the requirements set forth in the Grant Agreement and this First Amendment, and are fully and accurately reflected in reports submitted to the State.
- D. Failure to maintain compliance with these requirements may result in the Sponsor having to repay grant funds to the State.

Part IV - Sponsor Responsibilities

- 1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and

- e. through the fence access shall be reviewed and approved by the State; and
- f. it shall not permit non-aeronautical use of airport facilities, unless noted on an approved Airport Layout Plan, without prior approval of the State/FAA. This includes but is not limited to: the process of land disposal, any changes to the aeronautical or non-aeronautical land uses of the airport, land's deeded use from non-aeronautical to aeronautical, requests of concurrent use of land, interim use of land, approval of a release from obligations from the State/FAA, any of which will require 18 months, or longer; and
- g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
- h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
- i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or a properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or another revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent grant or loan, Sponsor has complied with the requirements of this subparagraph; and
- j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and
- k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.

1. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.
2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.
3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

PART V - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.

2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;
 - d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
 - e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - f. reimburse sponsor for approved contract maintenance costs no more than once a month.

PART VI - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.
2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.
3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.

- a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.
- b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.

4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.

5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.

6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VII - Acceptances

Sponsor

The City of Brady, Texas, does ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

Executed this _____ day of _____, 20____.

The City of Brady, Texas

Sponsor

Sponsor Signature

Sponsor Title

Acceptance of the State

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS
TEXAS DEPARTMENT OF TRANSPORTATION

By: _____

Date: _____

Attachment A

Scope of Services
TxDOT Project ID: M2523BRAD

Eligible Scope Item:	Estimated Costs Amount A	State Share Amount B	Sponsor Share Amount C
GENERAL MAINTENANCE	\$111,111.11	\$100,000.00	\$11,111.11
TOTAL	\$111,111.11	\$100,000.00	\$11,111.11

Accepted by: The City of Brady, Texas

Signature

Title: _____

Date: _____

GENERAL MAINTENANCE: As needed, Sponsor may contract for services/purchase materials for routine maintenance/improvement of airport pavements, signage, drainage, AWOS systems, approach aids, lighting systems, utility infrastructure, fencing, herbicide/application, sponsor owned and operated fuel systems, hangars, terminal buildings and security systems; professional services for environmental compliance, approved project design, Special projects to be determined and added by amendment.

Airport Operations Counting Systems: The purchase and installation of specified air traffic and operations monitoring equipment ("Equipment") is eligible for reimbursement as provided in Part III

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT Project ID: M2523BRAD

The City of Brady does certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

The City of Brady, Texas

(Sponsor)

By: _____

Title: _____

Date: _____

Certification of State Single Audit Requirements

I, _____ do certify that the City of Brady will comply with all requirements of the State (Designated Representative) of Texas Single Audit Act if the City of Brady spends or receives more than the threshold amount in any grant funding sources during the most recently audited fiscal year. And in following those requirements, the City of Brady will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold in grant receivables or expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Signature

Title

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT Project ID:

M2523BRAD

The City of Brady ,
designates,

(Name, Title)

as the Sponsor's authorized representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

The City of Brady, Texas
(Sponsor)

By: _____

Title: _____

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: _____

Overnight Mailing Address: _____

Telephone/Fax Number: _____

Email address: _____