



**CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
JUNE 3, 2014 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 June 3, 2014, at the Ed Davenport Civic Center located at 200 Country Club Road, 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

Latricia Doyal
Mayor Pro Tem
Councilmember Place 4

Kathy Gloria
Councilmember Place 1

Linda Lott
Councilmember Place 2

Marilyn Gendusa
Councilmember Place 3

Jack Turk
Councilmember Place 5

Kim Lenoir
City Manager

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. APPROVAL OF AUDIT BOARD

4. APPROVAL OF MINUTES 5/20/14

5. PUBLIC COMMENTS

Public comments are reserved for items NOT listed on the agenda.

Please address public comments regarding items ON the agenda under "Individual Concerns" during public comments and discussion of those items.

6. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding second reading of Ordinance No. 1153 of the City of Brady, Texas amending FY2013-2014 Budget
- B. Discussion, consideration, and possible action regarding first reading of Ordinance No. 1154 of the City of Brady, Texas allowing for permitting Mobile Food Vendors, establishing rules, and penalties
- C. Discussion and consideration of appointments and/or reappointments of expiring/and or vacant positions for Planning and Zoning Commission – Place 2, 3, Alternate; Brady Economic Development Corporation – Place 2 and 4 and two Alternate Members to the Zoning Board of Adjustments
- D. Discussion, consideration, and possible action regarding Charter Commission recommendation for renumbering City Charter for clarification and improved readability.
- E. Discussion, consideration, and possible action regarding location for E & B Fun Time Rides to provide a Carnival on July 3 - 6, 2014

- F. Discussion, consideration, and possible action regarding 60 day notice of cancellation and requested amendment to 2007 Ordinance 1011 establishing Interlocal Cooperation Agreement for the provisions of emergency medical services between City of Brady and the "Heart of Texas Memorial Hospital District", assigned July 6, 2009 to "Service Organization of Concho Valley" and assigned August 2, 2013 to "Service Organization of the Big Country", and amendment request to providing a 30 day cancellation notice.
- G. Discussion, consideration, and possible action regarding first reading of Ordinance No. 1155 of the City of Brady, Texas adding Emergency Medical Services and Ambulance Regulations for City of Brady/McCulloch County 911 Service, dba Brady Fire/EMS.

7. STAFF REPORTS

- A. Introduce Director of Community Services, Peter Lamont
- B. Special Events – June 6 Bark of the Town Doggie Parade Dog ; June 7 Salute Run Walk 5K; June 21 Smoke on the Hill at Richards Park and Juneteenth Celebration at Willie Washington Park
- C. Budget Work Sessions – every Tuesday in July

8. 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.

9. EXECUTIVE SESSION

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).

- A. 551.074 (Personnel Matters) performance reviews of City Secretary, Municipal Judge, City Attorney
- B. 551.072 (Deliberations about Real Property)

10. 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 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.


Christy Badilla, City Secretary

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

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6/03/2013	AGENDA ITEM	4
AGENDA SUBJECT:	Approval of Minutes for 5/20/2014		
PREPARED BY:	Badilla	date	05/30/2014
EXHIBITS:	5/20/2014 Minutes		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:**RECOMMENDED ACTION:**

Move to approve the minutes of 5/20/2014

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, May 20th, 2014 at 6:00pm at the Ed Davenport Civic Center, 200 Country Club Rd, Brady, Texas with Mayor Anthony Groves presiding. Council members present were Mary Bradshaw, Marilyn Gendusa, Latricia Doyal, and Jack Turk. City staff present were City Manager Kim Lenoir, Code Enforcement Officer Carey McBride, City Secretary Christy Badilla, Asst. City Secretary Tina Keys, Finance Officer Lisa Remini, Public Works Director Steven Miller, and Andrew Williams. Others in attendance were Joseph A. Bucholz, Kathy Gloria, Dub Smith, Sue Steelhammer, Bill Neslage, Lynn Farris, Jon Chase, Neal Ulmer, Dixie Salas, Sara Salas, Stephanie Bradshaw, Steven Miller, Charlie Bradshaw, Hank Lee, Lyle Daniel, and Eric Bierman.

REGULAR SESSION 6:00pm

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

Mayor Groves called the meeting to order at 6:03pm. Roll was then called for Council and a quorum was certified.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AUDIT BOARD

Council Member Doyal made a motion to approve. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "no". Motion carried.

4. APPROVAL OF MINUTES for 4/08/14 and 4/15/14

Council Member Gendusa made a motion to approve the minutes of the 05/06/14 Council meetings. Seconded by Council Member Bradshaw. All Council Members voted "aye" and none "no". Motion carried.

5. PUBLIC COMMENTS

Bill Neslage: Thanked Mrs. Bradshaw for years of service. Welcomed Kathy Gloria. PAWS update- doing well.
Sue Steelhammer: PAWS sponsoring bark of the town doggie parade and costume contest. June 6th. Starting at 5 pm at the Vintage Table cloth. Thank you Mary Bradshaw for supporting the animal shelter.

6. INDIVIDUAL CONSIDERATION

- A. Discussion, consideration and possible action regarding approval of Resolution No. 2014-012 to Canvass the May 2014 Mayor and Council Place 1 Election: Council Member Doyal made a motion to approve resolution 2014-012. Seconded by Council Member Bradshaw. All Council Members voted "aye" and none "no". Motion carried.
- B. Administer Oath of Office and Swearing In of newly elected officers Anthony Groves, Mayor and Kathy Gloria, Council Member Place 1: City Secretary Christy Badilla administered the Oath of Office to both Mayor Groves and incoming Council Member Kathy Gloria.
- C. Proclamation recognizing outgoing term-limited Council Member Mary Bradshaw: Mayor Groves read the proclamation aloud.
- D. Recess for City Council Reception (approximately 30 minutes)
In honor of outgoing Council Member Mary Bradshaw, Council recessed for a brief reception.
- E. Election of Mayor Pro Tem position: Upon Councils return from recess, each member voted one at a time during open session in order of drawn numbers and unanimously reelected Council Member

Doyal as Mayor Pro-tem.

- F. Discussion, consideration and possible action regarding second reading of Ordinance No. 1152 of the City of Brady, Texas amending Chapter 1, Article 1.900/Ordinance No. 1083 "swimming pool regulations" of the code of ordinances of the City of Brady; directing publication in the code, and providing for severability and effective date (revising Aquatic Center Fee Schedule and Rules) City Manager Kim Lenoir presented to Council. After presentation Council Member Kathy Gloria made a motion to approve. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "no". Motion carried.
- G. Discussion, consideration and possible action regarding first reading of Ordinance No. 1153 of the City of Brady, Texas amending FY2013-2014 Budget: City Manager Kim Lenoir presented to Council explaining the requested budget increases. Council had specific questions regarding certification pay. After some discussion Council Member Gendusa made a motion to accept the proposed budget amendment, with the exception of the certification pay program. Seconded by Council Member Doyal. All Council Members voted "aye" and none "no". Motion carried
- H. Discussion, consideration, and possible action regarding development of an ordinance allowing Mobile Food Vendors to operate in the City of Brady: Council Member Gloria made a motion to approve directing staff to develop an ordinance allowing Mobile Food Vendors to operate in the City of Brady. Council Member Gendusa seconded. All Council Members voted "aye" and none "no". Motion carried.
- I. Appointment of Alternate Members to the Zoning Board of Adjustments: No nominations were made.

7. STAFF REPORTS

- A. Monthly Financial Reports for April, Lisa Remini reported to council.
- B. Monthly Senior Center Activity Report; Police Department Report
- C. Aquatic Center/Swimming Pool Opens Early for Memorial Day Weekend – May 25, 25, 26; 1PM – 6PM only
- D. Regular Aquatic Center Hours for Summer begin May 31 – Public Swim 1PM – 6PM; Adults Only 6-7PM; Aqua Zumba T, W, Th 6-7PM
- E. 4H Rodeo at GRW rescheduled for August 22 and 23, 2014
- F. Salute, Run Walk 5K benefitting the VFW – June 7

8. ANNOUNCEMENTS

Council Member Doyal announced an acknowledgement that the City received regarding a memorial made in the name of former Building Inspector and Code enforcement Official, Ronnie Hall who had passed away recently.

Council Member Gendusa announced that the annual Armed Forces Day Fly-in this year was a success. Gendusa also mentioned that 8 rides were given to the world war 2 veterans during the event. .

Mayor Anthony Groves made an announcement encouraging pet owners to clean up after animals while dogs are being walked.

9. ADJOURNMENT

There being no further business the meeting adjourned at 8:20pm.



Mayor Anthony Groves

Attest: _____
Christy Badilla, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6/3/2014	AGENDA ITEM	6. A.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding first reading of Ordinance #1153 of the City of Brady, Texas amending FY2013-2014 Budget.		
PREPARED BY:	Lisa Remini 	Date Submitted:	5/21/2014
EXHIBITS:	Ordinance #1153 Budget Summary with Certification Pay Schedule Narrative to explain amendments to Budget Brady EDC Budget recommendations		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$20,263,965.00	
	Appropriation Required:	\$384,573.00	
CITY MANAGER APPROVAL:			

SUMMARY:

The Finance Officer and City Manager met and discussed with each Department Head the progress of the budget to actual performance through the first 6 months of the fiscal year and determined amendment recommendations to provide for the remaining fiscal year goals. Overall, net amendment requests totaled \$384,573 resulting in a 1.93% increase in the total dollars required to meet the expenditures expected to occur in FY 2013-2014.

The request to increase the budget at this time is largely due to the recognition of \$300,000 in additional whole sale natural gas purchases and consequent sales due to the extended cold weather this year. The remaining cost to complete the meter change out program is included with the amendment requests. Other significant items include strong sales tax collections which are expected to produce \$100,000 more in revenues this fiscal year, the sale of scrap which is expected to produce an additional \$60,000 in revenue, and due primarily to unfilled positions, total personnel costs were reduced by \$155,687.

Staff requests funds available due to overall projected cost reductions be reallocated to the following:

- \$35,000 to purchase a new vehicle for staff travel needs.
- \$100,000 to pave the entire parking lot around the VFW facility and Aquatic Center / Park.
- \$6,500 to purchase a box spreader for the Street maintenance program.
- \$9,180 to provide for selected pay scale adjustments in Utility Billing and 911 Communications.
- \$25,000 to provide for emergency repairs to the WWTP blower.
- \$16,800 to implement a certification pay program. - **REMOVED** per Council motion on 5-20-2014

Brady EDC mid-year budget review:

Attached for Council review and approval are budget amendment recommendations by the Board of Directors of the Brady EDC.

RECOMMENDED ACTION:

It is recommended that Council approve ordinance #1153 amending the FY 2013-2014 Budget for the City of Brady upon second and final reading.

ORDINANCE NO. 1153

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS AMENDING THE
FISCAL YEAR 2013-2014 BUDGET**

An ordinance amending the 2013-2014 Fiscal Year Budget as follows:

Increasing total revenues and expenditures by \$384,573 for a budget of \$20,263,965 as per attached summary, made a part of this ordinance.

These amendments will allow for the completion of the fiscal year operations for the City of Brady.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF BRADY TEXAS** that the FY 2013-2014 budget be amended accordingly.

PASSED AND APPROVED THIS THE ____ DAY OF _____ 2014.

Anthony Groves, Mayor

ATTEST: _____
Christy Badilla, City Secretary

**RECOMMENDED BUDGET AMENDMENTS
for Fiscal Year 13-14
per Departments**

REVENUES					
FY 2013-2014					
	CURRENT BUDGET	AMENDED BUDGET	PROPOSED \$ CHANGE	% CHANGE	
GENERAL FUND REVENUES					
Administration	1,548,775	1,661,772	112,997	7.30%	
Airport	597,300	607,370	10,070	1.69%	
Public Property Maintenance	40,200	43,200	3,000	7.46%	
Golf Course	117,100	127,100	10,000	8.54%	
Swimming Pool	15,000	18,500	3,500	23.33%	
Fire	82,500	84,075	1,575	1.91%	
Police	11,500	14,660	3,160	27.48%	
Emergency Management	15,000	15,000	0	0.00%	
Communications	40,000	40,000	0	0.00%	
Public Services	30,000	30,000	0	0.00%	
Street	400	400	0	0.00%	
Civic Center	238,000	238,000	0	0.00%	
Municipal Court	47,300	43,490	(3,810)	-8.05%	
Repair Shop	0	0	0	0.00%	
Animal Control	700	700	0	0.00%	
EMS	691,007	642,307	(48,700)	-7.05%	
Brady Lake	140,700	137,100	(3,600)	-2.56%	
G. Rollie White Complex	0	0	0	0.00%	
Purchasing	0	0	0	0.00%	
Finance	10,000	2,680	(7,320)	0.00%	
Building Permitting	29,334	29,334	0	0.00%	
Subtotal	3,654,816	3,735,688	80,872	2.21%	
SPECIAL SERVICE FUND REVENUES					
Pass Through	365,000	399,500	34,500	9.45%	
Senior Citizens	163,000	163,000	0	0.00%	
Community Development	1,185,238	991,413	(193,825)	-16.35%	
Subtotal	1,713,238	1,553,913	(159,325)	-9.30%	
TOTAL GEN/SPECIAL FUNDS	5,368,054	5,289,601	(78,453)	-1.46%	
UTILITY FUND REVENUES					
Electric Service	7,649,710	7,666,080	16,370	0.21%	
Sewer Service	649,000	659,000	10,000	1.54%	
Public Utility Admin	0	0	0	0.00%	
Water Service	1,634,857	1,642,827	7,970	0.49%	
Gas Distribution	1,779,300	1,779,737	400,437	29.03%	
Solid Waste Collection	811,500	822,357	10,857	1.34%	
Street Sanitation	264,323	264,323	0	0.00%	
Meter	0	0	0	0.00%	
Billing & Collection Dept.	0	0	0	0.00%	
Utility Support Services	192,833	210,225	17,392	9.02%	
TOTAL UTILITY REVENUES	12,581,523	13,044,549	463,026	3.68%	
OTHER SOURCES					
Fund Balance	1,929,815	1,929,815	0	0.00%	
Total Other Sources	1,929,815	1,929,815	0	0.00%	
TOTAL REVENUES	19,879,392	20,263,965	384,573	1.93%	

EXPENSES					
FY 2013-2014					
	CURRENT BUDGET	AMENDED BUDGET	PROPOSED \$ CHANGE	% CHANGE	
GENERAL FUND EXPENSES					
Administration	554,215	648,654	94,439	17.04%	
Airport	723,584	717,174	(6,410)	-0.89%	
Public Property Maintenance	303,960	374,960	71,000	23.36%	
Mayor & Council	24,020	24,020	0	0.00%	
Golf Course	254,297	271,797	17,500	6.88%	
Swimming Pool	83,017	86,097	3,080	3.71%	
Fire	757,366	779,096	21,730	2.87%	
Police	830,146	831,993	1,847	0.22%	
Emergency Management	22,618	22,618	0	0.00%	
Communications	220,477	230,977	10,500	4.76%	
Public Services	105,806	65,761	(40,045)	-37.85%	
Street	755,789	714,983	(40,806)	-5.40%	
Civic Center	252,500	241,000	(11,500)	-4.55%	
Municipal Court	54,839	50,839	(4,000)	-7.29%	
Community Services	44,700	44,900	200	0.45%	
Repair Shop	50,513	51,063	550	1.09%	
Animal Control	193,300	167,050	(26,250)	-13.58%	
EMS	789,551	791,551	2,000	0.25%	
Brady Lake	199,851	165,182	(34,669)	-17.35%	
G. Rollie White Complex	23,100	31,800	8,700	37.66%	
Purchasing	53,217	53,537	320	0.60%	
Finance	246,343	236,308	(10,035)	-4.07%	
Building Permitting	185,796	170,996	(14,800)	-7.97%	
Subtotal	6,729,005	6,772,356	43,351	0.64%	
SPECIAL SERVICE FUND EXPENSES					
Pass Through	365,000	399,500	34,500	9.45%	
Senior Citizens	290,765	297,565	6,800	2.34%	
Community Development	3,129,366	2,911,228	(218,088)	-6.97%	
Subtotal	3,785,131	3,608,343	(176,788)	-4.67%	
TOTAL GEN/SPECIAL FUNDS	10,514,136	10,380,699	(133,437)	-1.27%	
UTILITY FUND EXPENSES					
Electric Service	5,117,745	5,117,572	(173)	0.00%	
Sewer Service	367,701	402,931	35,230	9.58%	
Public Utility Admin	149,800	117,598	(32,202)	-21.50%	
Water Service	1,400,162	1,618,462	218,300	15.59%	
Gas Distribution	848,950	1,124,092	275,142	32.41%	
Solid Waste Collection	833,569	814,931	(18,638)	-2.24%	
Street Sanitation	265,096	265,096	0	0.00%	
Power Plant	3,000	6,000	3,000	100.00%	
Meter	68,525	64,725	(3,800)	-5.55%	
Billing & Collection Dept.	170,035	179,200	9,165	5.39%	
Utility Support Services	140,673	172,659	31,986	22.74%	
TOTAL UTILITY EXPENSES	9,365,256	9,883,266	518,010	5.53%	
TOTAL EXPENSES					
	19,879,392	20,263,965	384,573	1.93%	

FUND
SUMMARY PAGE
FISCAL YEAR 2013-2014

Beginning Fund Balance / Net Working Capital

10,737,672

GENERAL	REVENUES	EXPENSES	Net
01 - ADMINISTRATION	1,661,772	648,654	1,013,118
02 - AIRPORT	607,370	717,174	(109,804)
03 - PUBLIC PROPERTY	43,200	374,960	(331,760)
04 - COUNCIL		24,020	(24,020)
05 - GOLF COURSE	127,100	271,797	(144,697)
06 - POOL	18,500	86,097	(67,597)
07 - FIRE DEPT.	84,075	779,096	(695,021)
08 - POLICE	14,660	831,993	(817,333)
09 - EMERGENCY OP CENTER	15,000	22,618	(7,618)
10 - COMMUNICATIONS	40,000	230,977	(190,977)
11 - PUBLIC SERVICES	30,000	65,761	(35,761)
12 - STREET	400	714,983	(714,583)
13 - CIVIC CENTER	238,000	241,000	(3,000)
17 - MUNICIPAL COURT	43,490	50,839	(7,349)
19 - COMMUNITY SERVICES	0	44,900	(44,900)
24 - REPAIR SHOP	0	51,063	(51,063)
27 - ANIMAL CONTROL	700	167,050	(166,350)
29 - EMS	642,307	791,551	(149,244)
32 - LAKE	137,100	165,182	(28,082)
34 - G.R. WHITE	0	31,800	(31,800)
41 - PURCHASING	0	53,537	(53,537)
44 - FINANCIAL	2,680	236,308	(233,628)
45 - BLDG/PERMITS	29,334	170,996	(141,662)
TOTAL	3,735,688	6,772,356	(3,036,668)

UTILITIES	REVENUES	EXPENSES	NET
21 - POWER PLANT	0	6,000	(6,000)
22 - ELECTRIC	7,666,080	5,117,572	2,548,508
23 - WASTE WATER	659,000	402,931	256,069
30 - PUBLIC UTILITY ADMIN	0	117,598	(117,598)
31 - WATER	1,642,827	1,618,462	24,365
42 - GAS	1,779,737	1,124,092	655,645
26 - METER	0	64,725	(64,725)
46 - BILLING	0	179,200	(179,200)
50 - UTILITY SUPPORT	210,225	172,659	37,566
14 - SOLID WASTE	822,357	814,931	7,426
18 - STREET SANITATION	264,323	265,096	(773)
TOTAL	13,044,549	9,883,266	3,161,283

SPECIAL	REVENUES	EXPENSES	NET
15 - PASS THROUGH	399,500	399,500	0
16 - SENIOR CITIZENS	163,000	297,565	(134,565)
43 - COMMUNITY DEVELOPMENT/GRANTS	991,413	2,911,278	(1,919,865)
TOTAL	1,553,913	3,608,343	(2,054,430)

OTHER SOURCES

Fund Balance

Proceeds from TWDB - WWTP Project	1,857,615
Waste Water-Generator/line repairs	72,200

GRAND TOTAL	20,263,965	20,263,965	-
--------------------	-------------------	-------------------	----------

Ending Fund Balance / Net Working Capital

8,807,857

CITY OF BRADY
FY14 BASE BUDGET SUMMARY WITH TRANSFERS
with Mid year Amendments

	BASE REVENUES	BASE EXPENSES	OVERALL NET to Funds
GENERAL FUND			
GENERAL FUND BUDGET BEFORE TRANSFERS	\$3,735,688.00	\$6,772,356.00	(\$3,036,668.00)
Transfer from Electric Fund	\$2,700,151.00		\$2,700,151.00
Transfer from Sewer Fund			
Transfer from Water Fund	\$167,667.00		\$167,667.00
Transfer from Gas Fund	\$226,263.00		\$226,263.00
Transfer from Solid Waste Fund			
Transfer to Special Revenue Fund		\$57,413.00	(\$57,413.00)
GENERAL FUND BUDGET AFTER TRANSFERS	\$6,829,769.00	\$6,829,769.00	\$0.00

ELECTRIC & SEWER FUND

ELECTRIC & SEWER FUND BUDGET BEFORE TRANSFERS	\$8,325,080.00	\$5,526,503.00	\$2,798,577.00
Transfer to General Fund		\$2,700,151.00	(\$2,700,151.00)
Transfer to Utility Support Fund		\$46,286.00	(\$46,286.00)
ELECTRIC & SEWER FUND BUDGET AFTER TRANSFERS	\$8,325,080.00	\$8,272,940.00	\$52,140.00

WATER FUND

WATER FUND BUDGET BEFORE TRANSFERS	\$1,642,827.00	\$1,736,060.00	(\$93,233.00)
Transfer from Special Revenue Fund	\$54,000.00		\$54,000.00
Transfer to General Fund		\$167,667.00	(\$167,667.00)
WATER FUND BUDGET AFTER TRANSFERS	\$1,696,827.00	\$1,903,727.00	(\$206,900.00)

GAS FUND

GAS FUND BUDGET BEFORE TRANSFERS	\$1,779,737.00	\$1,124,092.00	\$655,645.00
Transfer to General Fund		\$226,263.00	(\$226,263.00)
Transfer to Utility Support Fund		\$162,133.00	(\$162,133.00)
Transfer to Solid Waste		\$0.00	\$0.00
Transfer to Special Revenue Fund		\$193,402.00	(\$193,402.00)
GAS FUND BUDGET AFTER TRANSFERS	\$1,779,737.00	\$1,705,890.00	\$73,847.00

UTILITY SUPPORT FUND

UTILITY SUPPORT FUND BUDGET BEFORE TRANSFERS	\$210,225.00	\$416,584.00	(\$206,359.00)
Transfer from Electric Fund	\$46,286.00		\$46,286.00
Transfer from Sewer Fund	\$0.00		\$0.00
Transfer from Water Fund	\$0.00		\$0.00
Transfer from Gas Fund	\$162,133.00		\$162,133.00
Transfer from Solid Waste Fund	\$0.00		\$0.00
UTILITY SUPPORT FUND BUDGET AFTER TRANSFERS	\$418,644.00	\$416,584.00	\$2,060.00

CITY OF BRADY

FY14 BASE BUDGET SUMMARY WITH TRANSFERS
with Mid year Amendments

	BASE REVENUES	BASE EXPENSES	OVERALL NET to Funds
SOLID WASTE FUND			
SOLID WASTE FUND BUDGET BEFORE TRANSFERS	\$1,086,680.00	\$1,080,027.00	\$6,653.00
Transfer to Utility Support	\$0.00	\$0.00	\$0.00
SOLID WASTE FUND BUDGET AFTER TRANSFERS	\$1,086,680.00	\$1,080,027.00	\$6,653.00
SPECIAL REVENUE FUND			
SPECIAL REVENUE FUND BUDGET BEFORE TRANSFERS	\$1,553,913.00	\$3,608,343.00	(\$2,054,430.00)
Transfer from Gas Fund	\$193,402.00		\$193,402.00
Transfer from General Fund	\$57,413.00		\$57,413.00
Transfer to Water Fund		\$54,000.00	(\$54,000.00)
SPECIAL REVENUE FUND BUDGET AFTER TRANSFERS	\$1,804,728.00	\$3,662,343.00	(\$1,857,615.00)
TOTAL BUDGET BEFORE TRANSFERS	\$18,334,150.00	\$20,263,965.00	(\$1,929,815.00)
Fund Balance Reserves	\$1,929,815.00		\$1,929,815.00
TOTAL BUDGET INCLUDING ALL REVENUE SOURCES	\$20,263,965.00	\$20,263,965.00	
TOTAL BUDGET WITH RESERVES AFTER TRANSFERS	\$23,871,280.00	\$23,871,280.00	\$0.00

BRADY EDC
BUDGET AMENDMENT RECOMMENDATIONS
04/25/2014

REVENUES	DESCRIPTION	CURRENT BUDGET	AMENDMENT INC / (DECREASE)	PROPOSED BUDGET
90-4-90-600.00	Sales Tax	\$ 190,000	\$ 20,000	\$ 210,000
90-4-90-605.00	Interest Income	\$ 895	\$ 2,105	\$ 3,000
	Net changes in Revenues recommended		\$ 22,105	
	Total Revenues -with amendments		\$ 345,063	
EXPENDITURES				
90-5-90-211.00	Professional / Legal Fees	\$ 2,500	\$ 2,750	\$ 5,250
90-5-90-212.00	Audit	\$ 10,500	\$ 500	\$ 11,000
90-5-90-242.00	Community Dev - Brady Lake Marina	\$ -	\$ 65,000	\$ 65,000
90-5-90-280.00	Annual Land Lease - City of Brady	\$ -	\$ 250	\$ 250
90-5-90-300.00	Travel and Training	\$ 2,500	\$ 500	\$ 3,000
90-5-90-310.00	Building Repair / Maintenance	\$ -	\$ 15,000	\$ 15,000
	Net changes in Expenditures recommended		\$ 84,000	
	Total Expenditures - with amendments		\$ 406,958	
	Net change in Fund Balance- Amended		\$ (61,895)	
	Fund Balance Recap:			
	Beginning Fund Balance FY 14		\$ 642,878	
	Projected Ending Fund Balance FY 14		\$ 580,983	
	Restricted for debt service		\$ (30,000)	
	Ending Fund Balance FY 14 - Unrestricted		\$ 550,983	

BRADY EDC
BUDGET AMENDMENT RECOMMENDATIONS
04/25/2014

DESCRIPTION	REASON FOR AMENDMENT
REVENUES	
Corporation Sales Tax	Collections are better than original conservative projections. Recommended budget is based on y-t-d collections, extrapolated forward.
Interest Income	Now that the EDC funds are with the City's it enjoys a better interest rate Original projections were conservative and should be adjusted to reflect the revenue received based on the new interest rate.
EXPENDITURES	
Professional / Legal Fees	Currently over-budget by \$2,732. No additional costs are expected for the year.
Audit	Projected cost of the 2013 and 2014 audits were under budgeted by \$500. Audit work is complete for the year.
Community Dev - Brady Lake Marina	Voters approved to allow EDC to improve lake site. Action to repair marina will carry out voter directive.
Annual Land Lease - City of Brady	Per contract with the City.
Travel and Training	May need additional funds for remaining year opportunities.
Building Repair / Maintenance	The EDC is responsible for repairs and maintenance for the: Airport Hangar that HOT Aircraft occupies and the building that Old Dodge Crossing occupies Budget represents costs for HVAC maintance or other unexpected repairs.

**CITY OF BRADY
BUDGET AMENDMENTS for FY 2014**

The following explain the proposed amendments of selected departments that reflect a material change compared to the current budget.

GENERAL FUND

- **Administration** - Sale tax revenues are up 7% compared to last year therefore receipts are projected to be \$100,000 more than original conservative projections. Interest revenue is expected to be \$9,000 more than original conservative projections.

The City staff requests \$35,000 be allocated for a city vehicle to replace the current 1999 suburban (age 15 years) with 137,814 miles. \$2,000 is requested to provide for car allowance approved by the Council. \$1,100 is requested to provide for additional overtime required due to special projects.

After evaluating revenues and expenditures for all departments and funds, \$52,724 in contingency funds are available for unexpected or unknown expenditures that may require funding before year-end.

- **Airport** – An additional \$10,000 in revenues are expected from the TXDOT RAMP grant program, while \$6,410 in operation savings is expected.
- **PPM** – City staff requests \$100,000 be allocated to provide for parking lot improvements at the VFW and City Aquatic park areas. Payroll costs have been less than projected due to unfilled positions. It is projected that payroll will be \$10,000 less. Utility costs are projected to be \$20,000 less than original projections.
- **Golf** – The Brady Golf Association is expected to donate \$10,000 to the City. In turn, the City will purchase a greens roller at a cost of \$10,000. A \$2,300 adjustment to payroll is requested to provide for seasonal staff. An additional \$5,200 is requested to meet operational expenditures. Revenues are also expected to increase to offset the expenses with greater play and memberships.
- **Pool** - Revenues and expenditures were adjusted by \$3,500 and \$2,500 to reflect anticipated vending / concession purchases and sales.
- **Fire** – Payroll cost have been more than projected and is expected that payroll will be \$30,430 more than original cost projections. \$8,000 in operational cost savings are expected to offset the increase in payroll needs.
- **Communications** – Staff requests an additional \$3,500 to fund a pay scale adjustment to all dispatchers and provide for a part time position to cover for vacation and sick leave with the full time dispatchers. An additional \$4,000 is requested to meet overtime demands. \$3,360 is requested to provide for required stand-by pay, as this item was not included in the original budget.

CITY OF BRADY
BUDGET AMENDMENTS for FY 2014

- **Public Services** – The position for a Public Service Director has not yet been filled; therefore payroll costs can be reduced at this time by \$40,045.
- **Streets** - Payroll costs have been less than projected due to unfilled positions. It is projected that payroll will be \$41,639 less. Staff request \$6,500 be allocated to purchase a box spreader to improve efficiency of street repair program. Operational cost savings in the amount of \$5,667 is expected to offset the needed funds.
- **Animal Control** – Budgeted funds to provide for contract obligations with PAWS from the Heart will not fully materialize; therefore, rental expense can be reduced by \$26,250 at this time.
- **EMS** – The Heart of Texas Hospital has given notice to cancel the transfer contract with the City. Therefore, projected revenues have been adjusted down by \$48,700 to reflect lost subsidy funds and transfer service collections. Overtime costs were under budgeted; therefore, \$5,000 to meet demands is requested.
- **Lake** - Payroll costs have been less than projected due to unfilled positions. It is projected that payroll will be \$25,369 less. Various operational cost savings in the amount of \$9,350 is also expected. Revenues were reduced slightly to reflect the loss in revenues from Mudalistic.
- **G Rollie White Complex** - \$8,700 is requested to provide for contract utility and repair costs.
- **Finance** – Funds expected from the Brady EDC for audit costs were not required as the Brady EDC paid for the Brady EDC FY 13 audit from the EDC budget since a separate auditor from the City conducted the EDC audit. Audit expense was reduced to reflect the fact that the City did not pay for the EDC audit. Due to unfilled positions, payroll costs were reduced by \$3,735.
- **Building and Permitting** – Staff requests to reduce the compliance budget by \$15,000 to reallocate to other needs. This will leave \$15,000 for compliance expenses for the remaining fiscal year.

**CITY OF BRADY
BUDGET AMENDMENTS for FY 2014**

SPECIAL SERVICE FUND

- **Pass-Through** – Sales tax collections are up therefore revenues and remittance expense to the Brady EDC is expected to exceed original projections by \$20,000. \$14,500 was received by the City from the G. Rollie White Trust fund and passed on to the McCulloch County Junior Livestock Association, who applied for the grant.

- **Community Development** –

The City will not be able to apply for a 100% Recycling grant from the CVCOG this year. Therefore, grant revenues and the project expense of \$18,000 is removed from the budget.

The City is a recipient of a \$200,000 grant from the Texas Parks and Wildlife to improve the walking trail and bridge along Brady Creek. Staff requests to postpone the project until next FY due to the number of projects currently underway in this year's budget. Therefore, the City's local match of \$83,100 can be reallocated to other needs at this time.

The Service Center project continues to progress. City staff requests \$55,000 be allocated for hazardous waste clean-up at the old warehouse location. In addition, city in kind contributions in the amount of \$19,821 for landfill costs are reflected in the budget project revenues and local match expenditures.

The EMS division has received \$4,354 more in additional grant revenues from the Regional Advisory Council than expected.

**CITY OF BRADY
BUDGET AMENDMENTS for FY 2014**

UTILITY FUNDS

The meter replacement project was not completed in FY13; therefore, staff requests a budget amendment to the Capital Improvements – financed line item in the Electric, Gas, and Water Divisions at this time to reflect the cost to complete the project. This project is completely funded with loan proceeds acquired in the previous FY.

- **Electric Division** – \$24,678 is budgeted to complete the meter change out project. \$24,850 in operational cost savings is projected. \$16,870 in revenues from the sale of scrap from the old warehouse is reflected. However, Industrial revenue sales are adjusted down by \$10,000 at this time.
- **Sewer Division**- Residential service revenues are exceeding budgeted projections and are expected to be \$10,000 more than original projections. The condition of the plant however continues to incur operational challenges. Staff requests an additional \$10,200 in funding for agency fee payments and \$25,000 for emergency repair to the WWTP plant blower.
- **Public Utility Administration** - Due to unfilled positions, payroll costs were reduced by \$32,202.
- **Water Division** – \$207,500 is budgeted to complete the meter change out project.
- **Gas Division** - \$30,820 is budgeted to complete the meter change out project. Due to the extended cold weather conditions this year, wholesale costs of natural gas purchases is expected to be \$300,000 more than original projections therefore, pass-through charge revenues collected to pass on to the City's wholesale provider, are also adjusted upward by \$300,000. Distribution revenues are favorably adjusted by \$75,000. Due to unfilled positions, payroll costs were reduced by \$32,033.
- **Solid Waste Division** - Due to unfilled positions, payroll costs were reduced by \$23,624. However, \$8,570 is needed in additional funds for general repairs for fencing around the landfill.
- **Billing & Collections** - Staff requests an additional \$9,415 to fund a pay scale adjustment for the Utility Billing Supervisor and 2 clerks. Additional responsibilities, combined with an experienced staff would provide for commensurate pay with other City positions with similar duties and responsibilities.

- **Utility Support** – \$15,492 is added to the budget revenues to reflect the proceeds received from the sale of the old warehouse scrap. Credit card user fees are expected to be \$1,700 more than original projections. Utility costs for the service center was under-budgeted by \$23,300. \$3,000 is requested to provide for outside IT services to address city wide technology maintenance needs.


OTHER REVENUE SOURCES

- Proceeds from the TWDB in the amount of \$1,857,615 received in FY13 for the WWTP project are dedicated to the funding needs of the ongoing costs in FY14.
- \$72,200 in fund balance reserves have been previously approved by Council to provide for a generator for the WWTP and sewer line repairs.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6-3-2014	AGENDA ITEM	6.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding first reading of Ordinance No. 1154 of the City of Brady, Texas allowing for permitting Mobile Food Vendors, establishing rules, and penalties		
PREPARED BY:	Kim Lenoir & Cary McBride	Date Submitted:	5-30-2014
EXHIBITS:	Ordinance and Rules / Regulations for Mobile Food Vendors		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

On May 20, City Council reviewed and discussed requests for Mobile Food Vendor (MFV) Operator Permits. Many cities are now allowing this type of operation due to public interest in using such mobile operations. MFV include self-contained food trucks, concession carts, and concession trailers.

Attached is the recommended Ordinance outlining rules and regulations that address possible set-up locations, time limits, hours, and annual permit fees.

Staff will review the rules and regulations proposed and answer questions.

RECOMMENDED ACTION:

Move to approve the first reading of Ordinance No. 1154 of the City of Brady, Texas allowing for permitting Mobile Food Vendors, establishing rules, and penalties.

ORDINANCE NO. 1154

**AN ORDINANCE OF THE CITY OF BRADY, TEXAS, ALLOWING FOR
MOBILE FOOD VENDORS IN CERTAIN CIRCUMSTANCE WITHIN
THE CITY OF BRADY; PROVIDING FOR REGULATION AND PERMIT
FEES; AND ALLOWING FOR A PENALTY CLAUSE**

WHEREAS, the City of Brady, Texas (hereinafter the "City") wishes to allow for Mobile Food Vendors within the limits of the City; and

WHEREAS, there has previously been no ordinance allowing or governing the operation of Mobile Food Vendors; and

WHEREAS, appropriate regulations, definitions, and penalties will allow the vendors and the City manage these mobile units; and

WHEREAS, by establishing a permit fee and process, the City will be able to keep track of those Mobile Food Vendors who are and are not permitted;

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

The City Council of the City of Brady, Texas hereby establishes an ordinance allowing for Mobile Food Vendors as well as the permitting and regulation of Mobile Food Vendors within the City Limits of the City of Brady as laid out in attachment "A" of this ordinance.

Passed and Approved on FIRST READING on the 3rd day of June, 2014.

Passed and Approved on SECOND READING on the 17th day of June, 2014.

Anthony Groves, Mayor

ATTEST: _____
Christy Badilla, City Secretary

Ordinance providing for Mobile Food Vendors (MFV) operation within the City of Brady

Mobile Food Vendors – City of Brady

Definition: Mobile Food Vendors (MFV) shall mean any business which sells edible goods from a non-stationary location within the City of Brady. The term shall include,

- (a.) Mobile food truck: A self-contained motorized unit selling items defined as edible goods.
- (b.) Concessions carts: Mobile vending units that must be moved by non-motorized means.
- (c.) Concession trailer: A vending unit which is pulled by a motorized unit and has no power to move on its own.

Permit Application and Fee:

The MFV permit application would contain the following information

- 1. Name of applicant
- 2. Phone number and driver's license number of business owner
- 3. Sales tax number with a copy of sales tax permit
- 4. A copy of the Health Department Permit
- 5. Legal name of business or entity
- 6. Signed permission from the property owner where the MFV will operate
- 7. Description of food being sold
- 8. The application fee for a Mobile Food Vendor (MFV) shall be \$100.00. Each Mobile Food Vendor Unit shall be permitted separately.
- 9. Mobile Food Vendor permits shall terminate on December 31 following the date of issue.

A permit will not be issued if the MFV occupies the proposed site or sites prior to receiving a permit.

Permits are issued for the calendar year and are valid from the actual issue date and expire on December 31 of the year in which it is issued.

No more than one MFV unit (truck, trailer, or cart) is allowed per permit.

MFV permits are issued by the City Manager, City Secretary, or authorized representative.

Zoning and Location:

MFVs are allowed in areas zoned as Commercial, Retail, Central Business District, or Industrial.

MFVs are not allowed in any area zoned as Single family Residential, Two Family Residential, Multi-family Residential, Manufactured Home Residential, or Office District.

MFV unit location must observe all setback requirements as though the MFV unit were a permanent structure.

MFVs are not allowed on any city property, public rights of way, state highway easement, or state property.

MFV are not allowed on any property unless specific written permission is provided prior to the occupancy of the site.

MFV Permit will not be issued without permission of the property owner.

MFV Permit will not be issued without the applicant providing a site plan of the proposed site or sites of operation. Site plan must show the entire property and location MFV unit relative to property boundaries, accesses, parking, Fire lane(s) and any structures.

MFV Permit will be allowed on city property only with the approval of City Council for special events.

Hours of Operation:

Not to exceed 12 hours in any one day period.

Operation only between the hours of 7AM and 9PM

Duration of Operation:

Not to exceed 2 days of operation at any single location in a one week period of time, starting on Monday and ending on Sunday. Three (3) days of operation will be allowed in a single location only when a holiday occurs on a Friday or Monday, resulting in a three (3) day weekend.

General Regulations:

The MFV may not occupy the approved site location except on the days of actual operation.

Noise generation of any kind is not allowed from MFV.

The MFV unit must not reduce or restrict parking spaces, fire lanes or traffic flow.

The MFV applicant must remove all trash daily, and do not allow any trash to accumulate at any time.

The MFV is not permitted or allowed to connect to any permanent utilities except for electricity and water. Any connection to the domestic water supply must be protected by an approved backflow device and only be connected when water is flowing to fill on board water tanks. The connection to the domestic water supply must be disconnected at any time the water is not actually flowing to the MFV unit.

The permit must be displayed in a conspicuous place where it can be read by the general public on the MFV unit.

Violation of any MFV regulation, application and permit process, hours of operation, duration of operation, is cause for immediate termination of the MFV Permit. Any applicant or MFV unit permit which is terminated for cause may not apply or receive a MFV Permit during the same physical year within the City of Brady.

Penalty for the violation: (from Municipal Code of Brady)


Sec. 1.109 General Penalty for Violations of Code; Continuing Violations

Whenever in this code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provisions of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However a fine or penalty for the violation of a rule, ordinance or policy regulation that governs fire safety, zoning or public health and sanitation including the dumping of refuse may not exceed two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6/03/2013	AGENDA ITEM	6.C.
AGENDA SUBJECT:	Discussion and consideration of appointments and/or reappointments of expiring/and or vacant positions for Planning and Zoning Commission – Place 2, 3, Alternate; Brady Economic Development Corporation – Place 2 and 4 and two Alternate Members to the Zoning Board of Adjustments		
PREPARED BY:	Badilla	date	05/30/2014
EXHIBITS:	Boards and Commissions list		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	<p>Members are needed for:</p> <ul style="list-style-type: none"> Planning and Zoning Commission – Place 2, 3, Alternate Brady Economic Development Corporation – Place 2 and 4 Zoning Board of Adjustments - two Alternate Members
-----------------	--

RECOMMENDED ACTION:	Move to approve appointment of _____ for _____.
----------------------------	---

CITY OF BRADY

2014 Boards & Commissions

PLANNING AND ZONING COMMISSION (3 yr term)

Carey McBride, Staff Liaison 325/597-2244 ext 202 cmcbride@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Kenneth Young, Chair	6/15
2	Nick Blyshack	6/14
3	Chris Leifeste	6/14
4	Kim King	6/16
5	Lewis Jordan	6/16
6	Connie Easterwood	6/16
7	Ronnie Aston	6/15
ALT	Adrian Fuentes	6/14

Economic Development Corporation - 4A (2 year term)

Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Michele Derrick, President	9/15
2	Susan Jolliff	8/14
3	Jon Chase	6/15
4	Tim Jones, VP	8/14
5	Tracy Pitcox	6/15

ZONING BOARD OF ADJUSTMENT (ZBA)

Charter & Zoning Ord. Sec. 9.1 (2 yr term)

Carey McBride, Staff Liaison 325/597-2244 ext 202 cmcbride@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Debbie Leonard	6/15
2	Wesley Quinn, V. Chair	6/16
3	Candy Weatherman, Chair	6/16
4	James R Griffin	6/15
5	Bill Spiller	6/15
Alt 1	Joe Everidge	6/16
Alt 2	vacant, alternate	6/16
Alt 3	vacant, alternate	6/16

Airport Advisory Board (Ord 1149 - 2 yr term)

Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Cameron Ramsey	6/15
2	Rick Morgan	6/15
3	John Morgan	6/15
4	Joe Whitehead	6/16
5	Kirk Roddie	6/16
6	Kevin Dodds	6/16
7	Carey Day	6/16

CHARTER REVIEW COMMISSION (4 year term)

Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Shelly Perkins, Chair	2011-2014
2	JoAnn Coffee	2011-2014
3	Patsy Cole Buchner	2011-2014
4	Charlotte Harper	2013-2014
5	Charlie Humphries	2013-2014
6	Brendon Weatherman	2013-2014
7	Bill Easley	2011-2014

INVESTMENT COMMITTEE (1 yr term)

Lisa Remini, Staff Liaison 325/597-2152 ext 204 lremini@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Finance Director	2014
2	City Manager	2014
3	Marilyn Gendusa	2014

CITY COUNCIL (3 yr term)

Kim Lenoir, Staff Liaison 325/597-2152 ext 209 klenoir@bradytx.us

PLACE	MEMBER NAME	CURRENT TERM
MAYOR	Anthony Groves	5/17
1	Kathy Gloria	5/17
2	Linda Lott	5/15
3	Marilyn Gendusa	5/15
4	Latricia Doyal, Mayor Pro Tem	5/16
5	Jack Turk	5/16

McCulloch County Senior Citizen Association

Sunset Center Advisory Board (2 year term)

Rosie Gomez, Staff Liaison 325/597-2946 rgomez@bradytx.us

PLACE	BOARD MEMBER NAME	CURRENT TERM
1	Wanda Nesbit - Prsident	10/14
2	Marcia Arons - VP	10/15
3	Elbert Boswell - Treasurer	10/14
4	Sheryl Roberts - Secretary	10/15
5	Doug Avants	
6	Rene Avants	
7	Alvin Bolton	
8	Janice Crawford	
9	Bob Gauer	
10	Betty McMillan	
11	Bill Spiller	
12	Angelita Torrez	
13	Evelyn Pitcox	
14	Rosie Gomez	Director
15	Kim Lenoir	City Manager
16	Danny Neal	County Judge
17	Hazel Maner	Lifetime


REV 05/30/2014 cb kl

5/30/2014

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6/03/2013	AGENDA ITEM	6.D.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding Charter Commission recommendation for renumbering City Charter for clarification and improved readability.		
PREPARED BY:	Badilla	date	05/30/2014
EXHIBITS:	Memo from Charter Review Commission Chair		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

After months of hard work and deliberation at multiple meetings is prepared to present to a report to another Council. The Charter Review Commission (CRC) has provided a memo of clarification and a list of requested/suggested changes and/or updates to the Charter of the City of Brady.

Please see the attached documentation.

RECOMMENDED ACTION:

Move to approve if Council so desires.

DATE: 29 May 2014
TO: Mayor Groves and Council Members
FROM: Charter Review Commission
Shelly Perkins, Chair
RE: Request to Franklin Legal

The Charter Review Commission of the City of Brady is continuing its review of the Brady Home Rule Charter. Since 2012, the Commission has identified issues associated with incorrect grammar, punctuation, gender, outline styling, and possibly misspelled words. We wish to thank City Secretary Christy Badilla for assisting the Commission in this review and for working closely with us.

Franklin Legal publishes Brady's Charter and Ordinances on the Internet. It appears that they (or we) have not used a consistent approach in Charter format and numbering. The Commission is proposing changes which can be made now by Franklin Legal – changes which would not require propositions voted on during an election by the voters.

Recently, City Attorney Ross Fischer advised the Charter Review Commission that changes to the Charter's outline and numbering style should not be considered "substantive changes" to the Charter's content or meaning. Attached are current Sections with suggested changes which we are recommending that the City Council ask Franklin Legal make to the format of the Brady City Charter. These are non-substantive changes. *The only exception might be the perceived spelling error in Section 1.04 Particular Powers, Item (5), "contact" instead of "contract". The Commission believes that the intended word is "contract".*

It is our understanding that City Secretary Badilla may then contact Franklin Legal as she does in other matters, and request the changes, once they are approved by the City Council. We are recommending that the City Council vote to do so.

Thank you for your consideration of these changes which we believe will make the Brady City Charter more easily presented, researched, and referenced. As always, members of the Commission are available to respond to the Council Members or citizen's questions or comments.

Cc: City Secretary Christy Badilla

STYLE AND FORMAT OF BRADY CITY CHARTER

MAY 2013 CHARTER

- 1 – Almost all paragraphs which list items, enumerates each item with (1), (2), etc., with a line skipped between each item. *Look at Section 6.03.*
- 2 – Almost all paragraphs which are enumerated by numbers (1), (2), etc., which also include lists, then use (a), (b), etc. *Look at Section 6.03.*
- 3 -- Almost all Sections have been broken into indented paragraphs with a line skipped between each paragraph. Many multi-paragraph Sections have sub-headings of words or phrases, some of which were underlined by Franklin Legal. *Look at Section 7.01.*

RECOMMEND THE FOLLOWING NON-SUBSTANTIVE CHANGES:

- 1 -- Section 3.16 Ordinances:
Lists with (a), (b), etc.
Suggest that it be changed to (1), (2) etc.
- 2 -- Section 13.16 General Provisions and Definitions:
Lists with A, B and “1.”, “2.”.
Suggest it be changed to (1), (2), and then (a), (b).
- 3 -- Section 9.06 Action on Petition:
Item (3) refers to Section 9.06 (b) which does not exist.
Suggest removing “(b)”.
- 4 -- Section 1.04 Particular Powers:
Item (5) uses word “contact”.
Suggest this is a spelling error and change the word to “contract”.
- 5 -- Word/ Phrase Sub-headings:
Some Sections now have underlined sub-headings which were not underlined in 2009 copy of Charter. These *already existing* sub-headings should be underlined throughout the Charter for clarity in Sections which have several paragraphs. Sections below already have word/phrase sub-headings and we suggest they should be underlined by Franklin Legal:
Section 4.01 City Manager
Section 4.03 Police Department
Section 6.03 Annual Budget
Section 6.04 Administration of Budget
Section 9.06 Action on Petition
Section 9.08 Results of Election
Section 10.01 Borrowing or Capital Expenditures
Section 13.12 Charter Review Commission

CITY OF BRADY CHARTER REVIEW COMMISSION

MINUTES OF MEETING ON APRIL 17, 2014

Commission members present: Shelly Perkins, Patsy Cole, Bill Easley, Charlotte Harper, Charlie Humphreys, and Brendan Weatherman. Others present: Mayor Tony Groves, Finance Director, Lisa Remeni, and City Secretary, Christy Badilla.

The minutes of the March 20, 2014 were reviewed and unanimously approved. Items of individual concern:

The Commission reviewed continuing discussion of request to Franklin Legal to: All sections listed were reviewed and unanimously approved.

The Commission reviewed acknowledgement that there are no further changes to the following sections which are in conflict with Texas State statutes: These units were reviewed and determined that no changes are necessary. A vote was made and unanimously approved.

The Commission continued review of Sections: Sections 1.02, 3.05, 3.16 were not reviewed at this meeting. Sections 6.03, 6.04 and 6.09 were explained by Lisa Remeni. She spoke of the history and operations relevant to these units in detail. Her recommendation was that no changes are required. Further review by the commission will be made at a later meeting.

The Commission continued discussion regarding a proposal to the City Council to consider a written statement of Brady's "Vision, Mission and Values". It was decided that this is not a requirement of the Commission. Thus, a four person volunteer committee has been formulated to address these topics. The final draft will be submitted to the City Council for their implementation.

The Commission identified the topics of possible future inquiry. No action was taken at this meeting.

The Commission agreed to hold the next meeting on May 15, 2014 at 6:00 p.m. With no further business, the meeting was adjourned at 7:15 p.m.

Shelly Perkins, Chair
William Easley RECORDING SECRETARY

Shelly Perkins, Chair


Date Approved

MAY 29, 2014

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6/03/2013	AGENDA ITEM	6.E.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding location for E&B Fun Time Rides to provide a Carnival on July 3-6, 2014		
PREPARED BY:	Badilla	date	05/30/2014
EXHIBITS:	none		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

E & B Fun Time Rides carnival is interested in utilizing City Facilities on July 3rd-5th. The suggested hours are 6-11 p.m. There will be music, but it will be kept at an acceptable levels.

The request was initially to locate the carnival at Richards Park behind the Show Barn.


RECOMMENDED ACTION:

Discuss and move to approve a location for this event to take place.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6-3-2014	AGENDA ITEM	6.F.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding 60 day notice of cancellation and requested amendment to 2007 Ordinance 1011 establishing Interlocal Cooperation Agreement for the provisions of emergency medical services between City of Brady and the "Heart of Texas Memorial Hospital District", assigned July 6, 2009 to "Service Organization of Concho Valley" and assigned August 2, 2013 to "Service Organization of the Big Country", and amendment request to providing a 30 day cancellation notice.		
PREPARED BY:	Kim Lenoir	Date Submitted:	5-30-2014
EXHIBITS:	Cancellation Notice and Requested Amendment July 2009 Interlocal Cooperative Agreement (EMS Agreement)		
BUDGETARY IMPACT:	Loss Revenue from HOT:	\$111,081.00	
	Loss Revenue from Transfers:	\$150,000.00	
	Reduction in City EMS Expenses:	\$10,000.00	
CITY MANAGER APPROVAL:			

SUMMARY:

On May 8, Tim Jones, HOT Hospital Administrator, called and emailed to notify the City that the Hospital did not wish to renew the current EMS agreement, which expires July 2, 2014. He submitted a recommended amendment to the agreement that allows for a month to month agreement with a 30 cancellation notice versus the previous 60 day cancellation.

Since 2007, the City and Hospital have worked together to manage the hospital needs for medical transfer services. The Hospital now intends to purchase their own state licensed ambulances (2), hire staff, and perform in-house medical transport services to meet their increasing needs. The 24/7 Brady/Fire EMS Service has been providing 300+ medical transfers for the Hospital per year and the Hospital has paid the City monthly a total of \$100,000 per year per the Interlocal Cooperation Agreement. The Hospital has requested that the City continue the medical transfer service month to month until they are state approved for their new in-house operation. The Hospital will continue their monthly subsidy per the interlocal agreement of \$9,256.77 per month.

RECOMMENDED ACTION:

Move to approve the amendment to the Interlocal Cooperation Agreement for the provisions of emergency medical services between City of Brady and as assigned August 2, 2013 to "Service Organization of the Big Country," and providing a 30-day cancellation notice.

From: Tim Jones

Sent: Thursday, May 08, 2014 11:43 AM

To: Kim Lenoir

Subject: FW: SOBC/SOCV - Brady - Termination Notice - City of Brady

Kim,

This is the proposed amendment to the ems subsidy agreement. If you have any questions, please call or email. As a reminder, the hospital does not wish to renew the current agreement, which expires July 2 of this year. Thanks, Tim

AMENDMENT

COOPERATION AGREEMENT

For
The Provision of Emergency Medical Services
Between
The City of Brady
and
Service Organization of Concho Valley

This Amendment modifies the Cooperation Agreement for the Provision of Emergency Medical Services Between The City of Brady and Service Organization of Concho Valley dated July 6, 2009, by and between The City of Brady ("CITY") and Service Organization of Concho Valley ("SOCV"), and is effective _____, 2014.

The Cooperation Agreement for the Provision of Emergency Medical Services Agreement between the City of Brady and Service Organization of the Big Country ("SOBC") dated July 6, 2009, was assigned from Service Organization of the Big Country to Service Organization Concho Valley on August 2, 2013.

Paragraph 8.A.3 is changed to read as follows:

8

TERMINATION

- A. The CITY and SOCV agree that this Agreement shall be for one (1) year from the date of execution, but shall automatically renew for subsequent one (1) year terms, unless one of the following events occurs:
- 1) The parties mutually agree in writing upon a termination date; or
 - (2) Either the CITY or SOCV express in writing thirty (30) days before the date when this Agreement is up for automatic renewal, that they wish to terminate the Agreement, by sending written notice to the other two parties of such a desire to terminate this Agreement; or
 - (3) The CITY or SOCV may terminate this Agreement at any time for no cause, provided the terminating party provides not less than 30 days advance written notice to the other party.
- B. The CITY and SOCV agree that if none of the above termination conditions are met by the termination date for any individual year, this Agreement shall automatically renew, with SOCV paying 8% more on an annual basis than SOCV

paid in the preceding year. The annual increases of 8% shall be based upon the amounts that SOCV owes under each successive year, unless the termination conditions established in this paragraph and the preceding paragraph of this Agreement are met.

- C. SOCV Termination Due to Lack of Funding. Notwithstanding the provisions of subparagraph A above, in the event SOCV determines in its sole discretion that sufficient funds are not available for the continuation of payments for services for the remaining Term or any Renewal Term of this Agreement, then SOCV shall have the right to terminate this Agreement without penalty, provided SOCV delivers written notice to CITY of not less than 90 days prior to the identified date of funding termination. SOCV shall have no further payment obligation beyond the identified date of funding termination, except for payment of services provided prior to the date of funding termination.

All other terms and conditions of the Agreement effective _____, 2014 will remain the same.

AGREED:

SERVICE ORGANIZATION OF CONCHO VALLEY

By: _____
Its: _____

CITY OF BRADY

By _____

Printed Name: _____

Date: _____

COOPERATIVE AGREEMENT
for
The Provision of Emergency Medical Services
Between
The City of Brady and
Service Organization of the Big Country

THE STATE OF TEXAS §
§
COUNTY OF MCCULLOCH §

This Cooperation Agreement for Emergency Services (the "Agreement"), is made and entered into by and between the City of Brady (the "CITY") and Service Organization of the Big Country ("SOBC").

WHEREAS, the CITY is a home rule municipality incorporated pursuant to the statutes of the State of Texas; and

WHEREAS, the CITY desires to provide its residents with efficient, effective public health services to provide for the welfare of its citizens; and

WHEREAS, SOBC is a Texas non-profit corporation organized under the Texas Nonprofit Corporation Act and desires to assist in providing consulting services for the CITY's Emergency Medical Services Department; and

WHEREAS, SOBC desires to assist Heart of Texas Memorial Hospital ("HOSPITAL") in its efforts to work with the CITY to provide residents with efficient and effective public health services.

NOW, THEREFORE, the CITY and SOBC hereby agree as follows:

1.
DEFINITIONS

- A. **Advanced Life Support (ALS):** provision of patient care, within the prescribed protocols and authorization of the EMS physician medical director, at the paramedic level.
- B. **ALS Ambulance:** An ambulance certified by the Texas Department of Health as the "MICU" or "BLS with MICU capability" levels and staffed, equipped and authorized to provide care at the paramedic level.

- C. **Arrival on scene:** The responding unit physically arrives at the location to which the unit was dispatched.
- D. **EMS:** Emergency medical services, including prehospital transportation of persons in need of emergency medical care by trained and specially equipped personnel for that purpose.
- E. **Full-time:** An ambulance, which is scheduled for service 24 hours per day, 365 days per year.
- F. **Unified incident Command System:** As defined and documented by the National Fire Protection Agency.

2. OBLIGATIONS OF THE CITY

A. Overview

The CITY shall provide EMS to CITY residents and to residents of McCulloch County who live outside the CITY on a full-time basis under this Agreement. The CITY shall do so by providing ambulance service in the CITY and the areas of McCulloch County not in the CITY.

B. Employees/Scope of Service.

Furnish employees on a full-time basis to provide ambulances functioning at the Advanced Life Support level or higher to respond to EMS calls within the service area. Additionally, the CITY may, at its discretion upon request by SOBC or the HOSPITAL, furnish stand-by special events coverage, inter-facility transfers, long distance transport services, reasonable mutual aid services, special agreement services, communication, and dispatch services.

C. Operations.

The CITY shall furnish and manage the emergency medical service field operations utilizing the Unified Incident Command System or management model in concert with responding First Responders, law enforcement and fire services. Billing and collection services will be included. The CITY shall also employ field, filing and officer personnel; equipment maintenance, in-service training, quality improvement monitoring, purchasing and inventory control, support services, and other ancillary services associated with the provision of a successful advanced level EMS Service. The CITY will provide adequate supervision for the ambulances operating in the CITY to ensure that EMS services are provided in a professional high quality manner.

D. **Services.**

The CITY shall provide the following service:

- (1) Respond to EMS calls in a timely manner, as measured in the nearest whole minutes. The CITY shall note the minute when a CITY dispatcher receives a call in the CITY's EMS center. The CITY's response time shall be measured from the time that the CITY receives a call until the time when a CITY ambulance arrives at a scene to provide treatment. The CITY shall make all reasonable efforts to respond to EMS calls within set times to be set by the EMS Director in compliance with State Law and accepted practices for EMS departments in the State.
- * (2) If the CITY is unable to fulfill a request for an emergency call within a reasonable amount of time, as determined by the EMS Director and the CITY at its sole discretion, the CITY shall refer the call to another EMS service provider, if such service is necessary and would provide the best means for responding to the call.
- (3) Provide emergency transfers either from the HOSPITAL or from the scene of an injury when medically necessary in accordance with protocols for emergency transfers that do not include helicopter or air transport.
- (4) Provide non-emergency transfers from the HOSPITAL to other hospitals when the HOSPITAL needs such non-emergency transfer services and medical necessity places such non-emergency transfers in highest priority.

E. The parties agree that the CITY shall collect all income due for EMS Services from patients and/or their families and third party insurers in the CITY and McCulloch County.

F. **Equipment.**

In providing the required services, the CITY will furnish and utilize the equipment and personnel routinely assigned to service the CITY. The equipment shall be ALS Ambulances and the appropriate administrative/supervisory vehicles. The CITY shall provide on-board durable and reusable medical equipment, radio and communications hardware, billing computer system hardware and software, all required communications equipment, and other equipment and software as necessary.

G. All existing CITY ordinances and any future ordinances, which are enacted by the CITY and which require enforcement, are hereby incorporated by reference.

* H. The CITY personnel who provide services pursuant to this Agreement are employees of the CITY and the CITY shall maintain supervisory control and command over such employees.


3.
OBLIGATIONS OF SOBC

- A. SOBC shall request that the HOSPITAL provide ~~technical~~ assistance regarding the efficient provision of EMS services and ~~management consulting~~ services to the CITY's Emergency Management Services Director.
- B. SOBC shall:
 - (1) Pay the CITY a yearly sum of \$75,600, payable ~~monthly~~, to be used to assist the CITY in its provision of EMS services, including ~~compensation~~ to the CITY for the work of the Director and related benefits, the ~~cost~~ of providing ambulance and EMS Service, the cost of personnel for the EMS ~~Service~~ ; and
 - (2) Provide that the HOSPITAL will be available ~~to assist the CITY~~ regarding the most efficient means for providing health ~~services~~, billing and management of emergency services; and
- C. Any HOSPITAL personnel who provide services ~~pursuant~~ to this Agreement are employees of the HOSPITAL and not employees ~~of the~~ CITY or SOBC and the HOSPITAL shall maintain supervisory control and ~~command~~ over such employees.

4.
OVERSIGHT COMMITTEE

- A. The CITY agrees that pursuant to this Agreement ~~they~~ shall create an Oversight Committee to consist of the Mayor of the City of Brady, ~~the~~ City Manager of the City of Brady and the Hospital Administrator (the "Committee").
- B. The Oversight Committee shall meet on a monthly basis ~~to review the performance of the CITY's emergency service on behalf of the CITY and HOSPITAL and pursuant to this Cooperation Agreement. The Oversight Committee shall meet in open session or executive session under the Open Meetings Act, and shall be supported by the City Secretary. The Oversight Committee shall furnish SOBC with any reports, recommendations or reviews.~~
- C. The Oversight Committee shall serve as an ad-hoc advisory body to the governing bodies of the CITY, and HOSPITAL. The CITY and SOBC ~~agree~~ that the Oversight Committee is not a decision-making body. The Oversight Committee may, however, make recommendations to the Director of the Department and ~~to the~~ CITY Council, SOBC, and the HOSPITAL Board of Directors regarding how EMS can be provided efficiently and effectively. The parties agree that each governing body ~~must~~ make its own decisions with respect to recommendations made by the Oversight Committee.

5.
RECORDS

- A. The CITY shall maintain and keep records of all actions by CITY employees to provide EMS. The CITY agrees that the CITY shall allow SOBC and the HOSPITAL access to the CITY's records for a period of four years after an EMS call or action under this Agreement is taken. The parties further agree that the CITY shall comply with federal law and allow the U.S. Department of Health and Human Services or its representatives access to the books and records of EMS services for purposes of verification of the services and the cost of such services.
-  B. The CITY and SOBC shall provide any necessary forms and documents for enforcement activities for collection of funds under this Agreement.

6.
CONTRACT ADMINISTRATION

- A. The Brady City Mayor **James Stewart** (or the Mayor's designated representative) shall be responsible for administering this Agreement for the CITY.
- B. Brandon Durbin (or his designated representative) of Service Organization of the Big Country shall be responsible for administering this Agreement for SOBC and the HOSPITAL.
- C. The Brady City Manager **James Minor** (or his or her designated representative) shall be an additional member of the Oversight Committee responsible for assisting with administering this Agreement on behalf of the CITY.
- D. All questions arising under this Agreement shall be handled and resolved between the Brady City Council, the District Board and SOBC. The parties agree that the CITY will finally resolve any unresolved disputes.

7.
INDEPENDENT CONTRACTOR

At all times during the performance of this Agreement and in connection with any services rendered under this Agreement, the CITY shall be considered an independent contractor. No relationship of employer/employee is created by this Agreement or by the CITY's service. SOBC acknowledges that CITY is not obligated to provide Workers' Compensation Insurance or any other of the CITY'S employee related insurance or benefits for HOSPITAL personnel.

8.
TERMINATION

- A. The CITY and SOBC agree that this Agreement shall be for one (1) year from the date of execution, but shall automatically renew for subsequent one (1) year terms, unless one of the following events occurs:
- 1) The parties mutually agree in writing upon a termination date; or
 - (2) Either the CITY or SOBC express in writing thirty (30) days before the date when this Agreement is up for automatic renewal, that they wish to terminate the Agreement, by sending written notice to the other two parties of such a desire to terminate this Agreement; or
 - (3) The CITY or SOBC express on the last day of any term of this Agreement that such party wishes to terminate the Agreement in sixty (60) days.
- B. The CITY and SOBC agree that if none of the above termination conditions are met by the termination date for any individual year, this Agreement shall automatically renew, with SOBC paying 8% more on an annual basis than SOBC paid in the preceding year. The annual increases of 8% shall be based upon the amounts that SOBC owes under each successive year, unless the termination conditions established in this paragraph and the preceding paragraph of this Agreement are met.
- C. SOBC Termination Due to Lack of Funding. Notwithstanding the provisions of subparagraph A above, in the event SOBC determines in its sole discretion that sufficient funds are not available for the continuation of payments for services for the remaining Term or any Renewal Term of this Agreement, then SOBC shall have the right to terminate this Agreement without penalty, provided SOBC delivers written notice to CITY of not less than 90 days prior to the identified date of funding termination. SOBC shall have no further payment obligation beyond the identified date of funding termination, except for payment of services provided prior to the date of funding termination.

9.

MISCELLANEOUS

- A. Each party shall approve participation in this Agreement by the appropriate governmental body or authorized public officer.
- B. This Agreement shall commence on the date of execution and shall run for one (1) year. This Agreement shall automatically renew unless the CITY or SOBC chooses to terminate by providing thirty (30) days' written notice of termination to the other party.
- C. The annual renewal and, if necessary, renegotiation of this Agreement shall be contingent upon the availability of current revenue funds. If sufficient funds are not allocated by

SOBC for EMS Service as provided for in this Agreement, the CITY may terminate this Agreement on thirty (30) days' written notice to SOBC.

- D. Any party may terminate this Agreement with or without cause by giving written notice to the other party at least thirty (30) days prior to the date of termination. Upon termination of this Agreement, no party shall have any obligations to the other party, except to pay for services already rendered.
- E. This Agreement may be terminated or renegotiated in the event of changed state regulations that affect the parties' performance under this Agreement.
- F. All notices under this Agreement shall be in writing and may be either hand delivered or sent by certified mail, postage prepaid, return receipt requested, to the following addresses:

CITY: Honorable James Stewart
Mayor of the City of Brady

SOBC: Brandon Durbin
2950 50th Street
Lubbock, TX 79413

**WITH A COPY TO
HOSPITAL:**

Tim Jones
Hospital Administrator

- G. If any provision of this Agreement is found to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Agreement.
- H. The waiver by any party of a breach of the Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or different provision.
- I. Each party shall be excused from any breach of this Agreement that is proximately caused by action of the Legislature of the State of Texas, war, strike, acts of God, or other similar circumstances or events normally deemed outside the control of the non-performing party.
- J. The CITY and SOBC shall not discriminate based on creed, age, race, religion, disability, or gender and shall abide by all local state, and federal laws prohibiting discrimination.
- K. This is the entire agreement between the CITY and SOBC. No other agreements, statements, or promises relating to the subject matter of this Agreement and which are not contained herein shall be valid or binding. This Agreement may not be amended, except

in writing signed by all parties. NO OFFICIAL, AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE CITY OR SOBC HAS ANY AUTHORITY TO ALTER, AMEND, OR MODIFY THE TERMS OF THIS CONTRACT. EXCEPT IN ACCORDANCE WITH SUCH EXPRESS WRITTEN AUTHORITY AS MAY BE GRANTED BY THE CITY OR THE HOSPITAL.

- L. This Agreement is to be performed in McCulloch County, Texas. The District Court of McCulloch County shall have exclusive venue and jurisdiction over the parties in the event any dispute or legal action arises from this Agreement.

EFFECTIVE ON THE LATER DATE SET FORTH BELOW.

FOR THE CITY OF BRADY:

By: James Stewart
Mayor James Stewart

Date: July 2, 2009

FOR SERVICE ORGANIZATION OF THE BIG COUNTRY:

By: Stephen Kimmel
Stephen Kimmel

Date: 7/6/09

JUL 2009 - JUNE 2010 6300/mo

JUL 2010 - JUNE 2011 6804/mo


JUL 2011 - JUNE 2012 7348/mo

SEND BILL TO HOT HOSP.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	6-3-2014	AGENDA ITEM	6.G.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding first reading of Ordinance No. 1155 of the City of Brady, Texas adding Emergency Medical Services and Ambulance Regulations for City of Brady/McCulloch County 911 Service, dba Brady Fire/EMS		
PREPARED BY:	Kim Lenoir	Date Submitted:	5-30-2014
EXHIBITS:	Ordinance No. 1155		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	<p>Due to the anticipated changes in our 24/7 EMS operation by removing medical transfer operations for the Hospital, staff is recommending an ordinance that updates and outlines regulations for Emergency Medical Services and Ambulances operating in the City of Brady/McCulloch County. The City Charter requires Brady to operate an EMS. The City and County have worked together since 1990 to regulate ambulance services. With private ambulance services from the hospital and surrounding counties serving McCulloch County and Brady, the attached regulations are proposed.</p> <p>Staff reviewed what other communities in Texas were doing to address community concerns with numerous ambulance services being offer and are recommending the attached ordinance. Staff will address questions.</p>
-----------------	---

RECOMMENDED ACTION:	<p>Move to approve the first reading of Ordinance No. 1155 of the City of Brady, Texas adding Emergency Medical Services and Ambulance Regulations for City of Brady/McCulloch County 911 Service, dba Brady Fire/EMS.</p>
----------------------------	--

Ordinance No. 1155

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRADY, TEXAS, BY AMENDING CHAPTER 4 TO ESTABLISH EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. The Code of Ordinances of the City of Brady, Texas, is hereby amended by adding to Chapter 4, Emergency Medical Services and Ambulance Regulations, to read as follows:

“CHAPTER 4. EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS”

DIVISION 1. IN GENERAL

Sec. 4.100. Definitions.

For the purposes of this chapter, certain words and phrases are defined as follows:

Ambulance shall mean any privately or publicly-owned motor vehicle used, designed or redesigned and equipped for the primary purpose of the transportation of the sick or injured persons, whether functioning as a basic life support, advanced life support, or mobile intensive care unit service level as provided by state law.

City shall mean the “City of Brady, Texas.”

City Limits shall mean the area in the City within the corporate City limits.

Department shall mean the designated Emergency Medical Service for the City of Brady.

DSHS shall mean the Texas Department of State Health Services as presently constituted, or a successor agency.

Direct Call shall mean a request for ambulance service made by telephone or other means directly to an ambulance operator, his agents or employees.

EMS Chief shall mean the Department Head of the Emergency Medical Service.

Emergency Ambulance shall mean an ambulance used, designed, redesigned or equipped for the purpose of transporting sick or injured persons under emergency circumstances, and the rendering of first aid.

Emergency Circumstance shall mean the existence of circumstances in which the element of time in expeditiously transporting a sick or injured person for medical or surgical treatment is essential to the health or life of such person, and in which rescue operations or competent first aid or both, at the place of emergency, may be essential to the health or life of such person.

ETJ shall mean the City's extra-territorial jurisdiction.

Medical Transfer Services shall mean a pre-scheduled response made by an ambulance for the transportation of individuals to or from a medical facility, a nursing home, an assisted living facility, dialysis center, or residence under circumstances, which do not constitute an emergency.

Medical Transfer Service Permit shall mean a certificate of authorization issued by the City to the owner allowing such owner to operate an ambulance for medical transfer services within the City limits.

Medical Transfer Service Provider shall mean a person providing medical transfer services and holding a valid Medical Transfer Service Permit.

Sec. 4.101. Interference with Department personnel, equipment.

The City of Brady Fire/EMS Department shall be the sole provider of emergency medical service (911 service) within the City of Brady and within McCulloch County. It shall be unlawful for any person to intentionally or knowingly physically obstruct any Department personnel proceeding to the scene or reported scene of any accident or emergency call, or to physically obstruct any Department personnel in the course of treating the sick or injured at any such scene. It shall be unlawful for any person to intentionally or knowingly fail or refuse to surrender any sick or injured person to the care of any Department personnel at the scene of any accident or emergency call. It shall be unlawful for any person to intentionally or knowingly damage, destroy or deface any attached or unattached apparatus or equipment belonging to the Department or any structure used to house or protect such apparatus or equipment.

Sec. 4.102. Penalty.

Any person, firm or corporation who violates or fails to comply with the requirements or provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by assessment of a fine of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each instance such a violation or failure to comply is allowed to exist shall constitute a separate and distinct offense. In addition, the City Attorney is authorized to file suit in any court of competent jurisdiction to enjoin any person from violating or causing to be violated or causing to be violated any of the sections of this article.

Sec. 4.103 – 4.110 reserved.

DIVISION II. AMBULANCES

Sec. 4.111. Personnel required during operation of an ambulance.

It shall be unlawful to operate or drive or cause to be operated or driven an ambulance on a public street of the City when furnishing ambulance service, including emergency ambulances operated by the emergency medical service Department of the City, unless such ambulance on each trip meets the minimum staffing requirements as set out in Section 157.11(a) of Emergency Medical Services rules adopted by the DSHS under Section 773.050 of the Texas Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773.

Sec. 4.112. Licensing and operating condition requirements for ambulances.

No ambulance shall be operated upon the streets of the City for the purposes of furnishing ambulance service unless and until such ambulance has a valid license issued by the DSHS.

Sec. 4.113. Safety and first-aid equipment required.

No ambulance shall be operated upon the streets of the City for the purpose of furnishing ambulance service unless such ambulance is equipped as set out in Section 157.11 of Emergency Medical Services Rules adopted by the DSHS under Section 773.050 of the Texas Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773. Additionally, ambulances shall also meet the minimum requirements as outlined, in writing, by the physician medical director of record for the licensed ambulance service provider and as outlined by the city as required equipment.

Sec. 4.114 – 4.120 reserved.

DIVISION III. MEDICAL TRANSFER SERVICES

Sec. 4.121. Permit required; exception.

(a) *Required.* No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation of medical transfer services upon or over any public street within the City limits without having first obtained a transfer services permit.

(b) *Exception.* A transfer services permit shall not be required for:

(1) Emergency Medical Service vehicles or ambulances owned or operated by the City of Brady Fire/EMS Department; or

- (2) Emergency Medical Service vehicles or ambulances operating solely at the request of the City or the designated Emergency Medical Service provider for the City or in cases of a mutual aid, disaster, or system overload; or
- (3) Emergency Medical Service vehicles or ambulances operating from a location outside the city limits and who are transporting patients from a location outside the limits of the city to a location within the city or through the city to some other location.
- (4) Air ambulance services are exempt from this Article.

An application for license to operate an ambulance on the public streets of the City of the purpose of providing medical ambulance transfer service within the City or County shall be made by the owner thereof for each ambulance so used or to be so used, or an agent authorized in writing by such owner to make such application, on forms obtained from the City Manager, which shall contain at minimum the following:

- a. the name, address and telephone number of the owner,
- b. any trade or other fictitious name used or to be used by the owner when providing ambulance service;
- c. the make, model, year of manufacture, motor and chassis number, and current state license number of each ambulance;
- d. the length of time each ambulance has been in service;
- e. the color scheme, insignia, name, monogram or other distinguishing characteristics used or to be used by the owner to designate such ambulance together with an accurate photograph of each ambulance to be permitted;
- f. a list of all current employees of the ambulance service including name and date of birth for each employee; and
- g. each application for a permit required by the City shall be accompanied by an non-refundable permit fee, payable to the City of Brady, as established by resolution of City Council.

The annual fee associated with the permitting and inspection of medical transfer services is one-thousand five hundred dollars (\$1,500.00) per vehicle. There is also an individual Inspection fee of \$200.00 per truck.

Sec. 4.122. Insurance requirements.

- (a) Any applicant for a permit under this division shall, before the permit can be issued, procure, maintain, and furnish proof of financial responsibility as required by law and as prescribed in this section. The applicant shall keep in full force and effect during the entire term of this permit, the required insurance coverage for commercial general liability, automobile liability and professional liability in the minimum limits listed:

- (1) Automobile liability insurance in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each accident for personal injuries, and on hundred thousand dollars (\$100,000.00) for property damage. This automobile liability insurance shall not contain passenger liability exclusion. A written statement from an authorized agent of the ambulance operator's insurance carrier shall provide for a thirty day cancellation notice to the City of Brady.
 - (2) Commercial general liability insurance with a minimum aggregate of three million dollars (\$3,000,000.00) and a minimum per occurrence of one million dollars (\$1,000,000.00).
 - (3) Professional liability insurance in an amount of not less than one million dollars (\$1,000,000.00).
 - (4) Workers' Compensation Insurance.
 - (5) Applicant must agree to indemnify, defend, and hold harmless the City, its officers, employees and agents, and Department, for any and all claims arising from applicant's acts or omissions. Additionally, the City shall be added as an additional insured on the policies, and the coverage shall contain no special limitation on the scope of protection afforded to the City.
- (b) The insurance company shall be of sufficient assets, with an agent in the State of Texas upon whom service of the process may be made, and shall be approved by the City Attorney. Every insurance policy and certificate of insurance must contain a provision or an endorsement requiring that the policy will not be cancelled, suspended, voided, or reduced until at least thirty days (30) days prior written notice has been given to the City via certified mail, return receipt requested. If the policy does not provide coverage for "any auto" then a schedule of the covered autos is required to be submitted and filed with the City Manager. Only those covered autos will be permitted to operate within the City.
- (c) If the City Attorney determines that the insurance coverage required in subsection (a) of this section become so impaired as to require new and additional insurance, the City Attorney shall require such additional insurance in such company as he may feel is necessary to ensure faithful performance by the operator of ambulances his agents, servants, and employees.
- (d) If the insurance policy is cancelled and no insurance policy is filed by the owner or ambulance operators before the cancellation, the permit to operate ambulances granted to such person shall be immediately and automatically revoked.

Sec. 4.123. Inspection.

- (a) The Brady City Manager or designee, or the police department, shall have the right to inspect, at any time, all ambulances permitted or to be permitted under this division to determine if such vehicles meet the following minimum standards:

- (1) Each vehicle shall be equipped according to the Texas DSHS equipment standards, and as determined by the ambulance service Medical Director, and as identified by the City as required equipment;
- (2) Each vehicle shall be free from dirt or rubbish and shall be otherwise clean and sanitary;
- (3) Each vehicle shall meet the general standards and requirements of this article;
- (4) Each vehicle shall have the company name displayed on each side of the vehicle and on the rear;
- (5) Each vehicle shall be inspected each year by a person authorized to conduct vehicle safety inspections by the State of Texas; and
- (6) No vehicle shall display the identification "Emergency Ambulance", "Emergency", "911", or similar marking.

(b) At no time shall any ambulance that is found to be unsafe by the Brady City Manager or designee, or the police department be operated on the streets of the City. Nothing in this section however shall prevent the Brady City Manager or designee, or the police department from inspecting any ambulance at any time. If the inspector finds that any ambulance is out of compliance, the Brady City Manager or designee, shall order the use of the ambulance discontinued until the ambulance is re-inspected and approved.

(c) At no time shall a person operating a permitted transfer ambulance in the City, respond to or from a direct call for emergency medical service, nor operate such ambulance as an emergency ambulance under emergency conditions.

(d) At no time shall a person operating a permitted transfer ambulance in the City respond to or from a direct call for a medical transfer service unit until notifying Brady Fire/EMS dispatcher.

Sec. 4.124. Payment of Ad valorem taxes.

It shall be the duty of every medical transfer services provider to pay all ad valorem taxes assessed by the City against such vehicle and all other personal and real property used in such business and to provide to the City a certificate demonstrating that ad valorem taxes have been paid. The failure to pay such ad valorem taxes before they become ninety (90) days delinquent shall result in revocation of the permit issued in accordance with this chapter.

Sec. 4.125. Special requirements for transfer ambulances.

(a) *Staffing.* No transfer ambulance vehicle shall ever be operated upon the streets, highways or other public places of the city unless such vehicle is operated by at least two validly permitted ambulance attendants, each of whom must possess a current emergency medical technician basic certificate.

(b) *Posting of fee schedule.* All transfer ambulance vehicles shall have a current fee schedule conspicuously posted in the patient's compartment. A transfer services permittee shall have a current fee schedule on file with the City of Brady.

Sec. 4.126. Issuance of permits.

(a) The City Secretary, or designee, shall issue to each applicant a permit for each vehicle upon the applicant's filing of written proof of insurance as required in this division, upon ensuring that all City taxes on each vehicle and all other personal and real property used in such business have been paid and upon determination that all requirements of this chapter and all applicable state and federal statutes and regulations have been satisfied.

(b) Permits shall be issued for a twelve-month period. Such period shall run from January 1 to December 31 of each year. Any new permit issued during the year shall begin on the date of issuance and shall end on December 31 of that year. The permit shall state the period for which the permit is issued, the name of the owner, the make of the vehicle(s), the vehicle identification number(s), and the current license number(s).

Sec. 4.127. Renewal.

(a) An application for renewal of an existing permit shall be filed on or before November 15 for the renewal period covering the following calendar year. The application process shall be the same as specified in this chapter for initial permits.

(b) The City Secretary shall issue a Medical Transfer Service Permit for each ambulance for which it has received a renewal application upon the applicant's filing of written proof of insurance as required in this chapter, upon ensuring that all City taxes on each vehicle and on all other personal and real property used in such business have been paid, upon each vehicle passing the inspection required by this Chapter, and upon determination that all requirements of this chapter and all applicable state and federal statutes and regulations have been satisfied.

(c) If a permit has been suspended during the permit year, re-issuance of such permit will be reviewed by the Brady City Manager, or designees, during December of the same year. The re-issuance of such permit shall be denied if the City Manager or designee determines that the provisions of this ordinance have not been met.

Sec. 4.128. Transferability.

A permit issued under this chapter shall be specific to both the permittee as well as the permitted vehicle, and shall not be transferable.

Sec. 4.129. Alterations of terms by City Council.

The City Council expressly reserves the right to modify, amend, change, or eliminate any of the provisions of any permit issued under this chapter, during the life of the permit, to:

- (a) Eliminate or delegate any conditions that might prove obsolete or impractical; or
- (b) Impose any additional conditions upon any owner as may be just and reasonable, and which are deemed necessary for the purpose of promoting adequate, efficient, and safe ambulance to the public.

Sec. 4.130. Requirements for business location.

If the business location of the ambulance service, firm or organization is located within the City limits, the building must be in compliance with all City ordinances, state and federal laws. Pursuant to this specific chapter, no such ambulance service firm or organization can operate as its main place of business or a storage supply facility in a private residence. The Brady City Manager or designee, or police department, has the right to inspect such locations as often as deemed necessary to ensure compliance with all provisions of this chapter. The refusal of any ambulance operator, with a business office located within the City limits, to allow the Brady City Manager or designee, or police department, to inspect such premises shall be considered a violation of this chapter and may be subject to forfeiture of the Medical ambulance permits.

Sec. 4.131. Revocation.

(a) In addition to the penalties as provided in the Code for violations of this article, a medical transfer service provider or any of its officers, agents and/or employees who violate any section of this chapter, including allowing drivers to operate or drive any vehicle while not properly licensed or while intoxicated/incapacitated, is subject to immediate suspension of its medical transfer service permit to operate within the City limits by the Brady City Manager designee. Any violation of the chapter may subject the transfer service provider to suspension or revocation of its Non-Emergency Transfer Service Permit. However, not less than ten (10) days before any revocation or suspension for other than operating a vehicle while not properly licensed or while intoxicated/incapacitated, the owner shall be given written notice, be either personal delivery or certified mail to the permittee's address as shown on the permit application, and an opportunity to be heard before the Brady City Manager or designee as to why the permit should not be revoked or suspended. No such notice or hearing shall be deemed necessary prior to the revocation of a permit for failure to maintain proper insurance as required. Additionally, the permittee shall notify the City of any state or federal investigation, or conviction of violation of any state or federal law within ten (10) days of such investigation or conviction.

(b) If the Brady City Manager or designee's decision is not acceptable to applicant or permittee he may, within ten (10) days of that decision, file an appeal in writing with the

City Manager. During the pendency of the appeal, the permit shall be suspended. Such a written appeal shall set forth the specific grounds therefore. The City Manager shall notify the appellant within ten (10) days after the receipt of appeal as to the time and place of the hearing, which shall be within thirty (30) days of receipt of such appeal. The determination of City Manager on any appeal pursuant to this chapter shall be final.

(c) Upon suspension or revocation of an ambulance permit, such medical transfer service shall cease operations in the City and no person shall permit such medical transfer service to continue such operations.

Sec. 4.132 – 4.140 reserved.

Section 2. Penalty. Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each violation occurrence shall constitute a separate offense.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Brady, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Passed and Approved on FIRST READING on the _____ day of June, 2014.

Passed and Approved on SECOND READING on the _____ day of June, 2014.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney