



CITY OF BRADY
CITY COUNCIL WORK SESSION AGENDA
JUNE 1, 2021

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 3:00 pm on June 1, 2021, at the City of Brady Municipal Court Building, located at 207 S. Elm Street, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code Government Code.

1. Call to Order, Roll Call and Certification of a Quorum

Tony Groves
Mayor

Jane Huffman
Mayor Pro Tem, Place 4

Larry Land
Council Member, Place 1

Missi Elliston
Council Member, Place 2

Jeffery Sutton
Council Member, Place 3

Jay May
Council Member, Place 5

Dennis Jobe
City Manager

Erin Corbell
Deputy City Manager

Tina Keys
City Secretary

Lisa McElrath
Director of Finance

Steve Miller
Director of Public Works

Steve Thomas
Chief of Police

Lloyd Perrin
Chief of Fire/EMS

Sarah Griffin
City Attorney

2. Review: Police truck order for FY 21

3. Review/Discuss: Electric Power Billing and Electric System repairs

4. Plan: Future work sessions and dates/topics

5. Discuss: Process and Announcements

6. Discussion regarding Ordinance 1057 - Subdivisions

7. 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 4:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Tina Keys, City Secretary

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

CHAPTER 10.100 GENERAL AND ADMINISTRATIVE PROVISIONS

10.101. Authority and purpose.

This subdivision ordinance is adopted to promote the health, safety and welfare of the city and to promote safe, orderly, and healthful development of the city. The city shall adopt and administer subdivisions and property in accordance with Chapter 212 of the Local Government Code and all other applicable state and federal laws.

The purpose of this chapter is to:

- (1) Achieve orderly urban development through land subdivision;
- (2) Promote and develop the utilization of land to assure the best possible community environment in accordance with the comprehensive master plan of the city;
- (3) Provide for adequate municipal services and safe streets;
- (4) Allow freedom of creative expression on the part of subdividers;
- (5) Ensure that adequate water and wastewater facilities are provided; and
- (6) Protect and promote the public health, safety and general welfare.

(Ordinance 1057 adopted 5/5/10)

10.102. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alley - a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a public street.

Building line - a line beyond which buildings must be set back from the street line.

City - the City of Brady.

City Council - the City Council of the City of Brady.

City Manager - the city manager or the manager's authorized representative.

Commission - the planning and zoning commission of the city.

Comprehensive master plan - the comprehensive plan of the city, including any unit or part of such plan separately adopted, and any amendments to such plan, or parts thereof.

Crosswalk - a public right-of-way, six feet or more in width between property lines, which provides pedestrian circulation.

Easement - a right granted for the purpose of limited public or semi-public use across, over or under private land.

Engineer - the city engineer or the engineer's duly authorized representative.

ETJ or Extraterritorial Jurisdiction - the extraterritorial jurisdiction of the City of Brady.

Floodprone area - a land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded.

Floodproofing - any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Lot - an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Major thoroughfare plan - the part of the comprehensive master plan showing the location and dimensions of principal and secondary thoroughfares.

National Flood Insurance Program - the program established by the National Flood Insurance Act of 1968, as amended, 42 USC 4001-4127, which is administrated by the Federal Insurance Administrator. The provisions of such program have been adopted by the city. The definitions listed in the general provisions of the National Flood Insurance Program shall apply in like manner to this chapter.

Neighborhood - a complete distinct residential development designated in the comprehensive plan as a neighborhood unit.

Plat - the map, drawing or chart on which a subdivider's plan of a subdivision is presented, which the subdivider submits for approval and intends to record in final form.

Street - a public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive, or however otherwise designated.

(1) Cul-de-sac - a short minor street having only one vehicular access to another street and terminated by a vehicular turnaround.

(2) Dead-end street - a street, other than a cul-de-sac, with only one outlet.

(3) Major street - a principal traffic artery, more or less continuous across the city, which is intended to connect remote parts of the city, or areas adjacent thereto, and acts as a principal connecting street with state and federal highways, and shall include each street designated as a thoroughfare on the thoroughfare plan, including all existing and proposed major streets shown on the major street plan adopted by the city.

(4) Minor street and local street - a street which is primarily intended to serve traffic within a neighborhood or limited residential district, and is not necessarily continuous through several residential districts.

(5) Roadway and paving width - the portion of a street available for vehicular traffic, and when curbs are laid, the portion between the face of the curbs.

(6) Secondary street and collector street - a street that carries traffic from minor streets to the major system or arterial streets and highways, including the principal entrance to streets of a residential development and principal streets for circulation to schools, parks and other community facilities within a neighborhood.

Street width - the shortest horizontal distance between the lines that delineate the right-of-way of a street.

Subdivider - any individual, firm, association, syndicate or partnership, or any agent thereof, dividing, or proposing to divide, land so as to constitute a "subdivision," as such term is defined in this section. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision - the division of any lot, tract or parcel of land, whether described as lots and blocks or by metes and bounds, into two or more lots or sites for the purpose, whether immediate or future, of sale or building development. Such term also includes resubdivision of land or lots.

(Ordinance 1057 adopted 5/5/10)

10.103. Compliance required.

No person shall create a subdivision of land within the corporate limits of the city, or within its extraterritorial jurisdiction, without complying with the provisions of this chapter. All plats and subdivisions of any such land shall conform to the rules and regulations set forth in this chapter. (Ordinance 1057 adopted 5/5/10)

10.104. Application.

The provisions of this chapter shall not apply to any lot forming a part of a subdivision, a plat of which has been duly recorded in the office of the county clerk, prior to the effective date of the ordinance from which this chapter is derived, unless such lot is to be divided or replatted. (Ordinance 1057 adopted 5/5/10)

10.105. Enforcement.

(a) Permits shall not be issued for the building or repair of any structure on a lot in a subdivision for which a final plat has not been approved by the city and duly recorded in the office of the county clerk.

(b) The city shall withhold all public improvements and services of any nature, including the maintenance of streets, wastewater facilities and water, gas and electric service, from all subdivisions that have not been approved in the manner prescribed in this chapter, and from all areas dedicated to the public that have not been accepted by the city council.

(c) Any subdivision of land in violation of the terms and provisions of this chapter is hereby declared to be a public nuisance, and appropriate officers of the city are authorized to institute any action that may be necessary to restrain or abate such violation.

(d) Whenever any work is being done contrary to the provisions of this ordinance, an authorized official of the city may order the work stopped by issuing a Stop Work Order. Additionally, the city may cancel any permit depending in whole or in part on approval under this ordinance. The authorized

official shall have the right to enter upon any premises for the purpose of making inspections. Submittal of any application that authorizes construction of structures or improvements shall be construed as a grant of authority to enter for the purpose of enforcing the permit.

(e) Any person who shall violate any provision of this ordinance or shall fail to comply with its requirements is guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense.

(Ordinance 1057 adopted 5/5/10)

10.106. Serving and connecting utilities.

The city shall not serve or connect any public utilities to any land, or part thereof unless and until a plat of a subdivision has been approved, and the subdivider has constructed the streets, curbs, paving, utilities and drainage facilities in the subdivision in the manner prescribed by this chapter. (Ordinance 1057 adopted 5/5/10)

10.107. Dedication and maintenance of streets and alleys.

Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown on such plat. Approval of a plat shall not be deemed an acceptance of the proposed dedication. The city will not accept or maintain such streets and alleys unless and until such streets and alleys have been constructed according to the requirements of this chapter, and the required utilities and drainage facilities have been installed, and such improvements have been accepted by the city as evidenced by the written certificate of the city engineer. (Ordinance 1057 adopted 5/5/10)

10.108. Large scale or neighborhood development.

The standards and requirements of the regulations set forth in this chapter may be modified by the city, in the case of a plan and program for a new complete community or neighborhood unit or a mass housing project, which contains adequate provisions for circulation, recreation, light, air and service needs of the tract when fully developed and populated and equal to or better than the detailed requirements of this chapter, and which also provides such covenants or other legal provisions as will assure conformity to the plan. (Ordinance 1057 adopted 5/5/10)

10.109. Variances.

(a) The planning and zoning commission may authorize a variance from this chapter when, in the opinion of the planning and zoning commission, undue hardship will result from requiring strict compliance with this chapter. In granting a variance, the planning and zoning commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the findings required in subsection (b) of this section, the planning and zoning commission shall take into account the nature of the proposed use of the land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and public health, safety, convenience and welfare in the vicinity.

(b) No variance shall be granted unless the planning and zoning commission finds that:

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land.

(2) The variance is necessary for the presentation and enjoyment of a substantial property right of the applicant.

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

(c) Such findings of the planning and zoning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the planning and zoning commission's meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute an undue hardship.

(Ordinance 1057 adopted 5/5/10)

10.110. Cost of public works improvements.

The developer shall furnish all public works improvements required for normal development within the subdivision,

including minor and secondary streets and alleys and all utilities, sanitary sewer and drainage facilities required to serve the area within the subdivision. The city may participate in the construction of major thoroughfares and the cost of installing larger utility, sanitary sewer and drainage facilities designed to serve a contributing area larger than the subdivision under consideration, in accordance with policies established by the city council. (Ordinance 1057 adopted 5/5/10)