

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 23RD DAY OF JANUARY, 1990 IN THE CITY HALL COUNCIL CHAMBERS, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6:00 P.M.

The Council met in a regular session with the following members present:

Jane Monday	D. Eugene Barrett	City officers present:
Gary Bell	James L. Carter	Gene Pipes, City Manager
Ila G. Gaines	William B. Green	Scott Bounds, City Attorney
William L. Hammock	Percy Howard, Jr.	Ruth DeShaw, City Secretary
William H. Knotts, Jr.		

CONVENE FORMAL MEETING AND RECESS TO EXECUTIVE SESSION

The Honorable Jane Monday, Mayor, convened the formal session at 6:00 P.M. and then recessed the meeting into an Executive Session to consider contemplated litigation concerning possible deed restriction violations; a real estate acquisition on 7th Street; and pending litigation: Acker Vs. City. The Executive Session ended at 6:45 P.M. but continued after the formal session in order to complete discussions. No formal action was taken and no other items were discussed.

RECONVENE FOR CITIZEN INPUT/INQUIRY SESSION

Mayor Monday then reconvened for citizen input/inquiry session.

Bette Nelson of Bluebonnet Square and Scotties on the Square to discuss trash on curb, dates for pickup, grant celebration, bicycle race, and downtown parking

Ms. Nelson advised the Council she will be going to Corpus Christi to attend the Business Plans for Business Districts, a meeting referred to her by Architect Kim Williams. She encouraged city participation as well.

She also advised that she is a business owner and that she has two shops on the Square and that she thinks of the Square as her personal quest and she walks around it all the time trying to make sure that everyone is happy and that things are going well. She said they put up a billboard on I-45 and they can already see the direct result as she is seeing more and more visitors all the time. She said on her trips around the Square, she has noticed there are bags of trash that sit out all weekend long. She asked why the trash bags were sitting on the sidewalk and discovered the City picks them up early Monday morning before the shop owners arrive. Ms. Nelson felt the city should be able to decide on another pick-up day and not have garbage sitting on the square all weekend for the visitors to view. She passed this on as one of her ideas and that she is open to suggestions.

Ms. Nelson said the downtown merchants feel they are going to receive the grant from the National Endowment for the Arts and are excited about it. She said tentatively they have organized for the third weekend in March to have a "Grant Celebration," and that the Gibbs Powell House will have their arts and crafts sale on this weekend. She said they feel this will bring more people downtown.

The Council was advised by Ms. Nelson that we have a new bicycle shop in town and the owner and his father are very enthusiastic about bicycling. She said she asked them to perhaps lay out a tentative track where they could have a bicycle race in Huntsville. She said some towns have them and they bring up to 14,000 bicycle riders into the city. She said they are looking at this perhaps in May or later. Mayor Monday suggested including Matt Wagner in these plans at Nautilus as she has visited with him previously about this and he is quite a biker himself. Ms. Nelson said they already have several people; i.e., custom frame shop and others that want to get in and make this a success. She said she feels it will be good for Huntsville.

Ms. Nelson said she visited with the Council previously about downtown parking. She noted with the increase in visitors, something should be done about the practice of some who find it convenient to park

their vehicles on the Square all day long or all night long. She said it has made it increasingly difficult for visitors to park. She said asked the status of this matter. She asked if the parking can be marked more clearly with signs to help people get off of 11th Street to the adjacent available parking areas, because visitors don't know where they are. Mayor Monday advised that as the city acquires its additional parking and is able to put some parking off of 11th street, the city will definitely need directional signs showing where people can park. Ms. Nelson said she has been working hard to get more and more people interested in being on the Square and when she gets back from Corpus Christi she has a plan of action that she is going to implement which will be to directly contact people to come here to set up their business. She said it is very hard for her to sell it when they don't have a place to park their customers. Councilmember Bell asked if it is her perception there are still long term parking from employees from the courthouse. Ms. Nelson said she sees it every day. Mayor Monday asked the City Manager to ask the Police Chief to take a look at this and report at the next meeting on how we are handling that. Ms. Nelson said looking out her front door, she can see four courthouse employees parking all day long on the Square. Mayor Monday said the city also needs to look at signage for these additional parking area. Mayor Monday advised they will try to get an answer back to her by next week on these matters.

Jim Standefer to request response to letter to Council of 12-10-89 referencing building use ordinances downtown and Taxi Ordinance

Mr. Standefer advised the old Barrett's Hardware Store has been sold and is undergoing renovation inside, and he has purchased the old City Hall/Fire Station a few weeks ago and will be restoring the outside of it, except for the big doors where the fire trucks had gone in and out. He said he is having a hard time finding pictures and if anyone has pictures of the old fire station, he would appreciate seeing them.

He then asked if the Council had discussed his letter of December 10, 1989 concerning some type of ordinance restricting usage of the first story buildings downtown. He said the original architecture of downtown was commercial and retail, etc., with living quarters above. He said we are getting more and more into second story, or bottom floors being converted into residential areas, causing more parking problems, etc., and this is rather a reverse of what they are trying to accomplish downtown. He asked the Council to give this some consideration, noting it will be a complicated subject. He said it is a matter, however, that needs to be addressed because they need some organization downtown.

Mr. Standefer referred to the problems with taxis and buses downtown. He said there were ten there today with about five vans from out-of-town and five local taxis and all of them out there hustling. He said the last thing the inmates need when they get out is to be hustled. He said the pawn shops have been behaving themselves and are not causing problems. He said the problems are being caused by the taxis. He asked the city to set up some sort of taxi stand arrangement. He said he originally proposed perhaps two taxi slots with the first one taking the first fare and the taxi driver having to stay inside and not soliciting, etc. He said this is what they do in Fort Hood and places similar where they have an influx of people who are on foot and waiting for some kind of transportation. He said this is an organized way like they use at the airports--the first one there gets the fare--no soliciting, etc. He said it really looks bad up there--like a Chinese fire drill--and it is a bad reflection on downtown. He said he is right in the middle of all of this and is the buffer zone, so he watches it go on all the time. He said it really is a problem that needs to be addressed. He asked them to observe it personally some time and that it is getting worse. He asked the Council to work on an ordinance to address these problems.

Mayor Monday said she will refer both of these matters to Scott Bounds, City Attorney and Dale Brown, City Planner.

FORMAL SESSION RECONVENED

Mayor Monday then reconvened the formal session. Councilmember and Mayor Pro Tem Howard presented the invocation.

CONSIDER THE MINUTES

Consider the minutes of the council meeting of January 9, 1990

Councilmember Barrett made the motion to approve of the Minutes of January 9, 1990 as presented and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

CONSIDER ELECTION RESULTS

Receive and canvass the results of the election of January 20, 1990 for City Councilmembers-at-large positions, and consider Resolution No. 90-4, certifying the results of that election.

The Council then canvassed the results of the election by reviewing the following election tabulation with the separate results submitted by the Election Judges.

THE JANUARY 20, 1990 CITY OFFICERS ELECTION

CANDIDATES	VOTES CAST BY CITY PRECINCTS										RESULTS	
	ABSENTEE	101	102	105	201	202	206	301	306	401	TOTAL VOTES	% OF TOTAL
<u>POSITION 1</u>												
GENE BARRETT	13	7	31	6	19	11	14	10	5	5	121	7%
WRITE-IN	1	6	7	0	5	2	1	5	0	3	30	2%
<u>POSITION 2</u>												
ILA G. GAINES	14	7	32	6	22	11	14	12	5	5	128	8%
WRITE-IN	0	5	7	0	5	2	1	2	0	3	25	1%
<u>POSITION 3</u>												
JIM CARTER	8	16	27	6	22	13	17	10	5	10	134	8%
WRITE-IN	0	0	6	0	1	3	0	1	0	1	12	1%
<u>POSITION 4</u>												
WILLIAM GREEN	12	8	31	5	19	11	15	12	0	5	118	7%
WRITE-IN	0	6	7	0	4	2	1	2	6	4	32	2%

NUMBER OF VOTERS VOTING BY PRECINCT; PERCENT OF TOTAL; NO. REGISTERED

PCT. 101 . . . . .	16	, % OF TOTAL: 2%	- Registered: 678
PCT. 102 . . . . .	41	, % OF TOTAL: 3%	- Registered: 1274
PCT. 105 . . . . .	6	, % OF TOTAL: 1%	- Registered: 813
PCT. 201 . . . . .	27	, % OF TOTAL: 3%	- Registered: 1014
PCT. 202 . . . . .	17	, % OF TOTAL: 2%	- Registered: 851
PCT. 206 . . . . .	17	, % OF TOTAL: 3%	- Registered: 531
PCT. 301 . . . . .	15	, % OF TOTAL: 1%	- Registered: 1384
PCT. 306 . . . . .	6	, % OF TOTAL: 2%	- Registered: 247
PCT. 401 . . . . .	11	, % OF TOTAL: 1%	- Registered: 1434
ABSENTEE . . . . .	14	, % OF TOTAL: 8%	

History of at-Large Elections

Number voting in 1988: 219\*\*\*  
 Number voting in 1986: 2060++  
 Number voting in 1984: 1594\*  
 Number voting in 1982: 1685\*\*  
 Number voting in 1980: 189\*\*\*  
 Number voting in 1978: 755+  
 Number voting in 1975: 634\*

\*Position 1 opposition  
 \*\*Positions 1, 3, & 4 opposition  
 \*\*\*Incumbents unopposed  
 +Position 4 opposition  
 ++Position 1 & 2 opposition

TOTAL NUMBER OF VOTERS VOTING IN THIS ELECTION: 170.  
 TOTAL REGISTERED VOTERS IN CITY: 8,226 % WHO VOTED 2%

<u>JANUARY 20, 1990 POLLING PLACES</u>	<u>Ballot Distribution</u>	<u>Number</u>
101 -- Fire Station No. 2	Specimen	0001
102 -- Walker County Courthouse	Absentee:	0002-0050
105 -- First Baptist Church on 10th St.	Pct. 101	0051-0350
201 -- Holiday Inn	Pct. 102	0351-0900
202 -- First Presbyterian Church	Pct. 105	0901-1100
206 -- Region VI, Education Service Center	Pct. 201	1101-1650
301 -- Martin Luther King Neighborhood Center	Pct. 202	1651-2150
306 -- Faith Memorial Mexican Baptist Church	Pct. 206	2151-2600
401 -- Walker County Appraisal District Office	Pct. 301	2601-3050
	Pct. 306	3051-3200
	Pct. 401	3201-3650

Mayor Monday then presented Resolution No. 90-4 for approval, the caption of which is as follows:

RESOLUTION NO. 90-4

A RESOLUTION CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 20TH DAY OF JANUARY, 1990, FOR THE PURPOSE OF ELECTING FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR AT-LARGE POSITIONS; DECLARING THE RESULTS OF SAID ELECTION; FINDING THAT NOTICE OF SAID ELECTION WAS DULY AND PROPERLY GIVEN AND THAT SAID ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE

Councilmember Barrett made the motion to adopt Resolution No. 90-4 as presented and Councilmember Howard seconded the motion. All were in favor and the motion passed unanimously.

ADMINISTRATION OF OATHS OF OFFICE

Administration of the Oath of Office to the duly elected officials by City Secretary, Ruth DeShaw

The City Secretary then administered the oaths. Each Councilmember then signed the official oath of office which will be on file in the City Secretary's office.

CONSIDER G. A. WHITE SUBDIVISION RESIDENTS' REQUEST FOR DEED RESTRICTION ASSISTANCE

Consider request from Greg Cantrell, et. al., officers of the G. A. White Subdivision Steering Committee, as requested by Councilmember Bell.

Mr. Cantrell thanked the Mayor and Council for the opportunity to make their voices heard. His presentation is as follows:

"I come before you tonight as a representative of the residents and property owners of the Glenn A. White Subdivision, which is bounded by 11th on the south, Normal Park on the east, Hickory Drive on the west and Bois 'd Arc on the north. Ours is a quiet, friendly and peaceful neighborhood--it's a good place to live and to raise a family or to spend one's retirement years. When the White Subdivision was created in the 1950's, use of the property was limited to residential use with commercial development prohibited by means of a deed restriction. The Subdivision remained entirely residential until several years ago when a suit was filed to break the restriction so that a used car lot could operate at the corner of 11th and Normal Park. At that time, the residents ganged together to oppose that suit, but owing to a lack of funds to fight a prolonged legal battle, and owing to some special circumstances concerning that one piece of property, the property owners were forced to settle for a compromise that allowed that one corner to be carved out of the Subdivision and be commercially developed.

"The main reason this was allowed by the Court was because that one piece of property had not been a part of the original subdivision and it was not entirely clear that the restriction had ever been meant to apply to it. Nevertheless, while commercialization was allowed for that one corner, the deed restriction

for the remainder of the Subdivision remains intact today and over the years, the City has enforced it on a number of occasions, as City Attorney, Scott Bounds, will attest.

"The Subdivision remains entirely residential today and the homeowners in the neighborhood bought their homes with the understanding that it would remain that way. Recently a new suit has been filed in District Court to have the deed restriction for the Subdivision lifted and again the residents and the property owners are finding themselves fighting a costly legal battle to preserve what they thought was assured when they bought their property. Over the past few years, several of the lots facing 11th Street have been purchased by businessmen who presumably bought them with hopes of some day developing the property commercially. The homes on those lots became rental property and have been allowed by the owners to deteriorate. The present suit was brought by a local liquor store owner who apparently plans to build a liquor store on the site if he wins his suit against us. Those of us who live in the Subdivision are convinced that such an action would increase traffic and noise in the neighborhood, lead to an increase in crime and seriously damage our property values.

"In many cities, conflicts such as this are resolved by means of zoning laws; however, since the City of Huntsville and its elected Council have maintained a position that deed restrictions are sufficient to protect property owners, we firmly believe that the City should come to the aid of such property owners when they find their restrictions under repeated assault as has happened to us. The City has pledged itself to enforce deed restrictions. To have any meaning, this pledge must allow the City Attorney to represent property owners in Court when those restrictions are attacked. If the City does not do this, it means, in effect, that deed restrictions only protect those who can afford thousands of dollars in legal expenses each time their restrictions are challenged in court. It would be hypocritical for the Council to say: 'Well, we'll prevent deed restrictions from being violated but will do nothing to prevent those deed restrictions from being wiped out altogether.' Among those who agree with us on this point is former Mayor Morris I. Waller, who has told us, and I'm quoting the former mayor: 'When the City committed itself to protecting deed restrictions, it was the intent of the City . . . ,' and those were his words, '. . . the intent of the city that the City Attorney represent property owners in court . . .' in cases such as this.

"We hereby respectfully request that the Council direct the City Attorney to represent us in Court to help us fight this battle. To do otherwise would send a clear signal to us that the Council's stated commitment to the integrity of deed restrictions is nothing more than empty words. In the past two weeks, we have held two well attended meetings of those property owners and residents who oppose the lifting of the restriction. A committee from among us recently completed a survey of the opinions of the property owners and that survey indicates that the great majority of them agree with the sentiments that I am expressing tonight. As of tonight, we have been able to contact 37 of the 42 property owners in the subdivision. Thirty of those 37 have expressed their opposition to having the deed restriction lifted. We can only find five of the owners who in any way appear to favor lifting the restriction altogether; none of those live in the Subdivision and all of them have an interest in property fronting on 11th Street. Only two property owners have expressed no position whatsoever. In other words, 81 percent of those property owners who can be reached oppose having the deed restriction lifted and no one who actually lives in the neighborhood favors lifting it.

"Before I finish, I would like to communicate some of the feelings of those in the neighborhood--the feelings that have been expressed in our neighborhood meetings and conversations. I would like to point out, for the benefit of the Council, that everyone who is either a property owner or a relative of a property owner or a resident or the representative of a property owner in the Subdivision, would you please raise your hands? Thank you. Some of the property owners in our meetings and conversations voiced anger--some outrage--a few simply fear for what might happen to their neighborhood, but there is no shortage of will or determination on our part to do all we can to protect ourselves. There is a strong sentiment among the resident property owners that the deed restriction must be honored and indeed aggressively protected by the city. Our faith and trust in the city and in the Council will be shaken if we lose this fight. The majority of the homeowners in our neighborhood, as you can see, are elderly people who have

lived there for years and who hope to spend the rest of their lives there. One concerned property owner, well over 90 years old, has attended our meetings to make his voice heard. Another has braved slippery sidewalks with a walker to voice her opposition. A few, like me, are first time property owners who have moved to Huntsville to build a life and career here. Even some who rent homes in the neighborhood have been present at our meetings and I assume are present here tonight to express their opposition to this action. None of those for whom I speak tonight think that their homes or their quality of life would be enhanced by the location of a liquor store or similar business in our neighborhood.

"The west end of 11th Street is the entrance to Huntsville for thousands of visitors each year. As citizens, we would love to see that portion of our neighborhood facing 11th Street enhance the beauty of Huntsville and present a favorable image of the City to newcomers. If changes do come to that property, we strongly believe that we, the property owners of the Subdivision, should have a major voice in determining the nature of those changes. We do not approve of how the developers and speculators who own that property have maintained it thus far. And if you have seen it, I'm sure most of you would agree. How could we have confidence that they would put the interest of their neighbors or the City first if they are allowed to proceed with their current plans. It is in the interest of the City of Huntsville for the city to assist us in this action. The Council now has the opportunity to champion the welfare of the many over the narrow economic interests of the few."

#### Council Questions

Councilmember Bell advised he is sympathetic to what these residents are saying and they have, in his judgment, the right to maintain their residence and residential life style in the manner they believed would be maintained when they bought the property. He addressed Mr. Cantrell and noted the City does not have a specific deed restriction assault at this point, noting this is a class action suit to try to break the deed restriction. Mr. Cantrell said he is not a lawyer so anything he says may be not quite right. He said, however, that they have studied this to the best of lay people's ability and their understanding of the suit is that there is indeed a suit filed to break or to at least in some way alter the deed restriction. He said he needs to point out that the legal opinions they have heard say that any alteration of the deed restriction either weakens it to the point that it is so vulnerable that it is useless or voids it altogether. He said the suit has been filed to their understanding to actually accomplish that, preliminary to the suit, which has actually been filed. He said it is just that this first motion for class certification has to be adjudicated first before the case can go forward. He said if class certification were not achieved, it might be that the suit would have to be refiled or filed some other way or simply all of us would have to be sued individually, but this is their understanding. Councilmember Bell recommended to the Council that they do, in fact, instruct and direct the City Attorney, Scott Bounds, to intervene on their behalf in order to maintain these deed restrictions, which in turn will preserve the integrity of the neighborhood.

Councilmember Barrett said in the Executive Session before this meeting, the Council did have the consensus of the City Council to help Mr. Cantrell and his neighbors uphold their deed restrictions and that they think this will set a precedent and that the Council is behind them and will try to help them in any way they can. He said he appreciates their coming to City Hall.

Councilmember Knotts noted three or four years ago the City had a Zoning Study Commission which he chaired. He said when he presented their final report to the Council, the Council did not see fit at that time to consider zoning, but it did state it would uphold and defend deed restrictions.

Councilmember Carter said he concurs with the others and feels there is a general consensus on the Council to support the neighborhood and he thinks that is one of the few times they have been as close together on some issues. He said he goes along with Councilmembers Bell and Barrett in terms of recommending that the City Attorney intervene on behalf of the City, but he thinks the neighborhood has to understand that they have an interest and the city has an interest also and that it is possible that those

two interests might not be 100% in agreement as the suit proceeds. He said they think they will be substantially in agreement, i.e., 80-90%, but periodically, there may be some disagreements about what the city needs versus what the neighborhood needs and what the city sees as best and what the neighborhood sees as best. He said they have to go into this, in a sense, along with the City with that understanding. In addition, he said, it might be that they might want a private attorney at some level, and they are not telling them to do that and not saying they have to do that, but because there might be some difference, and even thought it might be slight, it might not hurt for the neighborhood to consider the possibility of retaining an attorney at some point. He said that may not be useful, but the Council needs to make it clear to them that the City's interest could diverge slightly as the suit proceeds.

Councilmember Gaines agreed with Councilmember Carter, and noted she is also sympathetic and reiterated what Councilmember Carter said in that there may come a time when the residents may not feel that the City is acting in their best interests, but they have to recognize the fact that they are representing the city and those two interests might not coincide. She said she wants them to always know that whatever the outcome of this might be, that the City is sympathetic with them and that they are working to bring the best possible solution to this problem, but they do want them to know that at no point will the City be against them, but maybe the circumstances will make it appear that way. She said some things may happen that the City cannot control or they might enter into something that might make it appear that the city is not representing their specific interests. She said they don't know what that might be, but want them to understand and realize this up front that the city is sympathetic and as in any court case, it is going to do the very best for them that it can possibly do, given the circumstances and whatever might develop from that.

Councilmember Green noted he is glad all of the residents are here. He said he thinks it is important that they all recognize the fact that they have a valid issue and the fact that they do have deed restrictions is really what gives them the right in court to protect the sanctity of their property, because when they went into those agreements, in fact, it was a voluntary agreement and their Subdivision has remained in tact essentially for 30 years. He said as times change, of course, some times deed restrictions are attacked and here is one of those circumstances. He said he hopes the city's intervention will benefit the residents because he thinks it is not only for this subdivision but for all subdivisions that have deed restrictions, as the city needs, as best it can, to protect the sanctity of those private arrangements. He reiterated some of the things some of the others said in that the outcome may not be what any of them want it to be as they cannot guarantee that because that is going to be ultimately decided by the Court and they do want the residents to recognize the City supports them as they try to protect their property.

Mayor Monday then asked for a motion to support a resolution, the caption of which is as follows:

RESOLUTION NO. 90-5

A RESOLUTION OF THE HUNTSVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO INTERVENE, ON BEHALF OF THE CITY, IN A LAWSUIT TO ENFORCE AND DEFEND DEED RESTRICTIONS IN THE G. A. WHITE SUBDIVISION

Councilmember Barrett made the motion to adopt Resolution No. 90-5 Councilmember Howard seconded the motion. Discussion: Mayor Monday noted she appreciates the phone calls she has received and having all of the residents here this evening. She said there will be the very best interaction possible and the Council will be following this case very carefully. She told the residents not to hesitate to call them and interact with them concerning this. Councilmember Carter said if the residents see them diverging from what they want, the Council may not be coming back for their opinion, but the Council does want them to tell them that. He said they have a good City Attorney, but they need to hear that just as much as he does. He said if the residents get upset along the line, they should not put all of that burden on the City Attorney because the City Council is in this too and they want to know about it as well. Mr. Cantrell thanked the Mayor and Council for their consideration. All were in favor and the motion passed unanimously.

CONSIDER CONCRETE WORK--UNIVERSITY AVENUE WATER LINE PROJECT

Consider bids for concrete work on the University Avenue water line project [No. 89-02-02] to Spivey Construction in the amount of \$11,411 to be paid as indicated.

Mr. Gene Pipes, City Manager, advised there were four bids received, ranging from \$11,411 to \$15,143. He then presented the staff's recommendation to award this bid to Spivey Construction in the amount of \$11,411, to be funded \$5,749.50 from Water [Account No. 07-62-9622] and Streets [Account No. 08-03-9184]. Councilmember Gaines made the motion to approve of the bid from Spivey Construction as outlined and funded above and Councilmember Barrett seconded the motion. All were in favor and the motion passed unanimously.

CONSIDER BLACK CHIP ROCK

Consider single source purchase of black (lava) chip rock from Vulcan Materials in the amount of \$10,680 to be paid from budgeted maintenance funds

Mr. Gene Pipes, City Manager, advised the approved 1990 street priority list has 11 streets on it to be seal coated. The amount of chip rock needed to complete the project is 300 tons of grade #5 and 50 tons of grade #4, and will cost as follows: 300 tons of #5 @ \$30.55 = \$9,165, or 25 cents less per ton from last year; and 50 tons of #4 @ \$30.30 = \$1,515, or the same as last year. Since Vulcan Materials is the only source of this type of rock, Mr. Pipes said the city is requesting permission to one source the purchase and to expend the \$10,680 from capital street funds. Councilmember Howard made the motion to approve of this one source purchase in the amount of \$10,680 as outlined above and Councilmember Gaines seconded the motion. Discussion: Councilmember Knotts said the city is paying about double the price to get a higher grade of material, but they could get the same material from East Texas Stone except for the color; however for only 300 tons, it would not make a lot of difference, but if they were to get 3,000 tons, he would express some concern. All were in favor and the motion passed unanimously.

CONSIDER BIDS POLICE CARS

Consider bids for three police cars to Moore-Henry Motors in the amount of \$11,900 per unit to be paid from budgeted funds

Mr. Gene Pipes, City Manager, advised it is the City's intent to purchase three new 1990 full size cars with police packages. He noted the city considered state contract purchase [\$12,298.22/vehicle], H-GAC [\$12,025/vehicle], and formal bid [\$11,900/vehicle], and chose the formal bid process to get the best pricing. He then presented the lowest bid meeting specifications from Moore Henry Motors, noting four bids were mailed out. Councilmember Knotts made the motion to approve of the bid to Moore-Henry Motors and Councilmember Barrett seconded the motion. Discussion: Councilmember Carter noted in many instances, public vehicles are being converted to natural gas and there has been some movement in the state of Texas for that to occur. He asked the staff to check on the possibility of natural gas vehicles for the police fleet that we are about to purchase over the next 5-10 years. Mr. Pipes said the staff has not moved on this but wants to explore converting the entire fleet. He said it is not a matter of changing anything on the unit but is a matter of safely adding an appropriate attachment to the vehicles and purchasing refueling racks. Councilmember Carter encouraged the staff to look at this because he sees this trend developing and it looks like to future for public fleet vehicles of all types and that would include dump trucks and heavy equipment as well. After another question for clarification, all were in favor of the motion on the floor and it passed unanimously.

CONSIDER POLICE UNIFORMS

Consider bid for annual contract for replacement police uniforms to R&R Uniforms as per unit price indicated

Mr. Gene Pipes, City Manager, presented the purchasing agent's recommendation to accept the lowest bid meeting specifications presented by R&R Uniforms, as follows:

Convertible parka	\$124.30 [long length]	Polyester trousers	\$42.90 [with stripe]
65/35 Trousers	48.95 [with stripe]	Short sleeve 65/35	30.75
Short sleeve-polyester	24.75	Long sleeve 65/35	35.00
Long sleeve	27.40	Tie	3.95
Convertible parka	105.25 [short length]	Alternate gabardine	32.15 [with stripe]

He advised six bids were mailed out and two of the three returned were marked "no bid." Councilmember Knotts made the motion to approve of this bid from R&R Uniforms as outlined above and Councilmember Carter seconded the motion. All were in favor and the motion passed unanimously.

CONSIDER DOWNTOWN SIDEWALKS

Consider Recommendations from the Arts Commission concerning the sidewalks in the nine block designated downtown project area

Mr. Gene Pipes, City Manager, advised that included in the Council's packet was a memorandum from Linda Pease, Arts Commission Coordinator, outlining the recommendation of the Arts Commission that the downtown be defined as the nine block area including the Courthouse and the eight surrounding blocks to the center line of the border streets; that the City use pavers in the antique red with curbs being dark gray; and that there be planning for handicap access because the downtown needs to be accessible at all corners to handicapped people [construction of sidewalks should be pre-planned so that there is nothing to impede the use of the area by all persons; and finally, if the use of pavers is not feasible, the second choice is to use plain concrete sidewalks. He said supplemental to that, the City has received recommendations from the Architect, Kim Williams: 1) to adopt the antique red, Holland stone/Paverstone laid in a simple herringbone pattern 90 degrees [three sample traditional rectangular Holland stone bricks were displayed for Council to show shape and color being recommended]; 2) if that is too expensive or cannot be reasonably implemented throughout the downtown in a maximum of 1 to 3 years, then a simple poured concrete sidewalk is the preferable alternate solution; and 3) proper scheduling of new pavers installed with each facade improvement would be preferable; obviously each side of the Square should be improved at a time. Mr. Williams also "strongly urged" the long-term and possible interim short-term solutions to street side electrical service to the House of Furniture, Ernst Jewelry, and side service at the Smithers building. He noted minimal solutions should include at least rear service of the weather head loop and every effort should be made to analyze all issues involved and present safe but flexible alternate solutions.

Mr. Pipes advised there was a meeting last week with Kim Williams and others to receive some guidance and input. He said this group's recommendation is to go with this particular project, and if not, to go simply with the poured concrete and not try to do anything that deviates from the standard gray concrete. He said the concept is that if we are going to do anything that adds more or takes away from the building facades downtown, we will have actually gone too far by going into some other options that may be available. He said the proposal is thought to be subdued enough in color, tone and pattern configuration that it will not detract and the city will add some flavor and uniqueness to it, but the grey sidewalks are the alternate recommendation if this is not to the Council's satisfaction. Mr. Pipes advised Dr. Herb Mueche of the Huntsville Arts Commission and Ms. Linda Pease of the city staff are present should the Council have any questions.

Mayor Monday noted the motion is to accept the area designated and the material designated to be done and to do one side of the Square at a time, as recommended by Mr. Williams and the Arts Commission. Councilmember Knotts made the motion to accept the Arts Commission recommendations and those of Mr. Kim A. Williams, as presented above, and Councilmember Barrett seconded the motion. All were in favor and the motion passed unanimously.

Discussion: Councilmember Knotts said he is glad to see they stayed with the same color and said he would rather see the City do the Square like it did the south side and do the other three sides. Mayor Monday said the plan is there, but it will have to be done in conjunction with the water line work. Councilmember Knotts felt if it takes more money, we'll just have to find some. Mayor Monday noted this notion is to include the recommended pattern. Mr. Knotts felt the zig-zag pattern is stronger, but all of them are going to have to be maintained and we're going to have to keep something swept in them and pick up some and replace them whenever they need it.

Dr. Herb Mueche of the Huntsville Arts Commission, advised that a representative of the Walker County Historical Commission, who attended the meeting held with Kim Williams and the participating downtown property owners, has approved of the brick pavers. He noted all of the property owners are 100% for this particular project.

Councilmember Barrett asked if this federal grant can be used on any part of this project. Mr. Pipes said it would probably not because the National Endowment for the Arts Grant is intended to encourage artistic work, and not brick and mortar, unless it is related to a theater or some other artistic function. He said the city can make some amendments to the grant should it be awarded, later. Mayor Monday said she would think the handicap access so people could access either the artistic performing center or displays, galleries, etc. would be eligible. Dr. Mueche said one of the aspects we would get, if the grant is approved, would be this cultural designer and part of the duties there would be, as a sub-project, to have someone that would be expert in streetscape to make sure the sidewalks were accessible to handicapped people, so while we would not be buying any hard material, hopefully we would have some advice as to how best to make the transition to curbs and sidewalk level so that it would be accessible, and this expertise would be grant eligible; hard brick and mortar would not be eligible. Councilmember Knotts said it was his understanding the matching funds the city provides can be used for some of the improvements. Linda Pease said in the second and third year, there is a figure built in for actual brick. Councilmember Knotts asked if the \$150,000 matching for this \$300,000 grant from the city could be what the city does in the fourth year. Ms. Pease said in the budget which they have proposed there was a figure. Councilmember Barrett said the sidewalks are going to add to the decor of the downtown area so he would think the city's matching funds could certainly be used for the sidewalks. Councilmember Knotts said this is the way it was sold to the city. Mr. Pipes said this is a third year grant item. Linda Pease agreed, noting it can not be included as a grant eligible expense in the first year. Mayor Monday said, however, it can be included in the second and third year. All were in favor and the motion passed unanimously.

#### CONSIDER 11TH STREET WATER LINE

Consider authorization to complete the 11th Street water line work from University Avenue east to Avenue J in conjunction with the north side square project.

Mr. Gene Pipes, City Manager, advised that in conjunction with the north side square project the city came across the block adjacent to the Courthouse and it has since been determined that while we are under construction with this project it would be beneficial to cross over to University Avenue and go down to Avenue J to complete all of the work on the north side of the square adjacent to 11th Street rather than to break it up into separate projects. He said the staff did not ask the Council's approval to move this project up in the project list before Christmas and now it realizes that in going on down this last block, we can get all of the downtown area with the 12 inch water main project. He asked for the Council's approval of an estimated \$25,700 in CIP funds to complete this last block, going from the old Post Office east to the Walker County Hardware to tie into the Avenue J system. Councilmember Barrett made the motion to approve of this expenditure for the 11th street water line project from CIP funds and Councilmember Knotts seconded the motion. Discussion: Councilmember Carter asked if this includes any sidewalk work. Mr. Pipes said it does not. Mr. Pipes said the the funding for this project will come from Water and Sewer. All were in favor of the motion on the floor and the motion passed unanimously.

CITY MANAGER'S REPORT--GENE PIPESSupplemental Items to Executive Session--Real Estate Acquisition on 7th Street

Gene Pipes advised two items were added to the Executive Session discussions: consider a real estate acquisition matter on 7th Street and consider pending litigation: Acker V. City. He noted the Council will continue its Executive Session after this formal session to complete its discussion on the real estate acquisition matter on 7th Street.

Consider supplemental repair cost to the 855 trac loader in the amount of \$1,029 to Stewart and Stevenson

Mr. Pipes advised the Council gave permission previously for \$6,000 for repairs to the 855 trac loader. Subsequently, the machine was returned to the City, he said, and in addition to what was originally expected, there was some U-joint damage that had to be repaired. The total bill is now \$7,029.21, he reported, and since this is over the \$5,000 limit, the staff seeks the Council's formal approval for the additional money in excess of the \$6,000, which would be \$1,029 for this repair. Councilmember Hammock made the motion to approve of this \$1,029 in repair costs and Councilmember Bell seconded the motion. All were in favor and the motion passed unanimously.

Consider an update on the status of alarm equipment in the Police Department and authorization to seek formal bids of maintenance and repair of the equipment by contract

Mr. Gene Pipes, City Manager, presented a memorandum prepared by Larry D. McDugle, Lieutenant of the Huntsville Police Department, which advised the current contract with Resources Security expired in February, 1989 and since that time, the city has continued the contract on a month-to-month basis with Resources Security. In accordance with the contract, the alarm receiving equipment purchased by Resources Security in 1986 became the property of the City of Huntsville upon expiration of the 1986 contract, McDugle stated. In November, 1989, Lt. McDugle stated, he released a bid quote for a maintenance contract on the alarm equipment and bids were opened on December 12, 1989 with only one company, Resources Security, submitting a bid. Lt. McDugle said this bid was for \$25.00 per month per subscriber connected to the police alarm equipment, which would amount to \$725 per month or \$8,700 annually based on current subscriber numbers. He said he feels this bid is excessive for a maintenance contract and rejected the bid and elected to proceed a second bid.

Mr. Pipes noted the Lt. McDugle reports there has been very few maintenance calls on the equipment since initial installation and it is still state-of-the-art technology and consists primarily of printed circuit boards, which are merely replaced, if necessary. The Council was advised that the older the equipment becomes, however, the more maintenance may be required. Lt. McDugle advised he also spoke with Morse Security Group, manufacturer of the Varitech equipment the city has, and was advised the probable value of the equipment, at present, is an estimated \$8,000. He said for this reason, the bid from Resources Security is still considered high.

The Council was advised Lt. McDugle feels a more appropriate bid would be less than \$3,000 a year and that this would be the extreme/maximum, especially if the maintenance contract provides that the city will purchase any needed parts and equipment. Ordinance No. 89-30 provided the funds for maintenance and replacement of alarm receiving equipment would be derived from the \$25.00 per month user fee paid by subscriber to the City, Lt. McDugle reported. Currently, a \$25.00 per month fee is still being paid to Resources Security, however, this would cease when the maintenance contract is awarded, he noted.

Mr. Pipes, City Manager, said the condition of the alarm business in Huntsville has changed significantly. He said the city had two alarm companies and many alarms four years ago; it now has about 30 alarms and one company left in town. He said mostly the alarms are not wired into the police station but are monitored in Colorado. He said the state of the electronic monitoring technology has really changed and those customers, such as banks and major installations that are indeed alarm systems, are either wired in or taken care of by some other means. He said the City needs guidance as to what the Council would prefer to do.

Mayor Monday suggested giving the staff authorization to go out for bids. Councilmember Barrett made the motion to authorize the city to go out for bids for the maintenance of the city's alarm receiving equipment and Councilmember Carter seconded the motion. Discussion: Councilmember Green asked if this action precludes another decision. Mr. Pipes said if the bids are not acceptable, the Council can reject them and do something else. Councilmember Bell suggested privatizing this entire operation. Councilmember Knotts asked what would be the objection to privatizing it. Mr. Pipes said this is a matter of how the particular users of today would feel about it. He said they have made no survey. Mayor Monday said there was a great deal of reluctance with the commercial people particularly to having it go private and then having to depend on private services. Councilmember Bell felt we should check with the banks again to see how they feel about it now. Councilmember Knotts felt their opinion would be helpful to making this decision. Mayor Monday felt we should authorize the bids, see how they come in, and at the same time do the survey and get the opinions of the commercial users. Councilmember Knotts said if we get the bid information in, then we would have some dollar value to talk to them about. Councilmember Barrett said we are going to have to show them they are going to be as secure as they are now with a new program because they want that secure feeling that if it goes off, somebody is going to be there and that they will not have a break down to Colorado. All were in favor and the motion passed unanimously.

CONSIDER ORDINANCE ON PARK CURFEW

Consider Ordinance establishing hours of operation for Emancipation Park as recommended by the Parks Advisory Board and area citizens

Mr. Gene Pipes, City Manager, presented this ordinance, the caption of which is as follows:

ORDINANCE NO. 90-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, REGULATING PUBLIC ACCESS TO EMANCIPATION PARK; PROHIBITING USE OF EMANCIPATION PARK BETWEEN 9:00 P.M. AND 4:00 A.M.; PROVIDING A FINE OF \$1-200.00 FOR ILLEGAL USE OF THE PARK; PROVIDING FOR POSTING OF NOTICE OF PARK HOURS; AND MAKING OTHER PROVISIONS RELATED THERETO.

Mr. Pipes advised some months ago the city had a recommendation from a neighbor or two in the Emancipation Park area to consider doing something about the crowds that gathered and played music and generally disturbed the residents late at night. Subsequently, he said, the question was posed to the Parks Advisory Board and it then made a recommendation to the Council that this ordinance be considered. He said the ordinance includes all of the considerations discussed by the Parks Board and establishes hours for usage of Emancipation Park to be between 9:00 P.M. and 4:00 A.M. and that these ours are considered inappropriate times for park usage. He said those particular arrangements for the use of the Martin Luther King Neighborhood Center Building, in excess of the 9:00 P.M. closing hour, would be by special arrangement and would be permissible. He then recommended adoption of this ordinance.

Councilmember Howard advised that two months ago he read a portion of a letter that he received from a neighbor in this area who complained that her job requires her to go to work early, but she spends most of her sleeping time listening to noises in the park across the street. He said she urged the city to take action and to show some support for her needs. He encouraged the Council to adopt this ordinance. Councilmember Howard then made a formal motion to approve of this Ordinance No. 90-2 and Councilmember Knotts seconded the motion.

Discussion: Councilmember Howard said he feels in order to maintain the park and to keep the respect of the park, it is necessary that the Council passes an ordinance such as this so that the City can get a handle on the kind of activity that is going on in the park. He said he has noticed several times that people from other counties and communities are gathering there at different times and they pose a threat to the minds of our young people because they are inviting them. He said in fact one man was selling caps and they tried to decide whether he was selling drugs or shirts and caps. He said they finally informed him that it would be better that he move on because they were going to watch him. Councilmember Howard said it is this kind of thing that they are up against at Emancipation Park. He said it is in an area where people do cross for various reasons and he is concerned that they do not abuse the park at night

at times when people are trying to rest. Mayor Monday advised a number of people have said they really want that park to be for family use and want to feel secure in bringing their families there. She said there have been a number of improvements to that park, including a covered basketball court, a baseball field, and an improved playground area as well as the building itself. She said the city has a joint participation arrangement now with the Progressive Women's Association and they are going to be working with the city on the budget to authorize \$1,000 to match their \$1,000 to purchase chairs for the building. She said they are about to begin their fund raiser to bring those dollars together for that match. She felt there was a very positive movement ongoing to encourage family usage of the park. Councilmember Barrett asked if there was an ordinance that prohibits the sale of merchandise in a city park. Mr. Pipes advised there was. Councilmember Barrett advised Councilmember Howard to encourage residents to call the police when they see that type of activity going on in the park so they will not have to deal with this personally and can let the police handle it. Councilmember Bell suggested that a 9:00 P.M. closing time may be too early in the summer because it will still be daylight. He asked if it might be more appropriate to have a 10:00 P.M. closing in the summer time, or to have closing time more closely coincide with when it gets dark. Mayor Monday suggested the ordinance could say seasonal hours could change. She suggested Councilmember Howard visit with staff to see if the ordinance should be so amended at a later date. All were in favor of the motion on the floor and it passed unanimously.

#### MAYOR'S ACTIVITY REPORT--JANE MONDAY

##### Alcohol/Drug Abuse Task Force Report

Mayor Monday advised this Task Force is active; that the President of the Task Force is Jack Kyle; and that he has requested permission to address the Council on a regular basis to update the Council on their work.

##### Huntsville, Alabama Thank You Letter for Storm Relief Funds

Mayor Monday then read a letter from the Mayor of Huntsville, Alabama, Mr. Steve Hedding, addressed to her and County Judge Frank Robinson, as follows:

"Dear Judge Robinson and Mayor Monday:

"On behalf of the citizens of Huntsville, Alabama, I wish to express our appreciation for your thoughtfulness and prayers for our city during the tornado of November 15, 1989. Please extend to the fine citizens of Huntsville, Texas, our sincere thanks for the check in the amount of \$1,774.30 to be used in assisting those affected by the disaster. The total recovery, financial and emotional, will take some time. We are making progress towards repair and replacement of the structural damage, but the psychological scars will take much longer to heal. This gesture of willingness to help others is indicative of the human spirit and genuine love for one another that this Country was founded upon. The special concern of you and the citizens of Huntsville, Texas for the citizens of Huntsville, Alabama will always be remembered. Again, thank you for your generous gift, thoughts and prayers."

##### Proclamations

Mayor Monday noted she also did two proclamations for Huntsville High School for their geography program and one for their energy awareness program. She invited the Council to tour the halls of the High School, which is now a real challenge as they have lined the halls with continents and countries and every room is a different country and every door is a different country with all the information on that country and as one walks through the halls, it is like a trivia game because one has to decide which country they are passing. She said teachers and students will be taking an exam to see if they can fill in those countries. Another proclamation was to honor First National Bank for 100 years of operation, she noted.

#### COUNCIL ACTION

##### Bus Station/Taxis/Vans--Havoc

Councilmember Bell advised of the havoc surrounding activities at the local bus station when inmates are released. He said he wandered through the vans and taxis and realized the city has a problem there. He asked for a work session to sort out some of the problems that still exist there. Mayor Monday agreed this

needed to be done, but noted the staff could be potentially involved in other matters for the next few weeks, but after that time, they will take a look at this. She felt the Council should be there to see what is going on during peak hours as that will be helpful to the discussions. Councilmember Bell felt there is a potential hazard there. Councilmember Barrett felt the Police Chief should be given authority to go ahead and work on this right away and not wait three weeks because we know what is happening and he, himself, sees it happen first hand as he is often in this area. He said it is a comedy and the city needs to get some organization of who can take care of who and set some rules. He felt Mr. Standefer made a good recommendation concerning lining up the taxis and vans and taking turns and to stop the soliciting. He asked that Chief Eckhardt work on this right away. Councilmember Bell agreed with Councilmember Barrett. Mayor Monday said it is certainly appropriate to do this, but usually these things have to be run through legal and we need to recognize that Mr. Bounds is going to be involved in other matters at this time. She said this does not preclude Chief Eckhardt looking into the matter, however. Councilmember Bell said the general business people in the area are concerned about what is happening to their legitimate businesses and he is concerned about that too.

Councilmember Carter voiced his concurrence with the comments of Councilmember Bell as he has also observed this area and was surprised at the amount of activity as he went by, noting they really are all over the street and all over the area. He said there were several vehicles apparently looking for business. He felt something has to be done.

#### Zoning Article

Councilmember Knotts referred to an article he had inserted in the agenda packet for information concerning the fact that City Council's can change zoning, noting it is up to the City Council to "rezone."

#### City Praised for P.R. concerning Water Line work

Councilmember Gaines passed on comments from Betty Dunlap for the courtesies shown her by city staff who were working in her neighborhood. She said Ms. Dunlap was very concerned last year about proposed water line work to be done near her property and was distressed at the thought of losing trees in her yard. Councilmember Gaines said Ms. Dunlap is delighted about the way things have been handled in her area and that the City has use good public relations. Councilmember Gaines reported Ms. Dunlap was especially appreciative of Mr. Phillip Burnett, Superintendent of Water Distribution, who did everything he said he was going to do and was considerate of her feelings.

#### H-GAC Meeting

Councilmember Howard noted in August of 1988, the City Council passed a resolution authorizing the City to participate in H-GAC's regional 9-1-1 plan and authorized the Mayor to appoint three representatives to the County Coordinating Committee. He advised that the implementation of 9-1-1 emergency telephone network is getting underway and that H-GAC will be expanding the 9-1-1 service area in Walker County and upgrading the present systems service features by January 1992 as a part of the new Regional 9-1-1 plan developed by H-GAC and representatives of Walker County emergency and telephone service providers. He said the plan and its implementation schedule are part of a statewide effort to set up 9-1-1 emergency communications systems throughout Texas. He noted state legislation is requiring larger counties to participate in 9-1-1 systems, but counties with less than 120,000 people, such as Walker County, have the option to participate in a regional 9-1-1 system.

Mr. Howard advised the Walker County Commissioners Court and the city councils of Huntsville, New Waverly, and Riverside, along with eight other counties in the upper Gulf Coast region, worked together with the H-GAC, the area's planning agency made up of over 150 local governments, to set out a set of plans for 9-1-1 operations in each of the counties. He said by March of 1991, people across the entire county will be able to save valuable time in any type of emergency situation by simply dialing the digits 9-1-1. People in the Shiro, Eastex, Waterwood and the Trinity exchange north of the Kitrell cut off, will have their 9-1-1 calls initially answered in neighboring counties. City of Huntsville 9-1-1 calls, he noted, will be answered in the Huntsville Police Department, Walker County calls outside the City of Huntsville will be

answered in the Walker County Sheriff's Department and the appropriate law enforcement, fire, or ambulance service will be notified immediately and dispatched to the scene of the trouble.

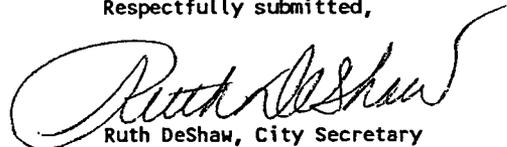
The Council was advised money to finance the 9-1-1 system will come from the proceeds of an emergency service fee and an equalization surcharge to be a part of each Walker County telephone subscriber's monthly bill. These fees, he noted will be added to telephone bills beginning in January, 1990. Councilmember Howard said the service fee, set by State legislation and approved by the Texas Advisory Commission on State Emergency Communications, is \$0.50 per telephone access line per month. In addition, the equalization charge is 2/10 of 1 percent on all intrastate long distance calls. He said Walker County's representatives on that advisory panel are Chief Hank Eckhardt of the Huntsville Police Department, Huntsville's Fire Chief, Joe French and Walker County Commissioner Joe Malak.

RECESS TO EXECUTIVE SESSION

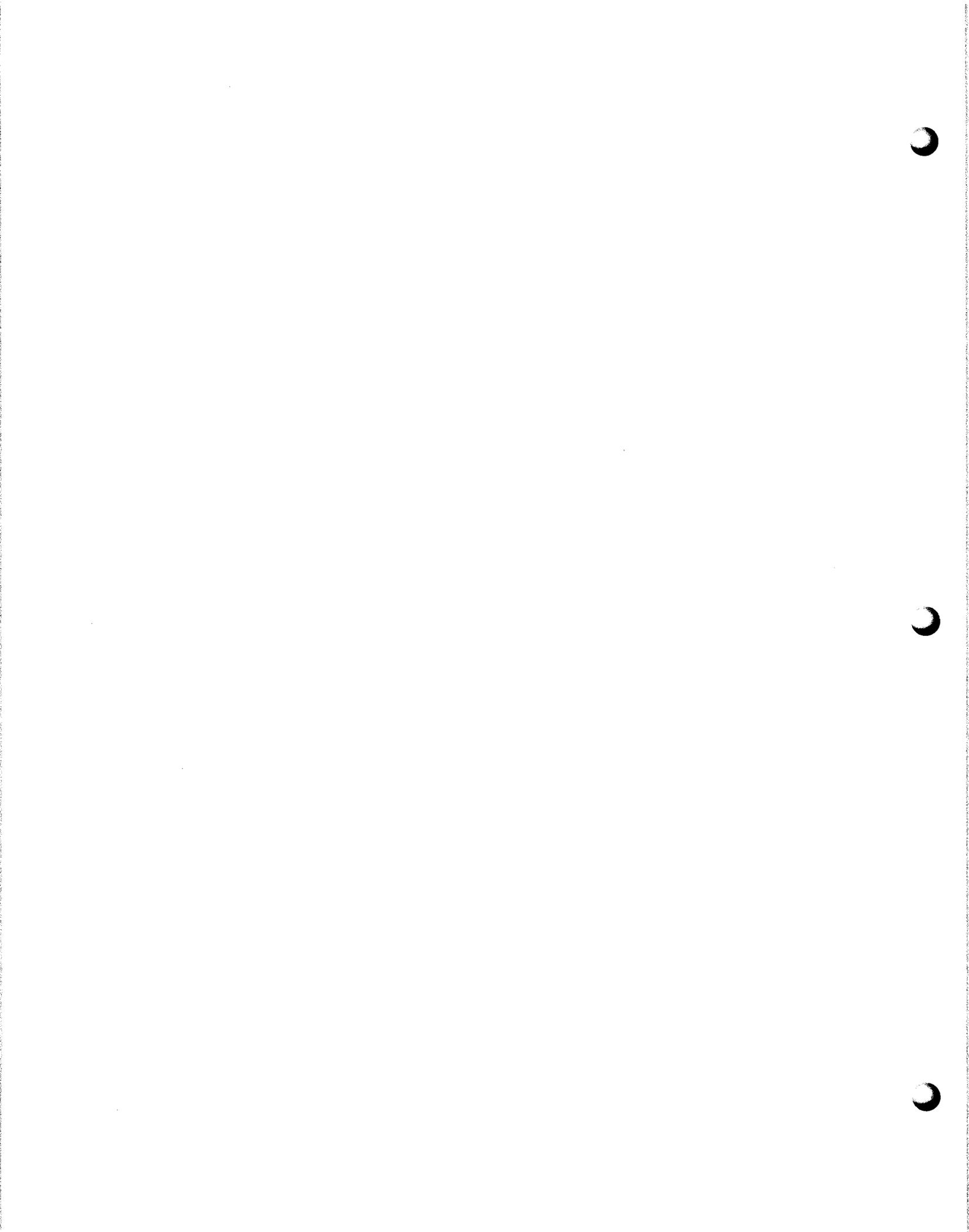
Mayor Monday then recessed the Council into Executive Session at 8:30 P.M. to continue its discussion of the acquisition of real estate on 7th Street. The Council did not discuss any other items and took no action. The Executive Session ended at 8:45 P.M.

ADJOURNMENT

Respectfully submitted,



Ruth DeShaw, City Secretary  
January 23, 1990



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 22ND DAY OF JANUARY, 1991 IN THE CITY HALL COUNCIL CHAMBERS, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6:45 P.M.

The Council met in a regular session with the following members present:

Jane Monday	O. Eugene Barrett	City officers present:
Gary Bell	James L. Carter	Gene Pipes, City Manager
Ila G. Gaines	William B. Green	Scott Bounds, City Attorney
William H. Knotts, Jr.	Percy Howard, Jr.	Ruth DeShaw, City Secretary

Member absent: William L. Hammock

REGULAR SESSION

Mayor Monday called the formal session to order. Councilmember and Mayor Pro tem Howard presented the invocation.

CONSIDER THE MINUTES OF THE PREVIOUS MEETING

Councilmember Barrett made the motion to approve of the minutes of January 8, 1991 and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

Receive and canvass the results of the City Officers Election of January 19, 1991. Consider Resolution No. 91-1 certifying the results of the Election

Mayor Monday then distributed the tally sheets and results pages from each of the city's nine election precincts as well as the absentee voting precinct to the Council for review and validation. After a detailed review by all members of Council of all election precincts, Resolution No. 91-1 was presented, the caption of which is as follows:

RESOLUTION NO. 91-1

A RESOLUTION CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 19TH DAY OF JANUARY, 1991, FOR THE PURPOSE OF ELECTING A MAYOR-AT-LARGE, AND FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR WARDS ONE, TWO, THREE AND FOUR; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

Councilmember Barrett made the motion to approve of Resolution No. 91-1 and Councilmember Howard seconded the motion. All were in favor of the motion and it passed unanimously.

CITY OF HUNTSVILLE, TEXAS  
 OFFICIAL                      JANUARY 19, 1991 CITY OFFICERS ELECTION                      OFFICIAL

TOTAL WARD 1 BALLOTS CAST: 726, (40.83% OF TOTAL)

POSITION/CANDIDATE	PCT. 102	PCT. 102 ABSENTEE	PCT. 201	PCT. 201 ABSENTEE	TOTAL	(%)
<u>FOR MAYOR</u>						
JAMES W. (JIM) STANDEFER	153	40	101	12	306	43 %
BILL HODGES	176	55	134	41	406	57 %
WRITE-INS	1	0	0	0	1	0 %
<u>FOR WARD 1</u>						
GREGG CANTRELL	87	18	92	12	209	30.69%
RON LANGE	166	43	104	31	344	50.51%
M. A. COMELLA	44	11	27	6	88	12.92%
KEVIN L. JONES	20	11	6	1	38	5.58%
WRITE-INS	0	1	1	0	2	.29%

PCT. 102 -- WALKER COUNTY DISTRICT COURTROOM--WARD 1  
 PCT. 201 -- HOLIDAY INN HOUSTON/DALLAS ROOMS--WARD 1

**TOTAL WARD 2 BALLOTS CAST: 273 (15.35% OF TOTAL)**

POSITION/CANDIDATE	PCT. 101	PCT .101 ABSENTEE	PCT. 202	PCT. 202 ABSENTEE	TOTAL	(%)
<b>FOR MAYOR</b>						
JAMES W. (JIM) STANDEFER	45	12	75	15	147	53 %
BILL HODGES	36	11	75	7	129	47 %
WRITE-INS	0	0	0	0	0	0 %
<b>FOR WARD 2</b>						
WILLIAM H. KNOTTS, JR.	60	18	108	18	204	93 %
WRITE-INS	8	1	6	1	16	7 %

PCT. 101 -- FIRE STATION NUMBER TWO ON SAM HOUSTON AVENUE--WARD 2  
 PCT. 202 -- FIRST PRESBYTERIAN CHURCH ON 19TH STREET--WARD 2

**TOTAL WARD 3 BALLOTS CAST: 365 (20.52% OF TOTAL)**

POSITION/CANDIDATE	PCT. 105	PCT.105 ABSENTEE	PCT. 301	PCT. 301 ABSENTEE	TOTAL	(%)
<b>FOR MAYOR</b>						
JAMES W. (JIM) STANDEFER	53	2	110	5	170	48 %
BILL HODGES	48	10	112	15	185	52 %
WRITE-INS	1	0	0	0	1	0 %
<b>FOR WARD 3</b>						
CHARLES ROBINSON	71	5	160	12	248	98 %
WRITE-INS	1	0	3	1	5	2 %

**POLLING PLACES:**

PCT. 105 -- FIRST BAPTIST CHURCH ON 10TH STREET--WARD 3  
 PCT. 301 -- MARTIN LUTHER KING NEIGHBORHOOD CENTER--WARD 3

**TOTAL WARD 4 BALLOTS CAST: 409 (23% OF TOTAL)**

POSITION/CANDIDATE	PCT. 206	PCT 206 ABSENTEE	PCT. 306	PCT. 306 ABSENTEE	PCT. 401	PCT.401 ABSENTEE	TOTAL	(%)
<b>FOR MAYOR</b>								
JAMES W. (JIM) STANDEFER	69	2	19	0	74	14	178	44 %
BILL HODGES	83	6	14	1	106	17	227	56 %
WRITE-INS	0	0	0	0	0	0	0	0 %
<b>FOR WARD 4</b>								
GARY M. BELL	126	8	25	1	113	27	300	96 %
WRITE-INS	6	1	0	0	6	0	13	4 %

**POLLING PLACES:**

PCT. 206 -- EDUCATION SERVICE CENTER, REGION VI, FM 1374--WARD 4  
 PCT. 306 -- FAITH MEMORIAL BAPTIST CHURCH ON 16TH STREET--WARD 4  
 PCT. 401 -- WALKER COUNTY APPRAISAL OFFICE ON SYCAMORE--WARD 4

**SUMMARY--MAYOR'S RACE**

	<u>All Precincts</u>	<u>Absentee</u>	<u>Total</u>	<u>(%)</u>
JAMES W. (JIM) STANDEFER	699	102	801	45.77%
BILL HODGES	784	163	947	54.11%
WRITE-INS	2	0	2	.11%

TOTAL BALLOTS CAST IN THIS ELECTION: 1778;  
 TOTAL REGISTERED IN CITY: 8048; % WHO VOTED: 22%.  
 TOTAL BALLOTS CAST ABSENTEE (ALL WARDS): 269; % OF BALLOTS CAST CITYWIDE: 15%.

OFFICIAL                      CITY OF HUNTSVILLE CITY REGULAR ELECTION                      OFFICIAL  
 JANUARY 19, 1991                      TOTAL BALLOTS CAST: 1778  
 STATISTICAL DATA SHEET  
 TOTAL BALLOTS CAST PER PRECINCT, INCLUDING ABSENTEE

TOTAL BALLOTS CAST IN PCT. 101 . . . . .	100.	% OF TOTAL . . . . .	6 %
TOTAL BALLOTS CAST IN PCT. 102 . . . . .	436.	% OF TOTAL . . . . .	24 %
TOTAL BALLOTS CAST IN PCT. 105 . . . . .	118.	% OF TOTAL . . . . .	7 %
TOTAL BALLOTS CAST IN PCT. 201 . . . . .	295.	% OF TOTAL . . . . .	16 %
TOTAL BALLOTS CAST IN PCT. 202 . . . . .	173.	% OF TOTAL . . . . .	10 %
TOTAL BALLOTS CAST IN PCT. 206 . . . . .	164.	% OF TOTAL . . . . .	9 %
TOTAL BALLOTS CAST IN PCT. 301 . . . . .	247.	% OF TOTAL . . . . .	14 %
TOTAL BALLOTS CAST IN PCT. 306 . . . . .	34.	% OF TOTAL . . . . .	2 %
TOTAL BALLOTS CAST IN PCT. 401 . . . . .	211.	% OF TOTAL . . . . .	12 %
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TOTAL BALLOTS CAST ABSENTEE . . . . .	269.	% OF TOTAL . . . . .	15 %

**Brief History of Ward Elections**

YEAR	WARD	TOTAL VOTES CAST	% ALL BALLOTS CAST
1974	1	400	42%
1977	1 (Election	290	40%
1979	1 Pcts. 102	767	50%
1981	1 & 201)	696	42%
1983	1	762	39%
1985	1	576	35%
1987	1	481	32%
1989	1	425 (EXCLUDES ABSENTEE)	34%
1991	1	726 (INCLUDING ABSENTEE)	41%
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1974	2	77	8%
1977	2	130	18%
1979	2 (Election	322	21%
1981	2 Pcts. 101	345	21%
1983	2 & 202)	365	19%
1985	2	206	13%
1987	2	230	15%
1989	2	169 (EXCLUDES ABSENTEE)	14%
1991	2	273 (INCLUDES ABSENTEE)	15%
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1974	3	307	32%
1977	3 (Election	202	28%
1979	3 Pcts. 301	280	18%
1981	3 & 105)	267	16%
1983	3	329	17%
1985	3	340	21%
1987	3	226	15%
1989	3	191 (EXCLUDES ABSENTEE)	15.5%

1991	3	365 (INCLUDES ABSENTEE)	21%
1974	4	163	17%
1977	4 (Election	100	14%
1979	4 Pcts. 206,	138	9%
1981	4 306 & 401)	351	21%
1983	4	501	25%
1985	4	514	31%
1987	4	432	28%
1989	4	302 (EXCLUDES ABSENTEE)	24.5%
1991	4	409 (INCLUDES ABSENTEE)	23%

Prepared by Ruth DeShaw, City Secretary, January 19, 1991.

OFFICIAL  
CITY OF HUNTSVILLE  
CITY OFFICERS' ELECTION BALLOT  
JANUARY 19, 1991  
PRECINCTS AND POLLING PLACES

PCT. NO.	NUMBER REGISTERED	NUMBER VOTING IN 1991	WARD	PRECINCT LOCATIONS
101	629	100	2	Fire Station No. 2, Sam Houston Avenue 2109 Sam Houston Avenue
102	1292	436	1	District Courtroom, Courthouse 1100 University Avenue
105	767	118	3	First Baptist Church, 10th Street 1530 10th Street
201	1028	295	1	Holiday Inn, I-45 1407 I-45
202	840	173	2	First Presbyterian Church 1801 19th Street
206	503	164	4	Education Service Center, Region VI 3332 Montgomery Road (FM 1374)
301	1292	247	3	Martin Luther King Neighborhood Center, 300 Avenue F
306	293	34	4	Faith Memorial Baptist Church 314 16th Street
401	1404	211	4	Walker County Appraisal District 1819 Sycamore Avenue
<b>TOTAL:</b>	<b>8048</b>	<b>1778</b>		

NUMBER REGISTERED BY WARDS:

WARD 1 . . . . .	2320
WARD 2 . . . . .	1469
WARD 3 . . . . .	2059
WARD 4 . . . . .	2200

Prepared by Ruth DeShaw, City Secretary  
January 19, 1991

Acknowledgement of Guests and Remarks

Mayor Hodges advised he is looking forward very much to working with the Councilmembers collectively and individually, and hopefully collectively they can make a contribution to make the City a better place to live. He said his wife, Ann, is out of town so he could not introduce her to them. He asked the others if they wished to make introductions at this time. Newly elected Councilmember for Ward 1, Ronald L. Lange, introduced his best friend and wife, Janice; his son, Victor; and his daughter, Penny. Newly elected Councilmember for Ward 3, Charles Robinson, advised his wife and son were present earlier, but due to the basketball game in which

his son is involved, they had to leave. He advised his wife's name is Mary and his son's name is Bryant.

Attending Citizens: Mr. and Mrs. W. L. Mott

Mayor Hodges noted Mr. and Mrs. Mott were not present to speak this evening. He asked Mr. Gene Pipes, City Manager, to place their names on the agenda again for the next meeting and to so advise them.

CONSIDER BIDS

Bid No. 90-17 extension for second year of annual sack cement bid to LaFarge Corporation at \$3.17 per sack

Mr. Pipes, City Manager, advised the city has just completed the first year of a two year optional contract wherein the city reserved the right to extend the contract for one year after further review. He then presented the recommendation of Mr. Mark Bosma, Purchasing Agent, to continue the contract for a second year with the LaFarge Corporation, noting the City is presently paying \$3.17 per sack; and,

Bid No. 91-8 stabilized flexible base to D. Rice Materials at \$19.95/\$18.45 per cy

Mr. Pipes, City Manager, noted it is the City's intent to purchase an annual contract for stabilized flexible base and that the quantity needed per yard varies around 4,000 tons. He presented the recommendation of the Purchasing Agent, Mark Bosma to award the bid to the lowest bid meeting specifications, D. Rice Materials, at a delivered price of \$19.95/cy and a city pick-up price of \$18.45/cy.

Councilmember Barrett made the motion to approve of both of these bid items and Councilmember Gaines seconded the motion. Discussion: Councilmember Knotts asked what the second figures represented on the Pavers Supply Company bid [\$18.46/ton and \$13.83/ton]. Mr. J. D. Schindler, Director of Community Development, advised this is the price per ton calculated with a factor of 1.35 that equals the same; it is based on the cubic yard and not on the tonnage. He said when it is calculated to the cubic yard, it is the exact same price. Councilmember Knotts noted we are buying fluffed up material if we are buying it by truck volume. Mr. Schindler said this is Gifford Hill material. Councilmember Knotts said the staff should look at cubic yard and ton if we are buying loose volume fluffed up in a truck. Mayor Hodges asked if it is in the city's best interest to look at it that way. Councilmember Knotts said it is. Mayor Hodges then asked Mr. Schindler to look at it in this way. All were in favor of the motion on the floor and it passed unanimously.

CITY MANAGER'S REPORT--GENE PIPES

Acknowledge the retirement of Mr. Mance Williams, Sanitation Division, following 23 years of service to the citizens of Huntsville

Mr. Pipes then recognized Mr. Mance Williams for his 23 years in the Sanitation Division, 1967-1990. He presented him with a plaque so indicating these years of service and a City of Huntsville inscribed jacket indicating his term of service. The Mayor and Council then congratulated Mr. Williams for all the years of dedicated service. Mr. Williams then introduced his wife, who was then also recognized.

Recess to Executive Session to consider the acquisition of real estate on Martin Luther King Boulevard for the future extension of 10th Street. Reconvene formal session to authorize appropriate action on real estate matter, if necessary

After a brief discussion in the Executive Session, no formal action was necessary when the Council reconvened.

Consider Ordinance No. 91-1 approving claim and delivery of a certificate of obligation for a triple continuation pumping engine (fire truck)

Mr. Pipes advised the new fire truck was on display last Tuesday night at the Reflections of the 1980's Reception. He said it will be completely outfitted very shortly. He said this was a C.O. purchase planned in last year's budget. He said the city had given the notice of intent to use certificates of obligation and when the city awarded the bid, the certificate of obligation was also approved. He said the city took bids from potential vendors on this certificate of obligation for an interest rate for financing the truck for five years. He said the proposals were received and GE Capital Public Finance, Inc. of Minnesota was the low bid over a five year certificate of obligation by about \$600.00. Therefore, he said, the city is recommending for the Council's consideration a lease purchase agreement rather than a certificate of obligation. He said this is something that is new in that the city has not had a lease purchase in lieu of a certificate of obligation, because the city's certificates of obligation have been very competitive on a local basis. He said for this time, for \$125,000, the competition was good, but obviously, a \$600.00 advantage to the City of Huntsville over

the life of the lease purchase is something to be considered. He then presented a lease purchase agreement that was received from the company. He said it has been reviewed by the City Attorney, Scott Bounds; the Director of Finance, Ms. Patricia Allen, and has been discussed extensively.

Mr. Bounds said the Texas Public Finance Act in the Chapter on Certificate of Obligation provides two different mechanisms to accomplish the same thing, and that is short term financing of equipment. He said because the city did this as a certificate of obligation under the Texas Certificate of Obligation Act, the city complied with all of the notices required and also as a lease purchase under the Texas Municipal Public Finance Act regarding those matters. He said the way the lease purchase operates is basically that General Electric will basically pay cash for the truck to the city's vendor and immediately enter into this lease back agreement with the city for five years with no additional fees and at the end of the five year period, the city owns the truck free and clear. He said the title to the truck is transferred to the City at the beginning and GE will take a lien on the truck back under a UCC financing agreement. He said at the end of the five years then that lien is reduced. He said the city has complied with all of the notice requirements under the Certificates of Obligation Act. He said it is just another nomenclature, but it is basically the same type of plan. He said the interest rate was very good on \$145,000 as indicated. He said over the life of the lease, \$649.00 is cheaper than the next low bid, although the bids were very competitive. He said it is a simple interest rate of 7.5 percent. He then recommended the Council approve purchasing the fire truck under this lease purchase agreement. He asked the Council to adopt a Resolution, the caption of which is presented below, relating to the "Lease with Option to Purchase Agreement."

RESOLUTION NO. 91-2

A RESOLUTION RELATED TO LEASE WITH OPTION TO PURCHASE AGREEMENT [FIRE PUMPER TRUCK]

Mr. Bounds said this is not a Texas Corporation, they are not familiar with Texas Certificates of Obligation; however, their counsel does understand lease purchase, which is also authorized by our Texas statutes. He said we have just switched the paperwork to do something that their attorney was familiar with instead of the type of paperwork that is generally produced. He said the opinion letters and interest rates all come out to be the same.

Mayor Hodges said he didn't believe there was any kind of urgency on this tonight and if the Council feels uncomfortable voting on this different kind of financing, they can certainly look this document over for a week. Councilmember Barrett asked if the City Attorney thinks it is fair that none of the Texas companies knew that the City would accept a lease-purchase obligation, because the City went out strictly for a Certificate of Obligation and came back with this agreement. He was concerned that other people did have a fair chance. Mr. Bounds said the city was bidding the finance or negotiation of the purchase price of the truck and it received other lease purchases. Mr. Pipes said the city has received proposals like this in the past, but they have just not been as low as our C.O. bids. Mr. Bounds said this company has bid on the city's C.O.'s before. Councilmember Barrett asked if this is a sound company. Mr. Bounds said it is, it is General Electric and they have bid on the city's documents before and the city has been getting a very good rate on its interest and they are finally getting down to being competitive.

Councilmember Gaines said sometimes on a lease purchase agreement, when we get to the final payment, one needs to pay 10 percent in order to own. Mr. Bounds said there are no add-on fees or administrative fees. Councilmember Gaines was just concerned that many times the payment is structured where one pays so much for five years and then at the end of that time they have to pay 10 percent of the purchase price to own the property. Mr. Bounds assured her there are no additional costs. He said if the city ceases payments at any time, it loses possession of the truck and it can't buy another truck within the year and that is the basic security they have. He said it is structured to pay out in five years. Mr. Bounds noted nothing is paid up front and there is no residual on it either.

Councilmember Green asked about a penalty for prepayment, noting there is no penalty under the Certificate of Obligation method. Mr. Bounds said he would have to research it to see if there is a penalty for early pay off. He said the city has traditionally not ever exercised that option. Councilmember Green then made a motion to approve Resolution No. 91-2 relating to the "Lease with Option to Purchase Agreement" and Councilmember Bell seconded the motion. All were in favor and the motion passed unanimously.

GSU Rate Case--Attorney Letter

Mr. Pipes then advised of information from the attorney representing the cities in the GSU Rate case pending at the present time. He said the associated cities have been wrestling with the pending rate case now

for a couple of years. He said Mr. Don Butler, a consultant attorney, who has been working with the cities, also have information attached to this letter. He said there will be meetings next week in Cleveland and the following week at the PUC in Austin. He said he will be attending both of those meetings. He said if the Council needs any additional information on this, he will be happy to provide it. He said this is the second series of rate cases involving in the River Bend Nuclear Plant. He felt this is the resolution based on administrative law judge and we may find this to be the end of this case.

#### 911 Agreement letter

Mr. Pipes then presented a copy of a letter from Lieutenant Larry D. McDugle of the Huntsville Police Department, dated January 18, 1991 to Susan Bortzfield, Emergency Communications Coordinator, H-GAC, advising of an amendment to the present 911 plan because of the approved location of the consolidated public safety communication service in Walker County to be in the Municipal Justice Center. He said this letter also advises that only one public safety answering point (PSAP) will be required in Walker County. Mr. Pipes advised the agreement for the 911 system will be available for the Council's consideration in several weeks.

#### MAYOR'S REPORT--BILL HODGES

##### FYI Information in Packet

Mayor Hodges asked if the F.Y.I. information in the packet is for formal review or just for the Council's information. Mr. Pipes, City Manager, advised it is there for information, however, if a councilmember wishes to discuss any particular item, it can be discussed in Council Action.

##### New Agenda Schedule

Mayor Hodges advised he has asked the City Manager in the future to provide the Council with two agendas: one agenda the Council would work on that week, and a second agenda for the week following that. He said it would be a preliminary type thing, not formal, just the things to be discussed a couple of weeks in advance. He said to make it easy to distinguish, he has asked the City Manager to put it on different colored paper so that the Council will talk about the right things on the right night. He said this will give the Council at least a little information in advance, so they can do a little homework and ask some questions thereby limiting too many surprises on that night in asking the Council to take action on something it has not seen before.

##### Departmental Review--Work Sessions Planned

Mayor Hodges said another thing he has asked Mr. Pipes to do, primarily for those who are new to the Council, is a work session over the next eight to ten week period, where each department head comes in to explain a little bit about their department and how it relates to the budget because the budget planning process will start here in the next several months. He said this will start next Tuesday night at 6:00 P.M., but he will leave it to Mr. Pipes as to in what order those department heads will appear.

##### January Election Date Questioned

Mayor Hodges said he has listened to Councilmember Carter address the January election date several times. He said he happens to agree with him. He also asked the City Manager and City Attorney to review that matter and report back if anything can be done so that the Council can discuss it again and make a decision. Councilmember Bell asked if this can be placed on the next agenda. Mr. Pipes said it will require a charter amendment to give the city the option to move the election date again, barring action of the state legislature.

Mayor Hodges said we may need to review the charter again anyway and suggested a charter review committee should be appointed to let them look at it.

#### COUNCIL ACTION

##### Election Date Question

Councilmember Barrett said there were only two other dates for the City to choose, and one was in May and one in August. He said these dates are worse than the January date when we think about the idea of a council person coming onto the council at that time, right in the middle of budget, with no training whatsoever. He said he realizes January can be a bad weather time, but these are the only three dates. He said he would much rather have it in April like we did, but in relation to the other two choices, the city has the better date right now even though it may not be the best.

##### "Class Act" Mayoral Campaign

Councilmember Knotts commended Mayor Hodges and Mr. Standefer on the nice race they ran with each other. He said it was a very clean campaign and a very "Class Act" for us to follow. He said it will show people that in future elections, we can run against people and not get our "backs bitten off." He said the clean race they

ran will probably encourage some people to run in the future that probably wouldn't have. Mayor Hodges said when one runs against a class guy like him [Standefer], it is easy to do. Councilmember Knotts said he felt they handled it extremely well.

#### Trees in City's Right-of-Way

Councilmember Knotts noted, with all of the trouble and fighting the city has come through in its city rights-of-way, he noticed across the street on 13th Street [from City Hall] where the city has replaced the water line and repoured the sidewalk, that it now appears the city has planted trees within the two foot strip between the curb and the sidewalk. He said he knows the city doesn't have that written in the tree policy, but it looks funny and shows how arbitrary the city really does these things. He said if we ever get the city's rights-of-way clear, we ought to keep them clear. He said it is not going to bother this City Council, but 50 years from now, the people of Huntsville are going to go through the same fight this Council has just been through. He said it seems kind of ludicrous to him. He suggested if the people want the trees, he would rather see the city buy the trees and plant them on the property owner's property line rather than out on the right-of-way.

Mr. Pipes said when the construction project began on Highway 75N, the contractor began moving in on a vacant lot corner there at Bush Drive and Hwy 75 North which was very heavily overgrown with a world of redbud trees. He said Mr. David Zellar, the City's parks employee who has done most of the landscaping around most of the city buildings for many years, dug and healed in as many of those as he could get off that site before the contractor needed to move on, as a gift to the city. He said Mr. Zellar put those trees out as much as he had space for in various locations, given the stages of planting that he had, and basically on his own initiative thought that particular area would be a good spot. He said it has been discussed by the staff and it will not happen again as far as the circumstances related to it. Councilmember Knotts said he feels it is commendable to be planting trees, but felt the city could find better locations. He said there is a National program that he read about somewhere whereby any individual or city can buy, one acre at a time in a rain forest to be preserved. He said if we had to clear something, this may be something we could investigate. He said he does not mind planting trees, but does hate to put them right back on a right-of-way where we have had so much argument over ever getting cleared in the first place. Mr. Pipes said there will be much better communication in the future.

#### Handicap Access Around the Square

Councilmember Gaines advised some time ago the Council talked about handicap access around the Square. She said she has received an inquiry as to how this is progressing. Mr. Pipes said the streetscape plan has been in progress for the last six weeks. He said he is sure it is near completion. Ms. Linda Pease, Arts Commission Coordinator, advised a draft document has been received and after its review, it will be sent back for finalization. Mr. Pipes said as the city designs the sidewalks on the north side of the Square, the handicap access will be included. He said obviously the architect, Mr. Kim Williams, will address that also in the plan. He said he will be taking a comprehensive look at it and factoring that into the plan and ongoing construction program. Mr. Pipes said the only side of the Square that the city is presently working on and is expecting to work on in the immediate future is the north side of the Square. He said the other side will have to come in due time, of course, as the city proceeds around the Square. Councilmember Gaines said the concern was simply that it be addressed.

#### Councilmember Howard as Council Meeting Invocator

Councilmember Gaines noted the Council will miss Councilmember Percy Howard praying at every Council Meeting. She said she has made a personal request to him to remember them at their given hour every Tuesday night so that he will continue to pray for them in the quite of his home.

#### Welcome to newly elected and re-elected

Councilmember Green welcomed those newly elected and re-elected to the Council. He said: "We still have three Bills and a Bell." He asked if it is appropriate at this time to nominate a Mayor pro tem. City Manager Pipes noted it was not anticipated that we would have no need for a run-off. Because a run-off was expected in Ward 1, he did not schedule the election of a Mayor pro tem because he felt that should be delayed until the council is fully seated. He noted, however, it will be on the agenda at the next formal meeting. Councilmember Green then asked [in jest] if it is also tradition that the Mayor pro tem present the invocations. Councilmember Barrett said [in jest] that he nominates Councilmember Green to present the invocations.

Welcome to newly elected and campaign comments

Councilmember Bell also welcomed the three new people, noting he is looking forward to working with them. He also felt this race was conducted cleanly and openly and he appreciated that.

City's position concerning development of Cagle Camp Site on Lake Conroe

Councilmember Carter expressed concern that the City of Huntsville may have taken a position with regard to the development of the Cagle Camp Site on Lake Conroe, which in fact would interfere with a nesting area of an endangered species. He said he feels the City should not be taking a position supporting the development of a site that would jeopardize the nesting site of an endangered species. He said perhaps we need to clarify whether the city has taken that position or not.

Mr. Pipes said an individual councilmember can write a letter on city stationery as an individual, but the Council has not taken any formal action on any matter in that regard that he can recall. Councilmember Carter said he would question that procedure because what we do when we write a letter of that type on city stationery is that we imply at least that the City of Huntsville is possibly behind that action. He said he would ask that we clarify to those people involved in that action in the development of that camp site that the City of Huntsville is not endorsing it and that this was a personal statement by a former member of the City Council. He said he would like to see the City write another letter that says this is not the position of the City of Huntsville.

Mayor Hodges said this probably needs to be an agenda item, discussed and voted on. Councilmember Carter said you can understand if someone receives a letter on official stationery, they are going to think that this means the city has taken some action. Mayor Hodges said he is not familiar with that camp ground and we probably should look at the whole thing. Councilmember Knotts said he is not familiar with it either, but he agrees with Councilmember Carter. Councilmember Carter said he also does not think it is necessarily appropriate for a city councilmember to use city stationery and city employees to take personal positions, at least he would hesitate to do that and he would be somewhat offended if other councilmembers did this.

Mr. Scott Bounds, City Attorney, said the Mayor and Council will be called upon from time to time to respond to correspondence. He said anyone that receives that correspondence should be sophisticated enough to recognize whether it comes from the entity or the Mayor or a councilmember and to recognize that there are differences. He said he did not think that every bit of correspondence by each of them as individual councilmembers, nor every correspondence of the Mayor, has to be approved by the Council as a whole before it can be sent out to various people with whom they may wish to communicate. He said this is their prerogative as individuals and as individual members of this group. Mayor Hodges felt since that is an out of town item, perhaps the council should stay out of it. Councilmember Carter noted he feels we are already in it because this letter was written. He said he understands what the City Attorney is saying, but also doubted whether any of the council has ever used city stationery or employees to take a position on an issue. Mr. Pipes said there is a clerk that has been available for the last two budget years to assist the City Council in correspondence or any other matter and a place to work at City Hall. Mayor Hodges said Councilmember Carter has a good point. City Manager Pipes said if that is the Council's position, fine, the city can eliminate a budget position if no correspondence is going to be by consensus, written by the Mayor or the Council as individuals or in a ceremonial capacity, etc. He said there is quite a bit of this that goes on. Councilmember Carter said we are not talking about ceremonial or symbolic statements of the Council, we are talking about positions on issues. For example, he said, if we decided that this is alright, he might start writing the state legislature on the city stationery indicating what his position is on issues and hope, in fact, that they might think that this is supported by other members of the City Council since this is on city stationery.

City Manager Pipes said he is taken aback a little bit about this and he is appreciative of Councilmember Carter's concern about it, but he is reasonably expectant that the City Councilmembers of the City of Houston, for instance, write their legislators about their own ideas rather routinely. He said that would not particularly surprise him. He said if the letter is signed "Councilmember Jim Carter," then it would be of the discerning eye of the receiver to determine that this was not an official position of the City of Huntsville. Councilmember Carter said he does not think he can lose on this issue, because if it is alright, he is going to start writing letters in that sense. Councilmember Green said he feels it is appropriate for the council to write letters on city stationery. He said he writes letters on his University letterhead stationery but did not feel that the receiver would necessarily believe that his position in a letter would represent the University; it represents his position. He said he writes about a lot of recommendations among other things, but those are strictly his comments. He said he feels this is altogether appropriate if Councilmember Carter wishes to do this. He said if it will add some clout to his message because he is a member

of the City Council, that is fine, although it may also subtract from the effectiveness. Councilmember Carter asked were he can get a supply of City stationery. He said for one thing, he wants to respond to indicate there is at least one councilmember that does not agree with that position. He said he does not think most other councilmembers agree with it, but he couldn't write that because then he would be putting words in their mouths. Councilmember Knotts agreed with Councilmember Carter noting if Bill Hodges wrote the letter and signed it as Mayor of Huntsville on city stationery, taking a position, it would be taking an official position. He said if he as a councilmember wrote one and signed his name, it would perhaps not have the same effect. Councilmember Carter said because this letter was written by the x-Mayor, he feels it perhaps carried more weight. Mayor Hodges asked what the content of the letter was. Councilmember Carter noted it encouraged strongly the development of this camp site in the location of the nesting site. He said the Sierra Club argues there are alternative sites just as good. He said no one argues with the development, it is just the site which interferes with an endangered species.

Mayor Hodges asked if the tone of the letter was a personal endorsement or a city endorsement. Councilmember Carter felt that is open to interpretation and he was sure there must be a copy of the letter around and that he did not have a copy of it. He said he is glad the Council had this discussion because this is a perk he did not know the Council had. Mr. Pipes said as far as access to City stationery, a councilmember can access the City Secretary's office or any employee of his office for a city letterhead for letters or the staff will assist them with correspondence relative to their function and responsibilities as Councilmembers. However, he said if they are writing a grant application for a college department, obviously that would be inappropriate. He said however, they are licensed to write on city stationery as granted by their election to the Council. He felt it would severely hamstring a city council, in their official function, the mayor, or anyone else, to necessarily put limits on that. He said his office serves at the pleasure of the City Council and whatever they want to do is fine with his office, as long as it is not illegal or immoral, he is surely not going to tell him no.

Councilmember Carter said he does not want to drag this out because he has said most of what needs to be said, but he has never availed himself of that and he doubted whether any of the others have. Mayor Hodges noted he suspects that is right. Councilmember Carter said he is glad to know now that they can and he will be in touch. He said he is raising this issue seriously because he knows that some of the Council probably will not agree with him and if he writes some statements about his position on city letterhead, they may be asked whether they agree with that or not. Councilmember Knotts said he would not object as long as he does not make it partisan. Councilmember Barrett said just don't include the rest of the Council in his comments. Mayor Hodges thought perhaps he as a councilmember also has franking privileges also. Councilmember Carter asked that the city take a position against the development of that camp site at the location of the endangered species. He argued they have nothing to lose there because it is not standing in the way of the construction or the development, but in fact, would be taking a very sound environmental position. He suggested this could be on the agenda for next week just to have a discussion to determine the pleasure of the Council. Mayor Hodges asked if the Council is in agreement with this. Councilmember Knotts agreed to have it placed on the agenda. Councilmember Green said he does not mind discussing it, but also felt that if any member of the Council has a position, they have letterhead stationery of the city available to them. Mayor Hodges said he thinks he would be against the city taking a position on this, but agrees that if an individual Councilmember wishes to write a letter and happens to use city stationery and it is of a personal nature and it is their opinion, he saw no problem with that. Councilmember Bell felt the council should discuss the Cagle Camp Ground situation since it does have an impact upon the City. As far as using city stationery, he said, he knows they all have access to it and he did not see any problem with it. Mayor Hodges then asked the City Manager if he will put "consideration of the Cagle Camp Ground" on the agenda for the next meeting. Mr. Pipes noted he will do so.

#### Smith Hill Road and Hill Road

Councilmember Robinson, Ward 3, advised that at the intersection of Smith Hill Road with Hill Road, there is a yield sign. He also said Smith Hill Road has an "S" curve in it. He said the visibility is lax in the area of the "S" curve and the yield sign is not sufficient to prevent accidents. He proposed that a stop sign be placed at Hill Road so people will have to stop and look both ways. Councilmember Robinson also asked that there be some notification in advance that there is an "S" curve ahead on Smith Hill Road. He said there have been occasions when a person, not familiar with the neighborhood, has ended up in the bushes because he missed the turn. He urged the placement of advance warning signs of the approaching "S" curve. Mayor Hodges asked the City Manager to check into this and report back next week.

ADJOURNMENT

*Ruth DeShaw*

1-23-91

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 21ST DAY OF JANUARY, 1992 IN THE CITY HALL COUNCIL CHAMBERS, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6:00 P.M.

The Council met in a regular session with the following members present:

W. H. Hodges, Mayor  
Gary Bell  
Ila G. Gaines  
James L. Carter  
Charles Robinson

William B. Green  
William H. Knotts, Jr.  
Ronald L. Lange  
O. Eugene Barrett  
Dan S. Davis

City officers present  
Gene Pipes, City Manager  
Scott Bounds, City Attorney  
Danna Welter, City Secretary

#### FORMAL MEETING CONVENED

Mayor Hodges called the meeting to order at 6:00 P.M.

#### ATTENDING CITIZEN

Jack Day - Huntsville Item: Mr. Day, Circulation Manager of the Huntsville Item, stated that he understood Councilmember Bell had placed on the agenda an item to discuss the installation of the Huntsville Item tubes. He stated that he had talked to City Attorney Scott Bounds, and was advised that the tubes were in violation of the development code. Mr. Day said he had reviewed the ordinance and it refers to signs and not containers; their use is designed to provide customers with better service by keeping papers dry. He stated the name on the sign is strictly to identify and not to advertise; the Houston Post, Chronicle and U. S. Postal Service place their names on the same type of receptacles for identity. Mr. Day stated that should the Huntsville Item be required to remove the receptacles that they would comply, but felt the Houston Chronicle and Post should also follow suit. Mr. Day asked Council why the receptacles are illegal today when they were not for many years?

Jody Crawford - HBBA: Dr. Crawford stated that the baseball program operates between a cost of \$90,000 and \$100,000. Dr. Crawford requested permission to use advertising signs on the outfield fences of the ballparks. The signs would be 4 x 8 sheet of 40 gauge aluminum painted with heat shrink rubber border. Each sign weighs approximately 21 pounds. Dr. Crawford stated it was safe for the kids and durable. The signs would go up the first week in April and be removed by June 15 and be stored and used year after year. He stated this would provide the HBBA with the means to produce between \$25,000 and \$40,000.

Mayor Hodges stated that it was prudent to allow the HBBA to raise this amount of money, even though it is on City property. Councilmember Green stated he liked the idea that the signs are removable.

#### CONSIDER MINUTES OF JANUARY 14, 1992

Councilmember Barrett made the motion to approve the minutes of January 14, 1992, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

#### CANVASS ELECTION RESULTS

Receive and canvass the City Officer and City Charter referendum results of January 18, 1992.

Mayor Hodges read the results of the City Officer and City Charter referendum results by precinct.

#### CONSIDER RESOLUTION 92-1-21.1

Consider Resolution 92-1-21.1 certifying the results of the election of January 18, 1992.

**RESOLUTION NO. 92-\_\_\_\_\_**

**A RESOLUTION CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 18TH DAY OF JANUARY, 1992, FOR THE PURPOSE OF ELECTING FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR AT-LARGE POSITIONS, AND FOR THE PURPOSE OF VOTING ON SEVEN (7) AMENDMENTS TO THE CHARTER OF THE CITY OF HUNTSVILLE; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.**

**FOR COUNCILMEMBER AT-LARGE, POSITION 1**

DAN S. DAVIS ..... 120  
 WRITE-INS ..... 10

**FOR COUNCILMEMBER AT-LARGE, POSITION 2**

ILA G. GAINES ..... 121  
 WRITE-INS ..... 8

**FOR COUNCILMEMBER AT-LARGE, POSITION 3**

JIM CARTER ..... 114  
 WRITE-INS ..... 8

**FOR COUNCILMEMBER AT-LARGE, POSITION 4**

WILLIAM B. GREEN ..... 118  
 WRITE-INS ..... 9

CHARTER AMENDMENT	FOR	AGAINST
1. The charter amendment to update state statutory references contained in charter.	132	11
2. The charter amendment to conform the City election procedure with state law.	137	8
3. The charter amendment to require one City Council meeting per month.	87	59
4. The charter amendment to require a descriptive caption of franchise ordinance to be published in the newspaper prior to adoption.	111	30
5. The charter amendment to extend the period of time to file a notice of claim against the City from 45 days to six months.	102	38
6. The charter amendment to prohibit any City Councilmember, officer or employee from participating in the award of a contract in which a member, officer or employee has a substantial interest.	99	45
7. The charter amendment to make the City nepotism rule comply with state law.	128	14

## JANUARY 18, 1992 CITY OFFICERS ELECTION

CITY OFFICERS ELECTION RESULTS VOTERS BY CITY PRECINCTS								
POSITION/ CANDIDATE	EARLY	101	102	201	206	301	401	TOTAL
<b>POSITION 1</b>								
Dan S. Davis	23	0	43	17	22	8	7	120
Write-Ins	1	0	1	3	2	1	2	10
<b>POSITION 2</b>								
Ila G. Gaines	21	0	45	16	22	10	7	121
Write-Ins	1	0	1	3	1	0	2	8
<b>POSITION 3</b>								
Jim Carter	20	0	33	25	20	9	7	114
Write-Ins	1	0	5	0	1	0	1	8
<b>POSITION 4</b>								
William B. Green	20	0	44	17	20	10	7	118
Write-Ins	1	0	1	3	2	0	2	9

Total voters casting ballots in Early Voting - 25, 17 percent of total;  
 Total voters casting ballots in Precinct 101 - 0, 0 percent of total;  
 Total voters casting ballots in Precinct 102 - 52, 34 percent of total;  
 Total voters casting ballots in Precinct 201 - 26, 17 percent of total;  
 Total voters casting ballots in Precinct 206 - 24, 16 percent of total;  
 Total voters casting ballots in Precinct 301 - 13, 9 percent of total;  
 Total voters casting ballots in Precinct 401 - 11, 7 percent of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION 151

TOTAL NUMBER OF REGISTERED VOTERS IN THE CITY 8499

PERCENTAGE OF REGISTERED VOTERS WHO VOTED 2%

CITY CHARTER AMENDMENT ELECTION RESULTS									
VOTES BY PRECINCT									
Amendment	Early	101	102	201	206	301	401	Total	%
1 FOR	19	0	48	21	23	12	9	132	92%
AGAINST	2	0	4	3	0	0	2	11	
2 FOR	22	0	46	22	24	12	11	137	94%
AGAINST	0	0	5	3	0	0	0	8	
3 FOR	20	0	34	8	12	8	5	87	60%
AGAINST	2	0	18	18	12	3	6	59	
4 FOR	21	0	42	11	19	10	8	111	79%
AGAINST	1	0	8	13	3	2	3	30	
5 FOR	13	0	35	20	18	10	6	102	73%
AGAINST	7	0	14	5	4	3	5	38	
6 FOR	15	0	36	13	18	9	8	99	69%
AGAINST	6	0	14	13	5	4	3	45	
7 FOR	19	0	45	20	23	12	9	128	90%
AGAINST	2	0	5	4	0	1	2	14	

Councilmember Barrett made the motion to approve Resolution 92-1-21.1 certifying the results of the election of January 18, 1992, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

#### OATH OF OFFICE

City Secretary Danna Welter administered the Oath of Office to Dan S. Davis, Ila G. Gaines, Jim Carter, and William B. Green. Newly elected Councilmember Davis introduced his wife, Elsie, and daughter, Jennifer.

#### CONSIDER ELECTION OF MAYOR PRO TEM AND CITY COUNCIL COMMITTEE APPOINTMENT REORGANIZATION

Councilmember Bell nominated the senior member of Council, Councilmember Bill Green, as the new Mayor Pro Tem, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

Mayor Hodges appointed Gary Bell, Bill Knotts, Ila Gaines and Ron Lange to the Personnel Committee and appointed Gary Bell to chair this committee. He appointed Bill Green, Jim Carter, Charles Robinson, and Dan Davis to the Finance Committee, and appointed Bill Green to chair this committee.

#### CONSIDER RECOMMENDATION

Consider the recommendation of the City's Financial Advisor, Mr. Rennie Baker of Cowen and Co. concerning the prepayment and reissue of the 1984 Revenue Bonds in order to reduce the interest rate and costs to retire the issue.

Councilmember Green stated that Mr. Baker was not present, but he had talked to him this afternoon and reviewed the refinancing of the 1984 revenue bonds; he asked Mr. Baker to have First Southwest Corporation present a proposal for February 4. The Finance Committee is proposing to examine the possibility of reissuing the bonds at a much lower interest rate.

**CONSIDER PROPOSAL FOR HISTORIC SURVEY**

Discuss the methodology and consider the proposal and optional procedures for the historic survey work as recommended by the Arts Commission.

Mayor Hodges stated the Arts Commission feels strongly about the historic survey and has a unique proposal for Council. The total cost of the proposal is \$17,863, of that amount City Council has budgeted \$6,000, leaving a balance of \$11,863; the Arts Commission is raising the money for the \$11,863. Mayor Hodges stated Council needed to endorse the concept of the survey and vote to fund the City's portion.

Mr. Pipes stated that Ms. Pease had talked with the County and they had agreed the money allocated last year would still be available if matched through another source. The Arts Commission has been working on raising the matching funds, and at this time Dr. Staggs is guaranteeing the \$11,863 himself if no other funds are available. Mr. Pipes is recommending waiting the two week period between now and the following Council meeting for any contributions; County participation or any other contributions be brought in. The contract can be executed at this time, subject to \$11,863 coming from another source.

Councilmember Bell made the motion to approve the Hardy Heck Moore contract at \$17,863, with \$6,000 coming from budgeted City funds, and \$11,863 to come from other sources, and Councilmember Robinson seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 92-1-21.1**

Consider Ordinance 92-1-21.1 complying with the Americans with Disabilities Act mandates for program development, evaluation procedures, and notification process.

Mr. Pipes stated this ordinance is to comply with federal guidelines.

Councilmember Green made the motion to approve Ordinance 92-1-21.1 complying with the Americans with Disabilities Act, and Councilmember Knotts seconded the motion.

Councilmember Green feels the ordinance does not define disability. Scott Bounds stated that it is intended that the City use the definition of the federal ADA. Mr. Pipes stated that the City is establishing a procedure by which individuals can provide input, complaints, concerns, etc.

Mayor Hodges called for a vote and the vote was 8-1; Councilmember Green voted no.

**CONSIDER RESOLUTIONS AND AGREEMENTS WITH TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION**

Consider agreements with the Texas Department of Highways and Public Transportation to install, operate and maintain individual fixed time traffic signals at: 1) S. H. 75 (Sam Houston Avenue) and 19th Street; and 2) S. H. 30 and Financial Boulevard by approval of Resolutions 92-1-21.2 and 92-1-21.3.

Councilmember Gaines made the motion to approve the agreements and resolutions for the two traffic signals listed, and Councilmember Knotts seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ENGINEERING SERVICES CONTRACT**

Consider an Engineering Services Contract with Traffic Engineers, Inc., for Traffic Light Synchronization Program II (11th Street from Normal Park to Martin Luther King Blvd.) as planned and budgeted through T.D.H.P.T. grant and local budget match.

Mayor Pipes stated this firm would provide the necessary engineering support for the traffic light synchronization project on 11th Street.

Councilmember Knotts made the motion to approve the contract with Traffic Engineers, Inc., and Councilmember Gaines seconded the motion.

Councilmember Green stated the conflict of interest statement in the contract should be reworded to conform with City Charter.

Councilmember Green made the motion that Item 14 of the contract be reworded to conform to City Charter, and Councilmember Robinson seconded the motion. All were in favor of the amendment to the motion and it passed unanimously.

A vote was taken on the amended motion; all were in favor and the motion was passed unanimously.

#### CITY MANAGER'S REPORT

Consider the monthly tax report for December with adjustments to the tax levy as noted.

Mr. Pipes stated that the reports were provided for Council's consideration and formal approval. The reports have been previously provided for information, but now contain the adjustments recommended by the Appraisal District and therefore need formal concurrence.

Councilmember Knotts made the motion to approve the December Tax Report, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

Consider authorization to act on real estate matters considered in Executive Session.

Mr. Pipes requested authorization to bid on the property on 7th Street as discussed in Executive Session.

Councilmember Green made the motion to authorize the City Manager to offer \$73,800 for a piece of property on 7th Street with a 5% earnest money contract, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

Consider an agreement with H.I.S.D. to provide athletic field facilities at Ross Park for a period of three years in consideration of a \$25,000 participation in field construction-renovation costs.

Mr. Pipes stated that H.I.S.D. should contribute \$25,000 as participation in field construction, and \$2,000 per year beginning January 1993, for three years, and would use the large baseball field and the soccer field at Ross Park.

Councilmember Green made the motion to approve the agreement with H.I.S.D. to provide athletic facilities at Ross Park, and Councilmember Robinson seconded the motion. All were in favor and the motion passed unanimously.

Consider emergency repairs of sewer trunk main.

Mr. Pipes stated that the City has a potential failure on a 30" pump main going to the wastewater treatment facility north of Huntsville. Mr. Wilder, Director of Public Works, showed a video of the exposed sewer main line. The location is approximately one mile upstream of the A. J. Brown Wastewater Treatment Plant. Mr. Wilder stated that upstream a large sand bar has been created in the creek and diverted the creek exposing the sewer main. Staff is proposing to move the line over, and to also get in the creek bed and move the sand so the creek will remain straight and not erode the bank more. At the time the pipe is concrete and it is proposed to be replaced it with PVC pipe. Mr. Pipes requested \$52,500 to repair this sewer line before it fails.

Councilmember Carter asked if this is an emergency, why can't City crews be pulled off of current jobs and repair the line. Mr. Pipes stated that the City of Huntsville does not have the necessary equipment to do the job. Staff also stated that if the line fails, City crews would be necessary.

Councilmember Knotts made the motion to approve the emergency request for \$52,500 from the reserve for future allocation for the sewer main line repairs, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**Boards and Commissions vacancies to be appointed February 4, 1992.

Mayor Hodges stated that there are vacancies in various boards and commissions and requests recommendations by Council in time for the meeting on February 4.

**COUNCILMEMBER ACTION**Huntsville Item Tubes

Scott Bounds stated that the City ordinances already prohibit placing tube boxes with signs in the City right-of-way; it is a device used to inform or attract attention to a product not generally offered on the premises. He stated that the City enforces ordinances on a complaint type basis; this is the first complaint regarding these tubes. The sign ordinance addressing the matter is valid, the Courts have indicated that cities can prohibit all off-premise signs for aesthetic and traffic safety reasons. There are first amendment considerations involved (an advertising circular), but the sign ordinance addresses those and permits vending boxes and use of public right-of-ways to vend newspapers or distribute newspapers.

Councilmember Bell noted that the publisher of the Item, Arlena McLaughlin, and Circulation Manager, Jack Day, are present. He stated that during the citizen input session, he detected a confrontation stance by Mr. Day, would like to avoid that and talk through and try to resolve the problem. Councilmember Bell stated that there have been many complaints regarding the tubes from the Spring Lake residents. After contacting the Item, Councilmember Bell was told the tubes were being put up not for the newspaper, but for the Item Extra (an advertising circular). They have been installed in front of every home. He feels this is a use of a City right-of-way, and many homeowners were outraged to have what they considered as visual pollution placed in their front yard. The Item did not contact the City to ask permission to use the right-of-way, or the individual homeowners.

Mr. Day stated that they had not had any complaints in the past, and they put the tubes up to save money by cutting down postal costs. Mr. Day stated that a subscriber is distinguished by a white dot on the tube.

Councilmember Bell noted that the newspapers are being thrown in the yards instead of being put in the tubes.

Councilmember Knotts remarked that the tubes are not being installed properly; some are angled, tipped over, askew, and don't look very good.

Councilmember Bell stated that the residents in Spring Lake feel the subdivision looks like a Huntsville Item advertising center. Councilmember Bell suggested that specific permission be granted before installing the green tubes.

Mr. Day stated that if a customer calls and wants the tube removed, they will remove it.

Councilmember Bell stated that since the tubes violate the law, he doesn't feel the citizen should have to take action to bring the violation to an end.

Councilmember Lange stated he had talked to one resident who liked the tube.

Mr. Day stated there were many residents who like the tubes.

Mayor Hodges stated he felt, instead of taking all the tubes down, that the homeowners who did not want the tubes call for removal.

Councilmember Bell stated it was not right to leave the tubes in front of homes who do not subscribe to the newspaper; this is essentially an advertising ploy.

Mayor Hodges stated many people who don't subscribe to the paper like the advertising circular.

Councilmember Bell stated the he does not agree with the notion that a violation of the law has occurred, and now the citizens must take positive action to overcome the violation of the law.

Mayor Hodges stated that there were also Houston Post and Chronicle boxes in right-of-ways.

Councilmember Bell stated he stands very firmly on notion that the boxes should be removed, the mistake was made by the Item and there is no reason for ratifying the mistake by leaving the boxes in place and would ask the City Attorney to enforce the law.

Mr. Day asked if a resident calls and requests a tube, can they be installed?

Scott Bounds, City Attorney, responded that a nameless tube could be installed.

Councilmember Knotts stated he feels the Council should not put the responsibility on the property owners, the Item did not request permission in the first place.

Councilmember Green suggested that the Item contact each property owner and ask if they want the tube retained

or removed.

Councilmember Bell stated that would be a possibility, but the Item's name should still be removed.

Mayor Hodges asked Mr. Day if he would take the responsibility to contact the owners of Spring Lake and Pine Shadows and see if they want the tube to stay or be removed.

Councilmember Bell asked about the name on the tube. Although both the Chronicle and Post have their names on their tubes, he stated that two wrongs don't make a right, and he planned on addressing that problem.

Councilmember Green stated a possibility would be to alter the sign ordinance.

Mayor Hodges stated he felt that might be a good idea.

Councilmember Bell asked that this subject be referred to a work session and discuss the problems.

Mayor Hodges stated that a work session would be held on February 4.

#### Boards and Commissions Vacancies

Councilmember Carter thanked the Mayor for requesting from Council names of possible citizens to fill the vacant boards and commissions positions.

#### Cornerstone Apartment Signs

Councilmember Lange noted that there are Cornerstone Apartments signs that need to be removed from City right-of-ways.

#### Welcome Dan Davis

Councilmember Davis stated he hoped to continue the footsteps of Councilmember Barrett. He also noted that he will be the only member eligible to serve in the year 2000.

#### 22nd Street and Sam Houston

Councilmember Knotts asked that a request be put in for a traffic signal at 22nd Street and Sam Houston Avenue due to the sight distance.

#### Planning Commission

Councilmember Gaines asked Councilmember Davis to consider the citizens who would be eligible to serve on the Planning Commission.

#### MEDIA INQUIRIES

#### ADJOURNMENT

*Danna L. Welter*

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 19TH DAY OF JANUARY, 1993 IN THE CITY HALL CONFERENCE ROOM, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in a regular session with the following members present:

W. H. Hodges, Mayor		Officers:
Dan S. Davis	Harold L. Norton	Gene Pipes, City Manager
Ronald L. Lange	JoAnn Matthews	Scott Bounds, City Attorney
William B. Green	Ila G. Gaines	Danna Welter, City Secretary
Charles Robinson		

ABSENT: Jim Carter, William H. Knotts, Jr., and Gary Bell

**CITIZEN INPUT/INQUIRY**

None.

**REGULAR SESSION - CALL TO ORDER**

Mayor Hodges called the meeting to order. Invocation by Reverend David Becker, University Heights Baptist Church.

**CONSIDER THE MINUTES OF JANUARY 12, 1993**

Councilmember Davis made the motion to approve the minutes of January 12, 1993, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously. NOTE: Councilmembers Carter, Knotts and Bell were absent.

**CONSIDER ORDINANCE 93-1-19.1 CERTIFYING THE RESULTS OF THE JANUARY 16, 1993, CITY OFFICER'S ELECTION**

**ORDINANCE NO. 93-1-19.1**

AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 16TH DAY OF JANUARY, 1993, FOR THE PURPOSE OF ELECTING A MAYOR AT LARGE, AND FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR WARDS ONE, TWO, THREE AND FOUR; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

**FOR MAYOR, AT LARGE**

BILL HODGES	522
WRITE-IN JAMES R. DESHAW	326
OTHER WRITE-INS	14

**FOR COUNCILMEMBER, WARD ONE**

RON LANGE	144
WRITE-INS	8

**FOR COUNCILMEMBER, WARD TWO**

WENDELL FLOYD	62
DAVE LUNING	166
MICHAEL PECK	108
CHARLOTTE O'SULLIVAN	8
WRITE-INS	1

**FOR COUNCILMEMBER, WARD THREE**

CHARLES ROBINSON	102
JOANN MATTHEWS	111
WRITE-INS	0

**FOR COUNCILMEMBER, WARD FOUR**

BRIAN ELVIN	30
HAROLD L. NORTON	109
WRITE-INS	0

## JANUARY 16, 1993 CITY OFFICERS ELECTION

CITY OFFICERS ELECTION RESULTS VOTERS BY CITY PRECINCTS								
POSITION/ CANDIDATE	EARLY	101	102	201	206	301	401	TOTAL
<b><u>MAYOR</u></b>								
BILL HODGES	119	27	61	99	89	54	73	522
WRITE-IN JAMES R. DESHAW	76	14	72	54	37	38	35	326
OTHER WRITE-INS	2	0	7	1	1	3	0	14
<b><u>WARD 1</u></b>								
RON LANGE	49		95					144
WRITE-INS	1		7					8
<b><u>WARD 2</u></b>								
WENDELL FLOYD	6			48	8			62
DAVE LUNING	28			59	79			166
MICHAEL PECK	19			49	40			108
CHARLOTTE O'SULLIVAN	4			4	0			8
WRITE-INS	1			0	0			1
<b><u>WARD 3</u></b>								
CHARLES ROBINSON	19	22				61		102
JOANN MATTHEWS	35	24				52		111
WRITE-INS	0	0				0		0
<b><u>WARD 4</u></b>								
BRIAN ELVIN	4						26	30
HAROLD L. NORTON	25						84	109
WRITE-INS	0						0	0

Total voters casting ballots in Early Voting - 206, 22 percent of total;  
 Total voters casting ballots in Precinct 101 - 49, 5 percent of total;  
 Total voters casting ballots in Precinct 102 - 143, 16 percent of total;  
 Total voters casting ballots in Precinct 201 - 162, 18 percent of total;  
 Total voters casting ballots in Precinct 206 - 130, 14 percent of total;  
 Total voters casting ballots in Precinct 301 - 114, 12 percent of total;  
 Total voters casting ballots in Precinct 401 - 113, 12 percent of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION 917

TOTAL NUMBER OF REGISTERED VOTERS - 101 919  
 TOTAL NUMBER OF REGISTERED VOTERS - 102 2677  
 TOTAL NUMBER OF REGISTERED VOTERS - 201 1910  
 TOTAL NUMBER OF REGISTERED VOTERS - 206 574  
 TOTAL NUMBER OF REGISTERED VOTERS - 301 1871  
 TOTAL NUMBER OF REGISTERED VOTERS - 401 2089

TOTAL NUMBER OF REGISTERED VOTERS IN THE CITY 10,040

PERCENTAGE OF REGISTERED VOTERS WHO VOTED 9%

Councilmember Green made the motion to approve Ordinance 93-1-19.1 certifying the results of the January 16, 1993, City Officer's Election, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

#### ADMINISTRATION OF THE OATH OF OFFICE TO THE DULY ELECTED OFFICERS

City Secretary Danna Welter administered the Oath of Office to W. H. Hodges, Mayor; Ron Lange, Councilmember - Ward 1; JoAnn Matthews, Councilmember - Ward 3; and Harold L. Norton, Councilmember - Ward 4.

#### CONSIDER ORDINANCE 93-1-19.2 CALLING FOR A RUNOFF ELECTION FOR CITY COUNCIL WARD 2 SEAT TO BE HELD ON JANUARY 30, 1993

Councilmember Green made the motion to approve Ordinance 93-1-19.2 calling for a runoff election for City Council Ward 2 Seat to be held on January 30, 1993, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

#### RECESS INTO RECEPTION TO HONOR NEWLY ELECTED MEMBERS AND RETIRING MEMBER CHARLES ROBINSON

Mayor Hodges recessed into a reception to honor the newly elected officers and to present retiring member Charles Robinson with a scrapbook and plaque. [The drawing for ballot position for the runoff candidates was held at 5:30 in the City Manager's office.]

#### CONSIDER THE DECEMBER TAX COLLECTION REPORT WITH VALUATIONS AS ADJUSTED BY THE CHIEF APPRAISER

Patricia Allen stated that the Walker County Appraisal District sets the value for property. These figures are submitted to the City in July of each year. As part of the budget process, the City Council establishes a tax rate. The tax rate is applied to the value creating the levy. The adjusted levy for this month is \$1,408,000. Each month the Chief Appraiser submits to the City for approval the adjusted levy.

The tax collection report is divided into Current Tax Collections and Delinquent Tax Collections. Prior to April of 1992, the City collected its own taxes. In April 1992, the City contracted with the Walker County Appraisal District for tax collections. The money is remitted to the City on a daily basis.

In December the City collected \$424,169, compared to \$487,000 for last year. The year to date collections are \$694,000, compared to \$693,000 last year. 49.31% of the levy has been collected, compared to 48.65% this time last year. Collections usually are in the 96% range. For budget purposes, the City normally budgets 94%.

The total delinquent taxes are \$221,000. In December, \$7,000 was collected, total year to date collections are \$25,867, compared to \$21,000 last year. The City has collected 11% of the total outstanding levy, as compared to 8% of the total

outstanding levy.

Adjustments submitted for the month of December total \$197.75 for the current roll, and \$198.49 to the delinquent roll. Councilmember Green made the motion to approve the December Tax Collection Report with valuations as adjusted by the Chief Appraiser, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

#### MAYOR'S ACTIVITY REPORT

1. Consider the City Council-Staff Orientation Retreat agenda, dates and schedule.

Mayor Hodges informed Council that February 6, 1993, was the scheduled date for the City Council-Staff Orientation Retreat to be held at the Service Center on Highway 75 North.

2. Consider Resolution 93-1-19.1 Designating Ila G. Gaines as the representative [and Jim Carter as alternate] to the Houston-Galveston Area Council General Assembly and Board of Directors.

Councilmember Green made the motion to approve Resolution 93-1-19.1 designating Ila G. Gaines as the representative [and Jim Carter as alternate] to the Houston-Galveston Area Council General Assembly and Board of Directors, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

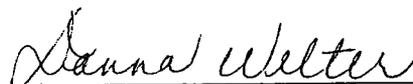
#### CITY COUNCILMEMBER ACTION

None.

#### MEDIA INQUIRIES

None.

#### ADJOURNMENT

  
Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 2ND DAY OF FEBRUARY, 1993 IN THE CITY HALL CONFERENCE ROOM, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in a regular session with the following members present:

W. H. Hodges, Mayor		Officers:
Dan S. Davis	Harold L. Norton	Gene Pipes, City Manager
Ronald L. Lange	JoAnn Matthews	Scott Bounds, City Attorney
William B. Green	Ila G. Gaines	Danna Welter, City Secretary
Jim Carter	Dave Luning	

ABSENT: William H. Knotts, Jr.

**CITIZEN INPUT/INQUIRY**

None.

**REGULAR SESSION - CALL TO ORDER**

Mayor Hodges called the meeting to order. Invocation by Reverend Cecil McKee.

**CONSIDER THE MINUTES OF JANUARY 12, 1993**

Councilmember Gaines made the motion to approve the minutes of January 19, 1993, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously. NOTE: Councilmember Knotts was absent.

**CONSIDER ORDINANCE 93-2-2.1 CERTIFYING THE RESULTS OF THE RUNOFF ELECTION FOR WARD 2 CITY COUNCIL OFFICER**

**ORDINANCE NO. 93-2-2.1**

AN ORDINANCE CANVASSING THE RETURNS OF THE SPECIAL RUNOFF MUNICIPAL ELECTION HELD WITHIN WARD 2 OF THE CITY OF HUNTSVILLE ON THE 30TH DAY OF JANUARY, 1993, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FROM WARD TWO; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN; FINDING THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE; AND DECLARING DAVE LUNING COUNCILMEMBER, WARD TWO.

**FOR COUNCILMEMBER, WARD TWO**

DAVE LUNING	177
MICHAEL PECK	152

**JANUARY 30, 1993 RUNOFF ELECTION RESULTS**

CITY RUNOFF ELECTION RESULTS VOTERS BY CITY PRECINCT				
POSITION/ CANDIDATE	EARLY	201	206	TOTAL
WARD 2				
MICHAEL PECK	19	68	65	152
DAVE LUNING	26	72	79	177

Total voters casting ballots in Early Voting - 45, 14 percent of total;  
 Total voters casting ballots in Precinct 201 - 141, 43 percent of total;  
 Total voters casting ballots in Precinct 206 - 144, 44 percent of total;  
  
 TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION 330  
  
 TOTAL NUMBER OF REGISTERED VOTERS - 201 1910  
 TOTAL NUMBER OF REGISTERED VOTERS - 206 574  
  
 TOTAL NUMBER OF REGISTERED VOTERS IN WARD 2 2,484  
  
 PERCENTAGE OF REGISTERED VOTERS WHO VOTED 13%

Councilmember Gaines made the motion to approve Ordinance 93-2-2.1 certifying the results of the January 30, 1993, Runoff Election for Ward 2 City Council Officer, and Councilmember Norton seconded the motion. All were in favor and the motion passed unanimously.

#### ADMINISTRATION OF THE OATH OF OFFICE TO THE DULY ELECTED OFFICER

City Secretary Danna Welter administered the Oath of Office to Dave Luning, Councilmember - Ward 2.

#### CONSIDER THE MAYOR'S APPOINTMENTS TO STANDING SUB-COMMITTEES OF CITY COUNCIL AND CHAIRPERSONS; ELECT A MAYOR PRO-TEM

Mayor Hodges stated that the Finance Committee will be composed of Bill Green (Chair), JoAnn Matthews, Dan S. Davis and Jim Carter; the Personnel Committee will be composed of Ila G. Gaines (Chair), Harold L. Norton, Dave Luning and Ron Lange.

Councilmember Gaines made the motion to name Bill Green as Mayor Pro-Tem, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

#### CONSIDER BIDS

1. Bid 93-11, Surveying Instruments to Surveyors Instruments (brand - Top Con) in the amount of \$23,930, as budgeted.

Councilmember Lange made the motion to approve Bid 93-11 to Surveyors Instruments in the amount of \$23,930, and Councilmember Green seconded the motion. All were in favor and the motion passed unanimously.

2. Bid 93-13, Wastewater Samplers, one bid received and unopened pending Council decision.

Mr. Schindler stated that since the agenda was posted, another bid was found to have been received by the due date. The bids were opened and the recommendation from staff is to approve the bid to EMSI Incorporated in the amount of \$5,570. There was only \$5,300 budgeted, and are recommending that the additional \$270 from the reserve for future allocation in the water and sewer fund.

Councilmember Green made the motion to approve Bid 93-13 to EMSI Incorporated in the amount of \$5,570, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

3. Bid Project 92-01-93, Emancipation Park Slab Repair Cap, one bid received and unopened pending Council decision.

Mayor Hodges stated that he recommended taking a different approach on this issue. He feels the problem can be solved for less money. Mr. Pipes stated that capping the slab is more expensive than pouring a new slab. He recommends doing crack

repair and applying a laykold surface (similar to tennis court surfaces). The remainder of the funds could be used to improve other needed improvements in Emancipation Park.

Councilmember Green made the motion to reject the one bid received (unopened) on Project 92-01-93, and to examine other possibilities for dealing with the surface of the Emancipation Park basketball court, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Carter stated that he felt this was a good plan of action, but stated that former Councilmember Robinson had felt this was a very important project and would like to see the repairs made in a timely manner.

Councilmember Green stated that he had talked to some residents in the area and their comment was that for that amount of money they would like to see some work done to the building.

A vote was taken. All were in favor and the motion passed unanimously.

#### CONSIDER THE ROUTE OPTIONS FOR 10TH STREET EXTENSION EAST OF MARTIN LUTHER KING BLVD.

Mr. Pipes stated that two maps have been drawn up. One is the current configuration that is included in the City of Huntsville's Comprehensive Plan. It shows the connection of 10th Street with Ryans Ferry Road. The alternate map (Plan B) takes 10th Street directly due east of Martin Luther King Blvd. to intersect with Highway 30.

Councilmember Green made the motion to revise the transportation section of the Comprehensive Plan to reflect Plan B (10th Street extension due east of Martin Luther King Blvd. to intersect with Highway 30), and Councilmember Lange seconded the motion.

Mayor Hodges stated that this seems to be a good solution and frees the Cemetery Association for their future development and other property for development. It seems to be in the best interest of the City for the long term transportation in the City.

A vote was taken. All were in favor and the motion passed unanimously.

#### CONSIDER A REQUEST FROM BELA KAROLYI TO BORROW THREE SETS OF BLEACHERS FOR UPCOMING GYMNASTICS MEET AT THE KAROLYI'S CAMP SITE

Mr. Pipes stated this request has been granted for the past several years. Mr. Karolyi has transported the bleachers to and from the camp site and taken good care of them.

The consensus of Council was to allow Mr. Karolyi to borrow the three sets of bleachers.

#### CONSIDER A REQUEST TO AUTHORIZE BIDS FOR HAND-HELD RADIOS FOR USE BY THE SURVEY CREWS

Mayor Hodges stated that this item was discussed in the budget process in the form of a decision package and was rejected. Since mid-year budget adjustments are only 45 days away, he requested that this item be considered at that time.

Councilmember Carter made a motion to table the request until the mid-year budget adjustments, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Lange stated that when mid-year adjustments do come up, it is very important to look at this request. Presently the crews are receiving an override on the radios.

#### STATUS REPORT ON THE SOLID WASTE DISPOSAL OPTIONS RESEARCH BY S.C.S.

Mr. Wilder stated that staff had met with S.C.S. Engineers recently and they provided a schedule for the procurement of professional services for the landfill and the co-composting. A representative from S.C.S. will attend the February 16 meeting of Council to provide an update of the current status. Final selection of the bid process for the landfill will be March 31, 1993, and the co-composting will be April 30, 1993.

Mr. Wilder stated that staff has been concerned about the closure of the current landfill under the Subtitle D regulations. Staff is requesting permission to procure engineering services to begin the closure process officially for the part of the landfill that is not in use today (approximately 120 acres). The process is expensive and complicated.

Councilmember Green made the motion to approve procuring engineering proposals to being the landfill closure process, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

#### REPORT ON THE MEETING WITH THE ELKINS LAKE MUNICIPAL UTILITY DISTRICT BOARD CONCERNING INFILTRATION/INFLOW STUDY

Mr. Wilder stated that staff met with the Elkins Lake Board on January 13 to discuss the infiltration/inflow problem. The Board is very interested in correcting the problems. City staff will provide to the Board an estimated cost of what an

infiltration/inflow study would cost, and a list of firms that provide the service. Information is currently being gathered. Staff is scheduled to meet with the Board on March 9.

**CONSIDER A ORDINANCE AUTHORIZING THE TRINITY RIVER AUTHORITY TO SELL BONDS TO THE TEXAS WATER DEVELOPMENT BOARD TO FINANCE PERMIT COMPLIANCE MODIFICATIONS TO THE N. B. DAVIDSON (SOUTH) WASTEWATER TREATMENT PLANT**

Mr. Pipes stated that the ordinance presented requests the Trinity River Authority to authorize the sale of bonds to the Water Development Board. Staff is encouraging Council not to pass the resolution. The ordinance stated that for the purpose of this issue the City would raise the rate and amount of ad valorem tax to be sufficient to assure payments. The bonds are revenue bonds from the utility system and the City of Huntsville has rigorously segregated the proprietary funds. To pledge tax revenues to assure the bonds would be contrary to the City of Huntsville policy. Council has until February 16 to approve the ordinance. Staff is to meet with members of T.R.A. on Friday, February 5 to discuss this condition. Also to be discussed will be the incorporation of \$1.5 - \$1.8 million in this issue to extend utilities to a T.D.C.J. 2000 bed jail site.

Councilmember Green made the motion to table the ordinance authorizing the Trinity River Authority to sell bonds to the Texas Water Development Board to finance permit compliance modification to the N. B. Davidson (South) Wastewater Treatment Plant, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER A PERMIT/LEASE AGREEMENT FOR CHILD CARE CENTER AT JACKSON SQUARE**

Mayor Hodges stated that a similar agreement had been presented last year to Council and denied. He stated that he has rethought his position on the agreement and feels that the City does give exclusive rights to other organizations. Mr. Pipes stated that the center would use the playground for two hours each day (one hour in the morning and one hour in the afternoon). At all other times the playground would be available to the general public. The center would incur the costs of fencing the area and would purchase the playground equipment.

Councilmember Carter made the motion to approve a permit/lease agreement for child care center at Jackson Square, and Councilmember Green seconded the motion.

Councilmember Matthews asked what would happen if the center vacates Jackson Square before the termination of the lease agreement. Mr. Pipes stated that the playground equipment would remain as a gift to the City of Huntsville. The center does have liability insurance.

A vote was taken. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider reappointments to Board of Adjustments and Appeals.

Mayor Hodges stated that he recommends the reappointments of Allan Pritchard, Joseph Rowe, and Carroll Joe Heaton to the Board of Adjustments and Appeals.

Councilmember Gaines made the motion to approve the reappointments to the Board of Adjustments and Appeals, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

2. Consider reappointment to Parks Advisory Board.

Mayor Hodges stated that he recommends the reappointment of Jill Baine to the Parks Advisory Board. There is another position on the board that will need to be filled and asked for Council's recommendations at the Retreat on Saturday.

Councilmember Green made the motion to approve the reappointment of Jill Baine to the Parks Advisory Board, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

3. Consider preliminary agendas for: (1) Saturday, February 6, 1993 - City Council Staff Orientation/Update Retreat at the City Service Center; and (2) Tuesday, February 16, 1993 - Regular Session, City Hall Council Chambers.

Mayor Hodges informed Council that the preliminary agendas for these two dates were in the packet.

## CITY COUNCILMEMBER ACTION

1. Consider a letter of request that the Wal-Mart Corporation reconfigure their proposed Supercenter project to preserve the on-site trees - Jim Carter

Mayor Hodges stated that Councilmember Carter had requested that the City Council go on record asking Wal-Mart to alter their plans to save the trees. Mayor Hodges stated that he agreed to draft an upbeat, positive letter on the subject and to also welcome them to our community.

Councilmember Carter stated that his only concern was with who the letter was addressed to. He asked if he might submit several other names that the letter can be mailed to.

Councilmember Lange stated that the issue has been sensationalized. It has been said that these trees are two hundred years old; Sam Houston slept and watched butterflies under these trees. He stated that he visited the site and bored two trees. The trees were not even close to 200 years old.

Councilmember Lange stated that he is concerned because we are asking Wal-Mart to move their building. He does not want to see the building moved up close to IH-45 and the grove of trees hidden behind the building. He feels that Wal-Mart is more than meeting the landscaping requirement at 30%.

Councilmember Carter stated that he is requesting that the building be moved north and not forward. He stated that he has heard that Wal-Mart is sensitive to the needs of communities and wants to be a good neighbor.

Councilmember Gaines stated that she felt it was not proper at this point, with the plans already being approved, to write them a letter asking them to save the trees.

Councilmember Green stated that he would like to see the trees saved, but does not feel this is the proper mechanism to accomplish it. He felt it appropriate for the Chamber and other organizations to send letters, or even individual members of Council. He stated he felt the role of City Council was to make policy to deal with the entire environmental issue and to single out any individual firm to try to impose on them what we may not on other is wrong.

Councilmembers Carter and Davis both stated that the City Council is not imposing or requiring them to save the trees, but asking them if it would be possible.

Councilmember Norton stated that he was concerned about how Wal-Mart will perceive the letter. He feels that the Council as a whole should leave the issue alone.

Councilmember Carter made the motion to send a letter of request to Wal-Mart Corporation to reconfigure their proposed Supercenter project to preserve the on-site trees, and Councilmember Davis seconded the motion. Councilmember Carter, Luning, Matthews, Davis, and Mayor Hodges voted for, and Councilmembers Lange, Green, Norton and Gaines voted against. The motion passed 5-4.

2. Discussion of the Library/Cultural Center/Theater project and proposed General Obligation Bond Issue - Ila Gaines and Ron Lange.

Councilmember Gaines stated that for approximately three years the City has been pursuing a project to meet the facility needs of the primary Cultural activities of our community. We have studied, explored, examined, listened and carefully planned a project to meet the well documented deficiencies in the area of our Library, meeting room space, and a theater home for our citizens. We have a fine working architectural model and renderings of a facility that would meet the needs as were determined in a two day, public, consensus building effort held last October.

The question now arises..."Where do we go from here?". The answer as our committee views it, rests in four observable facts. These items are as follows:

...We welcome three new members of Council to the process of decision making on this and other important issues. We are sure that each of our new members are aware of the L.C.C.-T initiative, but expect that there is a considerable amount of background information needed for our new partners in the project, to make informed decisions about next-step plans.

... H.I.S.D. has announced a large bond issue referendum for the remodeling of the Junior High School and Middle School Campuses for Late March, 1993. This timing circumstance is, most likely, not conducive for a concurrent referendum offered by the City.

...Some Sam Houston Birthday Bicentennial historical research has turned up the unrealized facts that the proposed site on 7th Street may be part of the original Joshua Houston homestead tract and is near the Bishop-Ward College site.

...These historical facts may be useful in pursuit of State and Federal grants to defray some of the costs of such a project and certainly deserve to be explored prior to carrying the issue to the voters. We have taken the liberty to ask Mr. Jack Steel of H.G.A.C. to visit Huntsville in mid February to assist us with this possible funding source. If all else fails, we would at least benefit from exhaustion of all alternatives before seeking General Obligation Bond authorization. Such an effort would be yet another very deliberate step to demonstrate our careful stewardship of this project.

We have come a long way to get to this point. We have brought the Council up-to-date on the project at each juncture in an effort to assure that everyone was well informed and supportive. We recognize that there is a general expectation to press ahead on the financing issue by calling a bond election in the near future, but we also recognize that there is some work that still needs to be done to urge passage by the voters. As usual, there are some elements, such as timing, that are subjective calls at best.

We do not want to loose any momentum and support that we have already engendered by our on-going effort, but we do believe that the possible historical significance of the site and grant exploration work will further infuse the spirit of progress and sense of community, that will be valuable assets in a campaign effort. We plan to talk in greater detail about the proposed project at our retreat-orientation meeting on Saturday, February 6th. Hopefully, we will receive your consensus concurrence with this strategy at that time.

#### New Councilmembers and Retiring Councilmembers

Councilmember Carter stated that he was sorry he was absent when the new members were sworn in on January 19th, and sorry he wasn't here to say good-bye to Bill Knotts, Gary Bell and Charles Robinson.

He stated that Council will miss Bill Knott's expertise as an engineer and Gary Bell had a strong hand in zoning the City of Huntsville. Councilmember Carter stated that Charles Robinson was an advocate for his neighborhood and served Council well.

#### MEDIA INQUIRIES

None.

#### ADJOURNMENT



Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 29TH DAY OF JUNE, 1993 IN THE CITY HALL CONFERENCE ROOM, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in a regular session with the following members present:

W. H. Hodges, Mayor

Dan S. Davis

Ronald L. Lange

William B. Green

Jim Carter

Harold L. Norton

JoAnn Matthews

Ila G. Gaines

Dave Luning

Officers:

Gene Pipes, City Manager

Danna Welter, City Secretary

#### INVOCATION

Invocation by Reverend Clarence Griffin, Friendship Baptist Church.

#### PUBLIC HEARING OPENED - POKEY'S TOWN

Mayor Hodges opened the Public Hearing to consider a variance request by Mr. Roger Smith, proprietor of Pokey's Town on 12th Street, for a T.A.B.C. Caterer's Permit.

**Bruce Green, Attorney, and Roger Smith, Proprietor.** Mr. Smith's attorney, Bruce Green, stated that the building was purchased in February 1990, and work began on the building shortly thereafter. A total of \$75,000 has been expended on this building to prepare it for occupancy as a "showcase for live entertainment". In February 1993, the First Baptist Church rented or was donated building space in a building that is adjacent to the Pokey's Town. In March 1993, Mr. Smith applied to T.A.B.C. for a caterer's permit (to caterer from the Ice House to Pokey's Town). On March 29, 1993, measurements were taken by the City to make sure the building was not within 300 feet of a public school, church or hospital. On March 30, 1993, the City Secretary contacted T.A.B.C. and informed them that Pokey's Town was within 300 feet of a church. At the time the measurements were taken, there were no markings on the building occupied by First Baptist Church, yet the City Engineer determined that there was a church within 57 feet of the establishment. T.A.B.C., based on the City's assessment of this as a church, denied the catering permit. The front door of First Baptist Church is 571 feet from Pokey's Town's front door.

Mr. Smith is not allowed to sell alcohol in his establishment, but can operate on a B.Y.O.B. basis. This has caused a substantial loss of revenue. Mr. Green stated that he did not feel that the ordinance relating to liquor was intended to work in this manner.

Mr. Smith stated that this situation was creating a loss of revenue in sales taxes, gross sales from alcohol and more for the City of Huntsville. He stated that there are few venues for live entertainment in the Huntsville area. He feels that Pokey's Town's entertainment will keep more students in the area during the weekends, which would produce more revenue for the City. Pokey's Town would also add more commerce to the downtown area.

Mr. Green stated that the last several times Mr. Smith has tried to have functions at Pokey's Town, there has been a very poor turn out and feels that this is caused by not being able to sell alcoholic beverages.

Several weeks ago, First Baptist Church put a sign on the door on 12th Street indicating that they would not hold meetings for a period of time. Seeing the sign, Mr. Smith petitioned T.A.B.C. for a catering permit for June 16-18. T.A.B.C. would not consider the petition due to the previous assessments.

Councilmember Luning stated that Pokey's had received three building permits since 1990, and only the latest (2-93) listed the intended use of the building. Mr. Smith stated that this is correct. It was noted that if the establishment was permitted, it would be regulated by the T.A.B.C.

Councilmember Lange stated that he had received a complaint several weeks previously about the trash that was being left on the street near Pokey's Town. After inspection of the scene on that Sunday morning, he found beer cans, liquor bottles, busted styrofoam coolers, etc. He felt the ordinance was in place to keep this type of event from happening near churches where citizens worship.

Mr. Smith stated that if he had a liquor permit, there would not be this problem because liquor would not be allowed to be brought into or out of the establishment.

Councilmember Carter stated that he felt this was an economic development issue. He feels that Mr. Smith's business would be a benefit to the community.

Councilmember Green stated that he agreed with Councilmember Carter and feels that Mr. Smith acted in good faith and the variance should be granted. He felt the proper measurement should be to the front door of the First Baptist Church and not the annex.

**Pinkie Bates.** Mr. Bates stated that he is a Prison Minister at the Church of Christ Prison Ministry located next door to Pokey's Town. He stated that during the last few months there has been beer cans, litter, etc. in front of the buildings. Mr. Bates stated that they have alcohol and drug counselling at the Ministry and the noise level has caused problems. He stated that he finds it offensive; parking is a problem and it is interfering with the Prison Ministry.

**Gerald Harris.** Mr. Harris stated that he owns the property next door to Pokey's Town. He is asking Council to vote against the variance. Mr. Harris stated that Mr. Smith had told the area tenants that he was not going to put a bar in this location. He stated that beer cans and trash have been a problem. Mr. Harris does not feel this type of establishment in the downtown area is good for the historical revitalization.

**Bob Goad.** Mr. Goad stated that he was a resident of Huntsville and supports the application. This establishment will provide an outlet for local talent, is a creative use for an old building, and provides an opportunity to see regional talent without taking money out of town. He stated that the trash and noise problems would be best addressed by permitting the variance.

**Kirt Stevenson.** Mr. Stevenson stated he is the Budweiser distributor in Trinity and that if the variance is allowed, T.A.B.C. would be able to regulate the establishment.

**Robert Ford.** Mr. Ford stated that he is a Huntsville resident and an amateur musician. Mr. Smith has given several amateur musicians a chance to play.

**Charles Smither.** Mr. Smither submitted written comments for Council's consideration.

**Mayor Hodges closed the Public Hearing.**

**Councilmember Luning made the motion to approve the variance for Pokey's Town, and Councilmember Carter seconded the motion.**

After Council discussion, a vote was taken.

**Councilmembers Luning, Carter, Davis and Green voted for, and Councilmembers Matthews, Gaines, Norton, Lange and Mayor Hodges voted against. The motion failed 5-4.**

#### CITIZEN INPUT/INQUIRY

**Ms. Sally Autrey.** Ms. Autrey stated that she is requesting Council's help. She lives in Spring Lake on McDonald Creek. The problem for residents on the creek are become worse. The silt is increasing and the vegetation taking root is out of hand. There are health hazards for the residents including numerous snakes. Ms. Autrey stated that she has talked to Mr. Etheredge and he would also like to see some clean up of the creek.

Mayor Hodges stated that he was aware that this is a continuing problem and requests that staff come back to Council with a recommendation. Councilmember Luning requested that staff provide the elevation of the creek and the lake. Councilmember Davis stated that the lake level is going to be lowered later in the summer for clean up around the shoreline and it would be an opportune time for creek cleanup.

#### REGULAR SESSION - CALL TO ORDER

Mayor Hodges called the meeting to order.

#### CONSIDER MINUTES OF JUNE 8, 1993

**Councilmember Gaines made the motion to approve the minutes of June 8, 1993, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.**

#### CANVASS AND CERTIFY THE ELECTION RESULTS OF 6-29-93 BY APPROVAL OF RESOLUTION 93-6-29.1

**A RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 26TH DAY OF JUNE, 1993, FOR THE PURPOSE OF ISSUANCE OF \$3,700,000 LIBRARY/CULTURAL CENTER BUILDING BONDS; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.**

**STATISTICS - JUNE 26, 1993  
BOND ELECTION**

**PROPOSITION**

**For** the Issuance of \$3,700,000 Library/  
Cultural Center Building Bonds

428 Votes

**Against** the Issuance of \$3,700,000 Library/  
Cultural Center Building Bonds

1,023 Votes

Total voters casting ballots in Early Voting - 480, 33 percent of total;  
Total voters casting ballots in Precinct 101 - 65, 4 percent of total;  
Total voters casting ballots in Precinct 102 - 311, 21 percent of total;  
Total voters casting ballots in Precinct 201 - 158, 11 percent of total;  
Total voters casting ballots in Precinct 206 - 132, 9 percent of total;  
Total voters casting ballots in Precinct 301 - 157, 11 percent of total;  
Total voters casting ballots in Precinct 401 - 150, 10 percent of total.

**TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION** **1,453**

TOTAL NUMBER OF REGISTERED VOTERS - 101	1550
TOTAL NUMBER OF REGISTERED VOTERS - 102	2936
TOTAL NUMBER OF REGISTERED VOTERS - 201	1815
TOTAL NUMBER OF REGISTERED VOTERS - 206	606
TOTAL NUMBER OF REGISTERED VOTERS - 301	1964
TOTAL NUMBER OF REGISTERED VOTERS - 401	2479

**TOTAL NUMBER OF REGISTERED VOTERS IN THE CITY** **11,350**

**PERCENTAGE OF REGISTERED VOTERS WHO VOTED** **13%**

Councilmember Green made the motion to approve a Resolution canvassing and certifying the election results of 6-29-93, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 93-6-29.1 DELAYING ADOPTION OF ORDINANCE AUTHORIZING  
CERTIFICATES OF OBLIGATION**

Councilmember Green stated that the Finance Committee met and recommends the adoption of Ordinance 93-6-29.1.

Councilmember Green made the motion to approve Ordinance 93-6-29.1 delaying adoption of ordinance authorizing certificates of obligation, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 93-6-29.2 AUTHORIZING ISSUANCE OF \$1,600,000, CITY OF HUNTSVILLE, TEXAS,  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1993**

Councilmember Green made the motion to approve Ordinance 93-6-29.2 authorizing issuance of \$1,600,000, City of Huntsville, Texas combination tax and revenue certificates of obligation, Series 1993, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

This certificate of obligation will be paid for with increased sanitation rates - projected percentages of increase are 15% the first year, 15% the second year, and 5% the third year.

**CONSIDER THE ANNUAL INVESTMENT REPORT**

Councilmember Green made the motion to approve the Annual Investment Report, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER A LETTER AGREEMENT FOR PROFESSIONAL SERVICES,  
ANNUAL AUDIT WITH BICKLEY, PRESCOTT & CO.**

Councilmember Green stated that the City has a three year contract with Bickley, Prescott & Co. that is annually renewable. This will be the second year of the three year contract and the Finance Committee recommends approval for FY 1992-93.

Councilmember Green made the motion to approve a letter agreement for professional services, Annual Audit for FY 1992-93, with Bickley, Prescott & Co, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER THE MONTHLY TAX REPORT WITH CORRECTIONS AND ADJUSTMENTS  
AS RECOMMENDED BY GROVER COOK, CHIEF APPRAISER**

Ms. Allen stated that current collections are 94.4%, as compared to 93.78% last year. Delinquent taxes are 19% of total delinquent taxes collected as compared to 25% last year.

Councilmember Green made the motion to approve the Monthly tax report with corrections and adjustments as recommended by Grover Cook, Chief Appraiser, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER SCS AND STAFF BID RECOMMENDATION ON TRANSFER TRUCKS/EQUIPMENT**

Councilmember Gaines made the motion to approve the low bid of \$232,800 to White/GMC Trucks of Dallas/Ft. Worth for the purchase of two tractors (\$91,650), three trailers (\$128,850), and three trailer covers (\$12,300), and Councilmember Norton seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER MCGARY CREEK SEWER COLLECTION SYSTEM AND LIFT STATION BID AWARDS**

Councilmember Luning made the motion to approve the low bid of \$1,091,390.25 to J. J. Young Construction, Inc. for construction of the McGary Creek Interceptor sewer lines and lift station, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER AMENDMENTS TO THE CABLE 7 AGREEMENT**

Mr. Pipes stated that for some time, the City has had an agreement with Cable 7 whereas the City of Huntsville pays Cable 7 one-fourth of the revenue from the annual cable franchise fee. This contract has been amended to allow the payment to be made automatically each year instead of approving the agreement each year.

Councilmember Matthews made the motion to approve the amendments to the Cable 7 Agreement, and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER MEMBERSHIP IN THE EAST TEXAS CONSORTIUM OF LIBRARIES (E.T.C.L.)**

Councilmember Green made the motion to approve membership in the East Texas Consortium of Libraries (E.T.C.L.), and Councilmember Gaines seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER THE POLICE DEPARTMENT ANNUAL NARCOTICS FUND REPORT**

Councilmember Green made the motion to approve the Police Department annual narcotics fund report, and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER AMENDMENTS TO THE HUNTSVILLE FIRE DEPARTMENT  
PERSONNEL EMPLOYMENT POLICY FOR VOLUNTEER PARTICIPATION CALL CREDIT**

Councilmember Carter made the motion to approve the amendments to the Huntsville Fire Department personnel employment policy for volunteer participation call credit, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider reappointment of John Holcombe and James Barrum to the Huntsville Housing Board.
2. Consider appointment of Ninfa Fuentes to the expired term of Eldaa Avalos on the Huntsville Public Library Board.  
Councilmember Gaines made the motion to approve the reappointment of John Holcombe and James Barrum to the Huntsville Housing Board, and the appointment of Ninfa Fuentes to the Huntsville Public Library Board, and Councilmember Green seconded the motion. All were in favor and the motion passed unanimously.
3. Consider a draft letter to Carol Browner, Administrator U. S. Environmental Protection Agency, urging a proposed extension of Subtitle D Landfill Regulations implementation date.  
Councilmember Carter made the motion to approve the letter to Carol Browner, Administrator U. S. Environmental Protection Agency, urging a proposed extension of Subtitle D Landfill Regulations implementation date, and Councilmember Green seconded the motion. All were in favor and the motion passed unanimously.

**CITY COUNCILMEMBER ACTION**

Performance Indicators. Councilmember Green stated that staff has presented to the Finance Committee its performance indicators and they will be reviewed.

Sale of Alcoholic Beverages. Councilmember Luning proposed that in the future the hours for selling of alcoholic beverages be extended on weeknights from Midnight to 1:00 a.m., and weekends from 1:00 a.m. to 2:00 a.m.

Emancipation Park Slab. Councilmember Matthews stated that after sweeping the slab last weekend, it was determined that a major problem with the water on the slab is from the drain pipes that have broken or deteriorated. She asked staff to check into this problem.

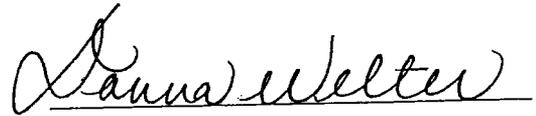
Drug Free Zone for Parks. Councilmember Matthews asked if the City had a drug free zone for our City parks where violators can be prosecuted enhanced to what they are originally charged with only a possession charge.

**MEDIA INQUIRIES**

Janet Dial, Huntsville Item, asked the Councilmembers that are members of First Baptist Church if the Church intends to occupy the space rented on 12th Street. Mayor Hodges stated that she would need to contact the appropriate committee at the Church.

**ADJOURNMENT**

City Council recessed into Executive Session [6:46 p.m. to 7:00 p.m.].



Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 18TH DAY OF JANUARY, 1994, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

COUNCILMEMBERS:

W. H. Hodges, Mayor
Dan S. Davis
William B. Green
Ronald L. Lange
JoAnn Matthews

Marjorie Rex
Ila G. Gaines
Dave Luning
Jim Carter
Harold Norton

Officers:

Gene Pipes, City Manager
Danna Welter, City Secretary
Scott Bounds, City Attorney

CITIZEN INPUT/INQUIRY

Carol Wilk. Ms. Wilk stated that she hoped Council would still present to the voters in May a charter amendment to change the City's election date.

Manuel Tooney. Mr. Tooney requested City Council to take measures to provide utility rate relief for water, sewer and garbage.

Mayor Hodges asked Mr. Tooney to make an appointment with City Attorney Scott Bounds and Director of Finance Patricia Allen to discuss this item.

REGULAR SESSION - CALL TO ORDER

Mayor Hodges called the meeting to order.

INVOCATION

Invocation by Reverend Jim Morgan, St. Stephens Episcopal Church.

CONSIDER THE MINUTES OF DECEMBER 14, 1993

Councilmember Gaines made the motion to approve the minutes of December 14, 1993, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

RECEIVE AND CANVASS THE RESULTS OF THE CITY OFFICER'S ELECTION FOR AT-LARGE POSITIONS HELD JANUARY 15, 1994

ORDINANCE NO. 94-01

AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 15TH DAY OF JANUARY, 1994, FOR THE PURPOSE OF ELECTING FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR AT-LARGE POSITIONS; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

FOR COUNCILMEMBER AT-LARGE, POSITION 1

Table with 2 columns: Name and Count. Rows include JEFF SMITHERMAN (25), CAROL M. WILK (157), BRIAN ELVIN (141), DAN DAVIS (753), CHRISTY A. WOODWARD (78), and WRITE-INS (1).

FOR COUNCILMEMBER AT-LARGE, POSITION 2

Table with 2 columns: Name and Count. Rows include MARJORIE REX (665), MICHAEL PECK (433), DON EDWARDS (57), and WRITE-INS (5).

## FOR COUNCILMEMBER AT-LARGE, POSITION 3

BRADLEY C. COOK .....	425
CLINT W. CROLEY .....	48
JIM CARTER .....	579
JOHN JAFREH .....	74
WRITE-INS .....	8

## FOR COUNCILMEMBER AT-LARGE, POSITION 4

BETTE NELSON .....	459
HOWARD MARTIN JR. ....	55
DAVID MARTINEZ .....	374
RAY SANDERS .....	244
WRITE-INS .....	2

CITY OFFICERS ELECTION RESULTS - JANUARY 15, 1994								
VOTERS BY CITY PRECINCTS								
POSITION/CANDIDATE	Early	101	102	201	206	301	401	Total
<b>POSITION 1</b>								
JEFF SMITHERMAN	4	2	4	6	1	4	4	25
CAROL M. WILK	47	12	37	19	11	10	21	157
BRIAN ELVIN	29	5	36	20	15	12	24	141
DAN DAVIS	205	23	188	131	94	38	74	753
CHRISTY A. WOODWARD	21	3	20	9	5	10	10	78
WRITE-INS	0	1	0	0	0	0	0	1
<b>POSITION 2</b>								
MARJORIE REX	191	26	183	102	60	30	73	665
MICHAEL PECK	108	18	90	67	61	39	50	433
DON EDWARDS	4	2	19	16	6	4	6	57
WRITE-INS	1	0	0	1	0	0	3	5
<b>POSITION 3</b>								
BRADLEY C. COOK	116	14	106	65	62	18	44	425
CLINT W. CROLEY	11	3	10	15	0	5	4	48
JIM CARTER	161	27	142	96	48	39	66	579
JOHN JAFREH	12	1	18	8	9	8	18	74
WRITE-INS	1	0	3	0	0	3	1	8
<b>POSITION 4</b>								
BETTE NELSON	140	13	114	71	47	24	50	459
HOWARD MARTIN JR.	10	1	10	16	6	4	8	55
DAVID MARTINEZ	92	29	80	63	34	36	40	374
RAY SANDERS	61	2	75	34	35	8	29	244
WRITE-INS	1	0	0	1	0	0	0	2

Total voters casting ballots in Early Voting - 310, 26 percent of the total;  
 Total voters casting ballots in Precinct 101 - 46, 4 percent of the total;  
 Total voters casting ballots in Precinct 102 - 293, 25 percent of the total;  
 Total voters casting ballots in Precinct 201 - 189, 16 percent of the total;  
 Total voters casting ballots in Precinct 206 - 128, 11 percent of the total;  
 Total voters casting ballots in Precinct 301 - 76, 6 percent of the total;  
 Total voters casting ballots in Precinct 401 - 134, 11 percent of the total.

TOTAL VOTERS CASTING BALLOTS IN THIS ELECTION: 1176

Total number of registered voters in Precinct 101 - 956  
 Total number of registered voters in Precinct 102 - 2,793  
 Total number of registered voters in Precinct 201 - 1,866  
 Total number of registered voters in Precinct 206 - 567  
 Total number of registered voters in Precinct 301 - 1,819  
 Total number of registered voters in Precinct 401 - 2,200

TOTAL REGISTERED VOTERS: 10,201

PERCENTAGE OF REGISTERED VOTERS WHO VOTED: 12%

.....  
Councilmember Matthews made the motion to approve Ordinance 94-01-18.1, certifying the results of the January 15, 1994, City Officer's Election, and Councilmember Green seconded the motion. All were in favor and the motion passed unanimously.

**FAREWELL TO OUTGOING MEMBER OF COUNCIL AND ADMINISTRATION OF THE OATH OF OFFICE TO THE NEWLY ELECTED MEMBERS**

Retiring Councilmember Ila Gaines was presented with a Proclamation from the Texas State Senate commending her on service to the City of Huntsville.  
 The Oath of Office was given to re-elected Councilmembers Jim Carter and Dan Davis, and newly elected Marjorie Rex.

**CONSIDER ORDINANCE 94-01-18.2 CALLING FOR A RUN-OFF ELECTION FOR FEBRUARY 5, 1994**

Councilmember Luning made the motion to approve Ordinance 94-01-18.2 calling for a run-off election for February 5, 1994, for Councilmember At-Large Position 4, and Councilmember Green seconded the motion. All were in favor and the motion passed unanimously.

A drawing was held for the order of names on the ballot for the run-off election and Bette Nelson was drawn first with David Martinez to be listed second.

**CONSIDER ORDINANCE 94-01-18.3 AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, MOTOR VEHICLES AND TRAFFIC, TO ESTABLISH VARIOUS NO PARKING ZONES**

<u>Street Name</u>	<u>Side of Street</u>	<u>Limits</u>	<u>Type</u>
<i>Pleasant Street</i>	<i>Both</i>	<i>From N. Hwy. 75 East 40 feet</i>	<i>No Parking at Any Time</i>
<i>20 1/2 Street</i>	<i>North</i>	<i>From Sam Houston Avenue East 274 feet</i>	<i>No Parking at Any Time</i>
<i>Avenue L 1/2</i>	<i>East</i>	<i>Between 20th and 21st Streets</i>	<i>No Parking at Any Time</i>
<i>Olive Street</i>	<i>South</i>	<i>From Sycamore East 373 feet</i>	<i>No Parking Here to Corner</i>
<i>White Circle</i>	<i>Both</i>	<i>Entire street</i>	<i>No Parking at Any Time</i>
<i>Nance Circle</i>	<i>Both</i>	<i>Entire street</i>	<i>No Parking at Any Time</i>
<i>Howard Circle</i>	<i>Both</i>	<i>Entire street</i>	<i>No Parking at Any Time</i>
<i>Estill Street</i>	<i>Both</i>	<i>Entire street</i>	<i>No Parking at Any Time</i>
<i>Avenue N</i>	<i>Both</i>	<i>From 10th Street North 42 feet</i>	<i>No Parking at Any Time</i>
<i>10th Street</i>	<i>North</i>	<i>From Avenue N East 252 feet</i>	<i>No Parking at Any Time</i>

Councilmember Lange made the motion to approve Ordinance 94-01-18.3 amending Chapter 12 of the Code of Ordinances, Motor Vehicles and Traffic, to establish various no parking zones, and Councilmember Norton seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Carter requested a letter be drafted to the U. S. Post Office requesting that sub-stations be considered.

**CONSIDER ORDINANCE 94-01-18.4, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, MOTOR VEHICLES AND TRAFFIC, TO ESTABLISH VARIOUS STOP INTERSECTIONS**

<u>Intersection</u>	<u>At</u>	<u>Designated</u>
<i>Avenue O</i>	<i>22nd Street</i>	<i>4-Way Stop</i>
<i>Eastham</i>	<i>Normal Park</i>	<i>4-Way Stop</i>
<i>Eastham</i>	<i>Elmwood</i>	<i>4-Way Stop</i>
<i>18th Street</i>	<i>Avenue Q</i>	<i>4-Way Stop</i>
<i>23rd Street</i>	<i>Avenue P</i>	<i>3-Way Stop</i>

Councilmember Davis made the motion to approve Ordinance 94-01-18.4, amending Chapter 12 of the Code of Ordinances, Motor Vehicles and Traffic, to establish various stop intersections, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER AN AGREEMENT WITH GOOD SHEPHERD MISSION TO PROVIDE INFORMATION-REFERRAL AND COLLECTION SERVICES TO THE CITY AS A RECYCLING CENTER**

Councilmember Norton made the motion to table the agreement with Good Shepherd Mission to provide information-referral and collection services to the City as a recycling center, and Councilmember Matthews seconded the motion.

After further discussion, Councilmember Norton withdrew his motion and Councilmember Matthews withdrew her second.

Councilmember Lange made the motion to approve the agreement with Good Shepherd Mission, and Councilmember Carter seconded the motion. All were in favor except Councilmember Luning. The motion passed 8-1.

**CONSIDER CONTRACT AMENDMENTS TO THE SOLID WASTE DISPOSAL CONTRACT WITH WASTE MANAGEMENT, INC.**

Mr. Wilder stated that staff and Waste Management had agreed to the following amendment to the contract: Waste Management will credit the City of Huntsville \$2.80 off the contracted price for each ton of MSW or waste sludge hauled to the Atascocita Landfill. Although a decision was made to keep the Security Landfill open, this amendment will allow the City to haul to the Atascocita landfill in the event the Security Landfill does close.

Councilmember Luning made the motion to approve the contract amendments to the Solid Waste Disposal Contract with Waste Management, Inc., and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

NOTE: Councilmember Davis abstained from the vote.

**CONSIDER A REQUEST FROM MR. BOB BRINEGAR, 1625 BAGWELL LANE, FOR SEWER SERVICE CONNECTION TO EXISTING CITY SEWER LINE LOCATED OUTSIDE CITY LIMITS**

This item was discussed in Executive Session.

**CONSIDER A STATUS REPORT ON THE SOLID WASTE TRANSFER STATION RE-DESIGN PROJECT BY GOODWIN-LASITER ENGINEERS**

Mr. Wilder stated that Goodwin-Lasiter had delivered a preliminary set of plans for the solid waste transfer station. This project is set to be bid in February with construction to start in March. Construction time is estimated at five months. The temporary transfer station will be operational by the April 9, 1994 deadline (the date we will close our current landfill operation). Transfer trucks and trailers have been delivered and are ready to operate.

**CONSIDER AUTHORIZATION TO PURCHASE FOUR ADDITIONAL LIFT STATION MONITORING UNITS FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION (S.C.A.D.A.) SYSTEM FROM ENVIROTECH CONTROLS, INC. AS SOLE SOURCE SUPPLIER IN THE AMOUNT OF \$33,920**

Councilmember Luning made the motion to authorize the purchase of four additional lift station monitoring units for the supervisory control and data acquisition system (S.C.A.D.A.) from EnviroTech Controls, Inc., as sole source supplier in the amount of \$33,920, and Councilmember Norton seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER AN ELEMENTARY SCHOOL RECYCLING PROGRAM IN CONJUNCTION WITH H.I.S.D., MCDONALDS AND THE SANITATION DIVISION TO BE FUNDED IN THE AMOUNT OF \$475 FROM THE SANITATION FUND RESERVE FOR FUTURE ALLOCATION**

Councilmember Matthews made the motion to approve the Elementary School Recycling Program in conjunction with H.I.S.D., McDonalds and the Sanitation Division in the amount of \$475, and Councilmember Green seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 94-01-18.5, CERTIFICATE OF OBLIGATION, AWARD OF BID AND NOTICE OF INTENT TO PURCHASE A CAB AND CHASSIS FOR THE ASPHALT DISTRIBUTOR IN THE STREET DIVISION TO MOORE-HENRY MOTORS IN THE AMOUNT OF \$31,722**

Councilmember Luning made the motion to approve Ordinance 94-01-18.5, certificate of obligation, award of bid and notice of intent to purchase a cab and chassis for the asphalt distributor in the street division to Moore Henry Motors in the amount of \$31,722, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 94-01-18.6, CERTIFICATE OF OBLIGATION, AWARD OF BID AND NOTICE OF INTENT TO PURCHASE A SELF PROPELLED STREET SWEEPER FOR THE STREET DIVISION TO R. B. EVERETT IN THE AMOUNT OF \$22,800**

Councilmember Green made the motion to approve Ordinance 94-01-18.6, certificate of obligation, award of bid and notice of intent to purchase a self propelled street sweeper for the Street Division, to R. B. Everett in the amount of \$22,800, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 94-01-18.7, CERTIFICATE OF OBLIGATION, AWARD OF BID AND NOTICE OF INTENT TO PURCHASE DIESEL POWERED FRONT LOADING GARBAGE TRUCK (COMMERCIAL) FOR THE SANITATION DIVISION TO TEXAS MUNICIPAL TRUCK EQUIPMENT COMPANY, IN THE AMOUNT OF \$116,180**

Councilmember Green made the motion to approve Ordinance 94-01-18.7, certificate of obligation, award of bid and notice of intent to purchase diesel powered front loading garbage truck (commercial) for the Sanitation Division to Texas Municipal Truck Equipment Company, in the amount of \$116,180, and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER BID 94-6, BACKHOE, FOR THE WATER DISTRIBUTION DIVISION TO STEWART AND STEVENSON IN THE AMOUNT OF \$28,680 (INCLUDING TRADE-IN)**

Councilmember Green made the motion to approve bid #94-6 for a backhoe for the Water Distribution Division to Stewart and Stevenson in the amount of \$28,680 (including trade-in and accessories), and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER A RECOMMENDATION FROM THE LIBRARY BOARD FOR USE OF A \$10,000 GIFT FROM THE EUGENE SMITHER ESTATE**

Councilmember Luning made the motion to approve the recommendation from the Library Board to place the \$10,000 gift from the Eugene Smither estate in the account known as the Huntsville Public Library Endowment Fund, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER RESOLUTION 94-01-18.1 AUTHORIZING A GRANT APPLICATION TO THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE FOR CONTINUATION OF THE GANG OFFICER PROGRAM**

Councilmember Luning made the motion to approve Resolution 94-01-18.1 authorizing a grant application to the Criminal Justice Division of the Governor's Office for continuation of the gang officer program, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Lange stated that he would check the activity report for the officer closely before voting for the grant in following years.

**CONSIDER RESOLUTION 94-01-18.2 AUTHORIZING A GRANT APPLICATION TO THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE FOR TWO OFFICERS TO ADDRESS STREET DRUG AND VIOLENT CRIME ACTIVITY**

Chief Eckhardt stated that the grant application will be in the amount of \$58,093 grant funds and \$2,670 matching funds.  
Councilmember Matthews made a motion to approve Resolution 94-01-18.2 authorizing a grant application to the Criminal Justice Division of the Governor's Office for two police officers to address street drug and violent crime activity, and Councilmember Carter seconded the motion.

Councilmember Lange made the motion that the cost for this year's portion of the grant (\$2,670) be funded from the current Police Department budget, and Councilmember Norton seconded the motion. Councilmembers Lange, Norton, Rex, and Mayor Hodges voted for, and Councilmembers Carter, Matthews, Davis, Green and Luning voted against. The motion failed 5-4.

A vote was taken on the original motion. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider an appointment of Mr. Bob Barragan to the Library Board to replace Mr. Clyde Murray.  
Councilmember Luning made the motion to approve the appointment of Mr. Bob Barragan to the Library Board, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.
2. City of Huntsville beautification. Mayor Hodges stated that he felt the City needed additional signage and also some beautification. He asked J. D. Schindler for a preliminary report on this project. Mr. Schindler stated that he has identified several areas including entrances into the community for Welcome to Huntsville signage. Hopefully the community would participate in the project also.
2. Sam Houston Statue progress report, as presented by Gene Pipes, City Manager.  
Mr. Pipes stated Mr. Adickes had indicated that the property will be donated. The details of the property transaction is pending. The City has been in contact with the engineer and the soil test information will be supplied to Goodwin-Lasiter in the near future. A special committee of the Chamber of Commerce is being formed to raise funds to offset the cost of the base.

**CITY COUNCILMEMBER ACTION**

1. Councilmember Dan Davis reporting on the Finance Committee action to select investment brokers. Councilmember Davis stated that three investment bankers were chosen for the bidders list -- Masterson, Moreland (Houston), First Southwest (Dallas), and Nations Bank (Houston).

Public Hearing - Cable TV. Councilmember Carter stated that the public hearing will be held after the run-off election.

Silver Wings Ballroom. Councilmember Carter stated that Silver Wings Ballroom will be for sale in the near future and suggests that Council consider the purchase of the building.

Hotel-Motel Tax Collections. Councilmember Carter stated that collections seem stable.

Signage. Councilmember Carter stated that he like the Mayor's idea of signage at the entrances of the City and suggested that wildflowers be planted at those locations chosen.

Oil Filter Recycling. Councilmember Luning stated that as of April 1st, oil filters have to be recycled and hopes the City makes provisions for oil filter recycling containers.

Montgomery Road from Sam Houston Avenue to IH-45. Councilmember Norton stated that pedestrian safety is a problem on Montgomery Road at night. He suggests additional lighting as a possible solution.

Smith Hill Road. Councilmember Matthews requested a report on Children at Play signs for Smith Hill Road.

**MEDIA**

None.

**ADJOURNMENT**

Recess into Executive Session to consider a) a real estate acquisition matter on 7th Street; and b) action on an illegal sewer connection.

  
\_\_\_\_\_  
Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 8TH DAY OF FEBRUARY, 1994, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

COUNCILMEMBERS:

W. H. Hodges, Mayor  
Dan S. Davis  
William B. Green  
Ronald L. Lange  
JoAnn Matthews

Marjorie Rex  
David Martinez  
Dave Luning  
Jim Carter  
Harold Norton

Officers:

Gene Pipes, City Manager  
Danna Welter, City Secretary  
Scott Bounds, City Attorney

CITIZEN INPUT/INQUIRY

REGULAR SESSION - CALL TO ORDER

Mayor Hodges called the meeting to order.

INVOCATION

Invocation by J. D. Schindler, Director of General Services.

CONSIDER THE MINUTES OF JANUARY 18, 1994

Councilmember Green made the motion to approve the minutes of January 18, 1994, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

RECEIVE AND CANVASS THE RESULTS OF THE RUNOFF MUNICIPAL ELECTION FOR AT-LARGE POSITION FOUR HELD FEBRUARY 5, 1994

ORDINANCE NO. 94-02-08.1

AN ORDINANCE CANVASSING THE RETURNS OF THE RUNOFF MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 5TH DAY OF FEBRUARY, 1994, FOR THE PURPOSE OF ELECTING COUNCILMEMBER AT-LARGE, POSITION FOUR; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

FOR COUNCILMEMBER AT-LARGE, POSITION FOUR

BETTE NELSON ..... 179

DAVID MARTINEZ ..... 370

**CITY OFFICER'S RUNOFF ELECTION  
COUNCILMEMBER AT-LARGE, POSITION 4  
FEBRUARY 5, 1994**

<i>PRECINCT</i>	<i>CANDIDATE</i>	
	<i>BETTE NELSON</i>	<i>DAVID MARTINEZ</i>
<b>EARLY</b>	61	143
<b>101</b>	4	21
<b>102</b>	43	68
<b>201</b>	36	43
<b>206</b>	15	19
<b>301</b>	10	30
<b>401</b>	10	46
<b>TOTALS</b>	179	370

Total voters casting ballots in Early Voting - 204, 37 percent of the total;  
 Total voters casting ballots in Precinct 101 - 25, 5 percent of the total;  
 Total voters casting ballots in Precinct 102 - 111, 20 percent of the total;  
 Total voters casting ballots in Precinct 201 - 79, 14 percent of the total;  
 Total voters casting ballots in Precinct 206 - 34, 6 percent of the total;  
 Total voters casting ballots in Precinct 301 - 40, 7 percent of the total;  
 Total voters casting ballots in Precinct 401 - 56, 10 percent of the total.

**TOTAL VOTERS CASTING BALLOTS IN THIS ELECTION: 549**

Total number of registered voters in Precinct 101 - 956  
 Total number of registered voters in Precinct 102 - 2,793  
 Total number of registered voters in Precinct 201 - 1,866  
 Total number of registered voters in Precinct 206 - 567  
 Total number of registered voters in Precinct 301 - 1,819  
 Total number of registered voters in Precinct 401 - 2,200

**TOTAL REGISTERED VOTERS: 10,201**

**PERCENTAGE OF REGISTERED VOTERS WHO VOTED: 5%**

Councilmember Green made the motion to approve Ordinance 94-02-08.1, certifying the results of the February 5, 1994 Runoff Municipal Election, and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

**FAREWELL TO OUTGOING MEMBER OF COUNCIL AND ADMINISTRATION OF THE  
OATH OF OFFICE TO THE NEWLY ELECTED MEMBERS**

The Oath of Office was administered to newly elected member David Martinez.  
Retiring Councilmember and Mayor Pro Tem Bill Green was presented with a Proclamation from the Texas State Senate commending his service to the City of Huntsville.

**CONSIDER ELECTION OF MAYOR PRO TEM FOR 1994**

Councilmember Davis made the motion to elect Jim Carter as Mayor Pro Tem, and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER RESOLUTION 94-02-08.1 APPOINTING A DELEGATE AND ALTERNATE  
TO THE H.G.A.C. GENERAL ASSEMBLY AND BOARD OF DIRECTORS**

Councilmember Luning made the motion to elect Dan Davis as the City's H.G.A.C. delegate and Jim Carter as the alternate, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER REORGANIZATION OF SUB-COMMITTEES OF CITY COUNCIL**

Mayor Hodges stated that the Personnel Committee will consist of: Ron Lange - Chairman, Harold Norton, JoAnn Matthews and David Martinez. The Finance Committee will consist of: Dan Davis - Chairman, Jim Carter, Dave Luning, and Marjorie Rex.

**CONSIDER AN INTERLOCAL GOVERNMENTAL AGREEMENT WITH T.D.C.J.-I.D.  
TO RECEIVE A RECONDITIONED LADDER TRUCK FOR CONSIDERATION OF RESPONDING  
TO AGENCY EMERGENCY CALLS**

This item was postponed until the next agenda.

**CONSIDER A MODIFIED AGREEMENT WITH THE GOOD SHEPHERD MISSION  
TO OPERATE A PRIVATE COLLECTION FACILITY FOR LIMITED TYPES OF SOLID WASTE**

Scott Bounds, City Attorney, stated that the Good Shepherd Mission has made some modifications to the agreement approved by Council at its last meeting. Mayor Hodges recommended the passage of the modified agreement and noted that there is a ten day cancellation clause.

Councilmember Carter felt the Mission should keep records and report to Council periodically. Mr. Bounds stated that instead of "may", "should" would be added to the contract. Mr. Bounds stated that a letter to the Mission would be written stressing the importance of record keeping and request the Mission report to Council regularly - perhaps quarterly.

Councilmember Carter made a motion to approve a modified agreement with the amendment above with the Good Shepherd Mission, and Councilmember Lange seconded the motion.

Councilmember Luning stated that he felt that Council was setting policy without consideration of other similar agencies that could fall into the same situation. He was also concerned that the Mission may not enclose the facility.

A vote was taken. All voted for except Councilmember Luning. The motion passed 8-1.

**REPORT TO COUNCIL ON MR. TOONEY'S APARTMENT RATE CONSIDERATION**

Mr. Bounds stated that he, Ms. Allen and Ms. Turner have visited the apartments. Each of the apartments have separate rooms with separate kitchen and bathroom facilities and therefore, would constitute a dwelling by the City Development Code. The minimum utility bill for a dwelling is \$32.36. The City does make an adjustment for apartment unit vacancies.

Mr. Tooney suggests that an allowance be made for the age of the structure. Such a billing system would not be either workable or more equitable. There are other methods to charge for utilities for apartments.

Mr. Bounds recommended that City Council budget for a utility rate study to accommodate the commitment to the State in water conservation and to review the issue raised by Mr. Tooney. The City's last utility rate study was conducted in August of 1989.

**CONSIDER A REQUEST FROM HUNTSVILLE BOYS BASEBALL ASSOCIATION  
TO PARTICIPATE IN CONSTRUCTION OF A 990 SQUARE FEET STORAGE BUILDING  
AT ROSS PARK IN THE AMOUNT OF \$9,250**

Mr. Wilder stated that the H.B.B.A. has provided a proposal to participate in construction of a storage building in Ross Park with the City's portion being \$9,250. The total estimated cost of the project is \$17,500. The City has not had a lot of time to review the plans at this time.

Mayor Hodges stated that this would be a permanent improvement to Kate Barr Ross Park and feels staff should review the plans and come back to Council with recommendations. He does feel the City Council should support this proposal.

After Council discussion, a motion was made.

Councilmember Carter made the motion to approve a request from Huntsville Boys Baseball Assoc. to participate in construction of 990 square feet storage building at Ross Park in the amount of \$9,250, and Councilmember Martinez seconded the

motion. Councilmembers Carter, Martinez and Mayor Hodges voted for, and Councilmembers Davis, Norton, Lange, Rex, Matthews and Luning voted against. The motion failed 6-3.

**CONSIDER A REQUEST FROM HUNTSVILLE GIRLS SOFTBALL ASSOCIATION  
TO PLACE A TEMPORARY 8 X 8 X 20 STORAGE CONTAINER  
IN A DESIGNATED AREA OF FIELD 8 AT KATE BARR ROSS PARK**

Mr. Wilder stated that the Girls Softball Association is requesting permission to place a temporary storage building in the area of Field 8 at Kate Barr Ross Park and would maintain the storage container as specified by the City. The building would belong to the Association and if it becomes dilapidated, the City could request it be removed.

The Association's long range plans are to build a permanent concession stand/storage building.

Councilmember Carter made the motion to approve the request from H.G.S.A. to place a temporary storage container in a designated area of Field 8 at Kate Barr Ross Park, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER A PROPOSAL FOR ENGINEERING EVALUATION ON TASTE AND ODOR CONTROL  
H.R.W.S.S. WITH ALAN PLUMMER & ASSOCIATES, INC., AT A COST NOT TO EXCEED \$25,000  
USING RESIDUAL FUNDS FROM THE FY 1993 H.R.W.S.S. O&M BUDGET**

Mr. Wilder stated that this project would be funded from the unearned revenue in the Trinity River Authority budget at a cost not to exceed \$25,000.

Councilmember Luning made a motion to approve a proposal for engineering evaluation on taste and odor control with H.R.W.S.S. with Alan Plummer & Associates, Inc., at a cost not to exceed \$25,000, using residual funds from the FY 1993 H.R.W.S.S. O & M budget, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER BIDS ON PUBLIC IMPROVEMENTS PROJECT 93-11-08, COMMERCE PLAZA  
12" WATER LINE TO DOUGHTIE CONSTRUCTION IN THE AMOUNT OF \$27,449**

Councilmember Matthews made the motion to approve the bid to Doughtie Construction in the amount of \$27,449 for project 93-11-08 on the 12" water line at Commerce Plaza, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER CHANGE ORDERS #2 AND #3 TO THE LANDFILL CLOSURE CONTRACT  
WITH GRISHAM CONSTRUCTION**

Mr. Wilder stated that these change orders are directly related to the problems encountered with the SCS plans. Change Order #3 is in the amount of \$25,000 for down time associated with the aerial mapping errors and the corresponding plans revisions by SCS during the period from September 22, 1993 to October 20, 1993.

Councilmember Lange made the motion to approve Change Order #2 and #3 to the landfill closure contract with Grisham Construction and request repayment from SCS for the additional expenditures required due to their mistakes, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER A REQUEST FOR CITY PARTICIPATION IN A PROPOSED WATER MAIN  
EXTENSION OF F.M. 980 BY S.C. MAXWELL, CO., IN THE AMOUNT OF \$11,807.64**

Mr. Wilder stated that S.C. Maxwell Company has asked for City participation, both in funds and design, in the extension of a water line along FM 980, approximately 700 l.f. to provide fire protection to the proposed development (Head Start Program). Staff recommends that if Council participates in this project, it be considered a standard utility extension request with oversize requirement (from six inch to twelve inch).

Councilmember Luning made the motion to approve City participation in the proposed water line extension of F. M. 980, only pertaining to the oversizing policy in the amount of \$8,049.50, and Councilmember Davis seconded the motion. NOTE: Ron Lange signed a Conflict of Interest Affidavit and abstained from the discussion and vote.

A vote was taken. All were in favor except Councilmember Carter. The motion passed 8-1.

**CONSIDER A STATUS REPORT ON THE SOLID WASTE TRANSFER STATION PROJECT**

Mr. Wilder stated that the City has received the final plans for the transfer station from Goodwin-Lasiter. The Building Department is currently reviewing the plans. The bidding period will begin February 9 and go through March 15 (bid opening). The bids will be reviewed and will be presented to Council on March 29. Construction to begin in April and be finished in August.

Staff is requesting Council give guidance regarding permit/registration process for the transfer station. In May of last year (prior to the regulations being official), Council and staff collectively agreed not to pursue a permit/registration for the transfer station. The regulations came out in November and it is apparent the City is not required to permit, but may be required to register and allow T.N.R.C.C. to review the plans.

Consensus of Council was to stand by original decision and not permit/register the transfer station.

**CONSIDER THE QUARTERLY BUDGETED ADJUSTMENTS AND BUDGET REPORT  
FOR THE PERIOD ENDING DECEMBER 31, 1993**

Councilmember Davis made the motion to approve the quarterly budget adjustments and budget report for the period ending December 31, 1993, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER APPROVAL OF TAX SALE OF TRUST PROPERTIES AS RECOMMENDED BY  
GROVER COOK, CHIEF APPRAISER**

Ms. Allen stated that the Appraisal District has received sealed bids on three properties and recommend these properties be sold. The Public Works Department indicated that the 2401-021-0-01500, Tr. 15, Blalock, Sec 1 Lake, Section, be retained by the City and the City purchase this property for a drainage problem/correction.

Councilmember Davis made the motion to purchase tax sale property 2401-021-0-01500 for \$221.00 plus \$1.00, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Matthews made the motion to approve the tax sale of trust properties for properties 6400-0982-0-02400 and 8100-081-0-00600 to the high bidders, and Councilmember Norton seconded the motion. All were in favor and the motion passed unanimously.

**REVIEW TAX REPORT FOR DECEMBER AND JANUARY AND APPROVAL OF ADJUSTMENTS  
TO THE TAX ROLL AS APPROVED BY GROVER COOK, CHIEF APPRAISER**

Ms. Allen stated that the December adjustments are \$152.68 to the current roll, and \$1,314.93 to the delinquent taxes. The January adjustment total to \$910.58 to the current roll.

Councilmember Davis made the motion to approve the tax reports for December and January, with adjustments to the tax roll, and Councilmember Rex seconded the motion

**CONSIDER ORDINANCE 94-02-08.2 AMENDING THE INVESTMENT POLICIES**

Councilmember Davis made the motion to approve Ordinance 94-02-08.2 amending the investment policies, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER THE ANNUAL INVESTMENT REPORT FOR THE YEAR ENDED 9-30-93**

Councilmember Davis made a motion to approve the annual investment report for the year ended 9-30-93, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 94-02-08.3, CLAIM AND DELIVERY CERTIFICATE OF  
OBLIGATION FOR A STREET SWEEPER (ROAD BROOM) IN THE AMOUNT  
OF \$22,800 AT AN INTEREST RATE OF 6%**

Councilmember Davis made the motion to approve Ordinance 94-02-08.3, claim and delivery c.o. for a street sweeper in the amount of \$22,800 at an interest rate of 6% bid by Doris Niederhofer, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider appointment of Ms. Ila G. Gaines to the Arts Commission replacing Mrs. Betty Herlong; and Dr. Bill Green to the Board of Adjustment-Zoning.  
Councilmember Davis made the motion to approve the appointments of Ila Gaines to the Arts Commission and Bill Green to the Board of Adjustment-Zoning, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.
2. Consider a letter to the U. S. Post Office concerning sub-stations and parking.  
Consensus of Council was to send the letter as drafted to the U. S. Post Office, with copies to Senators Gramm and Hutchison and Representative Wilson.
3. Spring calendar of meetings and events.  
Attached for City Council.
4. City Council orientation day program - February 19th.  
Agenda for February 19th provided for Council.
5. Sam Houston Statue update.  
Mr. Pipes stated that \$13,000 have already been collected for the statue and a clear indication that pledges are approaching \$20,000. The City is collecting and depositing funds for the statue.  
Chlorine samples were taken of the site and the statue location has been moved approximately 50 feet. City horticulturist David Zellar has been at the site flagging various varieties of native species of trees.

**CITY COUNCILMEMBER ACTION**

Mayor Pro Tem. Councilmember Carter thanked Council for their vote for him as Mayor Pro Tem.

H.G.A.C. Councilmember Carter congratulated Dan Davis as the City's H.G.A.C. representative and hoped that the City would focus a great deal of attention to grants available through this organization.

Cable TV. Councilmember Carter requested that the hearing for the Cable TV regarding the Spanish channel be held off until the F.C.C. completes their rulings.

Utility Rate Study. Councilmember Carter asked if a utility rate study is planned for this year. Mr. Pipes stated that he hoped it would be a part of the fall budget considerations.

T.D.O.T. Letter. Councilmember Luning requested that staff contact the Texas Department of Transportation asking for the relating data used in making their decisions regarding the intersection of Pleasant and Highway 75 North, and 7th Street and Avenue M.

Audit Letter. Councilmember Davis stated that Finance Committee had met with the Bickley, Prescott & Co. regarding the City's audit. A preliminary copy of the audit and a management letter were provided. The letter is a very positive letter.

H.G.A.C. Councilmember Davis stated that he was very committed to H.G.A.C. and would actively pursue available grant funds needed by the City of Huntsville.

**MEDIA**

None.

**ADJOURNMENT**

  
Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 24TH DAY OF JANUARY, 1995, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

**COUNCILMEMBERS:**

W. H. Hodges, Mayor  
 Dan S. Davis  
 Harold Norton  
 Marjorie Rex  
 Ronald L. Lange

William B. Green, Mayor  
 Jim Carter  
 David Martinez  
 Dave Luning  
 JoAnn Matthews

**Officers:**

Gene Pipes, City Manager  
 Danna Welter, City Secretary  
 Scott Bounds, City Attorney

**CITIZEN INPUT/INQUIRY**

County Judge Charles Wagamon. Judge Wagamon stated that he would like to extend a hand of opportunity to work on cooperative projects with the City's new Mayor and City Council at any time. There are projects that the County and City could cooperate on for our mutual advantage.

**INVOCATION**

Invocation by Reverend Ron Sumter, First Christian Church.

**CONSIDER THE MINUTES OF DECEMBER 13, 1994**

Councilmember Matthews made the motion to approve the minutes of December 13, 1994, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**RECEIVE AND CANVASS THE RESULTS OF THE JANUARY 21, 1995, CITY OFFICER'S ELECTION AND CONSIDER ORDINANCE 95-1-24.1 CERTIFYING THE RESULTS OF THE ELECTION**

Councilmember Rex made the motion to approve Ordinance 95-1-24.1 certifying the results of the City Officer's Election of January 21, 1995, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**ORDINANCE NO. 95-1-24.1**

AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 21ST DAY OF JANUARY, 1995, FOR THE PURPOSE OF ELECTING A MAYOR AT LARGE, AND FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR WARDS ONE, TWO, THREE AND FOUR; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

**FOR MAYOR, AT LARGE**

JAMES R. DESHAW	217
JOHN JAFREH	30
JIM CARTER	467
BILL GREEN	1594
WRITE-INS	2

**FOR COUNCILMEMBER, WARD ONE**

RON LANGE	385
WRITE-INS	12

**FOR COUNCILMEMBER, WARD TWO**

DAVE LUNING	369
WRITE-INS	15

**FOR COUNCILMEMBER, WARD THREE**

JOANN MATTHEWS	154
WRITE-INS	6

**FOR COUNCILMEMBER, WARD FOUR**

ANN JAMES	457
VANCE HOWARD	232
HAROLD L. NORTON	293
WRITE-IN DEMARCO MARSHALL	1
WRITE-INS	0

## JANUARY 21, 1995 CITY OFFICERS ELECTION

CITY OFFICERS ELECTION RESULTS VOTERS BY CITY PRECINCTS									
POSITION/ CANDIDATE	Early	101	102	201	205	206	301	401	Total
<b><u>MAYOR</u></b>									
JAMES R. DESHAW	43	8	39	17	40	16	17	37	217
JOHN JAFREH	2	1	9	1	3	1	6	7	30
JIM CARTER	123	29	67	73	50	30	39	56	467
BILL GREEN	368	23	249	147	501	90	78	138	1594
WRITE-INS	0	0	0	2	0	0	0	0	2
<b><u>WARD 1</u></b>									
RON LANGE	127		258						385
WRITE-INS	5		7						12
<b><u>WARD 2</u></b>									
DAVE LUNING	82			175		112			369
WRITE-INS	5			6		4			15
<b><u>WARD 3</u></b>									
JOANN MATTHEWS	30	40					84		154
WRITE-INS	0	1					5		6
<b><u>WARD 4</u></b>									
ANN JAMES	62				354			41	457
VANCE HOWARD	25				122			85	232
HAROLD L. NORTON	74				114			105	293
DECLARED WRITE-IN DEMARCO KEITH MARSHALL	0				0			1	1
OTHER WRITE-INS	0				0			0	0

Total voters casting ballots in Early Voting - 542,	23 percent of total;
Total voters casting ballots in Precinct 101 - 62,	3 percent of total;
Total voters casting ballots in Precinct 102 - 363,	16 percent of total;
Total voters casting ballots in Precinct 201 - 240,	10 percent of total;
Total voters casting ballots in Precinct 205 - 591	26 percent of total;
Total voters casting ballots in Precinct 206 - 138,	6 percent of total;
Total voters casting ballots in Precinct 301 - 139,	6 percent of total;
Total voters casting ballots in Precinct 401 - 241,	10 percent of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION 2316\*

TOTAL NUMBER OF REGISTERED VOTERS - 101	912
TOTAL NUMBER OF REGISTERED VOTERS - 102	2477
TOTAL NUMBER OF REGISTERED VOTERS - 201	1545
TOTAL NUMBER OF REGISTERED VOTERS - 205	1243
TOTAL NUMBER OF REGISTERED VOTERS - 206	590
TOTAL NUMBER OF REGISTERED VOTERS - 301	1714
TOTAL NUMBER OF REGISTERED VOTERS - 401	2026

TOTAL NUMBER OF REGISTERED VOTERS IN THE CITY 10,507\*\*

PERCENTAGE OF REGISTERED VOTERS WHO VOTED 22%

\* Voters in the newly annexed areas (except Elkins Lake, Box 205) are counted in their new City precinct.  
 \*\*Elkins Lake (205) is the only area annexed by the City in September listed in the total number of registered voters.

**ADMINISTRATION OF OATH OF OFFICE**

City Secretary Danna Welter administered the oath of office to Bill Green, Mayor; Ron Lange, Councilmember Ward 1; Dave Luning, Councilmember Ward 2; and JoAnn Matthews, Councilmember Ward 3.

Mayor Green introduced Alice Ketchum, a friend and co-worker at the University, his wife, Diane and son, Kevin, and his minister, Ron Sumter.

**CONSIDER ORDINANCE 95-1-24.2 CALLING A RUNOFF ELECTION FOR FEBRUARY 11, 1995**

Councilmember Norton made the motion to approve Ordinance 95-1-24.2 calling a runoff election for February 11, 1995, for Councilmember Ward 4 between Harold L. Norton and Ann James, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ELECTION OF A MAYOR PRO TEM**

Councilmember Davis made the motion to elect Jim Carter as Mayor Pro Tem as senior Councilmember, and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER APPOINTMENT OF H.G.A.C. REPRESENTATIVES BY APPROVAL OF RESOLUTION 95-1-24.1**

Councilmember Luning made the motion to approve the appointment of Dan Davis as H.G.A.C. representative and Jim Carter as alternate, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

**AUTHORIZE FIRST SOUTHWEST TO BID ON ANTICIPATION NOTES**

Councilmember Davis stated that the Finance Committee recommends that First Southwest, the City's bond agent,

be allowed to bid on the anticipation notes.

Councilmember Davis made the motion to authorize First Southwest Corporation to bid on the tax anticipation notes, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ALL MATTERS RELATED TO THE ISSUANCE AND SALE OF \$1,420,000 "CITY OF HUNTSVILLE, TEXAS, TAX NOTES, SERIES 1995", DATED JANUARY 15, 1995, INCLUDING RECEIPT OF BIDS THEREFOR AND THE PASSAGE AND ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH NOTES**

Mr. London, First Southwest Company, stated that First Southwest (one of 15 bidders) was low bid for the notes at 5.6583 (average percent).

Councilmember Davis made the motion to approve the low bid of 5.6583 to First Southwest Corporation for the City of Huntsville, Texas, Tax Notes, Series 1995 in the amount of \$1,420,000 by approval of Ordinance 95-1-24.3, and Councilmember Martinez seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER A RATE INCREASE BY HUNTSVILLE CABLE TELEVISION**

Mayor Green stated that Council was not asked to approve the rate increase, but was being informed under the rules and regulations of the FCC by Huntsville Cable Television.

Ms. Schmidt, Huntsville Cable TV, stated that the increased rates are due to the increased programming and general operating costs over the past two years.

Councilmember Carter requested an analysis of the increased programming and general operating costs, and expressed concern of the public's concern of increased costs without increased services.

Ms. Schmidt stated that at time the system is maxed out on the number of channels available. They will propose in the next few years that the system be rebuilt to allow more channel access.

Councilmember Carter suggested that a work session should be held in the future to review what is available in comparison with other cities.

Ms. Schmidt stated that most areas inside the City limits were serviced by Huntsville Cable Television.

**CONSIDER THE TAX REPORTS FOR NOVEMBER AND DECEMBER AND APPROVE THE ADJUSTMENTS TO THE TAX ROLL AS RECOMMENDED BY GROVER COOK**

Ms. Allen stated that the December report was cumulative and that current collections are at 54% as compared to 49% last year. Delinquent collections are at 15.2 as compared to 7% last year. In the Elkins Lake area collections are 65.79% of current collections and 12.42% of delinquent collections.

Councilmember Luning made the motion to approve the November and December Tax Reports for the City of Huntsville and Elkins Lake and approve the adjustments to the tax roll, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER THE LIST OF RECOMMENDED TRANSPORTATION IMPROVEMENT PROGRAM LOCAL PRIORITIES**

1. Extension of FM 1791 from SH 30 to IH 45 to relieve traffic volume at the intersection of SH 30 and IH 45, especially east-west truck traffic, Wynne Unit traffic and Huntsville High School volumes.
2. Develop a plan for north and south bound ramps and feeder roads adjacent to IH 45 from exit 112 at SH 75 South to exit 118 at SH 75 North.
3. Develop a Traffic Management Plan -- East-West (US 190 - SH 30) on 11th Street, and North-South (SH 75 and FM 247) Sam Houston Avenue from City limits to City limits.
4. Additional contiguous lanes to SH 30 from the West Hill Mall area to the Walker County Fairgrounds.
5. Additional divided lanes to SH 19 from terminus at IH 45 to north City limits.

6. Traffic controls and safety improvements at the intersection of a) FM 247 and FM 980; b) SH 75 North at Pleasant Street; c) FM 2921 at the west drive of Huntsville High School; d) SH 75 North at Eastham; e) SH 75 North at 10th Street; f) 10th Street at FM 247; g) US 190, SH 30 and Sycamore Street; h) SH 19 at Old Colony Road; i) FM 2821 at MLK Blvd.; and j) Spur 59 at SH 75 North.
7. FM 247 from FM 2821 south to SH 30 (11th Street).
8. Additional lanes to SH 75 North from IH 45 north to City limits.
9. Widening FM 1374 from IH 45 southwest to City limits.
10. Widening FM 247 from FM 980 intersection north to City limits.
11. North loop from US 190 to FM 1791 extension and SH 30 to relieve congestion on 11th Street downtown.

Mr. Pipes stated that this is the first time the City has been requested to provide a special priority list for the transportation improvement program to the Highway Department. In the past, a composite list has been submitted from the City and County together.

Mr. Gary Law, Texas D.O.T., was present and provided Council information relating to several areas of concern expressed by various Councilmembers such as the FM 2821 reconstruction, the signage and exit ramps associated with the statue project and feeder roads.

Mayor Green expressed concern about the City and County developing separate priority lists and the effect it would have on what projects would be considered. Mr. Law stated that this program is part of the ISTEA Act and the purpose is for the department to get more input from the governmental bodies in the local areas for expenditure of state and federal funds. Until recently, any city with population less than 50,000 was represented by its County Commissioners. This year, any city with population over 5,000 has its own priority list. Each entity is represented by its list for consideration for the District's (DOT) list that will be forwarded to Austin for inclusion in the Transportation Improvements Plan (3-year period). If a project meets certain priority standards and can be selected to meet the three year window (with funds available), then it will be added to the TIP.

Councilmember Lange made the motion to approve the list of recommended transportation improvement program local priorities, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER CHANGE ORDER #2 N. B. DAVIDSON WASTEWATER TREATMENT PLANT PROJECT  
TO INSTALL SAFETY RAILS IN THE AMOUNT OF \$7925**

Councilmember Rex made the motion to approve Change Order #2 for the N. B. Davidson Wastewater Treatment Plant project to install safety rails in the amount of \$7925, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER THE POLICIES AND PROCEDURES FOR DEMOLITION OR MITIGATION OF  
ABANDONED OR DILAPIDATED STRUCTURES**

Mr. Pipes stated that this item is on the agenda at the request of several Councilmembers. Staff has included in the agenda its policies and procedures for health/hazard enforcement. Weed, trash, and structure related code violations are addressed on a complaint basis. Some situations do warrant action without a complaint when that situation is found to be extremely hazardous to health and safety. At this time there are a number of dilapidated structures located in the City of Huntsville. There are seventy buildings presently on the demolition list. As funds are available, these buildings are demolished. The \$20,000 allocated this year will cover approximately five demolitions and two to three board-ups. Costs are accelerated due to the transfer of these materials to Security Landfill. As the City demolishes structures, a lien is placed upon the property owner for the cost. Staff is not making a recommendation, but informing Council of the policies-procedures.

Mr. Wilder stated that the Building Official has been successful in working with property owners to remove these buildings themselves. In 1994, 39 structures were condemned with 22 of them being demolished by the property owner. He continues to work with property owners encouraging them to take care of these buildings themselves.

Staff is checking into the possibility of allowing the Fire Department to use some of these dilapidated buildings for fire drills.

Councilmember Luning urged Staff to make this area a high priority and suggested Council look into this at its upcoming budget sessions.

Mayor Green suggested developing a priority list of the structures scheduled for demolition for Council review.

Mayor Green also suggested to Councilmembers to read the policies and submit any changes or suggestions to staff.

#### **CONSIDER A CONTRACT TO RECYCLE "WHITE GOODS" WITH CUMBAAL ENTERPRISES, INC.**

Mr. Wilder stated that staff is requesting Council approve a contract to recycle "white goods" with Cumbaa Enterprises, Inc. At this time, the City recycles locally with T. J. Burdett, but they are not interested in continuing. Currently the City is responsible for removing all freon, oil, etc. from all equipment, loading it on City equipment and taking it to T. J. Burdett for no cost. The contract with Cumbaa will allow the City to collect the "white goods" at the transfer station for approximately three months, then Cumbaa will come remove all freon, oil, etc., compact and bail the "white goods", and pay the City \$7.50 per ton. It is not anticipated that much money will be collected, but less employee and equipment time will be required for removal of "white goods".

Councilmember Luning made a motion to approve a contract to recycle "white goods" with Cumbaa Enterprises, Inc., and Councilmember Carter seconded the motion.

Councilmember Luning asked if citizens will still be required to pay to bring the white goods to the transfer station. Mr. Wilder stated yes, there will be costs associated with unloading and storage of these goods. Records will be kept and in the future costs may be able to be adjusted.

The motion was amended to change Article 8 of the contract, allowing the City to withdraw from the contract with 30 days notice to Cumbaa. A vote was taken. All were in favor and the motion passed unanimously.

#### **CONSIDER A RELOCATION PROPOSAL IN THE AMOUNT OF \$93,000 AND AUTHORIZATION TO BID THE WORK ON THE 30" SANITARY SEWER TRUNK LINE TO THE NORTH SEWER PLANT**

Councilmember Luning made the motion to approve the relocation proposal in the amount of \$93,000 and authorization to bid the work on the 30" sanitary sewer trunk line to the North Sewer Plant, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

#### **FEMA GRANT AWARD OF \$19,465 FOR FLOOD REPAIRS**

Mr. Wilder stated that the City had received a check in the amount of \$19,465 from the Federal Emergency Management Association for the damages during the October flooding (drainage structure on 10th Street).

#### **MAYOR'S ACTIVITY REPORT**

##### **1. Update on the Statue Project.**

Mr. Pipes stated that there has been an increase in the available funds for the project of \$6,852 since the last reporting. The Chamber continues to work diligently in selling bricks. The ring of honor has been completed and currently the pavers are being installed. Authorization is needed to amend the budget to a) replace a piece of granite that was broken during the construction of the ring of honor (\$2,893), 2) purchase the letters for the statue indicating Sam Houston's name, birth and death dates, and the title of the statue "A Tribute to Courage" (approximately \$3,000), 3) printing of brochures for visitors at the statue site (approximately \$5,000) with some of the money to be taken from money planned for the built-in furnishings, and 4) authorize approximately \$3,000 to add porch rail on the remainder of the porch due to the drop off to the ground, with some of these funds to be used from the money set aside for the fencing.

Councilmember Davis made the motion to approve the additional expenditures as outlined above, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Carter stated that it states on the report that City labor is not included and asked for those figures.

**2. Mayor Green stated that he was honored to be selected as Mayor, takes the responsibility seriously and is looking forward to working with each member of Council and staff. He stated that Council is a team and plans to establish priorities as a group.**

Mayor Green stated that he would like the current Personnel and Finance committees to remain in place with Ron Lange as Chairman of Personnel and Dan Davis as Chairman of Finance.

#### CITY COUNCILMEMBER ACTION

1. Dan Davis to present the H.G.A.C. Member Services - 1994 Regional Summary. Councilmember Davis stated that in the packet is a 1994 Regional Summary of H.G.A.C. Activities for Council's information.

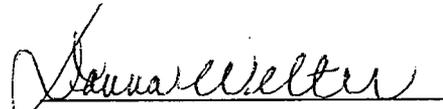
2. David Martinez to request a fire hydrant on Mockingbird Lane. Councilmember Martinez stated that residents from the Mockingbird Lane area in Fish Hatchery have requested a fire hydrant to be installed for the amount of \$4,100.

Mayor Green stated that he was concerned that this was being done on a piece-mill basis, which might be better accomplished if the entire area is done at one time. Consensus of Council was to for Staff to review the entire area with recommendations at the next Council meeting.

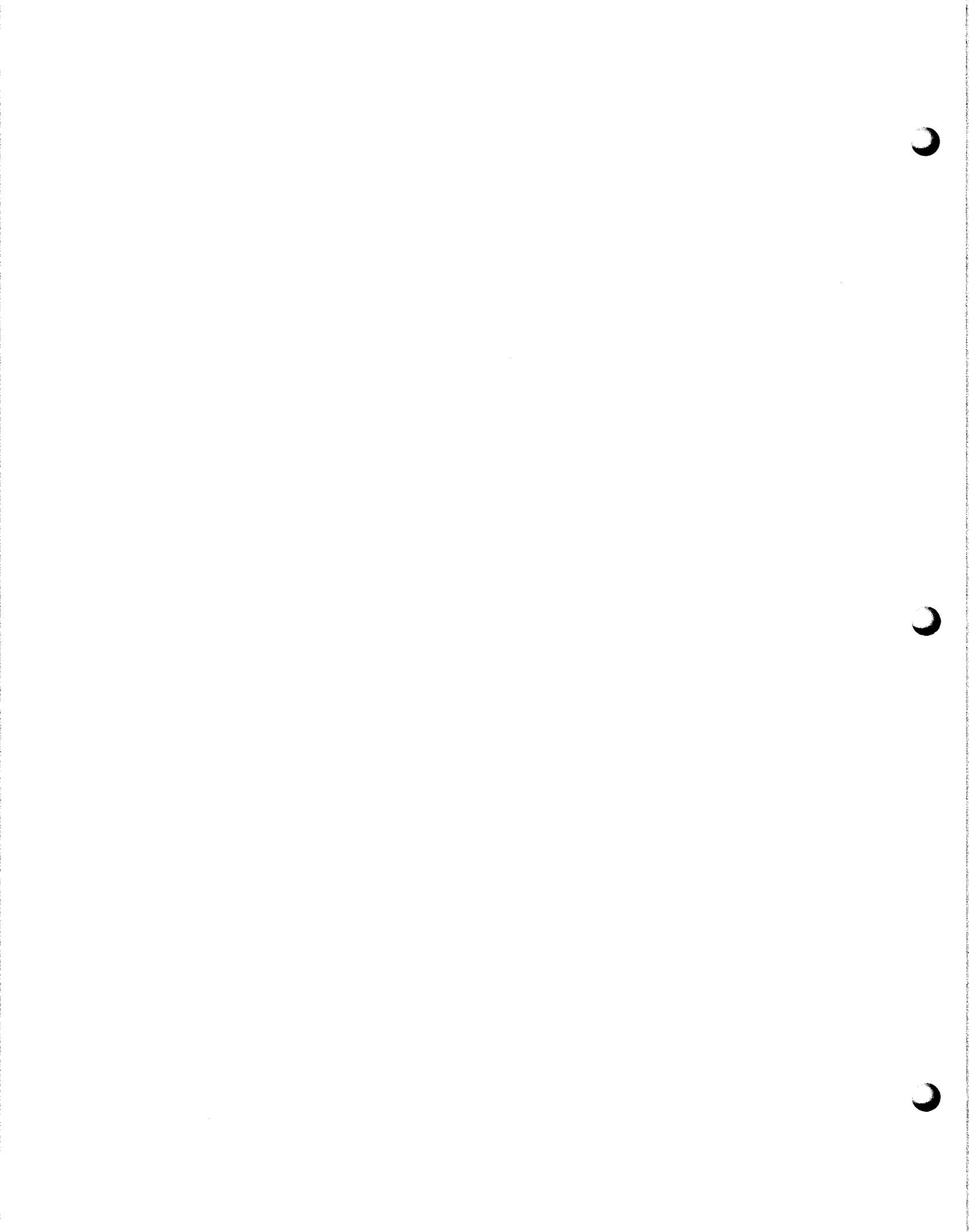
#### MEDIA INQUIRIES

#### ADJOURNMENT

Personnel Committee Meeting to discuss City Judge duties and responsibilities relating to Walker County Jail traffic.



Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 14TH DAY OF FEBRUARY, 1995, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

**COUNCILMEMBERS:**

William B. Green, Mayor  
Dan S. Davis  
Harold Norton  
Marjorie Rex  
Ronald L. Lange

Ann James  
Jim Carter  
David Martinez  
Dave Luning  
JoAnn Matthews

**Officers:**

Gene Pipes, City Manager  
Danna Welter, City Secretary  
Scott Bounds, City Attorney

**CITIZEN INPUT/INQUIRY**

1. Charles Smither, Jr. Mr. Smither stated that there is not a sign at the Sam Houston Statue Visitor's Center indicating it as such, only a sign stating Chamber of Commerce. He also stated that there is a dumpster in an improper location at the Visitor's Center and asked if there are special conditions for this location or if the dumpster would be moved.

Mr. Smither stated that regarding dilapidated structures, he feels that action on a complaint basis leave much to be desired and asked that Council reconsider this process. Health, safety, and welfare should take precedence in the priority listing for demolition. He also felt that consideration should be given to saving any property that is worth salvaging.

Mayor Green stated that regarding the Visitor's Center, he would refer these items to staff and regarding the demolition process, he has asked staff to establish a priority ranking in regard to demolition and it would be reviewed by City Council.

2. Larry Zink. Mr. Zink stated that across from the street from his home there is a fraternity that parties on a regular basis. He stated that he calls the Police Department on an average of 1 1/2 times per week with noise complaints. Most of the time, the Police come and speak to the residents and the problem is taken care of, but last week he called the Police Department and was told that an officer was stationed at the fraternity. This officer was hired by the fraternity for security. He asked that when an officer is at a private party being paid by them to keep control of the party, whose interests does he serve, the residents who can't sleep due to the noise, or the party attendants.

Mr. Zink would like Council to consider an ordinance regarding "sub-woofers", a new technology of boom boxes. These devices were used as weapons during the Gulf War and also during the siege in Waco. Even when the stereo is turned down, the vibration still travels.

Mayor Green stated that these two problems would be referred to staff with recommendations to follow.

Councilmember Lange stated that the president of the University fraternities had come to Council in the past year and stated that the fraternities would like to develop a positive relationship with the City of Huntsville and that he was available if the City needed him for anything. He suggested the staff contact this gentlemen and relate these problems.

**INVOCATION**

Invocation by Brother Weldon Blake, Church of Christ.

**CONSIDER THE MINUTES OF JANUARY 24, 1995**

Councilmember Rex made the motion to approve the minutes of January 24, 1995, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**RECEIVE AND CANVASS THE RESULTS OF THE FEBRUARY 11, 1995, RUNOFF ELECTION  
AND CONSIDER ORDINANCE 95-2-14.1 CERTIFYING THE RESULTS OF THE ELECTION**

Councilmember Norton made the motion to approve Ordinance 95-2-14.1 certifying the results of the Runoff Election of February 11, 1995, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**ORDINANCE NO. 95-2-14.1**

AN ORDINANCE CANVASSING THE RETURNS OF THE RUNOFF MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 11TH DAY OF FEBRUARY, 1995, FOR THE PURPOSE OF ELECTING COUNCILMEMBER, WARD FOUR; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

<i>PRECINCT</i>	<i>CANDIDATE</i>	
	HAROLD L. NORTON	ANN JAMES
EARLY	70	86
205	94	428
401	109	21
TOTALS	273	535

Total voters casting ballots in Early Voting - 156, 19 percent of total;  
 Total voters casting ballots in Precinct 205 - 522, 65 percent of total;  
 Total voters casting ballots in Precinct 401 - 130, 16 percent of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION 808\*

TOTAL NUMBER OF REGISTERED VOTERS - 205 1249

TOTAL NUMBER OF REGISTERED VOTERS - 401 2047

TOTAL NUMBER OF REGISTERED IN WARD 4 3,296\*\*

PERCENTAGE OF REGISTERED VOTERS WHO VOTED 25%

\* Voters in the newly annexed areas (except Elkins Lake, Box 205) are counted in their new City precinct.

\*\*Elkins Lake (205) is the only area annexed by the City in September listed in the total number of registered voters.

**ADMINISTRATION OF OATH OF OFFICE**

City Secretary Danna Welter administered the oath of office to Ann James, Councilmember Ward 4.

Mayor Green recessed the meeting into a reception to honor outgoing Councilmember Harold Norton. Councilmember Norton was presented with a plaque commemorating his years on Council, a City scrapbook, and a cap.

**ATTENDING CITIZENS**

Boettcher Mill area citizens group spokesperson, Mr. Bill Thomlinson to speak concerning the Mill Commissary Building.

Mr. Thomlinson stated that he was representing a Pines Avenue neighborhood watch. About June or July of last year this watch was formed to deal with the crime issues in the neighborhood. The Police Department has responded and become more visible in the neighborhood and crime has dropped in the last few months.

The neighborhood committee meets regularly and is redirecting its focus to why crime is in the neighborhood. The Boettcher's Mill Commissary is in the neighborhood and is in bad need of repair. It is a gathering for gangs and criminals. There is also a health concern, there are numerous rats and rodents around the building. Several fires have been started at the building. The committee has been told that as far as restoration, there are no funds or grants forthcoming. They would like to see the building removed. The committee would like to see a park on that location in the future.

Mayor Green thanked Mr. Thomlinson and the residents at the meeting for bringing this issue forth. He stated that his recommendation would be to allow two weeks for someone to come forth who would like to take the material and take ownership. If that does not happen, he is prepared to recommend to Council to remove the building.

Councilmember Carter made the motion to allow a two week period for citizens interested in demolishing/removing the Boettcher's Mill building to come forward, then the City will begin demolition proceedings, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER THE PRESENTATION OF THE FY 1993-94 FINANCIAL REPORT  
PREPARED BY BICKLEY, PRESCOTT & COMPANY**

Mr. Bickley presented City Council with the FY 1993-94 financial report and management letter. He commended the City of Huntsville staff and Council for their assistance and on their financial management. The City of Huntsville is the "cleanest" company they audit.

Councilmember Davis made the motion to accept the FY 1993-94 Financial Report, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A  
CONTRACT WITH FORWARD EDGE, INC., FOR ALCOHOL AND DRUG TESTING**

Mr. Schindler stated that Forward Edge, Inc., provides professional services to businesses (including T.D.C.J.) and cities for drug and alcohol testing required by the Texas Department of Transportation on commercial drivers. The City currently employs approximately 65 CDL employees.

Mr. Pipes stated that staff is in the process of discussing the issue of testing all employees instead of only the CDL employees as required by TDOT.

Consensus of Council was to only test the employees as required by the Texas Department of Transportation.

Councilmember Luning made the motion to authorize the City Manager to enter into a contract with Forward Edge, Inc., for alcohol and drug testing, and Councilmember James seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER DOWNTOWN REVITALIZATION PROJECT PHASE II**

1. Consider a proposal to incorporate a limited amount of wall preparation in conjunction with the mural art to be paid from the Meadows Foundation grant funds, and authorize the City Manager to enter into a contract with Thomas Street Studios in the amount of \$92,400 to paint the trompe-loi designed under the supervision of Richard Haas.

Mr. Schindler stated that staff needs Council approval to enter into a contract with Thomas Street Studios for the art work on the downtown project. The amount listed would be with the maximum participation.

Councilmember Lange made the motion to allow the City Manager to enter into a contract with Thomas Street Studios in an amount not to exceed \$92,400, and Councilmember Rex seconded the motion. A vote was taken. All were in favor except Councilmember James who abstained. The motion passed 8-1. [NOTE: Abstentions are counted as no votes.]

2. Approval of a line item change in the Phase II budget which would allow Meadows grant funds to be expended to prepare the walls, in addition to executing the paintings, on the participating buildings, and approval to allow grant funds, if a balance is available, to be expended for up to 50% of the painting cost of only three additional strong-impact buildings.

Councilmember Matthews made the motion to allow Meadows grant fund to be expended in assisting property owners in preparation of walls for the art in an amount not to exceed \$42,600, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER THE QUARTERLY REPORTS, BUDGET ADJUSTMENTS FOR THE PERIOD ENDING  
DECEMBER 31, 1994, THE ANNUAL ACCOUNTING OF THE POLICE DEPARTMENT DRUG FUND,  
AND THE JANUARY TAX REPORT WITH ADJUSTMENTS TO THE TAX ROLL**

Councilmember Davis made the motion to approve the budget adjustments for the period ending December 31, 1994, and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Davis made the motion to approve the January City and Elkins Lake tax reports with adjustments to the tax roll as recommended by Grover Cook, Chief Appraiser, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ALTERNATE PLANS FOR FISH HATCHERY ROAD-  
MOCKINGBIRD LANE FIRE PROTECTION**

Mr. Wilder stated that at Council's direction, staff has researched the Fish Hatchery Road-Mockingbird Lane fire protection and offer a plan in three (3) phases. The cost analyses on Phases I and II have not been completed.

Mr. Wilder stated that a fire hydrant can be placed on Mockingbird Lane as proposed in Option A of Phase I and offer fire protection to "some" residents on that street or, we can place a fire hydrant on Mockingbird Lane as proposed in Option B of Phase I and offer fire protection to a larger number of residents. In both cases, some residents on Mockingbird Lane will not have fire protection until Phase II is installed.

Phase II offers an upgrade of the existing water system with an 8" line along Fish Hatchery Road to Mockingbird Lane to connect with a 6" line. This phase would provide fire protection along Fish Hatchery Road to Mockingbird Lane and would also improve the pressure and flow to the entire water system in this area.

Phase III offers fire protection to the remainder of the Fish Hatchery Road area. The 8" line would be extended on Fish Hatchery Road from Mockingbird Lane to the City limits, to extend 6" lines to provide fire protection on Mimosa Lane and Simmons Street, and to connect the existing 6" lines on Bluebird and Redbird Lanes.

Councilmember Luning made the motion to table this item until cost estimates for Phases II and III are brought to the next Council meeting, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER STREET LIGHTING FOR THE CREEKVIEW SUBDIVISION ON FM 980  
IN THE ESTIMATED AMOUNT OF \$4,525**

Several Councilmembers asked if other areas in the City were being considered for street lights. Mr. Wilder stated that all the newly annexed areas are being reviewed at this time. The data on this subdivision had been completed and reviewed with the electric company involved. Mr. Wilder stated that staff recommends the funding source to be the reserve for future allocation in the General Fund.

Councilmember Rex made the motion to approve the street lighting for the Creekview Subdivision on FM 980 in the estimated amount of \$4,525, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Martinez asked about a street light that was requested on Old Houston Road. Staff stated that discussion has taken place between the City and Entergy on this light. Mr. Wilder stated that he would check the status.

Councilmember Matthews stated that she felt staff should consider street lighting in high crime areas and all areas within the City with poor lighting.

**CONSIDER AMENDMENTS TO THE WRECKER ORDINANCE AND RATE STRUCTURE**

Mr. Bounds stated that an amended ordinance to truck ordinance is presented for Council's review and consideration. The ordinance changes in two sections; 1) adding a section that states "each tow truck permitted shall be stationed within the corporate limits of the City of Huntsville or its extra-territorial jurisdiction (ETJ); and 2) amending the section on the maximum fees that may be charged.

Councilmember Carter made a motion to approve the wrecker ordinance, and Councilmember Lange seconded the motion. Councilmember Martinez stated that he had a conflict of interest and would not participate in the vote.

Councilmembers noted that the fee for all police directed tows was being increased from \$35.00 to \$55.00. Mr. Pipes stated that the wrecker drivers submitted their proposed fees and these are the fees listed in the ordinance.

After Council discussion, it was the consensus of Council to refer this ordinance back to Staff with directions revisit to with the wrecker association in an effort to reduce the \$55.00 tow amount.

Councilmember Davis made a motion to table the wrecker ordinance, and Councilmember Luning seconded the motion. All were in favor except Councilmember Carter. The motion passed 7-1. NOTE: Councilmember Martinez did not vote due to conflict of interest.

**CONSIDER ORDINANCE 95-2-14.2 AMENDING THE ELECTRICAL CODE AND ORDINANCE 95-2-14.3 AMENDING THE FIRE CODE AS RECOMMENDED BY THE BOARD OF ADJUSTMENTS AND APPEALS**

Councilmember Luning made the motion to approve Ordinance 95-2-14.2 amending the Electrical Code, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Luning made the motion to approve Ordinance 95-2-14.3 amending the Fire Code, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER A GRANT FOR COMMUNITY POLICING FROM THE JUSTICE DEPARTMENT ON "FAST APPLICATION" PROCEDURE IN THE AMOUNT OF \$69,000 FOR THREE OFFICERS, THREE YEARS, 75/25 BASIS REQUIRING \$23,000 LOCAL MATCH**

Councilmember Carter made the motion to approve an application for a grant for community policing from the Justice Department, and Councilmember James seconded the motion. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider the City Manager's appointment to a T.N.R.C.C. Advisory Board.

Mayor Green stated that T.N.R.C.C. had asked Mr. Pipes to accept an appointment to their advisory board, and he felt it would give the City of Huntsville an opportunity to have a voice there.

Mr. Pipes stated that he had received a call from a staff member at T.N.R.C.C. indicating that the new Executive Director, Dan Pierson, wanted the commission to be more user friendly to the entities they served. This committee was formed of elected officials, appointed officials, staff from various cities, management personnel, etc.

Councilmember Luning stated that this will be good opportunity, with Mr. Pipes' being response to Council's input. This should give the entire area a line into the T.N.R.C.C.

Councilmember Luning made a motion to approve Mr. Pipes' appointment to a T.N.R.C.C. Advisory Board, and Councilmember Davis seconded the motion.

Councilmember Carter stated that he would oppose this appointment. He does not feel that Mr. Pipes' has the environmental sensitivities necessary to be in this position. He felt that he or someone else should be the appointed member to the Advisory Board.

Councilmember Carter made a motion to table this item, and Councilmember Martinez seconded the motion. A vote was taken. Councilmembers Carter and Martinez voted for, and Councilmembers James, Davis, Lange, Rex, Matthews and Luning, and Mayor Green voted against. The motion failed 2-7.

Councilmember Carter made a motion to appoint J. D. Schindler to the T.N.R.C.C. Advisory Board, and Councilmember Martinez seconded the motion. A vote was taken. Councilmembers Carter and Martinez voted for, and Councilmembers James, Davis, Lange, Rex, Matthews and Luning, and Mayor Green voted against. The motion failed 2-7.

A vote was taken on the original motion. All were in favor except Councilmembers Carter and Martinez. The motion passed 7-2.

2. Consider the annual calendar and Council/Staff orientation date.

Mayor Green stated that an annual calendar has been presented and asked for input regarding a date for the Council/Staff orientation date. Consensus of Council was to hold the orientation on March 18th.

3. Consider a request for comments concerning the permit application of Darrell Dickey, Inc. to operate a MSW Type I Landfill, eight miles east of Huntsville pending approval of HGAC Projects Review and T.N.R.C.C.

Mayor Green stated that he had sent a letter to HGAC supporting the permit application of Darrell Dickey, Inc., to operate a MSW Type I Landfill. With Council's approval and concurrence, a similar letter would be sent to the T.N.R.C.C. Consensus of Council was to approve the permit application.

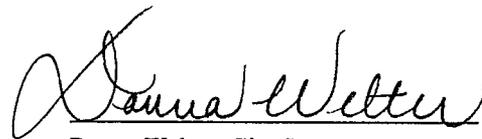
#### CITY COUNCILMEMBER ACTION

1. Ron Lange: Consider a request to Texas D.O.T. to postpone a public meeting scheduled for March 7, 1995, to discuss proposed route designs for the extension of F.M. 1791, at the Walker County District Court Room, due to potential conflicts with the Spring Break period scheduled by S.H.S.U. and H.I.S.D.

Mayor Green stated that he had talked to the Texas D.O.T. and notice had already been given for the March 7, 1995 meeting, but they would be glad to conduct a work session jointly with the City of Huntsville at the next opportunity.

#### MEDIA INQUIRIES

#### ADJOURNMENT



Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 12TH DAY OF DECEMBER 1995, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

COUNCILMEMBERS:

William B. Green, Mayor  
Dan S. Davis  
Ronald L. Lange  
Marjorie Rex  
Jim Carter

Dave Luning  
JoAnn Matthews  
Ann James  
David Martinez

Officers:

Gene Pipes, City Manager  
Scott Bounds, City Attorney  
Danna Welter, City Secretary

CITIZEN INPUT/INQUIRY

Kelvin Steely. Mr. Steely stated that his family has been in Huntsville for five generations. He has lived on Southwood Drive for thirty years and owned land for forty. There is a 189 acre tract in the area that the Forest Service is trading to him for other tracts he owns. He is addressing Council because of some wild rumors about his plans to clear cut and develop the property. He has no plans at the current time to clear cut, rape and ravage or develop the property, but did state that he couldn't guarantee what will happen 20 years from now. The trade is beneficial to both him (linking this property to some he owns) and the Forest Service (releasing a tract of land that is landlocked). It has been rumored that an endangered species is located on this tract. The Forest Service will complete a biological and archeological survey before the trade is completed and will not trade the land if it is environmentally unsuitable.

LaRue Hopson. Ms. Hopson stated that the 189 acre tract in question has been a part of the Federal Forest Service for over sixty years. Residents in the area take great pride in living near Forest Service land. She feels it would be a misuse of power by the current Forest Service management to break this long term tradition and turn this piece of prized property over to the private sector. If this happens, the Forest Service will have no control over its future use. However, if this land is going to be exchanged, she would rather Kelvin Steely have it than any other individual.

INVOCATION

Invocation by Reverend Ben Gardner, Grace Baptist Church.

ATTENDING CITIZEN

Bobby Hubley, Associate Administrator, Brazos Valley Community Action Agency, Health Services, to request a contract for services.

Mr. Hubley stated that he is employed by the Brazos Valley Community Action Agency and runs a number of social programs in Huntsville. He is Associate Administrator of the Huntsville Adult Day Care Center, a long term care program which has been in operation since 1987. This program is for families that do not want to send an elderly or disabled relative away to a nursing home. These elderly or disabled individuals are provided with day care while family members are at work. There is a nurse on duty at all times to administer medication or handle other problems that arise. The program has been funded in large part by community block grant monies and Medicare reimbursements. These monies have been cut back or frozen. The agency is requesting support from the City through a contract for services for one full time slot at a cost of \$470.62 per month for one year.

Councilmember Carter made a motion to approve a contract for services for one full time individual at a cost of \$470.62 per month for one year, and Councilmember Davis seconded the motion.

Mayor Green asked that since the City is in its budget year, if the motion passes it should for the remainder of this year, making the total \$4,235.58 (nine month period). Mr. Pipes requested that the monies be funded on a month to month basis.

Councilmember Carter amended his motion to approve a contract for services for one full time individual at a cost of \$470.62 per month for a 60 day period (941.24) with further funding on a month to month basis as needed at a cost not to exceed \$4,235.58, and Councilmember Davis seconded the second. All were in favor and the motion passed unanimously.

CONSIDER TAX REPORTS FOR OCTOBER AND NOVEMBER WITH ADJUSTMENTS TO THE LEVY  
AS RECOMMENDED BY GROVER COOK, CHIEF APPRAISER

Councilmember Davis made a motion to approve the tax reports for October and November with adjustments to the levy as recommended by Chief Appraiser Grover Cook, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

FINANCE COMMITTEE REPORT AND RECOMMENDATIONS TO AMEND INVESTMENT POLICIES

Councilmember Davis stated the Finance Committee and the Mayor spent a lot of time polishing these policies to correlate to the City's actual practices.

Councilmember Davis made a motion to approve the amended investment policies, and Councilmember Luning seconded the motion. All were in favor and the motion passed unanimously.

Mayor Green thanked the committee for their work with this document and stated that the changes were substantial but not substantive.

#### STATUS UPDATE OF EMPLOYEES RETIREMENT PLAN REVISIONS

Scott Bounds stated that Eric Davis from the Texas Municipal Retirement System presided over three meetings today to update employees on the changes authorized by City Council, including the 2-1 match, updated service credits and the 20 year retirement option.

#### PRESENTATION OF GFOA PLAQUE

Councilmember Davis stated the City received a Government Finance Officers Association plaque commending the City on its financial reporting (audit) for FY 1994-95.

#### CONSIDER ORDINANCE 95-12-12.1 ORDERING THE JANUARY 20, 1996 CITY OFFICER'S ELECTION NOT BE HELD AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE

City Attorney Scott Bounds stated that the City Secretary has filed a certificate with the Mayor stating that after the filing deadline for candidates and write-ins, there is only one candidate for each of the four positions available. A new state law intended to aid small cities was passed in September allowing a city to declare each unopposed candidate elected and the election not be held when all races are unopposed. Passage of this ordinance will save the City approximately \$3,000.

Councilmember Carter made a motion to approve Ordinance 95-12-12.1 ordering the January 20, 1996 City Officer's Election not be held and declaring each unopposed candidate elected to office, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

Mr. Bounds stated that the officers will be sworn in on the regular canvass date of January 23, 1996.

Councilmember Carter stated that he does not agree with holding an election in January. It is possible that the lack of candidates may be due to the fact that most people are thinking of Christmas and the holidays.

#### CONSIDER ORDINANCE 95-12-12.2 AUTHORIZING THE CITY MANAGER TO CONTRACT WITH DENNY POWELL FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS

Mr. Bounds stated that this issue came before Council on December 13, 1994. At that time, the City authorized participation in off site utility construction at a cost not to exceed \$13,164.00 for water and sanitary sewer lines at the Auto Truck Travel Center which is being built on TDCJ property near the intersection of Highway 75 and Interstate 45. The project has been on hold for some time. The City Engineer is requesting that formal bids not be taken on these improvements, since the cost estimated is below the amount required to take formal bids, thereby avoiding his administrative time and expense for preparing the bid documents and following the process. Approval of this contract with Denny Powell for construction of the public improvements will enable the City to pay the contractor after all lines are installed (subject to City approval) the total of \$13,164.00.

Councilmember Lange abstained from discussion and voting due to a potential conflict of interest.

Councilmember Davis made a motion to approve Ordinance 95-12-12.2 authorizing the City Manager to contract with Denny Powell for construction of public improvements at a cost of \$13,164.00, and Councilmember Rex seconded the motion. All were in favor and the motion passed 8-0 (Councilmember Lange abstain).

#### CONSIDER ORDINANCE 95-12-12.3 RESTRICTING THE POSSESSION OF FIREARMS ON CITY PREMISES

Mr. Bounds stated that the new gun law will take effect on January 1, 1996. Staff is requesting that Council pass Ordinance 95-12-12.3. This ordinance 1) amends the City's personnel rules to prohibit City employees from having on their person concealed weapons, regardless of whether they have a permit or not, unless they are a police officer, security guard, court bailiff or specially deputized employee of the City, 2) amends the Code of Ordinances making it an offense for any person to carry a firearm in a City building (State law does not allow the City to prohibit citizens from having firearms in parking lots), unless they are a police officer, security guard, court bailiff or specially deputized employee of the City, and 3) prohibits a person from carrying a firearm in any City park unless they are licensed to carry a concealed handgun, or are a police officer, security guard, court bailiff or specially deputized employee of the City.

Councilmember Rex made a motion to approve Ordinance 95-12-12.3 restricting the possession of firearms on City premises, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 95-12-12.4 AMENDING CHAPTER 17 TO PERMIT ADDITIONAL SECURITY FOR BILLS**

Mr. Bounds stated that a potential business has requested that the City broaden its security requirements for water/sewer bills. At the present, the City requires either cash, an approved certificate of deposit in the name of the City at a Walker County financial institution or an approved letter of credit at a Walker County financial institution. Staff is proposing to amend the policy to allow a letter of credit at a national bank domiciled in Texas.

Mayor Green suggested that the word "national" be changed to "State or national."

Councilmember Matthews made a motion to approve Ordinance 95-12-12.4 amending Chapter 17 of the Code of Ordinances to permit additional security for bills, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER SPECIAL GIFT DEED FROM THE GIBBS BROTHER & COMPANY  
OF PROPERTY ON BEARKAT BLVD.****CONSIDER A REQUEST FROM RITA B. HUFF HUMANE SOCIETY TO AMEND THE AGREEMENT  
WITH THE CITY TO ALLOW USE OF THE PROPERTY ON BEARKAT BLVD.**

Mr. Bounds stated that this gift deed of .724 acres Bearkat Blvd. from Gibbs Brothers has previously been discussed by City Council in executive session. If City Council approves the gift deed, the Rita B. Huff Humane Society is requesting the City amend the agreement with the City to allow them use of this property.

Councilmember Lange made a motion to approve a special gift deed from Gibbs Brothers & Company of .724 acres on Bearkat Blvd. and allow Rita B. Huff Humane Society use of the property by amendment of their contract with the City, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER RESOLUTION 95-12-12.1 DESIGNATING CERTAIN CITY OWNED VEHICLES AS UNMARKED**

Councilmember James made a motion to approve Resolution 95-12-12.1 designating certain city owned vehicles as unmarked, and Councilmember Martinez seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER BIDS**

1. Solid Waste Transfer Station construction repair to Smith Construction in the amount of \$8,500.

Mr. Schindler stated that TMI insurance will cover all but \$2,500 of this repair.

Councilmember Rex made a motion to approve the transfer station construction repair bid to Smith Construction in the amount of \$8,500, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

2. Bid 96-2, Vehicles to Moore-Henry Motors in the amount of \$126,993.26.

Councilmember Rex made a motion to approve Bid 96-2, vehicles to Moore-Henry Motors in the amount of \$126,993.26, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

3. Bid 96-9, Police Cars, to Arendale Ford of Arlington, Texas in the amount of \$36,658 (\$32,000 from budgeted funds and \$4,658 from reserve for future allocation.

Councilmember James made a motion to approve Bid 96-9, police cars, to Arendale Ford in the amount of \$36,658, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

4. Bid 96-3, Backhoes, to Preco Machinery in the amount of \$60,624.

Councilmember Rex made a motion to approve Bid 96-3, backhoes, to Preco Machinery in the amount of \$60,624, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

5. Bid 96-8, Street Sweeper, to Industrial Disposal Supply Company in the amount of \$84,400.

Councilmember Lange made a motion to approve Bid 96-8, street sweeper, to Industrial Disposal Supply Company in the amount of \$84,400, and Councilmember James seconded the motion. All were in favor except Councilmember Carter. The motion passed 8-1.

**CONSIDER AGREEMENT TO PROVIDE POTABLE WATER TO TDCJ UNITS IN THE FM 980 AREA**

Mr. Wilder stated that staff is requesting approval of an agreement to provide water to TDCJ units in the FM 980 area. This agreement is between the City, TRA and TDCJ.

Mayor Green stated that with the approval of this agreement, the City would request a CCN to supply water to this area.

Councilmember Lange made a motion to approve an agreement to provide potable water to TDCJ units in the FM 980 area, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ENGINEERING CONTRACT ADJUSTMENT WITH WISENBAKER, FIX & ASSOCIATES FOR THE A.J. BROWN WASTEWATER TREATMENT PLANT IMPROVEMENTS IN THE AMOUNT OF \$26,100 (CONTINGENCY)**

Mr. Wilder stated that staff is recommending adjusting the engineering contract with Wisenbaker, Fix & Assoc. in the amount of \$26,100 (\$25,000 for construction inspection and \$1,100 for materials testing) and that \$5,900 be transferred from the geotechnical testing budget to the materials testing budget. With these adjustments, the project is still well within the total project costs.

Councilmember Rex made a motion to approve the engineering contract adjustment with Wisenbaker, Fix & Associates for the A.J. Brown Plant improvements in the amount of \$26,100, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER CHANGE ORDER #2 WITH WISENBAKER, FIX & ASSOCIATES FOR THE A. J. BROWN WASTEWATER TREATMENT PLANT IMPROVEMENTS IN THE AMOUNT OF \$8,026 (CONTINGENCY)**

Mr. Wilder stated that a conflict in grade between the outfall line from the dechlorination chamber and the existing 30" outfall line at the plant was discovered when the piping was uncovered during construction. The contractor has estimated the cost for the additional 30" pipes required and the additional headwall work to be \$8,026.

Councilmember Luning made a motion to approve Change Order #2 with Wisenbaker, Fix for the A.J. Brown Plant improvements in the amount of \$8,026 (from the contingency), and Councilmember James seconded the motion. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider Coalition of Cities-Entergy participation.

Mayor Green stated that he, Councilmember Luning, Gene Pipes and Scott Bounds traveled to Beaumont and met with the Coalition of Cities. The organization seems to be floundering at the present time with only 10 out of 64 cities, and one County, in the Entergy service area participating. Another meeting will be held on January 9 to discuss the mission of the group and see if additional cities have joined. If at that time it does not appear that it is going to expand its scope, Mayor Green recommends that the City of Huntsville withdraw from the coalition.

2. Consider request by Terry Shotwell.

Mayor Green stated that Mr. Shotwell has written a letter stating that he was recently annexed into the City. He builds fire artillery pieces (cannons) and he feels the City is severely restricting his rights since he cannot lawfully discharge the artillery in the City limits. Mayor Green pointed out that the firing of cannons is legal as long as there is no projectile in it. He would like for Council to take Mr. Shotwell's letter under advisement and see if there are other concerns that can be addressed.

3. Consider annual TXDOT priority list.

Mayor Green stated that the City has been requested by Texas Department of Transportation to supply its annual priority list. City staff will meet with County officials and the Walker County Metropolitan Transportation Committee regarding the formation of the list.

**CITY COUNCILMEMBER ACTION**

1. Consider resolution opposing Forest Service land swap, as requested by Councilmembers Carter and James.

Councilmember Carter made a motion to approve a resolution opposing the Forest Service land swap with Steely Lumber Company, and Councilmember James seconded the motion.

Councilmember Carter stated that he is requesting approval of the resolution and also permission for the City to send a letter to the U. S. Forest Service Land and Minerals Office in Lufkin, Texas, the Forest Service office in New Waverly, Congressman Charles Wilson's office, and the appropriate environmental protection agency officials stating opposition to the land trade outlined in the resolution. He feels the City has a stewardship responsibility with regard to the protection, preservation and enhancement of public lands.

Mayor Green stated that there are thousands of acres of Forest land around Huntsville that the public has access to. It is clear that the Forest Service does not want this tract of land and will address the environmental concerns before the trade is made. Mayor Green called for a vote.

Councilmembers Carter, James and Martinez voted for and Councilmembers Davis, Lange, Rex, Matthews, Luning, and Mayor Greer voted no. The motion failed 3-6.

2. Consider designation of Administration File Room as "Councilmember Office" as requested by Councilmember James. Councilmember James made a motion to designate the Administrative File Room (without renovations) as "Councilmember Office" and add mail slots, and Councilmember Carter seconded the motion.

Councilmember Lange stated that for five years he has picked up his mail at his place at the dias and felt the purpose of City Council was the overview and oversight of the operation of the City. He feels that with the designation of telephone and office space, City Council will start becoming a part of the management that operates the City.

Councilmember Luning stated that he would vote against the motion. If he has business at City Hall it is specific business with the City Manager, City Secretary or City Attorney and each of them have offices and telephones.

Councilmembers Matthews and Rex stated that they had no need for an "office".

Mayor Green stated that he was reluctant to designate a room for Council. He does not feel comfortable establishing an office for Council as they are a policy making entity.

Councilmember James withdrew her motion and Councilmember Carter withdrew his second.

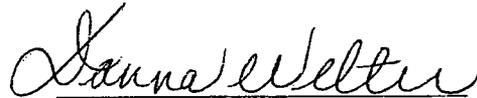
3. Need for Youth Programs/Facilities. Councilmember Carter stated that he was told by the YMCA that he could practice his YMCA team at the First Baptist Church Family Life Center this past Wednesday night. His team showed up and began practicing. A gentleman approached him and asked what right he had to use the gym. After some length of time, with this man questioning the team being in the gym, the gentleman went and called the manager of the building and had the team thrown out. He stated that if this is the youth program of the First Baptist Church and is any way representative of other youth programs, there is a problem. The City needs additional youth programs and feels the City should be involved.

#### MEDIA INQUIRIES

Melony Closs, Huntsville Item. asked about the Forest Service land swap. Mayor Green stated that the City did not issue a proclamation opposing the land swap.

Recess into a EXECUTIVE SESSION to consider items as follows:

- \* real estate acquisition: 10th Street right-of-way (Finney) and situs of Robinson Creek Wastewater Treatment Plant; and
- \* pending litigation: Townsend v. State Farm and City, Townsend v. Texas Department of Licensing and Regulation et al., and Walker County Rural Water Supply System.



Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 23RD DAY OF JANUARY 1996, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

**COUNCILMEMBERS:**

William B. Green, Mayor  
Dan S. Davis  
Ronald L. Lange  
Marjorie Rex  
Jim Carter

Dave Luning  
JoAnn Matthews  
Ann James  
David Martinez  
Andrew Holmes

**Officers:**

Gene Pipes, City Manager  
Scott Bounds, City Attorney  
Danna Welter, City Secretary

**CITIZEN INPUT/INQUIRY**

None.

**INVOCATION**

Invocation by Reverend Max Adams, Pastor at the Wesley Foundation, SHSU Methodist Student Center.

**CONSIDER THE MINUTES OF NOVEMBER 7, 1995 AND DECEMBER 12, 1995**

Councilmember Rex made a motion to approve the minutes of November 7, 1995, and Councilmember Martinez seconded the motion. All were in favor and the motion passed unanimously. [Note: Councilmember Matthews absent]

Councilmember James made a motion to approve the minutes of December 12, 1995, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**ADMINISTRATION OF THE OATH OF OFFICE FOR AT-LARGE COUNCILMEMBERS  
DAN DAVIS, POSITION 1; MARJORIE REX, POSITION 2; ANDREW HOLMES, POSITION 3;  
AND DAVID MARTINEZ, POSITION 4**

City Secretary Danna Welter administered the oath of office to the at-large councilmembers: Dan Davis, Position 1; Marjorie Rex, Position 2; Andrew Holmes, Position 3; and David Martinez, Position 4.

Councilmember Holmes introduces his wife Jennifer and four children, along with other family and friends.

**RECOGNITION OF COUNCILMEMBER CARTER'S TENURE ON CITY COUNCIL**

Mayor Green presented Councilmember Carter with a plaque recognizing his service as councilmember to the citizens of Huntsville from 1987-1996. Mayor Green also presented Dr. Carter a scrapbook of his years on Council.

**CONSIDER ELECTION OF MAYOR PRO TEM  
APPOINTMENT OF H-GAC DELEGATE AND ALTERNATE  
APPOINTMENT OF CITY COUNCIL COMMITTEES**

Councilmember Davis made a motion to nominate Ron Lange as Mayor Pro Tem, and Councilmember James seconded the motion. Mayor Green asked if there were other nominations.

Councilmember Luning made a motion that the nominations cease, and Mayor Green seconded the motion. All were in favor and the motion passed unanimously.

A motion was taken on the original motion. All were in favor and the motion passed unanimously. Congratulations Ron Lange!

Mayor Green stated that he would recommend that Dan Davis to continue as City Council's H-GAC representative and appoint Marjorie Rex as the alternate. Councilmember Lange made a motion to approve Dan Davis as the City's H-GAC representative and appoint Marjorie Rex as the alternate, and Councilmember Martinez seconded the motion. All were in favor and the motion passed unanimously.

Mayor Green stated that the committee chairmen would remain the same: Dan Davis, Finance and Ron Lange, Personnel. He appointed Councilmember Holmes to the finance committee in replacement of Councilmember Carter.

**ATTENDING CITIZEN**

Jim Carter. Dr. Carter stated that he has three issues to bring to Council's attention.

1. **Lack of Youth Programs.** Dr. Carter feels that there are not adequate facilities in Huntsville for youth programs. City Council should take a serious look at providing/helping to provide and coordinating with other agencies to provide facilities. There are facilities in Huntsville that are not being utilized and feels that there should be coordination between agencies for use of these gyms, fields, etc.

2. **Arts Funding.** Dr. Carter stated that on the handout, there are questions regarding the Arts Commission and its funding. He would appreciate answers to these questions in a public forum. He asked what amount of money was budgeted for arts funding in the most recent budget year? Patricia Allen stated that \$30,000 was budgeted. What procedures were followed for determining expenditures on arts funding in the most recent budget year? Were arts presentations made by artists to request funding? How many made presentations? What amounts of money were requested, for what projects and by what artists? What were the actual funding decisions made, what artists received the money and how much? Someone informed him that the arts funding in the recent budget year went to the downtown project, but didn't know what that project was. Dr. Carter asked if the money went for the Christmas lighting downtown? Was it for the Haas murals?

Mayor Green stated that all the information requested would be compiled for his review.

3. **Destruction of Property on 7th Street.** Dr. Carter stated that he is not aware of a plan for the park on 7th Street or its development and does not see how clearing can begin without a plan. It has been stated that there was a need for the park and there were citizen requests for the use of the park, but if that is true, why begin clearing in the back. There are few if any citizens using the current park, so why the demand for the extra space across the creek.

The bulldozer cleared 50' to 75' widths from front to the back of the park. He was told this was done to secure the inmates from TDCJ that were doing the labor. Trees were removed, the ground scraped clean and bare. The vegetative buffer was removed from the park and T.D.C.J. property. A buffer was also cleared between the park and the City's sewage treatment plant. He feels that acres of land were destroyed. Looking at the site, only about 20 trees were marked out of hundreds. He feels the City turned the authority of development of the park over to TDCJ and let the inmates in a haphazard way pick and choose what to cut down, preserve and remove. He asked that questions given to Council be answered.

Mayor Green stated that at the budget sessions in the summer it was the consensus of Council to clean the park, and that is the project now underway. No formal plan for the development of the park is in place. Staff will respond to the questions asked in the handout to City Council.

Dr. Carter asked that Council chip the organic material that was knocked down or pulled up and spread it on the bare land to replenish the soil.

*Dec. du*  
**CONSIDER TAX REPORT FOR ~~JANUARY~~ WITH ADJUSTMENTS TO THE LEVY  
AS RECOMMENDED BY GROVER COOK, CHIEF APPRAISER**

Councilmember Davis made a motion to approve the tax reports for December with adjustments to the levy as recommended by Chief Appraiser Grover Cook, and Councilmember James seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER SALE OF TRUST PROPERTIES AS RECOMMENDED BY GROVER COOK, CHIEF APPRAISER**

Councilmember Matthews made a motion to approve the sale of trust properties as recommended by Grover Cook, Chief Appraiser, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER QUARTERLY REPORT FOR PERIOD ENDED 12-31-95  
CONSIDER BUDGET ADJUSTMENT FOR THE QUARTER ENDED 12-31-95  
CONSIDER THE INVESTMENT REPORT FOR THE YEAR ENDED 9-30-95**

The quarterly report for the period ended 12-31-95, was presented as information.

Councilmember Rex made a motion to approve the budget adjustments for the quarter ended 12-31-95, and Councilmember James seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Davis made a motion to approve the investment report for the year ended 9-30-95, and Councilmember James seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER LEASE/PURCHASE AGREEMENT FOR THE PURCHASE OF 1996 FRONT LOAD GARBAGE  
TRUCK PURCHASES THROUGH H-GAC IN THE AMOUNT OF \$126,500.35**

Ms. Allen stated that the low bid received for the lease/purchase of two sanitation trucks to be purchased through H-GAC was by

Capital City Leasing for 5.05% interest for a total payoff cost of \$253,627.42 over a five year period.

Councilmember Rex made a motion to approve the lease/purchase agreement with Capital City Leasing at 5.05% interest for a total payoff cost of \$253,627.42 over a five year period for two sanitation trucks, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER RESOLUTION 96-01-23.1 AUTHORIZING THE EXECUTION AND DELIVERY  
OF A DISCLOSURE AGREEMENT (T.R.A.)**

Mr. Pipes stated that this resolution authorizes the execution and delivery of a disclosure agreement for Trinity River Authority. The City would have provided this information on request as it is public record, but now will automatically forward it to TRA.

Councilmember James made a motion to approve Resolution 96-01-23.1 authorizing the execution and delivery of a disclosure agreement, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 96-01-23.1 AMENDING THE CODE OF ORDINANCES BY ESTABLISHING NO PARKING  
ZONES ON BOTH SIDES OF RIVER OAKS FROM THE INTERSECTION OF BROOKHOLLOW TO 220' SOUTH**

Councilmember James made a motion to approve Ordinance 96-01-23.1 amending the code of ordinances by establishing no parking zones on both sides of River Oaks from the intersection of Brookhollow to 220' south, and Councilmember Davis seconded the motion.

Councilmember James stated that the ordinance shows that the signs should be posted on both sides of the street, but are only posted on one side. Mayor Green suggested that the motion be withdrawn until this matter could be investigated.

Councilmember James withdrew her motion and Councilmember Davis withdrew his second.

**CONSIDER ORDINANCE 96-01-23.2 AMENDING THE CODE OF ORDINANCES BY ESTABLISHING A FOUR  
WAY STOP INTERSECTION AT THE CORNER OF RIVER OAKS DRIVE AND BROOKHOLLOW DRIVE**

Councilmember James made a motion to approve Ordinance 96-01-23.2 amending the code of ordinances by establishing a four way stop intersection at the corner of River Oaks Drive and Brookhollow Drive, and Councilmember Martinez seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 96-01-23.3 AUTHORIZING SUBMISSION OF A CRIMINAL JUSTICE GRANT  
APPLICATION FOR THE CONTINUED FUNDING OF TWO OFFICERS (BICYCLE UNIT)**

Chief Eckhardt stated that this grant is entering into its third year with the State to fund 60% and the City to match 40%.

Councilmember Rex made a motion to approve Ordinance 96-01-23.3 authorizing submission of a criminal justice grant application for the continued funding of two officers (bicycle unit), and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER ORDINANCE 96-01-23.4 AUTHORIZING SUBMISSION OF A CRIMINAL JUSTICE GRANT  
APPLICATION FOR THE CONTINUED FUNDING OF A POLICE OFFICER (GANG)**

Councilmember Lange expressed his concern about the graffiti that has been increasing in Huntsville in the last few weeks. Chief Eckhardt stated that violent crimes perpetrated by gangs are down, but does realize that the graffiti has increased.

Chief Eckhardt stated that in the future, grants from the Governor's Office will have to be accompanied by a community plan. Huntsville is in the process of developing a community plan, identifying problems and needs.

Councilmember Lange stated that more effort needed to be concentrated with the gang effort in our community. Chief Eckhardt stated that members of the STAR Program are in the process of painting over the graffiti in Huntsville.

Mayor Green suggested that rewards be offered for information. Chief Eckhardt stated that rewards are being offered.

Councilmember Matthews stated that she feels that in the beginning the officer funded by the grant was active and visible, having more effect; whereas now his duties are more administrative. Chief Eckhardt assured her that this officer is not in an administrative position and spends minimal time on administrative duties.

Councilmember Davis suggested that the officer come to Council and address concerns and report on the status of the gang situation in Huntsville.

Councilmember James made a motion to approve Ordinance 96-01-23.4 authorizing submission of a criminal justice grant application for the continued funding of a police officer (gang), and Councilmember Martinez seconded the motion. All were in favor except Councilmember Matthews. The motion passed 8-1.

**CONSIDER RESOLUTION 96-01-23.2 ACCEPTING CONSTRUCTION OF THE N.B. DAVIDSON WWTP IMPROVEMENTS UNDER THE CITY'S WATER DEVELOPMENT BOARD SRF PROJECT NO. 2912-02 AND AUTHORIZING FINAL PAYMENT TO THE CONTRACTOR**

Councilmember Luning made a motion to approve Resolution 96-01-23.2 accepting construction of the N. B. Davidson WWTP improvements under the City's Water Development Board SRF Project No. 2912-02 and authorizing final payment to the contractor, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**RESCIND BID TO SMITH CONTRACTORS DUE TO NON-COMPLIANCE WITH THE CONDITIONS OF THE BID FOR THE SOLID WASTE TRANSFER STATION REPAIR AND RE-AWARD TO GRISHAM CONSTRUCTION AT AN INCREASE OF \$1,165**

Mr. Wilder stated that staff is recommending that Council rescind the bid awarded to Smith Contractors for the transfer station repairs due to the fact that the company canceled their workman's compensation insurance. The next low bidder is Grisham Construction at an increase of \$1,165. It was noted that this repair is covered under the City's insurance and although the cost of repairs is increasing, the cost to the City will remain at the deductible of \$2,500.

Councilmember Davis made a motion to rescind the bid to Smith Contractors for the solid waste transfer station repair and re-award to Grisham Construction at an increase of \$1,165, and Councilmember Matthews seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER INSTALLATION OF SPILL/OVERFLOW PROTECTION ON ALL UNDERGROUND FUEL STORAGE TANKS AS REQUIRED BY TNRCC AT A COST OF \$4,000 (RFA - GENERAL FUND)**

Mr. Wilder stated that staff is recommending the installation of spill/overflow protection on all underground fuel storage tanks as required by new regulations by TNRCC.

Councilmember Matthews made a motion to approve the installation of spill/overflow protection on underground storage tanks, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

**CONSIDER APPROVAL OF A SCOREBOARD AGREEMENT FOR THE HHS HORNET SOCCER BOOSTER CLUB TO PLACE A SOCCER SCOREBOARD ON FIELD 6**

Mr. Wilder stated that the Club will pay for the materials and the City will do the electrical work. After five years the scoreboard will become the property of the City of Huntsville. It was noted that the advertisements should be 4' x 4' instead of 4' x 4".

Councilmember Rex made a motion to approve a scoreboard agreement with the HHS Hornet Soccer Booster Club to place a scoreboard at Kate Barr Ross Park on Field #6, and Councilmember Lange seconded the motion. All were in favor and the motion passed unanimously.

Councilmember Lange thanked staff for their help with the soccer program.

**CONSIDER PURCHASE OF FINNEY PROPERTY ON 10TH STREET FOR RIGHT-OF-WAY PURPOSES**

Mr. Bounds stated that staff is recommending purchasing this property for the appraised value of \$21,000. The property owner would like to lease back the premises for up to six months for occupancy of the house itself. Right-of-way work could begin immediately and removal of the garage building.

Councilmember Lange made a motion to approve the purchase of the Finney property (10th Street right-of-way) for \$21,000 (to be funded from the reserve for future allocation - General Fund) and authorize a lease agreement, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider withdrawing from the Coalition of Cities. Mayor Green made the recommendation to withdraw from the Coalition of Cities due to the fact that not enough of the cities involved chose to be members. If approved, a letter would be sent to the Coalition withdrawing and asking for the membership fee to be returned (less any expenses were incurred prior to withdrawal).

Councilmember Lange made a motion to withdraw from the Coalition of Cities, and Councilmember Rex seconded the motion. All were in favor and the motion passed unanimously.

Mayor Green stated that perhaps the City could join with Beaumont, Conroe and other major cities to develop a workable option.

2. Consider annual TXDOT priority list.

**1996 TRANSPORTATION IMPROVEMENT PROGRAM  
RECOMMENDATIONS**

ROADWAY	LIMITS
FM 1791	FROM IH 45 TO SH 30 (NEW LOCATION)
IH 45	CORRIDOR STUDY FROM PARK ROAD 40 TO FM 1696
US 190 & SH 75	DEVELOP TRAFFIC PLAN FROM CITY LIMIT TO CITY LIMIT
SH 30	FROM .6 MI. WEST OF FM 1791 TO IH 45 (WIDEN/ADD CAPACITY)
SH 19	FROM IH 45 TO CITY LIMITS (ADD CAPACITY)
MISC. INTERSECTIONS	SAFETY IMPROVEMENTS AT VARIOUS INTERSECTIONS
FM 247	FROM FM 2821 TO SH 30 (REALIGN EXISTING ROADWAY)
SH 75 (SOUTH)	FROM SH 19 TO IH 45/CITY LIMITS (ADD CAPACITY)
FM 1374	FROM IH 45 TO SOUTHWEST CITY LIMITS (WIDEN)
FM 247	FROM FM 980 TO NORTH CITY LIMITS (WIDEN)
FM 1791	FROM IH 45 TO US 190 (NORTH LOOP, NEW LOCATION)

Councilmember Luning made a motion to approve the annual TXDOT priority list, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

Mayor Green stated that staff did request to meet with the County to discuss the priority list, but the County approved their list before an opportunity arose to meet. All "large" items that are funded by TXDOT must be on both the City and County priority list.

Gary Law, Resident Engineer, TXDOT, stated that any item requiring federal funding, right-of-way acquisition, or any project in excess of \$1 million is considered to be LARGE.

3. Consider acceptance of a 2.80 ac. right-of-way easement across Goree unit and payment of associated costs from the Elkins Lake MUD/RUD reserve.

Councilmember James made a motion to accept a 2.80 ac. right-of-way easement across the Goree unit and payment of associated costs to be funded from the Elkins Lake MUD/RUD reserve, and Councilmember Davis seconded the motion. All were in favor and the motion passed unanimously.

4. Texas Department of Transportation/Texas Department of Criminal Justice. Mayor Green stated that he was having meetings on a regular basis with members of these two entities to deal with issues that are common to all.

**CITY COUNCILMEMBER ACTION**

Councilmember Davis

1. H-GAC Cooperative Purchasing. As a matter of information, H-GAC is the largest such Council in the Country. H-GAC has an annual budget in excess of \$70 million, of which the purchasing is a major item. The City does receive good prices by using the cooperative purchasing.
2. Aging Service Program. This federally funded program's budget has been recently cut 5%. This effects Huntsville due to the Grandperson Center's funding cut. If the federal government shuts down again, there will be food to feed the Grandpersons, but no funds to pay to have it prepared. The H-GAC President is communicating with representatives in Congress to express concern over the continuation of diminishing funds.

3. Parks Grants. There are parks grants available through H-GAC and the Texas Parks and Wildlife and suggested the City consider looking into the feasibility of applying for such grants.
4. TML Meetings. The Spring meeting of TML will be held March 14, 1996, and the Fall Meeting will be held at Del Lago from August 9-11, 1996.

Councilmember James

1. Welcome Dr. Holmes.
2. Walker County Proud. There will be a "Trash Bash" held on Saturday, April 13. Councilmember James asked about the possibility of waiving transfer fees, and/or having the sanitation workers on duty on that day. Mayor Green stated that he understood that TRA had volunteered to pay the transfer fees. Councilmember James stated that they have not agreed, but are willing to.
3. 7th Street Park. The area looks nice and the City should continue the cleaning project, using the chips for a walkway.

Councilmember Holmes expressed his excitement at being on Council and was looking forward to working with each member.

Councilmember Lange stated that approximately four years ago, a management study was completed on the City of Huntsville. One recommendation in the study, was to complete a wage and classification study. At this time, with no objections from Council, the Personnel Committee will start the process for request for proposals and develop criteria for the study. The study should be done every ten years and the last one completed for this City was 15 years ago.

Councilmember Matthews stated that the City of Huntsville under Council's guidance should seriously apply for grants funds for youth facilities, parks, etc. The schools and churches are doing their part in providing facilities in the community and the City needs to participate. Mayor Green stated that the City now owns a large tract of land on 7th Street (approximately 90 acres) and feels that when a plan is developed for the park, the City can apply for grant funds.

Councilmember Rex

1. Councilmember Martinez. Congratulations on winning the TOMA Award. There are only 140 of these awards issued in the Country.
2. Visibility. Councilmember Rex requests that the Traffic Vehicle Division note the intersections in town that have visibility problems. Trees and shrubs may have to be trimmed at various locations in town.
3. Shipman Property. Even with some movement recently, the property still looks like nothing has been done to clean it up. She asked Scott Bounds when the deadline for clean up is. Mr. Bounds stated that agreement was that Mr. Shipman was to move everything out by the end of January, first of February and cease business at that location. At a meeting two weeks ago, he indicated that he can meet the deadline.
4. Housing. Councilmember Rex read a paragraph from a citizen trying to find her son housing during his tenure at Sam Houston State University. The letter suggests that stronger building codes are needed in the City. She states that some of the housing and mobile homes in the City are deplorable and unsightly.

Councilmember Martinez asked about his request for a caution light to be installed at Old Houston Road and Loop 19. Mr. Pipes stated that this is a State highway. Gary Law, TXDOT, stated that this is a complicated area, but would look at it in-depth and complete a safety index study to see if the intersection warrants a caution light. The long term solution is to make Loop 19 a four lane divided highway.

Recess into a EXECUTIVE SESSION to consider items as follows:

- \* real estate acquisition: 10th Street right-of-way (Finney) and land acquisition for the Robinson Creek Wastewater Treatment Plant;
- \* pending litigation: Townsend v. State Farm and City, Townsend v. Texas Department of Licensing and Regulation et al., Barkley v. City, and Lyon v. City; and
- \* contemplated litigation: Phelps Water Supply Corporation/Walker County Rural Water Supply System, and Atlantic Technologies.

  
Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 21ST DAY OF JANUARY, 1997, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT NOON.

The Council met in regular session with the following members present:

**COUNCILMEMBERS:**

William B. Green, Mayor  
 Dan S. Davis  
 Ronald L. Lange  
 Ann James  
 Vance Howard

Dave Luning  
 David Martinez  
 JoAnn Matthews  
 Marjorie Rex

**Officers:**

Gene Pipes, City Manager  
 Danna Welter, City Secretary  
 Scott Bounds, City Attorney

**CITIZEN INPUT/INQUIRY**

Charles Smither, Jr. Mr. Smither asked that the minutes of December 17, 1996, be amended to add that, "there is insufficient information being filled out on the sign permits forms to allow anybody to determine if the permit fee had been calculated properly (square feet, height, etc.)."

**INVOCATION**

Invocation by Norman Irons, Interim Pastor, First Christian Church.

**CONSIDER THE MINUTES OF NOVEMBER 12, DECEMBER 17, 1996, AND JANUARY 3, 1997**

Councilmember Rex made a motion to approve the minutes of November 12, 1996, and Councilmember Martinez seconded the motion. The motion passed unanimously.

Councilmember James made a motion to approve the minutes of December 17, 1996, as amended, and Councilmember Rex seconded the motion. The motion passed unanimously.

Councilmember Matthews made a motion to approve the minutes of January 3, 1997, and Councilmember Martinez seconded the motion. The motion passed unanimously.

**RECEIVE AND CANVASS THE RESULTS OF THE CITY OFFICER'S ELECTION OF JANUARY 18, 1997  
 AND CONSIDER ORDINANCE 97-1-21.1 CERTIFYING THE RESULTS**

Councilmember James made a motion to approve Ordinance 97-1-21.1 certifying the results of the City Officer's Election of January 18, 1997, and Councilmember Davis seconded the motion. The motion passed unanimously.

**ORDINANCE NO. 97-1-21.1**

AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR AND SPECIAL MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 18TH DAY OF JANUARY, 1997, FOR THE PURPOSE OF ELECTING A MAYOR AT LARGE, AND FOUR COUNCILMEMBERS, ONE FROM EACH OF THE CITY'S FOUR WARDS ONE, TWO, THREE AND FOUR, AND COUNCILMEMBER AT-LARGE POSITION THREE; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

**FOR MAYOR, AT LARGE**

JOHN JAFREH 103  
 BILL GREEN 1063

**FOR COUNCILMEMBER, WARD ONE**

RON LANGE 181

**FOR COUNCILMEMBER, WARD TWO**

DAVE LUNING 249  
 KENNETH N. HESSEL 46

**FOR COUNCILMEMBER, WARD THREE**

JOANN MATTHEWS 84

**FOR COUNCILMEMBER, WARD FOUR**

ANN JAMES 429

**FOR COUNCILMEMBER AT-LARGE, POS. THREE**

VANCE HOWARD 733  
 JOHN STRICKLAND 313  
 WRITE-INS 18

### JANUARY 18, 1997 CITY OFFICERS ELECTION

CITY OFFICERS ELECTION RESULTS VOTERS BY CITY PRECINCTS									
POSITION/ CANDIDATE	EARLY	101	102	201	205	206	301	401	TOTAL
<b>MAYOR</b>									
JOHN JAFREH	11	2	20	22	17	11	13	7	103
BILL GREEN	127	25	174	145	378	94	50	70	1063
<b>WARD 1</b>									
RON LANGE	45		136						181
<b>WARD 2</b>									
DAVE LUNING	30			130		89			249
KENNETH N. HESSEL	1			28		17			46
<b>WARD 3</b>									
JOANN MATTHEWS	14	23					47		84
<b>WARD 4</b>									
ANN JAMES	29				342			58	429
<b>AT-LARGE, POSITION 3</b>									
VANCE HOWARD	87	19	110	82	315	48	34	38	733
JOHN STRICKLAND	41	5	69	59	49	29	27	34	313
WRITE-INS	3	1	3	5	0	5	0	1	18

Total voters casting ballots in Early Voting -140,  
 Total voters casting ballots in Precinct 101 - 28,  
 Total voters casting ballots in Precinct 102 - 198,  
 Total voters casting ballots in Precinct 201 - 167,  
 Total voters casting ballots in Precinct 205 - 398  
 Total voters casting ballots in Precinct 206 - 106,  
 Total voters casting ballots in Precinct 301 - 63,  
 Total voters casting ballots in Precinct 401 - 77,

12 percent of total;  
 2 percent of total;  
 17 percent of total;  
 14 percent of total;  
 34 percent of total;  
 9 percent of total;  
 5 percent of total;  
 7 percent of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION	1177
TOTAL NUMBER OF REGISTERED VOTERS - 101	1272
TOTAL NUMBER OF REGISTERED VOTERS - 102	2989
TOTAL NUMBER OF REGISTERED VOTERS - 201	2318
TOTAL NUMBER OF REGISTERED VOTERS - 205	1614
TOTAL NUMBER OF REGISTERED VOTERS - 206	655
TOTAL NUMBER OF REGISTERED VOTERS - 301	2310
TOTAL NUMBER OF REGISTERED VOTERS - 401	2981
TOTAL NUMBER OF REGISTERED VOTERS IN THE CITY	14,139
PERCENTAGE OF REGISTERED VOTERS WHO VOTED	8%

#### ADMINISTRATION OF THE OATH OF OFFICE FOR THE NEWLY ELECTED OFFICERS

City Secretary Danna Welter administered the oath of office to Bill Green, Mayor; Ron Lange, Councilmember Ward One; Dave Luning, Councilmember Ward Two; JoAnn Matthews, Councilmember Ward Three; Ann James, Councilmember Ward Four; and Vance Howard, Councilmember At-Large Position Three.

#### MAYOR'S ACTIVITY REPORT

- City Council Committee Appointments.

Mayor Green stated that newly elected Councilmember Vance Howard would fill the vacant position on the Finance Committee and the two committees would remain the same with Dan Davis as Chairman of the Finance Committee and Ron Lange as Chairman of the Personnel Committee.
- Election of Mayor Pro Tem.

Councilmember Davis made a motion to nominate Ron Lange as Mayor Pro Tem, and Councilmember Rex seconded the motion. The motion passed unanimously.
- Consider Resolution 97-1-21.1 appointing the HGAC representative and alternate.

Councilmember Lange made a motion to approve Resolution 97-1-21.1 designating Dan Davis as the HGAC representative and Marjorie Rex as alternate, and Councilmember James seconded the motion. The motion passed unanimously.
- Discuss the City Birthday Celebration.

After discussion regarding the City's annual birthday celebration, it was the consensus of Council to participate in a celebration every five years, beginning in 2001 with the City's 165th birthday. A letter will be written to the Walker County Historical Commission to this effect.
- Consider letter requesting "no smoking" designation for all barber and beauty shops.

After discussion, consensus of Council was to table this motion for further research.

Councilmember Davis made a motion to table the letter requesting "no smoking" designation for all barber and beauty shops, and Councilmember Lange seconded the motion. The motion passed unanimously.
- Consider schedule of work session for 911 addressing changes.

A work session will be scheduled for the February 4th Council meeting to discuss 911 address changes.
- Consider CCN application to the TNRCC for wastewater service in the Huntsville area.

Councilmember Lange made a motion to approve the CCN application to the TNRCC for wastewater service, and Councilmember Matthews seconded the motion. The motion passed unanimously.

**CONSIDER TAX REPORT FOR DECEMBER WITH ADJUSTMENTS TO THE LEVY  
AS RECOMMENDED BY GROVER COOK, CHIEF APPRAISER**

Councilmember Rex made a motion to approve the tax reports for December with adjustments to the levy as recommended by Chief Appraiser Grover Cook, and Councilmember Matthews seconded the motion. The motion passed unanimously.

**CONSIDER ORDINANCE 97-1-21.3 AUTHORIZING ISSUANCE OF AN EQUIPMENT ACQUISITION  
CERTIFICATE OF OBLIGATION FOR ONE 8 YARD DUMP TRUCK AND ONE 12 YARD DUMP TRUCK  
IN THE AMOUNT OF \$101,545 (STREET DIVISION)**

Councilmember James made a motion to approve Ordinance 97-1-21.3 authorizing issuance of an equipment acquisition certificate of obligation in the amount of \$101,545, and Councilmember Rex seconded the motion. The motion passed unanimously.

**CONSIDER ORDINANCE 97-1-21.4 PLACING A SIX MONTH MORATORIUM ON  
SEXUALLY ORIENTED BUSINESSES**

Mr. Bounds requested that Council approve Ordinance 97-1-21.4 placing a six month moratorium on SOB's to allow staff sufficient time to prepare an ordinance for the Planning Commission that disperses them, except perhaps, in designated areas. He provided City Council with a time table for the next six months. Councilmember James asked the City Attorney to check with the state on why it has exemptions on some businesses.

Councilmember Luning made a motion to approve Ordinance 97-1-21.4 placing a six month moratorium on sexually oriented business, and Councilmember Rex seconded the motion. The motion passed unanimously.

**CONSIDER BID 97-8, TWO 12 YARD DUMP TRUCKS IN THE AMOUNT OF \$111,500  
TO METRO FORD TRUCK SALES FROM BUDGETED FUNDS (WATER AND SEWER DIVISION)**

Councilmember Matthews made a motion to approve Bid 97-8, two 12 yard dump trucks in the amount of \$111,500, to Metro Ford Truck Sales, and Councilmember Rex seconded the motion. The motion passed unanimously.

**CONSIDER PROPOSED AMENDMENT TO THE AIRPORT PROJECT PARTICIPATION AGREEMENT  
FOR REMOVING AND REPLACING THE BEACON LIGHT AND TOWER AT THE AIRPORT**

Councilmember Rex made a motion to approve the amendment to the Airport Project participation agreement for removing and replacing the beacon light and tower at the Huntsville Municipal Airport, and Councilmember James seconded the motion. The motion passed unanimously.

**CITY COUNCILMEMBER ACTION**

1. Commend and consider compensation recommendations for City employees involved in the recent ice storm.

Councilmember Lange stated that last Monday and Tuesday the decision was made to have only the essential City personnel report to work. Those that did report to work and carry on their job necessary for the health and safety of this community did an exemplary job and need to be commended for their performance. I would like the City Manager to communicate the Council's appreciation for a job well done for those that braved the very adverse conditions on Monday and Tuesday.

In addition, I am making a recommendation to Council that compensation for the employees of the City of Huntsville for those two days to be handled as follows:

- 1) All full time employees will be compensated with 16 hours of administrative pay for those two days, Monday and Tuesday;
- 2) Those persons that reported to work will receive comp time equal to the hours they worked up to 8 hours per day. Those hours above and beyond the 8 hours that they work will be treated as normal overtime.

Councilmember Lange made a motion to approve the compensation set forth above, and Councilmember James seconded the motion. The motion passed unanimously.

Councilmember James complimented the City employees on the efficiency in detailing with the ice storm.

Post Office. Councilmember Lange stated that the Federal government has made the final decision to build a new post office on Normal Park near 19th Street. This decision was made without the approval or recommendation of this Council or the City Planning Commission. The City does not have the authority or the approval to review what the state or federal government does within the jurisdiction of this City. After reviewing the "traffic engineering study", it does not have an engineer's name, signature or seal attached, nor does it give the address or city the engineering firm is located in. There is a disclaimer on the front page of this study

that states, "this report is offered to the City of Huntsville as a courtesy, any reliance on the same is at the users sole cost, risk and expense." The study suggests that the City stripe Normal Park into three lanes and states that the street is 36 feet wide. The pavement on Normal Park is 32 feet wide, making each lane 10 ½ feet. The City's minimum per lane requirement is 12 feet. The idea of three lanes in the middle of the block with moving traffic is not acceptable. The intersection of Normal Park and 11th Street is three lanes, but this is at an intersection where traffic is moving slow and cautious. The City needs to address this problem immediately before the building is in construction. In the preliminary site plan in the study, it appears the citizens will be given a publicly owned facility that is a concrete slab with little or no landscaping. This is a publicly owned facility that should be built to the standards of those who are paying for it.

Councilmember Rex agreed with the comments regarding the post office. The City was not asked for input, but feels we will be dealing with the problems to come regarding the siting.

Welcome Councilmember Howard. The Mayor and Councilmembers expressed their congratulations and welcome to newly elected Councilmember Vance Howard.

New York Trip. Councilmember Davis stated that he, Mayor Green, Councilmember Luning, Gene Pipes and Patricia Allen had traveled to New York last week. The City is about to issue in excess of \$14 million in revenue bonds to construct the new sewer plant. At the request of our investment bankers, First Southwest, the team went to New York to visit with representatives from Moody's and Standard and Poors and described to them in detail the project and tell them about the City of Huntsville. Both sessions went well and both of these agencies are bond rating agencies and will be grading the bonds before coming to the market. The better the City's rating the cheaper the interest cost will be. Moody's has changed their grading system; they have in the past among their various grades had A, BAA, AA bonds. From this point forward are adding the numbers 1, 2, and 3 behind them. Last year Moody's raised the City's rating from a BAA to an A. Since the City is a "young" A, a rating of A2 or A3 will probably be given. The City officials eagerly await the results from the grading process. Councilmember Davis complimented Patricia Allen and Gene Pipes in providing all the written detail in the report.

Charter Review. Councilmember James reminded Council that it is time to have a committee for a Charter review sometime this year.

Recess for EXECUTIVE SESSION to discuss:

- a) pending litigation: Townsend v. COH, Barkley v. COH, Nelson v. COH and Philp v. COH; and
- b) real estate acquisition: Willow Street ROW, 10th Street ROW, and 13th Street property. [6:28 - 6:38]

#### ADJOURNMENT

  
Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 5TH DAY OF MAY, 1998, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

**COUNCILMEMBER:**

William B. Green, Mayor

Dan S. Davis

Vance Howard

JoAnn Matthews

Marjorie Rex

Ron Lange

Dave Luning

Ann James

David Martinez

**Officers:**

Gene Pipes, City Manager

Danna Welter, City Secretary

Scott Bounds, City Attorney

**PROCLAMATION - Tourism Week**

**CITIZEN INPUT/INQUIRY**

1. Dorothy Shandera. Ms. Shandera expressed her concern regarding the sight distance restrictions at the intersection of Pleasant and Highway 75 North.

Mayor Green stated that City staff and Texas Department of Transportation officials are working on a solution to the sight problems at this intersection.

**INVOCATION**

Invocation by Reverend Gary Garrison, Second Baptist Church.

**CONSIDER MINUTES OF MARCH 31 AND APRIL 14, 1998**

Councilmember James made a motion to approve the minutes of March 31, 1998, and Councilmember Rex seconded the motion. The motion passed unanimously.

Councilmember Rex made a motion to approve the minutes of April 14, 1998, and Councilmember Matthews seconded the motion. The motion passed unanimously.

**ADMINISTRATION OF OATH OF OFFICE FOR AT LARGE COUNCILMEMBERS**

City Secretary Danna Welter administered the oath of office to Dan Davis, At-Large Position 1; Marjorie Rex, At-Large Position 2; Vance Howard, At-Large Position 3; and David Martinez, At-Large Position 4.

**ELECTION OF MAYOR PRO TEM, APPOINTMENT OF H-GAC REPRESENTATIVE AND ALTERNATE, AND APPOINTMENT OF CITY COUNCIL COMMITTEES**

Councilmember Davis made a motion to elect Ron Lange as Mayor Pro Tem, and Councilmember Martinez seconded the motion. The motion passed unanimously.

Mayor Green stated that he would recommend that Dan Davis continue as the City's H-GAC representative and for Marjorie Rex to continue as alternate.

Councilmember Lange made a motion to appoint Dan Davis as the City's H-GAC representative, and Marjorie Rex as alternate, and Councilmember James seconded the motion. The motion passed unanimously.

Mayor Green stated that he would recommend Dan Davis to chair the Finance Committee with other members being Ann James, Dave Luning and Vance Howard; and for Ron Lange to chair the Personnel Committee with other members being JoAnn Matthews, Marjorie Rex and David Martinez.

Councilmember Rex made a motion to approve the recommended Council committees and chairmen, and Councilmember Matthews seconded the motion. The motion passed unanimously.

**CONSIDER APPROVAL OF TAX ROLL CORRECTIONS FOR THE QUARTER ENDED MARCH 31, 1998 TOTALING \$(3,045.51)**

Councilmember Matthews made a motion to approve the tax roll corrections for the quarter ended March 31, 1998, totaling \$(3,045.51), and Councilmember Davis seconded the motion. The motion passed unanimously.

**CONSIDER APPROVAL OF BUDGET ADJUSTMENTS FOR THE QUARTER ENDED MARCH 31, 1998**

Councilmember Rex made a motion to approve the budget adjustments for the quarter ended March 31, 1998, and Councilmember Martinez seconded the motion. The motion passed unanimously.

**CONSIDER BIDS**

2. Bid 98-6, miscellaneous pipe, to U. S. Filter in the amount of \$64,846.05.

Councilmember Luning made a motion to accept Bid 98-6, miscellaneous pipe, to U. S. Filter in the amount of \$64,846.05, and Councilmember Howard seconded the motion. The motion passed unanimously.

3. Bid 98-10, annual contract for asphaltic concrete.

Councilmember Davis made a motion to accept Bid 98-10, annual contract for asphaltic concrete, to Pavers Supply in the amount of: Type B, \$30.45 delivered, \$26.95 pick up; Type D, \$30.00 delivered, \$26.50 pick up; Type D Mod., \$29.50 delivered, \$25.95 pick up; and CMHB-C, \$33.50 delivered, and \$30.00 pick up, and Councilmember James seconded the motion. The motion passed unanimously.

4. Project 96-10-20, Spring Drive sanitary sewer line project, to Elliott Construction in the amount of \$30,804.11.

Councilmember Rex made a motion to approve Project 96-10-20, Spring Drive sanitary sewer line project, to Elliott Construction in the amount of \$30,804.11, and Councilmember Davis seconded the motion. The motion passed unanimously.

5. Project 96-07-01, Tracy/Leigh Ann sanitary sewer line project, to Elliott Construction in the amount of \$144,956.25.

Councilmember Davis made a motion to approve Project 96-07-01, Tracy/Leigh Ann sanitary sewer line project, to Elliott Construction in the amount of \$144,956.25, and Councilmember Howard seconded the motion. The motion passed unanimously.

**CONSIDER INTERLOCAL AGREEMENT WITH HUNTSVILLE INDEPENDENT SCHOOL DISTRICT FOR ADMINISTRATION OF THE HEAP PROGRAM**

Mr. Schindler stated that staff is recommending entering into an interlocal agreement with the H.I.S.D. for the operation of the HEAP Program. H.I.S.D. will be using certified instructors and have a broader curriculum of activities than in the last few years. There will be a nominal registration fee and its anticipated that 300 children will participate.

Councilmember Matthews made a motion to approve an interlocal agreement with H.I.S.D. for administration of the HEAP Program, and Councilmember Rex seconded the motion. The motion passed unanimously.

**CONSIDER EMERGENCY PURCHASE OF REPLACEMENT GENERATOR FOR CITY HALL FROM SOUTHERN PLAINS POWER IN THE AMOUNT OF \$14,753.00**

Mr. Schindler stated that City Hall's emergency generator is in need of major repairs and is currently not functioning. H-GAC and the General Services Commission were contacted as well as Southern Plains Power. H-GAC has a Kohler brand generator at \$15,300, General Services Commission does not have one, and Southern Plains Power has a Onan brand at \$14,753.00. During the past few years the City has been standardizing all generators to the Onan brand. It is staff's recommendation to purchase the Onan generator from Southern Plains Power at \$14,753.00 to be funded from the reserve for future allocation. Competitive bids will be obtained for an electrician to install the generator once it is received and will also need to be funded from the reserve for future allocation.

Councilmember Luning made a motion to approve the emergency purchase of a replacement generator for City Hall from Southern Plains Power in the amount of \$14,753.00, and Councilmember Rex seconded the motion. The motion passed unanimously.

**CONSIDER RESOLUTION 98-05-05.1 AUTHORIZING THE SUBMISSION OF A HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE OWNER OCCUPIED HOUSING ASSISTANCE PROGRAM**

Councilmember Rex made a motion to approve Resolution 98-05-05.1 authorizing submission of a HOME Program application for the owner occupied housing assistance program, and Councilmember Martinez seconded the motion. The motion passed unanimously.

**CONSIDER APPROVAL OF MODIFICATION OF WISENBAKER, FIX & ASSOC. CONTRACT FOR  
ADDITIONAL ENVIRONMENTAL WORK REQUIRED BY THE U.S. FOREST SERVICE (\$8,250)**

Councilmember Lange made a motion to approve the expenditure of \$8,250 from the contingency of the Wisenbaker, Fix & Associates contract for additional environmental work required by the U. S. Forest Service, and Councilmember Matthews seconded the motion. The motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Mayor Green thanked Stan Foley and Entergy for the grant for the street light project on 12<sup>th</sup> Street. The recognition ceremony this afternoon was a success.
2. Scott Bounds stated that about two months ago the City began discussions with Tenaska Frontier Partners, Ltd., regarding the provision of water to their proposed electrical generating station located in Grimes County between Shiro and Roans Prairie. Several face to face meetings have been held and the process of reducing the agreements to writing has been underway in recent weeks. A good deal of progress has been made but staff is not at the point of recommending Council consider a formal contract document. TRA has authorized the sale of an additional 6 million gallons of water to the City to accommodate Tenaska when the agreements are formalized.

**COUNCILMEMBER ACTION**

Railroad Crisis. Councilmember Davis stated that in the agenda packet is some information related to the railroad crisis. H-GAC has passed a resolution regarding the crisis.

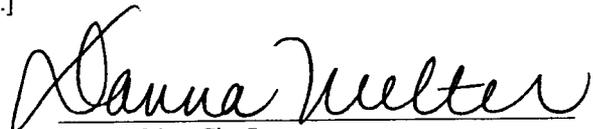
Happy Mother's Day. Councilmember James wished all the mothers a Happy Mother's Day on Sunday.

**MEDIA INQUIRIES**

City Council welcomed new Item Reporter Michelle Lyons. No media inquiries.

**ADJOURNMENT**

Recess into EXECUTIVE SESSION to discuss pending or contemplated litigation: Entergy/GSU rate case and franchise agreement audit, Townsend, Hyvl, Philp, and Johnson. [6:00 p.m. - 6:20 p.m.]

  
Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 19TH DAY OF JANUARY, 1999, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

**COUNCILMEMBER:**

William B. Green, Mayor

Marjorie Rex

Vance Howard

JoAnn Castille

Steed Smith

Ron Lange

Dave Luning

David Martinez

Dan Davis

Officers:

Gene Pipes, City Manager

Danna Welter, City Secretary

**EXECUTIVE SESSION (4:00 p.m. - 5:10 p.m.)** to consider candidates for the position of City Attorney.

**CITIZEN INPUT/INQUIRY**

1. Betty Jackson. Ms. Jackson stated that her son had been killed in a pedestrian accident while trying to cross the roadway on Highway 30 in front of Blockbuster Video. She requested that lighting and/or crosswalks be installed to avoid this tragedy in the future.

**INVOCATION**

Invocation by Gene Pipes, City Manager.

**CONSIDER MINUTES OF DECEMBER 15, 1998**

Councilmember Castille made a motion to approve the minutes of December 15, 1998, and Councilmember Davis seconded the motion. The motion passed unanimously.

**ATTENDING CITIZENS**

1. Joan Westerdahl, Huntsville Lakers Swim Team to present proposal for use and enhancements/modifications of the Kate Barr Ross pool in the amount of \$9,919 (50/50 split).

Councilmember Lange made a motion to approve \$4,959.50 for enhancements/modifications to the Kate Barr Ross pool, and Councilmember Castille seconded the motion. The motion passed unanimously.

**CONSIDER ORDINANCE 99-01-19.1 CANVASSING AND CERTIFYING THE RESULTS OF THE SPECIAL ELECTION OF JANUARY 16, 1999, TO FILL THE UNEXPIRED TERM OF COUNCILMEMBER, WARD FOUR**

Councilmember Davis made a motion to approve Ordinance 99-01-19.1 canvassing and certifying the results of the Special Election of January 16, 1999, to fill the unexpired term of Councilmember, Ward Four, and Councilmember Luning seconded the motion. The motion passed unanimously.

**ADMINISTRATION OF THE OATH OF OFFICE TO THE NEWLY ELECTED COUNCILMEMBER WARD FOUR**

City Secretary Danna Welter administered the Oath of Office to Steed Smith, Councilmember Ward Four.

**CONSIDER TAX SALE TRUST PROPERTIES**

Councilmember Luning made a motion to approve the tax sale trust properties, with the exception of Lot 5, Block 1, Boettchers Mill, and Councilmember Rex seconded the motion. The motion passed unanimously.

Mayor Green stated that the properties listed on page 7, Lots 21 and 22, Block 15, Elkins Lake Subdivision, Section 2, would be considered at a subsequent meeting.

**CONSIDER ORDINANCE 99-01-19.2 AMENDING TITLE 20, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES, BY ESTABLISHING ONE-WAY CONFIGURATION OF THE STREETS IN THE MANCE PARK JUNIOR HIGH SCHOOL AREA**

Councilmember Rex made a motion to approve Ordinance 99-01.19.2 amending Title 20 of the Code of Ordinances by establishing one-way configuration of streets and parking limits zones in the Mance Park Junior High School area, and Councilmember Castille seconded the motion. The motion passed unanimously.



**CONSIDER BOUNDARY CHANGES TO THE ZONING DISTRICTS FOR THE SETTLER'S WAY,  
SECTION 1 AND 2, AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION**

Councilmember Luning made a motion to call a public hearing for February 9<sup>th</sup>, at 5:30 p.m., as recommended by the Planning and Zoning Commission to consider boundary changes to the zoning districts for Settler's Way, and Councilmember Lange seconded the motion. The motion passed unanimously.

**CONSIDER UTILITY EXTENSION REQUEST BY JOHN MALLORY FOR A DEVELOPMENT  
AT THE INTERSECTION OF FM 2821 AND SH 75 NORTH AT A COST TO THE CITY OF \$3,685**

Councilmember Rex made a motion to approve a utility extension request by John Mallory at a cost to the City of \$3,685, to be funded from the water and sewer reserve, and Councilmember Martinez seconded the motion. The motion passed unanimously.

**CONSIDER A PROPOSAL FROM KLOTZ ASSOCIATES TO PROVIDE ADDITIONAL ENGINEERING  
SERVICES CONSISTING OF THE TRAFFIC SIGNAL WARRANT STUDIES IN AN AMOUNT OF \$9,660  
TO BE FUNDED FROM THE CONTRACT CONTINGENCY FUNDS (WORK ORDER #6),  
AND APPROVAL OF AN ADVANCE FUNDING AGREEMENT WITH TXDOT IN AN AMOUNT OF \$224,000**

Councilmember Davis made a motion to approve a Traffic Signal Warrant Study in an amount of \$9,660 with Klotz Associates (to be funded from the contract contingency funds) and approve an Advance Funding Agreement with TXDOT in an amount of \$224,000 (to be funded from the bond proceeds), and Councilmember Luning seconded the motion. The motion passed unanimously.

**CONSIDER THE PENDING PARKS AND WILDLIFE GRANT MATCH -  
APPRAISED VALUE OF PROPERTY AND CASH CONTRIBUTION**

Mr. Wilder stated that he and Glenn Isbell would be traveling to Austin on Thursday in hopes that the Commission would approve the City's pending grant application. Appraisals on the property came in counter to common logic and Mr. Wilder stated that upon approval of the grant, the property would be reappraised.

**CONSIDER APPROVAL OF \$29,600 TO REPAIR THE CASE TRAC-HOE (IN-HOUSE)  
TO BE FUNDED FROM THE WATER AND SEWER UNALLOCATED RESERVE**

Councilmember Rex made a motion to approve \$29,600 to repair the Case trac-hoe, to be funded from the water and sewer unallocated reserve, and Councilmember Howard seconded the motion. The motion passed unanimously.

**CONSIDER APPROVAL TO USE CONTINGENCY FUNDS OF \$9,092 FOR ADDITIONAL REPAIRS  
NEEDED TO WELL #13, AND APPROVAL TO ENTER INTO A NEW AGREEMENT WITH  
WEISINGER WATER WELL COMPANY FOR "INTERNAL CASING PATCH" OF WELL #13  
IN AN AMOUNT OF \$27,340 (TO BE TRANSFERRED FROM THE WATER AND SEWER RESERVE)**

Councilmember Rex made a motion to expend \$9,092 in additional repairs to Well #13 (from contingency funds), and approve a new agreement with Weisinger Water Well Company for internal casing patch of Well #13 in an amount of \$27,340 (to be transferred from the water and sewer reserve), and Councilmember Castille seconded the motion. The motion passed unanimously.

**CONSIDER DOWNTOWN PARKING AGREEMENT WITH FIRST NATIONAL BANK**

Councilmember Castille made a motion to approve a lease agreement with First National Bank for use of their lot adjacent to the Municipal Justice Center at a cost of \$300.00 per month and security for bank personnel, and Councilmember Rex seconded the motion. The motion passed unanimously.

**CONSIDER REQUEST TO ADVERTISE AND ACCEPT OFFERS FOR THE COMPLETE REMOVAL  
OF STRUCTURES FROM CERTAIN CITY PROPERTY**

Councilmember Lange made a motion to authorize the advertising and acceptance of offers for the removal of four structures (505 Avenue M., 704 South Sam Houston, 1001 Old Madisonville Road, and 604 14<sup>th</sup> Street) from City property, and Councilmember Martinez seconded the motion. The motion passed unanimously.



**ORDINANCE NO. 99-01**

AN ORDINANCE CANVASSING THE RETURNS OF THE SPECIAL MUNICIPAL ELECTION HELD WITHIN WARD FOUR OF THE CITY OF HUNTSVILLE ON THE 16TH DAY OF JANUARY, 1999, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR THE UNEXPIRED TERM OF COUNCILMEMBER WARD FOUR; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE.

**FOR COUNCILMEMBER, WARD FOUR**

STEED SMITH 193  
 WRITE-INS 44

**JANUARY 16, 1999 SPECIAL ELECTION  
 UNEXPIRED TERM, COUNCILMEMBER WARD FOUR**

CANDIDATE/POSITION	205	401	TOTAL
<b>COUNCILMEMBER, WARD 4</b>			
<b>STEED SMITH</b>	<b>185</b>	<b>8</b>	<b>193</b>
<b>WRITE-INS</b>	Ben Wilson - 1 Lonnie Richards - 1 Diana Story - 26 Jim Balzaretto - 5 Brian Elvin - 2	Brian Elvin - 7 David Weitzel - 2	Ben Wilson 1 Lonnie Richards 1 Diana Story 26 Jim Balzaretto 5 Brian Elvin 9 David Weitzel 2 44
<b>TOTAL</b>	<b>220</b>	<b>17</b>	<b>237</b>

Total voters casting ballots in Early Voting - 2\*

\*counted in Ward 4

Total voters casting ballots in Precinct 205 - 220

93 percent of total;

Total voters casting ballots in Precinct 401 - 17

7 percent of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION

237

TOTAL NUMBER OF REGISTERED VOTERS - 205

1,845

TOTAL NUMBER OF REGISTERED VOTERS - 401

2,848

TOTAL NUMBER OF REGISTERED VOTERS IN WARD FOUR

4,693

PERCENTAGE OF REGISTERED VOTERS WHO VOTED

5%



**CONSIDER RECOMMENDATION TO ACCEPT GIFT OF AHYSEN ART WORK FROM THE FIRST  
NATIONAL BANK AND INSTALL ON THE FRONT FACADE OF THE MUNICIPAL JUSTICE CENTER  
AT A COST NOT TO EXCEED \$700.00 IN UNALLOCATED ARTS FUNDS**

Councilmember Rex made a motion to accept the gift of Ahysen art work from FNB and authorize \$700.00 from the unallocated arts funds for placement on the front facade of the Municipal Justice Center, and Councilmember Howard seconded the motion. The motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Consider City Council committee appointments; and

Mayor Green stated that Councilmember Lange would continue to Chair the personnel committee with other members including Councilmembers Davis, Rex, Matthews and Martinez. Councilmember Luning will Chair the finance committee with other members including Councilmembers Howard and Smith.

2. Consider retainer agreement with Scott Bounds and the continuation of his designation as City Attorney until replaced.

Councilmember Rex made a motion to approve a retainer agreement with Scott Bounds for \$100 per hour, continue his designation as City Attorney until replaced, and Councilmember Davis seconded the motion. The motion passed unanimously.

**COUNCILMEMBER ACTION**

1. Discuss an interlocal agreement with Walker County to temporarily reallocate the Combined Dispatch Coordinator position to the Huntsville Dispatch System pending the completion of the Law Enforcement Center.

Councilmember Luning made a motion to approve an interlocal agreement with Walker County to temporarily reallocate the Combined Dispatch Coordinator, and Councilmember Howard seconded the motion. The motion passed unanimously.

2. Energy Rate Case. Councilmember Luning updated City Council on the proposed settlement.

3. 11<sup>th</sup> Street Signalization. Councilmember Lange stated that the signalization on 11<sup>th</sup> Street has become a nightmare and asked staff to check with TXDOT to see if it can be modified. It was also noted that there are signalization problems on Sam Houston Avenue and that the intersection of Sam Houston and 16<sup>th</sup> Street is one of the most dangerous in town.

4. Welcome Steed Smith. Councilmembers welcomed new member Steed Smith. Councilmember Smith stated that he was happy to be a member of this Council.

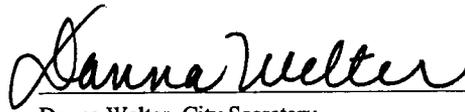
**MEDIA INQUIRIES**

None.

**ADJOURNMENT**

Mayor Green recessed into EXECUTIVE SESSION to discuss: [6:45 p.m. - 8:15 p.m.]

- a. Real estate acquisition - Wynne Home;  
b. Personnel Matters - EEOC Claim, and resume the consideration of candidates for the position of City Attorney.



Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 4TH DAY OF MAY, 1999, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:15 P.M.

The Council met in regular session with the following members present:

**COUNCILMEMBER:**

William B. Green, Mayor  
 Dave Luning  
 Vance Howard  
 Dan Davis  
 Marjorie Rex

Ron Lange  
 JoAnn Castille  
 Steed Smith  
 David Martinez  
 Mark E. Erb

**Officers:**

Gene Pipes, City Manager  
 Paul Isham, City Attorney  
 Danna Welter, City Secretary

**FINANCE COMMITTEE MEETING ( 4:00 p.m. - 4:30 p.m.)**

Discuss the quarterly budget adjustments and a request to make retroactive adjustment to the water bill of a congregate housing facility.

**PERSONNEL COMMITTEE MEETING (4:30 P.M. - 5:10 P.M.)**

Executive Session to present the results of the annual performance evaluation of the Charter Officers to the City Council.

**INVOCATION**

Invocation by Mayor Pro Tem Ron Lange.

**MINUTES**

Councilmember Castille made a motion to approve the minutes of April 13, 1999, and Councilmember Lange seconded the motion. The motion passed unanimously.

**CONSIDER ORDINANCE 99-05-04.1 CANVASSING AND CERTIFYING THE RESULTS OF THE CITY OFFICER'S ELECTION OF MAY 1, 1999**

Councilmember Lange made a motion to approve Ordinance 99-05-04.1 canvassing and certifying the results of the City Officer's election of May 1, 1999, and Councilmember Castille seconded the motion. The motion passed unanimously.

**ADMINISTRATION OF THE OATH OF OFFICE TO THE NEWLY ELECTED MEMBERS OF CITY COUNCIL**

City Secretary Danna Welter administered the oath of office to: Bill Green, Mayor; Mark E. Erb, Councilmember Ward 1; Dave Luning, Councilmember Ward 2; JoAnn Castille, Councilmember Ward 3; and Steed Smith, Councilmember Ward 4. Councilmembers Erb and Smith introduced their families.

**CONSIDER THE ELECTION OF A MAYOR PRO TEM**

Councilmember Castille made a motion to elect Dan Davis as Mayor Pro Tem, and Councilmember Rex seconded the motion. The motion passed unanimously.

**MAYOR'S ACTIVITY REPORT**

1. Appointment of City Council standing committees.

Mayor Green stated that Councilmembers Davis, Rex, Castille and Martinez would be members of the Personnel Committee with Councilmember Davis as chairman; and Councilmembers Luning, Howard, Smith and Erb would be members of the Finance Committee with Councilmember Luning as chairman.

2. Appointment of HGAC representative and alternate.

Councilmember Luning made a motion to appoint Councilmember Davis as representative of HGAC and Councilmember Rex as alternate, and Councilmember Castille seconded the motion. The motion passed unanimously.

3. Establish date/schedule for City Council orientation for new and veteran members and staff.

Mayor Green asked that Councilmember Erb and Smith coordinate with City Manager Gene Pipes regarding a date for orientation.

ORDINANCE NO. 99-12

AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 1ST DAY OF MAY, 1999, FOR THE PURPOSE OF ELECTING TWO COUNCILMEMBERS, ONE FROM WARD ONE AND ONE FROM WARD FOUR; DECLARING THE RESULTS OF THE ELECTION; FINDING THAT NOTICE OF THE ELECTION WAS DULY AND PROPERLY GIVEN, THAT THE ELECTION WAS PROPERLY HELD AND RETURNS THEREOF MADE BY THE PROPER OFFICIALS IN ACCORDANCE WITH THE LAWS OF THE STATE. ORDINANCE NO. 99-01

FOR COUNCILMEMBER, WARD ONE

MARK E. ERB 197  
O. J. MOAK 101

FOR COUNCILMEMBER, WARD FOUR

STEED SMITH 321  
ROBERT M. FEROW 85

CITY OFFICERS ELECTION RESULTS VOTERS BY CITY PRECINCTS					
POSITION/ CANDIDATE	EARLY	102	205	401	TOTAL
WARD 1					
Mark E. Erb	67	130			197
O. J. Moak	41	60			101
WARD 4					
Steed Smith	205-39 401-6		243	33	321
Robert M. Ferow	205-12 401-1		58	14	85
TOTAL	102-108 205-51 401-7	190	301	47	704

Total voters casting ballots in Early Voting - 166 24 percent of total;  
Total voters casting ballots in Precinct 102 - 190 27 percent of total;  
Total voters casting ballots in Precinct 205 - 301 43 percent of total;  
Total voters casting ballots in Precinct 401 - 47 7 percent of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION 704

TOTAL NUMBER OF REGISTERED VOTERS - 102 2,936  
TOTAL NUMBER OF REGISTERED VOTERS - 205 1,845  
TOTAL NUMBER OF REGISTERED VOTERS - 401 2,848

TOTAL NUMBER OF REGISTERED VOTERS IN WARDS ONE AND FOUR 7,629

PERCENTAGE OF REGISTERED VOTERS WHO VOTED 9%

Other members of Council are welcome to attend.

4. Consider Resolution 99-05-04.1 - nominee to fill the vacancy on the Appraisal District Board of Directors.

Councilmember Rex made a motion to approve Resolution 99-05-04.1 nominating James McComb to fill the vacancy on the Appraisal District Board of Directors, and Councilmember Castille seconded the motion. The motion passed unanimously.

5. Update on "Welcome Home Steven" festivities.

Dee McFarland, Executive Director of the Huntsville-Walker County Chamber of Commerce updated City Council on the impending plans for a parade, program and birthday party to be held in honor of Specialist IV Steven Gonzales.

**CONSIDER QUARTERLY BUDGET ADJUSTMENTS  
CONSIDER QUARTERLY TAX COLLECTION REPORT WITH ADJUSTMENTS AS RECOMMENDED  
BY GROVER COOK, CHIEF APPRAISER**

Councilmember Luning made a motion to approve the quarterly budget adjustments, and Councilmember Howard seconded the motion. The motion passed unanimously.

Councilmember Luning made a motion to approve the quarterly tax collection report with adjustments of \$16,130.94 as recommended by Grover Cook, Chief Appraiser, and Councilmember Rex seconded the motion. The motion passed unanimously.

**CONSIDER SEWER UTILITY EXTENSION FOR STEVE DAWSON, 3518 POWELL ROAD  
AT A COST TO THE CITY OF \$6,600**

Councilmember Rex made a motion to approve a sewer utility extension for Steve Dawson, 3518 Powell Road, at a cost to the City of \$6,600, and Councilmember Howard seconded the motion. The motion passed unanimously.

**CONSIDER WORK ORDERS #12 AND #13 TO THE WISEBAKER, FIX & ASSOCIATES ROBINSON CREEK  
OUTFALL CONTRACT FOR THE DESIGN SERVICES REQUIRED TO PROVIDE SEWER SERVICE  
TO THE MAJESTIC FOREST AREA AND ALONG THE WHITE AND SOWELL PROPERTY  
AT A COMBINED COST OF \$65,400, AND APPROVE RELATED CONSTRUCTION FUNDING  
IN AN AMOUNT OF \$177,500.00 TO BE FUNDED FROM THE ROBINSON CREEK WWTP CONTINGENCY**

Councilmember Rex made a motion to approve work orders #12 and #13 to the Wisenbaker Fix & Associates Robinson Creek Outfall contract in an amount of \$65,400 and approve the related construction funding in an amount of \$177,500 to be funded from the Robinson Creek WWTP contingency, and Councilmember Howard seconded the motion. The motion passed unanimously.

**CONSIDER LEASE AGREEMENT WITH THE FAA FOR A REMOTE COMMUNICATION OUTLET**

Councilmember Howard made a motion to authorize the City Manager to sign a lease agreement with the FAA for a remote communication outlet, and Councilmember Rex seconded the motion. The motion passed unanimously.

NOTE: Council asked staff to inquire about the maintenance on this outlet.

**COUNCILMEMBER ACTION**

Mayor Pro Tem/HGAC Update. Councilmember Davis thanked City Council on his election as Mayor Pro Tem and introduced his wife Elsie. He also stated that he had been appointed Chairman of the Projects Review Committee.

Welcome. Councilmembers Rex, Howard and Luning welcomed Councilmembers Erb and Smith. Councilmember Luning introduced his wife, Barbara. Councilmember Smith also welcomed new Councilmember Mark Erb.

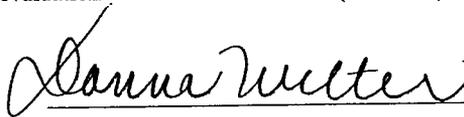
Elkins Lake. Councilmember Smith stated that with the summer here, there may be a problem with four wheelers and golf carts in Elkins Lake.

New Member. Councilmember Erb stated that he was glad to become a part of City Council and hoped to maintain the momentum of his predecessor.

**ADJOURNMENT**

Mayor Green recessed into **EXECUTIVE SESSION** [6:05 p.m. - 6:55 p.m.] to discuss:

- a. real estate acquisition: right-of-way acquisition for water pipeline, arterial road project. Fish Hatchery Road sewer project and Robinson Creek WWTP; 7<sup>th</sup> Street and Avenue M; 13<sup>th</sup> Street and Avenue M; Emancipation Park expansion, Eastham-Thomason Park; house on Avenue M;
- b. pending/contemplated litigation: Susan Hutchison v. Eddie Hutchison et al; David Kimich v. COH; Walter Kimich v. COH; Smith building; and
- c. personnel: continuation of the report on the annual evaluation of the Charter Officers (if needed).



Danna Welter, City Secretary