

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 9TH DAY OF MAY 2000, 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 a regular session with the following members present:

COUNCILMEMBER:

William B. Green, Mayor
 Dave Luning
 Vance Howard
 David Martinez
 Mark Erb

Dan Davis
 Marjorie Rex
 Steed Smith
 JoAnn Castille

Officers:

Bob Hart, City Manager
 Paul Isham, City Attorney
 Danna Welter, City Secretary

PROCLAMATIONS

1. Tourism Week - May 8-12, 2000
2. Public Works Week - May 21-27, 2000

CITIZEN INPUT/INQUIRY

Karen Howard. Ms. Howard stated that she was a member of the nonsmoking coalition and would like to know when Council was going to address a stronger no smoking ordinance.

Mayor Green stated that this item would be discussed in a work session at the first meeting in June. And, depending on the consensus of Council at that time, public meetings/hearings would be scheduled.

Dee McFarland, President, Chamber of Commerce. Ms. McFarland thanked the Mayor and Council for the Tourism Week proclamation, and for all they do to help in the business of tourism. There has been a 25% growth in our community in tourism dollars spent over the past four years. Working together, the Council, Chamber staff, and volunteers have been major contributors to this increase. A small token of appreciation is at each of the Mayor and Councilmembers place, including a new group tour and meeting guide to be distributed first to international tour operators that Chamber staff will be visiting with in Dallas later this week.

Ms. McFarland also stated that she would like to present a joint proclamation from the City and Chamber in support of our local teachers as this week is also National Teachers Week.

INVOCATION

Invocation by Carroll Williams, First Baptist Church.

MINUTES

Councilmember Rex made a motion to approve the April 25, 2000, minutes, and Councilmember Howard seconded the motion. The motion passed unanimously.

ATTENDING CITIZENS

Charles Hall, to discuss sewer billing. Mr. Hall stated that he owns a weekend home in the Club Lake addition outside the City limits of Huntsville. He does not have access to City water, but does have City sewer. Recently, the City adopted an ordinance that has caused his sewer bill to increase from \$10.65 per month to \$20.28 per month. He stated that he has talked with staff and they have explained the logic behind the ordinance. Sewer charges are monitored by the amount of water utilized, and without City water, the City is unable to calculate the amount of sewer flow. So, an ordinance was adopted to average the sewer only customers and charge a flat rate for service. Mr. Hall stated that he understands the process, but asked if there are any exceptions to the ordinance. His electric bill will attest to the fact that he never uses more than the minimum electricity to pump water from his well.

Mayor Green stated that the Finance Committee had reviewed this ordinance before it was adopted and felt it was fair. When City water becomes available to Club Lake, the sewer rate would then be calculated on water usage.

Councilmember Luning stated that monthly charges are not only calculated to treat the sewer, but capital expenses are also figured into the costs.

Mayor Green stated that he would have staff look at alternatives, but felt the ordinance in place was designed to be fair to the customers involved.

CONSIDER APPROVAL TO CANCEL THE ORDER FOR VEHICLE THROUGH H-GAC (\$20,110.20) DUE TO DELIVERY DATE CHANGES AND ORDER FROM THE STATE CONTRACT (\$18,993.00)

Purchasing Agent Debby Mikulin stated that due to delays in the delivery date for the vehicle ordered from H-GAC, staff is recommending canceling the order and purchasing the vehicle from Philpott Motors (state contract). Philpott Motors has the vehicle on the lot and it would be available immediately.

Councilmember Davis made a motion to cancel the order for the vehicle through H-GAC, and order from the state contract, and Councilmember Castille seconded the motion. The motion passed unanimously.

CONSIDER AUTHORIZATION TO APPLY FOR A BILL AND MELINDA GATES FOUNDATION GRANT IN AN AMOUNT OF \$16,000

City Librarian Judy Hunter stated that the Huntsville Public Library is eligible to receive a package of hardware and software totaling approximately \$16,000 - including four public access English-language work stations and extensive pre-loaded software. One Spanish-language work station has also been requested. Gates Foundation employees will install the grant equipment and provide two days of training for library employees and three years of technical support for grant items. A letter of support is required from Mayor Green.

Councilmember Castille made a motion to authorize staff to apply for a Bill and Melinda Gates foundation grant in the amount of \$16,000, and Councilmember Rex seconded the motion. The motion passed unanimously.

CONSIDER EMERGENCY REPAIRS TO WELL 15 BY WEISENGER WATER WELLS, INC., IN AN AMOUNT OF \$105,120, TO BE FUNDED FROM BUDGETED FUNDS (\$51,700) AND WATER AND SEWER RESERVE FOR FUTURE ALLOCATION (\$53,420)

Boyd Wilder stated that Weisenger Water Wells, Inc., has evaluated the repairs needed to Well 15. In addition to the pump problems, a camera survey showed that the well screens and casing have deteriorated to the point that there is a possibility of collapse. If this occurs, the well will be a complete loss. It is estimated that \$105,120 in repair costs are needed to salvage the well. The costs of drilling a new well are in the range of \$800,000 to \$1,000,000.

Councilmember Howard made a motion to approve the emergency repairs to Well 15 by Weisenger Water Wells, Inc., in an amount of \$105,120 (\$51,700 from budgeted funds and \$53,420 from water and sewer reserve), and Councilmember Rex seconded the motion. The motion passed unanimously.

CONSIDER CONTRACTUAL DOCUMENTS INVOLVING THE TENASKA PROJECT

- First Amendment to the Agreement for Purchase and Delivery of Treated Water
- Consent to Conveyance of Water Pump Station Facilities and Assignment of Easement
- Consent to Conveyance of Water Pump Station Facilities and Assignment of Easement

Boyd Wilder stated that approval of these three documents will allow the completion of the agreements between the City and Tenaska, and the City and TRA. These documents will make the necessary modifications to the agreements in place to allow the City to operate the water system for supplying water to Tenaska.

Councilmember Rex made a motion to approve the contractual documents involving the Tenaska project, including the First Amendment to the Agreement for Purchase and Delivery of Treated Water, Consent to Conveyance of Water Pump Station Facilities and Assignment of Easement, and Consent to Conveyance of Water Pump Station Facilities and Assignment of Easement, and Councilmember Howard seconded the motion. The motion passed unanimously.

CONSIDER ORDINANCE 2000-05-09.1 CANVASSING AND CERTIFYING THE RESULTS OF THE CITY OFFICERS' ELECTION ON MAY 6, 2000

Mayor Green stated that the four at-large Councilmembers that were elected on May 6, 2000 are: Steed Smith, Position 1; Marjorie Rex, Position 2; Vance Howard, Position 3; and David Martinez, Position 4.

Councilmember Davis made a motion to approve Ordinance 2000-05-09.1, canvassing and certifying the results of the City Officers' election on May 6, 2000, and Councilmember Castille seconded the motion. The motion passed unanimously.

ADMINISTRATION OF THE OATH OF OFFICE TO THE ELECTED MEMBERS OF CITY COUNCIL

City Secretary Danna Welter administered the Oath of Office to Steed Smith, Position 1; Marjorie Rex, Position 2; Vance Howard, Position 3; and David Martinez, Position 4.

CONSIDER ELECTION OF MAYOR PRO TEM

Councilmember Erb made a motion to elect JoAnn Castille as Mayor Pro Tem, and Councilmember Rex seconded the motion. The motion passed unanimously.

CONSIDER RESOLUTION 2000-05-09.1 OPPOSING THE EXPANSION AND/OR EXTENSION OF THE CURRENT MORATORIUM ON SALES AND USE TAXES FOR E-COMMERCE

City Attorney Paul Isham stated that TML had requested that the City adopt this ordinance related to E-Commerce to urge the Federal Government to study the issue instead of putting it on a shelf.

Councilmember Howard made a motion to approve Resolution 2000-05-09.1 opposing the expansion and/or extension of the current moratorium on sales and use taxes for E-Commerce, and Councilmember Rex seconded the motion. The motion passed unanimously.

MAYOR'S ACTIVITY REPORT

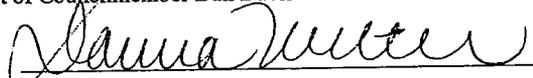
1. Consider expenditure of travel funds to allow Councilmember Castille to attend the Texas Youth and Texas Cities Conference on May 19, 2000.

Mayor Green stated the funds would include registration, hotel and mileage expenses for the Conference.

Councilmember Rex made a motion to approve travel funds for Councilmember Castille to attend the Texas Youth and Texas Cities Conference on May 19, 2000, and Councilmember Martinez seconded the motion. The motion passed unanimously.

ADJOURNMENT [6:05 P.M.]

Following the meeting, a reception was held to honor the retirement of Councilmember Dan Davis.


Danna Welter, City Secretary

CITY OFFICERS ELECTION
MAY 6, 2000
AT-LARGE POSITIONS

CITY OFFICERS ELECTION RESULTS
VOTERS BY CITY PRECINCTS

POSITION/ CANDIDATE	EARLY	101	102	201	205	206	301	401	TOTAL
<u>POSITION 1</u>									
STEED SMITH	184	4	85	54	186	41	23	27	604
PAM CAREY	105	28	76	80	132	55	51	43	570
<u>POSITION 2</u>									
CHARLES W. SMITHER, JR.	129	14	89	62	126	24	42	37	523
MARJORIE REX	169	15	83	77	199	54	28	40	665
<u>POSITION 3</u>									
VANCE HOWARD	249	21	121	102	266	62	49	51	921
<u>POSITION 4</u>									
JOHN STRICKLAND	134	12	94	65	152	36	28	47	568
DAVID MARTINEZ	155	15	80	72	164	50	41	27	604

CITY OFFICERS ELECTION MAY 6, 2000 AT-LARGE POSITIONS

CITY OFFICERS ELECTION RESULTS VOTERS BY CITY PRECINCTS									
POSITION/ CANDIDATE	EARLY	101	102	201	205	206	301	401	TOTAL
<u>POSITION 1</u> STEED SMITH	184	4	85	54	186	41	23	27	604
PAM CAREY	105	28	76	80	132	55	51	43	570
<u>POSITION 2</u> CHARLES W. SMITHER, JR.	129	14	89	62	126	24	42	37	523
MARJORIE REX	169	15	83	77	199	54	28	40	665
<u>POSITION 3</u> VANCE HOWARD	249	21	121	102	266	62	49	51	921
<u>POSITION 4</u> JOHN STRICKLAND	134	12	94	65	152	36	28	47	568
DAVID MARTINEZ	155	15	80	72	164	50	41	27	604

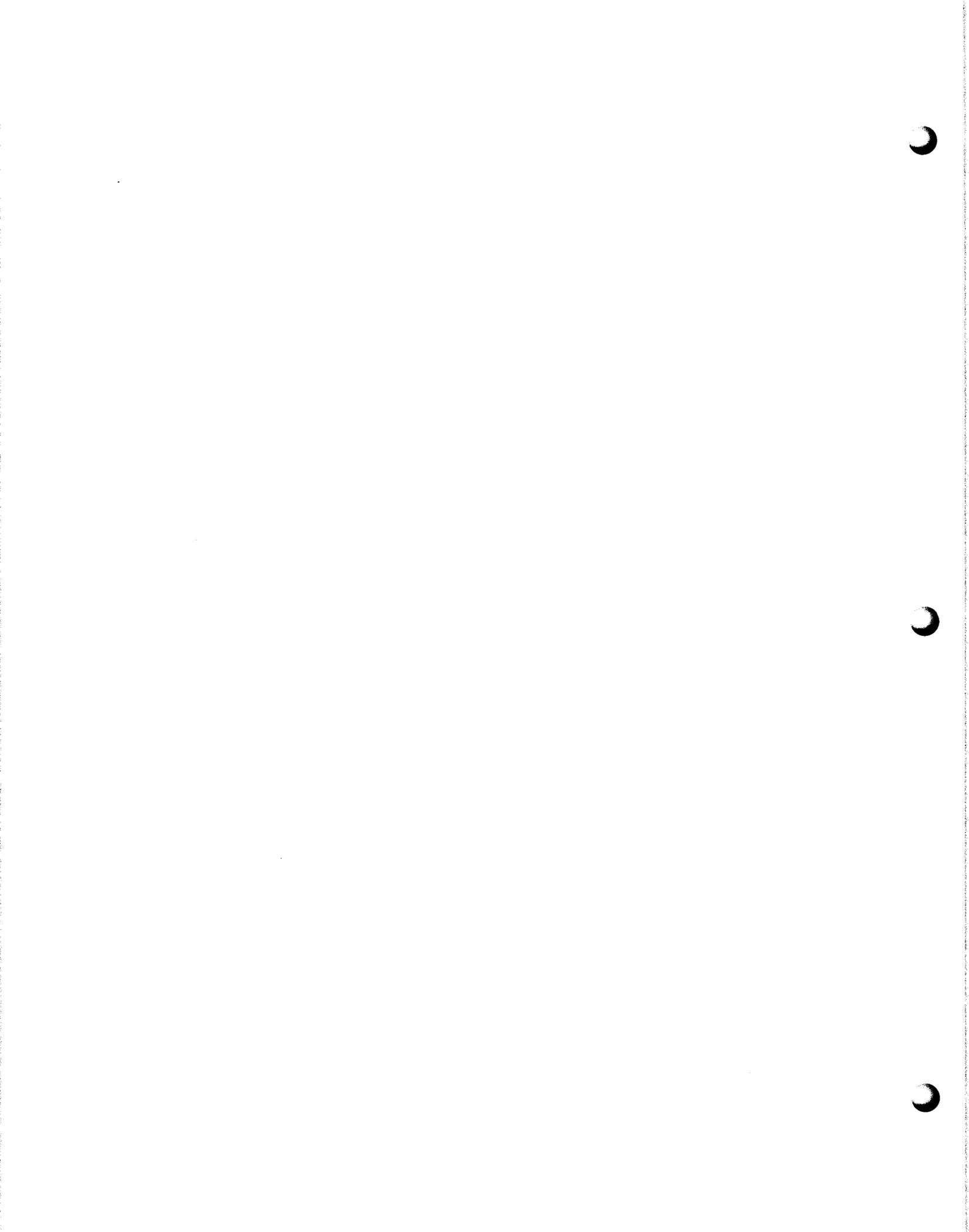
Total voters casting ballots in Early Voting - 298	2% of total registered;	24% of total votes;
Total voters casting ballots in Precinct 101 - 32	3% of total registered in 101;	3% of total votes;
Total voters casting ballots in Precinct 102 - 174	6% of total registered in 102;	14% of total votes;
Total voters casting ballots in Precinct 201 - 139	6% of total registered in 201;	11% of total votes;
Total voters casting ballots in Precinct 205 - 325	17% of total registered in 205;	26% of total votes;
Total voters casting ballots in Precinct 206 - 96	14% of total registered in 206;	8% of total votes;
Total voters casting ballots in Precinct 301 - 86	4% of total registered in 301;	7% of total votes;
Total voters casting ballots in Precinct 401 - 77	3% of total registered in 401.	6% of total votes.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION

TOTAL NUMBER OF REGISTERED VOTERS - 101	1,188	
TOTAL NUMBER OF REGISTERED VOTERS - 102	2,997	
TOTAL NUMBER OF REGISTERED VOTERS - 201	2,315	
TOTAL NUMBER OF REGISTERED VOTERS - 205	1,889	
TOTAL NUMBER OF REGISTERED VOTERS - 206	691	
TOTAL NUMBER OF REGISTERED VOTERS - 301	2,263	
TOTAL NUMBER OF REGISTERED VOTERS - 401	2,931	
	TOTAL REG.	14,274

PERCENTAGE OF REGISTERED VOTERS WHO VOTED

9%



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 15TH DAY OF AUGUST 2000, 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 a regular session with the following members present:

COUNCILMEMBER:

William B. Green, Mayor

Mark Erb

Vance Howard

JoAnn Castille

Steed Smith

Officers:

Bob Hart, City Manager

Paul Isham, City Attorney

Danna Welter, City Secretary

Absent: Marjorie Rex, Dave Luning, David Martinez

CALL TO ORDER

Mayor Green called the meeting to order.

INVOCATION

Invocation by Bob Hart, City Manager.

PROCLAMATION

Mayor Green presented Wayne Sorge, KSAM, with a proclamation thanking him for his service to the City over the past decade.

STATUTORY AGENDA

1. Approve Ordinance 2000-08-15.1 canvassing the returns of the Special Municipal Election held within Ward 4 of the City on the 12th day of August, 2000, for the purpose of electing a Councilmember for the unexpired term of Councilmember, Ward 4.

ORDINANCE NO. 2000-08-15.1

AN ORDINANCE CANVASSING THE RETURNS OF THE SPECIAL MUNICIPAL ELECTION HELD WITHIN WARD FOUR OF THE CITY OF HUNTSVILLE ON THE 12TH DAY OF AUGUST, 2000, 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

RALPH A. DAVIS, JR.	319
PAM CAREY	23
WRITE-INS	0

Councilmember Castille made a motion to approve Ordinance 2000-08-15.1 canvassing the returns of the Special Municipal Election held on August 12, 2000, electing Ralph A. Davis, Jr. to the unexpired term of Councilmember, Ward 4, and Councilmember Smith seconded the motion. The motion passed unanimously. NOTE: Councilmembers Rex, Luning and Martinez absent.

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 8TH DAY OF MAY, 2001, 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 a regular session with the following members present:

COUNCILMEMBER:

William B. Green, Mayor
 Mark Erb
 David Martinez
 Vance Howard
 Gary Crawford

Ralph A. Davis, Jr.
 JoAnn Castille
 Steed Smith
 John Escobedo

Officers:

Bob Hart, City Manager
 Paul Isham, City Attorney
 Danna Welter, City Secretary

Absent: Marjorie Rex, Dave Luning

CALL TO ORDER [5:15 p.m.]

Mayor Green called the meeting to order.

INVOCATION

Invocation by Bob Hart, City Manager.

ELECTION MATTERS

1. Approve Ordinance 2001-05-08.1 canvassing the regular municipal election held within the City of Huntsville on the 5th day of May, 2001, for the purpose of electing a Mayor At-Large, as presented by Danna Welter, City Secretary.

ORDINANCE NO. 2001-05-08.1

AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 5TH DAY OF MAY 2001, FOR THE PURPOSE OF ELECTING A MAYOR AT-LARGE; 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

LERROY BAILEY, SR.	399
BILL GREEN	1066

CITY OFFICERS ELECTION RESULTS VOTERS BY CITY PRECINCTS									
POSITION/ CANDIDATE	EARLY	101	102	201	205	206	301	401	TOTAL
MAYOR									
LERROY BAILEY, SR.	84	45	45	24	52	41	85	23	399
BILL GREEN	335	19	120	90	338	56	53	55	1066

Total voters casting ballots in Early Voting - 419
 Total voters casting ballots in Precinct 101 - 65
 Total voters casting ballots in Precinct 102 - 166
 Total voters casting ballots in Precinct 201 - 116
 Total voters casting ballots in Precinct 205 - 390
 Total voters casting ballots in Precinct 206 - 97
 Total voters casting ballots in Precinct 301 - 135

29% of total;
 4% of total;
 11% of total;
 8% of total;
 27% of total;
 7% of total;
 9% of total;

Total voters casting ballots in Precinct 401 - 78

5% of total.

TOTAL NUMBER OF VOTERS CASTING BALLOTS IN THIS ELECTION	1466
TOTAL NUMBER OF REGISTERED VOTERS - 101	2129
TOTAL NUMBER OF REGISTERED VOTERS - 102	2781
TOTAL NUMBER OF REGISTERED VOTERS - 201	2189
TOTAL NUMBER OF REGISTERED VOTERS - 205	2008
TOTAL NUMBER OF REGISTERED VOTERS - 206	692
TOTAL NUMBER OF REGISTERED VOTERS - 301	2346
TOTAL NUMBER OF REGISTERED VOTERS - 401	2726

TOTAL NUMBER OF REGISTERED VOTERS 14,871

PERCENTAGE OF REGISTERED VOTERS WHO VOTED 10%

1. Councilmember Castille made a motion to approve Ordinance 2001-05-08.1 canvassing the regular municipal election held within the City of Huntsville on the 5th day of May, 2001, electing William B. Green as Mayor At-Large, and Councilmember Howard seconded the motion. The motion passed unanimously.

2. Administration of the Oath of Office to the newly elected members of City Council, as presented by Danna Welter. City Secretary Danna Welter administered the Oath of Office to: Mark Erb, Councilmember Ward 1, John Escobedo, Councilmember Ward 2, Gary Crawford, Councilmember Ward 3, Ralph A. Davis, Jr., Councilmember Ward 4, and Bill Green, Mayor.

3. Consider the election of a Mayor Pro Tem.
Councilmember Howard made a motion to elect Marjorie Rex as Mayor Pro Tem, and Councilmember Erb seconded the motion. The motion passed unanimously.

PUBLIC HEARING

Receive input on amendments to the Development Code - Flood Hazard District. Mayor Green opened the public hearing and continued it until May 22.

PUBLIC COMMENTS

1. Charles Smither, Jr. Mr. Smither commented that the new members of Council should read all materials presented before voting on issues.
2. Dan Davis. Mr. Davis noted that this is National Small Business Week and Tourism Week.
3. Recognize remaining two winners of the Golf Course Naming Contest – Anne Sigler and Kenneth Scheffer. Mayor Green presented Ms. Sigler and Mr. Scheffer with a certificate, \$50.00 and a Titlest golf club, and thanked them for their entry of Raven Nest.

CONSENT AGENDA

1. Approve Amendment No. 1 to the Airport Project Participation Agreement - Master Plan, to revise the project cost from \$100,000 to \$130,000 and the City's participation from \$10,000 to \$13,000.
2. Accept the gift of 0.261 acres on 10th Street between Avenue J and University Avenue by Don Mathews and extend our thanks for his generous offer.
3. Approve Resolution 2001-05-08.1 supporting the nomination of a tract of land containing approximately 67 acres to the Enterprise Zone Map, as a potential industrial site.
4. Approve Resolution 2001-05-08.2 giving consent to a project for Huntsville Memorial Hospital.
Councilmember Howard made a motion to approve the Consent Agenda, and Councilmember Erb seconded the motion. The motion passed unanimously.

STATUTORY AGENDA

1. Approve architectural firm of Wagner and Klein, Inc. of Fredericksburg as the architects for the Wynne Home Project, on behalf of the Huntsville Arts Commission and the Wynne Home Project Physical Structure Team at a cost not to exceed \$80,000, as presented by J. D. Schindler, Director of Community Services.

The City of Huntsville has accepted the gift of the historic Wynne Home, 1428 11th Street, from Samuella Palmer and has agreed to rehabilitate and use the structure for cultural activities, according to the terms of the gift deed. After a public-input process, the City Council agreed that the structure would be converted into an arts center with secondary use of meeting space and administrative offices. The Huntsville Arts Commission has appointed five teams to work on the Wynne Home Art Center development, and now together with the Physical Structure Team, makes the recommendation to contract with Wagner and Klein, Inc. of Fredericksburg as the architects for the Wynne Home Project.

Councilmember Martinez made a motion to authorize the City Manager to execute an architectural contract with Wagner and Klein, Inc. for the Wynne Home Project, at a cost not to exceed \$80,000 to be funded from budgeted funds, and Councilmember Davis seconded the motion. The motion passed unanimously.

2. Authorize the Huntsville Convention & Visitors Bureau to enter into a contract with Chandler, Brooks & Donahoe, Inc. to prepare a Tourism Assessment and Recommendations for the City of Huntsville and the Huntsville - Walker County Chamber of Commerce in an amount not to exceed \$28,000 and authorize the transfer of \$3,000 from the Visitors Center Reserves, as presented by J. D. Schindler.

A tourism assessment study will be conducted for the overall enhancement and improvement of the image of the community and the continued growth of the local market and tourism industry. This assessment will focus on Marketing issues - advertising, public outreach and marketing materials; Community issues: curb appeal, ease of getting around (wayfinding & signage) and the appearance of the entrances to the city (beautification); and Business - lodging, dining, entertainment options, business signage, attractions and amenities. The report and recommendations from this study will help community leaders to prioritize opportunities to enhance the community and to attract more visitors.

The tourism industry has become one of the fastest growing industries in the in the State of Texas. Tourism in the City of Huntsville has also grown significantly, but multiple opportunities for growth and improvement are pending now and it seems to be a prime time to assess the local environment and plan to capture more of the tourism market that passes daily on Interstate 45. A request for qualifications was sent to several firms in the tourism promotion and development industry and two proposals were received. Travel Destination Company of Marietta, Georgia and Chandler, Brooks & Donahoe, Inc. of Olympia, Washington submitted proposals. Both firms are highly qualified in this field.

Councilmember Howard made a motion to authorize the Huntsville Convention & Visitors Bureau to enter into a contract with Chandler, Brooks & Donahoe, Inc. to prepare a Tourism Assessment and Recommendations for the City of Huntsville and the Huntsville - Walker County Chamber of Commerce in an amount not to exceed \$28,000, and authorize the transfer of \$3,000 from the Visitors Center Reserves, and Councilmember Erb seconded the motion. The motion passed unanimously.

MAYOR ACTIVITY REPORT

1. Appointment of City Council standing committees.

Mayor Green stated that Personnel Committee would consist of Councilmember Rex as Chairman, and Councilmembers Davis, Martinez and Escobedo. The Finance Committee would be Chaired by Councilmember Howard, with Councilmembers Erb, Smith and Crawford as members.

2. Approve appointment of Ed Owens, Jr. as a Commission on the Huntsville Arts Commission, as recommended by the Commission.

Councilmember Howard made a motion to approve the appointment of Ed Owens, Jr. as Commission on the Arts Commission, and Councilmember Smith seconded the motion. The motion passed unanimously.

3. Approve appointments to the Walker County Public Safety Communication Center Executive Board.

Mayor Green stated that he would like to appoint Councilmember Rex as the Council Representative to the Board. He also stated that Donna Zuniga had resigned and he would like to replace her with Dave Luning.

Councilmember Howard made a motion to appoint Councilmember Rex as the City Councilmember Representative and to appoint Dave Luning to the unexpired term of Donna Zuniga, and Councilmember Erb seconded the motion. The motion passed unanimously.

4. Pre-Budget Work Shop - May 18 and 19.
Mayor Green reminded City Councilmembers of the Work Shop on May 18 and 19.

CITY COUNCILMEMBER REPORT

1. Authorize allocation of \$14,060, with Walker County allocating \$14,060, for a Communication System Study, as recommended by the Walker County Public Safety Communication Center Executive Board, to be funded from reserve for special projects, as presented by Councilmember Howard.

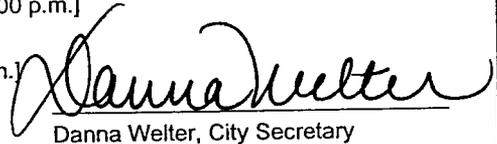
Twenty different agencies utilize the Walker County Public Safety Communication Center for dispatch services. The communication system between the Dispatch Center and among the various agencies is not currently entirely compatible. In earlier budget discussions the need for a comprehensive study was identified. However such a study was not included in the budget because an agreement had not been reached with the Walker County Public Safety Communication Center Executive Board and the Commissioners Court of Walker County. An agreement has been reached to engage TCS Consultants Inc. to conduct such a study. The request for the placement of this agenda item come from City Council representatives on the Board-Councilmember Vance Howard, and former Councilmember Dave Luning.

Councilmember Howard made a motion to Authorize allocation of \$14,060, with Walker County allocating \$14,060, to contract with TCS Consultants, Inc., for a Communication System Study, as recommended by the Walker County Public Safety Communication Center Executive Board, to be funded from reserve for special projects, and Councilmember Erb seconded the motion. The motion passed unanimously.

WORK SESSION [6:05 p.m. - 7:00 p.m.]

Discuss community wellness report.

ADJOURNMENT [7:00 p.m.]


Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 7TH DAY OF MAY, 2002, 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 a regular session with the following members present:

COUNCILMEMBERS:

William B. Green, Mayor
Gary Crawford
Ralph A. Davis, Jr.
Mark Erb
John Escobedo

Vance Howard
David Martinez
Marjorie Rex
Steed Smith

OFFICERS:

Bob Hart, City Manager
Paul Isham, City Attorney
Danna Welter, City Secretary

CALL TO ORDER [5:15 p.m.]

Mayor Green called the meeting to order.

INVOCATION

The invocation was led by City Manager Bob Hart.

PUBLIC COMMENTS

1. Mayor Green read Public Works Week Proclamation for the week of May 19-25, 2002.

ELECTION MATTERS

1. Approve Ordinance 2002-05-07.1 canvassing the regular election held within the City of Huntsville on the 4th day of May 2002, for the purpose of electing At-Large Councilmember Positions Two and Four. Councilmember Howard made a motion to approve Ordinance 2002-05-07.1 canvassing the regular election held within the City of Huntsville on the 4th day of May 2002, for the purpose of electing At-Large Councilmember Positions Two and Four; and Councilmember Rex seconded the motion. The motion passed unanimously.
2. Administration of the Oath of Office by City Secretary Danna Welter to the newly elected and reelected members of City Council Vance Howard, Steed Smith, Jack Choate and Judy Kayse.
3. Consider the election of a Mayor Pro Tem. Councilmember Erb made a motion to elect Vance Howard as Mayor Pro Tem; and Councilmember Smith seconded the motion. The motion passed unanimously.
4. Official Returns for the City of Huntsville City Officers Election held Saturday, May 4, 2002 for the purpose of electing At-Large Councilmembers Positions 2 and 4:

**CITY OFFICERS ELECTION RESULTS
VOTERS BY CITY PRECINCTS**

Position/Candidate	Early	101	102	201	205	206	301	401	TOTAL
POSITION 2									
JUDY KAYSE	169	8	77	75	205	42	26	34	636
WANDA HORTON	166	47	62	37	101	34	66	20	533
POSITION 4									
JACK K. CHOATE	215	7	119	94	319	53	24	40	871
MICHAEL WILLIAMS	135	45	29	31	37	22	73	18	390

	Registered	Voters Voted			Percentage
	Voters	Early	Election Day	Total	
Precinct 101	1151	27	56	83	7%
Precinct 102	2730	103	157	260	10%
Precinct 201	2188	53	131	184	8%
Precinct 205	2066	61	374	435	21%
Precinct 206	707	39	83	122	17%
Precinct 301	2364	44	102	146	6%
Precinct 401	2710	26	68	94	3%
Total	13,916	353	971	1324	10%

CONSENT AGENDA

1. Authorize the purchase of the "Win-Flex" SCADA upgrade from AtKo Consulting at a cost of \$14,250.00 to be funded from Water Fund, Reserve for Future Allocation.
2. Approve the First Amendment to the Contract for Services between the City of Huntsville and Huntsville's Promise, Inc. for services with regard to the TIF grant.
3. Approve the contract for Services between the City of Huntsville and Aries Research, Inc. for creation of Community Network web site as funded through TIFb CN2 grant.
4. Approve Resolution 2002-05-07.1, dedicating the Montgomery Road Right-Of Way and adjoining Park and Green space.
5. Approve the purchase of a wireless alarm system at a cost not to exceed \$3,995.00 to be funded from police department forfeiture funds.
6. Approve decreasing the number of police department lieutenant positions by one (1) and increasing the number of sergeant positions by two (2).
7. Authorize the police department to submit an application to fund five officers through COPS in Schools Grant.
8. Authorize the police department to submit an application to fund two officers through COPS Universal Hiring Grant.
9. Accept the four-year lease option offered by Professional Turf Products in the amount of \$84,571.68 per year, payments to begin in FY 2002-03, and authorize the purchase of the two items in the amount of \$12,750.00 from Jones Equipment to be paid from the FY 2001-02 budgeted funds.
Staff requested that item 4 and Councilmember Escobedo requested that item 6 be pulled from the consent agenda for further discussion. Councilmember Howard made a motion to approve the Consent Agenda with the exception of items 4 and 6; and Councilmember Erb seconded the motion. The motion passed unanimously. (Note: Councilmember Crawford absent.)
4. Approve Resolution 2002-05-07.1, dedicating the Montgomery Road Right-Of Way and adjoining Park and Green space.
 The subject land was purchased for the extension of Montgomery Road and the remaining land was to be utilized as a greenbelt and entrance site for the University. The dedication of the proposed right of way will allow ample room for future utility extensions, if needed, and the dedication of the adjoining park/green space area will insure the future preservation of the natural beauty of the area.
Councilmember Erb made a motion to approve Resolution 2002-05-07.1, dedicating the Montgomery Road Right-Of Way and adjoining park and green space contingent upon approval of the platting by Planning and Zoning Commission; and Councilmember Howard seconded the motion. The motion passed unanimously.
6. Approve decreasing the number of police department lieutenant positions by one (1) and increasing the number of sergeant positions by two (2).
 The current organizational structure has been in place for fourteen/fifteen years. Due to the growth of the Department in size, additional responsibilities and providing additional services, there is a demand for more front-line supervisors. Recently we have had a vacancy in one (1) lieutenant position, which has enabled us to evaluate our supervision/management needs within our Department.
Councilmember Escobedo made a motion to approve decreasing the number of police department lieutenant positions by one (1) and increasing the number of sergeant positions by two (2); and Councilmember Erb seconded the motion. The motion passed unanimously.

STATUTORY AGENDA

1. Approve the Second Amendment to Developer Agreement and authorize the City Manager to sign the Amendment on behalf of the City.
 On December 12, 2000, the City Council approved a developer contract with West Hill Park Joint Venture ("WHP")(Tom Curtis) and Home Depot to build a Home Depot store in Huntsville on a tract of land adjacent to the proposed Parkwood Drive and Interstate Highway 45 West Feeder Road. The City Council approved a revision to the

developer contract on January 23, 2001. The original developer contract with WHP set out certain requirements relative to escrowed funds and signage along Interstate Highway 45 West Feeder Road. The Developer Contract was amended in October, 2001, to permit a temporary monument sign at the intersection of S.H. 30 and Veteran's Memorial Parkway until such time as the new on/off ramps on I.H. 45 are constructed by Texas Department of Transportation (TxDOT). The amendment required that the temporary monument sign be placed outside City and State right-of-way. WHP has not been able to obtain property along Veteran's Memorial Parkway for the temporary monument sign and has requested that it or Home Depot be permitted to place the sign in City right-of-way on the northwest corner of S.H. 30 and Veteran's Memorial Parkway. The sign will meet all other Code regulations. City staff is agreeable to this change.

As part of the Home Depot development, an easement was granted to the City by TDCJ for the construction of a drainage detention pond on TDCJ property. As part of the condition of granting the easement to the City, TDCJ required that a fountain be installed in the detention pond. In addition to the Developer Agreement, WHP and City entered into an Agreement to Construct Public Improvements wherein WHP escrowed an additional \$374,695.00 (additional to the \$520,000.00 escrowed under the Developer Contract) to cover the costs of improvements for Veteran's Memorial Parkway Extension, off-site sewer, and the detention pond with fountain. WHP has requested that the City refund a portion of the escrowed funds, \$20,202.50, so that it can pay for the fountain directly. Since this is money escrowed with the City by WHP for the cost of the improvements, the City staff does not object to this refund so that WHP can pay for the fountain directly.

The Second Amendment attached hereto amends the sections of the Developer Agreement to accomplish the above-described changes.

Councilmember Crawford made a motion to approve the Second Amendment to Developer Agreement and authorize the City Manager to sign the Amendment on behalf of the City; and Councilmember Smith seconded the motion. The motion passed unanimously. (Note: Councilmember Crawford present for remainder of meeting.)

2. Approve Resolution 2002-05-07.2, approving the City of Huntsville Flood Mitigation Plan by Klotz and Associates in conjunction with the grant requirements by the Texas Water Development Board funded through the Federal Emergency Management Agency.

In August, 2001 the City of Huntsville entered into a \$66,667.00 flood mitigation planning grant with the Texas Water Development Board which was a 75/25% grant funded through the Federal Emergency Management Agency (FEMA). The \$16,667.00 City's share and the \$50,000.00 FEMA share comprised the funding of this grant. In September, 2001 the City of Huntsville received approval from the Texas Water Development Board to enter into a subcontract with Klotz and Associates under contract number 2001-001-031 to begin the flood study.

Councilmember Erb made a motion to approve Resolution 2002-05-07.2, approving the City of Huntsville Flood Mitigation Plan by Klotz and Associates in conjunction with the grant requirements by the Texas Water Development Board funded through the Federal Emergency Management Agency; and Councilmember Crawford seconded the motion. The motion passed unanimously.

3. Approve Resolution No. 2002-05-07.3, approving and accepting the conveyance of a stormwater detention pond from Gibbs Brothers.

As part of the development of Phase II of the Arbors Apartments, the City required the construction of a detention pond to handle drainage. Gibbs Brothers owned the property where the detention pond is located and granted an easement to the City for the drainage flow and detention pond. An agreement was entered into between Gibbs Bros., University Heights Baptist Church, and the Arbors for Arbors to maintain the detention pond. That agreement provides that Gibbs Bros. will use reasonable efforts to have the City assume the responsibility of maintaining the detention pond. The maintenance costs are to be shared equally by the parties.

Gibbs Bros. has approached the City and has offered to convey the detention pond property to the City if the City would assume maintenance of the pond. Each party will pay one-fourth of the cost of maintenance, i.e. Gibbs Bros., UHBC, the Arbors, and the City. The City contributes to the drainage flow captured by the detention pond and staff is agreeable to accepting the conveyance of the detention pond and paying for a fourth of the maintenance costs.

This resolution authorizes and approves the conveyance of the detention pond property to the City, assumption of the responsibility of maintaining the pond, paying one-fourth of the maintenance costs, and authorizing the City Manager to execute any documents approved by the City Attorney and required for the transfer of the detention pond and assumption of maintenance responsibilities.

Councilmember Howard made a motion to approve Resolution No. 2002-05-07.3, approving and accepting the conveyance of a stormwater detention pond from Gibbs Brothers; and Councilmember Smith seconded the motion. The motion passed unanimously.

4. Authorize the City Manager to enter into a Contract with Wisenbaker, Fix and Assoc. in the amount of \$8,000.00 to prepare a preliminary engineering report to provide wastewater service to the Timberwilde area to be funded from budgeted funds.

Discussions with the developer in Timberwilde have led to encouraging the development of the area with city wastewater service. Since this is also an area open for potential annexation discussion, and since it is not included in

the "Huntsville Plan", future expansion costs need to be defined before development discussions can continue.

Councilmember Smith made a motion to authorize the City Manager to enter into a Contract with Wisenbaker, Fix and Assoc. in the amount of \$8,000.00 to prepare a preliminary engineering report to provide wastewater service to the Timberwide area to be funded from budgeted funds; and Councilmember Crawford seconded the motion. The motion passed unanimously.

5. Approve the name change for that portion of Avenue F between F.M. 2821 and 13th Street to Martin Luther King Drive.
Councilmember Crawford made a motion to approve the name change for that portion of Avenue F between F.M. 2821 and 13th Street to Martin Luther King Drive; and Councilmember Erb seconded the motion. The motion passed unanimously.

6. Authorize the City Manager to enter into an engineering contract with Wisenbaker, Fix and Associates for the design of the Parker Creek Collector Sewer Lines (PC-1) in an amount not to exceed \$121,000.00 to be funded from budgeted funds.

The Parker Creek Collector Sewer Lines project will provide first time sewer service to an area along F.M. 247 which will include Town & Country, McAdams Lane and Pine Hollow. This area is within the City Limits and was developed on small lots which are currently operating with malfunctioning septic tanks that cannot be restructured to meet existing City and State codes for on-site sewer systems. The Health Division has reviewed numerous complaints in this area and has requested expediting city services to resolve the potential health issues in the area.

Funds in the amount of \$71,300.00 are currently budgeted for the design of this system with the remaining engineering and construction funds to be budgeted in FY 2002-2003.

Total project cost is estimated at \$752,000.00 as per the attached cost estimate.

Councilmember Smith made a motion to authorize the City Manager to enter into an engineering contract with Wisenbaker, Fix and Assoc. for the design of the Parker Creek Collector Sewer Lines (PC-1) in an amount not to exceed \$121,000.00 to be funded from budgeted funds; and Councilmember Howard seconded the motion. The motion passed unanimously.

7. Councilmember Crawford made a motion to reconsider Item 5 for restatement; and Councilmember Erb seconded the motion. The motion passed unanimously.

8. Councilmember Crawford made a motion to approve the name change for that portion of Avenue F between F.M. 2821 and 13th Street to Martin Luther King, Jr. Drive; and Councilmember Erb seconded the motion. The motion passed unanimously.

9. Approve participation in a water and sewer utility extension to a 1.99-acre tract owned by Charles Thompson located on I.H. 45 at the Goree overpass on a 50% basis with the City cost not to exceed \$85,406.00 to be funded from budgeted funds.

Charles Thompson, owner of a 1.99-acre tract located along IH-45 Feeder south of the new Veteran's Memorial Parkway and adjacent to the Elkins Lake Golf Course, has requested the City's participation in the extension of sanitary sewer and water service. Mr. Thompson is requesting the city to bear 50% of the estimated cost of \$93,647.00 for the sanitary sewer line and 50% of \$77,165.00 for the water line extension. Mr. Thompson purchased the 1.99-acre tract from the Texas Department of Criminal Justice in 1997 at the time the Elkins Lake Recreation Corporation purchased the surrounding property for their proposed golf course. During the platting process, Elkins Lake Rec. Corp. provided a 20' sanitary sewer easement through the golf course to connect to the 1.99 acre tract and a 20' utility easement parallel to the I.H.45 right of way for the construction of a future water line. Mr. Thompson's letter indicates the proposed use of the tract is for a shopping center development.

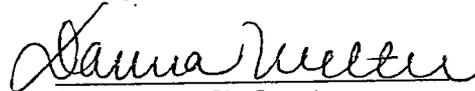
Councilmember Smith made a motion to approve participation in a water and sewer utility extension to a 1.99-acre tract owned by Charles Thompson located on I.H. 45 at the Goree overpass on a 50% basis with the City cost not to exceed \$85,406.00 to be funded from budgeted funds; and Councilmember Howard seconded the motion. The motion passed unanimously.

MAYOR/CITY MANAGER ACTIVITY REPORT

1. Program/Project Status:
 - a. Mayor's Appointments to Council Committees:
 - 1) Finance Committee: Vance Howard (Chair), Ralph Davis, Judy Kayse, Steed Smith.
 - 2) Personnel Committee: Mark Erb (Chair), Jack Choate, Gary Crawford, John Escobedo.
 - b. City Manager Project Updates:
 - 1) Old Colony Road/Geneva Road area: dumpsters were placed in the area following the community meeting; 6.5 tons of trash has been removed from that area.
 - 2) Trash Pickup: 2 tons of trash has been picked up around the City, not counting the free trash day.
 - 3) Flushing Elkins Lake: the flush valves were installed and flushing was done last week.
 - 4) Arterial: Both sections were opened last week in order to assist TXDOT with traffic flow around the TXDOT

- closing of SH-30 at IH-45 on Sunday.
- 5) AMCC: The Association of Mayors, Councilmembers and Commissioners will hold their annual meeting in El Paso July 25-27. Please notify the staff as soon as possible if you would like to attend so arrangements and reservations can be made.
 - 6) TDCJ Breakfast: The TDCJ Board will be meeting at the end of this month. We have a breakfast scheduled for the Board at City Hall on Friday, May 24, 7:30-8:30am.
 - 7) June Council meetings will be left on the scheduled dates, even though the Mayor will be out of town for the June 4th meeting.
 - 8) Trash pickup: Councilmember Smith suggested considering having more frequent free trash days (quarterly, etc.) to further the City's community clean up efforts. Another suggestion was to put the dumpsters out in the neighborhoods on a more regular basis.
 - 9) Councilmember Howard requested more information on the flushing at Elkins Lake. Director of Public Works Randy Brown went into more detail, stating that the flushing had not been done previously; that there were several 'dead' areas in the pipes that would require extensive flushing; and that the flushing will be done frequently at first with the goal of a six-month flushing schedule eventually instituted.
2. Future Events:
- | | | |
|---------|---------------|---|
| May 9 | 5:00-8:00pm | SBDC Community Appreciation Cookout for Small Businesses |
| May 9 | 7:00pm | Bluebonnet Groundwater Conservation District Public Meeting |
| May 10 | 12:00-6:00pm | City Council Budget Planning Session |
| May 11 | 8:00am-4:00pm | City Council Budget Planning Session |
| May 21 | 5:15pm | City Council Meeting |
| June 4 | 5:15pm | City Council Meeting |
| June 18 | 5:15pm | City Council Meeting |

ADJOURNMENT [6:00 p.m.]


Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 6TH DAY OF MAY, 2003, 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 a regular session with the following members present:

COUNCILMEMBERS:

William B. Green, Mayor
 Jack Choate
 Gary Crawford
 Ralph A. Davis, Jr.

Mark Erb
 John Escobedo
 Vance Howard
 Judy Kayse
 Steed Smith

OFFICERS:

Paul Isham, Acting City Manager
 Danna Welter, City Secretary

CALL TO ORDER [5:15 p.m.]

Mayor Green called the meeting to order.

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Pastor Richard Wuensche of Faith Lutheran Church led the invocation.

ELECTION MATTERS

- Approve Ordinance 2003-05-06.1, canvassing the regular election held within the City of Huntsville on the 3rd day of May 2003, for the purpose of electing Mayor At-Large and Councilmembers, Wards One, Two and Four.
Councilmember Kayse made a motion to Approve Ordinance 2003-05-06.1, canvassing the regular election held within the City of Huntsville on the 3rd day of May 2003, for the purpose of electing Mayor At-Large and Ward Four Councilmember, and Councilmember Choate seconded the motion. The motion passed unanimously.
- Official Returns for the City of Huntsville City Officers Election held Saturday, May 3, 2003 for the purpose of electing At-Large Mayor and Councilmember, Ward 4:

Mayor	Early	102	201	206	101	301	205	401	Total	
Karl Davidson	432	184	136	97	57	145	365	98	1514	
Dan S. Davis	414	119	129	61	29	36	348	74	1210	
Ward 1	Early	102	Total							
Joe Emmett	68	79	147							
Jim Willett	112	107	219							
Dorothy Shandera	65	53	118							
Matt Hannes	9	15	24							
Paul W. Knox	37	46	83							
Ward 2	Early	201	206	Total						
Mac Woodward	96	127	51	274						
John Strickland	37	55	36	128						
Mona Harrell Peck	29	40	34	103						
John Escobedo	33	41	30	104						
Ward 4	Early	205	401	Total						
Art Greene	95	273	81	449						
Bob Tavenner	127	399	81	607						

	Registered Voters	Early	Voters Voted Election Day	Total	Percentage
Precinct 101	1,057	30	86	116	11%
Precinct 102	2,694	293	303	596	22%
Precinct 201	2,248	144	269	413	18%
Precinct 205	2,076	190	713	903	43%
Precinct 206	687	56	162	218	32%
Precinct 301	2,142	84	181	265	12%
Precinct 401	1,950	49	172	221	11%
Total	12,854	846	1,886	2,732	21%

3. Administration of the Oath of Office to the newly elected members of City Council: Councilmembers Gary Crawford (Ward 3) and Bob Tavenner (Ward 4) and Mayor Karl Davidson, by City Secretary Danna Welter. Outgoing Mayor Green said a few words to the Council and Mayor Davidson said a few words.

PUBLIC COMMENTS

1. Darrell Hall. Mr. Hall asked the Council to tag certain items on the statutory agenda in order to allow the new mayor and councilmembers time to become familiar with the items. He also asked the conditions of the repayment of the loan on the golf course. Acting City Manager (ACM) Paul Isham responded that the loan was intended to be a 30-year, no interest loan with a balloon payment in the thirtieth year.
2. George and Sandi Grock. Mr. and Mrs. Grock complained about their utility and property tax rates. Mayor Davidson stated reduction in rates was a high priority for him.
3. Charles Smither, Jr. Mr. Smither spoke in opposition to the PGM program because the information requested at a previous Council meeting has not yet been made available to the public; he also requested that the loan not be made interest-free to the golf course, but rather charge the highest rate possible and make the decision to not pay back the interest until after 20 years. Mr. Smither also questioned the Council's objectives being filled out appropriately under the Council adopted policy governance model.
4. John Strickland. Mr. Strickland stated the golf course should be run as a business, and the proposed PGM program did not make 'business sense' on the City's part.
5. John Smither. Mr. Smither spoke at length in support of adoption of the revised Parks Master Plan. ACM Isham stated there would be a work session in conjunction with the Parks and Recreation Advisory Board to update the Council on their progress, and public hearings have been scheduled on May 12 and prior to the Council meeting on May 20. Please attend the public hearing and provide input.
6. Chuck Fields. Mr. Fields complained about the process to request permission to post signs for sports registration, etc. and the fact that Council meeting minutes have not been posted to the web site since March. Mr. Fields also stated the City staff has not been responsive to his calls.
7. Mona Peck. Mrs. Peck stated opposition to the proposed no-interest loan to the golf course, and stated the City should not lose out on the interest that would have been earned. She also stated the proposed PGM program should include other golf courses in our area to offer other places for those students to play and reduce the number of rounds played at the reduced rate on our course. Ms. Peck also stated the utility rates are not reviewed automatically and must be personally requested.
8. Leigh Ann Byrd. Ms. Byrd presented Mayor Davidson with a Capitol flag on behalf of his campaign staff and volunteers.

STATUTORY AGENDA

1. Consider the election of a Mayor Pro Tem.
Councilmember Smith made a motion to table this item until after the runoff election scheduled for May 31, 2003; and Councilmember Howard seconded the motion. The motion passed unanimously.
2. Take action if needed with respect to Ordinance 2003-05-06.2, calling a runoff election on May 31, 2003.
Councilmember Smith made a motion to approve Ordinance 2003-05-06.2, calling a runoff election for Wards 1 and 2 on May 31, 2003; and Councilmember Howard seconded the motion. The motion passed unanimously.
3. Authorize the Acting City Manager to execute the Agreement to Construct Public Improvements as submitted by ROBO Investments for development at Elks Drive and FM 1374.
ROBO Investments has submitted to the Planning and Zoning Commission and received approval of a plan to build a 96 unit townhouse/duplex unified development on a 10.96 acre tract located at Elks Drive and FM 1374. The development will include the extension of water, sewer, drainage and streets. Molly Drive will be extended as a public street with construction of two connecting private streets, Sendero Drive and Bolero Way. The Development Code requires the developer to enter into an agreement to construct the public improvements and provide surety to file the final plat. There is no City participation in the development.
Councilmember Howard made a motion to authorize the Acting City Manager to execute the Agreement to Construct Public Improvements as submitted by ROBO Investments for development at Elks Drive and FM 1374; and Councilmember Smith seconded the motion. The motion passed unanimously.
4. Authorize the Acting City Manager to sign the letter of understanding on behalf of the City, outlining the City's initial commitment for participation in a professional golf management degree program with Sam Houston State University.
Sam Houston State University (SHSU) is seeking to establish a Professional Golf Management (PGM) degree program which must be approved by the Professional Golf Association (PGA). One requirement for PGA approval is student access to a golf course for play, practice and internships, which can be accommodated by Raven Nest Golf Course. If selected, SHSU will be the only university in Texas to have such a program.
The letter of understanding outlines the City of Huntsville's initial three-year commitment through Raven Nest Golf Course to SHSU for the proposed PGM degree program through the College of Business Administration. Raven Nest will charge a fixed fee per PGM student per semester for use of the course and driving range practice facility under the direction of the Golf Pro as set forth in the letter of agreement. The proposed per semester fee schedule is \$150 for the first year, \$200 for the second year, and \$250 for the third year. The fee for future years will be negotiated, and any adjustments will be made upon joint agreement by the appropriate City and University officials.

It is anticipated that 40 to 50 students will enroll in the program during the first year, with a projected regular annual enrollment of approximately 300 students. SHSU has requested that the City provide the signed letter of understanding to be included with its application to the PGA.

Councilmember Choate made a motion to authorize the Acting City Manager to sign the letter of understanding on behalf of the City, outlining the City's initial commitment for participation in a professional golf management degree program with Sam Houston State University; and Councilmember Smith seconded the motion. Councilmember Escobedo requested that this item be tabled until after the May 31 runoff election. Mayor Davidson tagged this item to appear on the next scheduled council meeting's agenda.

5. Approve transfer of funds from the FY02-03 CIP Street Funds to Golf Course Fund and prepare no-interest, 30-year promissory notes from Golf Fund to CIP Fund and Water Reserve Fund to document loans to Golf Course Fund.

The cost of constructing Raven Nest Golf Course and the start-up costs for Raven Nest have caused a need for additional funds to the Golf Course Fund. The City Council conducted a workshop on the golf course on April 22, 2003. During the workshop, the Council identified several CIP street projects that could be delayed or canceled and the FY02-03 monies be loaned to the Golf Course Fund. Those projects are: 11th-10th Street (\$366,179); Economic Development (\$400,000); Funding of TXDOT Projects (\$200,000); Metro National E.D. (\$90,033); Land (\$160,000); for a total of \$1,216,212.

Staff understands that Council desires to transfer (loan) \$1,216,212 from the FY02-03 CIP Street Budget to the FY02-03 Golf Fund Budget and to document such transfer with a no-interest, 30-year note. In addition, on February 18, 2003, the Council approved a \$612,964 loan from the Water Reserve Fund to the Golf Course Fund. Staff further understands that Council desires to keep that loan in place, but to treat it as a no-interest, 30-year note.

Councilmember Howard made a motion to table this item until a future meeting; and Councilmember Crawford seconded the motion. The motion passed unanimously.

MAYOR/CITY MANAGER ACTIVITY REPORT

1. Mayor/City Manager/Councilmember Report.
 - a. City Auction Report
2. Future Events:

May 6	5:15pm	City Council Meeting; Canvass Election
May 20	5:15pm	City Council Meeting
May 26		Memorial Day (City offices closed)
June 3	5:15pm	City Council Meeting
June 5	5:00-9:00pm	Council Budget Workshop
June 6	9:00am-5:00pm	Council Budget Workshop
June 7	8:00am-12:00pm	Council Budget Workshop
June 17	5:15pm	City Council Meeting
June 19		Juneteenth (City offices closed)

MEDIA INQUIRIES

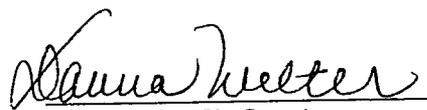
Mr. Sablatura of the Huntsville Observer asked about the terms of the loan. Will the golf course make periodic payments or is there a balloon note at the end? Will this money ever truly be paid off or is this a way to write off three million dollars worth of loans? ACM Isham stated that the intention was for the loan to be paid off once the golf course becomes profitable. Misty Foster of the Huntsville Item introduced herself as the new reporter covering the City.

RECESS [6:55 - 7:15 p.m.]

WORK SESSION [7:15 - 8:50 p.m.]

City Council conducted a joint work session with the Parks & Recreation Advisory Board to discuss updates to the Parks Master Plan.

ADJOURNMENT [8:50 p.m.]


Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 3RD DAY OF JUNE, 2003, 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 a regular session with the following members present:

COUNCILMEMBERS:

Karl Davidson, Mayor
 Jack Choate
 Vance Howard

Judy Kayse
 Bob Tavenner

OFFICERS:

Paul Isham, Acting City Manager
 Danna Welter, City Secretary

ABSENT: Mark Erb, John Escobedo, Gary Crawford, Steed Smith

CALL TO ORDER [5:15 p.m.]

Mayor Davidson called the meeting to order.

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Reverend Ellen Willett of First United Methodist Church led the invocation.

ELECTION MATTERS

1. Approve Ordinance 2003-06-03.1, canvassing the regular election held within the City of Huntsville on the 31st day of May 2003, for the purpose of electing Councilmembers, Wards One and Two.

Councilmember Howard made a motion to Approve Ordinance 2003-06-03.1, canvassing the regular election held within the City of Huntsville on the 31st day of May 2003, for the purpose of electing Councilmembers, Wards One and Two; and Councilmember Choate seconded the motion. The motion passed unanimously.

2. Official Returns for the City of Huntsville City Officers Election held Saturday, May 31, 2003 for the purpose of electing Councilmembers, Wards One and Two:

Ward 1	Early	102	Total
Joe Emmett	88	74	162
Jim Willett	117	96	213

Ward 2	Early	201	206	Total
Mac Woodward	87	92	34	213
John Strickland	41	56	26	123

	Registered		Voters Voted		Percentage
	Voters	Early	Election Day	Total	
Precinct 102	2,694	205	171	376	14%
Precinct 201	2,246	85	148	233	10%
Precinct 206	690	43	60	103	15%
Total	5,630	333	379	712	13%

3. Administration of the Oath of Office to the newly elected members of City Council: Councilmember Jim Willett (Ward One) and Councilmember Mac Woodward (Ward Two), by City Secretary Danna Welter.
4. Consider the election of a Mayor Pro Tem.
Councilmember Choate made a motion to name Councilmember Vance Howard as Mayor Pro Tem; and Councilmember Kayse seconded the motion. The motion was approved unanimously.

PRESENTATIONS

1. Mayor Davidson recognized Kim Ward, Huntsville-Walker County Communications Center Supervisor, for her recent award by the Greater Houston EMS Council as Communicator of the Year for outstanding service to Harris County, Walker County and surrounding areas, and presented her with a gold star from the City.
2. Kacey Krystyniak, Executive Director of Huntsville's Promise, gave a brief presentation and demonstration of Huntsville's Promise newly-installed kiosks.

PUBLIC HEARING on TCDP OCR PHASE I CLOSEOUT

Public Hearing required by the City's contract with the Texas Community Development Program regarding the completion of the grant-funded, phase one installation of first-time sewer service in the Old Colony Road neighborhood. Christina Laktas of Gary Traylor and Associates opened with a few comments. Ms. Laktas announced that the City had recently also been awarded a second grant for Phase II of the sewer service project, and provided Council some details on what Phase I of the project had accomplished.

1. Charles Smither, Jr. Mr. Smither commented that the results of the grant project should be open to the public so that they can be viewed prior to the end of the project. Ms. Laktas responded that the grant documents are available for the public at the Service Center.

PUBLIC HEARING on TEXAS CAPITAL FUND

Public Hearing for citizen input prior to the development of a grant application to the Texas Department of Agriculture – Texas Capital Fund. Mark Leonard, Grant Coordinator, opened the public hearing with a few comments about the grant process.

1. Joe Elliott. Mr. Elliott spoke as a member of the Literacy Council, requesting that any businesses that may benefit by any grant from the TCF be open to allow input from the Literacy Council to help problem solve and/or promote literacy issues from within their businesses.
2. Hollis Murray. Ms. Murray shared her insights as a Literacy Council counselor, and reiterated Mr. Elliott's request.
3. Carolyn Leonard. Mrs. Leonard clarified the workforce literacy program, in that private businesses that may benefit from the Texas Capital Fund be asked to participate in literacy advancement.

PUBLIC COMMENTS

Mayor Davidson asked that persons addressing Council follow these guidelines: 1) State the topic; 2) Be as clear as possible; 3) State what you have done to rectify the issue. 4) Explain what you would like the City to do specifically; and 5) Please limit your remarks to five minutes.

1. Darrel Hall. Mr. Hall spoke at length in opposition to the City reaffirming their contribution to the Wynne Home funding.
2. Chuck Fields. Mr. Fields requested the City construct lights at the soccer fields with Soccer Association participation.
3. Delora King. Ms. King spoke in opposition to the City reaffirming their contribution to the Wynne Home funding.
4. Charles Smither, Jr. Mr. Smither addressed Council regarding the golf course structure and fees.
5. O. J. Moak. Mr. Moak requested the City enforce stricter criteria with respect to the use of the amphitheater, especially monitoring loud concerts at night, and requested a copy of the City noise ordinance.
6. Brooke Zellar. Mrs. Zellar spoke on front-end intervention for youth.
7. Mark Leonard. Mr. Leonard requested the City enforce stricter criteria with respect to the use of the amphitheater, especially monitoring loud concerts at night.
8. Mona Peck. Mrs. Peck spoke in opposition to the City reaffirming their contribution to the Wynne Home funding.
9. Brian Woodward. Mr. Woodward spoke in opposition to the Stivers utility extension request.

STATUTORY AGENDA

1. Accept the piano from Sandra Fitzgerald for the Wynne Home with sincere appreciation.
Ms. Sandra Fitzgerald has given a gift of a square grand piano to the City of Huntsville for the Wynne Home Arts Center. The piano is a nineteenth century Steinway in excellent condition. Sandra and Bill Fitzgerald have sold their home where the piano is located and offered the piano to the City of Huntsville for the Wynne Home Arts Center. The piano will have been moved by May 30, 2003.
The piano is a gift, appraised at a value of \$30,000. The cost of moving the piano with special handling will be less than \$300 and will be paid from budgeted funds for the arts.
Councilmember Choate made a motion to accept the piano from Sandra Fitzgerald for the Wynne Home; and Councilmember Howard seconded the motion. The motion passed 6-1 with Councilmember Tavenner voting against.
2. Consider action on the Stivers utility extension request along Veteran's Memorial Parkway.
Joe Stivers has requested City participation in the extension of a 6" water and wastewater line from Broadmoor Dr. northerly along Brookhollow to Veterans Memorial Dr. then easterly to the proposed subdivision. The proposed utilities will service a two-acre lot for Joe Stivers future office development as well as provide utilities accessibility to the adjoining Smither property. Mr. Stiver's letter indicates his proposed development intentions. Additionally, a utility easement across a City-owned 100' wide greenbelt is requested for electrical and other related services.
Assuming Mr. Stiver's development increases the property value by \$100,000, the projected revenue increase to the City will be an estimated total of \$1,305.48 / yr.
Councilmember Howard made a motion to table this item; and Councilmember Kayse seconded the motion. The motion passed unanimously.

3. Approve expenditure of travel funds (registration, hotel, meals, transportation) per Councilmember to attend the NLC and/or TML conference(s) to be funded from budgeted funds.

Section 14.11 of the City Charter states that a Councilmember shall not be entitled to reimbursements exceeding \$500 each for each fiscal year; however, it specifically provides that such limitations shall apply only to reimbursed expenditures and shall not restrict or limit the authority of Council to authorize expenditures by a Councilmember for such purposes in excess of such amounts prior to the time such expenditures are made.

The two conferences referenced are The High Performance Governing Body: Building Dynamic Council-Manager Relations sponsored by the National League of Cities (Wichita, KS, June 26-28) and The Newly-Elected City Officials' Orientation sponsored by Texas Municipal League (Austin, July 25-26). Projected approximate costs per Councilmember for each of the conferences is for TML – approximately \$273/person and for NLC – approximately \$1492/person.

Councilmember Howard made a motion to approve expenditure of travel funds (registration, hotel, meals, transportation) per Councilmember to attend the NLC and/or TML conference(s) to be funded from budgeted funds; and Councilmember Choate seconded the motion. The motion passed unanimously.

MAYOR/CITY MANAGER ACTIVITY REPORT

1. Mayor/City Manager/Councilmember Report.
 - a. June 17 City Council meeting rescheduled for June 24.
 - b. Finance Committee Meeting scheduled for 4:00pm on July 1.
 - c. Town Meeting scheduled for 6:00pm on June 10 at Mance Park Junior High School.
2. Future Events:

June 5	4:00-6:00pm	Council Budget Workshop (note time change)
June 6	3:00-5:00pm	Council Budget Workshop (note time change)
June 17	5:15pm	City Council Meeting – RESCHEDULED
June 19		Juneteenth (City offices closed)
July 1	5:15pm	City Council Meeting
July 4		Independence Day (City offices closed)
July 15	5:15pm	City Council Meeting

MEDIA INQUIRIES

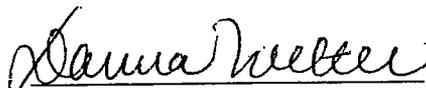
Mr. Sablatura of the Huntsville Observer inquired if the City monies set aside for the Wynne Home would be tax deductible for the City.

RECESS [7:00 p.m.]

WORK SESSION [7:17 p.m.]

City Council conducted a work session to discuss the Wynne Home improvements and financing, with presentation by Linda Pease, Cultural Services Coordinator.

ADJOURNMENT [9:07 p.m.]


Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 25TH DAY OF MAY 2004, IN THE CITY HALL, 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:

COUNCILMEMBERS:

Jack Choate	Steed Smith
Gary Crawford	Bob Tavenner
Vance Howard	Jim Willett
Judy Kayse	Mac Woodward

ABSENT: Karl Davidson

OFFICERS:

Kevin Evans, City Manager
Danna Welter, City Secretary
Thomas Leeper, City Attorney

CALL TO ORDER [6:00 p.m.]

Mayor Pro Tem Howard called the regular session to order.

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Reverend Karl Choate led the invocation.

PUBLIC COMMENTS

1. Darrell Hall. Mr. Hall spoke in opposition to Councilmember Howard possibly being named Mayor, asking Councilmember Howard if he had time to devote to the job.
2. Nancy Franklin. Ms. Franklin congratulated Councilmembers Kayse and Choate for their successful campaigns; she stated the present political climate in the city is completely unreasonable and cannot continue if the city is to prosper; and she encouraged the Mayor to do the right thing and resign immediately.

MAYOR / COUNCILMEMBER / CITY MANAGER REPORT

1. *Consider and take action with respect to Mayor Karl Davidson's letter of resignation.*

City Attorney Thomas A. Leeper submitted the following letter to the Council:

On May 19, 2004, Mayor Davidson delivered his written, signed letter of resignation to the City of Huntsville. On May 20, 2004, Mayor Davidson delivered a written, signed letter to the City of Huntsville purporting to withdraw his previous resignation. These circumstances present two primary questions: 1) may an elected official withdraw the official's resignation after it has been delivered to the authority for which that official serves but prior to its acceptance?, and 2) is Mayor Davidson's May 20 letter sufficient to withdraw his resignation? Based upon my research, the first question is not settled issue of law, and the second question involves a fact issue; therefore both must be determined by Council.

a In my opinion, the cautious answer to both questions would be "yes."

1) May an elected official withdraw the official's resignation after it has been delivered to the authority for which that official serves but prior to its acceptance?

An analysis of the first question reveals a threshold issue as to whether the Election Code would apply. Arguably it would not apply because under the specific circumstances which exist here, there will not be a requirement to have an election to fill the vacancy. By operation of the City's Charter, when less than one year remains on the unexpired term, the Mayor Pro Tem is appointed Mayor, and no election is triggered. In the general application of our Charter, however, the Election Code is implicated: the determination of the date of a resignation and the resignation's finality would control whether a special election would need to be called or if an appointment would occur by operation of the Charter. I find no precedent to guide us as to whether this analysis would apply. Some guidance may be derived from Attorney General Opinion DM-406 which declares the common law rule "has been modified with respect to elected officials in this state by ... the Election Code." In that opinion, the vacancy created by a resigning school board member was filled by appointment of the board until the next election.

If the Election Code is not triggered, the common law applies. Under common law of this State, a public officer's resignation is not effective until it has been accepted by the appropriate authority. *Sawyer v. City of San Antonio*, 234 S.W.2d 398 (Tex. 1950). The officer may withdraw it prior to acceptance.

If the Election Code does apply, the answer is more difficult. In *Texas State Democratic Executive Committee v. Rains*, 756 S.W.2d 306 (Tex. 1988), our Supreme Court held regarding Election Code §201.001 (a):

Under the plain language of subsection (a), there are only three requirements for a resignation "to be effective" - that it be written, signed and delivered.

However, Rains did not specifically address the issue of the withdrawal of a resignation. Further, after the Rains opinion, the Legislature amended sections 201.001 and 201.023.

An Attorney General's Opinion rendered after the Legislature's amendments, Opinion No. DM-406, addressed the question: "Whether an independent school board member who resigns may withdraw the resignation before his or her successor qualifies for office." In the situation there at issue, the board had accepted a member's resignation, but no successor had yet been selected. In its discussion, the Attorney General's Office concluded:

that an independent school district board member's written, signed resignation that has been delivered to the school board is effective upon its acceptance by the school board or on the eighth day after its receipt ..., whichever occurs earlier. The school board member may withdraw the resignation before it becomes effective. Id.

The AG Opinion discussed in a prior footnote the above mentioned changes in the two Election Code provisions and that a legislative bill analysis states:

... these amendments were made in response to the [Rains] court's holding ..., and suggests that the legislature intended, at least in part, to create a period between delivery of a resignation and its acceptance during which the resigning official would be able to withdraw the resignation. Id., at n.1 (emphasis added).

In considering the above, note that Supreme Court opinions are controlling authority. Attorney General Opinion are persuasive authority and, while not controlling, are entitled to great weight unless clearly wrong. The Attorney General's opinion is instructive in addressing an open issue of law and may well be a good indicator of what a court might decide. However, Attorney General Opinion DM-406 is weak in that it fails to distinguish that the Code provision regarding the date of an authority's accepting a resignation or eight days after its receipt is for the purpose of determining the date a vacancy occurs. Election Code §201.023¹. It is section 201.001 (a) which deals with when a resignation is effective, and this section's first sentence remains unchanged from the time of the Rains analysis: "To be effective, a public officer's resignation ... must be in writing and signed by the officer ... and delivered to the appropriate authority" The Legislature amended the second sentence of 201.001, changing "A resignation must be accepted by that authority" to "The authority may not refuse to accept a resignation." A valid argument may be made that the law stated in Rains remains current law as to whether a resignation is effective upon delivery.

2) Is Mayor Davidson's May 20 letter sufficient to withdraw his resignation?

Council must decide a fact issue as to whether Mayor Davidson's May 20 letter is an unqualified withdrawal of his resignation, an amendment to the May 19 resignation letter or a second resignation. Ambiguities arise in the May 20 letter due to the second paragraph. The letter seems to continue to express Mayor Davidson's intention to resign, and it is stating a different time when Mayor Davidson intends the resignation to occur (that is, to occur on a date to be determined by completion of the runoff election, new council swearing in and new mayor pro tem selection rather than May 31, 2004). The final paragraph states the Mayor does "... withdraw my previously submitted resignation." Given that the letter withdraws "my previously submitted resignation" and expresses the later point in time until which he plans to serve, it is also possible the May 20 letter is a second resignation letter replacing the May 19 resignation. Notwithstanding the ambiguity of the overall letter, the cautious approach is to consider the language of the last sentence and ignore the ambiguous language, thus construing the letter as an intention to withdraw the resignation.

Conclusion

Considering the last sentence of the May 20 letter, Mayor Davidson is seeking to withdraw his resignation.

The status of the law as to withdrawal of an elected official's resignation is unclear. Council must decide whether the May 19 resignation can be withdrawn or if it was "effective" when delivered to the City. While arguments for either decision have merit, the cautious action would be to allow the withdrawal. However, either decision may lead to litigation, and the outcome of such litigation is unclear.

An option for Council is to simply take no action on the May 19 letter and make no interpretation of the May 20 letter. Mayor Davidson would remain in the office of Mayor. At the future date described by the May 20 letter, Mayor Davidson may then deliver a new resignation letter to Council.

ELECTION MATTERS

1. *Consider and take action with respect to Ordinance 2004-05-25.1, canvassing the regular election held within the City of Huntsville on May 15, 2004, for the purpose of electing At-Large Councilmembers, Positions One, Two, Three and Four.*
Councilmember Crawford moved to approve Ordinance 2004-05-25.1, canvassing the regular election held within the City of Huntsville on May 15, 2004, for the purpose of electing At-Large Councilmembers, Positions One, Two, Three and Four, and Councilmember Woodward seconded the motion. The motion passed 8-0.
2. Official Returns for the City of Huntsville City Officers Election held Saturday, May 15, 2004 for the purpose of electing At-Large Councilmembers, Positions One, Two, Three and Four:

Position 1	Early	102	201	206	101	301	205	401	Total
Dick Lindeman	503	117	88	83	44	122	308	77	1342
Steed Smith	660	139	124	43	23	37	373	58	1457
Matt Hannes	159	60	58	24	19	32	103	30	485

Position 2	Early	102	201	206	101	301	205	401	Total
Jim Standefer	550	138	104	84	39	127	330	93	1465
Judy Kayse	772	181	167	68	52	64	448	74	1826

Position 3	Early	102	201	206	101	301	205	401	Total
Mickey S. Evans	568	115	113	56	15	24	353	70	1314
Nate Grigsby	307	74	56	30	60	75	135	27	764
John Kerr Smither	32	12	7	7	0	5	14	2	79
Bill Knotts	418	120	94	61	24	97	270	70	1154

Position 4	Early	102	201	206	101	301	205	401	Total
Jack K. Choate	828	181	172	69	37	59	498	75	1919
Delora King	487	134	97	79	53	130	279	87	1346

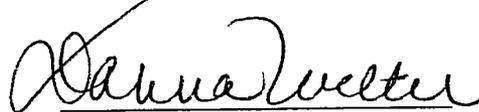
	Registered Voters	Early	Voters Voted Election Day	Total	Percentage
Precinct 101	1,070	43	100	143	13%
Precinct 102	2,787	371	326	697	25%
Precinct 201	2,403	224	272	496	21%
Precinct 205	2,175	401	785	1186	55%
Precinct 206	710	98	157	255	36%
Precinct 301	2,236	120	203	323	12%
Precinct 401	2,086	82	169	251	
Total	13,467	1,339	2,012	3,351	25%

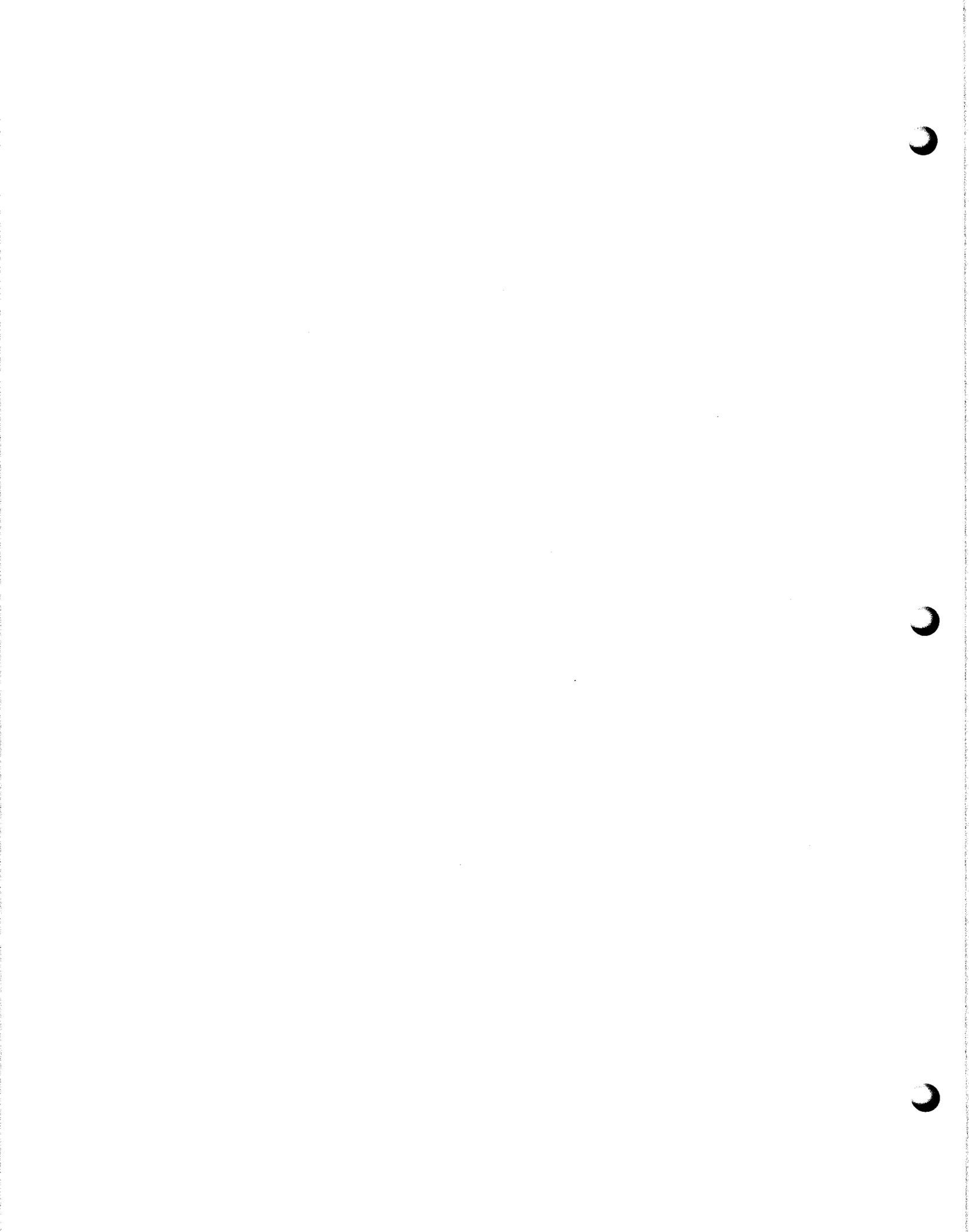
- Administration of the Oath of Office to the re-elected members of City Council Judy Kayse, At-Large Position 2, and Jack Choate, At-Large Position 4.
- Consider and take action with respect to Ordinance 2004-05-25.2, calling a runoff election to be held within the City of Huntsville on June 26, 2004, for the purpose of electing At-Large Councilmembers, Positions One and Three.
Councilmember Crawford moved to approve Ordinance 2004-05-25.2, calling a runoff election to be held within the City of Huntsville on June 26, 2004, for the purpose of electing At-Large Councilmembers, Positions One and Three; and Councilmember Woodward seconded the motion. The motion passed 8-0.

STATUTORY AGENDA

- Deliver, consider and take action with respect to the Mayor's Veto and Veto Message.
City Attorney Thomas A. Leeper stated this item was placed on the agenda per the charter requirement for the City Secretary to deliver such veto to the Council. Mr. Leeper stated the Council's options were to: ask if the veto were valid, override the veto if valid, or take no action. Councilmember Smith asked if it was a valid veto; Mr. Leeper responded yes. Councilmember Crawford requested that it be put on the next regular agenda. City Manager Kevin Evans asked the Council if he could include this material in some cumulative Council procedures at a future time.
Councilmember Choate moved to table this item until a future meeting; and Councilmember Crawford seconded the motion. The motion passed 8-0.

ADJOURNMENT [6:28 p.m.]


Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 6TH DAY OF JULY 2004, IN THE CITY HALL, 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:

COUNCILMEMBERS:

Jack Choate	Steed Smith
Gary Crawford	Bob Tavenner
Mickey Evans	Jim Willett
Judy Kayse	Mac Woodward

OFFICERS:

Kevin Evans, City Manager
Danna Welter, City Secretary
Thomas Leeper, City Attorney

Councilmember Kayse moved to appoint Councilmember Jack Choate as the Acting Mayor for the July 6 City Council meeting; and Councilmember Smith seconded the motion. The motion passed 8-0.

CALL TO ORDER [6:00 p.m.]

Acting Mayor Jack Choate called the regular session to order.

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Director of Parks and Recreation Ray Black led the invocation.

ELECTION MATTERS

1. *Consider and take action to approve Ordinance 2004-07-06.1, canvassing the runoff election held within the City of Huntsville on June 26, 2004, for the purpose of electing At-Large Councilmembers, Positions One and Three.*

ORDINANCE NO. 2004-15

AN ORDINANCE CANVASSING THE RETURNS OF THE RUNOFF ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 26TH DAY OF JUNE 2004, FOR THE PURPOSE OF ELECTING COUNCILMEMBERS, AT-LARGE POSITIONS 1 AND 3; 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

DICK LINDEMAN	363
STEED SMITH	876

FOR COUNCILMEMBER, AT-LARGE POSITION 3

BILL KNOTTS	270
MICKEY S. EVANS	971

Position 1	Early	102	201	206	101	301	205	401	Total
Dick Lindeman	136	41	28	12	7	25	96	18	363
Steed Smith	457	68	53	32	9	13	217	27	876

Position 3		102	201	206	101	301	205	401	Total
Bill Knotts	96	31	24	4	8	21	72	14	270
Mickey S. Evans	498	78	56	41	9	17	241	31	971

Registered	Voters Voted			Total	Percentage
	Voters	Early	Election Day		
Precinct 101	1,070	11	17	28	3%
Precinct 102	2,787	182	109	291	10%
Precinct 201	2,403	110	81	191	8%
Precinct 205	2,175	170	313	483	22%
Precinct 206	710	49	45	94	13%
Precinct 301	2,236	36	38	74	3%
Precinct 401	2,086	39	45	84	4%
Total	13,467	597	648	1,245	9%

2. Administration of the Oath of Office to the City Council re-elected member Steed Smith, At-Large Position One, and newly elected member Mickey Evans, At-Large Position 3, by Walker County Judge Danny Pierce.
3. Discussion of process for electing a Mayor Pro Tem and filling the vacancy in the office of Mayor.
4. *Consider and take action to elect a Mayor Pro Tem, and fill the vacancy in the office of Mayor.*
 Councilmember Crawford moved to appoint the Mayor Pro Tem based on seniority; and Councilmember Kayse seconded the motion. The motion failed 4-4, with Councilmembers Evans, Tavenner, Willett and Woodward voting against.
 Councilmember Tavenner moved to appoint Councilmember Woodward as Mayor Pro Tem; and Councilmember Tavenner seconded the motion.
 Councilmember Kayse moved to appoint Councilmember Smith as Mayor Pro Tem; and Councilmember Crawford seconded the motion.
 Election of a Mayor Pro Tem was tied at 3-3.
After lengthy discussion, Acting Mayor Choate pulled this item to be discussed at the close of the meeting, following other regular business.
5. *Consider and take action to appoint a Councilmember as representative to the Walker County Public Safety Communications Executive Board.*
Councilmember Evans moved to appoint himself as representative to the Walker County Public Safety Communications Executive Board; and Councilmember Kayse seconded the motion. The motion passed 8-0

CONSENT AGENDA

1. Approve the minutes of the May 4, May 25, May 26, and June 1, 2004 City Council meetings.
2. Approve Resolution 2004-07-06.1, authorizing the City's participation in TexSTAR.
3. Approve Resolution 2004-07-06.2, authorizing the City's participation in TexTERM.
4. Approve Resolution 2004-07-06.3, supporting the HEARTS Veterans Museum fundraising efforts.
Councilmember Kayse moved to approve the Consent Agenda with the exception of Items 2, 3 and 4; and Councilmember Crawford seconded the motion. The motion passed 8-0.
2. Approve Resolution 2004-07-06.1, authorizing the City's participation in TexSTAR.
Councilmember Tavenner moved to approve Resolution 2004-07-06.1, authorizing the City's participation in TexSTAR; and Councilmember Woodward seconded the motion. The motion passed 8-0.
3. Approve Resolution 2004-07-06.2, authorizing the City's participation in TexTERM.
Councilmember Kayse moved to approve Resolution 2004-07-06.2, authorizing the City's participation in TexTERM; and Councilmember Tavenner seconded the motion. The motion passed 8-0.
4. Approve Resolution 2004-07-06.3, supporting the HEARTS Veterans Museum fundraising efforts.
 Mickey S. Evans, Councilmember At-large, Position 3, asked that the following prepared statement be included in the minutes:

"Beginning in 1994 as a storefront display in the Bluebonnet Square Antique Mall honoring veterans of the United States Armed Services, the evolution of thought for the ultimate creation of the HEARTS Veterans Museum was begun by Charlotte Oleinik.

"Partnering with Master Sergeant Charles Davis, (USA, Retired) these two local community activists organized a traveling display of photographs, personal histories, memorabilia, awards, decorations, and other military items loaned or donated by many local veterans and their family members. Attracting other veterans and volunteers to assist them, they caringly and passionately shared these exhibits and the personal experiences of local veterans with our local children and their teachers until the size of the exhibits became much too large to move from one place to another.

"During these early years, comments were made about Charlotte's kind heart, the generous hearts of her growing legion of veterans and volunteers, and their combined heart-felt passion for teaching lessons in liberty and promoting patriotism within our community. Thus, the HEARTS acronym, Helping Every American Remember Through Serving was adopted for a local veterans museum to which visitors could come and learn from the displays on a permanent basis.

"With the help of the time, talent, and treasure of many veterans, volunteers, local businesses, civic organizations, and governmental institutions, the HEARTS Veterans Museum has proven itself to be an outstanding addition to the Huntsville, Walker County, Texas community. It has drawn many visitors and veterans groups who have consistently expressed their amazement and pleasure with our unique veterans museum and the outstanding cooperative efforts of our local veterans, volunteers, and supporting partners.

"The HEARTS Veterans Museum broke ground today next to the Texas Prison Museum to begin the construction of a magnificent new structure that will honor our veterans and bring great credit to the City of Huntsville and Walker County, Texas. Fundraising for its construction is underway.

"I give both my personal and public support to this living monument remembering and honoring the hearts of our local veterans and those who loved them here at home during their service.

"I urge my city council colleagues to give their support as well. And, I encourage my fellow citizens to share their time, talent, and treasure in support of this wondrous and worthy community effort that will serve our community well and faithfully for decades to come."

Councilmember Evans moved to approve Resolution 2004-07-06.3, supporting the HEARTS Veterans Museum fundraising efforts; and Councilmember Crawford seconded the motion. The motion passed 8-0.

STATUTORY AGENDA

1. *Consider and take action to authorize the payment of \$72,823.81 from budgeted funds to AT&T for construction costs related to Robinson Creek Parkway and Smither Drive.*

On April 14, 2000, the City entered into a contract with AT&T to lower cables for the construction of Robinson Creek Parkway and Smither Drive. The contract had an estimated cost of \$32,200 with the disclaimer that it could be higher or lower and the City would pay the actual cost incurred by AT&T. I would not approve the original billing of \$72,823.81 without detailed backup to verify the substantial difference from the original cost estimate. It has taken several years to receive the requested documentation.

Councilmember Smith moved to authorize the payment of \$72,823.81 from budgeted funds to AT&T for construction costs related to Robinson Creek Parkway and Smither Drive; and Councilmember Evans seconded the motion. The motion passed 8-0.

2. *Consider and take action to authorize the City Manager to enter into a contract with Dudley Construction for the City of Huntsville Downtown Streetscape/Texas Capital Fund Grant Project in an amount not to exceed \$130,821.64 to be paid from budgeted funds.*

The City of Huntsville received a grant from the Texas Capital Fund in the amount of \$150,000 and Council budgeted \$50,000 for the administration, construction, and landscaping of the islands at 12th Street and University for a total of \$200,000, of which \$25,000 was for grant administration and \$10,000 for engineering, leaving \$165,000 for construction activities.

The re-bid of the Downtown Mainstreet Project/Texas Capital Fund Grant occurred when the City Council rejected the original bid for lack of funds. The Grant Administration granted a reduction in scope of work from the original application and approved the re-bid of this project. The conditional approval from TDLR has been given for this project.

Three bids were received with Dudley Construction the lowest bid (\$130,821.64).

Councilmember Smith moved to authorize the City Manager to enter into a contract with Dudley Construction for the City of Huntsville Downtown Streetscape/Texas Capital Fund Grant Project in an amount not to exceed \$130,821.64 to be paid from budgeted funds; and Councilmember Kayse seconded the motion. The motion passed 8-0.

3. *Consider and take action to authorize the City Manager to enter into a contract with the low bidder of J&M Contracting Company in the amount not to exceed \$197,332.70 for the construction of Industrial Drive Improvements to be funded from water, sewer and street CIP funds with 50% developer participation.*

The ultimate development of this proposal will provide a traffic circulation corridor from FM247 to FM2821 without having to go thru the intersection at FM247 and FM2821. Development potential is occurring on both ends of this proposed cross circulation route, the American Legion and Prestige Development on the southwesterly end and the Curtis proposed 47-acre residential development on the northeasterly end. Prestige Development owns the remaining land in between and is planning a future phased development.

All three Developers have deposited the required letters of credit to support their ½ of the costs.

On September 2, 2003, City Council authorized City participation with the Developers (50/50) in an amount not to

exceed \$137,500 for this project. Bids were received and opened on June 23, 2004 with J&M Contracting the lowest bidder (\$197,332.70).

Councilmember Willett moved to authorize the City Manager to enter into a contract with the low bidder of J&M Contracting Company in the amount not to exceed \$197,332.70 for the construction of Industrial Drive Improvements to be funded from water, sewer and street CIP funds with 50% developer participation and Councilmember Crawford seconded the motion. The motion passed 8-0.

4. *Consider and take action* to authorize the City Manager to enter into a contract with the low bidder of Grisham Construction in an amount not to exceed \$129,460.40 for the construction of the water and sewer line extensions to the Charles Thompson tract to be funded from budgeted water & sewer CIP funds and developer participation.

On July 15, 2003, City Council approved 50 percent participation, minus \$25,000 for ELRC contribution, for the extension of water and sewer to serve a 1.99 acre lot owned by Charles Thompson for an amount not to exceed \$71,434.

Bids were received and opened on June 23, 2004 with Grisham Construction the lowest bidder (\$ 129,460.40). The low bid of \$129,460.40 is less than the original engineer's estimate of \$147,801.

Councilmember Crawford moved to authorize the City Manager to enter into a contract with the low bidder of Grisham Construction in an amount not to exceed \$129,460.40 for the construction of the water and sewer line extensions to the Charles Thompson tract to be funded from budgeted water & sewer CIP funds and developer participation and Councilmember Kayse seconded the motion. The motion passed 8-0.

5. *Consider and take action* approve the ROW document abandoning the existing 50' right-of-way on Parr Drive in exchange for a 40' right-of-way and an adjacent 10' utility easement.

Mr. Allbritton has requested that the right of way on Parr Drive be reduced from 50' to a 40' right-of-way with an adjacent 10' utility easement. The 50' right-of-way was obtained in 1993 in connection with providing an adequate waterline to provide fire protection to the Parr Drive subdivision.

In my discussions with Mr. Allbritton, he has conveyed that he did not understand the width or location of the right-of-way and the impact it had on his property and that any additional right-of-way above 40' should come from the adjoining property.

Mr. Allbritton's request has been reviewed and approved by the Planning and Zoning Commission with the stipulation that only three additional residential lots can be subdivided off of Parr Drive.

All existing utilities and street can be operated and maintained within the proposed 40' right-of-way and adjacent 10' utility easement.

Councilmember Crawford moved to approve the ROW document abandoning the existing 50' right-of-way on Parr Drive in exchange for a 40' right-of-way and an adjacent 10' utility easement; and Councilmember Smith seconded the motion. The motion passed 8-0.

6. *Consider and take action* to approve the purchase of network repair services and hardware from DataVox and Westlin Corporation for repairing the network in an amount of \$47,486.79 to be funded from budgeted funds.

The Xyzel Alcatel switches were not able to handle the high broadcast traffic required to support the amount of IP telephone traffic and the additional network and telephone traffic from remote sites like Parker Creek. Subsequently, when the Nachi-d virus attacked the LAN, the equipment was unable to function at all. The failed parts (controller cards and power supplies) on the City Hall Alcatel switch where all management PVCs terminated were not able to be replaced because the equipment designer has been out of business since 1999, leaving us with irreparable core equipment.

The radios on top of the towers had to be upgraded to allow them to be converted to Ethernet to make them compatible with the new switches. Since the Alcatels were inaccessible, management through them to the radios was impossible. The vendor had to climb the towers, remove the radios, disassemble and flash them, reassemble, and re-climb the tower to put them back.

Councilmember Crawford moved to approve the purchase of network repair services and hardware from DataVox and Westlin Corporation for repairing the network in an amount of \$47,486.79 to be funded from budgeted funds and Councilmember Tavener seconded the motion. The motion passed 8-0.

7. *Discuss and take action if needed with respect to* personnel and contractual matters as pertaining to the Information Services Department, as presented by City Manager Kevin Evans.

Deliberation of this item was held in closed session under Texas Government Code Chapter 551, Section 551.074 – personnel matters regarding the election, appointment and/or duties of one or more officers and/or employees.

8. *Discuss and take action if needed with respect to* appropriate funding with respect to the commissioners' ruling regarding the Cole property condemnation hearing, as presented by Thomas A. Leeper, City Attorney.

Deliberation of this item was held in closed session under Texas Government Code Chapter 551, Section 551.071 – consultation with counsel on legal matters;

9. *Discuss and take action if needed with respect to* appropriate funding with respect to the commissioners ruling regarding the Cole property condemnation hearing, as presented by Thomas A. Leeper, City Attorney.

Deliberation of this item was held in closed session under Texas Government Code Chapter 551, Section 551.071 – consultation with counsel on legal matters;

RECESS [7:36-7:50 p.m.]

EXECUTIVE SESSION [7:54-8:47 p.m.]

RECONVENE [8:55 p.m.]

7. *Discuss and take action if needed with respect to personnel and contractual matters as pertaining to the Information Services Department, as presented by City Manager Kevin Evans.*
Councilmember Crawford moved to approve the contract with Tatum Partners, hiring Jerry Byrd as Interim Director of Information Technology at a cost no to exceed \$85,000; and Councilmember Choate seconded the motion. The motion passed 8-0.
8. *Discuss and take action if needed with respect to appropriate funding with respect to the commissioners' ruling regarding the Cole property condemnation hearing, as presented by Thomas A. Leeper, City Attorney.*
Councilmember Kayse moved to authorize the City Attorney to deposit the Commissioner's judgment of \$56,000 on file with the County Clerk's office, and to object and accept to the award; and Councilmember Crawford seconded the motion. The motion passed 8-0.
9. *Discuss and take action if needed with respect to appropriate funding with respect to the commissioners ruling regarding the Clegg property condemnation hearing, as presented by Thomas A. Leeper, City Attorney.*
No action was taken on this item.

MAYOR/COUNCILMEMBER/CITY MANAGER REPORT

City Manager Kevin Evans presented the proposed Budget Calendar/Schedule.

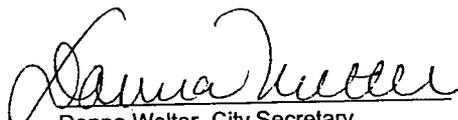
ELECTION MATTERS

4. Discussion of process for electing a Mayor Pro Tem and filling the vacancy in the office of Mayor.
Several Councilmembers stated their opinion on the method for filling the vacancy.
5. *Consider and take action to elect a Mayor Pro Tem, and fill the vacancy in the office of Mayor.*
Councilmember Crawford moved to appoint Councilmember Smith as Mayor Pro Tem; and Councilmember Kayse seconded the motion. The motion passed 6-2 with Councilmembers Evans and Tavenner voting against.

ANNOUNCEMENTS

City Manager Evans mentioned the following dates/events:
Leadership Conference on proposed TIRZ as sponsored by the Chamber of Commerce on July 13, 2004; and
Texas Town and Cities Magazine – article on Community Development Department.

ADJOURNMENT [9:10 p.m.]


Danna Welter, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 29TH DAY OF APRIL 2005, IN THE CITY HALL, 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:

COUNCILMEMBERS:	Steed Smith	OFFICERS:
Gary Crawford	Bob Tavenner	Kevin Evans, City Manager
Mickey Evans	Jim Willett	Danna Welter, City Secretary
Judy Kayse	Mac Woodward	Thomas Leeper, City Attorney
Jack Choate	Clarence W. Griffin	

WORK SESSION [5:10 p.m. – 5:50 p.m.]

City Council held a work session on Huntsville Fire Department grant opportunities and budget software.

CALL TO ORDER [6:01 p.m.]

Mayor Pro Tem Steed Smith called the regular session to order.

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Theo Whiteside, Wastewater Services Superintendent, led the invocation.

PUBLIC COMMENTS (Agenda Items Only)

None.

ELECTION MATTERS

- a. Consider Ordinance 2005-05-17.1 canvassing the returns of the Regular Municipal Election held on the 7th day of May 2005, for the purpose of electing a Mayor at-large and four Ward Councilmembers, one from each of the City's four wards.

FOR MAYOR AT-LARGE

MICKEY S. EVANS	410
GARY CRAWFORD	276
JIM CARTER	123
VANCE HOWARD	768
J. TURNER	767

FOR COUNCILMEMBER, WARD 1

JIM WILLETT	301
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FOR COUNCILMEMBER, WARD 2

MAC WOODWARD	323
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FOR COUNCILMEMBER, WARD 3

CLARENCE W. GRIFFIN	168
GEORGE E. OLIVER	126

FOR COUNCILMEMBER, WARD 4

BOB TAVENNER	459
TOM BLACKARD	326

Official Returns for the City of Huntsville City Officers Election held Saturday, May 7, 2005 for the purpose of electing the Mayor At-Large and Ward Councilmembers, One, Two, Three and Four:

Mayor	Early	102	201	206	101	301	205	401	Total
Mickey S. Evans	162	41	34	25	6	18	93	31	410
Gary Crawford	76	13	4	33	47	62	26	15	276
Jim Carter	46	14	25	6	2	2	24	4	123
Vance Howard	343	73	66	22	9	10	213	32	768
J. Turner	303	80	72	40	15	37	181	39	767

**CITY OFFICER ELECTION
EARLY VOTING RESULTS BY PRECINCT
MAY 7, 2005**

Mayor	102	201	206	101	301	205	401	Total
Mickey S. Evans	52	29	5	3	14	33	26	162
Gary Crawford	11	10	2	11	30	6	6	76
Jim Carter	16	7	5	1	6	7	4	46
Vance Howard	108	55	20	9	17	119	15	343
J. Turner	93	58	15	5	33	69	30	303

Ward 1	102	Total
Jim Willett	168	168

Ward 2	201	206	Total
Mac Woodward	87	28	115

Ward 3	101	301	Total
Clarence W. Griffin	14	50	64
George E. Oliver	9	42	51

Ward 4	205	401	Total
Bob Tavenner	133	31	164
Tom Blackard	72	40	112

Ward 1	Early	102	Total	
Jim Willett	168	133	301	
Ward 2	Early	201	206	Total
Mac Woodward	115	144	64	323
Ward 3	Early	101	301	Total
Clarence W. Griffin	64	37	67	168
George E. Oliver	51	32	43	126
Ward 4	Early	205	401	Total
Bob Tavenner	164	264	31	459
Tom Blackard	112	145	69	326

	Registered Voters	Voters Voted		Total	Percentage
		Early	Election Day		
Precinct 101	1,001	33	80	113	11%
Precinct 102	2,815	281	224	505	18%
Precinct 201	2,419	158	201	359	15%
Precinct 205	2,168	238	540	778	36%
Precinct 206	686	47	126	173	25%
Precinct 301	2,222	84	136	220	10%
Precinct 401	2,248	80	122	202	9%
Total	13,559	921	1,429	2,350	17%

Councilmember Choate made a motion to approve Ordinance 2005-05-17.1 canvassing the returns of the Regular Municipal Election held on the 7th day of May 2005, for the purpose of electing a Mayor at-large and four Ward Councilmembers, one from each of the City's four ward, and Councilmember Woodward seconded the motion. The motion passed unanimously.

- b. Administration of the Oath of Office to the elected members of City Council.
Judge Danny Pierce administered the oath of office to Jim Willett, Councilmember, Ward 1; Mac Woodward, Councilmember, Ward 2; Clarence W. Griffin, Councilmember, Ward 3; and Bob Tavenner, Councilmember, Ward 4.
- c. Consider Ordinance 2005-05-17.2, calling a runoff election to be held within the City of Huntsville on June 11, 2005, for the purpose of electing a Mayor At-Large.
Councilmember Kayse made a motion to approve Ordinance 2005-05-17.2, calling a runoff election to be held within the City of Huntsville on June 11, 2005, for the purpose of electing a Mayor At-Large, and Councilmember Woodward seconded the motion. The motion passed unanimously.

CONSENT AGENDA

- a. Consider minutes of April 5, 12 and 14, 2005.
- b. Consider Resolution 2005-05-17.1 appointing Staci McGinty as Deputy City Secretary.
- c. Consider Resolution 2005-05-17.2 adopting the Houston-Galveston Area Council of Governments-Regional Hazard Mitigation Plan.
Councilmember Kayse made a motion to approve the consent agenda, and Councilmember Evans seconded the motion. The motion passed unanimously.

STATUTORY AGENDA

- a. Consider Huntsville Convention and Visitors Bureau's request for \$15,625 to produce new marketing and promotional DVD's/videos for Huntsville Tourism and the creation and success of the Sam Houston Statue, to be funded from Hotel/Motel Tax Visitors Center Expense/City Council Community Discretionary Fund, as presented by Dee McFarland, Huntsville-Walker County Chamber of Commerce.
This item was pulled from the agenda.
- b. Consider Ordinance 2005-05-17.3, amending Personnel Rules Chapter 10, Section 15, as presented by Victor Pena, Director of Administrative Services.

Currently the Employee Drug Abuse Policy is covered in two (2) different sections of the Personnel Rules: under Chapter 10 - Conduct, Section 14 "Employee Drug Abuse Policy" and Section 15 "Special Rules Regarding Use of Commercial Motor Vehicles". Section 14 allows for disciplinary action including termination for violation of the Employee Drug Abuse Policy, while Section 15 provides the employee with an evaluation period and return to work clause, providing inconsistencies in our current policy. The Ordinance would update Section 15 to allow for disciplinary action including termination that would be consistent with Chapter 14.

Councilmember Woodward made a motion to approve Ordinance 2005-05-17.3 amending Personnel Rules Chapter 10, Section 15, "Special Rules Regarding Use of Commercial Motor Vehicles", and Councilmember Choate seconded the motion. The motion passed unanimously.

- c. Approve two year contract with Pavers Supply for Cement Stabilized Flexible Base at \$31.59/ton (delivered) and \$26.84/ton (pickup), Pavers Supply for Flexible Base at \$16.89/ton (pickup), Frost Crushed Stone for Flexible Base at \$16.42/ton (delivered), and Cleveland Asphalt for HFRS2 Emulsion at \$0.8172/gallon, as presented by Debby Mikulin, Purchasing Coordinator and David Welch, Street Services Superintendent.

The annual contracts for concrete, cement stabilized flexible base, flexible base, and HFRS2 materials are due to expire. These products are purchased periodically and when needed to repair and restore the City streets to meet City and state regulations. All the contracts are for a two year period.

Councilmember Kayse made a motion to approve two year contract with Pavers Supply for Cement Stabilized Flexible Base at \$31.59/ton (delivered) and \$26.84/ton (pickup), Pavers Supply for Flexible Base at \$16.89/ton (pickup), Frost Crushed Stone for Flexible Base at \$16.42/ton (delivered), and Cleveland Asphalt for HFRS2 Emulsion at \$0.8172/gallon, and Councilmember Evans seconded the motion. The motion passed unanimously.

- d. Authorize the City Manager to enter into a contract with McLain Decision Support Systems for budget software at a cost of \$22,500 for FY 2005 from the computer replacement fund, and with \$47,500 to be budgeted in future years, as presented by Winston Duke, Director of Finance.

Agenda item seeks authorization for the City Manager to enter into a contract with Kenneth P. McLain and Lewis F. McLain, Jr. d/b/a McLain Decision Support Systems to implement budget software.

Councilmember Tavenner made a motion to authorize the City Manager to enter into a contract with McLain Decision Support Systems for budget software at a cost of \$22,500 for FY 2005 from the computer replacement fund, and with \$47,500 to be budgeted in future years, and Councilmember Evans seconded the motion. The motion passed unanimously.

- e. Approve budget amendments for FY 2004-2005, as presented by Winston Duke.

Under the Council-adopted Budget and Fiscal Policies, transfers of greater than \$3,000 between divisions and transfers of greater than \$3,000 from the Reserve for Future Allocation budget item require Council approval. All transfers between divisions and transfers from the Reserve for Future Allocation budget item are reported to Council.

Operating Budgets:

Attached is detail of various Budget Adjustments to General Fund (101), Fire Equipment Replacement Fund (307), Computer Equipment Replacement Fund (309), Police Forfeiture and Seizure Fund (611).

Capital Budgets:

Attached is detail of Budget Adjustments to Police Building Project Fund (818).

Councilmember Tavenner made a motion to approve the budget amendments for FY 2004-2005 as presented, and Councilmember Choate seconded the motion. The motion passed unanimously.

- f. Approve the professional services contract with Moore Archeological Consulting, Inc., for the preparation and submission of an Archeological Survey of Eastham-Thomason to the Texas Historical Commission in the amount of \$4,224.00, to be funded from budgeted and contingency funds, as presented by Mark Leonard, Community Development Manager.

Previous archeological studies prepared by Moore Archeological Consulting for the City of Huntsville for Eastham-Thomason Park improvements (1990 and 1999) did not include all of the areas of the Park considered for the planned improvements to be funded by the current grant. Moore Archeological Consulting recently completed a desk-based archeological letter report for the City of Huntsville covering park areas that include the swimming pools and expanded trail system. The cost of the letter report was \$650. The proposed study will involve a field survey and a more extensive report. The proposed services include a budget, prepared on an invoice, cost-incurred basis, not to exceed \$4,224.00. The proposed budget is based upon two critical assumptions: 1) That the results of the investigation will be archeologically limited; that no artifacts will be found on this survey; and 2) That shovel testing will be a sufficient and practical means of locating buried archeological deposits. Should these assumptions prove not to be true, additional expenditures will be necessary.

Councilmember Kayse made a motion to approve the professional services contract with Moore Archeological Consulting, Inc., for the preparation and submission of an Archeological Survey of Eastham-Thomason to the Texas Historical Commission in the amount of \$4,224.00, to be funded from budgeted and contingency funds, and Councilmember Woodward seconded the motion. The motion passed unanimously.

- g. Authorize the City Manager to enter into an agreement with Bio-Solution for the control of hydrogen sulfide gas in the Smith Hill/Gospel Hill area, at a cost of \$60,000 to be funded from budgeted funds, as presented by Theo Whiteside, Wastewater Services Superintendent.

Council was made aware of the odor problems in this area, and committed some \$60,000 to reduce or eliminate the impact of these odors. Bio-Solutions conducted a pilot program at no cost to the city in October of 2004. With the introduction

of product, the study has shown by monitoring the system with the aid of an odor detector that sulfur causing bacteria has been greatly reduced. Since the inception of the Bio-Solutions study, there has been only one complaint from the Smith Hill/Gospel Hill area.

Additionally, upon completion of the conversion of the McGary Creek lift station and associated force main, this flow currently pumped to the A.J. Brown W.W.T.P. will be re-routed to the Robinson Creek W.W.T.P. in approximately 15 to 24 months. Whereas the Smith Hill/ Gospel Hill problem will be solved at that time, the transferring of the problem to another area is being further evaluated to ascertain if there is indeed a long term solution other than continued long term chemical feed.

Councilmember Choate made a motion to authorize the City Manager to enter into an agreement with Bio-Solution for the control of hydrogen sulfide gas in the Smith Hill/Gospel Hill area, at a cost of \$60,000 to be funded from budgeted funds, and Councilmember Willett seconded the motion. The motion passed unanimously.

- h. Authorize the City Manager to enter into a contract with Grisham Construction, Inc., in the amount of \$59,755.00 for the clearing and grubbing of the Highway 30 West Interceptor, to be funded from budgeted project funds, as presented by Steve Stacy, City Engineer.

This project is part of the Huntsville Plan prepared in 1995. The Huntsville Plan is a wastewater system master plan that was prepared to solve existing and future wastewater needs. The Highway 30 West Interceptor Sewer Project is just one of the phases to complete the plan. Clearing and grubbing along the proposed sewer line route will prepare the area for installation of sewer line in the future.

This project is a portion of the Highway 30 West Interceptor Sewer Project. As discussed above, clearing and grubbing along the proposed sewer line route will prepare the area for installation of sewer line in the future.

Bids were received and opened on April 27, 2005, and are tabulated below.

<u>CONTRACTOR</u>	<u>PROJECT BID</u>
Grisham Construction	\$59,755.00
Dudley Construction	\$115,053.26

Councilmember Choate made a motion to authorize the City Manager to enter into a contract with Grisham Construction, Inc., in the amount of \$59,755.00 for the clearing and grubbing of the Highway 30 West Interceptor, to be funded from budgeted project funds, and Councilmember Willett seconded the motion. The motion passed unanimously.

- i. Approve change order #4 for the construction contract with Grisham Construction, Inc., for an additional amount of \$172,797.55 for the construction of additional water and wastewater services for the Highway 75 South Industrial Park Project, to be paid for from budgeted funds, to be presented by Steve Stacy.

The City received a grant from the United States Department of Commerce's Economic Development Administration (EDA) in May of 2003. The grant was for an amount of \$1 million with a City match amount of \$250,000 for a grand total of \$1.25 million available for the project.

The amendment will allow for the design of extension of the water system to Evelyn Lane and down Park Road 40 for approximately 1,700 linear feet. Also, a grinder pump station will be designed for the statue site. This will allow the existing aerobic system to be abandoned and all sewer associated with the statue site to be pumped into the new sewer system. This work will be incorporated into the current construction contract by change order.

Councilmember Tavenner made a motion to approve change order #4 for the construction contract with Grisham Construction, Inc., for an additional amount of \$172,797.55 for the construction of additional water and wastewater services for the Highway 75 South Industrial Park Project, to be paid for from budgeted funds, and Councilmember Willett seconded the motion. The motion passed unanimously.

- j. Authorize the City Manager negotiate and purchase sanitary sewer easement for the Westridge/Sumac Sewer Collector Project, as presented by Glenn Isbell, Director of Public Services.
This item was discussed in Executive Session.
- k. Authorize the City Manager to negotiate and purchase easements for water line relocations required due to TxDOT's Highway 30 widening project, as presented by Glenn Isbell.
This item was discussed in Executive Session.
- l. Consider and take action regarding computer software and associated legal matters.
This item was not discussed and no action taken.

MAYOR / COUNCILMEMBER / CITY MANAGER REPORT

- a. Update on pending or contemplated litigation.
- b. Update on land acquisition.
These items were discussed in Executive Session.
- c. Approve the appointment of Laura Bruns to the Main Street Program Advisory Committee.
Councilmember Woodward made a motion to appoint Laura Bruns to the Main Street Program Advisory Committee, and Councilmember Evans seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS

- a. Gary Crawford. Mr. Crawford thanked City Council for their support and help through his tenure on City Council. He also thanked City staff for their support.

MEDIA

None.

EXECUTIVE SESSION [7:00 p.m. – 7:35 p.m.]

RECONVENE

Councilmember Willett made a motion to authorize the City Manager to negotiate and purchase: 1) sanitary sewer easement for the Westridge/Sumac sewer collector project, and 2) easements for water line relocations required due to TxDOT's Highway 30 widening project, and Councilmember Kayse seconded the motion. The motion passed unanimously.

ADJOURNMENT [7:37 p.m.]



Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 21ST DAY OF JUNE 2005, IN THE CITY HALL, 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:

COUNCILMEMBERS:	Steed Smith	OFFICERS:
J. Turner	Bob Tavenner	Kevin Evans, City Manager
Mickey Evans	Jim Willett	Danna Welter, City Secretary
Judy Kayse	Mac Woodward	Thomas Leeper, City Attorney
Jack Choate	Clarence W. Griffin	

WORK SESSION [5:00 p.m. – 5:40 p.m.]

City Council held a work session to discuss the groundwater study.

CALL TO ORDER [6:02 p.m.]

Mayor Pro Tem Steed Smith called the regular session to order.

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Ray Black, Director of Parks and Recreation, led the invocation.

PUBLIC COMMENTS (Agenda Items Only)

- a. Kathy Frendenfeldt. Ms. Frendenfeldt spoke regarding the naming of Boettcher's Mill Park. She felt a compromise should be reached to incorporate both names, Boettcher's Mill and Margarito Martinez.
- b. Lydia Shadle. Ms. Shadle spoke in favor of naming the park, Boettcher's Mill Park.
- c. Mireya Martinez. Ms. Martinez spoke in favor of naming the park after her father, Margarito Martinez.
- d. Elma Martinez. Mrs. Martinez spoke in favor of naming the park after her husband, Margarito Martinez.
- e. John Escobedo. Mr. Escobedo spoke in favor of the naming the park after Margarito Martinez.
- f. Richard Watkins. Mr. Watkins spoke in favor of the naming the park after Margarito Martinez.
- g. Gary Crawford. Mr. Crawford spoke in favor of the naming the park after Margarito Martinez.
- h. Lydia Martinez-Schraeder. Mrs. Schraeder spoke in favor of naming the park, Boettcher's Mill Park.

PRESENTATION

- a. Mance Park Anti-Litter Presentation.

ELECTION MATTERS

- a. Consider Ordinance 2005-06-21.1 canvassing the returns of the Runoff Municipal Election held on the 11th day of June 2005, for the purpose of electing a Mayor at-large.

FOR MAYOR AT-LARGE

J. TURNER	1440
VANCE HOWARD	1039

Early votes by precinct:

Mayor	102	201	206	101	301	205	401	Total
J. Turner	221	121	44	13	85	171	57	712
Vance Howard	149	108	30	9	21	186	31	534

Election day results by precinct:

Mayor	Early	102	201	206	101	301	205	401	Total
J. Turner	712	90	75	68	31	80	331	53	1440
Vance Howard	534	71	74	22	12	21	266	39	1039

Official Returns for the City of Huntsville Runoff Election held Saturday, June 11, 2005 for the purpose of electing the Mayor At-Large:

	Registered Voters	Early	<u>Voters Voted</u> Election Day	Total	Percentage
Precinct 101	1,005	22	43	65	6%
Precinct 102	2,823	372	162	534	19%
Precinct 201	2,429	228	149	377	16%
Precinct 205	2,177	357	597	954	44%
Precinct 206	687	76	90	166	24%
Precinct 301	2,228	106	101	207	9%
Precinct 401	2,249	88	92	180	8%
Total	13,598	1249	1,234	2,483	18%

Councilmember Woodward made a motion to approve Ordinance 2005-06-21.1 canvassing the returns of the Runoff Municipal Election held on the 11th day of June 2005, for the purpose of electing a Mayor at-large, and Councilmember Smith seconded the motion. The motion passed unanimously.

- b. Administration of the Oath of Office to the elected members of City Council, as administered by Danny Pierce, Walker County Judge.
- c. Election of Mayor Pro Tem.
Councilmember Choate made a motion to elect Steed Smith as Mayor Pro Tem, and Councilmember Willett seconded the motion. The motion passed unanimously.

CONSENT AGENDA

- a. Consider Ordinance 2005-06-21.2 adopting the National Incident Management System (NIMS) as the standard for Incident Management by the City of Huntsville.
- b. Approve a budget amendment to add a seasonal employee to the street department for airport grounds maintenance to be funded from a transfer from the Airport Fund to airport grounds maintenance fund.
Councilmember Smith made a motion to approve the consent agenda, and Councilmember Choate seconded the motion. The motion passed unanimously.

STATUTORY AGENDA

- a. Approve Huntsville Natural Cultural Resources, Inc.'s recommendation to transfer property titles for Boettcher's Mill and Bush-Miller Park to the City of Huntsville and recommends naming the properties as Boettcher's Mill Park and Bush-Miller Park.
Dalene Zender, a member of the Parks and Recreation Board read a letter from the board:

Dear Mayor and City Council:

Huntsville Natural Cultural Resources, Inc. recommends the property titles for the following be transferred to the ownership of the City of Huntsville: Boettcher's Mill and Bush-Miller.

Huntsville Natural Cultural Resources, Inc. in addition recommends the properties be named as follows: Boettcher's Mill Park and Bush-Miller Park.

Your attention to this matter is appreciated.

Sincerely,

Cecelia P. Marquart, Chair

Councilmember Woodward made a motion to accept the property titles for Boettcher's Mill and Bush-Miller to the City of Huntsville, and Councilmember Smith seconded the motion. The motion passed unanimously.

Councilmember Griffin made a motion to table the naming of the two properties, and Councilmember Evans seconded the motion. The motion passed unanimously.

- b. Consideration and action upon a Placement Agent Agreement between First Southwest Company and the City of Huntsville regarding the private placement of the City's approximately \$3,800,000 General Obligation Refunding Bonds, Series 2005 and terminating the financial advisory relationship between the City and First Southwest Company with respect only to the \$3,800,000 General Obligation Refunding Bonds, Series 2005, as presented by Joe Morrow, First Southwest Company.
Councilmember Willett made a motion to approve a Placement Agent Agreement between First Southwest Company and the City of Huntsville regarding the private placement of the City's approximately \$3,800,000 General Obligation Refunding Bonds, Series 2005 and terminating the financial advisory relationship between the City and First Southwest Company with respect only to the \$3,800,000 General Obligation Refunding Bonds, Series 2005, and Councilmember Choate seconded the motion. The motion passed unanimously.

- c. Consideration and Action with Respect to "Ordinance Authorizing the Issuance of City of Huntsville, Texas General

Obligation Refunding Bonds, Series 2005; Levying an Ad Valorem Tax in Support of the Bonds; Approving an Investment Letter, a Paying Agent/Registrar Agreement, and an Escrow Agreement ; Calling Certain Outstanding Obligations for Redemption; and Authorizing Other Matters Relating to the Bonds" (First and final reading), as presented by Richard Donoghue, McCall, Parkhurst & Horton, L.L.P.

Mr. Donoghue stated that the refunding results for the City's 2000 bonds (coupons of 4.9% - 5.5% would be at an interest rate of 3.52%, with a savings of \$447,267 over the remainder of the issue, approximately \$29,818 per year. The new bonds would be paid off in the original term.

Councilmember Smith made a motion to approve an Ordinance Authorizing the Issuance of City of Huntsville, Texas General Obligation Refunding Bonds, Series 2005; Levying an Ad Valorem Tax in Support of the Bonds; Approving an Investment Letter, a Paying Agent/Registrar Agreement, and an Escrow Agreement ; Calling Certain Outstanding Obligations for Redemption; and Authorizing Other Matters Relating to the Bonds, and Councilmember Woodward seconded the motion. The motion passed unanimously.

- d. Approve a two-year contract with DXI Industries for the periodic purchase of chlorine at (\$545.00 per ton) and sulfur dioxide at (\$509.00 per ton), to be purchased from budgeted funds, as presented by Debby Mikulin, Purchasing Agent and Bill Daugette, Operations Manager.

The annual contract for the purchase of chlorine and sulfur dioxide is due to expire. The contract will have the option to renew for one additional year. Bids were accepted to re-establish the contract for the purchase of chlorine and sulfur dioxide which is used in the City's water and wastewater treatment processes. The estimated quantities are 60 one ton cylinders of chlorine and 40 one ton cylinders of sulfur dioxide per year. The bid tabulation is as follows:

DXI Industries -	\$545.00 per ton (chlorine)
	\$509.00 per ton (sulfur dioxide)
Simply Aquatics -	\$610.00 per ton (chlorine)
	\$560.00 (sulfur dioxide)

Nine bid packets were mailed and two were received.

The current contract pricing is \$340.80 for chlorine and \$413.00 for sulfur dioxide.

Councilmember Evans made a motion to approve a two-year contract with DXI Industries for the periodic purchase of chlorine at (\$545.00 per ton) and sulfur dioxide at (\$509.00 per ton), to be purchased from budgeted funds, and Councilmember Woodward seconded the motion. The motion passed unanimously.

- e. Approve purchase of model # Kent F6QT Hydro- Hammer for a cost of \$10,442.89 to be funded from the Water Reserve for Future Allocations, as presented by Debby Mikulin and Bill Daugette.

This piece of machinery is operated on a backhoe and will have the capacity to bust thick layers of asphalt and cement with less liability of strain on staff. This machine will play an instrumental role in dealing with work place safety, due to the ever growing number of back injuries in the utility industry. The Main corridors in Huntsville are paved with asphalt approximately 15" to 18" in depth and this creates a problem when repairs to the city's infrastructure need to be made. The current method for accessing the utilities is by using a 90 lb air operated jack hammer which takes a long time to hammer through the asphalt surface and stresses the staff. The Water Services Department has rented this machine three times in four months at a cost of \$1000.00 each time.

Councilmember Smith made a motion to approve purchase of model # Kent F6QT Hydro- Hammer for a cost of \$10,442.89 to be funded from the Water Reserve for Future Allocations, and Councilmember Willett seconded the motion. The motion passed unanimously.

- f. Authorize the City Manager to enter into an agreement with the Texas Department of Criminal Justice for the exclusive use of the water line at the Ellis Unit, as specified in the "Permit to Operate and Maintain a City of Huntsville Water Pipeline", as presented by Bill Daugette.

TDCJ has constructed a new water tower close to F.M. 980 and will be moving the existing water meter to that location. There is approximately 5,300 of 12" water line that belongs to the Trinity River Authority/City of Huntsville between the new meter and the old pump station. Bonds were issued in 1996 by the Trinity River Authority (TRA) as a means to finance the installation and construction costs of this line. TRA cannot transfer ownership of an asset that still has debt outstanding, so they and TDCJ have signed an "Exclusive Use" agreement which will expire on July 11, 2016, when ownership of the line is transferred to the City of Huntsville. This agreement will become effective on that date.

Councilmember Woodward made a motion to authorize the City Manager to enter into an agreement with the Texas Department of Criminal Justice for the exclusive use of the water line at the Ellis Unit, as specified in the "Permit to Operate and Maintain a City of Huntsville Water Pipeline, and Councilmember Choate seconded the motion. The motion passed unanimously.

- g. Approve Ordinance No. 2005-06-21.4 amending Title 20, Motor Vehicles and Traffic of the Code of Ordinances by making 17th Street one-way from Sam Houston Avenue to University Avenue, and no parking zone on 17th Street on both sides of the road from Sam Houston Avenue to Avenue M, as presented by Glenn E. Isbell, Director of Public Services.

TxDOT, Sam Houston University and the City of Huntsville have jointly addressed the traffic and pedestrian problems related to the 17th Street and Sam Houston Ave. intersection. The offset intersection complicates traffic and pedestrian movements and creates an unsafe intersection. An improvement plan is attached which will move the traffic signals to align with 17th Street - west and will designate 17th Street east as a one-way corridor with traffic movement to the east. Left turn movements will be prohibited off of Sam Houston Ave. onto 17th street east and pedestrian crosswalks will be redesignated to conform with the proposed intersection improvements.

Councilmember Smith made a motion to approve Ordinance No. 2005-06-21.4 amending Title 20, Motor Vehicles and Traffic of the Code of Ordinances by making 17th Street one-way from Sam Houston Avenue to University Avenue, and no parking zone on 17th Street on both sides of the road from Sam Houston Avenue to Avenue M, as amended, to improve pedestrian safety, and Councilmember Willett seconded the motion. The motion passed unanimously.

- h. Authorize the City Manager to enter into a waterline extension agreement for the Westridge Collector Easement and the FM 1791 Waterline Extension. [Executive Session]
 - i. Consider and take action regarding approval to acquire a waterline easement parallel to Highway 30. [Executive Session]
 - j. Consider and take action regarding computer software and associated legal matters. [Executive Session]
- Items h., i. and j. were discussed in Executive Session.

MAYOR / COUNCILMEMBER / CITY MANAGER REPORT

- a. Update on pending or contemplated litigation.
- b. Update on land acquisition.
These items were discussed in Executive Session.
- c.

PUBLIC COMMENTS

- a. Councilmember Choate thanked Councilmember Smith for his service the past year as Mayor Pro Tem leading the Council in the absence of a Mayor.

MEDIA

None.

EXECUTIVE SESSION [7:35 p.m. – 8:10 p.m.]

RECONVENE

Councilmember Woodward made a motion to authorize the City Manager to enter into a waterline extension agreement with New Waverly Ventures Limited, Inc., and Councilmember Griffin seconded the motion. The motion passed unanimously.

Councilmember Evans made a motion to authorize the City Manager to acquire a waterline easement parallel to Highway 30 in an amount of \$15,355, for the relocation of an existing 12" waterline to expedite the TXDOT Highway 30 widening project, and Councilmember Smith seconded the motion. The motion passed unanimously.

Councilmember Choate made a motion to authorize the City Manager to enter into a memorandum of understanding with New World Systems, and Councilmember Smith seconded the motion. The motion passed unanimously.

Councilmember Evans made a comment that he felt a City Councilmember should be a member of the IT Committee.

ADJOURNMENT [8:20 p.m.]



Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 23RD DAY OF MAY 2006, IN THE CITY HALL, 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:

COUNCILMEMBERS:

J. Turner	Bob Tavenner
Mickey Evans	Jack Choate
Judy Kayse	Mac Woodward
Clarence W. Griffin	Jim Willett
Steed Smith	Melissa Mahaffey

OFFICERS:

Kevin Evans, City Manager
Danna Welter, City Secretary
Thomas Leeper, City Attorney

WORK SESSION [5:30 p.m. – 6:00 p.m.]

Work Session for a web demo of Code Red presented by Brian Davis.

CALL TO ORDER [6:05 p.m.]

Mayor Turner called the meeting to order.

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Parks and Recreation Director Ray Black led the invocation.

PUBLIC COMMENTS (Agenda Items Only)

- a. Councilmember Choate publicly thanked Councilmember Kayse for her dedicated service to the citizens of Huntsville.

PRESENTATIONS

- a. Presentation – Mance Park Junior High School Video Clips; and
b. Proclamation – Public Works Week.

ELECTION MATTERS

- a. Consider Ordinance canvassing the returns of the Regular Municipal Election held on the 13th day of May 2006, for the purpose of electing four at-large councilmembers. (Danna Welter, City Secretary)
Councilmember Woodward made a motion to approve Ordinance 2006-05-23.1 canvassing the returns of the Regular Municipal Election held on the 13th day of May 2006, for the purpose of electing four at-large councilmembers, and Councilmember Smith seconded the motion. The motion passed unanimously.
- b. Administration of the Oath of Office to the elected members of City Council, as administered by County Judge Danny Pierce.
Judge Pierce administered the Oath of Office to Jack Choate, Position 4; Mickey S. Evans, Position 3; and Melissa Mahaffey, Position 2.
Councilmember Mahaffey takes her place at the Dias, and Councilmember Kayse leaves the Dias.
- c. Consider Ordinance calling a runoff election to be held within the City of Huntsville on June 24, 2006, for the purpose of electing at-large place 1 councilmember. (Danna Welter)
Councilmember Choate made a motion to approve Ordinance 2006-05-23.2 calling a runoff election to be held within the City of Huntsville on June 24, 2006, for the purpose of electing at-large place 1 councilmember, and Councilmember Smith seconded the motion. The motion passed unanimously.

CONSENT AGENDA

- a. Approve minutes of March 29 and April 18, 2006. [Danna Welter, City Secretary]
b. Consider budget adjustment. [Winston Duke, Director of Finance]
Councilmember Kayse made a motion to approve the consent agenda, and Councilmember Tavenner seconded the motion. The motion passed unanimously.
Item b. was removed from the agenda. In light of Attorney General Opinion, budget adjustments need to be approved by Ordinance.
Councilmember Evans made a motion to approve item a of the Consent Agenda, and Councilmember Smith seconded the motion. The motion passed unanimously.

STATUTORY AGENDA

- a. Approve the purchase of a 2006 Sterling rear load sanitation truck in the amount of \$102,670.56, to be purchased from budgeted funds, as presented by Debby Mikulin, Purchasing Agent.
The purchase of a new residential collection rear load sanitation truck was budgeted in the new FY05/06 budget. Pricing was obtained through two State of Texas Purchasing Cooperatives; H-GAC and the Texas Local Government Buy Board. All competitive bidding requirements and regulations are met when purchasing through State of Texas Purchasing Cooperatives.

STAFF RECOMMENDATION:

It is staff's recommendation to purchase a new 2006 Sterling Acterra chassis priced at \$71,696.00 from Grande Truck Center which is Texas Local Government Buy Board contract pricing. The rear load body is priced from Heil of Texas (H-GAC vendor) for a Heil 25 yard, Formula 5000 high compaction body for \$30,974.56. The total price of the truck will be \$102,670.56 which includes a trade-in amount of \$16,000 for a 1995 Ford L8000 refuse truck.

FISCAL IMPACT or FUNDING SOURCE:

306-379-69040

\$100,000 allocated in FY 05/06 replacement schedule

\$122,000 budget remaining in account (savings from previous purchases)

Councilmember Woodward made a motion to Approve the purchase of a 2006 Sterling rear load sanitation truck in the amount of \$102,670.56, to be purchased from budgeted funds, and Councilmember Griffin seconded the motion. The motion passed unanimously.

- b. Authorize the Huntsville Fire Department to apply and accept the SAFER Grant for two positions if awarded, as presented by Tom Grisham, Fire Chief.

This is the second year Huntsville Fire Department has applied for the SAFER Grant. SAFER Grant provides up to \$100,000 for salary and benefits over a four-year period for new fire fighter positions. The City of Huntsville will guarantee maintaining the positions for at least one additional year. The grant is paid on a percentage formula beginning at ninety (90) percent being funded with the grant on the first year and thirty (30) percent being funded with the grant in the fourth year.

FISCAL IMPACT / FUNDING SOURCE:

Beginning fire fighter annual salary with benefits is \$51,172

Grant to provide 90 % funding the first year

Grant to provide 80 % funding the second year

Grant to provide 50 % funding the third year

Grant to provide 30 % funding the fourth year

City of Huntsville to provide 100 % funding the fifth year

Grant will allow for an increase in salary and benefits for inflation over the years.

Councilmember Woodward made a motion to authorize the Huntsville Fire Department to apply and accept the SAFER Grant for two positions if awarded, and Councilmember Tavenner seconded the motion. The motion passed unanimously.

- c. Approve application and acceptance of FEMA Bunker Gear Grant in the amount of \$63,693 with a \$7,077 city match for a total award of \$70,770, to be funded in FY 2006-07 budget, to be presented by Chief Grisham.

Bunker gear, one turnout pant and one turnout coat. The Commission on Fire Protection mandates the gear to be inspected monthly for flaws. Should a garment not pass inspection it can no longer be used to fight fires or in fire rescue. This will allow for twenty-one firefighters to receive gear which will soon expire. The life expectancy of a set of gear is three to five years. The department plans to purchase twenty-one (21) sets of bunker gear for Huntsville Fire Department for a total cost of \$70,770 with FEMA Grant to pay \$63,693 and a \$7,077 City of Huntsville match. The expected cost will be \$3,370 per set of gear.

FISCAL IMPACT / FUNDING SOURCE:

Revenue (FEMA Grant)	101-42801	63,693
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Expense (City Match)	101-552-57475	7,077
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Total Grant Purchase		70,770
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Funding for City Match to be placed in 06-07 budget.

Councilmember Choate made a motion to approve application and acceptance of FEMA Bunker Gear Grant in the amount of \$63,693 with a \$7,077 city match for a total award of \$70,770, to be funded in FY 2006-07 budget, and Councilmember Griffin seconded the motion. The motion passed unanimously.

- d. Adopt Resolution No. 2006-05-23.1 authorizing the City Manager to request grant funding from the H-GAC FY 2007 Solid Waste Grants Program, committing local matching funds for Replacement Reserve, Vehicle Maintenance and Fuel Costs as detailed in the Grant Application Budget, and to act on behalf of the City of Huntsville in all matters related to the Grant application and any subsequent grant contract and project actions that may result, as presented by Mark Leonard, Community Development Manager.

Dating back to 1994, the City of Huntsville has been awarded eight solid waste grants from H-GAC, totaling \$404,550. This application proposes to advance and improve the City's ability to encourage and promote the proper disposal and recycling of heavy items such as reusable building materials, appliances, vehicle tires and tree limbs and trunks through regularly scheduled and on-call pick up service. Previous grants have provided funding for the construction of the Recycled Building Material Warehouse, the expansion of the Recycling Center and educational videos produced by the students of Mance Park Middle School.

Award of this grant and purchase of this truck will allow the City of Huntsville to offer for the first time, scheduled and on-call heavy trash pick-up and recycling in a cost effective manner, reducing labor and landfill tipping fee costs. Availability of this equipment will also give the City an ability to respond rapidly to the need for heavy debris removal in emergency situations caused by storm or hurricane wind damage.

ORDINANCE NO. 2006-10

AN ORDINANCE CANVASSING THE RETURNS OF THE REGULAR MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 13TH DAY OF MAY 2006, FOR THE PURPOSE OF ELECTING COUNCILMEMBERS, AT-LARGE POSITIONS 1, 2, 3, AND 4; 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

MATT HANNES	290
GARY CRAWFORD	464
DALENE ZENDER	687

FOR COUNCILMEMBER, AT-LARGE POSITION 2

MELISSA TEMPLETON-MAHAFFEY	952
JUDY KAYSE	504

FOR COUNCILMEMBER, AT-LARGE POSITION 3

RAY MARTIN	594
MICKEY S. EVANS	806

FOR COUNCILMEMBER, AT-LARGE POSITION 4

JACK K. CHOATE	1099
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EARLY VOTING BY PRECINCT

	Ward 1			Ward 2			Ward 3			Ward 4				
Position 1	102	201	206	101	301	205	401	205	401	205	401	205	401	Total
Matt Hannes	28	20	14	3	4	22	8	22	8	22	8	22	8	99
Gary Crawford	36	20	17	12	42	42	6	42	6	42	6	42	6	175
Dalene Zender	95	43	11	11	25	66	13	66	13	66	13	66	13	264
Position 2	108	54	39	19	45	71	19	71	19	71	19	71	19	
Melissa Templeton-Mahaffey	108	54	39	19	45	71	19	71	19	71	19	71	19	355
Judy Kayse	49	31	4	7	23	63	8	63	8	63	8	63	8	185
Position 3	63	30	18	9	24	35	15	35	15	35	15	35	15	
Ray Martin	63	30	18	9	24	35	15	35	15	35	15	35	15	194
Mickey S. Evans	83	53	23	17	41	95	12	95	12	95	12	95	12	324
Position 4	112	71	29	24	50	111	20	111	20	111	20	111	20	
Jack K. Choate	112	71	29	24	50	111	20	111	20	111	20	111	20	417

ELECTION DAY VOTING (AND EARLY TOTALS)

Position 1	Early	102	201	206	101	301	205	401	Total
Matt Hannes	99	33	30	28	2	14	66	18	290
Gary Crawford	175	32	19	39	41	66	77	15	464
Dalene Zender	264	76	66	28	8	31	187	27	687

Position 2	Early	102	201	206	101	301	205	401	Total
Melissa Templeton-Mahaffey	355	85	68	70	31	79	227	37	952
Judy Kayse	185	63	47	29	15	27	115	23	504

Position 3	Early	102	201	206	101	301	205	401	Total
Ray Martin	194	53	57	45	21	59	149	16	594
Mickey S. Evans	324	92	60	43	25	44	179	39	806

Position 4	Early	102	201	206	101	301	205	401	Total
Jack Choate	417	113	93	65	33	78	255	45	1099

	Registered Voters	Voters Voted		Total	Percentage
		Early	Election Day		
Precinct 101	1,049	26	51	77	7%
Precinct 102	2,894	166	148	314	11%
Precinct 201	2,501	88	117	205	8%
Precinct 205	2,219	138	342	480	22%
Precinct 206	722	44	99	143	20%
Precinct 301	2,306	72	111	183	8%
Precinct 401	2,294	27	60	87	4%
Total	13,985	561	928	1489	11%

FISCAL IMPACT / FUNDING SOURCE:

\$175,287.88 - FY 2007 H-GAC Solid Waste Implementation Grant
 \$ 13,525.30 - Annual Replacement Reserve Cost / Local Commitment
 \$ 6,650.00 - Annual Maintenance Cost Estimate / Local Commitment
 \$ 7,800.00 - Annual Diesel Fuel Cost Estimate (\$3.00/gal.) / Local Commitment
 \$ 27,975.30 - Annual Estimated Cost of Local Commitment

Councilmember Smith made a motion to adopt Resolution No. 2006-05-23.1 authorizing the City Manager to request grant funding from the H-GAC FY 2007 Solid Waste Grants Program, committing local matching funds for Replacement Reserve, Vehicle Maintenance and Fuel Costs as detailed in the Grant Application Budget, and to act on behalf of the City of Huntsville in all matters related to the Grant application and any subsequent grant contract and project actions that may result, and Councilmember Willett seconded the motion. The motion passed unanimously.

- e. Authorize the use of up to \$20,000 from budgeted project contingency funds to be used for the construction of parking lots for Eastham-Thomason Park, as presented by Steve Stacy, City Engineer.
 A matching grant was awarded to the City from the Texas Parks and Wildlife Department for the City to construct a new Aquatic Center and other amenities in Eastham-Thomason Park. Other amenities include constructing adequate parking within the park. Originally, three parking lots were going to be constructed with budgeted project funds of \$93,486. Originally, three parking lots known as Avenue O, 10th Street and 7th Street were planned to be constructed. Since that time, another lot known as Avenue N has been designed and a cost estimate developed. Construction of the Avenue N parking lot will require additional funds beyond the original budgeted funds.

Staff recommends constructing three of the four parking lots at this time. The three lots recommended for construction include 10th Street, Avenue N and 7th Street. The Avenue O parking lot can be constructed in the future. Parallel parking can be utilized along the existing pavement on Avenue O until the area can be reconstructed.

A Preliminary Cost Estimate has been developed for all four lots with optional pavement sections. The cost estimates are attached.

FISCAL IMPACT / FUNDING SOURCE:

Funding Impact: Additional \$20,000 for parking lot construction
 Funding Source: Budgeted Project Funds 818-81801-62600: existing balance \$120,829

Councilmember Willett made a motion to authorize the use of up to \$20,000 from budgeted project contingency funds to be used for the construction of parking lots for Eastham-Thomason Park, and Councilmember Woodward seconded the motion. The motion passed unanimously.

- f. Authorize the purchase of Pretreatment equipment in the amount of \$9,860 from Account (702-70204-62300 Wastewater Economic Development) or (221-1221-91100 Wastewater Reserve for Future Allocation), to be installed and maintained by Gardner Glass, as presented by Bill Dauge, Public Services Operations Manager.
 Gardner Glass has had discussions with the City of Huntsville concerning connecting to our sewer system. Being a mirror manufacturing facility they produce Silver in excess of our local limit of .03 mg/l. In an effort to comply with our limits, Gardner Glass has made a significant investment in upgrading their industrial wastewater system with expanded filtration equipment. These upgrades have resulted in silver removal levels that comply with the City's local limits. However, the possibility of a malfunction or a slug discharge could negatively impact our collection system, resulting in the possibility of fines from the TCEQ and EPA. Gardner Glass has proposed an additional step in the treatment process that would significantly reduce these risks by adding redundancy to the treatment process. Assistance by the City of Huntsville with the acquisition of this additional treatment equipment would be a prudent investment in the protection of the wastewater collection system and treatment plant. The cost of additional equipment is \$9,860, once purchased and installed Gardner Glass would be completely responsible for its maintenance and upkeep. The facility would be inspected regularly in accordance with Title 33 of the City of Huntsville Code of Ordinances.

FISCAL IMPACT or FUNDING SOURCE:

\$9,860 221-1221-91100 Wastewater Reserve for Future Allocation (balance \$50,000) or;
 702-70204-62300 Wastewater Economic Development (balance \$100,000)

Councilmember Choate made a motion to authorize the purchase of Pretreatment equipment in the amount of \$9,860 from Account (702-70204-62300 Wastewater Economic Development), to be installed and maintained by Gardner Glass, and Councilmember Willett seconded the motion. The motion passed unanimously.

MAYOR / COUNCILMEMBER / CITY MANAGER REPORT

- a. Cemetery Board appointment.
Councilmember Woodward made a motion to appoint Dell McAdams to the Cemetery Board, and Councilmember Willett seconded the motion. The motion passed unanimously.
- b. Comprehensive Plan Action Committee (CPAC) report, as presented by Chairman Mickey Evans.
 Councilmember Evans updated City Council on the CPAC. He stated that the committee would meet next week to discuss a logo, marketing plan and timeline for the plan. He also stated that they would expand the committee in late June to include other aspects of the community. The kick off by LKI would begin in July with focus groups, and interviews. In September, forums are planned in each of the four wards. Councilmember Evans stated that he would update City Council as the planning progresses.

- c. City Manager Kevin Evans stated that the pre-budget workshop is scheduled for June 16/17, 2006. He also congratulated Purchasing Agent Debby Mikulin on the success of her daughter, Morgan "Mo" and the Lady Hornet Softball team.

PUBLIC COMMENTS

- a. Ray Martin. Mr. Martin congratulated Councilmember Evans on his re-election to office. He encouraged the CPAC to involve all aspects of the community including the University.
- b. Charles Rine. Mr. Rine thanked staff for their service to the community, but felt that it was not appropriate for City offices to be closed on Cinco de Mayo since it is a Mexican holiday and not a US holiday. He asked that City Council re-visit City holidays.

MEDIA

None.

ADJOURNMENT [7:37 p.m.]



Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 27th DAY OF JUNE 2006, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6:00 P.M.

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

COUNCILMEMBERS:

J. Turner
Mickey Evans
Dalene Zender
Clarence W. Griffin
Melissa Mahaffey
Absent: Steed Smith

Bob Tavenner
Jack Choate
Mac Woodward
Jim Willett

OFFICERS:

Kevin Evans, City Manager
Danna Welter, City Secretary
Thomas Leeper, City Attorney

CALL TO ORDER [6:00 p.m.]

Mayor Turner called the meeting to order.

INVOCATION

Parks and Recreation Director Ray Black led the invocation.

PUBLIC COMMENTS (Agenda Items Only)

None.

ELECTION MATTERS

- a. Consider Ordinance canvassing the returns of the Runoff Election held on the 24th day of June 2006, for the purpose of electing at-large councilmember position one. (Danna Welter, City Secretary)

ORDINANCE NO. 2006-06-27.1

AN ORDINANCE CANVASSING THE RETURNS OF THE RUNOFF MUNICIPAL ELECTION HELD WITHIN THE CITY OF HUNTSVILLE ON THE 24TH DAY OF JUNE 2006, FOR THE PURPOSE OF ELECTING COUNCILMEMBER AT-LARGE POSITION 1; 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

GARY CRAWFORD	378
DALENE ZENDER	638

Councilmember Woodward made a motion to approve Ordinance 2006-06-27.1 canvassing the returns of the Runoff Election held on the 24th day of June 2006, for the purpose of electing at-large councilmember position one, and Councilmember Griffin seconded the motion. The motion passed unanimously.

EARLY VOTING BY PRECINCT

	Ward 1	Ward 2	Ward 3	Ward 4	Total			
Position 1	102	201	206	101	301	205	401	
Gary Crawford	41	29	14	17	38	36	7	182
Dalene Zender	105	44	21	13	24	64	11	282

ELECTION DAY VOTING (AND EARLY TOTALS)

Position 1	Early	102	201	206	101	301	205	401	Total
Gary Crawford	182	28	10	19	26	30	72	11	378
Dalene Zender	282	41	35	25	4	17	207	27	638

	Registered Voters	Voters Voted			Percentage
		Early	Election Day	Total	
Precinct 101	1,063	30	30	60	6%
Precinct 102	2,882	147	69	216	7%
Precinct 201	2,503	74	45	119	5%
Precinct 205	2,207	100	279	379	17%
Precinct 206	717	35	44	79	11%
Precinct 301	2,287	62	47	109	5%
Precinct 401	2,282	18	38	56	2%
Total	13,941	466	552	1018	7.5%

- b. Administration of the Oath of Office to the elected members of City Council, as administered by County Judge Danny Pierce.
- c. Election of Mayor Pro Tem.
Councilmember Woodward made a motion to elect Jack Choate as Mayor Pro Tem, and Councilmember Griffin seconded the motion. The motion passed unanimously.

MAYOR / COUNCILMEMBER / CITY MANAGER REPORT

- a. City Manager Evans reminded City Council of the budget work session to be held on Friday June 30th beginning at 8:30 a.m.

PUBLIC COMMENTS

None.

MEDIA

None.

ADJOURNMENT [6:09 p.m.]



Danna Welter, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 22nd DAY OF MAY, 2007, IN THE CITY HALL LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 5:00 P.M.

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

COUNCILMEMBERS:

J. Turner	Bob Tavenner
Mickey Evans	Dalene Zender
Jim Willett	Mac Woodward
Jack Choate	Melissa Mahaffey
Clarence Griffin	Wayne Barrett

OFFICERS:

Kevin Evans, City Manager
 Staci McGinty, Deputy City Secretary
 Thomas Leeper, City Attorney

CALL TO ORDER [5:00 p.m.]

Mayor Turner called the meeting to order.

WORK SESSION

Review of Police Department Quality Assessment report as presented by Joe Fernald.
 [5:00 p.m. – 5:55 p.m.]

PLEDGE OF ALLEGIANCE to US AND TEXAS FLAGS, INVOCATION

Councilmember Griffin led the invocation.

PUBLIC COMMENTS (Agenda Items Only)

None.

ELECTION MATTERS

- a. Consider Ordinance 2007-05-22.1 canvassing the returns of the Regular Municipal Election held on the 12th day of May, 2007, for the purpose of electing a Mayor at-large and four Ward Councilmembers, one from each of the City's four wards.

FOR MAYOR AT-LARGE

J. TURNER	1345
DOUG CURRY	54
GEORGE D. MILES, JR.	1090

FOR COUNCILMEMBER, WARD 1

JIM WILLETT	248
DR. TOM COLE	247

FOR COUNCILMEMBER, WARD 2

MAC WOODWARD	420
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FOR COUNCILMEMBER, WARD 3

CLARENCE W. GRIFFIN	216
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FOR COUNCILMEMBER, WARD 4

BOB TAVENNER	373
JASON MYERS	78
WAYNE BARRETT	680

Official Returns for the City of Huntsville City Officers Election held Saturday, May 12, 2007 for the purpose of electing the Mayor At-Large and Ward Councilmembers, One, Two, Three and Four:

Early Voting by Precinct

Mayor	102	201	206	101	301	205	401	Total
J. Turner	197	118	42	30	85	203	47	722
Doug Curry	9	11	1	0	1	1	14	37
George D. Miles, Jr.	156	98	24	16	42	221	38	595

Ward 1	102	Total
Jim Willett	185	185
Dr. Tom Cole	174	174

Ward 2	201	206	Total
Mac Woodward	175	50	225

Ward 3	101	301	Total
Clarence W. Griffin	40	89	129

Ward 4	205	401	Total
Bob Tavenner	161	36	197
Jason Myers	6	29	35
Wayne Barrett	252	35	287

Early Voting & Election Day Returns

Mayor	Early	102	201	206	101	301	205	401	Total
J. Turner	722	78	107	41	21	66	273	37	1345
Doug Curry	37	1	7	2	0	2	2	3	54
George D. Miles, Jr.	595	58	55	46	5	16	289	26	1090

Ward 1	Early	102	Total
Jim Willett	185	63	248
Dr. Tom Cole	174	73	247

Ward 2	Early	201	206	Total
Mac Woodward	225	135	60	420

Ward 3	Early	101	301	Total
Clarence W. Griffin	129	21	66	216

Ward 4	Early	205	401	Total
Bob Tavenner	197	159	17	373
Jason Myers	35	37	6	78
Wayne Barrett	287	355	38	680

	<u>Registered</u>	<u>Voters Voted</u>		<u>Total</u>	<u>Percentage</u>
	<u>Voters</u>	<u>Early</u>	<u>Election Day</u>		
Precinct 101	1,035	47	27	74	7%
Precinct 102	2757	367	137	504	18%
Precinct 201	2403	228	169	397	17%
Precinct 205	2205	433	571	1004	46%
Precinct 206	698	67	90	157	22%
Precinct 301	2134	129	85	214	10%
Precinct 401	<u>2410</u>	<u>100</u>	<u>66</u>	<u>166</u>	<u>7%</u>
Total	13,642	1371	1145	2516	18%

Councilmember Woodward made a motion to approve Ordinance 2007-05-22.1 canvassing the returns of the Regular Municipal Election held on the 12th day of May, 2007, for the purpose of electing a Mayor at-large and four Ward Councilmembers, one from each of the City's four wards and Councilmember Zender seconded the motion. The motion passed unanimously.

- b. Administration of the Oath of Office to the elected members of City Council, as administered by Judge Danny Pierce. Judge Danny Pierce administered the oath of office to J. Turner, Mayor at-large; Jim Willett, Councilmember Ward 1; Mac Woodward, Councilmember Ward 2; Clarence W. Griffin, Councilmember, Ward 3; and Wayne Barrett, Councilmember Ward 4.
- c. Consider Ordinance 2007-05-22.2, calling a runoff election to be held within the City of Huntsville on June 9, 2007 (if necessary). This item was pulled from the agenda.
- d. Consider election of Mayor Pro Tem. Councilmember Choate made a motion to nominate Councilmember Mac Woodward as Mayor Pro Tem. Councilmember Griffin seconded the motion. The motion passed unanimously.

PRESENTATIONS

- a. Presentation of Beautification Advisory Board "Generous Supporter" awards, as presented by Chairman David Moorman and Board members.
- b. Presentation of Beautification Committee Three-Year Plan, as presented by Stephanie Brim.
- c. Proclamation – Public Works Week.

CONSENT AGENDA

- a. Consider minutes of May 1, 2007. [Danna Welter]
Councilmember Choate made a motion to approve the consent agenda, and Councilmember Evans seconded the motion. The motion passed unanimously.

STATUTORY AGENDA

- a. Administration of the Oath of Office to Bill Daugette to the One Call Board as appointed by Governor Rick Perry, as administered by Judge Danny Pierce.
 This item was pulled from the agenda.
- b. Authorize acceptance of 1999 Ford E-Series box truck from Walker County to the Huntsville Police Department, as presented by Sgt. James Fitch.
 Lt. Kevin Lunsford presented this item.
Councilmember Choate made a motion to authorize acceptance of 199 Ford E-Series box truck from Walker County to the Huntsville Police Department. Councilmember Mahaffey seconded the motion. The motion passed unanimously.
- c. Authorize the City Manager to enter into a contract with L.C. United Painting Company Inc. for the rehabilitation of the two 1 million gallon storage tanks at the Palm Street Water Plant., as presented by Bill Daugette, Public Utilities Director.
Councilmember Woodward made a motion to authorize the City Manager to enter into a contract with L.C. United Painting Company Inc. for the rehabilitation of the two 1 million gallon storage tanks at the Palm Street Water Plant. Councilmember Willett seconded the motion.
 Councilmember Barrett commented that he felt that the dollar amount of the bid should be set out in the motion. Councilmember Woodward re-stated his motion to accept the bid which sets out the dollar amount.
A vote was taken. The motion passed unanimously.
- d. Approve Ordinance 2007-05-22.03, amending Title 16, Cemeteries, of the City of Huntsville's Code of Ordinances, as presented by Stephanie Brim, Community Services Director.
Councilmember Woodward made a motion to approve Ordinance 2007-05-22.03, amending Title 16, Cemeteries, of the City of Huntsville's Code of Ordinances. Councilmember Willett seconded the motion. The motion passed unanimously.
- e. Authorize the City Manager to enter into a contract with CEBArchitecture to provide professional pre-design and planning services for Oakwood, Adickes and Mayes Cemeteries, at a cost not to exceed \$7,500, to be paid out of Community Services Department – Parks/Cemetery Division – Cemetery Improvements (260-460-57022) with reimbursement to the City pledged in the amount of \$3,750 by the Cemetery Advisory Board through fundraising and private donations, as presented by Stephanie Brim.
Councilmember Woodward made a motion to Authorize the City Manager to enter into a contract with CEBArchitecture to provide professional pre-design and planning services for Oakwood, Adickes and Mayes Cemeteries, at a cost not to exceed \$7,500, to be paid out of Community Services Department – Parks/Cemetery Division – Cemetery Improvements (260-460-57022) with reimbursement to the City pledged in the amount of \$3,750 by the Cemetery Advisory Board through fundraising and private donations. Councilmember Choate seconded the motion.
 Discussion brought by Councilmember Barrett, Mayor Turner as to what was intended by reimbursables and wanted to make sure the contract was capped at \$7,500. Councilmember Woodward made efforts to clarify the amendment to the contract eliminating the "reimbursables" and that the contract is capped at \$7,500.
A vote was taken. The motion passed unanimously.

MAYOR/COUNCILMEMBER/CITY MANAGER REPORT

Discuss personnel matters pertaining to Charter Officers. (Councilmember Choate was absent for executive session.)

EXECUTIVE SESSION [6:56p.m. – 7:21 p.m.]

PUBLIC COMMENTS (General)

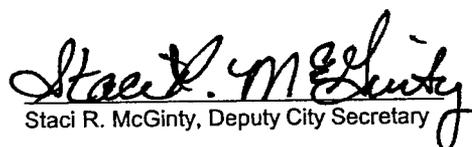
None.

MEDIA

None.

ADJOURNMENT

[7.21p.m.]


 Staci R. McGinty, Deputy City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 15TH DAY OF NOVEMBER, 2007, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 11:30 A.M.

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

COUNCILMEMBERS: J. Turner, Wayne Barrett, Jack Choate, Mickey S. Evans, Melissa Mahaffey, Jim Willett, and Dalene Zender

OFFICERS: Kevin Evans, City Manager; Stephanie Brim, City Secretary; and Thomas A. Leeper, City Attorney

ABSENT: Clarence Griffin and Mac Woodward

SPECIAL SESSION

CALL TO ORDER [11:30am]

Mayor Turner called the meeting to order.

PLEDGE OF ALLEGIANCE to US and TEXAS FLAGS, INVOCATION

Councilmember Barrett led the invocation.

PRESENTATIONS

- a. Proclamation No. 2007-34, Home Health & Hospice Month, accepted by Sherri Ballard of Amedisys, Inc.
- b. Proclamation No. 2007-35, Marilyn Louther Day, accepted by Marilyn Louther.

PUBLIC HEARING to receive comments on Ordinance 2007-11-15.1, to tax tangible personal property in transit, which would otherwise be exempt pursuant to Tax Code Section 11.253.

No comments were received.

PUBLIC COMMENTS (Agenda Items Only)

Dan Phillips. Mr. Phillips commented on the proposed sale of City property located at 902, 906 and 908 Avenue H, requesting that (1) restrictive covenants be changed to twenty years, (2) that the minimum square footage requirement for the homes to be built be eliminated; and (3) that the City waive the water and sewer tap fees for these properties.

John Wagamon. Mr. Wagamon commented at length on the minutes of the April 24, 2007 meeting, specifically on the wording regarding Councilmember Woodward's abstention.

CONSENT AGENDA

- a. Consider minutes of April 24, 2007.
After discussion of several alternatives, Councilmember Choate moved to table approval of the minutes of April 24, 2007, and Councilmember Evans seconded the motion. The motion passed 6-1 with Councilmember Mahaffey voting against.

STATUTORY AGENDA

- a. Approve Resolution 2007-11-15.1, canvassing the returns of the Election held on the 6th day of November 2007, for the purpose of "the issuance of \$2,150,000 in tax supported general obligation bonds for the construction, acquisition, improving and equipping a new fire station to serve the portion of the City east of Sam Houston Avenue," as presented by Stephanie Brim, City Secretary.

Councilmember Zender moved to approve Resolution 2007-11-15.1, canvassing the returns of the Election held on the 6th day of November 2007, for the purpose of "the issuance of \$2,150,000 in tax supported general obligation bonds for the construction, acquisition, improving and equipping a new fire station to serve the portion of the City east of Sam Houston Avenue," and Councilmember Mahaffey seconded the motion. The motion passed 7-0.

- b. Approve Ordinance 2007-11-15.1, to tax tangible personal property in transit which would otherwise be exempt pursuant to Tax Code Section 11.253, as presented by Winston Duke, Director of Finance.
Presently, the City taxes for goods-in-transit as had been provided by established law. The 80th Texas legislature enacted HB 621 to take effect January 1, 2008 which added tax code Section 11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing, or fabricating purposes ("goods-in-transit") which property has been subject to taxation in the past. Tax Code Section 11.253 (j) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the continued taxation of such goods-in-transit. Per Chief Appraiser, approximately \$500,000 is subject to be taxed;

however, total future impact is currently unknown.

Councilmember Willett moved to approve Ordinance 2007-11-15.1, to tax tangible personal property in transit which would otherwise be exempt, pursuant to Tax Code Section 11.253, and Councilmember Evans seconded the motion. The motion passed 7-0.

- c. Authorize the City Manager to execute the Interlocal Cooperation Agreement for Services with Walker County Appraisal District and approve funding of the computer/software transition monies of \$19,104 from budgeted funds, as presented by Winston Duke.

Currently, the City owns and maintains two (2) personal computers and three (3) copies of GIS software for use by WCAD. This agreement will transfer all responsibilities concerning computers and software over to WCAD. The City will provide \$19,104 of computer and software monies in order to help the transition of responsibilities over to WCAD. A detailed list of the computer equipment and software is shown within the attached agreement. Currently, the City is spending approximately \$5,600 per year on software licensing and computer support.

The agreement clarified language regarding the duties of the Tax Collector and publication of tax notices. This agreement was discussed with the Finance Committee on October 25, 2007.

Councilmember Willett moved to authorize the City Manager to execute the Interlocal Cooperation Agreement for Services with Walker County Appraisal District and approve funding of the computer/software transition monies of \$19,104 from budgeted funds, and Councilmember Zender seconded the motion. The motion passed 7-0.

- d. Authorize the City Manager to enter into a construction contract with Doughtie Construction Company, Inc. in an amount not to exceed \$23,521.11 for the construction of the Barnes Subdivision Sewer Project to be funded from budgeted project funds, as presented by Steve Stacy, P.E., Director of Public Works.

This project was one of several considered for funding through the Unserved/Underserved (U/U) program that has been a Council commitment to provide City utility services to all homes within the City limits. Currently, this is the only residence within the subdivision that does not have City wastewater service. The home that will be served has an on-site sewer system that does not function properly.

Bids were received and opened on October 24, 2007, and are tabulated as follows:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Doughtie Construction	\$23,521.11
Grisham Construction	\$29,529.74
SLC	\$79,613.39

Originally, \$63,500 was budgeted for the project. Construction costs were estimated to be \$45,387.50 and the remainder to be used for outside engineering consultant services. The project was instead designed by City staff and the original sewer route shortened due to the purchase of the Breston Property that was purchased as part of the TP&W grant project (for Eastham-Thomason Park). This allowed approximately 288 linear feet and 4 manholes to be eliminated from the project which resulted in a significant cost savings.

Councilmember Mahaffey moved to authorize the City Manager to enter into a construction contract with Doughtie Construction Company, Inc. in an amount not to exceed \$23,521.11 for the construction of the Barnes Subdivision Sewer Project to be funded from budgeted project funds, and Councilmember Willett seconded the motion. The motion passed 7-0.

- e. Sale of City property located at 902, 906 and 908 Avenue H, as presented by Stan Hamrick, AICP, City Planner.
In December 2001 the City purchased the above property for \$18,000 to aid in an affordable homes project that never came to fruition. After a period of time, Council began discussing options for continuing the project. It was decided that the best option was to prepare the property and put it out for bid to build affordable housing.

On City Council's directive a residential plat has been prepared for the subject property along with associated property restrictions and residential zoning. This process made the lots "ready" for residential development and helped to lessen the cost of building homes. Currently, the City has spent approximately \$2,000 in time and expenses preparing the property for sale. Bid awards should be based on the offers that, "adds value to the property, provides affordable housing opportunities to citizens and is determined to be in the best interests of the City."

Deed restrictions were made available to the Council for the meeting upon request by Councilmember Zender.

Councilmember Choate moved to accept Bid 1 from the Christian Community Construction Team and authorize the subsequent sale of City property located at 902, 906 and 908 Avenue H per the accepted bids, and Councilmember Evans seconded the motion. The motion passed 7-0.

- f. Approve the purchase of four ½-ton pickups and two ¾-ton pickups from Planet Ford in the amount of \$85,160.00 and two ½-ton pickups from Philpott Motors in the amount of \$32,063.64 from budgeted funds, as presented by Debby Mikulin, Purchasing Agent.

In the 2007-08 fiscal budget, funds were approved to purchase six ½-ton pickups and two ¾-ton pickups. All the vehicles except one ½-ton truck were approved as replacement vehicles through the equipment replacement program. One ½-ton truck is being purchased for a new position. Bids were received for these items.

Councilmember Zender moved to approve the purchase of four ½-ton pickups and two ¾-ton pickups from Planet Ford in the amount of \$85,160.00 and two ½-ton pickups from Philpott Motors in the amount of \$32,063.64 from budgeted funds, and Councilmember Mahaffey seconded the motion. The motion passed 7-0.

- g. Approve the purchase of one solid waste live floor trailer from Travis Body & Trailer in the amount of \$49,775 including the trade-in of one 1994 McClain trailer, as presented by Debby Mikulin.

Unit 724 which has been used as a back-up solid waste transfer trailer was placed into non-operational status in May 2007 due to substantial fatigue and deterioration to major beam supports throughout the base of the trailer. It was determined during budget workshops to purchase a new aluminum transfer trailer. A 1999 model trailer currently being used will move into back-up status for the transfer trailers. The expenditure for a new 48-foot aluminum solid waste live floor transfer trailer was approved in the 2007-08 fiscal year budget.

Bid solicitations were sent to thirteen prospective bidders. Four bids were received.

Councilmember Mahaffey moved to approve the purchase of one solid waste live floor trailer from Travis Body & Trailer in the amount of \$49,775 including the trade-in of one 1994 McClain trailer, and Councilmember Zender seconded the motion. The motion passed 7-0.

- h. Approve the purchase and installation of self priming centrifugal pumps for the Highway 190 and Brook Hollow lift stations from Pump and Power not to exceed \$35,409 to be purchased from budgeted funds, as presented by Billie Smith, Warehouse/Purchasing Buyer.

During the FY 2007-2008 budget discussion, the City Council was presented for their approval a supplemental request for replacement pumps for two lift stations. The current pumps have been in place for over seventeen (17) years and the casings of the pumps are worn and nonrepairable. With the replacement pumps being installed the probability of Sanitary Sewer Overflow (SSO) due to pump failure is reduced. The purchase of new pumps could reduce this possibility. Should SSO occur subsequent fines from the Texas Commission on Environmental Quality (TCEQ) may be assessed.

Sealed bid proposal requirements were established

Councilmember Barrett moved to approve the purchase and installation of self priming centrifugal pumps for the Highway 190 and Brook Hollow lift stations from Pump and Power not to exceed \$35,409 to be purchased from budgeted funds, and Councilmember Choate seconded the motion. The motion passed 7-0.

- i. Approve the purchase of five (5) police vehicles with required equipment and one (1) animal control truck with pro safety unit not to exceed \$178,995.55 through H-GAC and Jennings Anderson Ford to be purchased with budgeted funds, as presented by Billie Smith.

Pricing requests for the police patrol vehicles and SUV have been obtained from RFP Depot, 10 vehicle dealerships, and requested in the formal sealed bid process. Vehicles include four 2008 police patrol vehicles, one 2008 full size SUV (all with police package upgrades), and the necessary equipment for police vehicles to operate in a safe manner. Pricing for a 2008 Ford F-250 Crew Cab with ProSafety Animal Control Unit was obtained from Houston Galveston Area Council ("H-GAC"). The police patrol vehicles with equipment and the animal control truck are on the City of Huntsville vehicle replacement schedule with budgeted funds in the amount of \$186,028. The animal control pro safety unit was presented in the Public Safety FY 2007-08 budget. The full size SUV is an upgrade from a Crown Victoria to a sport utility vehicle as part of the 2007 fleet review in which vehicles were right sized.

Pricing through H-GAC meets all competitive bidding regulations and guidelines as mandated by the State of Texas.

Councilmember Choate moved to approve the purchase of five (5) police vehicles with required equipment and one (1) animal control truck with pro safety unit not to exceed \$178,995.55 through H-GAC and Jennings Anderson Ford to be purchased with budgeted funds, and Councilmember Evans seconded the motion. The motion passed 7-0.

- j. Authorize the purchase of 800 MHz radios, amplifier with installation for the Huntsville Police Department consisting of Twenty-nine (29) vehicle radios and three (3) portable radios from Motorola not to exceed \$103,663; and One (1) bi-directional amplifier and hardware (including installation) from Texas Communications not to exceed \$6,242.34; to be purchased and installed with budgeted funds, as presented by Billie Smith.

Currently the Huntsville Police Department uses a VHF radio system. The current system consists of antiquated technology and the equipment's serviceability has raised concern. During the 2007-2008 budget discussions, the City Council was presented and a supplemental package was funded in the amount of \$108,782 to complete the conversion from VHF to 800 MHz radios to correct the inefficiencies of the VHF system. Purchasing 800 MHz radios would allow direct communications with the Walker County Sheriff's Office and EMS. Additionally this conversion would allow HPD to become part of the regional 800 MHz radio system network that would be critical to communications during a state, regional or local emergency situation. During the field testing of the radios and based upon discussions with radio representatives, it was determined that a bi-directional amplifier would need to be installed at the police department to strengthen radio signal for clearer reception and transmission from inside the building.

Councilmember Mahaffey moved to authorize the purchase of 800 MHz radios, amplifier with installation for the Huntsville Police Department consisting of: Twenty-nine (29) vehicle radios and three (3) portable radios from Motorola not to exceed \$103,663; and One (1) bi-directional amplifier and hardware (including installation) from Texas Communications not to exceed \$6,242.34; to be purchased and installed with budgeted funds, and Councilmember Barrett seconded the motion. The motion passed 7-0.

MAYOR / CITY COUCLMEMBER / CITY MANAGER REPORT

- a. Consider and/or take action on the appointments to the Library Feasibility Study Ad Hoc Committee, as presented by Mayor J. Turner.
Council Representatives – Mayor J. Turner, Councilmembers Mac Woodward and Dalene Zender; and
Community Representatives – Ben Aguilar, Sylvia Bell, Johnnie Jo Dickenson, Kay Douglas, Sharon Duke, Nancy Franklin, Ann Holder, Morris Johnson, Jane Monday, Gene Myrick, Sandra Ray, Dennis Reed, Phillip Rosenburger,

Jack Ross, Joyce Robinson, Al Smith, Rosa Valles, Robert Vann, Helen Watkins, and Julie Woods
Councilmember Barrett moved to ratify the appointments to the Library Feasibility Study Ad Hoc Committee, and Councilmember Mahaffey seconded the motion. The motion passed 7-0.

- b. Consider and/or take action on Annual Review of Charter Officer – City Attorney, as presented by Mayor J. Turner. This item was discussed in Executive Session as authorized below.
- c. Consider and/or take action on clarification of the Welter retirement agreement, as presented by Thomas A. Leeper, City Attorney. This item was discussed in Executive Session as authorized below.

RECESS [1:02-1:16pm]

EXECUTIVE SESSION [1:17-2:18pm]

As authorized by Texas Government Code, Chapter 551, Section 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; City Council discussed and clarified details of the Welter agreement and conducted an annual review of Charter Officer – City Attorney Thomas A. Leeper.

RECONVENE [2:18pm]

Consider and/or take action on clarification of the Welter retirement agreement, as presented by Thomas A. Leeper, City Attorney.

Councilmember Choate moved to direct the Finance Director to make payments to Mrs. Danna Welter in accordance with the agreement [ref. COH contract no. 2007-37] to include ratification of information as provided by the Finance Director with respect to sick leave recalculation and addressing other deductions not specifically included in the contract, and ordered that a check be issued the same day; and Councilmember Evans seconded the motion. The motion passed 7-0.

Councilmember Choate moved to clarify the prior motion to include City payment of Mrs. Welter's health insurance; and Councilmember Zender seconded the motion. The motion passed 7-0.

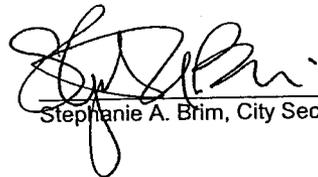
PUBLIC COMMENTS

John Wagamon. Mr. Wagamon continued his comments on Councilmember Woodward's abstention and the minutes of April 24, 2007.

MEDIA INQUIRIES

None.

ADJOURNMENT [2:18pm]


Stephanie A. Brim, City Secretary

MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 14TH DAY OF MARCH, 2008, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 12:00PM. The Council met in a special session with the following:

COUNCILMEMBERS PRESENT: J. Turner, Wayne Barrett, Melissa Mahaffey, Mac Woodward, and Dalene Zender
 COUNCILMEMBERS ABSENT: Jack Choate, Mickey S. Evans, Clarence Griffin, and Jim Willett
 OFFICERS PRESENT: Gene Pipes, Interim City Manager; and Stephanie Brim, City Secretary

CALL TO ORDER [12:05pm]
 Mayor Turner called the meeting to order.

PLEDGE OF ALLEGIANCE
U.S. Flag
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state under God, one and indivisible.

INVOCATION
 Mayor Turner led the invocation.

ELECTION MATTERS
 a. Consider Ordinance 2008- canvassing the returns of the City of Huntsville Special Election - Ward One held on the 4th day of March 2008, for the purpose of electing Ward 1 Councilmember.

FOR COUNCILMEMBER, WARD 1

JIM WILLETT	309
DR. TOM COLE	386

Official Returns for the City of Huntsville Special Election - Ward One held Tuesday, March 4, 2008 for the purpose of electing the Ward One Councilmember:

Voting Results

Ward 1	Early Voting	Election Day	Total
Jim Willett	218	91	309
Dr. Tom Cole	285	101	386
Undervotes	0	1	1
Total	503	193	696

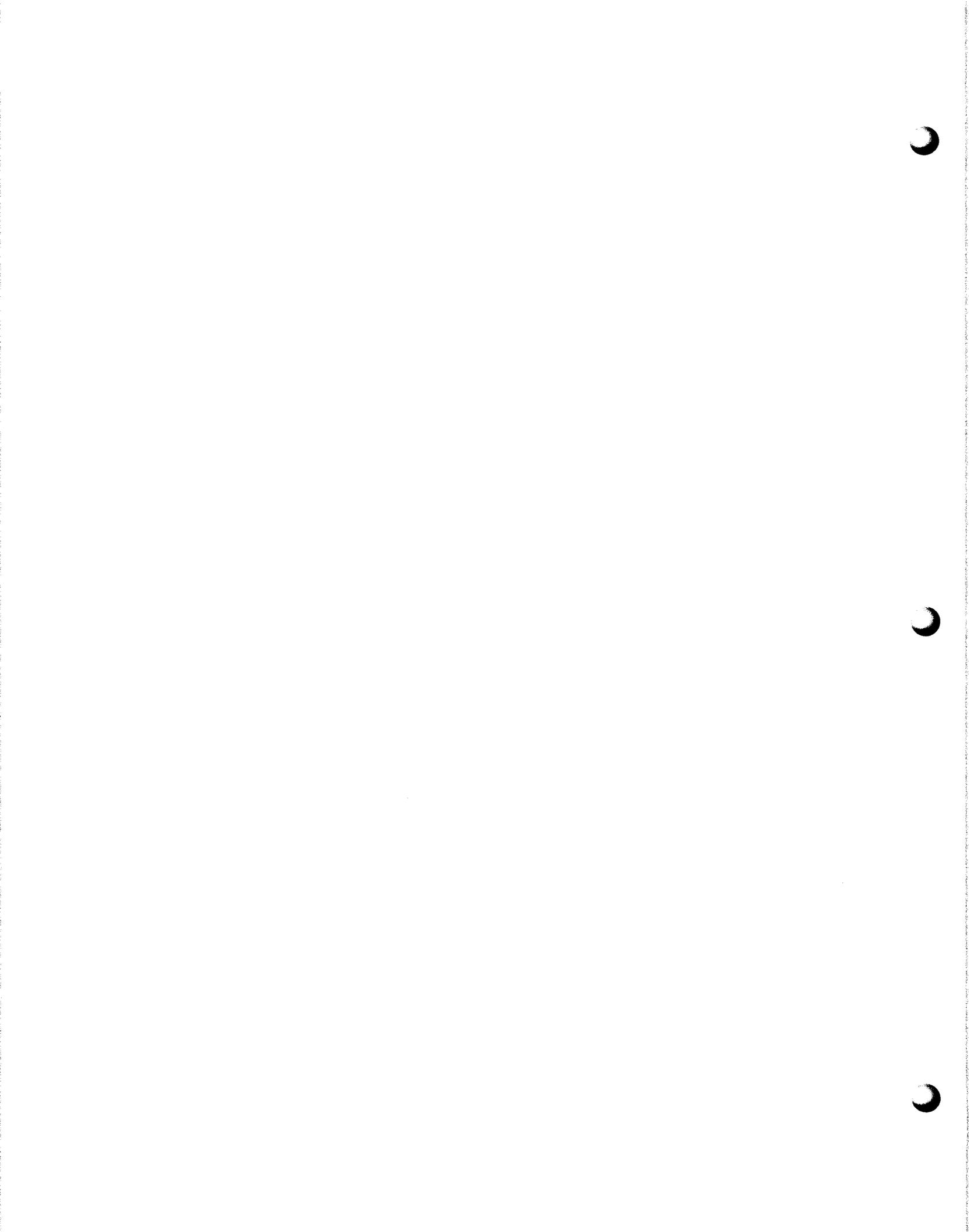
Registered Voters, Ward 1:	2,895		
Voters Voted:	Early: 503	Election Day: 193	Total: 696
Percentage of Registered Voters Voting:	24		

Councilmember Woodward moved to approve Ordinance 2008-12, canvassing the returns of the Special Municipal Election held on the 4th day of March, 2008, for the purpose of electing the Ward One Councilmember, and Councilmember Mahaffey seconded the motion. The motion passed 5-0.

b. Administration of the Oath of Office to the elected member of City Council.
City Secretary Stephanie Brim administered the oath of office to Tom Cole, Councilmember Ward 1.

ADJOURNMENT [12:10pm]
 Mayor Turner adjourned the meeting.


 Stephanie A. Brim, City Secretary



MINUTES OF THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 20TH DAY OF MAY, 2008, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6:00PM.
The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: J. Turner, Jack Choate, Tom Cole, Clarence Griffin, Melissa Mahaffey, Mac Woodward, Dalene Zender
COUNCILMEMBERS ABSENT: Wayne Barrett, Mickey S. Evans
OFFICERS PRESENT: Gene Pipes, Interim City Manager; Thomas Leeper, City Attorney; Stephanie Brim, City Secretary

WORK SESSION [5:00-5:55pm]

City Council conducted a work session at which they discussed Arcus Public performance to date with respect to the city manager search, with a presentation by Arcus representative Scott Reilly.

REGULAR SESSION

CALL TO ORDER [6:00pm]

Mayor Turner called the meeting to order.

PLEDGE OF ALLEGIANCE to US and TEXAS FLAGS, INVOCATION

Councilmember Griffin led the invocation.

PUBLIC COMMENTS (Agenda items only.)

George Russell. Mr. Russell suggested moving the Open Public Comments section to the beginning of the meeting, and spoke against the change to automated collection for solid waste services.

Ray Martin. Mr. Martin commented about the item regarding the development code, stating the changes should be done in house.

ELECTION MATTERS

- a. Consider Ordinance canvassing the returns of the City of Huntsville Regular Municipal Election held on May 10, 2008, for the purpose of electing four At-Large Councilmembers – Positions One, Two, Three and Four.

COUNCILMEMBER, AT-LARGE POSITION 1
DALENE ZENDER 969

COUNCILMEMBER, AT-LARGE POSITION 3
CHARLES FORBUS 905

COUNCILMEMBER, AT-LARGE POSITION 2
MELISSA MAHAFFEY 956

COUNCILMEMBER, AT-LARGE POSITION 4
LANNY D. RAY 762
RAY MARTIN 403

Official Returns for the City of Huntsville Regular Municipal Election held Saturday, May 10, 2008, for the purpose of electing the four At-Large Councilmembers - Positions One, Two, Three and Four:

Early Voting by Precinct

Candidate & Position	102	201	206	101	301	205	401	Total
Dalene Zender, Position 1	152	75	27	13	32	132	27	458
Melissa Mahaffey, Position 2	157	70	30	14	29	129	26	455
Charles Forbus, Position 3	155	67	26	12	28	121	25	434
Lanny Ray, Position 4	103	58	23	11	20	108	22	345
Ray Martin, Position 4	84	38	10	4	17	59	10	222

Early Voting & Election Day Returns

Candidate & Position	Early	102	201	206	101	301	205	401	Total
Dalene Zender, Position 1	458	79	61	35	27	45	240	24	969
Melissa Mahaffey, Position 2	455	77	57	35	28	47	232	25	956
Charles Forbus, Position 3	434	71	55	32	28	41	222	22	905
Lanny Ray, Position 4	345	57	57	24	20	34	208	17	762
Ray Martin, Position 4	222	25	16	19	10	14	86	11	403

	<u>Registered</u>	<u>Voters Voted</u>			<u>Percentage</u>
	<u>Voters</u>	<u>Early</u>	<u>Election Day</u>	<u>Total</u>	
Precinct 101	1,068	18	30	48	4.49
Precinct 102	2,889	213	113	326	11.28
Precinct 201	2,598	104	80	184	7.08
Precinct 205	2,267	196	332	528	23.29
Precinct 206	723	50	53	103	14.25
Precinct 301	2,201	43	59	102	4.63
Precinct 401	<u>2,412</u>	<u>36</u>	<u>34</u>	<u>70</u>	2.90
Total	14,158	660	701	1,361	

Councilmember Choate made a motion to approve Ordinance 2008-21, canvassing the returns of the City of Huntsville Regular Municipal Election held on the 10th day of May 2008, for the purpose of electing four At-Large Councilmembers; and Councilmember Woodward seconded the motion. The motion passed 7-0.

- b. Administration of the Oath of Office to the elected members of City Council, as administered by County Judge Danny Pierce.

Judge Danny Pierce administered the oath of office to Dalene Zender, Councilmember Position 1; Melissa Mahaffey, Councilmember Position 2; Charles Forbus, Councilmember, Position 3; and Lanny D. Ray, Councilmember Position 4. Councilmember Jack Choate left the dais and newly-sworn Councilmembers Forbus and Ray took their places at the dais (Councilmember Mickey Evans was absent).

PRESENTATIONS

Proclamation 2008-20 - Hurricane Awareness Week, accepted by Fire Chief Tom Grisham

RECESS – PRESENTATION and RECEPTION for OUTGOING CITY COUNCILMEMBERS [6:20-6:35pm]**CONSENT AGENDA**

- a. Accept the bank depository agreement and service continuation with First National Bank.
 b. Approve acceptance of the donation of a 1979 Chevrolet truck from the Crabbs Prairie Volunteer Fire Department to be utilized by the Huntsville Fire Department Dive Team.
 c. Accept the Texas Commission on Fire Protection Gear Assistance Award for the purchase of eight sets of bunker gear at a total cost of \$14,280 (\$4,680 of which will be paid out of 101-552-52240, and \$9,600 paid through the grant award.
Councilmember Woodward moved to approve the Consent Agenda; and Councilmember Cole seconded the motion. The motion passed 8-0.

STATUTORY AGENDA

- a. *Presentation, discussion and/or possible action* to proceed with updating the Development Code through contract Change Order No. 3 with Kendig Keast Collaborative for an amount not to exceed \$150,000.
The adopted Comprehensive Plan and Strategic Plan recommends the review and revision of the Development Code. Staff feels that the revision of the Development Code be achieved in a manner that will seek community input. That is how the Scope of Services for Change Order No. 3 is structured. Other approaches can be used and considered by Council.
Councilmember Woodward moved to refer to a committee made up of Steve Stacy, P.E., Glenn Isbell, P.E., Thomas Leeper, and the new City Planner (once hired), with two or three Councilmembers and two or three members of the Planning & Zoning Commission to review the status of the development code, and report back to the Council in a work session; and Councilmember Forbus seconded the motion. The motion passed 8-0.
- b. *Presentation, discussion and/or possible action* on release of a portion of the City's water Certificate of Convenience and Necessity (CCN) to Phelps Special Utility District (SUD) for the proposed Southwood Crossing subdivision.
The City has received a request from Ponderosa Holdings, Inc. to release a portion of the City's CCN to the Phelps SUD to provide potable water to a proposed subdivision called Southwood Crossing located along Southwood Drive near FM 2929 (Four Notch Road). The developer submitted a Preliminary Plat for the subdivision to the Planning & Zoning Commission with this request and a variance for providing fire protection. The Commission denied the Preliminary Plat until the water service area issue could be considered by City Council.
Mayor Turner moved to release a portion of the City's water Certificate of Convenience and Necessity (CCN) to Phelps Special Utility District (SUD) for the proposed Southwood Crossing subdivision; and Councilmember Mahaffey seconded the motion. The motion failed 1-8 with only Councilmember Cole voting for.

MAYOR/CITY COUNCILMEMBER/ CITY MANAGER REPORT

- a. *Presentation, discussion and/or possible action* on the Arcus Public contract for services – city manager search.
No action was taken on this item.
- b. *Presentation, discussion and/or possible action* on request for extension of water and wastewater services to Huntsville State Park.
Councilmember Zender moved to approve the request; and Councilmember Griffin seconded the motion. The motion passed 8-0.
- c. *Presentation, discussion and/or possible action* on Strategic Plan FY09 update.
No action was taken on this item; however, City Council requested a work session be scheduled to review the Plan.
- d. *Presentation, discussion and/or possible action* on fee implementation recommendation for use of City Hall Conference Room.
Councilmember Mahaffey moved to accept the City Manager's recommended policy on use of the City Hall Conference Room and Council Chambers, with use to be reviewed in six months; and Councilmember Forbus seconded the motion. The motion passed 7-1 with Councilmember Woodward voting against.

PUBLIC COMMENTS (Open.)

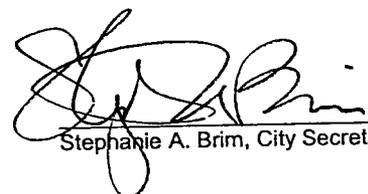
George Russell. Mr. Russell continued his comments against automated solid waste collection.

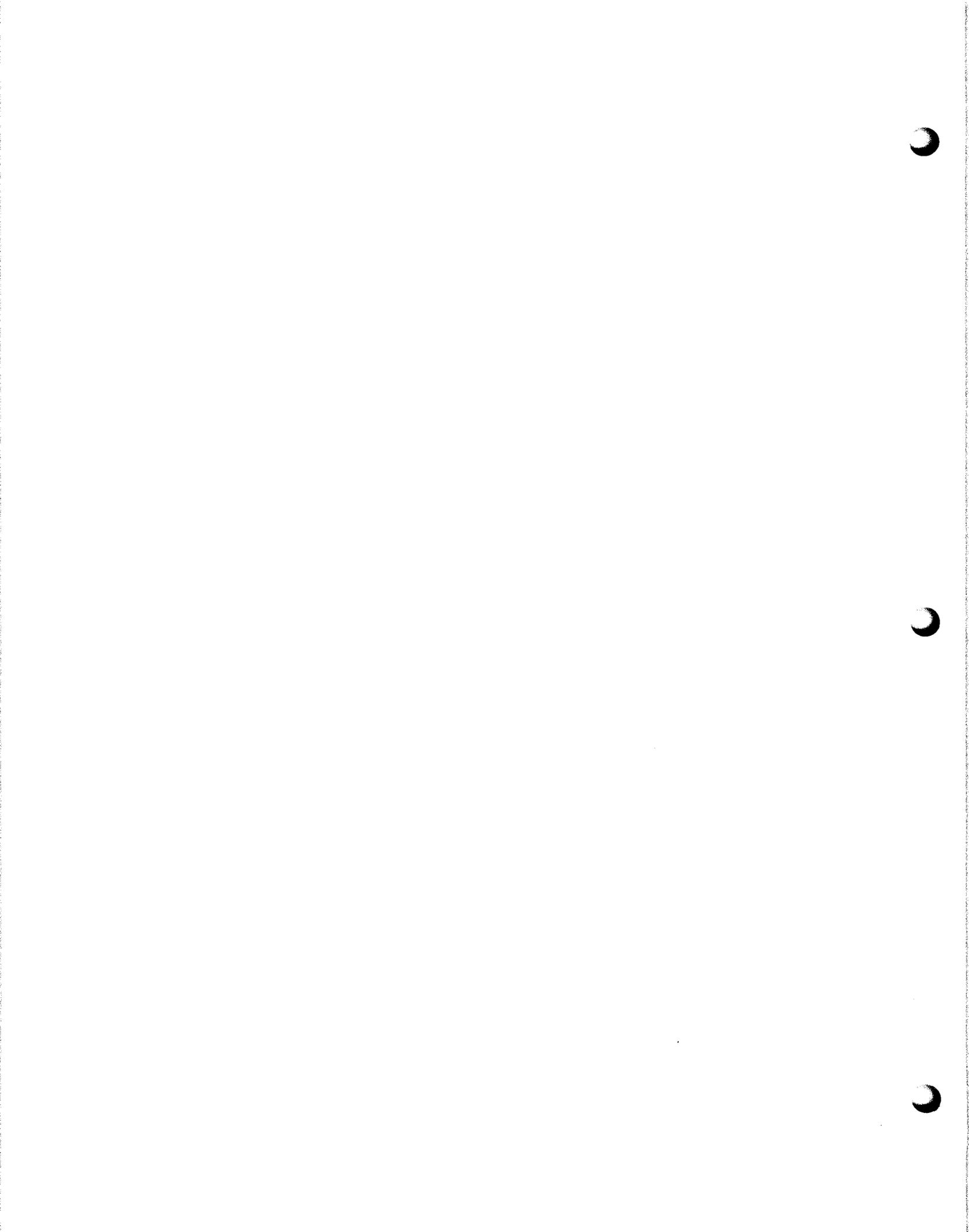
MEDIA INQUIRIES

None.

ADJOURNMENT [7:16pm]

Mayor Turner adjourned the meeting.


Stephanie A. Brim, City Secretary



MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 19TH DAY OF MAY, 2009, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6:00PM.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: J. Turner, Wayne Barrett, Tom Cole, Charles Forbus, Lanny Ray, Mac Woodward, Dalene Zender

OFFICERS PRESENT: Bill Baine, City Manager; Ann Smith, Interim City Secretary; Interim Counsel Leonard Schneider

REGULAR SESSION

CALL TO ORDER [6:00pm]

Mayor Turner called the meeting to order.

PLEDGE OF ALLEGIANCE to US and TEXAS FLAGS, INVOCATION

Councilmember Barrett led the invocation.

PRESENTATION

Matt Lumpkin stated that Mr. Doris Deary could not be present; however, the City Council and the Huntsville Beautification Advisory Committee thanked her for her example and inspiring other citizens to pick up litter on public roads.

ELECTION MATTERS

- a. Consider Ordinance # 2009-37 canvassing the returns of the Regular Municipal Election held on the 9th day of May, 2009 for the purpose of electing a Mayor at-large and four Ward Councilmember's, one from each of the City's four wards.
 Councilmember Ray noted that there was a typo on page 3 stating the voter turnout was 1.51% of the registered voters; however, it should read 15.1%.
Councilmember Ray moved to adopt Ordinance #2009-37 canvassing the official results of the May 9, 2009 General Election. Councilmember Forbus seconded the motion. Vote was 8-0. Ordinance # 2009-37 represented the official results as:

	<u>Mayor</u>	
BILL GULLEY		918 VOTES
J. TURNER		1,294 VOTES
	<u>WARD 1</u>	
DR. TOM COLE		266 VOTES
JACOB SPRADLIN		244 VOTES
	<u>WARD 2</u>	
WADE DIXON		8 VOTES
MAC WOODWARD		324 VOTES
MICHELLE NELSON		146 VOTES
	<u>WARD 3</u>	
CLARENCE W. GRIFFIN		126 VOTES
JACK WAGAMON		217 VOTES
	<u>WARD 4</u>	
WAYNE BARRETT		631 VOTES

- b. Administer the Oath of Office to the elected Mayor and members of City Council.
Judge Danny Pierce administered the Oath of Office to Mayor J. Turner, Councilmembers Dr. Tom Cole, Mac Woodward, Jack Wagamon, and Wayne Barrett.
- c. Consider election of a Mayor Pro-Tem.

Councilmember Wagamon nominated Councilmember Lanny Ray to serve as Mayor Pro-Tem. Mayor Turner called for any other nominations. With no further nominations, Councilmember Zender seconded the nomination of Councilmember Ray. Vote was unanimous 9-0.

The City Council took a short recess to honor out-going Councilmember Clarence Griffin. Mr. Griffin was not in attendance.

PUBLIC COMMENTS *(regarding agenda items only)*

Stacy Dennis, representing the Elkins Lake Homeowners, thanked the City Council for their consideration to install 22 street lights in Elkins Lake.

CONSENT AGENDA

- a. Approve the minutes of the City Council meeting held May 5, 2009. [Ann Smith, Interim City Secretary]
- b. Authorizing the City Manager to purchase a pumper fire truck from Martin Apparatus in the amount of \$252,327., to place sealed bid and approve purchase of equipment not to exceed \$65,300. and to allow travel expense for inspection at factory not to exceed \$1,648 to be funded from budgeted funds. [Victor Pena, Assistant City Manager]
- c. Adoption of Resolution #2009-10 authorizing the City Manager to apply for and accept, if awarded, the Meadows Foundation grant not to exceed \$180,000, with no matching funds required, for the purchase of hardware and software to digitize and index the historic City records and configure a searchable data base of these records. [Chris Vasquez, IT Manager]
- d. Adoption of Resolution #2009-11 authorizing the City Manager to apply for and accept, if awarded, the Energy Efficiency and Conservation Block Grant (EECBG) for the replacing the lighting in Kate Barr Ross Memorial Park #6, #7, and #8 ball fields and enter into a contract with Advantage Green, Inc. to write and submit the grant on the City's behalf. No matching funds required. [Matt Lumpkin, Interim Community Services Director]
- d. Adoption of Ordinance # 2009-40, amending the Fiscal Year 2008-2009 Annual Budget adjustments for: Water/Wastewater CIP projects, Police Forfeiture account to Capital Equipment for software and laptop purchases for vehicles, Police Forfeiture account to Capital Equipment Fund for purchase of 2009 Chevrolet Tahoe, Water fund for waterline cleaning projects at Spring Lake and Elkins for Boettcher Drive project and Lampson Water Extension project. [Winston Duke, Director of Finance]
- e. Presentation, discussion and/or action with respect to Ordinance 2009-35, adopting a water conservation plan and a drought contingency plan. (Tabled 4-21-09) [Carol Reed, Director of Public Utilities]

Councilmember McHaffey moved to approve the Consent Agenda. Motion was seconded by Mayor Pro Tem Ray. City Attorney Leonard Schneider addressed the Council in regard to Item 6f had been modified, at his request, in Section 2 the penalty provisions are now set in Section 1-11 of the Code of Ordinances and that Section 5 needs to reflect or state "The ordinance shall become effective 10 days after the day of its passage and the caption shall be published as required by Article 4.14 of the Charter. Mayor Pro Tem Ray amended the motion to remove item 6f for discussion. Councilmember Zender seconded the amendment. Vote to discuss was 9-0. Vote on original motion was 8-0, with Councilmember Wagamon abstaining due to not being on the Council at the time of minutes.

Discussion on the demographics and the projected growth rate. Council was concerned over where the figures came from, if figures for students and prisoner were included. Dr. Sherry McKibben stated that Huntsville has special circumstances due the students and prisoners. Dr. McKibben stated that the official 2010 census would provide a more accurate population count. Councilmember Forbus questioned all the concern. Mayor Pro Tem Ray objected to the numbers used. Mayor Pro Tem Ray noted that the numbers were "fuzzy" from last census and was not satisfied with the numbers being submitted in the Plan.

Councilmember Forbus motioned to approve Ordinance #2009-35. Councilmember Woodward seconded the motion. Vote was unanimous 9-0.

STATUTORY AGENDA

- a. Presentation, discussion, and/or action with respect to Resolution #2009-12, authorizing the City Manager to apply for and accept, if awarded, the Economic Development Administration (EDA) American Recovery Program matching grant for funds to construct infrastructure improvements, including a new street with sidewalks connecting Veterans Memorial Parkway with Interstate 45 in West Hill Park. [Bill Baine, City Manager]

Councilmember Forbus moved to approve Resolution #2009-12. Councilmember Ray seconded the motion. Councilmember McHaffey moved to amend the motion. Councilmember Forbus seconded the amendment. The amended motion carried 9-0 to table.

Council discussed the submission of the grant application. Councilmember Barrett was favorable on resolution; however, he spoke on the "in-kind" contribution for the City of Huntsville. Councilmember MaHaffey noted that she needed more information to vote on the item and that the city had many other blight areas. Councilmember Cole was not in favor of the road to enhance developer's property. Councilmember Forbus noted that the project would make the area more attractive for economic development but noted that the City should look at the eastside of town too.

Councilmember MaHaffey moved to amend to read "the City shall contribute in-kind, not to exceed \$517,800 with NO cash from City Budget" with a guarantee of donated right-of-way and indirect expense match. Councilmember Forbus seconded the amendment. No Vote was taken on the amendment.

Councilmember Ray moved to table the item until the next meeting. Councilmember Wagamon seconded the motion. Vote was 6-3, with Councilmembers Forbus, Woodward and Barrett voting "no". Motion to table carried.

- b. Presentation, discussion, and/or action with respect to Resolution #2009-13, authorizing the City Manager to apply for and accept, if awarded, the Texas Department of Housing and Community Affairs for Hurricane Ike housing assistance for low to moderate income families in the amount of \$933,481. [B. Baine]

Councilmember MaHaffey moved to approve Resolution#2009-13. Councilmember Forbus seconded the motion. Vote was unanimous.

Councilmember McHaffey noted that this was a positive attempt to help families that lost their homes and did not have insurance to repair or replace them. Councilmember Barrett spoke favorably of grant.

- c. Authorize the City Manager to submit a Letter of Intent to apply for the Small Towns Environmental Program (STEP) grant, not to exceed \$350,000, through the Office of Rural Community Affairs.[Bill Baine]

Councilmember McHaffey moved to authorize the City Manager to submit a Letter of Intent to apply for the Small Towns Environmental Program grant. Councilmember Wagamon seconded the motion. Vote was unanimous 9-0.

- d. Presentation, discussion, and/or action with respect and agreement for the installation of 22 street lights in Elkins Lake at the cost of \$76,410.91 to be reimbursed by Elkins Lake over a three year period in the amount of \$12,735.16 per year. [Aron Kulhavy, City Planner]

Councilmember Forbus moved to approve the installation of 22 street lights in Elkins Lake, upon execution of a written agreement between the City of Huntsville and the Homeowners Association of Elkins Lake. Councilmember McHaffey seconded the motion. Vote was unanimous 9-0.

Councilmember Woodward questioned the repayment plan. City Attorney Schneider noted that the Council could approve this item tonight with the stipulation that a written agreement between the City and the Elkins Lake Homeowners Association be completed at a later date.

- e. Presentation, discussion, and/or action with respect to Ordinance #2009-39, amended the Fiscal Year 2008-2009 Annual Budget, for the Street Light Project in Elkins Lake (Item 7d). [Winston Duke, Director of Finance]

Councilmember Forbus moved to approve Ordinance #2009-39 as presented. Mayor Pro Tem Ray seconded the motion. Vote was unanimous 9-0.

MAYOR/CITY COUNCILMEMBER/CITY MANAGER

- a. Appointment to the Huntsville Planning & Zoning Commission to fill the unexpired term of Mr. Jack Wagamon. [Mayor J. Turner]

Mayor Turner moved to appoint Mr. Rowe Creager to fill the unexpired term of Mr. Jack Wagamon on the Planning & Zoning Commission. Councilmember Zender seconded the appointment. Vote was unanimous 9-0.

- b. Status Report on the RFQ's for the Library. [Mayor Turner]

Mayor Turner stated that the committee had interviewed six architect firms and has recommended that the staff negotiate a contract with the recommended firm.

- c. Discussion of timing and objectives regarding upcoming Ward 3 community meeting. [Councilmember Wagamon]

Councilmember Wagamon stated that he was planning regular town hall meetings in Ward 3 and that a tentative date for the first one would be July 15th.

- d. City Manager Status Report presentation and discussion on: [Bill Baine]
1. Report on Hurricane Ike funds recovery.
 2. Future direction on economic recovery.

Mr. Baine reported that the City had recovered \$387,000 from the Hurricane Ike relief. Mr. Baine asked for a workshop meeting prior to the June 2nd meeting to discuss economic development.

PUBLIC COMMENTS (*open*)

Mr. Brian Woodward addressed the Council on the conduct of Item 7a tonight. Mr. Woodward was upset and stated that "this is not the way government should be run and that we should have open government".

ADJOURNMENT

With no further business, Mayor Turner adjourned the meeting at 7:57 p.m.

City Secretary