

CITY OF HUNTSVILLE, TEXAS

Andy Brauning, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4
Paul Davidhizar, Position 1 At-Large
Lydia Montgomery, Position 2 At-Large
Don H. Johnson, Position 3 At-Large



Joe Emmett, Ward 1
Tish Humphrey, Ward 2
Ronald Allen, Ward 3
Joe Rodriguez, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA TUESDAY, SEPTEMBER 6, 2016 REGULAR SESSION 6:00 P.M.

CITY COUNCIL CHAMBERS
HUNTSVILLE CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, 77340

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5403), two working days prior to the meeting for appropriate arrangements.

MAIN SESSION [6:00 P.M.]

1. CALL TO ORDER

2. INVOCATION AND PLEDGES

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. PRESENTATIONS AND PROCLAMATIONS

- Lt. Col. David Yebra, Ret., to discuss Bearkat Safety Bash
- Proclamation for Emergency Preparedness Month

4. CONSENT AGENDA

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- Approve the minutes of the City Council meeting held on August 16, 2016 and special session held on September 1, 2016. [Lee Woodward, City Secretary]
- Adopt Resolution 2016-32 designating *The Huntsville Item* as the official newspaper for the City of Huntsville for FY 2016-17, annual item. [Lee Woodward, City Secretary]
- Authorize the City Manager to accept the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant. [Dr. Sherry McKibben, Director of Neighborhood Resources]
- Approve awarding emergency disaster assistance services contracts to CERES Environmental and DRC Emergency Services. [Chief Kevin Lunsford, Director of Public Safety]
- Authorize the City Manager to award the construction contract to Four Seasons Dev. Co., Inc. for the construction of Oakwood Cemetery – Adickes Addition Fence Replacement Project (No. 16-10-07). [Y.S. "Ram" Ramachandra, City Engineer]
- Authorize the City Manager to award the construction contract to King Solution Services, LLC for the construction of Gospel Hill Sanitary Sewer Project (No. 16-10-02). [Y.S. "Ram" Ramachandra, City Engineer]

5. STATUTORY AGENDA

- FIRST READING** - *Presentation, public comment, discussion, and possible action* to consider authorizing the City Manager to award the construction contract for 11th Street (University Avenue to Avenue G) Waterline Replacement Project (No. 12-11-02), first reading. [Y.S. "Ram" Ramachandra, City Engineer]
- Presentation, public comment, discussion, and possible action* to consider adopting Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management, second reading. [Aron Kulhavy, Director of Community and Economic Development]
- Presentation, public comment, discussion, and possible action* to consider adopting Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management, second reading. [Aron Kulhavy, Director of Community and Economic Development]
- Presentation, public comment, discussion, and possible action* to consider adopting Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management, second reading. [Aron Kulhavy, Director of Community and Economic Development]

6. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- Presentation, public comment, discussion, and possible action* to approve the Mayor's nominations for City boards, committees, and commissions. [Mayor Brauning]
- Presentation, public comment, discussion, and possible action* to approve, and authorize the City Manager to sign, an interlocal agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service to the

- Ellis and Estelle Units. [City Manager Matt Benoit]
- c. *Presentation, public comment, discussion, and possible action* to ratify an interlocal agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service to the Ellis and Estelle Units, as adopted on August 16, 2016. [City Manager Matt Benoit]
- d. *Presentation, public comment, discussion, and possible action* to approve six decision packages for the FY16-17 budget. [City Manager Matt Benoit]
- e. *Presentation, public comment, discussion, and possible action* to waive interest or any other additional charges on the invoice for demolition at 313 Watkins, so that \$4538.47 can be paid and the property lien released. [Councilmember Allen]
- f. *Presentation, public comment, and discussion* to consider request from Councilmember Allen to discuss Councilmembers speaking for other Councilmembers related to the bond issue, in particular the use of the collective word "we." [Councilmember Allen]

7. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

No requests were received by noon on Tuesday, August 30, 2016.

8. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

9. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

10. EXECUTIVE SESSION

- a. City Council will meet in Executive Session pursuant to Texas Government Code Section 551.071 - consultation with counsel on legal matters regarding the CCNs (Certificates of Convenience and Necessity) in the City's extraterritorial jurisdiction (ETJ).

11. RECONVENE

Take action, if necessary, on items addressed during Executive Session.

12. ADJOURNMENT

*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the September 6, 2016 City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.huntsvilletx.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____

TIME OF POSTING: _____ am/pm

TAKEN DOWN: _____

Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 16th DAY OF AUGUST 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 4:15 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Andy Brauninger, Paul Davidhizar, Lydia Montgomery, Don H. Johnson Ronald Allen, Joe P. Rodriguez, Tish Humphrey, Keith Olson, Joe Emmett

COUNCILMEMBERS ABSENT: None

OFFICERS PRESENT: Matt Benoit, City Manager; Leonard Schneider, City Attorney; Lee Woodward, City Secretary

EXECUTIVE SESSION [4:15 P.M.] – City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 to receive legal advice on claims regarding the Americans with Disabilities Act.

The Council convened in Executive Session at 4:18 p.m. The Council adjourned following Executive Session at 4:54 p.m. No action was taken.

WORK SESSION [4:45 P.M.] – City Council will discuss the Town Creek Drainage Project construction bid.

Director of Neighborhood Resources Dr. Sherry McKibbn and representatives of RPS Klotz and Garney Construction presented information on the construction bid process and results regarding the Town Creek Drainage Project.

EXECUTIVE SESSION [5:40 P.M.] – City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 to receive legal advice regarding requirements to purchase an easement and/or real property for drainage improvements, and Section 551.072 to deliberate the purchase, exchange, lease, or value of real property, on an easement for drainage improvements.

The Council convened in Executive Session at 5:40 p.m. The Council adjourned following Executive Session at 5:56 p.m. No action was taken.

MAIN SESSION [6:00 p.m.]

1. **CALL TO ORDER** – Mayor Brauninger called the meeting to order at 6:00 p.m.

2. **INVOCATION AND PLEDGES**

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

Mayor Brauninger gave an invocation and Garnette McElfresh, Miss Pre-Teen Southwest, led the pledges.

3. **PUBLIC HEARINGS** – The City Council will receive comments on the following:

a. **Adoption of Ordinance 2016-36, amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the *Development Code* of the City of Huntsville, and providing an effective date.**

Mayor Brauninger opened the public hearing at 6:02 p.m. There were no comments. Mayor Brauninger closed the public hearing at 6:03 p.m.

b. **Adoption of Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2, from Neighborhood Conservation to Management.**

Mayor Brauninger opened the public hearing at 6:03 p.m. There were no comments. Mayor Brauninger closed the public hearing at 6:03 p.m.

c. **Adoption of Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management.**

Mayor Brauninger opened the public hearing at 6:04 p.m. There were no comments. Mayor Brauninger closed the public hearing at 6:04 p.m.

d. **Adoption of Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.**

Mayor Brauninger opened the public hearing at 6:04 p.m. Speakers included Janis Lawrence, Dalene Zender, Cheryl Foreman, Rachel Hornung, Judy Hornung, Scott Hornung, Adam Fanning, Steve Covington, Jordan Herrin, Alfred Veasey, Hollis Murray, Clothilde Veasey, Debra Durda, Robert McCaffety, Jimmy Henry, Micah Slaughter, Gary Garrison, Debra Humphries, and Roy Brantley. Mayor Brauninger closed the public hearing at 6:57 p.m.

4. **CONSENT AGENDA**

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An*

item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)

- a. Approve the minutes of the City Council meeting held on August 2, 2016 and the special session held on August 9, 2016. [Lee Woodward, City Secretary]
- b. Adopt Resolution 2016-31 authorizing the City Secretary to designate Deputy City Secretary Megan Kaltenbach to act on behalf of the City Secretary in her absence. [Lee Woodward, City Secretary]
- c. Adopt Ordinance 2016-34 calling the November 8, 2016 municipal general election for the purpose of electing four (4) at-large Councilmembers, single reading required. [Lee Woodward, City Secretary]
- d. Adopt Ordinance 2016-35 to amend the budget for FY 15-16, single reading required. [Steve Ritter, Finance Director]
- e. Award a contract for repair of Well 17 to Smith Pump. [Carol Reed, Director of Public Works]
- f. Authorize the City Manager to purchase storage technology for body camera video in the amount of \$66,701.17. [Dr. Sherry McKibben, Director of Neighborhood Resources]
- g. Authorize the City Manager to sign an interlocal agreement with the Trinity River Authority (TRA) for construction, construction administration, and maintenance of a hydropneumatic tank at the Huntsville Regional Water Supply System Plant (HRWSS), for surge protection on the 30" treated water transmission line. [Carol Reed, Director of Public Works]

Councilmember Montgomery moved to adopt the consent agenda; the motion was seconded by Councilmember Johnson. The motion was unanimously adopted, 9-0.

5. STATUTORY AGENDA

- a. **FIRST READING - Presentation, public comment, discussion, and possible action** to consider adoption of Ordinance 2016-36, amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the Development Code of the City of Huntsville, and providing an effective date, first reading. [Aron Kulhavy, Director of Community and Economic Development]

Mayor Pro Tem Olson moved to suspend the Rules of Procedure to waive the second reading requirement and adopt Ordinance 2016-36, amending Article 7 Landscaping and Buffers to address trees in public rights-of-ways; and Article 8 Signs to address the applicability of this article to the Extraterritorial Jurisdiction (ETJ) of the City in the Development Code of the City of Huntsville, and providing an effective date; the motion was seconded by Councilmember Humphrey. The motion was adopted, 7-2, Councilmembers Allen and Emmett voting against. Following item 5d, Mayor Pro Tem Olson moved to set an effective date for Ordinance 2016-36 of August 26, 2016 and was seconded by Councilmember Humphrey. The motion was adopted, 7-2, Councilmembers Allen and Emmett voting against.

- b. **FIRST READING - Presentation, public comment, discussion, and possible action** to consider adoption of Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management, first reading. [Aron Kulhavy, Director of Community and Economic Development]

First reading, no action was taken.

- c. **FIRST READING - Presentation, public comment, discussion, and possible action** to consider adoption of Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management, first reading. [Aron Kulhavy, Director of Community and Economic Development]

First reading, no action was taken.

- d. **FIRST READING - Presentation, public comment, discussion, and possible action** to consider adoption of Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management. [Aron Kulhavy, Director of Community and Economic Development]

First reading, no action was taken.

- e. **FIRST READING - Presentation, public comment, discussion, and possible action** to consider authorizing the City Manager to sign Addendum B, in the amount of \$7,216,725.00, to the Construction Manager at Risk (CMAR) Agreement with Garney Construction for Town Creek Drainage Improvement Project, first reading. [Dr. Sherry McKibben, Director of Neighborhood Resources; Y. S. "Ram" Ramachandra, City Engineer]

Councilmember Humphrey moved to waive the Rules of Procedure requirement for a second reading and to authorize the City Manager to sign Addendum B, in the amount of \$7,216,725.00, to the Construction Manager at Risk Agreement with Garney Construction for Town Creek Drainage Improvement Project. The motion was seconded by Mayor Pro Tem Olson. The motion was adopted, 9-0.

- f. **Presentation, public comment, discussion, and possible action** to consider authorizing the City Manager to sign an agreement with Rogers-O'Brien for Construction Manager At-Risk Services for the Sam Houston Statue Visitor Center and Gift Shop. [Aron Kulhavy, Director of Community and Economic Development, and Kimm Thomas, Director of Tourism and Cultural Services]

Councilmember Rodriguez moved to authorize the City Manager to sign an agreement with Rogers-O'Brien Construction for Construction Manager At-Risk Services (CMAR) for the Sam Houston Statue Visitor Center and Gift Shop. The motion was seconded by Councilmembers Montgomery and Johnson. The motion was adopted, 8-1, Councilmember Allen voting against.

6. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- a. **Presentation, public comment, discussion, and possible action** to approve the Mayor's nominations for City boards, committees, and commissions. [Mayor Brauningering]

Mayor Brauningering moved his nominations. Councilmember Allen moved to divide the question and vote on the Planning Commission nomination separately; the motion was seconded by Councilmember Davidhizar. The motion was adopted, 9-0. The nomination for the Planning Commission was adopted, 8-1, Councilmember Allen voting against. The motion for nominations for the remaining boards was adopted 9-0.

- b. **Presentation, public comment, discussion, and possible action** to approve, and authorize the City Manager to sign, an interlocal agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service to the Ellis and Estelle Units. [Councilmembers Olson and Johnson]

Mayor Pro Tem Olson moved to authorize the City Manager to sign a proposed interlocal agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service to the Ellis and Estelle Units as proposed in the agenda packet [for a five-year phase-in to a discounted rate of halfway between the in-city and out-of-city institutional rates/1000 gallons consumed]. The motion was seconded by Councilmember Humphrey. Councilmember Rodriguez moved to postpone the vote until TDCJ completes their well study; the motion was seconded by Councilmember Humphrey. Councilmember Rodriguez's motion was withdrawn without objection.

Mayor Brauningering moved to amend the main motion to read that the Mayor and City Manager sign an interlocal agreement with the Texas Department of Criminal Justice for water services to the Ellis and Estelle Units at \$6.26/1000 gallons effective October 1, 2016. The motion was seconded by Councilmembers Allen and Rodriguez.

In later conversation, the Mayor said he intended that the \$6.26/1000 gallons would be subject to subsequent rate increases. Councilmember Johnson indicated that \$6.26 was going to \$6.33 on October 1 and the Mayor accepted this clarification without objection from other members of Council. Upon question by the City Secretary, the motion was established by the Mayor, without objection, as an amendment for \$6.26/1000 gallons, subject to subsequent increases, including the initial increase on October 1, 2016, and effective on October 1, 2016. (The City Manager explained to the Council that, because this is adoption of a proposed interlocal agreement, it would be brought before the Council at its next meeting, on September 6.)

The amended motion was adopted, 5-4, Councilmembers Johnson, Humphrey, Montgomery, and Olson against. The main motion was adopted as amended, adopted, 5-4, Councilmembers Johnson, Humphrey, Montgomery, and Olson against.

- c. **Presentation, public comment, discussion, and possible action** to consider adopting Ordinance 2016-33, calling a special bond election for November 8, 2016, single reading required. [Mayor Brauningering]

Councilmember Humphrey moved to adopt Ordinance 2016-33, calling a special bond election for November 8, 2016. The motion was seconded by Councilmember Johnson. The motion was unanimously adopted, 9-0.

7. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

No requests were received by noon on Tuesday, August 9, 2016.

8. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

There were no media inquiries.

9. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

Mayor Pro Tem Olson gave an *HISD Minute*, sharing that last week's *Promoting Our Positives* meeting enabled campuses to connect with the local churches supporting each of them and continue those relationships this school year. He added that the Hornet Green & White Scrimmage was held Saturday and the Hornets are looking good. There will be another scrimmage this

Friday at Lufkin and then our home opener against Houston Waltrip on August 26 at 7:30 p.m. at Bowers Stadium. Finally, Mayor Pro Tem Olson said the Community Praise Ministry's annual School Supply Giveaway was held August 6 and was very successful. More than 1000 bags of school supplies were distributed to our community's children. Huntsville Public Library will be having their annual bash with back to school backpacks tomorrow, August 17, at 10 a.m. He thanked all the groups, organizations, and volunteers who work to make this happen for our students! Mayor Brauningger added that the HISD convocation would be this Friday morning.

Councilmember Humphrey reminded all to be aware of new traffic patterns in going to football games at SHSU this fall.

Mayor Brauningger announced the following:

- Please make time to be at the Library this Saturday at 2 p.m., as they and the Walker County Genealogical Society recognize some of our citizens for their contributions to the collections on local African-American history.
- There are two new exhibits opening at the Wynne Home Saturday afternoon, stop in to see work by Nancy Hines and Simon Kihara.
- Join the Huntsville Public Library tomorrow; they will be hosting our annual Back to School Bash from 10:30 a.m. to 1 p.m., with lots of giveaways. Only one backpack with school supplies per school-aged child (Pre-K-12) and parents must accompany children.

City Manager Matt Benoit congratulated the Council for their work tonight.

10. ADJOURNMENT

Mayor Brauningger adjourned the meeting at 9:20 p.m.

Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL SPECIAL SESSION WORKSHOP HELD ON THE 1ST DAY OF SEPTEMBER 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 1:30 P.M.

The Council met in a combined workshop session with the following:

COUNCILMEMBERS PRESENT: Andy Brauninger, Joe Emmett, Tish Humphrey, Joe P. Rodriguez, Paul Davidhizar, Ronald Allen *(arrived at 2:11 p.m.)*

COUNCILMEMBERS ABSENT: Lydia Montgomery, Don H. Johnson, Keith D. Olson

OFFICERS PRESENT: Lee Woodward, City Secretary

SPECIAL SESSION [1:30 P.M.]

1. **CALL TO ORDER** – Mayor Andy Brauninger called the meeting to order at 1:34 p.m.

2. **WORKSHOP**

a. **The City Council will meet with the Walker County Commissioners, the Texas Department of Transportation, and the Gulf Coast Strategic Highway Coalition.**

The Council met with Judge Danny Pierce, Commissioner Glen Reader, Commissioner Jimmy Henry, and Commissioner B. J. Gaines, along with representatives of the Gulf Coast Strategic Highway Coalition (former Polk County Judge John Thompson and Executive Director Gary Bushell). *(The Commissioners Court adjourned and left at 2:43 p.m. and the Council took a short recess until 2:50 p.m.)*

b. **Discussion of an alternative proposal submitted by the Texas Department of Criminal Justice for water service to the Ellis and Estelle Units. [City Manager Matt Benoit]**

Mayor Brauninger shared information on an alternate proposal from TDCJ, with a three-year phase in to the in-city rate, to be considered at the September 6 meeting.

3. **ADJOURNMENT**

Mayor Brauninger adjourned the meeting at 3:28 p.m.

Lee Woodward, City Secretary



RESOLUTION NO. 2016-32

A RESOLUTION OF THE CITY OF HUNTSVILLE, TEXAS DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF HUNTSVILLE FOR FISCAL YEAR 2016-2017.

WHEREAS, the City Council finds that *The Huntsville Item* is a paper of general circulation within the City of Huntsville; and

WHEREAS, the City Council finds that *The Huntsville Item*:

- (1) devotes not less than 25% of its total column lineage to general interest items;
- (2) is published at least once each week;
- (3) is entered as 2nd class postal matter in the county where published; and
- (4) has been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and

WHEREAS, the City Council finds that *The Huntsville Item* is a publication that meets all of the criteria legally required of an officially designated newspaper for the City of Huntsville.

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

That:

- (1) *The Huntsville Item* is designated as the official newspaper for the City of Huntsville for Fiscal Year 2016-2017, commencing October 1, 2016.
- (2) The Mayor is authorized and directed to execute a contract with *The Huntsville Item* establishing the applicable rates for publication of City notices.
- (3) Until September 30, 2017, the City of Huntsville shall continue to publish in the *Huntsville Item* each ordinance, notice or other matter required to be published by law.
- (4) This Resolution is effective immediately upon passage.

PASSED, ADOPTED, AND APPROVED this 6th day of September 2016.

APPROVED:

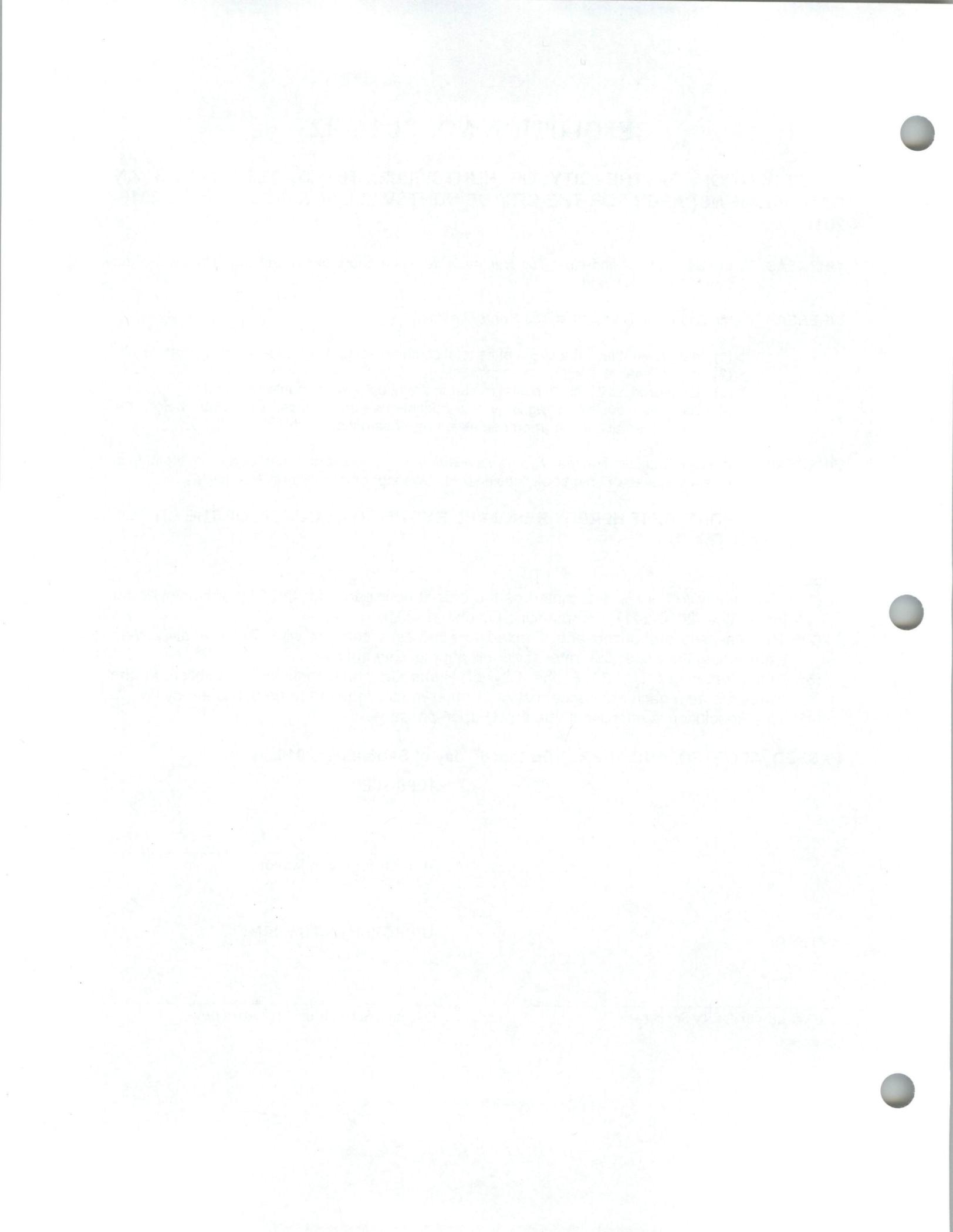
Andy Brauninger, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney





CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 4c

Item/Subject: Consider authorizing the City Manager to accept the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Initiating Department/Presenter: Neighborhood Resources

Presenter: Sherry McKibben

Recommended Motion: Move to authorize the City Manager to accept the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Strategic Initiative: Goal #7 - Public Safety - Provide safety and security for all citizens.

Discussion: The JAG, formerly the Local Law Enforcement Block Grant, has been available for a number of years for law enforcement agencies. Huntsville and Walker County have received awards for several years, although the award amounts have changed. The City has received funds since 2009.

The award for 2016 is \$16,755.00 and will be used jointly by Walker County and the City of Huntsville with the amount to be divided equally between the entities. There are no matching funds required for this grant.

The City plans to use this grant towards the purchase of additional hardware in order to increase the server capacity necessary for Body Camera video storage.

Previous Council Action: Council authorized the application submission and entering an interlocal agreement with Walker County on June 7, 2016.

Financial Implications:

Item is budgeted: This item is budgeted in Account #614-559-57475 in the FY 2016-17 Budget to be adopted by Council.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Award letter (page 2)



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 9, 2016

Mr. Matt Benoit
City of Huntsville
1220 11th Street
Huntsville, TX 77340

Dear Mr. Benoit :

On behalf of Attorney General Loretta Lynch, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$16,755 for City of Huntsville.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Carrie Booth, Program Manager at (202) 305-7426; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell
Director

Enclosures



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 4d

Item/Subject: Consider awarding emergency disaster assistance services contracts to CERES Environmental and DRC Emergency Services.

Initiating Department/Presenter: Public Safety

Presenter: Kevin Lunsford, Chief of Police

Recommended Motion: Move to approve awarding emergency disaster assistance service contracts to CERES Environmental and DRC Emergency Services.

Strategic Initiative: Goal #7 - Public Safety - Provide safety and security for all citizens.

Discussion: The City of Huntsville was greatly impacted during the 2005 hurricane season by Hurricanes Katrina and Rita, then in 2008 by Hurricane Ike. As a result of damage surrounding the Gulf Coast area, FEMA implemented additional guidelines to assist local agencies. Prior to 2005, many local agencies did not have emergency assistance services vendors in place. FEMA recommended that local agencies have this type of service in place; basically vendors on pre-disaster stand-by to aid local agencies with their immediate response. This ensures that insurance is verified, bonding capability is confirmed, service capability is confirmed, and FEMA purchasing requirements are in place pre-disaster. Emergency services encompasses several key areas, including emergency power generators, telephone service, debris clean up, water, fueling, etc.

In 2012, the City placed an emergency debris management bid and ultimately gained Council approval. This bid followed the 2007 FEMA Debris Management Guide and had a term of four (4) years. At that time, the City awarded to multiple contractors. The thought was that should a vendor not be able to respond, the City had the right to continue contacting vendors until a vendor is able to assist. Additionally, there could be a need for multiple vendors onsite to allow for a more immediate response for Citywide clean up. This emergency award was never used.

The current award has an expiration date of September 2016; subsequently the City placed a new RFP (request for proposal) solicitation. The guideline used for this proposal was the 2016 FEMA Public Assistance Program and Policy Guide. Numerous City departments and divisions were asked for input in drafting the RFP, including Fleet (generator power), Neighborhood Resources (FEMA reimbursement), Risk (City risk/safety), Emergency Management (expert in area), Streets (debris cleanup), and Finance (purchasing and budget). Additionally, as recommended by FEMA, the City Attorney reviewed the RFP.

This RFP has a term of three (3) years and the possibility of two (2) one-year extensions. The RFP was sent to 17 vendors, posted in the Huntsville Item, City Web Site, Electronic State Business Daily and Public Purchase. There were two responders, CERES Environmental of Houston and DRC Emergency Services of Galveston.

City staff from the Risk, Grants, Emergency Management, and Finance departments and divisions evaluated both responses. Both responders have extensive experience in emergency debris service, are able to provide assistance in all areas requested, completed the required FEMA forms, and are familiar with Huntsville.

At this time there is not a declared FEMA Emergency and no funds are being requested; this item is being brought before the City Council as a qualifying pre-disaster approval request. Only if a disaster occurs will this be called into action. During Hurricane Ike, the City was reimbursed over \$1.2 million, and during the recent floods the City received over \$400,000 from FEMA. There is a tremendous importance to having the pre-disaster award in place.

It is staff's recommendation that both vendors, DRC Emergency Services and CERES Environmental, be awarded the Emergency Assistance Service RFP for the same reasons used in 2012 (as stated above). In addition, should there be a hurricane which allows for preparation time, staff can review the pricing and firm selection based on various categories/needs can be considered.

Should the Council approve this award, City staff will meet with both vendors in order to establish a pre-disaster game plan. Goals of the meeting are to establish emergency contacts, staging areas, make city street maps available, and begin a solid, professional relationship. Should a disaster occur, the City has then proactively accomplished planning and built relationships in order to provide the greatest level of citizen safety.

Previous Council Action: On July 17, 2012 the City Council approved the Emergency Vegetative Debris Management Service and Grinding Service.

Financial Implications:

There is no financial impact associated with this pre-disaster item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Solicitation list
- Pricing table
- Evaluation sheet



Number	Vendors	E-Mail	Location
1	BNT Services	bntbill@hotmail.com	Huntsville, TX
2	McCaffety Electric	robert@mccaffetyelectric.com	Huntsville, TX
3	Ellis Walker/A1 Tire Repair	atirerepair@msn.com	Huntsville, TX
4	Ace Terrain, LLC	chadhouck87@yahoo.com	Huntsville, TX
5	Grisham Construction	grishamconst@yahoo.com	Huntsville, TX
6	A-1 Septic Service	a1smithsseptic@gmail.com	Huntsville, TX
7	Gunnels and Son	ron@gunnelsandson.com	Huntsville, TX
8	Kims Home and Garden	kim@kimshomeandgardencenter.com	Huntsville, TX
9	Solid Bridge Construction	vance@solidbridgeconsstruction.com	Huntsville, TX
10	Landscapers Pride	brad@landscaperspride.com	New Waverly, TX
11	Omni Pinnacle	omni@omnipinnacle.com	Pearl River, LA
12	DRC Emergency Services	lgarcia@drcusa.com	Houston, TX
13	Bergeron, Inc.	rbolen@bergeroninc.com	Fl. Lauderdale, FL
14	TFR Enterprises	tiffanyw@tfrinc.com	Leander, TX
15	Crowder Gulf	jramsay@crowderygulf.com	Theodore, AL
16	Ceres Environmental Services, Inc.	Dawn.Brown@cereserv.com	Houston, TX
17	Inland Environmental	allison@inlanderwironmental.com	Kingwood, TX
Number	Mass Distribution		Viewed
1	Huntsville Item		Not Tracked
2	City of Huntsville Web Site		Not Tracked
4	Electronic State Business Daily		Not Tracked
3	Public Purchase		73



Description	Pricing Unit	DRC Emergency Service	CERES Environmental Service
Section A & B - Equipment/Labor			
210 Prentice Loader			
Hourly	\$	\$ 170.00	\$ 162.00
Weekly	\$	\$ 6,800.00	\$ 6,480.00
Hourly OT	\$	\$ 190.00	\$ 194.00
Self-Loading Prentice Truck 25 to yard dump body or equal			
Hourly	\$	\$ 170.00	\$ 185.00
Weekly	\$	\$ 6,800.00	\$ 7,400.00
Hourly OT	\$	\$ 190.00	\$ 217.00
Wheel Loader 2 ½ to 3 yard bucket			
Hourly	\$	\$ 180.00	\$ 132.00
Weekly	\$	\$ 7,200.00	\$ 5,280.00
Hourly OT	\$	\$ 200.00	\$ 164.00
Wheel Loader 3 to 5 yard bucket			
Hourly	\$	\$ 200.00	\$ 142.00
Weekly	\$	\$ 8,000.00	\$ 5,680.00
Hourly OT	\$	\$ 220.00	\$ 174.00
Tandem Dump Truck 16 to 20 yards			
Hourly	\$	\$ 110.00	\$ 81.00
Weekly	\$	\$ 4,400.00	\$ 3,240.00
Hourly OT	\$	\$ 130.00	\$ 113.00
Mini Loader/Bobcat			
Hourly	\$	\$ 120.00	\$ 78.00
Weekly	\$	\$ 4,800.00	\$ 3,120.00
Hourly OT	\$	\$ 140.00	\$ 110.00
Dozer/Cat D6 or equivalent			

	Hourly	\$	\$	150.00	\$	156.00
	Weekly	\$	\$	6,000.00	\$	6,240.00
	Hourly ot	\$	\$	170.00	\$	188.00
Excavator with debris loading grapple/Cat 325 or equal						
	Hourly	\$	\$	170.00	\$	198.00
	Weekly	\$	\$	6,800.00	\$	7,920.00
	Hourly OT	\$	\$	190.00	\$	230.00
Chainsaw with operator						
	Hourly	\$	\$	45.00	\$	41.00
	Weekly	\$	\$	1,800.00	\$	1,640.00
	Hourly OT	\$	\$	67.50	\$	61.50
Laborers						
	Hourly	\$	\$	40.00	\$	36.00
	Weekly	\$	\$	1,600.00	\$	1,440.00
	Hourly OT	\$	\$	60.00	\$	54.00
Four men crew with transportation						
	Hourly	\$	\$	195.00	\$	157.00
	Weekly	\$	\$	7,800.00	\$	6,280.00
	Hourly OT	\$	\$	292.50	\$	231.50
Three men crew with transportation						
	Hourly	\$	\$	155.00	\$	121.00
	Weekly	\$	\$	6,200.00	\$	4,840.00
	Hourly OT	\$	\$	232.50	\$	177.50
Two men crew with transportation						
	Hourly	\$	\$	115.00	\$	85.00
	Weekly	\$	\$	4,600.00	\$	3,400.00
	Hourly OT	\$	\$	172.50	\$	123.50
Supervisor with transportation						
	Hourly	\$	\$	75.00	\$	75.00
	Weekly	\$	\$	3,000.00	\$	3,000.00
	Hourly OT	\$	\$	112.50	\$	108.50

Safety Manager with transportation				
Hourly	\$	\$	85.00	\$ 72.00
Weekly	\$	\$	3,400.00	\$ 2,880.00
Hourly OT	\$	\$	127.50	\$ 104.00
Flagger for traffic control				
Hourly	\$	\$	40.00	\$ 38.00
Weekly	\$	\$	1,600.00	\$ 1,520.00
Hourly OT	\$	\$	60.00	\$ 57.00
Section A & B - EQUIPMENT ONLY NO OPERATORS				
Refuse Trucks, Rear-Loading				
Hourly	\$	\$	180.00	\$ 125.00
Weekly	\$	\$	7,200.00	\$ 5,000.00
Hourly OT	\$	\$	200.00	\$ 145.00
Miscellaneous Unspecified Construction				
Hourly	\$	No Bid		Cost plus 12%
Weekly	\$	No Bid		Cost plus 12%
Labor	\$	No Bid		Cost plus 12%
Section C - EMERGENCY POWER GENERATORS				
Less Than 100 KW	\$			
Mobilization	\$	\$	480.00	\$ 1,200.00
Per Day	\$	\$	480.00	\$ 1,480.86
Per Week	\$	\$	1,330.00	\$ 7,917.65
Per Month	\$	\$	4,160.00	\$ 27,606.01
101 - 300 KW				
Mobilization	\$	\$	1,380.00	\$ 1,700.00
Per Day	\$	\$	1,380.00	\$ 2,596.12
Per Week	\$	\$	4,130.00	\$ 15,050.45
Per Month	\$	\$	12,650.00	\$ 54,981.76
301 KW - 500 KW				
Mobilization	\$	\$	2,450.00	\$ 1,900.00
Per Day	\$	\$	2,450.00	\$ 4,104.49

	Per Week	\$	\$	7,290.00	\$	24,508.66
	Per Month	\$	\$	22,310.00	\$	91,060.85
501 - 1000 KW						
	Mobilization	\$	\$	4,640.00	\$	2,400.00
	Per Day	\$	\$	4,640.00	\$	6,337.20
	Per Week	\$	\$	13,890.00	\$	37,056.52
	Per Month	\$	\$	41,200.00	\$	136,052.91
More than 1001 KW						
	Mobilization	\$	\$	7,060.00	\$	2,800.00
	Per Day	\$	\$	7,060.00	\$	12,662.30
	Per Week	\$	\$	21,190.00	\$	73,904.51
	Per Month	\$	\$	63,730.00	\$	271,065.38
Section D - TEMPORARY SATELLITE (CELL PHONE) COMMUNICATIONS						
	Unit Price	\$	2.50/Minute		\$	2.20
	Per Day	\$	\$	45.00	\$	319.00
	Per Week	\$	\$	180.00	\$	2,233.00
	Per Month	\$	\$	750.00	\$	58,058.00
Section E - TEMPORARY SANITARY FACILITIES & PORTABLE HOUSING FACILITIES						
Comfort Station-10 stall units						
	Mobilization	\$	\$	725.00	\$	1,900.00
	Per Day	\$	\$	725.00	\$	933.33
	Per Week	\$	\$	5,075.00	\$	5,600.00
	Per Month	\$	\$	21,750.00	\$	22,400.00
Comfort Station-26 ft BT Unit						
	Mobilization	\$	\$	1,500.00	\$	1,800.00
	Per Day	\$	\$	1,063.00	\$	900.00
	Per Week	\$	\$	7,438.00	\$	5,400.00
	Per Month	\$	\$	31,875.00	\$	21,600.00
Shower Units - 4 stall						
	Mobilization	\$	\$	225.00	\$	1,600.00

	Per Day	\$	\$	225.00	\$	650.00
	Per Week	\$	\$	1,575.00	\$	3,900.00
	Per Month	\$	\$	6,750.00	\$	15,600.00
Shower Units - 6 stall						
	Mobilization	\$	\$	750.00	\$	1,800.00
	Per Day	\$	\$	338.00	\$	683.33
	Per Week	\$	\$	2,363.00	\$	4,100.00
	Per Month	\$	\$	10,125.00	\$	16,400.00
Shower Units - 12 stall with 6 sinks						
	Mobilization	\$	\$	1,250.00	\$	2,100.00
	Per Day	\$	\$	938.00	\$	733.33
	Per Week	\$	\$	6,563.00	\$	4,400.00
	Per Month	\$	\$	28,125.00	\$	17,600.00
Portable Laundry Facilities						
	Mobilization	\$	\$	950.00	\$	1,800.00
	Per Day	\$	\$	434.00	\$	550.00
	Per Week	\$	\$	3,036.00	\$	3,300.00
	Per Month	\$	\$	13,012.00	\$	13,200.00
Section F - REEFER & REFRIGERATION CONTAINERS WITH INITIAL ICE DELIVERY						
	Initial Ice Delivery and possible future deliveries	\$ PER 10 LB	\$	6.90	\$	8.90
Section G - POTABLE WATER TRUCK AND EMERGENCY BOTTLED WATER						
	Initial Bottled Water Delivery and possible future deliveries.	\$ PER CASE OF 12	\$	11.45	\$	9.93
Section H - MOBILE FLEET REPAIR FACILITIES, TECHNICIANS, AND MECHANICS						
Equipment Rental						
	1 Time mobilization	\$	Cost + 20%	\$	1,400.00	
	Unit Cost per Day	\$	Cost + 20%	\$	936.00	
	Unit Cost per Week	\$	Cost + 20%	\$	6,552.00	
	Unit Cost per Month	\$	Cost + 20%	\$	28,080.00	

Unit Price Per Tire	\$	\$ 55.00	\$ 374.40
Unit Price Per Battery	\$	\$ 65.00	\$ 279.03
Materials/Parts (i.e., supplies,	% OVER COST	20%	12%
Skilled Mechanic Hourly Rate	\$	\$ 65.00	\$ 61.00
Unskilled Mechanic Assistant	\$	\$ 45.00	\$ 47.00
Section I - CANTEEN			
Breakfast	\$ PER MEAL	\$ 18.50	\$ 16.00
Lunch	\$ PER MEAL	\$ 24.50	\$ 23.00
Dinner	\$ PER MEAL	\$ 29.95	\$ 32.00
Boxed Lunches (Cold Meals)	\$ PER MEAL	\$ 14.79	\$ 16.00
Section J - TRAFFIC CONTROL AND SIGNAGE			
Equipment Rental	% OVER COST	20%	14%
Equipment Purchased by City	% OVER COST	20%	10%
Section K - RIGHT OF WAY (ROW) DEBRIS REMOVAL AND RIGHT OF ENTRY (ROE) DEBRIS REMOVAL			
Pick up vegetative debris from curbside and haul to a TDSRS within five (5) miles of pick-up site (based on incoming tons)	\$ Per Ton	83.81	\$ 78.10
Pick up vegetative debris from curbside and haul to a TDSRS within ten (10) miles of pick-up site (based on incoming tons)	\$ Per Ton	87.41	\$ 83.05
Pick up vegetative debris from ROE personal property and haul to TDSRS within five (5) miles of pick-up site (based on incoming tons)	\$ Per Ton	91.01	\$ 99.00
To TDSRS within 10 miles of pick up site (based on incoming tons)	\$ Per Ton	94.61	\$ 104.00
Pick up vegetative debris from ROE personal property and haul to TDSRS in excess of ten (10) miles from pick-up site but within the City based on incoming tons	\$ Per Ton	101.81	\$ 109.00
Reduction by mulching and site management (based on incoming tons)	\$ Per Ton	34.47	\$ 36.74
Loading and transporting Mulch to final disposal site	\$ Per Ton	30.87	\$ 16.65

List other materials and cost which the contractor has been approved to handle		wast 35.00/Unit, Dead Animals 5.95/lb, White Goods 35.00/unit, Freon	Household HAZ 4.98/lb, Dead Animals .098/lb, E waste 29.00/EA
Section L - TREE, TREE STUMP, AND TREE LIMB REMOVAL	\$ Per Ton		
24" diameter and greater, but less than 48" diameter			
Stump Unit	\$	\$ 240.00	\$ 188.00
Tree Unit	\$	\$ 125.00	\$ 198.00
Equal to or greater than 48"			
Stump Unit	\$	\$ 340.00	\$ 248.00
Tree Unit	\$	\$ 195.00	\$ 298.00
Demolition, Collection and Disposal Rate (Per Specifications)	Per Ton	\$ 117.40	\$ 157.50
Hazardous Stump Removal			
24-36 inches	\$ PER STUMP	\$ 225.00	\$ 168.00
36-48 inches	\$ PER STUMP	\$ 415.00	\$ 188.00
Greater than 48 inches	\$ PER STUMP	\$ 570.00	\$ 248.00
Stump Removal			
Stump Removal, Collection, Grind, Haul-out and Disposal Rate	\$ PER TON	\$ 210.00	\$ 238.00
Sand Collection			
Sand Collection (Public Property) and Screening Rate (Per Specifications)	\$ PER TON	\$ 31.00	\$ 24.00
Sand Collection (Private Property) and Screening Rate (Per Specifications)	\$ PER TON	\$ 35.00	\$ 28.00
Backfill per specifications	\$ PER TON	\$ 27.00	\$ 28.90
Leaning Trees/Limbs			
Removal of hazardous hanging limbs greater than 2 inches	\$ PER TON	\$ 850.00	\$ 148.00
Removal of hazardous standing trees 6"-12" in diameter	\$ PER TON	\$ 315.00	\$ 138.00
Removal of hazardous standing trees 13"-24" in diameter	\$ PER TON	\$ 675.00	\$ 135.00
Removal of hazardous standing trees 25"-36" in diameter	\$ PER TON	\$ 1,395.00	\$ 130.00
Removal of hazardous standing trees 37" or larger in diameter	\$ PER TON	\$ 1,485.00	\$ 125.00
Section M - DEMOLITION OF STRUCTURES (if implemented by EMC/EOC):			
Single Story-Frame Structure, Demolish and secure site only	\$ PER SQ. FEET	\$ 3.75	\$ 2.35

Two Story-Frame Structure, Demolish and secure site only	\$ PER SQ. FEET	\$	4.75	\$	2.55
Single Story-Block Structure, Demolish and secure site only	\$ PER SQ. FEET	\$	4.25	\$	2.60
Two Story-Block Structure, Demolish and secure site only	\$ PER SQ. FEET	\$	5.25	\$	2.85
Demolish only and secure site	\$ PER SQ. FEET	\$	1.75	\$	3.40
Demolish only and secure site	\$ PER SQ. FEET	\$	1.50	\$	3.15
Section N - EMERGENCY TEMPORARY DRY-IN OF FACILITIES					
Non-specified Equipment Rental	% OVER COST		20%		12%
Materials (i.e. plywood, hardware materials)	% OVER COST		20%		12%
Section O - TEMPORARY SECURITY PERSONNEL					
Equipped Security Staffing w/transportation.	% OVER COST		20%		14%
Section P - TEMPORARY LIGHTING					
Equipment Rental	% OVER COST		20%		12%
Section Q - TEMPORARY PORTABLE FUELING SITES AND DISPENSING					
Equipment Rental	% OVER COST		20%		15%
Section R - RENTAL OF VARIOUS EQUIPMENT WITH AND WITHOUT OPERATORS					
Reference Item A					
Section S - TEMPORARY FENCING					
Fencing Materials	% OVER COST		20%		12%
Section T - OTHER DISASTER RELATED SERVICES: WATERWAY DEBRIS REMOVAL					
Removal and screening of debris laden sand.					
Per CY 1-15 Miles	\$	\$	13.35	\$	13.90
Per CY 15-30 Miles	\$	\$	15.35	\$	15.45
Per CY 30-40 Miles	\$	\$	17.35	\$	16.90
waterway					
Per CY 1-15 Miles	\$	\$	28.50	\$	18.00
Per CY 15-30 Miles	\$	\$	29.50	\$	21.00
Per CY 30-40 Miles	\$	\$	30.50	\$	24.00
Section U - CLEANING OF STORM DRAINS					
Clean 21" & 24" Storm Sewer	\$ PER LF	\$	4.85	\$	16.00



<i>Description</i>	<i>DRC Emergency Service</i>	<i>CERES Environmental Service</i>
A. Responsiveness - 10 Points		
Signed Solicitation - Page 85	YES	Yes
Conflict of Interest Questionnaire - Page 6	YES	Yes
Meal Times - Page 11	YES	Yes
Sample Menu - Page 26	NO	Yes
Federal Labor Standards - Page 39	YES	Yes
Contractors Local Opportunity Plan - Page 42	YES	Yes
Proposed Contracts - Page 43	NO	Yes
Statement of Bidders Qualifications - Page 44	YES	Yes
Contractors Certifications - Page 45	YES	Yes
Section 504 - Page 46	YES	Yes
Anti-Kickback - Page 47	YES	Yes
Form 1295 - Page 48	YES	Yes
Certificate Regarding Lobbying - Page 49	YES	Yes
NonCollusion Affidavid - Page 50	YES	Yes
Contractors Recovered Material - Page 51	YES	Yes
Prevailing Wage Requirements - Page 72	YES	Yes
B. Qualifications - 30 Points		
Experience with FEMA Disasters	YES	Yes
Equipment Resources	YES	Yes
Insurance	YES	Yes
Bonding Cabality	YES	Yes
C. Cost of Services - 60 Points		
Reference attached Bid Tab	YES	Yes
Evaluation Recommendation	Primary	Secondary

Clean 27" & 30" Storm Sewer	\$ PER LF	\$	4.85	\$	18.00
Clean 36" Storm Sewer	\$ PER LF	\$	5.15	\$	21.00
Clean 42" Storm Sewer	\$ PER LF	\$	5.75	\$	25.00
Clean 48" Storm Sewer	\$ PER LF	\$	6.25	\$	28.00
Clean 54" Storm Sewer	\$ PER LF	\$	8.25	\$	31.00
Clean 60" Storm Sewer	\$ PER LF	\$	10.25	\$	34.00
Clean 72" Storm Sewer	\$ PER LF	\$	12.25	\$	38.00
Clean Catch Basins	\$ PER UNIT	\$	350.00	\$	250.00
Clean Drainage Manholes	\$ PER UNIT	\$	250.00	\$	125.00
Box - Clean 0 - 4	\$ PER LF	\$	5.15	\$	35.00
Box - Clean 4.01 - 9	\$ PER LF	\$	5.75	\$	45.00
Box - Clean 9.01 -15	\$ PER LF	\$	6.05	\$	65.00
Box - Clean 15.01 - 20	\$ PER LF	\$	7.75	\$	95.00
Box - Clean 20.01 - 30	\$ PER LF	\$	8.15	\$	125.00
Box - Clean 31.01 - 40	\$ PER LF	\$	8.65	\$	150.00
Box - Clean 40.01 - 50	\$ PER LF	\$	9.21	\$	200.00
Box - Clean 50.01 - 60	\$ PER LF	\$	9.45	\$	240.00
Box - Clean 60.01 - 70	\$ PER LF	\$	11.44	\$	280.00

*NOTICE: Bid award is contingent upon vendor meeting bid requirements and formal authorization by City officials



<i>Description</i>	<i>DRC Emergency Service</i>	<i>CERES Environmental Service</i>
A. Responsiveness - 10 Points		
Signed Solicitation - Page 85	YES	Yes
Conflict of Interest Questionnaire - Page 6	YES	Yes
Meal Times - Page 11	YES	Yes
Sample Menu - Page 26	NO	Yes
Federal Labor Standards - Page 39	YES	Yes
Contractors Local Opportunity Plan - Page 42	YES	Yes
Proposed Contracts - Page 43	NO	Yes
Statement of Bidders Qualifications - Page 44	YES	Yes
Contractors Certifications - Page 45	YES	Yes
Section 504 - Page 46	YES	Yes
Anti-Kickback - Page 47	YES	Yes
Form 1295 - Page 48	YES	Yes
Certificate Regarding Lobbying - Page 49	YES	Yes
NonCollusion Affidavit - Page 50	YES	Yes
Contractors Recovered Material - Page 51	YES	Yes
Prevailing Wage Requirements - Page 72	YES	Yes
B. Qualifications - 30 Points		
Experience with FEMA Disasters	YES	Yes
Equipment Resources	YES	Yes
Insurance	YES	Yes
Bonding Cabality	YES	Yes
C. Cost of Services - 60 Points		
Reference attached Bid Tab	YES	Yes
Evaluation Recommendation	Primary	Secondary



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 4e

Item/Subject: Consider authorizing the City Manager to award the construction contract for the Oakwood Cemetery – Adickes Addition Fence Replacement Project (No. 16-10-07).

Initiating Department/Presenter: Engineering

Presenter: Y.S. "Ram" Ramachandra, City Engineer

Recommended Motion: Move to authorize the City Manager to award the construction contract to Four Seasons Dev. Co., Inc. for the construction of Oakwood Cemetery – Adickes Addition Fence Replacement Project (No. 16-10-07).

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: Throughout the years a combination of trash, dirt, and leaves has built up behind the chain link fence that borders the south and west sides of the Oakwood Cemetery located at the northeast corner of MLK Jr. Boulevard and 9th Street. This build-up has caused significant damage to the fence in many areas. This project consists of replacing the failing chain link fence with a new 4' wrought iron fence, and re-grading the slope from the fence line to the street. The wrought iron fence should allow for debris to pass under/through it preventing future build-up.

American Civil Engineering Services, L.P. of Conroe provided design services for the project. Notice to Bidders was advertised on August 7, 2016 upon completion of the design.

Notice to Bidders was posted on *The Huntsville Item* and the City of Huntsville websites. Also, project drawings and contract documents were posted on the Electronic State Business Daily (ESBD) and Public Purchase websites. Moreover, the Purchasing division proactively notified several local and regional construction contract firms through email, publicizing the bid notification. Hard copies of the bid documents were available for review at the Service Center and were sent to potential bidders on request.

A non-mandatory pre-bid meeting was held on August 17, 2016 to allow all responders access to the City staff for questions, comments and clarifications on the scope of work. The bids were opened on August 24, 2016. Three (3) bidders submitted bids for this project. The certified bid tabulation is attached. The low bid amount is \$107,374.52, from Four Seasons Dev Co., Inc. of Houston. The engineer's estimate for base bid was in the \$105,000 range. Four Seasons Dev. Co., Inc. has not previously worked on any City projects. When verifying references with entities for which Four Seasons has worked, positive feedback was received in regards to construction schedules and quality of work.

The construction contract period will be one hundred and twenty (150) calendar days from the date of Notice to Proceed (NTP).

Previous Council Action: The project was initially funded with \$220,000 during FY 2015-2016 for

construction.

Financial Implications:

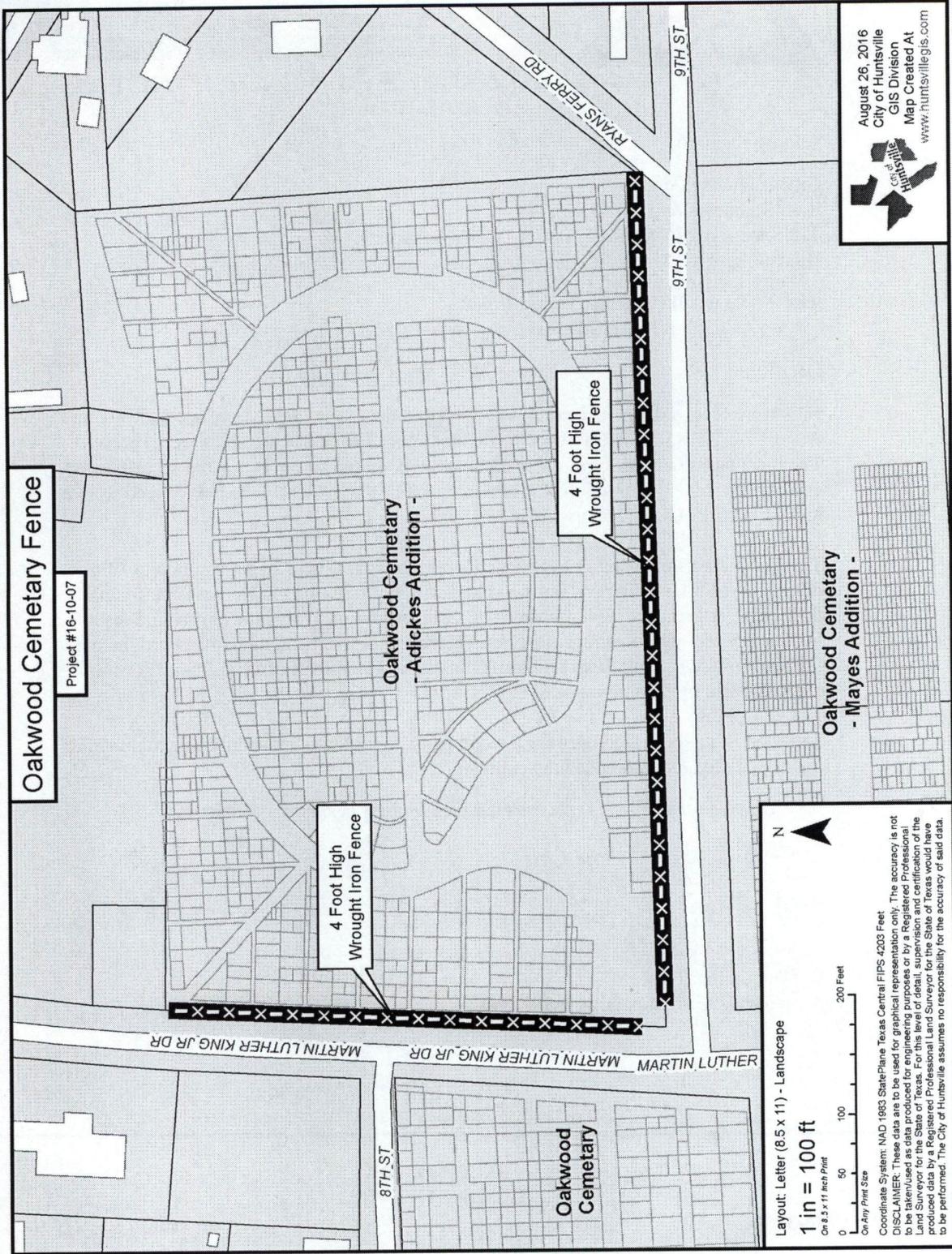
Item is budgeted: 815-81554-62300 - Current balance \$193,900

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Project location map (page 3)
- Letter of recommendation for contract award (page 4)
- Certified bid tabulations (pages 5-7)

PROJECT LOCATION



ACES

AMERICAN CIVIL ENGINEERING SERVICES, L.P.

August 30, 2016

City of Huntsville
Ram Ramachandra
448 State Hwy 75 North
Huntsville, TX 77340

Re: Oakwood Cemetery Fence Project
ACES Job No. 113415-051

Dear Ram:

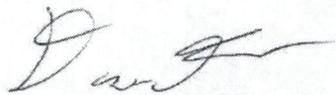
Bids were received, opened and publicly read in the city secretary's office at 2:00 pm, August 24, 2016 for the Oakwood Cemetery Fence Project. Three bids were received. The bids were checked for mathematical and typographical errors. A bid security was enclosed for 5% of the total bid as required, for all the bidders. The bids ranged from a low of \$106,154.81 to a high of \$168,328.00.

The low bid was made by Four Seasons Development. There was a wide range of prices in the 3 bids. I have not personally worked with Four Seasons in the past but, I verified their past performance with multiple sources that said they have the ability and resources to complete the job in a timely manner. I therefore recommend that you award the bid to the lowest bidder, Four Seasons Development, in the amount of \$106,154.81, or the Alternate Bid in the amount of \$107,374.52.

Attached is a list of references for the company. I could not reach all of them, but all of the ones called recommended the company.

If you have any questions in this matter, please don't hesitate to contact me.

Sincerely,



C. Dane Fuller, P.E.,
American Civil Engineering Services, L.P.

P.O. Box 3220
Conroe, TX 77305

(936) 760-3260

www.americances.com

(936) 760-3270 (fax)

Z:\Files\PROJECTS\113415-051 City of Huntsville\Admin\Four Seasons\Bid Recommendation.doc

Bid Tabulation											
Bid Date: August 24, 2016, Time: 2:00 p.m. Central Standard Time											
Oakwood Cemetery Fence Project - 16-10-07											
Item No.	Description	Quantity	Unit of Measure	Four Season Dev. Co., Inc.		Rebel Contractors, Inc.		Wilder Dozer Service, LLC		Total	Total
				Unit Price	Total	Unit Price	Total	Unit Price	Total		
1	Project mobilization, bonds, insurance, safety and related activities. COMPLETE IN PLACE	1	L.S.	8000.0000	\$ 8,000.00	7,500.00	\$ 7,500.00	26,500.00	\$ 26,500.00		\$ 26,500.00
2	Tree preservation and clear trees that must be removed, grub and dispose of vegetation/debris off site, COMPLETE IN PLACE	1	L.S.	32240.0000	\$ 32,240.00	54,000.00	\$ 54,000.00	13,000.00	\$ 13,000.00		\$ 13,000.00
3	Grade and Shape as per Plans and Haul Off Excess Material, COMPLETE IN PLACE	150	C.Y.	63.6666	\$ 9,549.99	100.00	\$ 15,000.00	370.00	\$ 370.00		\$ 55,500.00
4	Furnish and install Coconut Erosion Control Blanket, COMPLETE IN PLACE	290	S.Y.	8.0069	\$ 2,322.00	10.00	\$ 2,900.00	7.38	\$ 7.38		\$ 2,140.20

Bid Tabulation											
Bid Date: August 24, 2016, Time: 2:00 p.m. Central Standard Time											
Oakwood Cemetery Fence Project - 16-10-07											
Item No.	Description	Quantity	Unit of Measure	Four Season Dev. Co., Inc.		Rebel Contractors, Inc.		Wilder Dozer Service, LLC		Total	Total
				Unit Price	Total	Unit Price	Total	Unit Price	Total		
5	Furnish and install Sod includes watering and maintenance for 90 days until established. COMPLETE IN PLACE	722	S.Y.	11.4060	\$ 8,235.13	5.00	\$ 3,610.00	10.40	\$ 7,508.80		
6	Furnish and install Filter Fabric Fencing, COMPLETE IN PLACE	904	L.F.	3.0000	\$ 2,712.00	3.50	\$ 3,164.00	5.00	\$ 4,520.00		
7	Maintain Erosion Control Measures Throughout the Project. Provide NOI and NOT. COMPLETE IN PLACE	1	L.S.	3375.0000	\$ 3,375.00	2,000.00	\$ 2,000.00	10,000.00	\$ 10,000.00		
8	Furnish and install 4' Orange Safety Fence along Grave Sites as per the Detail on the Plans. COMPLETE IN PLACE	1090	L.F.	2.0000	\$ 2,180.00	3.00	\$ 3,270.00	1.75	\$ 1,907.50		
9	Furnish and install 4' Wrought Iron Fence along MLK and 9th Street as per the Detail on the Plans. COMPLETE IN PLACE	1090	L.F.	34.4410	\$ 37,540.69	31.00	\$ 33,790.00	43.35	\$ 47,251.50		
Total Base Bid				\$106,154.81		\$125,234.00		\$168,328.00			
Percentage over Low Bidder						17.97%		58.57%			

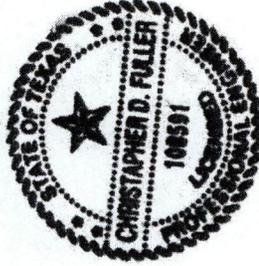
Bid Tabulation									
Bid Date: August 24, 2016, Time: 2:00 p.m. Central Standard Time									
Oakwood Cemetery Fence Project - 16-10-07									
Item No.	Description	Quantity	Unit of Measure	Four Season Dev. Co., Inc.		Rebel Contractors, Inc.		Wilder Dozer Service, LLC	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
10	Furnish and install Alternate thicker gauge 4' Wrought Iron Fence along MLK and 9th Street as per the Detail on the Plans. COMPLETE IN PLACE	1090	L.F.	35.5600 \$	38,760.40 \$	32.00 \$	34,880.00 \$	55.30 \$	60,277.00
Total Alternate Bid				\$107,374.52		\$126,324.00		\$181,353.50	
Percentage over Low Bidder				17.65%		68.90%			

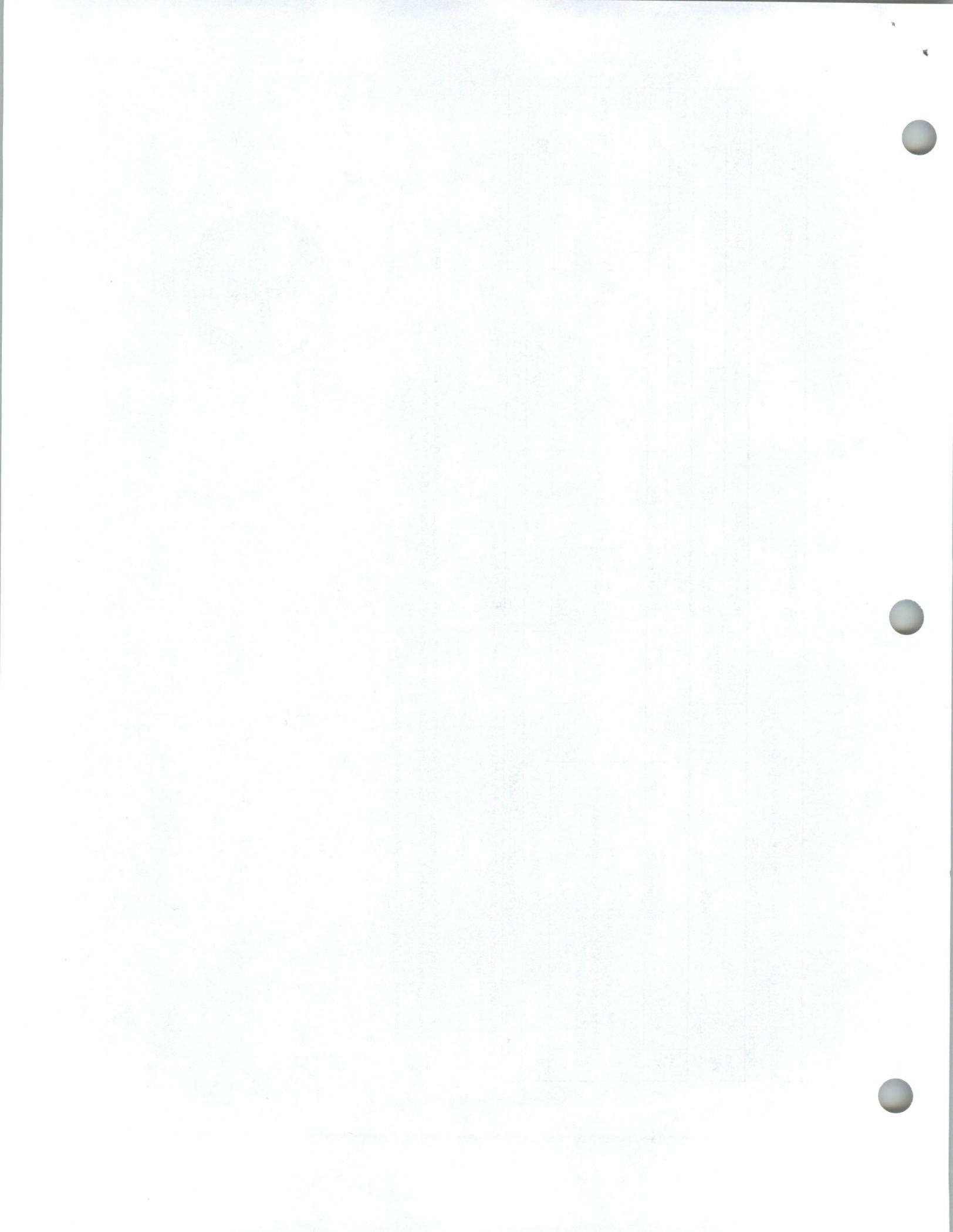
*Due to mathematical errors the total price of Four Seasons Development Company, Inc.'s Bid has been modified and has been increased by an amount of 81 Cents for the Base Bid and 54 Cents for the Alternate Bid.

I hereby certify that the bid tabulations contained herein were prepared by me or under my direct supervision. The individual contractor's Unit Bid Prices and Bid Amounts are the actual amounts placed on the Bid Sheet for the bidding process. Any discrepancies in the Unit Bid price and Bid Amounts are noted above.

Signed, Sealed and dated this 25th day of August year 2016 by C. Dane Fuller, P.E.

C Dane Fuller
8-25-16







CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 4f

Item/Subject: Consider authorizing the City Manager to award the construction contract for Gospel Hill Sanitary Sewer Project Construction (Project No. 16-10-02).

Initiating Department/Presenter: Engineering

Presenter: Y. S. "Ram" Ramachandra, City Engineer

Recommended Motion: Move to authorize the City Manager to award the construction contract to King Solution Services, LLC for the construction of Gospel Hill Sanitary Sewer Project (No. 16-10-02).

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: This segment of existing sewer line (approx. 500 linear feet) and manholes are in a deteriorated condition due to their age (over 50 years old) and material types. Sewer line is made up of clay tile pipes and manholes are of brick construction and have been failing in several locations. Sewer lines will be replaced with PVC pipes and the manholes will be replaced with concrete or fiberglass manholes. The funding being sought is for both engineering and construction.

This project design has been achieved by the City Engineering staff. Notice to Bidders was advertised on July 31, 2016 upon completion of design. No utility easement acquisition was required for this project.

Notice to Bidders was posted on *The Huntsville Item* and the City of Huntsville web sites. Also, project drawings and contract documents were posted on Electronic State Business Daily (ESBD), the City of Huntsville, and Public Purchases web sites. Hard copies of the bid document were sent to potential bidders upon request.

A non-mandatory pre-bid meeting was held on August 9, 2016 to allow all responders access to the City staff for questions, comments and clarifications on the scope of work. The bids were opened on August 16, 2016. Three (3) bids were received for this project. The certified bid tabulation is attached to this agenda item. The low bid amount is \$77,002, from King Solution Services, LLC, Houston.

The engineer's estimate was in the \$87,000 range, approximately 14% higher than the low bid amount. Considering the project size (relatively a small infrastructure) project 14% variation is not out of bounds. Items that are the main reasons for the 14% variation in the low bid amount from the engineer's estimate are i) mobilization; ii) connection of 6" PVC pipe to existing/new manhole, iii) erosion control; and iv) construction traffic control.

The staff recommendation is to award the construction contract to the low bidder, King Solution Services, LLC, Houston, TX, in the amount of \$77,002. King Solution Services, LLC has not previously worked on any of the City projects. Upon verifying with the references with entities to whom King Solution Services, LLC worked, positive feedback was received in regards to construction schedules and quality of work.

The construction contract period will be sixty (60) calendar days from the date of Notice to Proceed (NTP).

Previous Council Action: The project was initially funded with \$90,000 during FY 2015-2016 for construction.

Financial Implications:

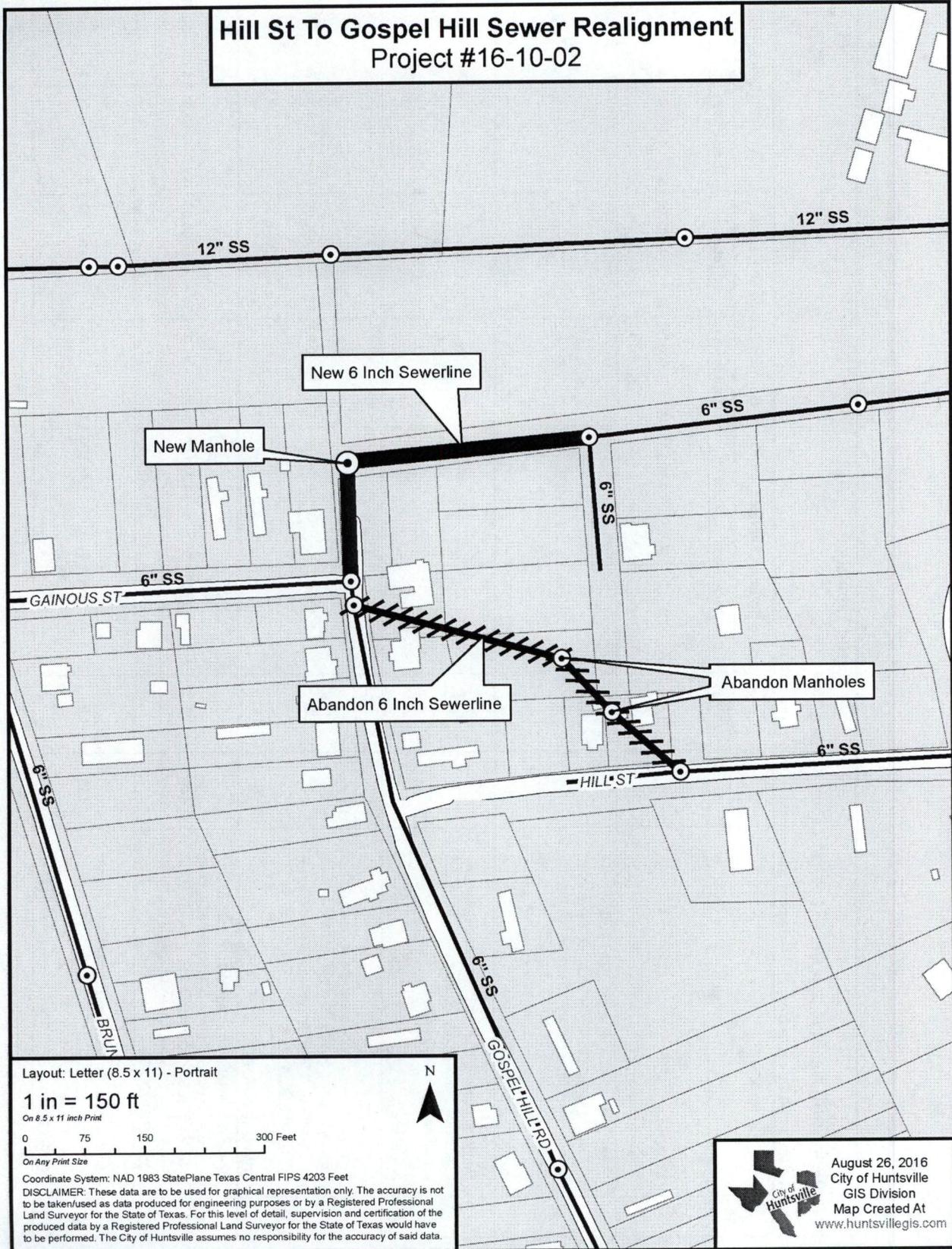
Item is budgeted: A/C # 702-7171-62300 Current account balance is \$90,000

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Project location map (page 3)
- Certified bid tabulations (pages 4-6)

LOCATION MAP



Bid Tabulation									
Bid Date: Tuesday, August 16, 2016 Time: 2:00 P.M. Central Standard Time									
Project Name: Hill Street to Gospel Hill Sewer Realignment COH Project#16-10-02									
Item No.	Description	Quantity	Unit of Measure	King Solution Services, L.L.C.		Hornton Excavating, L.L.C.		5-T Utilities, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 4,500.00	\$ 4,500.00	\$ 2,500.00	\$ 2,500.00
2	Furnish all materials, labor, equipment for erosion control devices and maintain as needed throughout the contract period for the entire project area. (silt fence, hay bale, check dams etc.) COMPLETE IN PLACE	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00
3	Furnish all materials, labor, equipment and install/utilize traffic control and safety devices and maintain as needed throughout the contract period. COMPLETE IN PLACE	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 3,500.00	\$ 3,500.00
4	Furnish all materials, labor, equipment for clearing & grubbing to include clearing ROW and permanent U.E., hauling debris & complete removal of stumps within 10' both side of trench CL. COMPLETE IN PLACE	1	LS	\$ 2,800.00	\$ 2,800.00	\$ 5,500.00	\$ 5,500.00	\$ 6,500.00	\$ 6,500.00
5	Furnish all materials, labor, equipment and install 6" PVC SDR 35 sewer pipe 0'-8' depths beneath asphalt roadway (include approx. 50' pavement replace) COMPLETE IN PLACE	480	LF	\$ 63.00	\$ 30,240.00	\$ 45.00	\$ 21,600.00	\$ 63.91	\$ 30,676.80
6	Furnish all materials, labor, equipment and install Trench Protection. COMPLETE IN PLACE	480	LF	\$ 3.00	\$ 1,440.00	\$ 2.00	\$ 960.00	\$ 1.00	\$ 480.00

<p style="text-align: center;">Bid Tabulation</p> <p style="text-align: center;">  </p>									
<p style="text-align: center;"> Bid Date: Tuesday, August 16, 2016 Time: 2:00 P.M. Central Standard Time Project Name: Hill Street to Gospel Hill Sewer Realignment COH Project#16-10-02 </p>									
Item No.	Description	Quantity	Unit of Measure	King Solution Services, L.L.C.		Hornnton Excavating, L.L.C.		5-T Utilities, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
7	Furnish all materials, labor, equipment and install 54" SSMH (up to 6' Depth) with min. 30" ring and cover per TCEQ requirements. Internal coating as per general notes. (detail S-3) (1 remove replace STA 4+48.58, 1 new install STA 3+06.33) COMPLETE IN PLACE	2	EA	\$ 6,220.00	\$ 12,440.00	\$ 7,000.00	\$ 14,000.00	\$ 6,123.27	\$ 12,246.54
8	Furnish all materials, labor, equipment and install extra depth SSMH. COMPLETE IN PLACE	2	VF	\$ 400.00	\$ 800.00	\$ 400.00	\$ 800.00	\$ 600.00	\$ 1,200.00
9	Furnish all materials, labor, equipment and connect 6-inch sanitary sewer to existing/replaced sanitary sewer manhole (including bedding, backfill, and testing). COMPLETE IN PLACE	3	EA	\$ 450.00	\$ 1,350.00	\$ 2,600.00	\$ 7,800.00	\$ 3,523.41	\$ 10,570.23
10	Furnish all materials, labor, equipment to abandon SSMH per notes COMPLETE IN PLACE	2	LS	\$ 850.00	\$ 1,700.00	\$ 3,000.00	\$ 6,000.00	\$ 3,500.00	\$ 7,000.00
11	Furnish all materials, labor, equipment to abandon SS main per notes COMPLETE IN PLACE	476	LF	\$ 7.00	\$ 3,332.00	\$ 10.00	\$ 4,760.00	\$ 19.50	\$ 9,282.00
12	Furnish all materials, labor, equipment to alter/repair SSMH COMPLETE IN PLACE	2	LS	\$ 650.00	\$ 1,300.00	\$ 2,900.00	\$ 5,800.00	\$ 2,500.00	\$ 5,000.00
13	Furnish all materials, labor, equipment and install 4" PVC SCH 40 sewer pipe and reconnect LONG (> 150') sanitary service to houses with clean outs. (include tapping) COMPLETE IN PLACE	1	EA	\$ 3,500.00	\$ 3,500.00	\$ 4,900.00	\$ 4,900.00	\$ 4,500.00	\$ 4,500.00

Bid Tabulation									
Bid Date: Tuesday, August 16, 2016 Time: 2:00 P.M. Central Standard Time Project Name: Hill Street to Gospel Hill Sewer Realignment COH Project#16-10-02									
Item No.	Description	Quantity	Unit of Measure	King Solution Services, L.L.C.		Hornton Excavating, L.L.C.		5-T Utilities, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
14	Furnish all materials, labor, equipment and install 4" PVC SCH 40 sewer pipe and reconnect SHORT (≤ 150') sanitary service to houses with clean outs. (include tapping)	3	EA	\$ 2,700.00	\$ 8,100.00	\$ 4,700.00	\$ 14,100.00	\$ 2,500.00	\$ 7,500.00
COMPLETE IN PLACE									
Total Base Bid					\$77,002.00		\$96,720.00		\$105,455.57
							25.61%		36.95%

Note: Shaded cells indicate mathematical correction in the original bid.

I hereby certify that the bid tabulations contained herein were prepared by me and under my direct supervision. The individual contractor's Unit Bid Prices and Bid Amounts are the actual amounts placed on the Bid Sheet for the bidding process. Any discrepancies in the Unit Bid price and Bid Amounts are noted above.

Signed, Sealed and dated this 16th day of August, year 2016 by Y.S. Ramachandra, P.E.



Y.S.



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 5a

Item/Subject: Consider authorizing the City Manager to award the construction contract for 11th Street (University Avenue to Avenue G) Waterline Replacement Project (No. 12-11-02), first reading.

Initiating Department/Presenter: Engineering

Presenter: Y.S. "Ram" Ramachandra, City Engineer

Recommended Motion: **FIRST READING** – Move to authorize the City Manager to award the construction contract to 5-T Utilities, Inc. for the construction of 11th Street (University Avenue to Avenue G) Waterline Replacement Project (No. 12-11-02).

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: This project consists of replacing an old and deteriorated 6" waterline along 11th Street from University Avenue to Avenue G. Approximate length of this waterline segment is 1,900 linear feet. The water line located in this segment was installed in the 1950s and is cast iron or ductile iron pipe. Several waterline breaks have occurred in this segment. Due to the age of the waterline and known waterline degradation, this line has not been cleaned as part of the scheduled water system cleaning program for fear of damaging the degraded waterline and creating new leaks/breaks.

Bleyl & Associates provided design services for the project. Notice to Bidders was advertised on July 17, 2016 upon completion of the design. No utility easements were acquired for the project. The waterline will be replacement in the TxDOT right of way. Necessary TxDOT permit has been obtained.

Notice to Bidders was posted on *The Huntsville Item* and the City of Huntsville websites. Also, project drawings and contract documents were posted on the Electronic State Business Daily (ESBD) and Public Purchase websites. Moreover, the Purchasing Division proactively notified several local and regional construction contract firms through email, publicizing the bid notification. Hard copies of the bid documents were available for review at the Service Center and were sent to potential bidders on request.

A non-mandatory pre-bid meeting was held on July 27, 2016 to allow all responders access to the City staff for questions, comments and clarifications on the scope of work. The bids were opened on August 3, 2016. Three (3) bidders submitted bids for this project. The certified bid tabulation is attached. The low bid amount is \$369,956.11, from 5-T Utilities, Inc. of Huntsville for base bid option (direction drilling option, which significantly eliminates cutting open the pavement).

The engineer's estimate for base bid was in \$355,000 range, approximately 4% less than the low bid amount. The 4% variation from the engineer's estimate is within a reasonable range for a project of this nature and magnitude. Items that are the main reasons for the 4% variation in the total base bid amount from the engineer's estimate are i) 12" PVC pipe installation; ii) grout fill and abandoning existing 6" pipe, iii) Storm water pollution prevention; and iv) construction traffic control.

5-T Utilities, Inc. has previously worked and has satisfactorily completed several infrastructure

improvement projects for the City of Huntsville.

The construction contract period will be one hundred and twenty (120) calendar days from the date of Notice to Proceed (NTP). The awarding of this project requires two readings by the Council.

While the City funds for project construction are available due to funding in previous years, this project is now primarily funded through the Texas Department of Agriculture (TDA) under Community Development Grant (CDBG) program. The City was awarded CDBG funds for this project in September 2015. As such, most of the cost construction cost will be reimbursed by CDBG funds in the amount of \$344,250 and City funds in the amount of \$25,706 will cover the balance. Unused City funds for this project (currently calculated to be approximately \$364,281) resulting from the grant funding received will be ultimately transferred to Unallocated Funds (999 account) for Water R & R.

Previous Council Action: The City Council initially approved \$32,000 for engineering design in FY 2012-2013. The City Council funded \$405,000 in FY 15-16 for construction purposes. The Council authorized the submission of the application to TDA on February 17, 2015 and adopted Resolution 2015-06. Council accepted award of CDBG grant by TDA at the Sept 15, 2015 meeting.

Financial Implications:

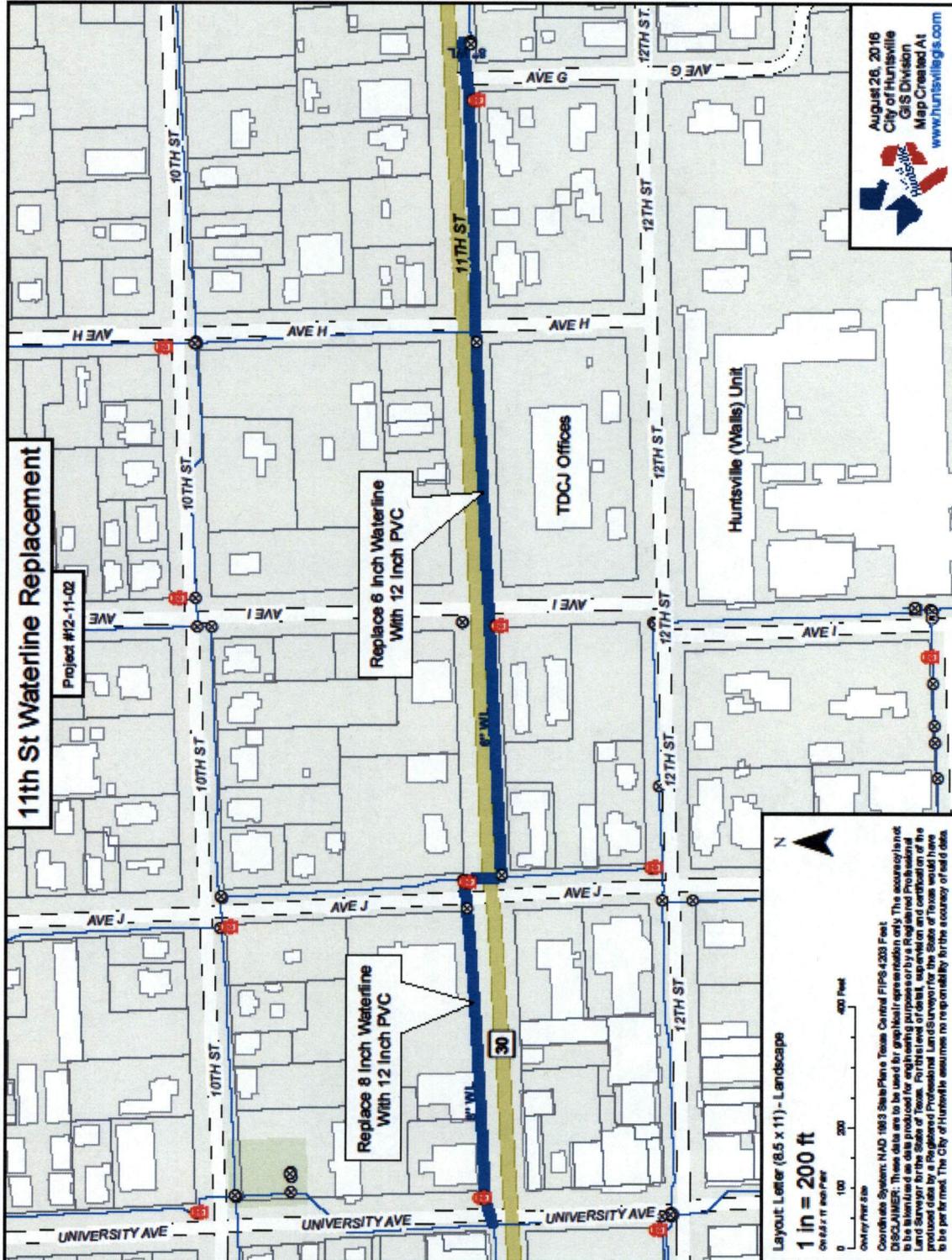
Item is budgeted: 703-70308-62300 - Current balance \$389,987

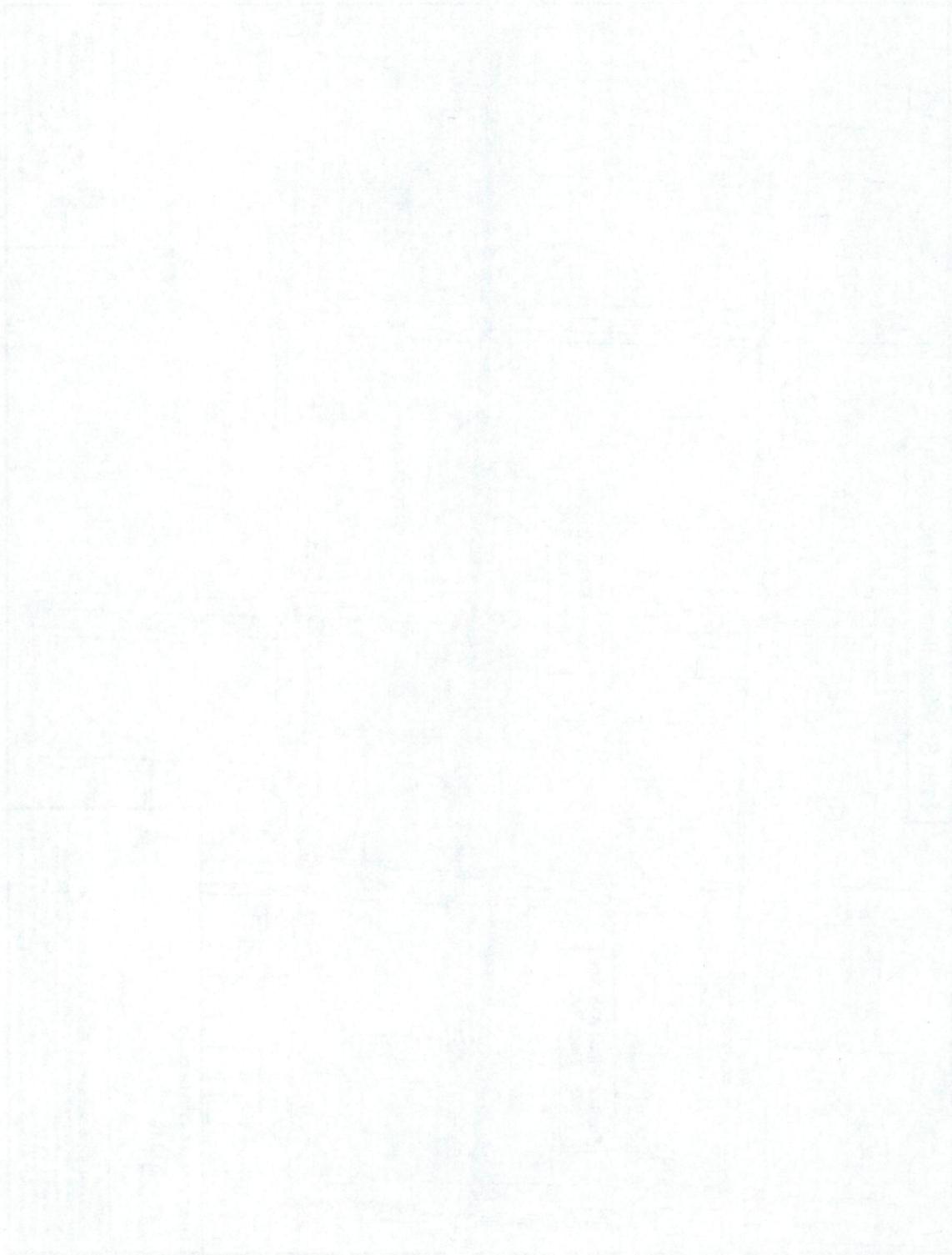
Approvals: City Attorney Director of Finance City Manager

Associated Information:

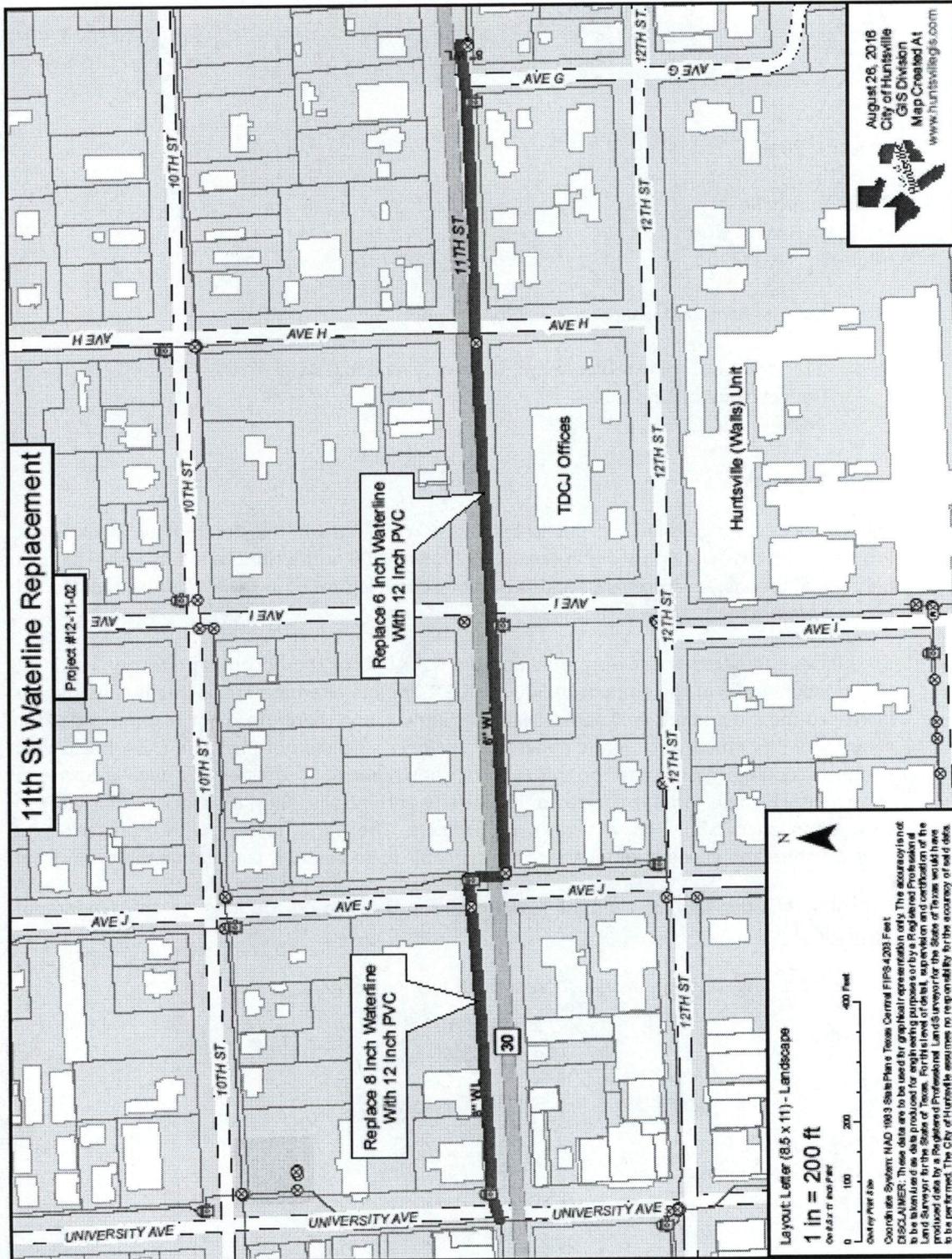
- Project location map (page 3)
- Letter of recommendation for contract award (page 4)
- Certified bid tabulations (pages 5 – 9)

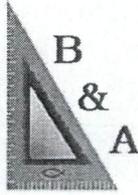
PROJECT LOCATION





PROJECT LOCATION





Bleyl & Associates
Project Engineering & Management

100 Nugent Street
Conroe, Texas 77301
Phone: (936) 441-7833
Fax: (936) 760-3833
Texas Reg. No. F-678

August 3, 2016

City of Huntsville
448 State Hwy 75 North
Huntsville, TX 77320

Attn: Mr. Y.S. Ram Ramachandra, P.E., City Engineer

Re: 11th Street waterline replacement, University Ave. to G Ave
Project Number 12-11-02
B&A File No. 11766

Mr. Ramachandra:

This project was published for public bidding as required for the Community Block Grant Program, and bids were opened on August 3, 2016 at 2:00 at the Huntsville City Hall. The final bid tabulation has been prepared and is hereby submitted for your review and action. No bid errors were noted.

ST Utilities submitted the lowest, qualified bid base bid for the horizontal directional drilling construction work, in the amount of \$369,956.11. The bid alternate for open-cut construction increased the bid amount well above available funding, and therefore is not recommended for award. The bid amount is slightly above the Engineer's Opinion of Probable Cost, but is well within acceptable cost range for this type of construction. ST Utilities is a well-known and consistently high performing contractor for the city of Huntsville. Bleyl & Associates has worked with them successfully on a variety of projects. They are familiar with Huntsville city infrastructure and expectations, and are fully capable of successfully completing this project.

I recommend the City of Huntsville award this project to **ST Utilities**, in the amount of **\$369,956.11.**

Please call if I may answer any question or be of further assistance.

Regards,

Michael Sullivan, P.E.
Senior Project Manager



BID TABULATION
Bid Date: August 3, 2016 Bid Time: 2:00 pm CST
Project Name: 11th St. Waterline Replacement Project, University Ave. to G Ave.



Project No.: 12-11-02

Item No.	Description	Estimated Quantity	Unit of Measure	5 T Utilities		Huff & Mitchell		Horton Excavating	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization and project overhead (not to exceed 5% of work items). COMPLETE IN PLACE	1	LS	\$ 10,775.42	\$ 10,775.42	\$ 27,000.00	\$ 27,000.00	\$ 22,000.00	\$ 22,000.00
2	Furnish, maintain and remove inlet protection barriers as shown on the plans and specifications. COMPLETE IN PLACE	6	EA	\$ 1,500.00	\$ 9,000.00	\$ 125.00	\$ 750.00	\$ 1,000.00	\$ 6,000.00
3	Implement all items under TPDES general permit, including SWPPP, NOI, upkeep, maintenance, and record keeping of all SWPPP items. COMPLETE IN PLACE	1	LS	\$ 5,500.00	\$ 5,500.00	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00
4	Traffic Control, including all signage, barricades, temporary paving, cones, striping, buttons and related items and appurtenances, as shown on the plans and directed by the Engineer. COMPLETE IN PLACE	1	LS						
5	Furnish and install Project Information Sign as will be directed by the City of Huntsville. COMPLETE IN PLACE	2	EA	\$ 25,596.00	\$ 25,596.00	\$ 7,500.00	\$ 7,500.00	\$ 35,000.00	\$ 35,000.00
6	Asphalt repair per the plans and specifications. COMPLETE IN PLACE	920	SF	\$ 11.96	\$ 11,003.20	\$ 70.00	\$ 64,400.00	\$ 60.00	\$ 55,200.00
7	Brick sidewalk repair, remove pavers by hand and reuse where applicable, per the plans and specifications. COMPLETE IN PLACE	200	SF	\$ 12.00	\$ 2,400.00	\$ 35.00	\$ 7,000.00	\$ 15.00	\$ 3,000.00
8	Concrete sidewalk repair per the plans and specifications. COMPLETE IN PLACE	375	SF	\$ 8.00	\$ 3,000.00	\$ 25.00	\$ 9,375.00	\$ 15.00	\$ 5,625.00



BID TABULATION
Bid Date: August 3, 2016 Bid Time: 2:00 pm CST
Project Name: 11th St. Waterline Replacement Project, University Ave. to G Ave.

Item No.	Description	Estimated Quantity	Unit of Measure	S T Utilities		Huff & Mitchell		Horton Excavating	
				1302 Hwy 90, Huntsville, 77340 Unit Price	13626 Kluge, Cypress 77429 Unit	1302 Hwy 90, Huntsville, 77340 Total	13626 Kluge, Cypress 77429 Total	237 Spring Creek Rd, Lurkin 75904 Unit	Total
9	Furnish and install 12-inch PVC (Certa Lok, C-909, CL 235) water main, including all fittings, by horizontal directional drilling per the plans and specifications. COMPLETE IN PLACE	1,980	LF	\$ 74.59	\$ 160.00	\$ 147,688.20	\$ 316,800.00	\$ 182.00	\$ 360,360.00
10	Remove existing meters per the plans and specifications. COMPLETE IN PLACE	50	LF	\$ 90.00	\$ 60.00	\$ 4,500.00	\$ 3,000.00	\$ 100.00	\$ 5,000.00
11	Furnish and install 12" MJ gate valve and box per the plans and specifications. COMPLETE IN PLACE	3	EA	\$ 2,888.52	\$ 5,500.00	\$ 8,665.56	\$ 16,500.00	\$ 4,500.00	\$ 13,500.00
12	Furnish and install 8" MJ gate valve and box per the plans and specifications. COMPLETE IN PLACE	2	EA	\$ 1,987.76	\$ 3,500.00	\$ 3,975.52	\$ 7,000.00	\$ 4,300.00	\$ 8,600.00
13	Furnish and install 6" MJ gate valve and box per the plans and specifications. COMPLETE IN PLACE	1	EA	\$ 1,655.60	\$ 2,500.00	\$ 1,655.60	\$ 2,500.00	\$ 3,600.00	\$ 3,600.00
14	Furnish and install 12"X12" MJ tee including all blocking and restraint per the plans and specifications. COMPLETE IN PLACE	3	EA	\$ 1,532.69	\$ 2,000.00	\$ 4,598.07	\$ 6,000.00	\$ 4,300.00	\$ 12,900.00
15	Furnish and install 12"X8" MJ reducer including all restraint per the plans and specifications. COMPLETE IN PLACE	2	EA	\$ 933.72	\$ 1,600.00	\$ 1,867.44	\$ 3,200.00	\$ 1,700.00	\$ 3,400.00
16	Furnish and install 12"X6" MJ reducer including all restraint per the plans and specifications. COMPLETE IN PLACE	1	EA	\$ 916.70	\$ 2,000.00	\$ 916.70	\$ 2,000.00	\$ 1,700.00	\$ 1,700.00
17	Remove existing valve boxes and fill with cement stabilized sand. COMPLETE IN PLACE	10	EA	\$ 300.00	\$ 500.00	\$ 3,000.00	\$ 5,000.00	\$ 750.00	\$ 7,500.00

BID TABULATION

Page 2 of 5

BID TABULATION
Bid Date: August 3, 2016 Bid Time: 2:00 pm CST
Project Name: 11th St. Waterline Replacement Project, University Ave. to G Ave.
Project No.: 12-11-02

Item No.	Description	Estimated Quantity	Unit of Measure	5 T Utilities 1902 Hwy 90, Huntsville 77340		Huff & Mitchell 13626 Kluge, Cypress 77429		Horton Excavating 237 Spring Creek Rd, Lufkin 75904	
				Unit Price	Total	Unit	Total	Unit	Total
18	Remove existing fire hydrant assembly per detail and site restoration per the plans and specifications. COMPLETE IN PLACE	2	EA	\$ 3,480.80	\$ 6,961.60	\$ 500.00	\$ 1,000.00	\$ 1,500.00	\$ 3,000.00
19	Reconnect the existing fire hydrant assembly to the new 12" main per the plans and specifications. COMPLETE IN PLACE	2	EA	\$ 3,000.00	\$ 6,000.00	\$ 2,500.00	\$ 5,000.00	\$ 4,000.00	\$ 8,000.00
20	Cut and plug existing 8" waterline. COMPLETE IN PLACE	3	EA	\$ 4,500.00	\$ 13,500.00	\$ 1,500.00	\$ 4,500.00	\$ 2,500.00	\$ 7,500.00
21	Grout fill and abandon existing 8" pipe as directed by the Engineer. COMPLETE IN PLACE	600	LF	\$ 40.00	\$ 24,000.00	\$ 4.00	\$ 2,400.00	\$ 10.00	\$ 6,000.00
22	Grout fill and abandon existing 6" pipe as directed by the Engineer. COMPLETE IN PLACE	1,400	LF	\$ 30.00	\$ 42,000.00	\$ 5.00	\$ 7,000.00	\$ 8.00	\$ 11,200.00
23	8" Connection to an Existing Water Main per the plans and specifications. Work includes removal of existing plug and clamp. COMPLETE IN PLACE	4	EA	\$ 400.00	\$ 1,600.00	\$ 900.00	\$ 3,600.00	\$ 2,000.00	\$ 8,000.00
24	Furnish and install single water tap (short), including all fittings, excavation, embedment, and trench backfill per the plans and specifications. COMPLETE IN PLACE	5	EA	\$ 2,750.56	\$ 13,752.80	\$ 2,000.00	\$ 10,000.00	\$ 4,200.00	\$ 21,000.00
25	Furnish and install single water tap (long), including all fittings, by bore per the plans and specifications. COMPLETE IN PLACE	8	E/A	\$ 2,000.00	\$ 16,000.00	\$ 3,000.00	\$ 24,000.00	\$ 5,150.00	\$ 41,200.00
Base Bid Total				\$ 369,956.11	% over Low 46%	\$ 540,525.00	% over Low 78%	\$ 658,285.00	

BID TABULATION

Bid Date: August 3, 2016 Bid Time: 2:00 pm CST

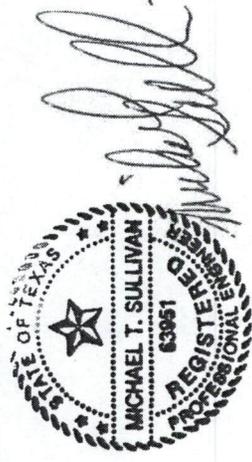
Project Name: 11th St. Waterline Replacement Project, University Ave. to G Ave.

Project No.: 12-11-02

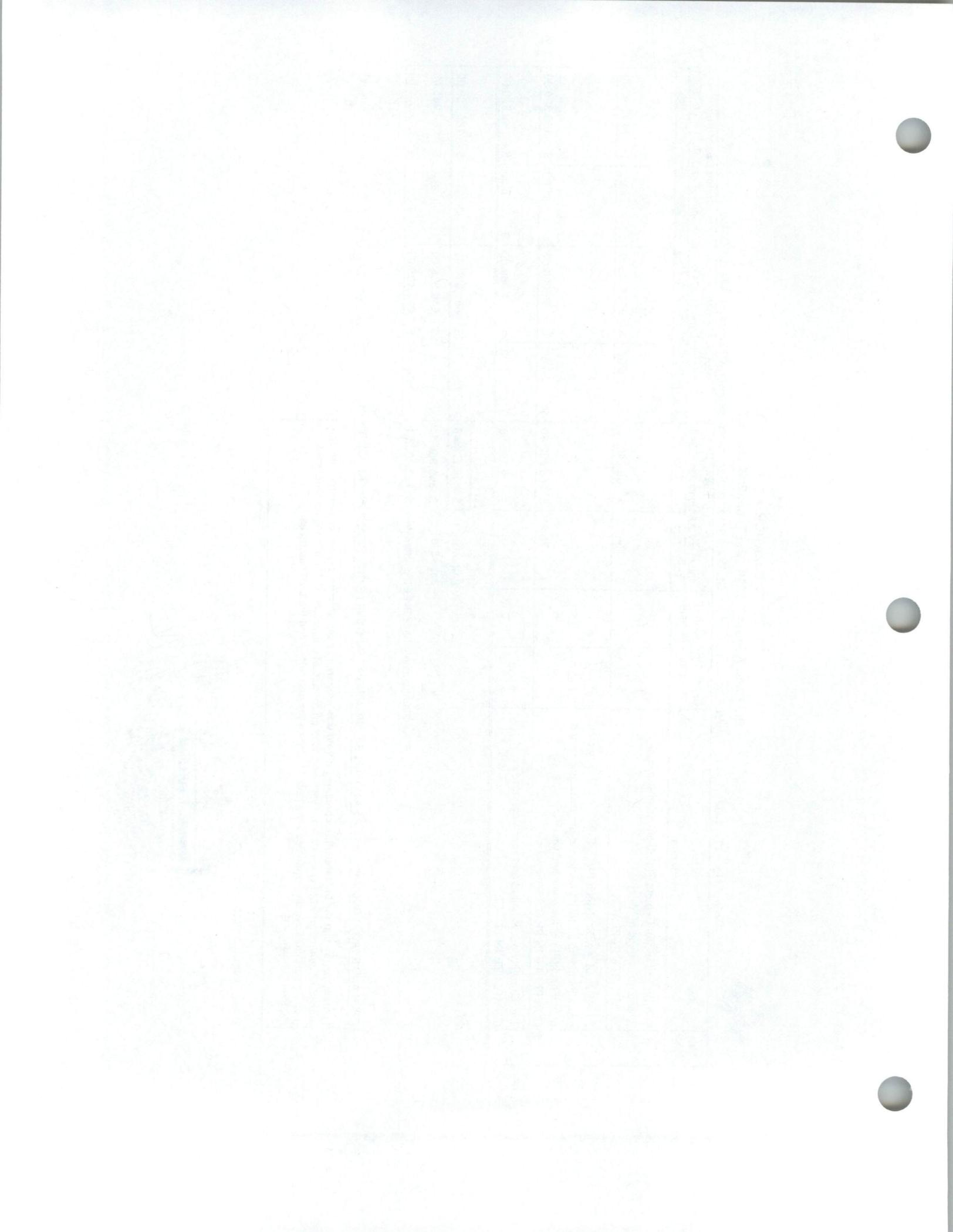
Item No.	Description	Estimated Quantity	Unit of Measure	5 T Utilities 1302 Hwy 90, Huntsville 77340		Huff & Mitchell 13626 Kluge, Cypress 77429		Horton Excavating 237 Spring Creek Rd, Lufkin 75904	
				Unit Price	Total	Unit	Total	Unit	Total
A1-8	Furnish and install Cement Stabilized Sand subgrade (based on average of 5' depth). COMPLETE IN PLACE	1,840	CY	\$ 36.00	\$ 66,240.00	\$ 115.00	\$ 211,600.00	\$ 79.00	\$ 145,360.00
A1-9	Furnish and install 12-inch PVC (C-909, CL 235) water main, including all fittings, excavation, embedment, and trench backfill per the plans and specifications. COMPLETE IN PLACE	1,980	LF	\$ 79.86	\$ 158,122.80	\$ 250.00	\$ 495,000.00	\$ 81.00	\$ 160,380.00
A1-10	Trench safety per the plans and specifications. COMPLETE IN PLACE	1,980	LF	\$ 5.00	\$ 9,900.00	\$ 1.00	\$ 1,980.00	\$ 5.00	\$ 9,900.00
				Low Bid		% over Low		% over Low	
				Bid Alternate 1		15%		-56%	
				\$ 418,774.40		\$ 481,880.00		\$ 186,280.00	
				Base Bid		\$ 369,956.11		\$ 540,525.00	
				Total Bid Alternate = Base Bid + Bid Alternate 1		\$ 788,730.51		\$ 1,022,405.00	

OPEN AND READ ALOUD THIS DATE AT A PUBLIC BID OPENING AT HUNTSVILLE CITY HALL CONFERENCE ROOM.

I hereby certify that the bid tabulation contained herein was prepared by me or under my direct supervision. The individual contractor's bid amounts were verified based on the actual unit prices on the bid sheets required for bidding purposes. No discrepancies were noted between the unit prices and the final bid prices.
Michael Sullivan, P.E.



Date: August 3, 2016





CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 5b

Item/Subject: Consider adopting Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management, second reading.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director, Community & Economic Development Department

Recommended Motion: Move to adopt Ordinance 2016-37, to change the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: The Planning Commission has initiated the Development District Map Amendment to change the development district classification for Lots 64 & 66 of Far Hills Addition, Section 2, located at 63 & 59 SH 75 N, from Neighborhood Conservation to Management. The property is located on the southern and eastern edge of a Neighborhood Conservation district, with the adjoining property to the south being in a Management district. The property to the east, across SH 75, is also zoned Management.

A Public Hearing and Consideration of this Development District Map Amendment case was on the agenda for the July 21, 2016, Planning Commission Meeting. The Commissioners voted unanimously to recommend approval of the Development Map Amendment to change the subject property from Neighborhood Conservation to Management. Minutes from the Planning Commission showing the discussion at their meeting is attached with this report.

The discussion form and other documents submitted to the Planning Commission from staff are also attached.

Previous Council Action: On August 16, a public hearing and first reading were held for this item and two other zoning cases. In 2009, the Council reclassified a lot to the south of the subject tracts that now houses Keller Williams Realty. In 2015 the Council reclassified an adjacent lot which now houses the H3 Motors dealership.

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Ordinance 2016-37 (*page 3*)
- Planning Commission discussion form (*page 5-6*)
- Vicinity map (*page 7*)
- Excerpt from July 21, 2016 Planning Commission minutes (*page 8*)

ORDINANCE NO. 2016-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE OFFICIAL DEVELOPMENT DISTRICT MAP OF THE CITY OF HUNTSVILLE, TEXAS TO CHANGE THE DEVELOPMENT DISTRICT CLASSIFICATION FOR LOTS 64 & 66 OF FAR HILLS ADDITION, SECTION 2, LOCATED AT 63 & 59 SH 75 N, FROM NEIGHBORHOOD CONSERVATION TO MANAGEMENT

WHEREAS the City Council of the City of Huntsville, Texas, has adopted an Official Development District Map and attendant regulations for the City which, in accordance with the Comprehensive Plan, was designed to control the density of population to the end that congestion may be lessened in public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code; and

WHEREAS the Development Code of the City of Huntsville provides for the amendment of the Official Development District Map; and

WHEREAS after public notice, the Planning Commission held a public hearing on July 21, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the Planning Commission has studied and evaluated the request and the report prepared by City Staff; and

WHEREAS the Planning Commission has considered the comments of the public presented at that public hearing and has prepared a report for this Council of its conclusions and recommendations;

WHEREAS after public notice, City Council held a public hearing on August 16, 2016 and September 6, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the City Council has studied and evaluated the request, the report prepared by City Staff and the recommendations by the Planning Commission; and

WHEREAS the City has updated the map to reflect the amended area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1: The Official Development District Map of the City of Huntsville, as provided in Section 2.200 of the City's Development Code, is amended and City Staff is directed to make such change.

SECTION 2: The newly amended Official Development District Map is adopted and shall supersede the prior Official Development District Map.

SECTION 3: The City Secretary is hereby directed to cause the caption of this Ordinance to be published at least twice within ten days of final passage. This ordinance shall take effect ten (10) days after the date of final passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2016

THE CITY OF HUNTSVILLE

Andy Brauninger, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

PLANNING COMMISSION

AGENDA ITEM DISCUSSION FORM

Prepared by: Aron Kulhavy, AICP, City Planner

Janet Ridley, Planner

SUBJECT: Development District Map Amendment

MEETING DATE: July 21, 2016

TYPE OF REVIEW: Development District Reclassification

LOCATION: Lots 64 & 66 of the Far Hills Addition No. Two (63 & 59 SH 75 N)

FACTS, CODE REQUIREMENTS AND CONDITIONS

The City of Huntsville Planning Commission has initiated a Development District Map Amendment for Lots 64 and 66 of the Far Hills Addition No. Two, established in 1950, from Neighborhood Conservation (NC) to Management (M). This subdivision was classified as NC in 1990 with the adoption of the first Official Zoning District Map by Ordinance 90-9. Two different applications for the development district reclassification of lots in this subdivision located to the south of the subject lots have been received since 2009. These two applications were approved and their development district classification was changed from NC to M. The Planning Commission has initiated this map amendment in order to avoid individual lot Development District Map Amendment cases for the subject lots.

There are three (3) main Development Districts in the City of Huntsville. The two districts applicable to this case are and as defined in **Section 2.300** of the *Development Code* are as follows:

2.301 Neighborhood Conservation District – *The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods.*

2.303 Management District – *The Management (M) district is the most widely applied development district classification. All land not specifically classified in another development district is included in the M district. The M district allows all land uses, subject to compliance with all other applicable regulations of this development Code.*

Should the subject property be reclassified as Management, any land use will be allowed on the subject lots per all applicable regulations pertaining to the Management District.

The lot configurations have remained as originally platted in 1950. To the east, the subject lots front and have access to SH 75 N, a primary arterial. The property located on the east side of SH 75 N is classified as M. To the south, the adjoining property is one of the subdivision lots that have been changed from NC to M. To the west and north, the adjoining property is part of the Far Hills Addition No. Two Subdivision and classified as NC.

According to **Section 12.308 Review and Approval Criteria** the following three factors are to be considered when making recommendations and decisions about development district map amendments.

12.308.A Consistency with the Comprehensive Plan.

The comprehensive plan recommends that the City's land use pattern focus on new development with existing utilities and that development patterns provide for transitions and buffering between differing land uses. It further states that residential areas should not be situated next to intense non-residential uses but that less intense residential uses may be appropriate with performance standards to mitigate any nuisance activities. However, it should be noted that the Huntsville Horizon Comprehensive plan does not have a future land use map and cannot provide specific guidance on these

12.308.B Compatibility with existing development district classifications, uses of nearby property and the character of the surrounding neighborhood.

The neighborhood and surrounding area to the west and north has developed in accordance to the original Neighborhood Conservation district established in 1990. The property to the south was reclassified as Management in 2015. Traffic on SH 75 North has increased steadily since the original development district classification and the character of the neighborhood is more diverse than before.

12.308.C Availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for use allowed under the proposed development district.

There is adequate water, wastewater and storm water infrastructure to accommodate the proposed change in the development district classification of the subject area. Commercial uses generally create more traffic than single family residential uses. In this case, the roadways in the area are adequate to handle any increase in traffic.

Adequate notice was sent to the media and surrounding property owners as required by the Development Code and State law. After a public hearing, it is the duty of the Commission to review this proposal and submit a report containing its conclusions and recommendations to the City Council on this matter.

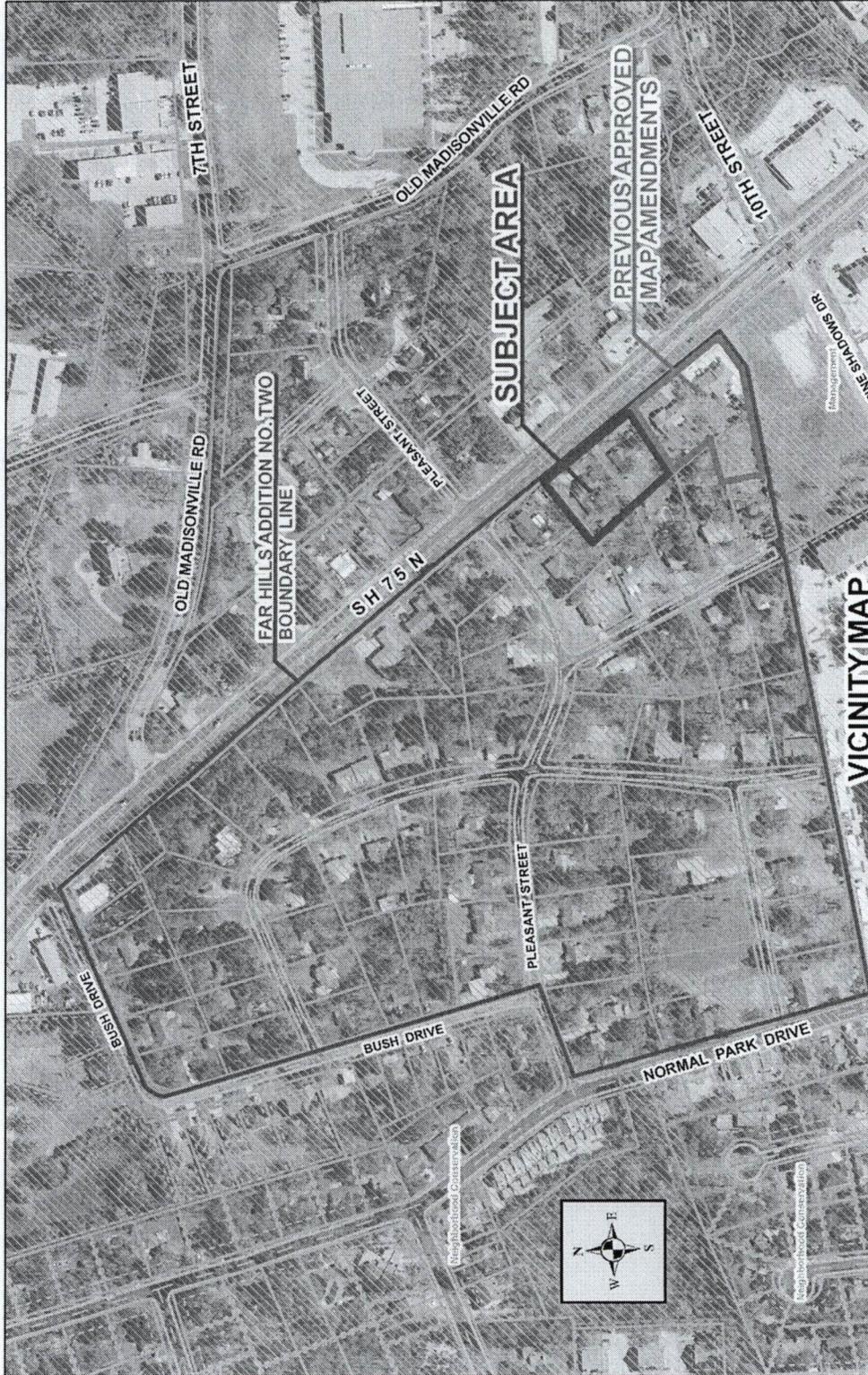
As of the date of this report, staff has not received any comments in opposition to this map amendment. There have been several calls requesting information about the case.

STAFF RECOMMENDATION:

The Comprehensive plan places an emphasis on the compatibility of differing land uses through buffering and performance mitigation between low intensity commercial and neighborhood conservation developments. At this time no specific business/commercial use has been designated for the property, however with the adoption of the updated Development Code in August 2015, Conditional Use Permit Application requiring extra scrutiny for certain designated land uses when they are located in close proximity to NC districts. With this safe-guard being in place, Staff recommends approval of this Development District Map Amendment.

ATTACHMENTS:

Vicinity map by staff



VICINITY MAP
 LOTS 64 & 66 FAR HILLS ADDITION NO. TWO
 PLANNING COMMISSION MEETING - July 21, 2016

Excerpt from 7/21/2016 Planning Commission Minutes

6. **PUBLIC HEARING** to take testimony concerning the change in the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management.

Aron Kulhavy gave an overview of the case per the discussion form making note that there have been two re-classification cases for the lots located immediately to the south of Lot 66.

Chairman Johnston opened the Public Hearing. [6:56 PM]

There were no speakers in support of the Development District re-classification.

John Sonsel – residing at 416 Far Hills Drive, spoke in opposition to the change in the Development District Classification for the properties. He made note of the effect that the construction of the apartment project has had on the subdivision, increased noise and less privacy, and his concern with his property value. He asked what options were available to prevent the re-classification of these properties.

There were no other public comments.

Chairman Johnston closed the Public Hearing. [7:03 PM]

7. **CONSIDER** the change in the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy, making note of the *Development Code* Conditions Use Permit safeguard for certain uses, confirmed that to the best of staff's knowledge, neither lot is currently owner occupied.

Commissioner Hilton stated that the use of the lots does not change until the owners of the properties choose to do so and no one is aware of any plans to change the use of the property at this time. He feels that the highest and best use of the properties is for commercial use.

Commissioner Durda concurred.

Commissioner Woods made a motion to recommend approval of the change in the Development District Classification of Lots 64 and 66 of Far Hills Addition, Section 2 from Neighborhood Conservation to Management. Second was by Commissioner Anderson. The vote was unanimous.



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 5c

Item/Subject: Consider adopting Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management, second reading.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director, Community & Economic Development Department

Recommended Motion: Move to adopt Ordinance 2016-38, to change the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace subdivision from Neighborhood Conservation to Management.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: The Planning Commission has initiated the Development District Map Amendment to change the development district classification for Lots 1A & 3A, Block 2, Southwood Area, Northcrest Terrace subdivision located in the 1000 Block of SH 75 N, from Neighborhood Conservation to Management. The property is located on the southern edge of a Neighborhood Conservation district with access only from SH 75 North. The adjoining property to the west was changed from Neighborhood Conservation to Management by Ordinance 2015-25 on June 2, 2015. The property to the east and south, across SH 75, is also zoned Management.

A Public Hearing and Consideration of this Development District Map Amendment case was on the agenda for the July 21, 2016, Planning Commission Meeting. At the hearing, no one spoke either in favor or against the proposed map amendment. Staff had received a few phone calls requesting information regarding the case. The owners of Lot 3A have submitted a letter in favor of the proposed map amendment. **The Commissioners voted unanimously to recommend approval of the Development District Map Amendment to change the subject property from Neighborhood Conservation to Management.** Excerpt from the minutes from the Planning Commission showing the discussion at their meeting is attached with this report.

The discussion form and other documents submitted to the Planning Commission from staff are also attached.

Previous Council Action: On August 16, a public hearing and first reading were held for this item and two other zoning cases. In June of 2015, the City Council approved a change in classification from Neighborhood Conservation to Management for a lot adjacent to the one under consideration.

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Ordinance 2016-38 (*page 3-4*)
- Discussion form (*pages 5-7*)
- Vicinity map (*page 7*)
- Property owner letter of support (*page 8*)
- Excerpt from 7/21/2016 Planning Commission minutes (*page 9*)

ORDINANCE NO. 2016-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE DEVELOPMENT DISTRICT MAP OF THE CITY OF HUNTSVILLE, TEXAS TO CHANGE THE DEVELOPMENT DISTRICT CLASSIFICATION FOR LOTS 1A & 3A, BLOCK 2, SOUTHWOOD AREA, NORTHCREST TERRACE SUBDIVISION LOCATED IN THE 1000 BLOCK OF SH 75 N, FROM NEIGHBORHOOD CONSERVATION TO MANAGEMENT.

WHEREAS the City Council of the City of Huntsville, Texas, has adopted an Official Development District Map and attendant regulations for the City which, in accordance with the Comprehensive Plan, was designed to control the density of population to the end that congestion may be lessened in public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code; and

WHEREAS the Development Code of the City of Huntsville provides for the amendment of the Official Development Map; and

WHEREAS after public notice, the Planning Commission held a public hearing on July 21, 2016 to consider comments of the public regarding the adoption of the amendment to the Development District Map; and

WHEREAS the Planning Commission has studied and evaluated the request and the report prepared by City Staff; and

WHEREAS the Planning Commission has considered the comments of the public presented at the public hearing and has prepared a report for this Council of its conclusions and recommendations;

WHEREAS after public notice, City Council held a public hearing on August 16, 2016 and September 6, 2016 to consider comments for the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the City Council has studied and evaluated the request, the report prepared by City Staff and the recommendations by the Planning Commission; and

WHEREAS the City has updated the map to reflect the amended area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1: The Official Development District Map of the City of Huntsville, as provided in Section 2.200 of the City's Development Code, is amended and City Staff is directed to make such change.

SECTION 2: The newly amended Official Development District Map is adopted and shall supersede the prior Official Development District Map.

SECTION 3: The City Secretary is hereby directed to cause the caption of this Ordinance to be published at least twice within ten days of final passage. This ordinance shall take effect ten (10) days after the date of final passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2016.

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



PLANNING COMMISSION AGENDA ITEM DISCUSSION FORM

Prepared by: Aron Kulhavy, AICP, City Planner

Janet Ridley, Planner

SUBJECT: Development District Map Amendment

MEETING DATE: July 21, 2016

TYPE OF REVIEW: Development District Reclassification

LOCATION: Lots 1A & 3A, Block 2, Southwood Area of Northcrest Terrace
(1000 Block of State Highway 75 N)

FACTS, CODE REQUIREMENTS AND CONDITIONS

The subject lots are located in the 1000 Block of State Highway 75 North within the city limits of Huntsville and part of the *Southwood Area, Northcrest Terrace* subdivision, which was established in 1962. The subdivision was located outside the City Limits of Huntsville in 1962, therefore the subdivision was platted and approved under the jurisdiction of the Commissioner's Court of Walker County, Texas. The subdivision was included in the area annexed by the City of Huntsville by Ordinance No. 94-33 dated September 13, 1994. Upon annexation the platted residential lots in the subdivision were classified as a Neighborhood Conservation (NC) District per Ordinance No. 95-08 dated March 21, 1995. One application for Development District Map Amendment for a lot in this subdivision was submitted in April of 2015. This application was approved and the development district classification was changed from NC to Management (M). The Planning Commission has initiated this map amendment in order to avoid individual lot Development District Map Amendment cases for the subject lots.

There are three (3) main Development Districts in the City of Huntsville. The two districts applicable to this case are defined in **Section 2.300** of the *Development Code* as follows:

2.301 Neighborhood Conservation District – *The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods.*

2.303 Management District – *The Management (M) district is the most widely applied development district classification. All land not specifically classified in another development district is included in the M district. The M district allows all land uses, subject to compliance with all other applicable regulations of this development Code.*

Should the subject property be reclassified as Management, any land use will be allowed on the subject lots per all applicable regulations pertaining to the Management District.

The two subject lots have been reconfigured per minor plats for each lot to consolidate several originally platted lots into one single lot. The two lots as currently configured only have access from SH 75 N. To the south, the subject lots front and have access to SH 75 N, a primary arterial, with the property on south side of SH 75 N being in the Management (M) district. To the west the adjoining property is the subdivision lot that was reclassified to (M). To the north the adjoining property is subdivision lots as originally platted and classified as NC. The adjoining property to the east is a Reserve tract of the subdivision which was classified as M per Ordinance No. 95-08 at time of annexation. There are deed restrictions associated with the property that may or may not affect the property in question; however, they are not enforceable by the City of Huntsville.

According to **Section 12.308 Review and Approval Criteria** the following three factors are to be considered when making recommendations and decisions about development district map amendments.

12.308.A Consistency with the Comprehensive Plan.

The comprehensive plan recommends that the City's land use pattern focus on new development with existing utilities and that development patterns provide for transitions and buffering between differing land uses. It further states that residential areas should not be situated next to intense non-residential uses but that less intense residential uses may be appropriate with performance standards to mitigate any nuisance activities. However, it should be noted that the Huntsville Horizon Comprehensive plan does not have a future land use map and cannot provide specific guidance on these particular tracts.

12.308.B Compatibility with existing development district classifications, uses of nearby property and the character of the surrounding neighborhood.

Portions of the Southwood Area of Northcrest Terrace subdivision adjacent to and including Lots 1A & 3A has not been fully built out with single family residences. Streets have not been built in the right-of-way dedicated per the plat on the east and west side of the subject property. Eleven (11) of the original subdivision lots have been consolidated into two subject lots with the only current street access being from State Highway 75 North. Only the lots in the subdivision which are located adjacent to the streets which have been built in the subdivision have developed in accordance to the original Neighborhood Conservation classification as established in 1990 and as which the subdivision was designated upon annexation in 1994. (All of the property surrounding the subdivision was designated as Management when annexed.)

12.308.C Availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for use allowed under the proposed development district.

There is adequate water, wastewater and storm water infrastructure to accommodate the proposed change in the development district classification of the subject area. Commercial uses generally create more traffic than single family residential uses. In this case, the roadways in the area are adequate to handle any increase in traffic.

Adequate notice was sent to the media and surrounding property owners as required by the Development Code and State law. After a public hearing, it is the duty of the Commission to review this proposal and submit a report containing its conclusions and recommendations to the City Council on this matter.

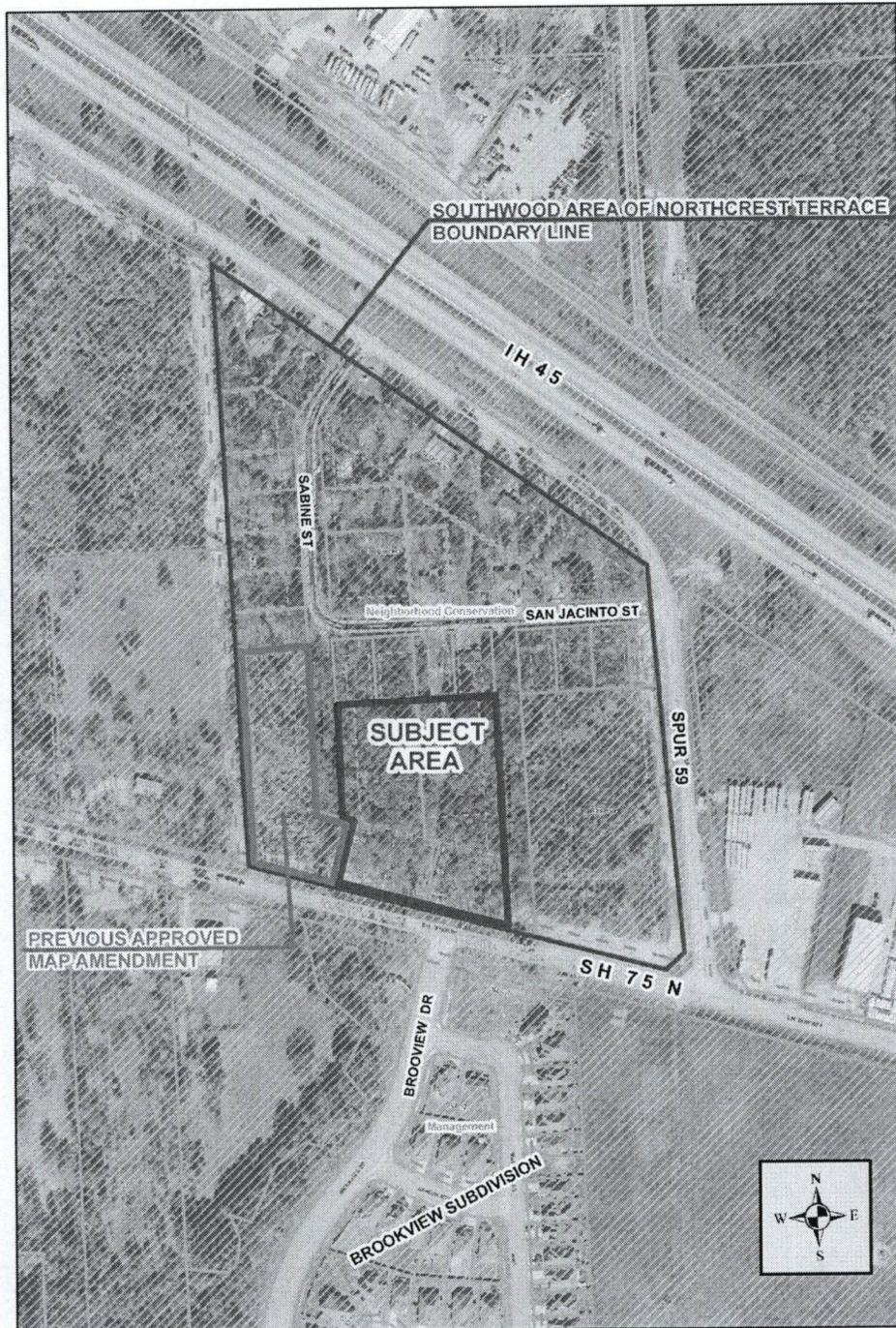
As of the date of this report, staff has not received any comments in opposition to this map amendment. There have been several calls requesting information about the case. One of the subject property owners has called in support of the reclassification.

STAFF RECOMMENDATION:

The Comprehensive plan places an emphasis on the compatibility of differing land uses through buffering and performance mitigation between low intensity commercial and neighborhood conservation developments. At this time no specific business/commercial use has been designated for the property, however with the adoption of the updated Development Code in August 2015, Conditional Use Permit Application requiring extra scrutiny for certain designated land uses when they are located in close proximity to NC districts. With this safe-guard being in place, Staff recommends approval of this Development District Map Amendment.

ATTACHMENTS:

- Vicinity map by staff
- Letter from Subject Property Owner



200 100 0 200 Feet
 1 inch = 200 feet

VICINITY MAP
LOTS 1A & 3A, BLOCK 2
SOUTHWOOD AREA OF NORTHCREST TERRACE
PLANNING COMMISSION MEETING - July 21, 2016

Margaret Elizabeth Lindsey
2330 Summit Ridge Drive
San Marcos, TX 78666

Beverly Diane Quisenberry
4804 Gulfway
Baytown, TX 77521

July 7, 2016

Janet Ridley, Planner
City of Huntsville
448 Highway 75 North
Huntsville, TX 77320

RE: Public Hearing Notice for Change in Development District Classification Lots
1A and 3A, Block 2, Southwood Area of Northcrest Terrace Subdivision

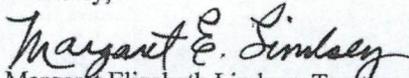
Dear Ms. Ridley:

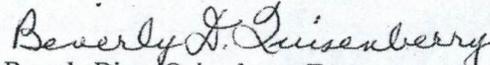
This letter is a follow-up to your communiqué dated July 1, 2016 regarding the upcoming public hearing involving zoning changes for lots 1A and 3A, Block 2, Southwood Area of Northcrest Terrace Subdivision, Huntsville, TX. As co-owners of Lot 3A, we have discussed the proposed change and concur with the Planning Commission's recommendation to reclassify it from "Neighborhood Conservation" to "Management" status.

Neither of us will be able to attend the July 21 public hearing, but we appreciate your consideration and offer to give testimony. Please share the contents of this document with Commissioners and let it serve as our voice at the hearing.

We hope that the plan to reclassify the land use moves forward according to schedule. Please keep us informed about the proposed changes and let us know if we need to take further action.

Sincerely,


Margaret Elizabeth Lindsey, Trustee
Margaret Elizabeth Lindsey Trust
U/W Fred A. Bobbitt


Beverly Diane Quisenberry, Trustee
Beverly Diane Quisenberry Trust

RECEIVED
7-13-16
JR

Excerpt from 7/21/2016 Planning Commission Minutes

8. **PUBLIC HEARING** to take testimony concerning the change in the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy gave an overview of the case per the staff discussion form noting that there has been one recent case to re-classify adjacent property in the subdivision. This property was also identified for re-classification to avoid "piece meal" re-classification cases. Staff has received a letter from the owners of Lot 3A in support of the re-classification of their property.

Chairman Johnston opened the Public Hearing. [7:09 PM]

There were no speakers in support or in opposition to the change in Development District classification for these lots.

Chairman Johnston closed the Public Hearing. [7:10 PM]

9. **CONSIDER** the change in the Development District Classification of Lots 1A and 3A, Block 2 of the Southwood Area of Northcrest Terrace Subdivision from Neighborhood Conservation to Management.

Commission Hilton stated that the change in classification is appropriate.

Commissioner Hilton made a motion to recommend approval of the change in the Development District Classification from Neighborhood Conservation to Management. Second was by Commissioner Barry. The vote was unanimous.

1. The purpose of this document is to provide a comprehensive overview of the current state of the project and to identify the key areas that require attention.

2. The project has made significant progress since the last meeting, with several key milestones being achieved. However, there are still several areas that require further work.

3. The main areas of concern are the lack of clear communication between the different teams, the need for more detailed reporting, and the need to improve the overall project management process.

4. It is recommended that the following actions be taken to address these issues: (a) Establish a regular communication schedule between the teams, (b) Implement a more detailed reporting system, and (c) Review and improve the project management process.

5. The project manager should be responsible for ensuring that these actions are implemented and that the project remains on track. It is also recommended that the project manager provide regular updates to the steering committee.

6. The project is currently on track and is expected to be completed by the end of the year. However, it is important to remain vigilant and to address any issues that arise as soon as possible.

7. The project manager should continue to monitor the progress of the project and to report any issues to the steering committee. It is also recommended that the project manager provide regular updates to the steering committee.

8. The project is currently on track and is expected to be completed by the end of the year. However, it is important to remain vigilant and to address any issues that arise as soon as possible.

9. The project manager should continue to monitor the progress of the project and to report any issues to the steering committee. It is also recommended that the project manager provide regular updates to the steering committee.

10. The project is currently on track and is expected to be completed by the end of the year. However, it is important to remain vigilant and to address any issues that arise as soon as possible.

11. The project manager should continue to monitor the progress of the project and to report any issues to the steering committee. It is also recommended that the project manager provide regular updates to the steering committee.

12. The project is currently on track and is expected to be completed by the end of the year. However, it is important to remain vigilant and to address any issues that arise as soon as possible.



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 5d

Item/Subject: PUBLIC HEARING Consider adopting Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and & 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director, Community & Economic Development Department

Recommended Motion: Move to adopt Ordinance 2016-39, to change the Development District Classification of Blocks 1, 2, 3 and & 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: The Planning Commission has initiated the Development District Map Amendment to change the development district classification for Blocks 1, 2, 3 and & 7 of the G. A. White Subdivision from Neighborhood Conservation to Management. The property is located on the southern edge of a Neighborhood Conservation district, the southern boundary of which is the north right-of-way line of 11th Street. The adjoining property to the south across 11th street is Management District. The property to the east, across Normal Park Drive and to the west, across Hickory Drive, is also designated as Management District.

A public hearing and consideration of this Development District Map Amendment case was on the agenda for the July 21, 2016, Planning Commission meeting. The Commissioners voted unanimously to recommend approval of the Development Map Amendment to change the subject property from Neighborhood Conservation to Management. Minutes from the Planning Commission showing the discussion at their meeting are attached with this agenda item.

Prior to the public hearing for the first reading of the ordinance before City Council on August 16, 2016, enough valid signatures were presented on a petition in opposition to the proposed change in classification from Neighborhood Conservation to Management to require a favorable vote of 75% of the Council members, qualified to vote on the matter, to approve the request.

The discussion form and other documents submitted to the Planning Commission from staff are attached, along with the opposition petition. Also attached is a staff prepared map and property owner spread sheet providing additional identifying information as to the opposition petition property owners and the opposition speakers at the public hearing.

Previous Council Action: In the fall of 2012, the Council held a public hearing and first reading on a request to rezone from Neighborhood Conservation to Management a portion of the property covered under this hearing. The case in 2012 was initiated by an application from property owners and only

covered a portion of the land under consideration at this time. Before the Council took action, the applicant withdrew the request.

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Ordinance 2016-39 (page 3-4)
- Discussion form (page 5-8)
- Area map (page 9)
- Goals 2.1 and 2.3 of the 2007 Huntsville Horizon Comprehensive Plan Goals (page 10-15)
- May 9, 2016 Affidavit Regarding Amendment to Restrictions (page 16-26)
- Excerpt from 7/21/2016 Planning Commission minutes (page 27-30)
- Opposition petition (page 31-36)
- Protest petition boundary map (page 37)
- Mailing list (property owner spreadsheet) (page 38-40)

ORDINANCE NO. 2016-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUNTSVILLE, TEXAS TO CHANGE THE DEVELOPMENT DISTRICT CLASSIFICATION FOR BLOCKS 1, 2, 3 AND 7 OF THE G. A. WHITE SUBDIVISION, FROM NEIGHBORHOOD CONSERVATION TO MANAGEMENT.

WHEREAS the City Council of the City of Huntsville, Texas, has adopted an Official Development District Map and attendant regulations for the City which, in accordance with the Comprehensive Plan, was designed to control the density of population to the end that congestion may be lessened in public streets and that the public health, safety, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code; and

WHEREAS the Development Code of the City of Huntsville provides for the amendment of the Official Development District Map; and

WHEREAS after public notice, the Planning Commission held a public hearing on July 21, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the Planning Commission has studied and evaluated the request and the report prepared by City Staff; and

WHEREAS the Planning Commission has considered the comments of the public presented at that public hearing and has prepared a report for this Council of its conclusions and recommendations;

WHEREAS after public notice, City Council held a public hearing on August 16, 2016 and September 6, 2016 to consider comments of the public regarding the adoption of amendments to the Official Development District Map; and

WHEREAS the City Council has studied and evaluated the request, the report prepared by City Staff and the recommendations by the Planning Commission; and

WHEREAS the City has updated the map to reflect the amended area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1: The Official Development District Map of the City of Huntsville, as provided in Section 2.200 of the City's Development Code, is amended and City Staff is directed to make such change.

SECTION 2: The newly amended Official Development District Map is adopted and shall supersede the prior Official Development District Map.

SECTION 3: The City Secretary is hereby directed to cause the caption of this Ordinance to be published at least twice within ten days of final passage. This ordinance shall take effect ten (10) days after the date of final passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2016.

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

PLANNING COMMISSION

AGENDA ITEM DISCUSSION FORM

Prepared by: Aron Kulhavy, AICP, City Planner

Janet Ridley, Planner

SUBJECT: Development District Map Amendment

MEETING DATE: July 21, 2016

TYPE OF REVIEW: Development District Reclassification

LOCATION: Blocks 1, 2, 3 & 7 of the G. A. White Subdivision

FACTS, CODE REQUIREMENTS AND CONDITIONS

The City of Huntsville Planning Commission has initiated a Development District Map Amendment for Blocks 1, 2, 3 and 7 of the G.A. White Subdivision from Neighborhood Conservation (NC) to Management (M). An application for the reclassification of **Block 3** of the G. A. White Subdivision was brought to the Planning and Zoning Commission (P&Z) by property owner on October 18, 2012. P&Z voted 3 to 1 to recommend denial of the request to reclassify the property based upon the fact that deed restrictions existed on the property limiting its use to single family residential uses only. The Council held a public hearing and first reading on this issue; however, the applicant withdrew the application prior to the City Council consideration of the request. The P&Z held a Public Hearing for a request to reclassify a portion of **Block 7** from NC to M on December 1, 1997. The request was withdrawn after P&Z voted to prepare a recommendation to deny the request.

The subject property is bordered by 11th Street, Hickory Drive, Cedar Drive, Pecan Drive, Bois D Arc Drive and Normal Park Drive within the city limits of Huntsville in the G.A. White Subdivision, which was established in 1945. This subdivision was classified as NC by Ordinance 90-9, adoption of the first Official Zoning District Map. All of Blocks 1, 2, 3 and 7, with the exception of the property addressed as 1022 Normal Park Drive located at the northwest intersection of 11th Street and Normal Park Drive, are included in the subject property area.

Amended Deed Restrictions have recently been filed and recorded with the Walker County Clerk that allow for the non-residential use of the subject property. These amended deed restrictions favorably support the reclassification of the subject property to the Management development district. However, the City of Huntsville cannot and does not enforce any deed restrictions.

There are three (3) main Development Districts in the City of Huntsville. The two districts applicable to this case are and as defined in **Section 2.300** of the *Development Code* are as follows:

2.301 Neighborhood Conservation District – *The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods.*

2.303 Management District – *The Management (M) district is the most widely applied development district classification. All land not specifically classified in another development district is included in the M district. The M district allows all land uses, subject to compliance with all other applicable regulations of this development Code.*

Should the subject property be reclassified as Management, any land use will be allowed on the subject lots per all applicable regulations pertaining to the Management District.

According to **Section 12.308 Review and Approval Criteria** the following three factors are to be considered when making recommendations and decisions about development district map amendments.

12.308.A Consistency with the Comprehensive Plan.

Chapter 2 of the Huntsville Horizon Plan addresses land use and community character. Goal 2.1 states that the City should pursue well managed growth that is fiscally responsible. Goal 2.3 states that there should be a balance of new growth and redevelopment within Huntsville. Both of these goals have several action items under them that should be reviewed by the Commission in the consideration of this case.

In addition the Comprehensive Plan states that new development or redevelopment in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area. The adjacent area is used as a mixture of commercial and multifamily residential to the south, west, and east of the property and low density, mixed residential to the north.

Also, Development District Map Amendments should be consistent with a future land use map that identifies the ideal use for properties within the community. As Huntsville has not adopted a future land use map, no guidance on this factor can be given at this time.

12.308.B Compatibility with existing development district classifications, uses of nearby property and the character of the surrounding neighborhood.

The neighborhood and surrounding area has developed in accordance to the original established development districts. However, there has been a transition from owner-occupied to rental houses in the area. In addition, traffic on 11th Street, Hickory Drive and Normal Park Drive has increased significantly changing the character of those properties that front on these streets from that of residential to one of commercial. A commercial use is more compatible for the properties fronting on these streets. Also the properties located across these streets from the subject area are designated as Management district, allowing for multi-family and commercial uses.

There is no why to know what non-residential land use(s) may transpire in the subject area if the area is reclassified. Therefore it is difficult to determine the effect there may be on the neighborhood located to the north of the subject area.

12.308.C

Availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for use allowed under the proposed development district.

There is adequate water, wastewater and storm water infrastructure to accommodate the proposed change in the development district classification of the subject area. The subject area is bounded by a primary arterial street on the south and a collector street on the east.

There have been two similar requests for redistricting in the vicinity since the original designation of Neighborhood Conservation was placed on this property in the early 1990s. Although both of these requests were withdrawn before final consideration, they were presented to the Planning and Zoning Commission for discussion. One concern mentioned during these discussions was that of spot zoning. That is not a factor in this case as entire blocks are under consideration for redistricting and will affect all property owners in the block. The other concerns and discussions focused on the same items discussed above.

Since Development Map Amendment changes are infrequently considered by the Commission, a couple of pertinent factors must be addressed. First, development district reclassification cannot be granted with conditions. Since there are limited development districts within Huntsville, the property can either be classified as Neighborhood Conservation or Management with all requirements of the Development Code for the given district governing how the property is developed. Second, the section below outlines a procedural aspect that may be applicable to this case:

Section 12.307.A of the Development Code states:

If a valid protest petition is filed against any proposed development district map amendment, passage of the amendment requires a favorable vote of at least 75% of the City Council members who are qualified to vote on the matter.

Adequate notice was sent to the media and surrounding property owners as required by the Development Code and State law. After a public hearing, it is the duty of the Commission to review this proposal and submit a report containing its conclusions and recommendations to the City Council on this matter.

As of the date of this report, staff has not received any comments in opposition to this map amendment. There have been several calls requesting information about the case.

STAFF RECOMMENDATION:

While not enforceable by the City, the recently filed amended deed restrictions to allow for non-residential uses on the property in the subject area may be a factor to be considered when making a recommendation on this case. A blanket change in development district classification to Management will allow for a number of non-residential land uses which may negatively impact the surrounding residential uses even though separated by streets.

There have been changes to the neighborhood character in the surrounding area as most properties within the immediate vicinity are either rental properties or used for commercial purposes. In addition, there is adequate infrastructure in place to allow for development of this property for uses allowed in the Management District.

It is evident that because of the high amount of traffic on 11th street, that the properties that front this street are not ideal for single family residential purposes. Because of the nature of the property in consideration, being bounded on three sides by an arterial and collector streets, the availability of infrastructure to the property, and the change in the immediate area since the

original designation of Neighborhood Conservation to the property, staff recommends approval of this request.

ATTACHMENTS:

Map of Area

Goals 2.1 and 2.3 of the 2007 Huntsville Horizon Comprehensive Plan

Amended Deed Restrictions dated May 9, 2016



● - Owner Occupied Residence

VICINITY MAP

**BLOCKS 1, 2, 3 & 7 OF G. A. WHITE SUBDIVISION
PLANNING COMMISSION MEETING - July 21, 2016**

300 150 0 300 Feet
1 inch = 300 feet

"We need to re-expose the natural terrain in Huntsville, especially downtown and on campus."
-Citizen Comment

Huntsville's economic well-being and outlook, some in the community perceive that Huntsville's appearance hurts its growth potential. They wish to see the community re-assert its desire for wide-ranging resource protection, including preservation and enhancement of forested areas, local creeks and waterways, and the natural landscape, as these elements clearly contribute to community character. In addition to aesthetic enhancements such as those described above, the quality of individual developments helps to shape character. The bulk and scale of buildings, placement of parking on a site in relation to the street right-of-way, amount of landscape surface and preserved vegetation relative to impervious surface, and the location and appearance of storage and service areas are all factors that contribute to the character of individual sites and collectively to the overall character of the community.

As discussed previously, the question once again is how far Huntsville is willing to go with regulation, particularly for primarily aesthetic reasons – but ultimately for bottom-line economic reasons?

GOALS, OBJECTIVES, AND ACTION RECOMMENDATIONS

The following goals, objectives and recommended actions were formulated to specifically address the issues and needs outlined above, which were culled from extensive community input as well as deliberations of the Comprehensive Plan Advisory Committee. The goals reflect the overall vision of the community, which may be achieved through the objectives and by acting on the recommendations. It is important to note that these are also general statements of policy that may be cited when approving or denying development proposals and used in making important community investment decisions regarding the provision and timing of facilities and services.

GOAL 2.1: Well-managed growth that is fiscally responsible.

- ◆ *Create and implement effective controls for managing incompatible land uses based upon their character, intensities and impacts on adjacent and nearby uses.*
 1. Continue to build upon the City's existing Development Code, which already integrates zoning, subdividing, buffering, landscaping, parking/loading, signs and various other development-related regulations and standards into a Unified Development Ordinance (UDO) format, which many other cities have only recently done or are still hoping to accomplish.
 2. In all review and decision processes covered by the Development Code, include decision criteria for use by the Planning & Zoning Commission and City Council allowing consideration of a multitude of factors, such as the suitability of the use for the property, land uses and character within the surrounding neighborhood, and the extent to which the proposed use is in harmony with or would detrimentally affect adjacent and nearby uses.

- ♦ *Manage the pattern of development concurrent with the provision of adequate public facilities and services through a combination of incentives and regulations.*
 3. Incorporate concurrent requirements into the Development Code and the City's utility extension policies, thereby tying land development to concurrent provision of adequate public facilities and services. This is intended to avoid premature urbanization in fringe areas and development outcomes that will cause problems for residents and the City at a later date due to substandard infrastructure and improvements.
 4. In accordance with Chapter 43, Municipal Annexation, of the Texas Local Government Code, prepare and adopt a municipal annexation plan "that specifically identifies annexations that may occur beginning on the third anniversary of the date the annexation plan is adopted." As required by law, the City must provide full municipal services within two-and-one-half years after the effective date of the annexation, subject to potential time extensions. This planning process would enable the City to gauge its annexation capacity and desired timing. The resulting three-year plan and associated service planning and public hearings would also communicate to property owners and others the City's future intentions regarding growth management (through extension of municipal ordinances) and orderly extension of services.
 5. Work with Sam Houston State University and interested private landowners and developers toward a potential clustering concept for future off-campus student housing in suitable locations with available and appropriate land, necessary infrastructure and street access, and proximity to recreation and services. This development pattern could more readily be served by transit, would attract complimentary retail and service businesses, and could result in a more unified, master-planned outcome, benefiting both the university and the community.

GOAL 2.2: Development patterns that promote economic vitality.

- ♦ *Continue to employ performance-based development regulations that provide flexibility for compliance and are more effective in meeting community objectives.*
 1. Continue to allow a range of development options on individual properties with the use of performance standards to require compatibility for adjacent uses exhibiting varying use intensities. This permits a mixture of land uses subject to integrated design and compatibility standards.
 2. Review the City's current buffering and landscaping provisions in Chapter 12 of the Development Code, including minimum standards and incentive mechanisms for tree preservation and surplus site landscaping, to

ADOPTED 4/10/2007; AMENDED 11/12/2009 and 6/15/2010

11

2

Chapter Land Use & Community

PLAN2025

"Perhaps we could just add more buffer zones or green spaces between the developments"

- Citizen Comment

20. Create a distinct identity for Downtown, including forming an identifiable physical edge to the district with monuments and gateway treatments at the entries from each direction (particularly along 11th Street and Sam Houston Avenue), along with further investment in unifying design elements, such as unique signage and banners, landscaping, decorative lighting, street and sidewalk/crosswalk patterns, and other unique urban design treatments. Also, improve the pedestrian atmosphere with traffic calming measures; street furniture and public art displays; way-finding signage and informational kiosks; public plazas and green spaces; sidewalk cafes and outdoor activity areas; and street vendors.

GOAL 2.3: A balance of new growth and careful redevelopment within Huntsville.

- ♦ Pursue available mechanisms, within the Texas statutory context, for better managing fringe growth and development around Huntsville.
 1. A neighborhood conservation district should be used for existing development in fringe areas, which would allow its continued existence as a conforming use.
 2. Evaluate factors contributing to the extent of housing development occurring in peripheral unincorporated areas. Create in-city development incentives to counter the advantages for locating outside the city limits.
- ♦ Take steps to protect established neighborhoods in Huntsville and to stabilize and reinvigorate older neighborhoods that have experienced some decline.
 3. Conduct a detailed land use and zoning study to define the boundaries distinguishing proposed new neighborhood conservation districts in Huntsville. New districts can be established through those neighborhoods with existing deed restrictions and homeowners associations or other distinguishing characteristics. Distinguishing factors could include street and block pattern, lot size, housing style/design, street or alley access, floor area ratio, and landscape volume.
 4. Adopt policies and standards within the Development Code for preserving the integrity and character of established neighborhoods, including compatibility provisions relating to the type and construction of infill housing and other uses on vacant lots. Also consider expanding the range of permitted uses within neighborhood conservation districts (Development Code Section 402.3) to include complimentary non-residential uses such as small-scale neighborhood commercial and office uses that add character, convenience and vitality to a neighborhood.
 5. Create site design and building standards for multiple-family developments to ensure compatibility with abutting uses, including

Requirements are set forth in this section for the provision of buffers between certain land uses. City Council intends that these buffer requirements reduce nuisances between adjacent land uses or between a land use and a public road by separation of land uses through a required buffer. Such nuisances may include dirt, litter, noise, lights, signs, unsightly buildings or parking areas. Buffers provide spacing to reduce potentially adverse impacts of noise, odor, or danger from fires or explosions.

Section 1202.1, Purpose of Buffer Standards, City of Huntsville Development Code

INFILL is the use of land within a built-up area for further construction, especially as part of a community redevelopment or growth management.

ADOPTED 4/10/2007; AMENDED 11/12/2009 and 6/15/2010

consideration for varying building heights, similar roof pitch and composition, increased setbacks along shared boundaries, locations of ingress/egress, and adequate buffering and screening.

6. Improve the walkability of neighborhoods through installation of sidewalks concurrent with all new development, plus rehabilitation or construction of sidewalks in older neighborhoods, particularly adjacent to schools and parks. The Development Code should also require public access easements within and between developments to provide connections to public parks, natural areas and open spaces, and an eventual community trail system.
7. Identify areas of the community that are experiencing or at risk to experience particularly high levels of disinvestment and deterioration, and provide both technical and administrative assistance to aid in redevelopment efforts. Coordinate with area property owners to identify and prioritize needed infrastructure improvements funded by a target-area capital investment program.
8. Incorporate into the Development Code provisions allowing relief of specified standards that may prevent or add difficulty to the redevelopment process, so long as certain precautions and criteria can be met. These provisions may apply community-wide or within specified boundaries. Common constraints to redevelopment include problems with property ownership and clear title, assembly of numerous small lots into a feasible development site, site access and circulation, limited areas for parking and loading, nonconforming setbacks, and on-site drainage requirements. Certain development-related standards within the Development Code may be acceptable for variations so as not to overburden areas with longstanding redevelopment needs. An incentive-based approach may also be incorporated to encourage investors and developers to tackle the common redevelopment constraints of disadvantaged areas.
9. Develop a municipal grant program for the rehabilitation of substandard housing units using government-funded programs while also leveraging the value of public dollars with private resources, such as financing institutions and foundation funds. Furthermore, establish an education and awareness program to inform persons with limited income about various programs available for rehabilitation assistance.
10. Utilize Community Development Block Grant (CDBG) funds to leverage the amount of reinvestment and to implement projects and programs, such as infrastructure repair, park development or improvement, or removal of unsafe structures, aiming to eliminate blight and improve neighborhood conditions in areas of low to moderate income.
11. Assist residents of older areas with formation of official neighborhood organizations. City staff or legal volunteers may offer assistance in drafting deed restrictions that may be adopted by individual neighborhood

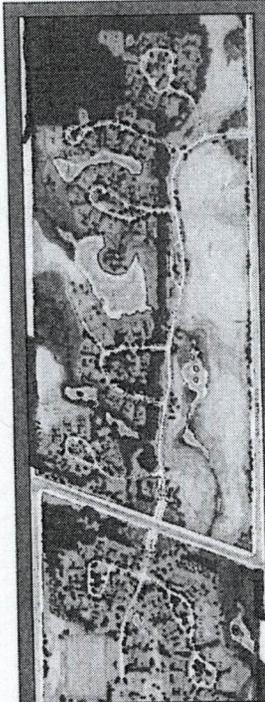
associations to restrict and enforce certain uses and conditions. Participation in neighborhood improvement and revitalization efforts may also be initiated by churches, civic organizations, schools and businesses through programs such as neighborhood clean-up, home improvement, and beautification.

12. Create a pro-active program for handling the condemnation, demolition and/or rehabilitation of substandard structures and underdeveloped property. Revise local health, building and development codes, as needed, to streamline the process for addressing unsafe or dilapidated structures and other potential health and safety risks, such as inoperable vehicles, weeds and heavy trash, and overgrown sites and run-down structures used for criminal activity.
13. Establish a pro-active code enforcement program that first offers helpful assistance to property owners in complying with municipal codes rather than a punitive approach.
14. Create incentives such as permit streamlining, fee waivers, tax deferral and infrastructure cost-sharing for builders and organizations that provide infill construction on vacant lots or parcels in a manner that compliments the surrounding neighborhood. To ensure consistency and compatibility of infill units, establish design guidelines that address building materials, roof pitch, façade treatment, porches, proportional dimensions, and other elements to ensure that new development and rehabilitation maintains or enhances neighborhood character.
15. Assist in creation of Community Development Corporations (CDCs) that, as nonprofit organizations, can implement neighborhood revitalization projects and programs. Consider the necessity of developing specialized CDCs, such as a Community Housing Development Organization (CHDO), to best address housing issues.
 - ♦ *Broaden the range of housing types and price diversity to meet the affordability needs of the population.*
16. Work with local lenders to form low interest loan pools to be used for housing rehabilitation.
17. Incorporate an inclusionary housing provision, with density bonuses where the housing is subsidized by a state or federal, affordable or low- and moderate-income housing program. Establish proportional limitations based upon the total number of units in the development, e.g. no more than 30 percent for a development of 50 to 199 units.
18. Include a provision of market housing whereby a percentage of the units are reduced in price to make them more affordable than the average market units. Require demonstration that the bonus density is used to lower the costs of land and infrastructure. Establish criteria regarding

ADOPTED 4/10/2007; AMENDED 11/12/2009 and 6/15/2010

19

Industrialized housing is a residential structure that is constructed in one or more modules built off-site and erected on a permanent foundation system.



Development clustering – as an innovative subdivision design technique – allows conservation of sensitive environment resources and preservation of valuable open space while maintaining an equivalent development density.

- similar design and finishes of affordable units.
19. Allow accessory units within residential district(s), which are exempt when determining the allowable density in the district. Add ordinance provisions specifying the maximum allowable floor area as a percentage of the floor area of the principal unit or as a percentage of the overall lot area. Design standards are also necessary to ensure compatibility with adjacent structures.
 20. Develop standards for the provision of small family units for seniors, individuals, or new families with no more than two people. Greatly reduced lot areas per unit may be allowed with floor area ratios and spacing standards. Require issuance of an annual permit to allow regular inspection for program compliance.
 21. Establish standards for industrialized housing, including a value equal to or greater than the median taxable value of each single-family dwelling within 500 feet; requiring exterior siding, roofing, roof pitch, foundation fascia, and fenestration (design and position of windows in a building) compatible with other dwellings; and requiring compliance with all applicable dimensional requirements.

GOAL 2.4: Development and resource protection outcomes that preserve and bolster community character.

- ♦ *Use the community's official zoning map and associated regulations to encourage development practices and outcomes more consistent with Huntsville's desired character.*
 1. Incorporate provisions in the Development Code, such as Planned Unit Development, that would permit and encourage alternative subdivision design in appropriate areas, including development clustering (30 percent open space), conservation development (50 percent open space), and preservation development (80 percent open space). This approach allows the developer and landowner an equivalent (or higher) development yield in terms of gross units per acre. But the development is concentrated in a smaller area of the site rather than spread across the site as would occur through a conventional design. This is accomplished through smaller lot sizes, reduced building setbacks, increased floor area ratios, and added flexibility in other standards in exchange for setting aside more open space and preserving natural areas such as floodplains, wetlands, creek buffers and forested areas. In other words, resource preservation (or any other defined performance standard) is rewarded with incentives – or bonuses– allowing an equivalent development density (a site capacity calculation may be incorporated into the requirements to allow for adjustments in development intensity based on actual site conditions). The outcome is development that maintains its efficiency, thereby meeting the objectives of the developer and

AFFIDAVIT REGARDING AMENDMENT TO RESTRICTIONS

THE STATE OF TEXAS §
 §
COUNTY OF WALKER §

On this the 9 day of MAY, 2016, before me, the undersigned notary public, personally appeared **Robert McCaffety**, known to me to be a credible person of lawful age, who being duly sworn, on oath deposes and says:

"My name is Robert McCaffety and my address is 1711 Sycamore Avenue, Huntsville, Texas 77340.

"I am a member of MRE Investment Properties, LLC, a Texas limited liability company ("MRE") which owns six (6) lots in the G.A. White Subdivision located in Huntsville, Walker County, Texas ("Subdivision"). I have the authority to sign this Affidavit on behalf of MRE."

"The Restrictions of the Subdivision require 'a vote of a majority of the then owners of the lots' in order to change, in whole or in part, the covenants contained in the Restrictions."

"The owners of 52.50% of the lots in the Subdivision have voted in favor of amending the Restrictions of the Subdivision in order to allow business and commercial development on certain lots in the Subdivision, as evidenced by the 'Amendment to Restrictions' document attached hereto."

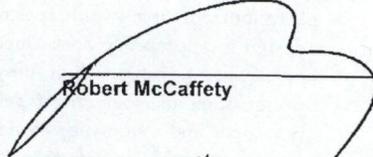
"The affirmative vote of owners of 52.50% of the lots in the Subdivision is evidenced by the signatures attached to the 'Amendment to Restrictions' document attached hereto."

"I have personal knowledge of the matters set forth herein."

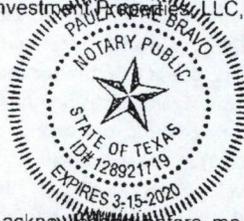
"This Affidavit is to be recorded in the real property records of Walker County, Texas."

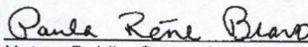
"The 'Amendment to Restrictions' document attached hereto is effective upon recordation in the real property records of Walker County, Texas."

"Further Affiant saith not."


Robert McCaffety

SWORN TO AND SUBSCRIBED before me on the 9th day of May, 2016, by Robert McCaffety, Member of MRE Investment Properties, LLC, a Texas limited liability company.

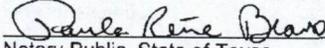



Paula Rene Blaro
Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF WALKER

This instrument was acknowledged before me on May 9th, 2016, 2016, by Robert McCaffety, Member of MRE Investment Properties, LLC, a Texas limited liability company.




Paula Rene Blaro
Notary Public, State of Texas

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.

AMENDMENT TO RESTRICTIONS
FOR
G.A. WHITE SUBDIVISION
HUNTSVILLE, WALKER COUNTY, TEXAS

- A. WHEREAS, the subdivision referred to as "G.A. White Subdivision" was created by Plat recorded in Volume 112, Page 29, Deed Records of Walker County, Texas and amended in Volume 151, Page 67, Deed Records of Walker County, Texas, a copy of which is attached hereto as **Exhibit "A"**; and
- B. WHEREAS, G.A. White Subdivision is inclusive of Block One, Lots 1 through 9, Block Two, Lots 1 through 9, Block Three, Lots 1 through 8, Block Four, Lots 1 through 5, Block Five, Lots 1 through 7, Block Six, Lots 1 through 5, Block Seven, Lots 1 through 6, and Block Eight, Lots 1 through 6 (collectively the "**Subdivision**"); and
- C. WHEREAS, the Subdivision was made subject to restrictive covenants recorded in Volume 143, Page 329 of the Deed Records, Walker County, Texas (hereinafter "**the Restrictions**"); and
- D. WHEREAS, the Restrictions require "a vote of a majority of the then owners of the lots" in order to change, in whole or in part, the covenants contained in the Restrictions; and
- E. WHEREAS, the total number of lots represented by the owners of the Subdivision is sixty (60), as evidenced by the Walker County Appraisal District map of the Subdivision attached hereto as **Exhibit "B"**; and
- F. WHEREAS, the owners of a total of **31.5 lots**, or **52.50%** of the total number of lots, voted in favor of this proposed Amendment; and
- G. WHEREAS, each owner voting in favor of this proposed Amendment has executed a signature page before a notary approving this Amendment, which signature pages are attached hereto as **Exhibit "C"**.

NOW, THEREFORE, it being the intent of the owners of the lots to allow business and commercial development on certain lots in the Subdivision, and in order to further enhance the development of the Subdivision, the owners by their signatures attached hereto do hereby amend certain terms and conditions contained in the Restrictions as follows:

- 1. Provision (A) of the Restrictions is hereby amended in its entirety to read as follows:
 - "(A)(1) Lots in the subdivision shall be known and described as either Residential Lots or Mixed Residential/Non-Residential Lots.
 - (A)(2) Residential Lots shall be used for residential purposes only. No structures shall be erected, altered, placed or permitted to remain on any Residential Lot other

than one detached single-family dwelling or one dwelling not to exceed two and one-half stories in height, and each Residential Lot may contain a private garage for not more than two cars, said garage not to be used for residential purposes.

The following lots shall be designated as Residential Lots: Block 8, Lots 1-6 (collectively the "**Residential Lots**").

(A)(3) Mixed Residential/Non-Residential Lots shall be used as either Residential Lots, or Non-Residential Lots. Non-Residential Lots shall be used for any business or non-residential "allowable use" as that term is defined from time to time in the City of Huntsville Development Code, except as herein provided.

The following lots shall be designated as Mixed Residential/Non-Residential Lots: Block 1, Lots 1-9; Block 2, Lots 1-10; Block 3, Lots 1-8; Block 4, Lots 1-5; Block 5, Lots 1-7; Block 6, Lots 1-5; and Block 7, Lots 1-6 (collectively the "**Mixed Residential/Non-residential Lots**")."

2. Provisions (B), (C), (E), (F), and (G) of the Restrictions shall remain effective as to Residential Lots only.
3. Provision (D) of the Restrictions shall be amended and replaced in its entirety as follows:

"(D)(1) Residential Lot Use Restrictions. No noxious or offensive trade or activity shall be carried on upon any Residential Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(D)(2) Non-Residential Lot Use Restrictions. The following shall be prohibited activities on all Non-Residential Lots:

- a. any activity that is in violation of any law, code, ordinance, zoning ordinance or condition or governmental rule or regulation;
 - b. any dumping of rubbish;
 - c. the operation of a business based primarily upon materials or performances that depict, describe, or relate to sexual activities, anatomical areas, or nudity (including but not limited to adult arcades, adult bookstores, adult cabarets, and adult theaters);
 - d. drilling for oil, gas, or other hydrocarbons or mineral extraction of any kind or character;
 - e. mini-storage or warehouse uses (other than interior storage incidental to a permitted use);
 - f. movie theaters containing more than one screen;
 - g. bowling alleys;
 - h. casinos or other gambling facilities;
 - i. skating rinks;
 - j. industrial/manufacturing activities; provided, however, that the operation of a convenience store or retail location for the sale of motor fuel or any other substance that currently, or may in the future, propel (or recharge) a motor vehicle shall not be deemed to violate this prohibition.
4. This Amendment may be executed in multiple counterparts.

5. This Amendment to Restrictions for G.A. White Subdivision shall be effective as of the date recorded in the Official Records of Walker County, Texas.

Exhibit "A"

v.151 P. 67

Charles E. Shaver, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 29th day of April, 1955.

(Seal) *Harriet D. Schaefer*
Notary Public, Harris County, Texas.

Filed for record on May 9, 1955 at 2:10 P.M.

Recorded on May 9, 1955 at 4:45 P.M.

BY *Mary Passaney* DEPUTY J. L. FERGUSON, CLERK, COUNTY COURT, WALKER COUNTY, TEXAS

--No. 570-- G. A. WHITE ET AL. TO THE PUBLIC DEDICATION

THE STATE OF TEXAS, |
COUNTY OF WALKER. |

WHEREAS, G. A. White Subdivision, according to plat thereof shown of record in Volume 112, Page 29 of the Deed Records of Walker County, Texas, shows Blocks 1, 2, 3, 4, 5 and 6 as set forth on said plat; and whereas, by instrument dated May 23rd, 1953 and approved by Ordinance of the City of Huntsville, Texas under date of June 2nd, 1953, filed for record in the office of the County Clerk of Walker County, Texas on April 23rd, 1955 under File No. 505 an amendment to said original plat was approved whereby Pine Drive between Bois D'Arc Drive and Cedar Drive was abandoned, closed and relocated as a part of Hickory Drive between Bois D'Arc Drive and Cedar Drive; and

WHEREAS, it has been discovered that there exists certain discrepancies in the original plat of the G. A. White Subdivision as recorded and the actual subdivision as heretofore laid out on the ground in the following particulars:

- (a) As set forth on said plat Pecan Drive is called to be S. 10° 18' E. when in truth and in fact said Pecan Drive as laid out on the ground runs S. 11° 33' E.
- (b) Said plat shows Oak Drive to be parallel with Pecan Drive when in truth and in fact said Oak Drive runs S. 11° 8' E. between Block No. 1 and Block No. 2 as set forth on said plat and runs S. 11° 33' E. between Blocks No. 5 and 6 of said Subdivision.
- (c) Pine Drive between Block No. 2 and Block No. 3 as laid out on the ground runs S. 21° 33' E.
- (d) Bois D'Arc Drive as set out on said plat is shown to run N. 79° 42' E. when in truth and in fact as laid out on the ground Bois D'Arc Drive runs N. 78° 7' E.
- (e) Cedar Drive on said plat is shown to be parallel with Bois D'Arc Drive and in truth and in fact is parallel with Bois D'Arc Drive running N. 78° 7' E.
- (f) Said original plat indicates the Huntsville-Navasota highway No. 45 runs S. 74° 01' W. when in truth and in fact said highway runs S. 74° 50' W.

WHEREAS, it is desired that said G. A. White Subdivision be extended by the addition to it of Block No. 7 and Block No. 8 as set forth on the attached revised plat dated April 8th, 1955 prepared by W. O. Kirkland, Licensed State Land Surveyor; and

WHEREAS, it is desired that Block No. 4 and Block No. 5 of said G. A. White Subdivision be rearranged in view of the abandonment heretofore of Pine Drive between Bois D'Arc Drive and Cedar Drive as set forth on the attached plat above referred to; and

WHEREAS, it is desirable that said original plat be revised with the extensions of Block No. 7 and Block No. 8 as shown on said attached plat in order that the bearings of streets be shown correctly as they are actually laid out on the ground;

That said attached map and plat is marked "Exhibit A" and made a part hereof for all legal purposes.

NOW, THEREFORE, we, G. A. White and wife, Randle C. White, of Harris County, Texas, and J. V. Butler and wife, Pauline Gibbs Butler, of Walker County, Texas, being spouses of all

of the land set forth as Block No. 7 of the extension to the G. A. White Subdivision, and G. A. White and wife, Randle C. White, being owners of all of the land included in Block No. 8 as shown on the extension of G. A. White Subdivision, have dedicated and by these presents do dedicate the streets set forth on said plat abutting said Block No. 7 and Block No. 8 of the extension to G. A. White Subdivision insofar as the same or any portion thereof are over and across property owned respectively by us for the use and benefit of the public and of the owners and purchasers of the property abutting thereon and request that said Block No. 7 and Block No. 8 as shown on the attached plat be accepted as an extension of the G. A. White Subdivision; and

We, J. C. Walker and wife, Dorothy Walker, of Walker County, Texas, and G. A. White and wife, Randle C. White, of Harris County, Texas, being the owners of all of the land shown as Block No. 4 and Block No. 5 as revised on the attached plat after the abandonment of said Pine Drive between Bois D' Arc Drive and Cedar Drive do hereby dedicate said Block No. 4 and Block No. 5 as revised as a part of said G. A. White Subdivision according to the attached plat.

It is expressly provided that said corrected plat of G. A. White Subdivision and the extension thereof as shown upon the attached plat and the streets shown thereon are rededicated as public thorough fares and streets in favor of the City of Huntsville, Texas and that it is understood and agreed that this dedication shall be effective as to and operative upon the respective tracts owned by the several grantors to all intents and purposes as if separate instruments of dedication of and over the respective property of the several grantors had been prepared and executed by them with respect to their separate tracts of land respectively owned by them, and it is respectfully requested that said rededication and correction and extension be accepted by the City Council of the City of Huntsville, Texas in the interest of the public convenience and necessity and for recording in the office of the County Clerk of Walker County, Texas.

TO HAVE AND TO HOLD the above described rights, easements and street together with all and singular the privileges and appurtenances thereto in anywise belonging unto the City of Huntsville, Texas for the use and benefit of the public generally and of the abutting property owners along said dedicated streets and right-of-ways.

IN TESTIMONY WHEREOF witness our hands this 25th day of April, 1955.

- /s/ G. A. White
- /s/ Randle C. White
- /s/ J. V. Butler
- /s/ Pauline Gibbs Butler
- /s/ J. C. Walker
- /s/ Dorothy Walker

THE STATE OF TEXAS, |

COUNTY OF HARRIS. | Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared G. A. White and wife, Randle C. White, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed; and the said Randle C. White, wife of the said G. A. White, having been examined by me privily and apart from her husband and having said instrument by me fully explained to her, she, the said Randle C. White, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office, this 27th day of April, 1955.
(Seal) /s/ Mrs. Alice K. Lawlers
Notary Public, Harris County, Texas.

THE STATE OF TEXAS, |
COUNTY OF WALKER. | BEFORE ME, the undersigned authority, a Notary Public in and for Walker County, Texas, on this day personally appeared J. V. Butler and wife, Pauline Gibbs Butler, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed; and the said Pauline Gibbs Butler, wife of the said J. V. Butler, having been examined by me privily and apart from her husband and having said instrument by me fully explained to her, she, the said Pauline Gibbs Butler, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 28th day of April, 1955.
(Seal) /s/ Robert B. Smither,
Notary Public, Walker County, Texas.

THE STATE OF TEXAS, |
COUNTY OF WALKER. | Before me, the undersigned authority, a Notary Public in and for Walker County, Texas, on this day personally appeared J. C. Walker and wife, Dorothy Walker, both known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purposes and consideration therein expressed; and the said Dorothy Walker, wife of the said J. C. Walker, having been examined by me privily and apart from her husband and having said instrument by me fully explained to her, she, the said Dorothy Walker, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 3rd day of May, 1955.
(Seal) /s/ Robert B. Smither,
Notary Public, Walker County, Texas.

AN ORDINANCE APPROVING THE CORRECTION AND REDEDICATION OF THE G. A. WHITE SUBDIVISION PLAT AND THE EXTENSION OF BLOCK NO. 7 AND BLOCK NO. 8 TO SAID G. A. WHITE SUBDIVISION AND AMENDING SAID G. A. WHITE SUBDIVISION TO SHOW THE REARRANGEMENT OF BLOCK NO. 4 AND BLOCK NO. 5 THEREOF.

WHEREAS, several owners of real estate have submitted a corrected plat of the G. A. White Subdivision as shown in Volume 112 at Page 29 of the Deed Records of Walker County, Texas and desire the dedication of an extension of said G. A. White Subdivision by the addition of Block No. 7 and Block No. 8 thereto and setting out certain discrepancies in the calls for bearings on the original streets as set out on the original plat and as actually laid out on the ground and the rearrangement of Block No. 4 and Block No. 5 in view of the abandonment of Pine Drive between Bois D'Arc Drive and Cedar Drive, and whereas, it is to the public interest and benefit that said corrected plat and the extension and the rearrangement of Block No. 4 and Block No. 5 be approved and adopted by the City Council of the City of Huntsville, the City Council has considered and passed the following ordinance:

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

Section 1. That the corrected plat of the G. A. White Subdivision as submitted by instrument executed by G. A. White and wife, Randle, J. C. Walker and wife, Dorothy Walker, and J. V. Butler and wife, Pauline Gibbs Butler, dated April 25th, 1955 and showing the extension of said G. A. White Subdivision by the addition of Block No. 7 and Block No. 8 and the rearrangement of Block No. 4 and Block No. 5 with attached plat thereto as revised under date of April 8th, 1955 by W. O. Kirkland, Licensed State Land Surveyor, and submitted for approval by the said several owners of the land be approved and adopted as set forth on said plat to be recorded in the deed Records of Walker County, Texas and that said dedication, rededication, extension

70

V. 151

and rearrangement is approved and the public streets set forth thereon accepted as public thoroughfares.

Passed and approved this the 3rd day of May, 1955.

(Seal) ATTEST: /s/ W. B. Veazey Mayor

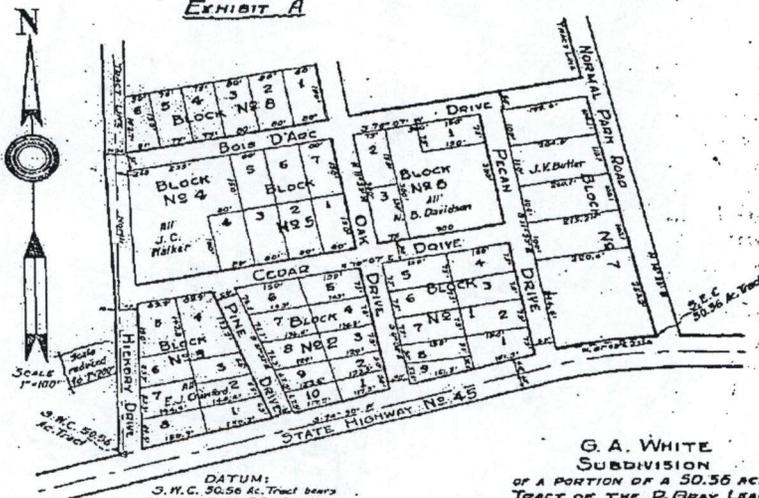
/s/ Kate Barr Ross, City Secretary

This is to certify that the above and foregoing is a true and correct copy of an ordinance passed and approved by the City Council of the City of Huntsville, Texas on the 3rd day of May, 1955 and which is recorded in the minutes of said council.

Given under my hand and seal of office this 3rd day of May, 1955.

/s/ Kate Barr Ross
City Secretary, Huntsville, Texas.

EXHIBIT A



DATUM:
S.W.C. 30.56 Ac. Tract bears
S.43°34'E. 1022.2' from an
inner corner P. Gray League,
same being most Northerly
N.E.C. Lewis Cox League.

G. A. WHITE
SUBDIVISION
OF A PORTION OF A 50.56 ACRE
TRACT OF THE P. GRAY LEAGUE,
ABST. NO. 24, WALKER COUNTY,
TEXAS AS SURVEYED BY J. K.
GORDON, OCT. 19, 1945.
REVISED APP. 8, 1955.
(Seal) W. O. Kirkland
Licensed State
Land Surveyor

Filed for record on May 12, 1955 at 10:00 A. M.
Recorded on May 18, 1955 at 4:20 P. M.

BY Nancy Penney DEPUTY

J. L. FERGUSON, CLERK, COUNTY
COURT, WALKER COUNTY, TEXAS

No. 615-- EARL LOYD COVINGTON et ux to SKELLY OIL COMPANY OIL, GAS AND MINERAL LEASE
THIS AGREEMENT made this 17th. day of January 1955, between Earl Loyd Covington and wife, Mary Jane Covington Lessee (whether one or more) whose address is 101 Southmore, Pasadena, Texas and Skelly Oil Company Lessee, WITNESSETH:
1. Lessor in consideration of Ten and no/100---Dollars (\$10.00), in hand paid, of the royalties herein provided, and of the agreement of Lessee herein contained, hereby grants, conveys and lets exclusively unto Lessee for the purpose of investigating, exploring, prospecting,

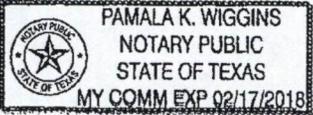
Exhibit "B"
(Appraisal District Map)



Bk	Vol	Pg
00020689	OR	1220 339

Exhibit "C"
(Signature Pages)

ATTACHED HERTO ARE 34 SIGNATURE PAGES, EVIDENCING THE APPROVAL OF THE FOREGOING AMENDMENT BY THE OWNERS OF 31.5 LOTS, OR 52.50% OF THE TOTAL NUMBER OF LOTS IN THE G.A. WHITE SUBDIVISION, HUNTSVILLE, WALKER COUNTY, TEXAS.

Property Owned:	This signature block is attached to the following document:
Block <u>1</u>	AMENDMENT TO RESTRICTIONS FOR G.A. WHITE SUBDIVISION HUNTSVILLE, WALKER COUNTY, TEXAS
Lot(s) <u>1A</u>	Signature: <u><i>Pauline Blackard</i></u>
Property Street Address(es) <u>1022 PECAN DRIVE</u> <u>HUNTSVILLE, TX 77320</u>	Printed Name: <u>PAULINE BLACKARD, OWNER</u>
<u>Acres 0.165</u>	Address: <u>3819 SPRING DRIVE</u> <u>HUNTSVILLE, TX 77340</u>
	Date: <u>SEPTEMBER 01, 2015</u>
	THE STATE OF TEXAS COUNTY OF <u>Walker</u>
	This instrument was acknowledged before me on <u>Sept 1,</u> 20 <u>15</u> by <u>Pauline Blackard</u>
	<u><i>Pamala K. Wiggins</i></u> Notary Public, State of Texas
	

City Staff Note:

This page is included as a Sample.

There are a total of 34 Signature pages filed and recorded as part of this document.

J. Ridley

7-15-2016

Excerpt from 7/21/2016 Planning Commission Minutes

Chairman Johnston left the dais for Agenda Items 4 & 5 due to conflict of interest.
Vice-Chairman Anderson chaired the meeting for Items 4 & 5. [5:06 PM]

4. PUBLIC HEARING to take testimony concerning the change in the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy gave an overview the case noting the history of the subdivision and past Development District re-classification cases which were not approved due to withdrawal of the cases by the applicants. He also noted that amended subdivision/deed restrictions have recently been filed for the subdivision, however the City cannot enforce these and they had no bearing on staff's recommendation on this case. The Planning Commission initiated this case.

Vice-Chairman Anderson opened the Public Hearing. [5:12 PM]

The following citizens spoke in support of the change in Development District Classification making note of the change in the area to mainly rental property not owner occupied homes:

- **Robert McCaffety** - owner of property within the area proposed for re-classification.
- **Jimmy D. Henry** – owner of property within the area proposed for re-classification.
- **Micah Slaughter** – owner of property within the area proposed for re-classification.
- **Colt Christian** – owner of property within the area proposed for re-classification.
- **Debra Tinsley Humphrey** – owner of property within the area proposed for re-classification.
- **Steve Allbriton** – attorney representing the owner group which initiated and filed the recent amended subdivision/deed restrictions, making note of the procedures followed in the process to collect the needed votes for amending the restrictions.

The following citizens spoke in opposition to the change in Development District Classification:

- **Adam Fanning** – residing at 904 Oak Drive, outside of the area proposed for re-classification, stated that he bought a house to live in a neighborhood not a commercial area.
- **Scott Hornung** – residing at 912 Pecan Drive, outside of the area proposed for re-classification, stated his issues with the recent amended restrictions, presented a signed petition in opposition to the classification change, feels that it is the owners of the rental property in the subdivision which are not keeping up their property that are making the area “look bad”, noted possible decrease in property values, and feels like greed is motivating this attempt at re-classification, calling out Planning Commission Chairman Eric Johnson as one of the property owners who was behind the recent amended restriction and then this subsequent re-classification case. **Vice-Chairman Anderson** cautioned Mr. Hornung to refrain from picking out individual members of the board, noting that no particular individual commissioner initiated the reclassification of this property, it was an entire board decision. City Attorney **Leonard Schneider** interjected that the public is allowed to express their opinion as long as no personal attacks are made. He will step in to stop the speaker if that occurs.
- **Dalene Zender** – owner of property at 1004 Pecan, within the area proposed for re-classification, stated her issues with the voting process for the recent amended restrictions as not all of the property owners in the subdivision received ballots. She asked that the re-classification case either be dropped or tabled until such time that all of the property owners are able to “work out” the deed restrictions.

- **Lanny Ray** – concerned citizen, who resides outside of the G.A. White Subdivision, expressed his problems with the recent amended Deed Restrictions, suggesting that motives need to be looked at.
- **Steve Covington** – family owns home at 919 Oak Drive, outside of the area proposed for re-classification, stated that the family intends to keep this home in the family forever, noting the positive imagery of the area at a gateway in the City, his opposition to the possibility of the area being developed with fast-food establishments, pointing out the diverse nature of the neighborhood and as being ideal for first-time home owners, and wanting to ensure that the amended deed restrictions were done properly.
- **Cheryl Foreman** – residing at 2606 Bois D Arc Drive, outside of the area proposed for re-classification, stated the difficulty that she had in finding a home to purchase, and although her home is close to 11th Street with its large traffic volume, her home is still in a neighborhood, and noting that presently, as currently classified, there has been an increase in traffic on Bois D Arc.
- **Judy Hornung** – residing at 912 Pecan Drive, outside of the area proposed for re-classification, stated that her home is the center of her life, and wishes for the neighborhood to remain peaceful.
- **Jan Lawrence** – residing at 913 Pecan Drive, within the area proposed for re-classification, stated that although she and her spouse will soon be retiring and plan to move outside of the City, she is concerned for the other home owners and the neighborhood. She feels like the recent amending of the restrictions was handled wrong.
- **Alfred J. Veasey** – residing at 1003 Oak Drive, within the area proposed for re-classification, stated that the area is a nice, safe, peaceful neighborhood which he would like to leave to his children. He takes care of his property and he did not receive a ballot in order to vote on the recent amended restrictions.
- **Sarah H. Murray** – residing at 1004 Oak Drive, within the area proposed for re-classification, stated that her home has been in the family for many years and asked the Commission if any of them did not feel that family values are important. She is familiar with her neighbors and cares about her neighbors. There is a bond between the long-time residents of the neighborhood. There already safety concerns with cars speeding through the neighborhood. She feels that her neighborhood is entitled to enjoy beauty as well as all others in the City and does not want to be looking at the back of restaurants, asking what plans there might be to protect the neighborhood and how potential development would be evaluated for placement in the neighborhood. She asked that the Commission “think outside the box” in planning for this neighborhood as the issue of development district re-classification has plagued the neighborhood for many years. As a portal to the City of Huntsville, the beauty of the trees should be and is more appealing to visitors than commercial development.
- **Art Wolfskill** – citizen residing outside of the G. A. White Subdivision, stated his two issues with the proposed re-classification of the area. (1) Questioned the sanctity of the Neighborhood Conservation Development District designation, and the need for retail development in this area. If additional retail space is needed, where does it need to be located? (2) The Planning Commission’s job is to plan for the greater good of Huntsville.
- **Jordan Herrin** – residing at 1016 Pecan (non-property owner), within the area proposed for re-classification, stated that the G.A. White subdivision is a gem. The neighborhood is a great place for young professional to live and would be a shame for it to be lost.

Rebuttal was given by attorney **Steve Allbritton**, clarifying that he had stated that most, not all, of the area was rental property. He also reiterated that the process for the vote for and the subsequent amending of the restrictions was all done properly.

Vice-Chairman Anderson made a last call for public comments at which time **John Christian**, residing at 2604 Bois D Arc Drive, stated his concern with the negative effect of apartments on the neighborhood and property values.

Vice-Chairman Anderson closed the Public Hearing. [6:20 PM]

5. **CONSIDER** concerning the change in the Development District Classification of Blocks 1, 2, 3 and 7 of the G. A. White Subdivision from Neighborhood Conservation to Management.

Aron Kulhavy confirmed for **Commissioner Woods** that the City of Huntsville does not have enforcement authority of subdivision/deed restrictions.

Commissioner Barry noted that, if the area is re-classified to Management District, certain uses will require a Conditional Use Permit for development. He also questioned the rental of single family dwelling homes in the area to SHSU college students, making note of the city ordinance requirement that only one unrelated person may reside in a single family dwelling. He stated that Chairman Johnston has always recused himself whenever the Commission discussed Development District re-classification of this area. He made reference to Commissioner Cummings's absence at this meeting and his past comments regarding the timing and growth of the City which ultimately dictates the value and change of use of property. The Commission decided to take on the re-classification of this area at this time to avoid "piece meal" re-classification requests of individual properties and address the area as a whole. The issue of subdivision/deed restrictions was never discussed by the Commission when considering the re-classification of this area.

Per questions by **Commissioners Hilton & Woods**, it was pointed out that per the recent amended restrictions for the subdivision only Block 8 located on the north side of Bois D Arc Drive was designated for strictly residential use. All of the other blocks in the subdivision were designed for residential and non-residential use. Also a Conditional Use Permit for development is only required for some very specific uses per the *Development Code*.

Vice-Chairman Anderson pointed out any changes in width to 11th Street and the IH 45 overpass bridge would be by the Texas Department of Transportation and not by the City of Huntsville.

Commissioner Hilton made note of the fact that a change in the Development District Classification does not mandate the current use of the property to change. It is up to the property owner to make the change in use of the property. He feels that the highest and best use of the subject property is commercial.

Aron Kulhavy made a procedural comment. He noted that the Commission may decrease the size of the area under consideration. The size of the area cannot be increased. The Planning Commission can take action on this case at this meeting. Adequate Public Hearing and meeting notice has been given. The Commission's recommendation will be forwarded to the City Council.

There will be two readings with a Public Hearing before City Council.

Commissioner Durda commented that she feels for the families who live there and is concerned about the safety of the neighborhood however she also feels that the highest and best use of the subject property is for commercial use as opposed to single family dwelling homes.

Commissioner Hilton made a motion to recommend approval of the change in the Development District Classification of Block 1, 2, 3 and 7 of the G.A. White subdivision from Neighborhood Conservation to Management. Second was by Commissioner Woods. The vote was unanimous.

We the undersigned are **Opposed** to Changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management for the following reasons:

1. Property Values will decrease (especially for houses in the interior of the subdivision and those along Bois D Arc) for many reasons, including, but not limited to:
 - a. Increased through traffic will result in increased litter and decrease in security
 - b. Increase noise in traffic and businesses
 - c. Unsightly view to back of business dumpsters and fences
 - f. Light pollution from parking lot lighting
2. The change does not align with the city's Strategic Plan
 - a. The City's strategic plan states, "Goal #1, City Appearance - Provide policies, amenities, and events that enhance the City's already beautiful and historic natural environment."
 - b. A Bing search for the City of Huntsville will bring up the image of the Welcome to Huntsville sign at the corner of Hickory and 11th street.
 - c. The natural beauty of the trees and quiet streets will be destroyed.
3. The change reneges on City's pledge to the residents of Neighborhood Conservation classification

As defined by the City Development Code a Neighborhood Conservation: "The Neighborhood Conservation (NC) district is intended to help protect property values by conserving the overall character and function of single-family (detached house) residential areas of the City. It is intended for application in stable single-family (detached house) neighborhoods."

This is a vibrant neighborhood with young families raising children, homes that have been family residences for multiple generations, and older couples with returning children and grandchildren.

We must have a city government that upholds its word.
4. Smacks of Cronyism
 - a. The chair of the Planning Commission is a partner in the group that has aggressively pushed this change forward.
 - b. This same group has worked by cover of darkness to change deed restrictions. A legitimate and proper vote to change deed restrictions has not been performed.
5. There is no guarantee the city would receive increased revenue through commercial classification. Markham Realty on 11th Street is appraised at \$50,000 less than the opposing property in the G.A. White Subdivision.
6. All Huntsville residents would be impacted by traffic congestion and unsafe driving conditions along 11th Street.

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>Cheryl Foreman</i>	Cheryl Foreman
2	<i>Craig Foreman</i>	Craig Foreman
3	<i>Janet M. Hardin</i>	JANET M. HARDIN
4	<i>Steve Covington</i>	Steve Covington
5	<i>Rita Marrquin</i>	Rita Marrquin
6	<i>Matthew Carter</i>	Matthew Carter
7	<i>Melissa Sharitz</i>	Melissa Sharitz
8	<i>Mario Villanueva</i>	Mario Villanueva
9	<i>Oscar Villanueva</i>	Oscar Villanueva
10	<i>Leahel Vazquez</i>	Leahel VAZQUEZ
11	<i>James Spears</i>	James Spears
12	<i>Adam Fanning</i>	Adam Fanning
13	<i>W. Ann C. Masters</i>	W. Ann C. Masters
14	<i>Aaron S. Masters</i>	Aaron S. Masters
15	<i>Thomas R. Caperton</i>	THOMAS R. CAPERTON
16	<i>Laura Caperton</i>	Laura Caperton
17	<i>Rachel Hornung</i>	Rachel Hornung
18	<i>Yesenia Marrquin</i>	Yesenia Marrquin
19	<i>Erin Canales</i>	Erin Canales
20	<i>Mr & Mrs Jackson</i>	JAMES JACKSON
21	<i>Judy Hornung</i>	Judy Hornung
22	<i>Odat Ameen S.</i>	Odat Ameen S.
23	<i>Mary M. Wolfskill</i>	Mary M Wolfskill
24	<i>Dalene Zender</i>	Dalene Zender
25	<i>Janis Lawrence</i>	JANIS LAWRENCE

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>Cletia L. Keasey</i>	Cletia L. Keasey
2	<i>Rachel Henry</i>	Rachel Henry
3	<i>Melissa Thomas</i>	MELISSA THOMAS
4	<i>Lakesha Keasey</i>	Lakesha Keasey
5	<i>Sabrina Thompson</i>	Sabrina Thompson
6	<i>Berrian Davis</i>	Berrian Davis
7	<i>Lucy Mack</i>	LUCY MACK
8	<i>Freda Agui</i>	FREDA AGUI
9	<i>Laura Amy Hamilton</i>	Laura Hamilton
10	<i>Diane Mack</i>	DIANE MACK
11	<i>Alipia Agui</i>	Alipia Agui
12	<i>Numeria White</i>	Numeria White
13	<i>Tobias Thompson</i>	Tobias Thompson
14	<i>Chacandra R. Holcombe</i>	Chacandra R. Holcombe
15	<i>Earnell F. Holcombe</i>	Earnell F. Holcombe
16	<i>Danielle Veasey</i>	Danielle Veasey
17	<i>James West</i>	James West
18	<i>Leta M. Richards</i>	Leta M. Richards
19	<i>Golda Rich</i>	GOLDA RICH
20		
21		
22		
23		
24		
25		

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>Theresa Alford</i>	Theresa Alford
2	<i>Sharon Alford</i>	Sharon Alford
3	<i>Sharon Alford</i>	Sharon Alford
4	<i>Marisa Laucasay</i>	MARISA LAUCASAY
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>Hollis Murray</i>	Hollis Murray
2	<i>Scott Hornung</i>	SCOTT Hornung
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

We oppose changing the Development District classification of the G.A. White subdivision along 11th Street and Normal Park from Neighborhood Conservation to Management.

No.	Signature	Printed Name
1	<i>John W. Christian</i>	JOHN W. CHRISTIAN
2	<i>Maury Mc Tigue</i>	Tan Ham
3	<i>A. P. Travis</i>	GARTH TRAVIS
4	<i>Kim</i>	Kim Travis
5	<i>James C. Annalast</i>	James C. Annalast
6	<i>Tito</i>	Tito Barros
7	<i>Richard Barros</i>	
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

2604
Bois D
9090

2714
Ceda

2713
Bois D

RECEIVED
8-16-16
JR

MAILING LIST - 11TH ST - HICKORY DRIVE TO NORMAL PARK DRIVE

P - Signed Protest Petition (Within 200' Boundary)
 S- Spoke in opposition at Council Mtg.

Parcel No.	Geo. id	Name	Name_2nd line	Address	City	State	Zip	situs disp
	1	4403-025-0-00500	SPRING AIR REALTY LLC	PO BOX 276	HUNTSVILLE	TX	77342-0276	104 L45
	2	4403-026-0-00100	MCDONALD'S SCI ENTERPRISES	PO BOX 39	DOBBIN	TX	77333	2719 11TH ST
	3	4403-025-0-00100	G K MARKHAM	P O BOX 6107	HUNTSVILLE	TX	77342-6107	2715 11TH ST
	4	4403-025-0-00900	STORE MASTER FUNDING VII, LLC	8501 E PRINCESS DR, STE 190	SCOTTSDALE	AR	85256	2711 11TH ST
	5	4403-025-0-00600	SONIC HUNTSVILLE #2	5013 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76108	2705 11TH ST
	6	4403-025-0-00700	ROMULUS PROPERTIES, LLC	1213 IH 45 NORTH	HUNTSVILLE	TX	77320	2641 11TH ST
	7	4403-025-0-00800	BROOKSHIRE BROTHERS, LTD	PO BOX 1688	LUFKIN	TX	75902-1688	2601 11TH ST
	8	4404-006-0-00110	FIRST VICTORIA NATIONAL BANK	P O BOX 1338	VICTORIA	TX	77902-1338	2033 11TH ST
	9	4404-008-0-00170	GOLDEN CORRAL OF HUNTSVILLE	3318 FOREST LANE, SUITE 200	DALLAS	TX	75229	2050 11TH ST
	10	4404-008-0-00110	American Bank	P O BOX 1009	HENDERSON	TX	75653	1718 11TH ST
	11	4404-008-0-00140	NORMAL PARK PROPERTIES, INC.	901 NORMAL PARK DR, STE 105	HUNTSVILLE	TX	77320	901 NORMAL PARK
	12	2350-900-0-00100	PEP-SHSU, LLC	8880 RIO SAN DIEGO DRIVE, STE 750	SAN DIEGO	CA	92108	2537 PINE SHADOWS DR
	P 13	7771-001-0-00700	JOHN W & KARLA T CHRISTIAN	2604 BOIS D'ARC	HUNTSVILLE	TX	77320	2604 BOIS D'ARC DR
	14	7771-001-0-00800	GREENWADE BECKY B	2603 CHIMNEY ROCK RD	HUNTSVILLE	TX	77320	2603 CHIMNEY ROCK RD
	15	7771-001-0-00900	ELROY PROPERTIES, LLC	101 PINECREST	HUNTSVILLE	TX	77320	2605 CHIMNEY ROCK RD
	SP 16	7771-001-0-00600	CHERYL & CRAIG FOREMAN	2606 BOIS D'ARC DR	HUNTSVILLE	TX	77320	2606 BOIS D'ARC DR
	17	7771-001-0-00500	RT, LLP	248 O'BANNON DRIVE	HUNTSVILLE	TX	77320	2608 BOIS D'ARC DR
	18	7771-001-0-01000	ANDREY, MICHAEL, & KAREN TYMNIAK	280 PAUL DIXON RD	HUNTSVILLE	TX	77320	2607 CHIMNEY ROCK RD
	19	7771-001-0-01100	ARTHUR L JACOBY	2609 CHIMNEY ROCK	HUNTSVILLE	TX	77320	2609 CHIMNEY ROCK RD
	P 20	7771-001-0-00400	YESENIA MARROQUIN	2610 BOIS D ARC STREET	HUNTSVILLE	TX	77320	2610 BOIS D ARC ST
	21	7771-001-0-01200	FERNANDO LOPEZ	3606 EDGEWOOD DR	GARLAND	TX	75042	2611 CHIMNEY ROCK RD
	P 22	7771-001-0-00300	HALEY LEIGHANNE CARTER	2612 BOIS D'ARC DR	HUNTSVILLE	TX	77320	2612 BOIS D'ARC DR
	23	7771-001-0-00200	ELSA E CANALES	2614 BOIS D'ARC DR	HUNTSVILLE	TX	77320	2614 BOIS D'ARC DR
	24	8801-006-0-00300	ARACELI MARTINEZ MOSQUEDA	901 OAK DR	HUNTSVILLE	TX	77320	901 OAK DR
	P 25	8801-006-0-00200	RITA G MARROQUIN	902 PECAN DR	HUNTSVILLE	TX	77320	902 PECAN DR
	SP 26	8801-006-0-00100	JAMES S & JUDITH P HORNING	912 PECAN DR	HUNTSVILLE	TX	77320	912 PECAN DR
	SP 27	8801-006-0-00500	MAVFRED HYDE COVINGTON	881 ELKINS LAKE	HUNTSVILLE	TX	77340	919 OAK DR
	P 28	8801-006-0-00400	LE PHAM	128 TANGLEWOOD DR	HUNTSVILLE	TX	77320	909 OAK DR
	S 29	8801-005-0-00700	CRYSTAL V & ADAM D FANNING	904 OAK DR	HUNTSVILLE	TX	77320	904 OAK DR
	30	8801-005-0-00600	OPAL ARCHIE	2709 BOIS D'ARC DR	HUNTSVILLE	TX	77320	2709 BOIS D'ARC DR

SP 59	8801-001-0-00400	DALENE KAY ZENDER		P O BOX 6904	HUNTSVILLE	TX	77342-6904	1004 PECAN DR
	8801-007-0-00120	TEXAS MIEN ENTERPRISES LLC		3000 ELKS DRIVE	HUNTSVILLE	TX	77340	1025 PECAN DR
	60							1013 PECAN DR
	8801-007-0-00200							1009 PECAN DR
	8801-007-0-00130							1020 NORMAL PARK DR
	61	K C RENTAL PROPERTIES INC		45 BIRDWELL	BEDIAS	TX	77831	1003 PECAN DR
	62	JERRY MICAH SLAUGHTER		222 HAVEN WOOD ST	HUNTSVILLE	TX	77320	920 NORMAL PARK
	8801-007-0-00410	EOLT M & KELSEY M CHRISTIAN		200 HICKORY DR	HUNTSVILLE	TX	77320	919 PECAN DR
SP 64	8801-007-0-00500	BARNEY & JANIS LAWRENCE		913 PECAN STREET	HUNTSVILLE	TX	77320	913 PECAN DR
	65	NOAH Q & PATRICIA H SPEER		1614 PIN OAK DRIVE	HUNTSVILLE	TX	77340	901 PECAN DR

* Sarah Hollis Murray spoke at City Council - She is not the owner of record for this property .

** Jordan Herrin, residing at 1016 Pecan, spoke in opposition - He is the tenant, not the owner of record for this property.

Nominations for 9/6/16

Below are appointments for unexpired or open terms, and/or those expiring August 31, 2016. Additional nominations are expected.

Cemetery Advisory Board

Joe Boaz – reappointment
Candyce Dixon – reappointment
Dr. Gene Barrett – reappointment
Kay King Mitchell - reappointment
D'Anne Crews – reappointment
James Patton – reappointment
Dr. Caroline Crimm – reappointment

City of Huntsville, Texas Veterans Affairs Advisory Board

Liesa Hackett – initial appointment

Board of Adjustments and Appeals

Pat Graham – reappointment
Jerry Moorer – reappointment

Board of Adjustments – Zoning

John Cromer – reappointment

Historic Preservation Commission

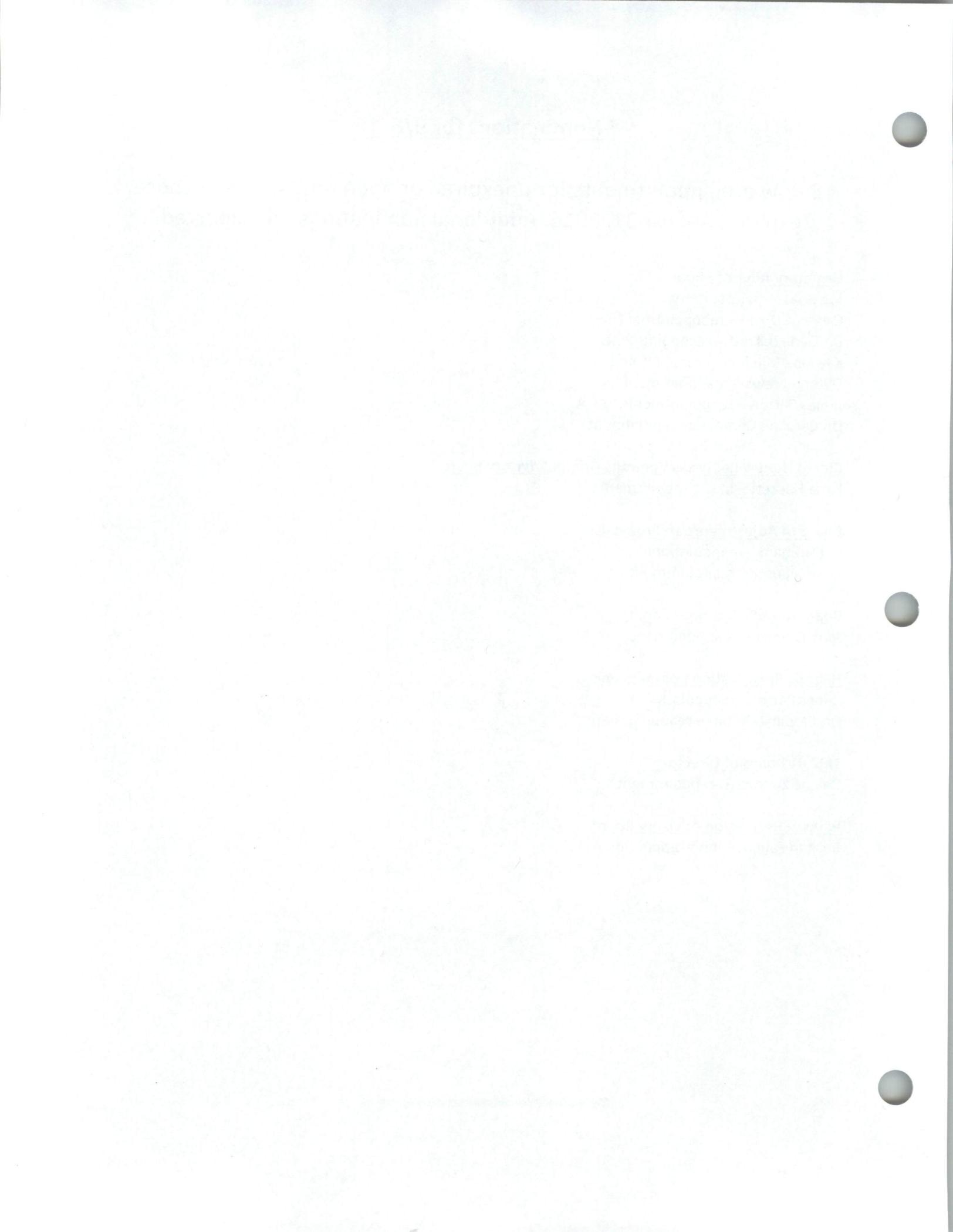
James Patton - reappointment
Dr. Caroline Crimm – reappointment

TIRZ #1 Board of Directors

Dalene Zender – reappointment

Parks & Recreation Advisory Board

Reagan Faught – initial appointment





CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 6b

Item/Subject: Consider proposal submitted by the Texas Department of Criminal Justice for water service at the Ellis and Estelle Prison Units.

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager

Recommended Motion: City staff recommends against this proposal.

Strategic Initiative: Goal #7 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: At the August 16, 2016 meeting, the City Council voted on a proposed water rate schedule for the Ellis and Estelle Prison Units. An interlocal agreement outlining the Council's majority on this matter is included as item 6c.

On August 24, Bryan Collier, Executive Director for TDCJ, submitted a proposal for water service. The primary differences between the Council's action on August 16 and Mr. Collier's proposal are as follows:

	Council Action from 8/16/2016	Mr. Collier's 8/24/16 Proposal
Phase-In	No phase-in	3-year phase-in
Total additional revenue in the first 2 years of the contract	\$4,422,050	\$2,114,241
Additional Debt Capacity for the first 5 years of the contract	\$43,520,672	\$43,520,672

As you can see:

1. Mr. Collier's proposal offers a 3-year phase-in to the in-City rate (\$6.59/1,000 gallons as of 10/1/2019), whereas Council's action on August 16 would bring TDCJ to the full City rate on October 1, 2016.
2. As a result, the action approved by Council on August 16 will generate approximately \$2.3 million more than Mr. Collier's proposal in the first two years of the contract. This difference in estimated revenue will significantly inhibit the City's ability to fund engineering and architectural design on improvements in Propositions 2 and 3 with cash on-hand (i.e., the City will likely have to issue debt for design costs). The studies reviewed by the Council estimate architectural and engineering design fees for projects proposed by Propositions 2 and 3 at \$4.6 million.
3. The total debt capacity between the proposals is the same. The debt capacity simply accumulates at different times when comparing the two proposals. The total estimated cost of improvements identified by Propositions 2 and 3 is \$44.1 million (in 2016 construction costs).

It is important to note, this item and item 6c are mutually exclusive. The action before the Council is an "either/or" not a "both" proposition. Of course, amendments can be offered to this item or item 6c.

Previous Council Action: The City Council approved a proposal on August 16. An interlocal agreement is included with it as item 6c.

Financial Implications:

Item is not budgeted: Depending on the Council's decision on this issue, City staff will budget for additional revenue in the Fiscal Year 2016-2017 budget.

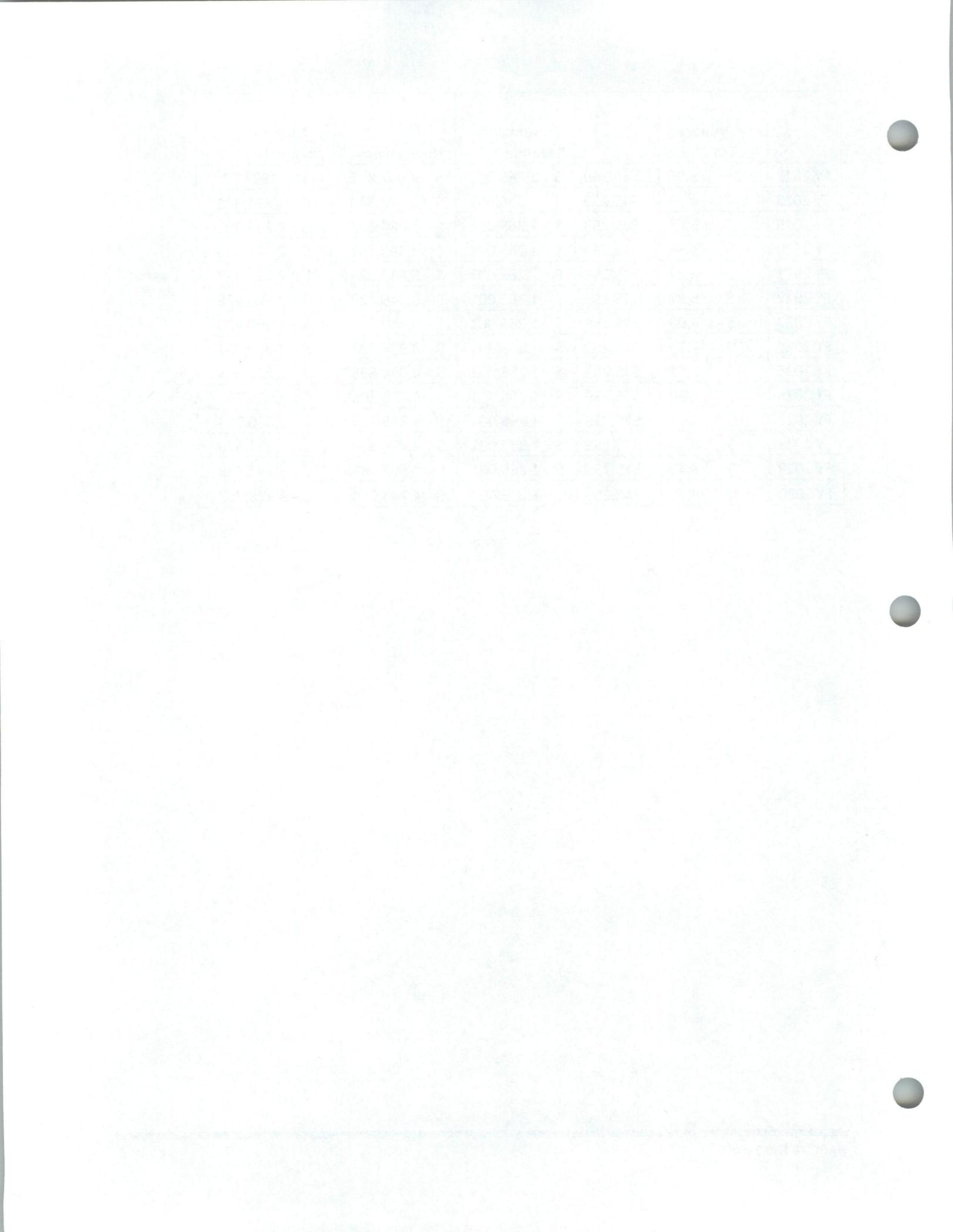
Item is estimated to generate additional revenue: There will be additional revenue with this item.

Approvals: City Attorney Director of Finance City Manager

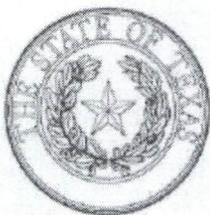
Associated Information:

- Estimated annual revenue (page 3)
- Offer letter by Mr. Collier (page 4)
- Interlocal agreement reflecting Mr. Collier's proposal (pages 5-8)

	Proposed TDCJ Rate		Current Revenue	New Revenue	Additional Annual
FY 2017	\$ 3.79	545,259	\$ 1,265,001	\$ 2,067,895	\$ 802,894
FY 2018	\$ 4.73	545,259	\$ 1,265,001	\$ 2,576,349	\$ 1,311,348
FY 2019	\$ 5.66	545,259	\$ 1,265,001	\$ 3,084,803	\$ 1,819,802
FY 2020	\$ 6.59	545,259	\$ 1,265,001	\$ 3,593,257	\$ 2,328,256
FY 2021	\$ 6.67	545,259	\$ 1,265,001	\$ 3,636,878	\$ 2,371,877
FY 2022	\$ 6.87	545,259	\$ 1,265,001	\$ 3,745,929	\$ 2,480,928
FY 2023	\$ 7.08	545,259	\$ 1,265,001	\$ 3,860,434	\$ 2,595,433
FY 2024	\$ 7.29	545,259	\$ 1,265,001	\$ 3,974,938	\$ 2,709,937
FY 2025	\$ 7.51	545,259	\$ 1,265,001	\$ 4,094,895	\$ 2,829,894
FY 2026	\$ 7.74	545,259	\$ 1,265,001	\$ 4,220,305	\$ 2,955,304
FY 2027	\$ 7.97	545,259	\$ 1,265,001	\$ 4,345,714	\$ 3,080,713
FY 2028	\$ 8.21	545,259	\$ 1,265,001	\$ 4,476,576	\$ 3,211,576
FY 2029	\$ 8.45	545,259	\$ 1,265,001	\$ 4,607,439	\$ 3,342,438
FY 2030	\$ 8.70	545,259	\$ 1,265,001	\$ 4,743,753	\$ 3,478,752



	Proposed TDCJ Rate		Current Revenue	New Revenue	Additional Annual
FY 2017	\$ 3.79	545,259	\$ 1,265,001	\$ 2,067,895	\$ 802,894
FY 2018	\$ 4.73	545,259	\$ 1,265,001	\$ 2,576,349	\$ 1,311,348
FY 2019	\$ 5.66	545,259	\$ 1,265,001	\$ 3,084,803	\$ 1,819,802
FY 2020	\$ 6.59	545,259	\$ 1,265,001	\$ 3,593,257	\$ 2,328,256
FY 2021	\$ 6.67	545,259	\$ 1,265,001	\$ 3,636,878	\$ 2,371,877
FY 2022	\$ 6.87	545,259	\$ 1,265,001	\$ 3,745,929	\$ 2,480,928
FY 2023	\$ 7.08	545,259	\$ 1,265,001	\$ 3,860,434	\$ 2,595,433
FY 2024	\$ 7.29	545,259	\$ 1,265,001	\$ 3,974,938	\$ 2,709,937
FY 2025	\$ 7.51	545,259	\$ 1,265,001	\$ 4,094,895	\$ 2,829,894
FY 2026	\$ 7.74	545,259	\$ 1,265,001	\$ 4,220,305	\$ 2,955,304
FY 2027	\$ 7.97	545,259	\$ 1,265,001	\$ 4,345,714	\$ 3,080,713
FY 2028	\$ 8.21	545,259	\$ 1,265,001	\$ 4,476,576	\$ 3,211,576
FY 2029	\$ 8.45	545,259	\$ 1,265,001	\$ 4,607,439	\$ 3,342,438
FY 2030	\$ 8.70	545,259	\$ 1,265,001	\$ 4,743,753	\$ 3,478,752



Rec'd. 8/29/16 JWC

Texas Department of Criminal Justice

Bryan Collier
Executive Director

August 24, 2016

The Honorable Andy Brauninger
Mayor
City of Huntsville
1212 Ave. M
Huntsville, TX 77340

Dear Mayor Brauninger:

Thank you for the visit earlier this week, and based on our discussion, it is clear that we both appreciate the longstanding, positive working relationship between our two governmental entities.

As a requested follow up to our meeting, I have attached previous correspondence that we received/sent regarding the proposed changes to the water rates at the Ellis and Estelle units.

While an increase of this magnitude will be a fiscal challenge, based on our discussion, a three-year phase-in (with equal increments over the three years) to the in-city institutional rate (currently \$6.26 per 1,000 gallons) would allow us to better manage the fiscal impact. Please let me know how you wish to proceed in order to complete this process.

Once again, it was a pleasure to meet you. If you have any questions regarding this issue, or have any future requests that I can help with, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Collier".

Bryan Collier
Executive Director

Enclosures (2)

cc: Jerry McGinty, Chief Financial Officer

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.

P.O. Box 99
Huntsville, Texas 77342-0099
(936) 437-2101
www.tdcj.texas.gov

INTERLOCAL AGREEMENT
BETWEEN CITY OF HUNTSVILLE AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE
FOR THE PROVISION OF VARIOUS ECONOMIC DEVELOPMENT SERVICES

This Agreement is entered into by the City of Huntsville (City) and Texas Department of Criminal Justice (TDCJ) pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791.

WHEREAS, In 1995, the City entered into an Agreement To Provide Potable Water To The TDCJ Units In The FM 980 Area (herein referred to as "The Agreement"); and

WHEREAS, The Agreement will expire on September 30, 2016; and

WHEREAS, Now that The Agreement will be expiring and TDCJ desires to have the Ellis and Estelle Units provided water service by the City, it is important to adjust the rates in line with other users in the same customer class as the Ellis and Estelle Units; and

WHEREAS, The City recognizes the importance of TDCJ to the community as its largest employer and wishes to phase the water rate increases incrementally.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TX:

I.
Definitions

"Baseline Rate" – Is \$2.86 per 1,000 gallons consumed.

"Phase-in rate" – Equals an amount of money per/1,000 gallons of water used by TDCJ that is \$.93 higher than the rate paid for the previous year, effective October 1 of each year.

"Established rate" – Equals an amount of money per 1,000 gallons of water used by TDCJ that is equal to the rate adopted by the City Council for all other TDCJ prison units within the City limits of the City of Huntsville for that year.

II.

Beginning on the October 1, 2016, and ending on October 1, 2019, TDCJ shall pay a rate for the Ellis and Estelle prison units equal to the lesser of the phase in-rate or the established rate. The baseline for computing the phase-in rate for October 1, 2016 shall be the baseline rate. Beginning October 1, 2019 and continuing until the termination of this agreement, the rate charged shall be the established rate.

The City shall invoice TDCJ for monthly usage. The agreement will terminate on September 30, 2056.

III.

TDCJ agrees that the water delivered to its facilities under this agreement shall be the primary source of water for the units served under the arrangement herein described; and that alternate water

sources shall be used by TDCJ only if, and only as long as, the City and TRA are unable to deliver water to TDCJ under this agreement.

IV.

This is the complete and entire Agreement between the Parties with respect to the matters herein and supersedes all prior negotiations, agreements, representations, and understandings, if any. This Agreement may not be modified, discharged, or changed in any respect whatsoever except by a further agreement in writing duly executed by the parties hereto. No official, representative, agent or employee of Texas Department of Criminal Justice, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the Board of Regents of Texas State TDCJ System. No official, representative, agent or employee of the City of Huntsville, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the City Council of Huntsville, Texas. If any provision of this agreement or its application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Contract shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.

V.

The Parties agree to execute such other and further instruments and documents as are or may become necessary or convenient to carry out the purposes of this Agreement.

VI.

This Agreement shall be construed under the laws of the State of Texas.

VII.

Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the Parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.

VIII.

Unless otherwise provided in this Agreement, any notice herein provided or permitted to be given, made or accepted by either party must be in writing and may be given by depositing the same in the United States mail postpaid, return receipt requested or by delivering the same to an officer of such party, or by prepaid telegram addressed to the party to be notified. Notice deposited in the mail in the manner described above shall be conclusively deemed to be effective from and after the expiration of three (3) days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the party to be notified.

For the purposes of notice, the addresses of the parties shall be as follows:

If to TDCJ:

If to the City:

City Manager
1212 Avenue M
Huntsville, TX 77340

The parties shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address in the State of Texas by at least fifteen (15) days' written notice to the other party.

IX.
Hold Harmless

To the extent permitted by State law, each party does hereby agree to waive all claims against, release, and hold harmless the other and its respective officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, or cause of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any governmental immunity available to any party individually under Texas law. Each party shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

X.
Immunity

It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, expressed or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

XI.

This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original and all of which together constitute one and the same instrument.

Approved on the date or dates indicated.

CITY OF HUNTSVILLE

Matt Benoit, City Manager
City of Huntsville, Texas

Date

ATTESTED:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

Examined and Recommended:

_____, Texas Department of Criminal Justice

Date

_____, Texas Department of Criminal Justice

Date

APPROVED AS TO LEGAL FORM

_____, Texas Department of Criminal Justice

Date



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 6c

Item/Subject: Consider ratifying and approving an Interlocal Agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service at the Ellis and Estelle Units.

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager; Steve Ritter, Director of Finance

Recommended Motion: Ratify and approve the Mayor and City Manager sign an Interlocal Agreement between the City of Huntsville and the Texas Department of Criminal Justice for water service at the Ellis and Estelle Units.

Strategic Initiative: Goal #7 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: The attached Interlocal agreement ratifies and approves the action taken by the City Council at the August 16, 2016 City Council meeting. The attached interlocal agreement escalates the water rate for the Ellis and Estelle Units from the current rate of \$2.86 (includes volumetric and facilities charge) up to the rate recommended the City's water rate study of \$6.33/1,000 gallons for 2016-2017 fiscal year. This Interlocal agreement provides no phase-in.

Previous Council Action: This issue was discussed thoroughly at the August 16, 2016 City Council meeting and is presented in contrast with item 6b for full ratification and approval.

Financial Implications:

Item is not budgeted: Depending on the Council's decision on this issue, City staff will budget for additional revenue in the Fiscal Year 2016-2017 budget.

Item is estimated to generate additional revenue: Additional revenue is noted in the chart on page 2.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Estimated annual revenue projections (page 2)
- Proposed interlocal agreement (pages 4-7)

	Proposed TDCJ Rate		Current Revenue	New Revenue	Additional Annual
FY 2017	\$ 6.33	545,259	\$ 1,265,001	\$ 3,451,489	\$ 2,186,489
FY 2018	\$ 6.42	545,259	\$ 1,265,001	\$ 3,500,563	\$ 2,235,562
FY 2019	\$ 6.50	545,259	\$ 1,265,001	\$ 3,544,184	\$ 2,279,183
FY 2020	\$ 6.59	545,259	\$ 1,265,001	\$ 3,593,257	\$ 2,328,256
FY 2021	\$ 6.67	545,259	\$ 1,265,001	\$ 3,636,878	\$ 2,371,877
FY 2022	\$ 6.87	545,259	\$ 1,265,001	\$ 3,745,929	\$ 2,480,928
FY 2023	\$ 7.08	545,259	\$ 1,265,001	\$ 3,860,434	\$ 2,595,433
FY 2024	\$ 7.29	545,259	\$ 1,265,001	\$ 3,974,938	\$ 2,709,937
FY 2025	\$ 7.51	545,259	\$ 1,265,001	\$ 4,094,895	\$ 2,829,894
FY 2026	\$ 7.74	545,259	\$ 1,265,001	\$ 4,220,305	\$ 2,955,304
FY 2027	\$ 7.97	545,259	\$ 1,265,001	\$ 4,345,714	\$ 3,080,713
FY 2028	\$ 8.21	545,259	\$ 1,265,001	\$ 4,476,576	\$ 3,211,576
FY 2029	\$ 8.45	545,259	\$ 1,265,001	\$ 4,607,439	\$ 3,342,438
FY 2030	\$ 8.70	545,259	\$ 1,265,001	\$ 4,743,753	\$ 3,478,752

INTERLOCAL AGREEMENT
BETWEEN CITY OF HUNTSVILLE AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE
FOR THE PROVISION OF VARIOUS ECONOMIC DEVELOPMENT SERVICES

This Agreement is entered into by the City of Huntsville (City) and Texas Department of Criminal Justice (TDCJ) pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791.

WHEREAS, In 1995, the City entered into an Agreement To Provide Potable Water To The TDCJ Units In The FM 980 Area (herein referred to as "The Agreement"); and

WHEREAS, The Agreement will expire on September 30, 2016; and

WHEREAS, Now that The Agreement will be expiring and TDCJ desires to have the Ellis and Estelle Units provided water service by the City, it is important to adjust the rates in line with other users in the same customer class as the Ellis and Estelle Units; and

WHEREAS, The City recognizes the importance of TDCJ to the community as its largest employer and wishes to continue to provide water services.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TX:

I.

Beginning on the October 1, 2016, TDCJ shall pay a rate for the Ellis and Estelle prison units equal to the same rate paid by all other TDCJ prison units inside the City of Huntsville city limits.

The City shall invoice TDCJ for monthly usage. The agreement will terminate on September 30, 2056.

II.

TDCJ agrees that the water delivered to its facilities under this agreement shall be the primary source of water for the units served under the arrangement herein described; and that alternate water sources shall be used by TDCJ only if, and only as long as, the City and TRA are unable to deliver water to TDCJ under this agreement.

III.

This is the complete and entire Agreement between the Parties with respect to the matters herein and supersedes all prior negotiations, agreements, representations, and understandings, if any. This Agreement may not be modified, discharged, or changed in any respect whatsoever except by a further agreement in writing duly executed by the parties hereto. No official, representative, agent or employee of Texas Department of Criminal Justice, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the Board of Regents of Texas State TDCJ System. No official, representative, agent or employee of the City of Huntsville, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the City Council of Huntsville, Texas. If any provision of this agreement or its application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Contract shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.

IV.

The Parties agree to execute such other and further instruments and documents as are or may become necessary or convenient to carry out the purposes of this Agreement.

V.

This Agreement shall be construed under the laws of the State of Texas.

VI.

Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the Parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.

VII.

Unless otherwise provided in this Agreement, any notice herein provided or permitted to be given, made or accepted by either party must be in writing and may be given by depositing the same in the United States mail postpaid, return receipt requested or by delivering the same to an officer of such party, or by prepaid telegram addressed to the party to be notified. Notice deposited in the mail in the manner described above shall be conclusively deemed to be effective from and after the expiration of three (3) days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the party to be notified.

For the purposes of notice, the addresses of the parties shall be as follows:

If to TDCJ:

If to the City:

City Manager
1212 Avenue M
Huntsville, TX 77340

The parties shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address in the State of Texas by at least fifteen (15) days' written notice to the other party.

VIII.

Hold Harmless

To the extent permitted by State law, each party does hereby agree to waive all claims against, release, and hold harmless the other and its respective officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, or cause of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any governmental immunity available to any party individually under Texas law. Each party shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

IX.
Immunity

It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, expressed or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

X.

This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original and all of which together constitute one and the same instrument.

Approved on the date or dates indicated.

CITY OF HUNTSVILLE

Andy Brauning, Mayor
City of Huntsville, Texas

Date

Matt Benoit, City Manager
City of Huntsville, Texas

Date

ATTESTED:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

Examined and Recommended:

_____, Texas Department of Criminal Justice

Date

_____, Texas Department of Criminal Justice

Date

APPROVED AS TO LEGAL FORM

_____, Texas Department of Criminal Justice

Date



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 6d

Item/Subject: Consider Decision Packages for the 2016-17 Budget.

Initiating Department/Presenter: Finance

Presenter: Steve Ritter, Director of Finance, and Matt Benoit, City Manager

Recommended Motion: Move to approve the Decision Packages listed as items 6d(1)-(6) on the City Council agenda.

Strategic Initiative: Goal #7 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: Attached are six decision packages provided for Council's consideration as part of the budget adoption process. These decision packages are provided as specified by the City's Fiscal and Budgetary Policies, and are provided for Council consideration for one (or more) of the following reasons:

1. They include individual items whose cost exceeds \$50,000. As such, to procure these items or services, the City Council will have to award contracts or bids to execute the expenditure of these funds.
2. They are to be funded using Unallocated Reserve appropriations.
3. They are of sufficient cost and scope that they qualify as policy issues and represent a great deal of the discretionary spending in the budget.

These items are prepared for you to adopt with the motion above. Should a Councilmember(s) wish, these items may be excluded from the motion or adopted individually (as is the case with a consent agenda).

Previous Council Action: Virtually every item included in each of the attached decision packages was included in the August 9th Pre-Budget Workshop Presentation. They are also included as tab 5 in the City Manager's Recommended Budget that was provided to the City Council on August 19.

Financial Implications: Each of these items is included in the City Manager's Recommended Budget. Each decision packages includes its own Financial Implications section illustrating the amounts and proposed uses of funds for each project.

Approvals: City Attorney Director of Finance City Manager

FISCAL YEAR 2016-2017 DECISION PACKAGE 1

Item: Proposed funding sources and levels of various employee benefits

Initiating Department/Presenter: Finance Department, Steve Ritter, Director of Finance
Human Resources Department, Julie O’Connell, Director of Human Resources

Executive Summary: The City Manager’s Recommended 2016-2017 Budget proposes funding the vacation buy-back program as well as the Merit/Step Plan increase with Unallocated Reserves. The City is traditionally spending less than 100% of budgeted salary and benefit accounts, resulting in contributions to Unallocated Reserves in each fund sufficient to fund these employee benefits.

Financial Implications:

Fund	Funding Source			Total
	Operational Budget	Proposed Use of Fund Unallocated Reserve	Proposed Use of CIP Fund Unallocated Reserve	
General		226,445		226,445
Water		24,070		24,070
Wastewater		23,909		23,909
Solid Waste		24,320		24,320
School Resource Officer		9,920		9,920
Arts		3,350		3,350
Tourism and Visitor’s Center		3,816		3,816

Detailed Discussion and Explanation:

Merit/Step Plan – The City returned to Grade & Step pay scale in Fiscal Year 12-13. Upon receiving a satisfactory evaluation from their supervisor at their annual anniversary date, the employee is awarded a 2.5% merit increase until the employee reaches the top step of their respective grade.

Vacation Buyback Policy – The City’s Personnel Policies and Procedures Manual States, “If an employee has taken at least ten (10) days of vacation time off during the previous fiscal year and so elects, he/she may buy back up to five (5) days of unused vacation time. The buyback option may be used to make a one-time contribution to the employee’s deferred compensation plan for that year.” Employee requests for approval must be completed by the first Monday in November, with payment occurring on the second payroll date in November.

FISCAL YEAR 2016-17 DECISION PACKAGE 2

Item: General Fund Capital Improvement Projects

Initiating Department/Presenter: Engineering, Ram Ramachandra, City Engineer

Executive Summary: Every year, the City budgets as part of its operational budget an amount of money within each individual fund for Capital Improvement needs. This year, three capital projects are recommended for funding. Each is explained in greater detail below.

Financial Implications:

Fund	Funding Source			Total
	Operational Budget	Proposed Use of Fund Unallocated Reserve	Proposed Use of CIP Fund Unallocated Reserve	
General	\$300,00	\$1,650,000		\$1,950,000

Detailed Discussion and Explanation:

Rehabilitation of Streets - Bearkat Boulevard (SH 19 to Bobby K. Marks Drive) & Normal Park Drive (22nd Street to Eastham Boulevard) - (\$1,650,000) – The City completed a citywide street condition assessment late last year. Based on the findings for the study, two arterial street segments have been identified for rehabilitation using FY 16-17 funds:

- a) Bearkat Boulevard (State Highway 19 to Bobby K. Marks Drive)
- b) Normal Park Drive (22nd Street to Eastham Boulevard)

These street segments are major streets (classified as secondary arterial) and carry significant daily traffic. Bearkat Boulevard is a major access road for getting to Sam Houston State University campus. Normal Park Drive provides access to 11th Street, a major thoroughfare, from mainly residential neighborhoods. Hence, improving these segments will have significant positive impact on mobility, in addition to improving the street pavement conditions.

Mainly, these street segments have poor pavement surface conditions, needing new asphalt paving replacement. Also, certain pockets of these street segments appear to have failures in base course, needing full depth construction. The funding will be utilized to rehabilitate pavement and curb and gutter replacement as necessary.

Field # 10 Lighting and Sidewalks at Kate Barr Ross Park - (\$250,000) – With all sports going to year round play, additional practice and playing fields are needed during the evenings. Without lights, the practices are cut short due to daylight during late fall through early winter. This mainly affects youth football practice. By providing light to Field #10 in Kate Barr Ross (KBR), it allows not only game practices during evenings year round, it also allows for renting the field for tournaments and special events. In addition, it protects the City from liability costs from injuries sustained due to not having lights.

New Aerial Mapping (fund 1/4 of total cost) (\$50,000) – Aerial and topographic mapping is an essential element in planning, engineering and managing the City’s infrastructure. Mapping is also an important tool for prospective developers, existing businesses, and citizens, for their respective needs. Updating

aerial and topographic mapping will not only aid in providing improved and more realistic data but also saves time and cost by saving field data gathering which is needed otherwise. The City will normally update the mapping once in 5 to 10 years to gather the developments and changes that have occurred over these periods. The City of Huntsville last updated the mapping in 2007. The funding to achieve aerial mapping is being sought partially each budget year. The City Council funded first such installment of \$50,000 in FY 15-16. The current estimated cost to achieve needed mapping is in \$150,000 range.

FISCAL YEAR 2016-17 DECISION PACKAGE 3

Item: Water Fund Capital Improvement Projects

Initiating Department/Presenter: Engineering, Ram Ramachandra, City Engineer

Executive Summary: Every year, the City budgets as part of its operational budget an amount of money within each individual fund for Capital Improvement needs. This year, City staff is recommending thirteen Capital Improvement Projects in the Water Fund. Each of these projects is described in detail below.

Financial Implications:

Fund	Funding Source			Total
	Operational Budget	Proposed Use of Fund Unallocated Reserve	Proposed Use of CIP Fund Unallocated Reserve	
Water	\$2,175,000	1,400,000		\$3,575,000

Detailed Discussion and Explanation:

Automatic Meter Replacement, \$100,000 - Six (6) years ago the City began a program to transition from manual/visual read water meters to AMR meters. This decision package continues that program for the FY 2016-2017. The system will achieve over 50% conversion to ARMs this fiscal year and will allow for the elimination of a meter reader position in 2017-2018. This water meter replacement program reduces meter reading costs, increases accuracy of meter reads, and decreases revenue loss due to old meters. The entire system will be converted to AMRs by FY 2020-2021.

Surge Protection to 30" Transmission Main-Hydropneumatic tank - (\$400,000) - In view of upgrading of high service pumps with TRA water treatment plant expansion, the City completed an engineering evaluation of the 30-inch treated water transmission line (between the TRA water treatment plant and the City) last year for its adequacy to handle higher pressures. The study mainly recommended:

- 1) Installation of hydropneumatic tank (primary surge control)
- 2) Replacement /addition of existing air/vacuum valves (secondary surge control)

Funding for design and installation for items 1 and 2 were made available in the last three years, totaling to \$680,000. Construction of item 2 is complete.

Design of item 1 (installation of the hydropneumatic tank) is complete and is ready for construction/installation. The hydropneumatic tank is designed to be installed at adjacent to TRA's water treatment plant, within TRA's property. Funding is being sought in FY 16-17 to fully fund the construction. Estimated cost of construction is in the \$800,000 range, including TRA's construction administration costs.

Well 18 – Well 19 Connector - (\$350,000) - The City currently has two wells (19 and 20) that pump water to the Spring Lake Water Plant. Well 18 is located approximately 2000' from the plant. Staff would like to connect Well 18 into the Spring Lake Plant (most likely with 8" PVC line). Connecting the additional well, Well 18, would offer further redundancy for the Spring Lake Water plant and the areas it services in the event that one of the other wells fails. It would be valved in so that it could pump to either Spring Lake or Palm Street based on need. This would provide a greater flexibility in operation.

30" Transmission Main Continuous Improvement Plan - (\$200,000) – Trinity River Authority (TRA) pumps treated water from the TRA surface water plant to the City's Palm Street Water Plant through the existing 30" water transmission main. The length of this 30" transmission main is approximately 11-miles long and was constructed forty (40) years ago, during mid- to late-1970s. 70 to 75% of the daily water demand is dependent on the integrity and condition of this 30" water transmission main. Maintaining the transmission main with preventive measures and being always prepared to respond in a timely manner, should any failure in the pipe occurs, is of paramount importance. Segments of pipes have failed in the past resulting in the shutdown of TRA water supply. Moving forward, as a preventive plan of action in maintaining this important City asset, budgeting funds annually in the amount of \$200,000 was proposed initially in FY 2015-2016. As a continuation, funding is being sought in FY 2016-2017 also. No expenditure has been incurred to date from this fund.

Engineering Design of Waterline Reconstruction – upsizing and replacement - (\$975,000) - The City has been replacing existing undersized and deteriorated waterlines in the Avenues and other older parts of the City each year, to the extent funding is made available for this purpose. Several such aged, undersized and deteriorated segments have been replaced in the last several years. Replacing and upsizing will help reduce waterline breaks, associated maintenance costs and improves water circulation and pressure in the water distribution system to serve domestic and fire protection needs.

As a continuation of upgrading the water infrastructure, engineering design of the following waterline replacement was budgeted in the FY 2016 budget and the funding for construction is being sought in FY 2016-2017 budget on the same following projects:

- a) 7th Street (Highway 75 to Old Madisonville Road) – replace 1,000 LF deteriorated existing 12" waterline - \$220,000 for construction
- b) Mary Avenue (Long Point to Roosevelt) – replace 1,860 LF existing 2" & 6" w/l with 6" waterline - \$220,000 for construction
- c) 13th Street (Avenue G to Sycamore) – replace 1,200 LF deteriorated existing 8" waterline - \$175,000 for construction
- d) Avenue P (7th Street to 10th Street) – replace 1,200 LF existing 2" & 6" waterline with 6" waterline - \$120,000 for construction
- e) Avenue P (19th Street to 22nd Street) – replace 1,700 LF existing 2" waterline with 6" waterline - \$240,000 for construction

The design of the projects is complete and the projects will be bid for construction as soon as the funding is confirmed.

11th Street (I-45 to University) - (\$350,000) – The existing waterline (6" & 8" cast iron material) in this segment (approx. 6,500 linear feet) has experienced several breaks in the last five (5) years - in excess of 20 breaks. It is corroded and has formed tuberculation (blisters) inside the pipe, causing restrictions in the flow. The number of breaks has been increasing year by year. The number of breaks increases during extreme weather seasons also, such as very dry or very wet years. This segment of 11th Street is one of the busiest arterial streets in the City, with several commercial and business establishments on both sides. The adverse impact on both traffic and water supply interruption is high during each water main break.

The City Council had approved funding for accomplishing engineering design and construction (\$122,000 for design and \$1.05 million for construction) in prior years. The project design to replace the existing waterline with 12" waterline is complete. Upsizing the line will help in improving the supply in terms of flow and pressure in the water distribution system. Based on the latest cost estimate, an additional \$350,000 is needed to supplement the construction budget, which is being sought here. The project is scheduled for bidding in September 2016.

Sam Houston Avenue (11th Street – 22nd Street) - (\$1,200,000) – The existing waterline (8" & 10" cast iron material) in this segment (approx. 5,400 linear feet) has also experienced several breaks in the last five years. The issues and impacts described above for the segment of 11th Street between IH 45 and Avenue M apply to this segment of 11th Street also. The Council had approved funding for accomplishing engineering design during FY 13. The project design is complete. The latest construction cost estimate is \$1.2 million. The project can be bid for construction as soon as the funding is confirmed.

FISCAL YEAR 2015-2016 DECISION PACKAGE 4

Item: Wastewater Fund Capital Improvement Projects

Initiating Department/Presenter: Engineering, Ram Ramachandra, City Engineer

Executive Summary: Every year, the City budgets as part of its operational budget an amount of money within each individual fund for Capital Improvement needs. This year, City staff is recommending five Capital Improvement Projects in the Wastewater Fund. Each of these projects is described in detail below.

Financial Implications:

Fund	Funding Source			Total
	Operational Budget	Proposed Use of Fund Unallocated Reserve	Proposed Use of CIP Fund Unallocated Reserve	
Wastewater	\$2,060,000	\$0	\$0	\$2,060,000

Detailed Discussion and Explanation:

Rehab and Expand Hitching Post Lift Station - (\$260,000) – Based on the findings of the recently completed citywide wastewater collection system capacity and condition assessment study, the Hitching Post Lift Station, located in the 500 block of the IH 45 North frontage road, is classified under a high risk category and needs rehabilitation on a priority basis. Also, the recorded data indicated that this lift station’s wet wells are surcharging above the pipe under existing flow conditions and rain events. This means the lift station needs to be expanded for both current flow conditions and future growth.

Replace 12” with 21” sewer line in Basin RC-03 (Robinson Creek Basin) – (\$1,800,000) – Based on the findings of the recently completed citywide wastewater collection system capacity and condition assessment study, the existing 12” sanitary sewer segment located in Raven’s Nest Golf Course between IH 45 and Veterans Memorial Parkway is at full capacity. In order to accommodate further growth in the service area and to provide enough capacity for peak wet weather wastewater flows, the sewer line needs upsizing from 12” to 21”. In fact, this upsizing is necessary at this time, as there are two new major developments (apartment complexes, one on the 2800 block of Lake Road and one on the 2200 block of Sam Houston Avenue) are expected to be in operation by end of 2017 within the service area of this major sanitary sewer segment. Developers of the above mentioned apartment complexes will be improving the needed City’s sewer system in the vicinity of their respective developments. Simultaneous improvement (upsizing) of 12” sanitary sewer line to 21” is necessary to accommodate these two new apartment complexes. Irrespective of these upcoming developments, this segment has been ranked higher among the sewer segments needing improvement in the recently completed study.

FISCAL YEAR 2016-2017 DECISION PACKAGE 5

Item: Proposed funding sources and levels of various position additions and changes

Initiating Department/Presenter: Finance Department, Steve Ritter, Director of Finance
Human Resources Department, Julie O'Connell, Director of Human Resources

Executive Summary: The City Manager's Recommended 2016-2017 Budget proposes the addition of 2 full-time positions and modifications to two positions. One of the proposed full-time positions is covered by reimbursements from the Utility Funds and the other additional full-time position is grant-eligible for reimbursement.

Financial Implications:

Funding Source			
Fund	Operational Budget	Proposed Use of <i>General</i> Fund Unallocated Reserve	Total
General	88,977	40,736	129,713
Water	3,321		3,321

Detailed Discussion and Explanation:

New Position – Inspection Supervisor - \$76,443 Salary & Benefits & \$2,200 for office equipment

New Position – Neighborhood Resources Clerk - \$40,736 Salary & Benefits

General Fund:

Modifications to Positions – \$10,334 – upgrade Support Services Supervisor position and upgrade the Neighborhood Resources Program Administrator position

Water Fund:

Modifications to Positions - \$3,321 –upgrade Water Plant Operator position to Sr. Operator

FISCAL YEAR 2016-2017 DECISION PACKAGE 6

Item: Proposed Uses of Unallocated Reserves from each fund

Initiating Department/Presenter: Finance Department, Steve Ritter, Director of Finance

Executive Summary: Each fund within the City accumulates Unallocated Reserves. Unallocated Reserves result when revenues exceed expenditures. Because Unallocated Reserves result from one-time, unanticipated circumstances, it is recommended that Unallocated Reserves be spent on one-time expenditures with minimal and identified associated operating expenses.

In the City Manager’s Recommended 2016-2017 Budget, various one-time expenditures are proposed for the Council’s consideration. Below is a detailed listing of the projects proposed for the use of Unallocated Reserves by fund.

Financial Implications:

Fund	Audited Beginning Unallocated Reserves as of September 30, 2015	Estimated Amount of Unallocated Reserves in excess of stated policy level at September 30, 2017	Proposed Use of Fund Unallocated Reserves FY 16-17
General	\$9,150,812	\$644,800	\$2,560,581
Water	\$7,880,221	\$2,680,900	\$1,444,070
Wastewater	\$2,403,674	\$498,700	\$23,909
Solid Waste	\$1,982,774	\$625,000	\$24,320
Tourist & Visitors Center	\$1,693,273	No policy stated	\$53,816
Police SRO Fund	\$39,723	No policy stated	\$9,920
Arts Center Fund	\$146,268	No policy stated	\$3,350
Capital Equipment Fund	\$1,786,371	No policy stated	\$62,190
Oakwood Cemetery	\$361,001	No policy stated	\$16,100
Court Security SRF	\$24,592	No policy stated	\$25,000
Court Technology Fund	\$140,811	No policy stated	\$4,306
Airport Fund	\$144,727	No policy stated	\$19,390

Detailed Discussion and Explanation:

General Fund:

- Two slides for parks maintenance - \$9,000
- Body Worn Cameras and Server for video - \$66,500
- Street CIP Projects - \$1,650,000
- Replacement Fire Engine – replace engine/vehicle - \$535,514
- School Zone & Decorative lighting controller frequency upgrade - \$19,136
- Diagnostics Kit for garage - \$13,250
- New Position – Neighborhood Resources Clerk -\$40,736
- 2.5% Merit/Step Increase - \$180,095

- Vacation Buy-Back - \$46,350

Water Fund:

- Additional funding of CIP Projects - \$1,400,000
- 2.5% Merit/Step Increase - \$20,570
- Off-road Utility vehicle - \$20,000
- Vacation Buy-Back - \$3,500

Wastewater Fund:

- 2.5% Merit/Step Increase - \$22,709
- Vacation Buy-Back - \$1,200

Solid Waste Fund:

- 2.5% Merit/Step Increase - \$18,220
- Vacation Buy-Back - \$6,100

Capital Equipment Fund:

- To balance fund - \$62,190

Oakwood Cemetery Fund:

- H/M event funding –Restore historical markers/fencing - \$16,100

Court Security Fund:

- Bullet Resistant Service Window and walls - \$25,000

Court Technology Fund:

- To balance fund - \$4,306

Airport Fund:

- To balance fund - \$19,390

Tourist & Visitors Center Fund:

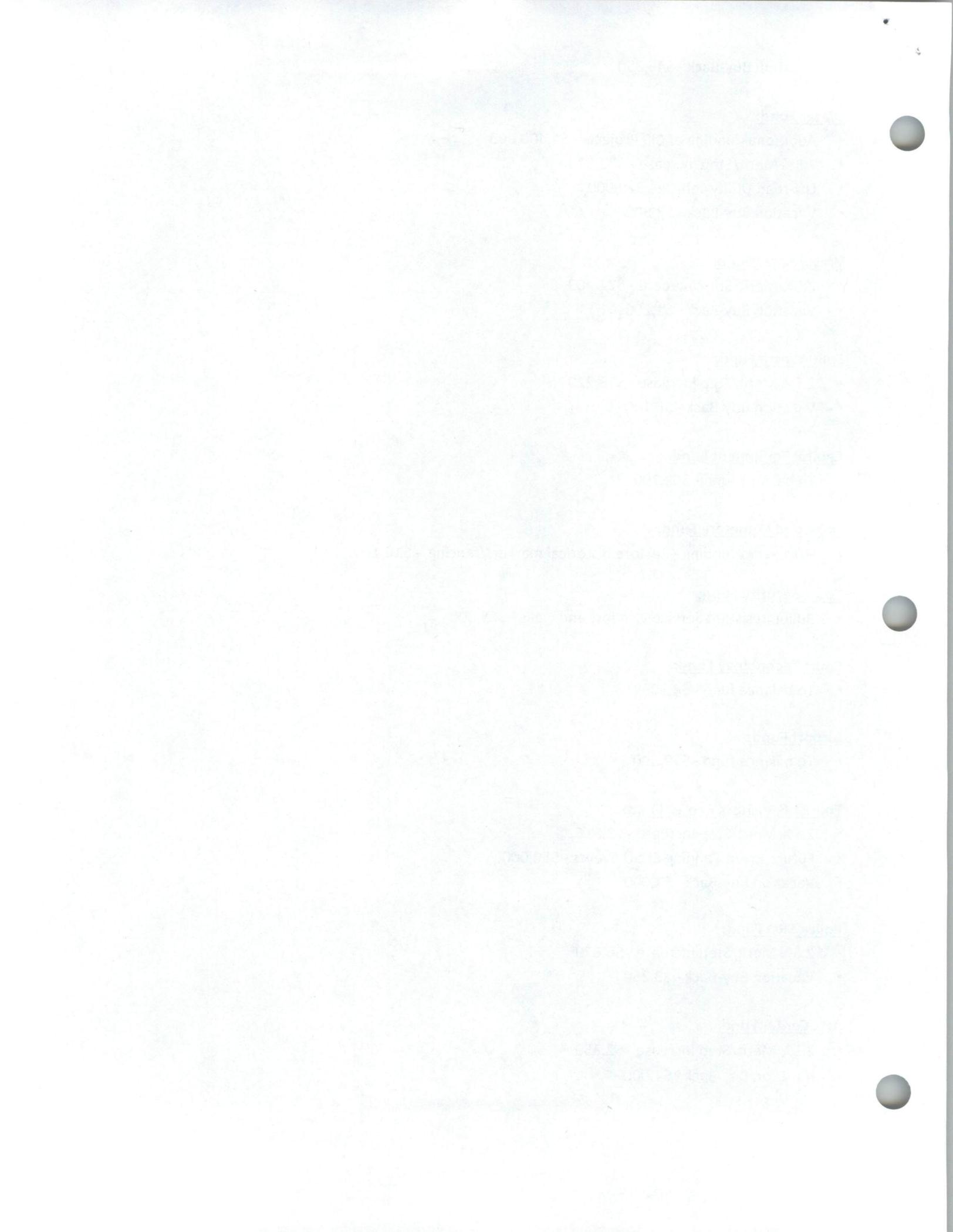
- 2.5% Merit/Step Increase - \$2,816
- Future Event Funding SHSU events - \$50,000
- Vacation Buy-Back - \$1,000

Police SRO Fund:

- 2.5% Merit/Step Increase - \$6,670
- Vacation Buy-Back - \$3,250

Arts Center Fund:

- 2.5% Merit/Step Increase - \$2,350
- Vacation Buy-Back - \$1,000





CITY COUNCIL AGENDA

9/6/2016
Agenda Item: 6e

Item/Subject: Consider action to waive interest or any other additional charges on the invoice for demolition at 313 Watkins so that \$4,538.47 can be paid and the property lien removed.

Initiating Department/Presenter: City Council

Presenter: Aron Kulhavy, Community and Economic Development Director

Recommended Motion: Move to authorize the City Manager to release the lien for the property located at 313 Watkins upon receipt of payment for the principal due on the lien.

Strategic Initiative: Goal #6 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: In January of 2005, the City filed a lien on the property located at 313 Watkins in the amount of \$4,538.47, for the demolition of a substandard structure on the property. According to the lien document, the assessment payable to the City of Huntsville is the principle in full plus 10% interest per annum until paid. As of August 31, 2016, the total interest accrued on this lien is \$4,324.15, resulting in a total amount due to the City of \$8,862.62.

Councilmember Allen has requested that the City waive the interest due and accept payment in full on the principle in order to release the lien. Release of this lien will allow the property to be sold and building permits to be issued to place or construct improvements.

The current owner of the property received the property via heirship from the property owner who owned the property at the time of demolition. According to the Walker County Appraisal District, the property taxes are paid to date on the property.

Previous Council Action: The City Council has taken no previous action on this property since causing the demolition of the substandard structure and the placement of the lien in 2004. In October 2015, the Council approved an agreement with the property owner at 920 ½ Avenue C to reduce the amount due the City for demolition and property tax liens.

Financial Implications:

Item is estimated to generate additional revenue: If the request is approved, the City will receive \$4,538.47 in revenue. If the request is not approved, the lien in the full amount will remain in place on the property; however, it should be noted that the full lien is nearly equal the value of the property and may not ever be recovered in full.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Request by Councilmember Allen (p. 2)
- Filed lien (pp. 3-4)

I, Ronald Allen, would like to place the following for the September 6, 2016 City Council meeting agenda:

Presentation, public comment, discussion and possible action to waive interest or any other additional charges on the invoice for demolition at 313 Watkins, so that \$4,538.47 can be paid and the property lien removed.

Signature: *Ronald Allen*

Date: *8/29/16*

Rec'd. 8/29/16, 8:45 am (Ye)

DEMOLITION, MOWING AND CLEAN-UP LIEN

STATE OF TEXAS §

COUNTY OF WALKER §

CITY OF HUNTSVILLE §

WHEREAS, pursuant to Texas Health and Safety Code, Chapter 342, Texas Local Government Code, Chapter 214, and the Code of Ordinances of the City of Huntsville, Texas ("City"), the City demolished and removed from the premises known as 313 Watkins, Huntsville, Texas, certain substandard building(s), and the City removed trash, debris and mowed the property, and

WHEREAS, the Code of Ordinances of the City further authorizes the City Building Official to keep a record of such expenses to be assessed as a lien against the property involved, NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS that

On the 12th day of January, 2005, there was levied an assessment in the sum of FOUR THOUSAND FIVE HUNDRED THIRTY-EIGHT DOLLARS AND 47/00 (\$4,538 47) against property situated in the City of Huntsville, Texas, known as 313 Watkins, Huntsville, Texas and described as

Being out of and part of Lot 7 of the J Kimball Watkins partition and being more specifically described in a Correction Deed dated July 21, 1972, and recorded in Vol 251, p 773, Deed Records of Walker County, Texas, said tract of land being out of and a part of the Pleasant Gray League, Abstract 24, Walker County, Texas

And against the true owner or owners thereof, named as follows

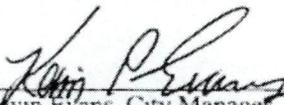
Gwendolyn Horn

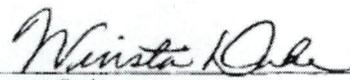
This assessment is payable to the City of Huntsville together with interest thereon from January 12, 2005, at the rate of ten per cent (10%) per annum until paid.

This assessment, together with interest, is declared to be a privileged lien on the above-described property, superior to all liens or claims except state, county, city and school district ad valorem taxes and paving improvement liens

Done this 21st day of February, 2007

CITY OF HUNTSVILLE, TEXAS


Kevin Evans, City Manager


Winston Duke,
Finance Director/Tax Collector
1212 Avenue M
Huntsville, Texas 77340
(936)291-5400

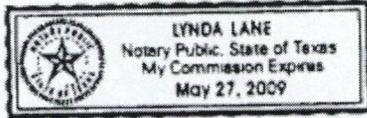
Bk Vol Pg
00001435 OR 795 424

APPROVED

Thomas A. Leeper
Thomas A. Leeper, City Attorney

STATE OF TEXAS §
COUNTY OF WALKER §

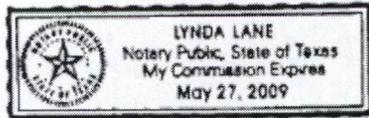
This instrument was acknowledged before me, undersigned authority, by Kevin Evans on this the 21st day of February, 2007, as City Manager



Lynda Lane
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF WALKER §

This instrument was acknowledged before me, undersigned authority, by Winston Duke on this the 21st day of February, 2007, as Tax Collector



Lynda Lane
Notary Public, State of Texas

	Bk	Vol	Ps
00001435	OR	795	425

Filed for Record in:
Walker County

On: Feb 27, 2007 at 09:59A

As a
Recording

Document Number: 00001435

Amount: 15.00

Receipt Number - 20531

By
Gail McMillion

I

STATE OF TEXAS COUNTY OF WALKER

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of: Walker County as stamped hereon by me.

Feb 27, 2007

James D Patton, County Clerk
Walker County



CITY COUNCIL AGENDA

9/6/2016

Agenda Item: 6f

Item/Subject: Consider request from Councilmember Allen to discuss Councilmembers speaking for other Councilmembers related to the bond issue, in particular the use of the collective word "we."

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager

Recommended Motion: This item is posted exclusively for discussion

Discussion: In the closing section of the City's bond video, the Mayor states:

"We believe these projects can be completed in a manner to coincide with our debt retirement so they will have no effect on our tax rate or our utility rates."

A couple of points to keep in mind:

- Through the months of March, April, May and June, the Council carefully and deliberately reviewed the professional studies for the projects now included on the November ballot as Propositions #1, #2, and #3. The entire effort was a collaborative, group effort conducted openly and transparently at posted workshops and meetings.
- In the August 5, 2016, Friday memo, the City Manager carefully laid out the expiring debt and additional revenue needed to fund Propositions #1, #2, and #3. No one has raised any doubt or questioned whether the principal and interest associated with the three propositions can be paid for with expiring debt and additional, known revenue sources.
- During the months of June and July, the City Council carefully reviewed the amounts, terms, and proposed bond language for Propositions #1, #2, and #3. In the end, all three Propositions were placed on the ballot by a unanimous vote of the Council. If there was any reason to believe the presumed financing method was in question or debatable, it would seem there was ample time to address that issue with the entire Council.

Associated Information:

- Councilmember Allen's request (page 2)

Ms. Woodward.

Please place the following on the September 6, 2016 agenda.

Discussion of council members speaking for other council members related to the bond issue, in particular the use of the collective word "we".

Donald Allen

8/30/16

Rec'd. 8/30/16, 4:37 pm JHW