

# CITY OF HUNTSVILLE, TEXAS

Andy Brauning, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4  
Paul Davidhizar, Position 1 At-Large  
Tyler McCafferty, Position 2 At-Large  
Clyde D. Loll, Position 3 At-Large



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

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## HUNTSVILLE CITY COUNCIL AGENDA TUESDAY, DECEMBER 20, 2016 WORKSHOP 4:30 P.M. – 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.

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**WORK SESSION [4:30 P.M.]** – The City Council will receive a presentation from Freese and Nichols on horizontal infrastructure related to the City's sanitary sewer system.

#### 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. 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 December 6, 2016. [Lee Woodward, City Secretary]
- b. Reject all responses to the water and wastewater supply invitation for bid. [Carol Reed, Director of Public Works]
- c. Authorize the City Manager to apply for an Emergency Management Performance Grant (EMPG). [Dr. Sherry McKibben, Director of Neighborhood Resources]
- d. Approve the purchase of one 2018 Schwarze Model A7 Street Sweeper. [Mike Clouds, Fleet Manager]

##### 4. STATUTORY AGENDA

- a. **FIRST READING** - *Presentation, public comment, discussion, and possible action* to authorize the City Manager to award the purchase of Street Milling/Overlay and Street Reconstruction services, first reading. [Carol Reed, Director of Public Works]
- b. **FIRST READING** - *Presentation, public comment, discussion, and possible action* to approve the purchase of one Ferrara Pumper Fire Truck, first reading. [Mike Clouds, Fleet Manager]
- c. *Presentation, public comment, discussion, and possible action* to authorize the City Manager to sign an Access Easement for Sam Houston State University to construct a sidewalk to connect a planned parking project. [Matt Benoit, City Manager]

##### 5. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY

- a. *Presentation, public comment, discussion, and possible action* on the Mayor's nominations for Council Committees – Councilmember Loll for the Communications and Service Committee, and Councilmembers Emmett, Humphrey, Rodriguez, and Davidhizar for the Finance Committee. [Mayor Brauning]
- b. *Presentation, public comment, discussion, and possible action* on the Mayor's nomination of David Standlee to the Hotel Occupancy Tax Board. [Mayor Brauning]
- c. *Presentation, public comment, discussion, and possible action* on the nomination of the 2017 TIRZ #1 Board of Directors Chair. [Mayor Brauning]

##### 6. 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, December 13, 2016.

##### 7. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

##### 8. 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.)*

**9. 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 December 20, 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](http://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 6<sup>TH</sup> DAY OF DECEMBER 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a regular session with the following:

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

**COUNCILMEMBERS ABSENT:** None

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

**PUBLIC RECEPTION [5:00 P.M.]** – The public is invited to join the City Council in thanking Councilmembers Montgomery and Johnson for their service and congratulating Councilmembers Paul Davidhizar, Tyler McCaffety, Clyde D. Loll, and Keith D. Olson on their recent election.

**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.*

Councilmember Humphrey gave an invocation and Caleb Smith from HISD led the pledges.

3. **ELECTION MATTERS**

a. **Administer the Oath of Office to the newly-elected City Councilmembers-at-Large by Walker County Judge Danny Pierce. [Lee Woodward, City Secretary]**

b. **Presentation, public comment, discussion, and possible action to elect a Mayor Pro Tem. [Mayor Brauninger]**

Mayor Brauninger nominated Councilmember Olson for Mayor Pro Tem. There were no other nominations. The motion was adopted unanimously, 9-0.

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 November 15, 2016 and the Special Session on November 17, 2016. [Lee Woodward, City Secretary]**

b. **Authorize the City Manager to enter into an agreement with RPS Klotz Associates for professional engineering services for Robinson Creek Basin Sanitary Sewer Replacement Project. [Ram Ramachandra, City Engineer]**

c. **Adopt Ordinance 2017-09 to amend the Wastewater CIP Capital Improvement Projects budget. [Steve Ritter, Finance Director]**

d. **Adopt Ordinance 2017-06 to amend the budget for FY 16-17 and amend the Capital Improvement Projects budget. [Steve Ritter, Finance Director]**

e. **Adopt Ordinance 2017-07 to amend the budget for FY 16-17 and amend the Capital Improvement Projects budget. [Steve Ritter, Finance Director]**

f. **Adopt Ordinance 2017-08 amend the Wastewater CIP Capital Improvement Projects budget. [Steve Ritter, Finance Director]**

Councilmember Humphrey moved to adopt the consent agenda; the motion was seconded by Councilmember Davidhizar. Councilmember Allen pulled items d, e, and f. Councilmember Rodriguez pulled item c. The motion to approve items a and b was unanimously adopted, 9-0.

Councilmember Humphrey moved to adopt Ordinance 2017-09 to amend the Wastewater CIP Capital Improvement Projects budget and was seconded by Councilmember Loll. The motion was unanimously approved, 9-0. Councilmember Davidhizar moved to adopt Ordinance 2017-06 to amend the budget for FY 16-17 and amend the Capital Improvement Projects budget and was seconded by Mayor Pro Tem Olson. Councilmember Davidhizar moved to amend his motion to include items e and f. The motion to amend was adopted unanimously, 9-0. The amended main motion to approve items d, e, and f was unanimously adopted, 9-0.

5. **STATUTORY AGENDA**

a. **Presentation, public comment, discussion, and possible action to consider a Historic Preservation Overlay District Map Amendment for 1215 19th Street, The 1834 Collard Homestead, in the city limits of Huntsville and adopt Ordinance 2017-11 in support of same, second reading. [Aron Kulhavy, Director of Community and Economic Development]**

Councilmember Rodriguez moved to approve a Historic Preservation Overlay District Map Amendment for 1215 19th Street, The 1834 Collard Homestead, in the city limits of Huntsville, as recommended by the Historic Preservation Commission and the Planning Commission and adopt Ordinance 2017-11 in support of same. The motion was seconded by Councilmember Humphrey. The motion was adopted, 9-0.

b. **Presentation, public comment, discussion, and possible action to consider a Historic Preservation Overlay District Map Amendment for 1228 11th Street, The Gibbs Powell House County Museum, in the city limits of Huntsville and adopting Ordinance 2017-12 in support of same, second reading. [Aron Kulhavy, Director of**

## Community and Economic Development]

Councilmember Humphrey moved to approve a Historic Preservation Overlay District Map Amendment for 1228 11th Street, The Gibbs Powell House County Museum, in the city limits of Huntsville as recommended by the Historic Preservation Commission and the Planning Commission and adopt Ordinance 2017-12 in support of same. The motion was seconded by Councilmember Davidhizar. The motion was adopted, 9-0.

- c. **FIRST READING - Presentation, public comment, discussion, and possible action to consider authorizing the City Manager to award the construction contract for Miscellaneous Waterline Replacement Projects Nos. 16-10-13 through 16-10-17, first reading. [Ram Ramachandra, City Engineer]**

Councilmember Humphrey moved to waive a second reading per the provisions of the Council Rules of Provision and was seconded by Councilmember Rodriguez. The waiver was approved 7-2, Councilmembers Allen and Davidhizar voting against. Councilmember Humphrey moved to authorize the City Manager to award the construction contract to 5-T Utilities, Inc. for the construction of Miscellaneous Waterline Replacement Projects Nos. 16-10-13 to 16-10-17, in the amount of \$696,551.35; the motion was seconded by Mayor Pro Tem Olson. The motion was unanimously adopted, 9-0.

- d. **Presentation, public comment, discussion, and possible action to consider authorizing the City Manager to approve a contract with TRU Services/American Fidelity for stop loss insurance coverage in the amount of \$273,597. [Julie O'Connell, Director of Human Resources]**

Councilmember Davidhizar moved to authorize the City Manager to approve a contract with TRU Services/American Fidelity for stop loss insurance coverage in the amount of \$273,597; the motion was seconded by Councilmember Loll. The motion was adopted, 9-0.

- e. **Presentation, public comment, discussion, and possible action to consider adoption of Ordinance 2017-05 to amend the budget for FY16-17 for various parking initiatives including approval of an Engineering Agreement to create approximately 185 additional paid parking spaces north of Sam Houston State University and illustration and specifications for parking restrictions in the neighborhood west of Sam Houston State University. [Steve Ritter, Finance Director; Ram Ramachandra, City Engineer]**

Councilmember Loll moved to adopt Ordinance 2017-05 to amend the budget for FY 16-17 and approval of an Engineering Agreement with Walter P. Moore Engineering in the amount of \$31,300, to create approximately 185 additional paid parking spaces north of Sam Houston State University and illustration and specifications for parking restrictions in the neighborhood west of Sam Houston State University; the motion was seconded by Mayor Pro Tem Olson. The motion was adopted, 8-1, Councilmember Allen voting against. David White was permitted to provide public comment following the vote.

- f. **Presentation, public comment, discussion, and possible action to consider adoption of Ordinance 2017-04 amending the FY16-17 Annual Budget to amend the "Schedule of Fees and Charges" to change the hourly rate for "Posted Hourly Parking Fee", and declaring an effective date. [Steve Ritter, Finance Director]**

Mayor Pro Tem Olson moved to adopt Ordinance 2017-04 amending the FY 16-17 Annual Budget to amend the "Schedule of Fees and Charges" to change the hourly rate for "Posted Hourly Parking Fee", and declaring an effective date; the motion was seconded by Councilmember Davidhizar. 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 designate a City representative and alternate to the Houston-Galveston Area Council (H-GAC) for 2017. [Mayor Brauning]**

Mayor Brauning moved his nomination of the Mayor and Mayor Pro Tem act as the representative and alternate. The appointment was approved, 9-0.

- b. **Presentation, public comment, discussion, and possible action to consider Ordinance 2017-10 (Emergency) appropriating \$650,000 for the Huntsville Animal Shelter and declaring an Emergency and Directing the City Manager to take certain steps to construct the Huntsville Animal Shelter or Ordinance 2017-13 (Non-Emergency) appropriating \$650,000 for the Huntsville Animal Shelter and authorizing and directing the City Manager to conduct a conventional Design and Construction Process for the Huntsville Animal Shelter. [City Manager Matt Benoit]**

Councilmember Humphrey moved to approve Ordinance 2017-10 (Emergency) appropriating \$650,000 for the Huntsville Animal Shelter and Declaring an Emergency and directing the City Manager to take certain steps to construction the Huntsville Animal Shelter. The motion was seconded by Councilmember Davidhizar and Mayor Pro Tem Olson. Daphna Dennis gave public comment. The motion was 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, November 29, 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 Brauning announced:

- Contact the Wynne Home for tickets to their performances of The Nutcracker this week. It is a wonderful production in association with Nicolay Dance Works and a very special and different way to experience this holiday standard.
- HPD is very proud of Officer Je'ard Collins. He was just named the Mothers Against Drunk Driving Hero of the Highway for the second year in a row!
- HPD is now accepting applications for the 2017 Citizens Police Academy. Check their website or call Officer Kaaa at 291-5493.
- City of Huntsville facilities will be closed Dec. 23 and 26 for the Christmas holidays.

Councilmember Humphrey lauded the SHSU Marching Band and Directors Gibbs and Grasier, for their moving tribute performed at Saturday's game of those lost in a bus accident in Tennessee. She also announced that University Heights Baptist Church was holding a Christmas choir concert and food drive Thursday evening at 7 p.m.

**10. EXECUTIVE SESSION**

- a. **City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 - 071 – consultation with counsel on legal matters, and Section 551.072 – deliberation regarding purchase, exchange, lease or value of real property located at 1105 University Avenue and 1114 Sam Houston Avenue. [Leonard Schneider, City Attorney; Matt Benoit, City Manager]**
- b. **City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.087 – deliberation regarding economic development negotiation to deliberate project *Nighttime*. [Matt Benoit, City Manager]**

The Council adjourned into Executive Session at 8:01 p.m.

**11. RECONVENE**

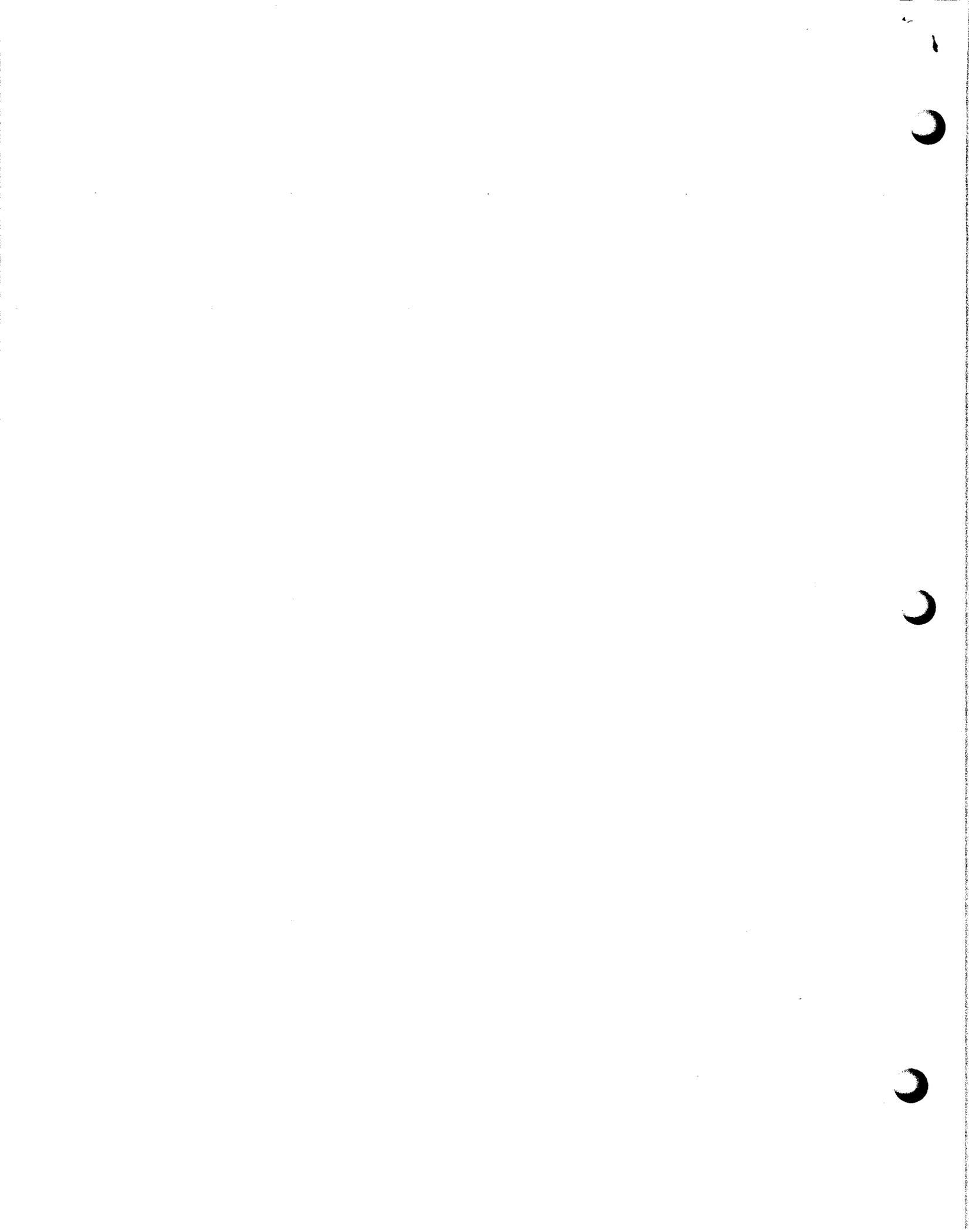
- a. **Take action, if necessary, on items addressed during Executive Session.**

The Council reconvened at 9:11 p.m. Mayor Pro Tem Olson moved to authorize staff to negotiate a lease on 1117 Sam Houston Avenue and to receive bids on the relocation of the Farris Cabin. The motion was seconded by Councilmember Davidhizar. The motion passed unanimously, 9-0.

**12. ADJOURNMENT**

Mayor Brauning adjourned the meeting at 9:12 p.m.

Lee Woodward, City Secretary





**CITY COUNCIL AGENDA**

12/20/2016

Agenda Item: 3b

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**Item/Subject:** Consider rejection of all responses to the water and wastewater supply invitation for bid.

**Initiating Department/Presenter:** Public Works

**Presenter:** Carol Reed, Director of Public Works

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**Recommended Motion:** Move to reject all responses to the water and wastewater supply invitation for bid.

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**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.

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**Discussion:** The City conducted an invitation for bid for water and wastewater supplies maintained as inventory in the City's warehouse. The invitation for bid was advertised in the Huntsville Item, placed on The State of Texas bid notification system, Electronic State Business Daily, placed on the Public Purchase bid notification system, and six supply vendors were notified.

There were two responses received, one of the two responders "no bid" around 200 of the 300 requested items. The other responder "no bid" the invitation to bid section requesting catalog discounts for non-stocking items used for specialty items or when name brand is required for compatibility. Due to the dollar volume of this purchase, around \$200,000 annually, staff's recommendation is to reject the bids and rebid.

In accordance with the Local Government Code, prior to rejecting any formal bid staff is required to have City Council's approval. Should Council approve to reject, staff is prepared to rebid the items and return for Council approval. Staff will aggressively make bid adjustments, with a goal of gaining a larger responder pool.

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**Previous Council Action:** No previous Council action

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**Financial Implications:**  There is no financial impact associated with this item.

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**Approvals:**     City Attorney                       Director of Finance                       City Manager

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**Associated Information:**

- None





**CITY COUNCIL AGENDA**

12/20/2016  
Agenda Item: 3c

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**Item/Subject:** Consider authorizing the City Manager to apply for an Emergency Management Performance Grant (EMPG).

**Initiating Department/Presenter:** Neighborhood Resources

**Presenter:** Dr. Sherry McKibben, Director of Neighborhood Resources

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**Recommended Motion:** Move to authorize the City Manager to apply for an Emergency Management Performance Grant (EMPG).

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

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**Discussion:** This grant is provided to the City as a pass-through from the Federal Government (FEMA) to the State (TDEM) for the purpose of providing a system of emergency preparedness for the protection of life and property. This grant reimburses the City for a portion of the salary and benefits for providing an Emergency Management Coordinator.

Serving as the Emergency Management Coordinator is 50% of the job duties of John Waldo in the Fire Department. In the past, this has amounted to between \$15,000.00 and \$21,000.00 annually.

The City has been receiving these funds since 2004.

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**Previous Council Action:** No previous Council actions have been taken on this item.

**Financial Implications:**

There is no financial impact associated with this item.

Item is budgeted: 101-42801 In the amount of: \$20,800.00

Item is not budgeted:

Item is estimated to generate additional revenue:

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**Approvals:**  City Attorney  Director of Finance  City Manager

**Associated Information:**

- None





**CITY COUNCIL AGENDA**

12/20/2016  
Agenda Item: 3d

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**Item/Subject:** Consider the purchase of one 2018 Schwarze Model A7 Street Sweeper.

**Initiating Department/Presenter:** Public Works

**Presenter:** Mike Clouds, Fleet Manager

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**Recommended Motion:** Move to approve the purchase of one 2018 Schwarze Model A7 Tornado Regenerative Air Street Sweeper on a Freightliner Chassis through HGACBuy, from Heil of Texas, for \$218,369.00.

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**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.

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**Discussion:** City asset #383, a 2009 Tymco Street Sweeper, is listed on the FY16-17 Vehicle and Equipment Replacement Schedule and was approved to be replaced. The City has spent about \$53,000 in maintenance and repairs. This asset is critical because it is used to clean 142 miles of city streets multiple times each year. Street cleaning also reduces the amount of debris from entering the storm water collection system. This vehicle is also used to clean up after *Fair on the Square* and numerous parades. This asset recently had an engine fire and is still at the dealership for repairs.

Upon replacement, this asset will be placed in backup status and asset #408, a 2004 Johnston Sweeper, will be sold at auction.

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**Previous Council Action:** This purchase was included in the 2016-2017 City Manager's Recommended Budget that was approved.

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**Financial Implications:**

There is no financial impact associated with this item.

Item is budgeted: 306-379-69040 In the amount of \$1,554,014 orig. budget (\$1,258,923 balance ; estimated cost of the Street Sweeper of \$230,000.00 included in the budget

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**Approvals:**  City Attorney  Director of Finance  City Manager

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**Associated Information:**

- HGACBuy contract pricing worksheet (page 2)

**HGACBuy****CONTRACT PRICING WORKSHEET**  
For MOTOR VEHICLES Only

Contract No.: SW-04-16

***This Worksheet is prepared by Contractor and given to End User. If a PO is issued, MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print.***

Buying Agency:	City of Huntsville, Texas	Contractor:	Heil of Texas
Contact Person:	John Hereford	Prepared By:	Terry Parsons
Phone:	281-420-5395	Phone:	832-948-8402
Fax:	936-294-5705	Fax:	713-923-7600
Email:	jhereford@huntsvillex.gov	Email:	terryparsons@heiloftexas.com

Product Code:	BF02	Description:	Schwarze Model A7 Tornado Regenerative Air Street Sweeper
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**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:****B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description (Note: Published Options are options which were submitted and priced in Contractor's bid.)**

Description	Cost	Description
John Deere 115HP Tier IV Final Auxiliary Engine	0	2 Nozzle Hopper Deluge System
Standard Sweeping Head with Rubber Blast Orifice	0	In-Cab Load Weight Indicator
Dual 44" Diameter Gutter Brooms	0	In-Cab Hopper Up Alarm and Indicator
Dual In-Cab Gutter Broom Tilt Controls	0	In-Cab Hopper Auxiliary Engine Screen Cover
Dual Gutter Broom Extension Override System (GEO)	2510	In-Cab Hopper Door Open Indicator
Full Sweeper Standby System with Throttle Ramp	0	In-Cab Low Hydraulic Level Indicator
Dual In-Cab Controlled Variable Speed Gutter Brooms	0	Rear LED Strobe with Guard
Dual Camera System with In-Cab LCD Monitor	300	LED Traffic Guide Arrowboard with In-Cab
8.4 Cubic Yard Debris Hopper Stainless Steel Construction	6290	250 Gallon Water Capacity for Dust Control
6" Stainless Steel Rear Door Mounted Hopper Drain		In-Cab Water Tank Low Level Alarm and Indi
In-Cab Controlled Hopper Dump Assist Shaker	1310	<b>Subtotal From Addit</b>

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**

(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description
10 Point Labeled Grease Manifold	1015	
150 Gallon Additional Rear Mounted Tank	3045	<b>Subtotal From Addit</b>

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	For this transaction the p
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**D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)**



## CITY COUNCIL AGENDA

12/20/2016

Agenda Item: 4a

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**Item/Subject:** Consider authorizing the City Manager to award the purchase of Street Milling/Overlay and Street Reconstruction services, first reading.

**Initiating Department/Presenter:** Public Works

**Presenter:** Carol Reed, Director of Public Works

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**Recommended Motion: FIRST READING** - Move to authorize the City Manager to award the purchase of Street Milling/Overlay and Street Reconstruction services from AAA Asphalt Paving Company in the amount of \$856,338.69.

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**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.

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**Discussion:** As part of the City Council's 2014 Strategic Plan, the City awarded a comprehensive street assessment study to Infrastructure Management Services (IMS). The City's primary goal was to determine the conditions of and rank City streets based on data gathered by IMS. Subsequently the City received a street condition assessment and IMS offered a 5-year maintenance plan for improvement in the overall street condition for Huntsville.

Based on the findings, the City conducted a formal sealed solicitation for street milling with overlay (see complete list below) and the City gained a price per square yard for future unnamed streets, should this become necessary during FY 16-17. The formal solicitation also included a street reconstruction for Johnson Road. Street milling is a process in which the asphalt layer is removed and then reapplied. Street reconstruction occurs when the asphalt with base is recycled in place, stabilized, and new asphalt is applied. Seventeen potential vendors were contacted; the solicitation was also placed on Electronic State Business Daily, Public Purchase, City of Huntsville Web Site, and in the Huntsville Item. There were five responses received.

The recommended vendor, AAA Asphalt, recently completed several street milling with overlay projects for the City. AAA Asphalt completed the projects on time, within budget, and with no negative comments concerning workmanship. AAA Asphalt worked well with citizens and staff to avoid inconvenience and delays for residents of the affected streets. The City staff is prepared to notify citizens and business in the project areas as the project proceeds. Should AAA Asphalt be awarded, barring weather delays, the City is ready to begin the Johnson Road and milling/overlay projects in January 2017.

The street milling portion of this bid will be \$618,473.25 and the street reconstruction amount is \$237,865.44, for a total award of \$856,338.69. Due to the dollar amount of this recommendation, two readings are required per the City Council *Rules of Procedure*.

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**Previous Council Action:** March 3, 2015 agenda item 5b approved the IMS Study and June 21, 2016 agenda item 4e approved various street milling and paving.

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**Financial Implications:**

Item is budgeted: 101-323-53051 In the amount of original budget \$1,447,817 amended to \$1,154,817 (reduced \$143,000 for Paid Parking revenue shortfall & \$150,000 moved for additional parking spaces costs)

Approvals:  City Attorney  Director of Finance  City Manager

**Associated Information:**

- Bid tabulation below

Bid No. 17 - 01 Street Milling with Overlay and Street Reconstruction Bid Tabulation		IMS Condition Rating		Unit of Measure Square Yards	Knife River		AAA Asphalt		CCC Blacktop		Forde Construction		Larry Young Paving	
					Per Square Yard	Total	Per Square Yard	Total	Per Square Yard	Total	Per Square Yard	Total	Per Square Yard	Total
<b>Task / Item # 1</b>														
	Avenue R - 19th to N. End	Very Good to Marginal	4,863	\$ 22.05	\$ 107,229.15	\$ 13.95	\$ 67,838.85	NO BID			\$ 14.00	\$ 68,082.00	\$ 15.65	\$ 76,105.95
	Avenue P - 22nd to 25th	Fair	5,009	\$ 22.05	\$ 110,448.45	\$ 13.95	\$ 69,875.55	NO BID			\$ 15.00	\$ 75,135.00	\$ 15.65	\$ 78,390.85
	Avenue P (WCIP) - 10th to 7th	Marginal	3,840	\$ 22.05	\$ 84,672.00	\$ 13.95	\$ 53,568.00	NO BID			\$ 17.00	\$ 65,280.00	\$ 15.65	\$ 60,096.00
	Avenue I - 7th to 9th	Good	2,623	\$ 22.05	\$ 57,837.15	\$ 13.95	\$ 36,590.85	NO BID			\$ 17.00	\$ 44,591.00	\$ 15.65	\$ 41,049.95
	Avenue J - 11th to Bearkat	Good to Fair	7,110	\$ 22.05	\$ 156,775.50	\$ 13.95	\$ 99,184.50	NO BID			\$ 16.00	\$ 113,760.00	\$ 15.65	\$ 111,271.50
	Avenue O - 11th to 10th	Good	1,487	\$ 22.05	\$ 32,788.35	\$ 13.95	\$ 20,743.65	NO BID			\$ 19.00	\$ 28,253.00	\$ 15.65	\$ 23,271.55
	Camellia Circle - Camellia to End	Marginal	756	\$ 22.05	\$ 16,669.80	\$ 13.95	\$ 10,546.20	NO BID			\$ 31.00	\$ 23,436.00	\$ 15.65	\$ 11,831.40
	Camellia Ct. - Camellia to End	Very Poor	868	\$ 22.05	\$ 19,139.40	\$ 13.95	\$ 12,108.60	NO BID			\$ 29.00	\$ 25,172.00	\$ 15.65	\$ 13,584.20
	El Toro Dr. - Sam Houston to End	Marginal	2,355	\$ 22.05	\$ 51,927.75	\$ 13.95	\$ 32,852.25	NO BID			\$ 17.00	\$ 40,035.00	\$ 15.65	\$ 36,855.75
	W. Hill Park Circle - SH 30 to End	Fair	2,902	\$ 22.05	\$ 63,989.10	\$ 13.95	\$ 40,482.90	NO BID			\$ 18.00	\$ 52,236.00	\$ 15.65	\$ 45,416.30
	Holly Springs Dr - Pine Shadows to N. End	Marginal	2,605	\$ 22.05	\$ 57,440.25	\$ 13.95	\$ 36,339.75	NO BID			\$ 18.00	\$ 46,890.00	\$ 15.65	\$ 40,768.25
	Research Dr. - Medical Ctr Pkwy to Memorial Hospital Dr.	Marginal to Poor	2,568	\$ 22.05	\$ 56,624.40	\$ 13.95	\$ 35,823.60	NO BID			\$ 19.00	\$ 48,792.00	\$ 15.65	\$ 40,189.20
	Memorial Hospital Dr. - Robinson Creek Pkwy to Medical Center Pkwy	Good to Marginal	2,259	\$ 22.05	\$ 49,810.95	\$ 13.95	\$ 31,513.05	NO BID			\$ 18.00	\$ 40,662.00	\$ 15.65	\$ 35,353.35
	Medical Center PKWY - Research to Memorial Hospital Dr.	Marginal	2,781	\$ 22.05	\$ 61,321.05	\$ 13.95	\$ 38,794.95	NO BID			\$ 17.00	\$ 47,277.00	\$ 15.65	\$ 43,522.65
	13th Street - Ave O to Ave Q	Fair	2,309	\$ 22.05	\$ 50,913.45	\$ 13.95	\$ 32,210.55	NO BID			\$ 18.00	\$ 41,562.00	\$ 15.65	\$ 36,135.85
	Total Item # 1		44,335	\$ 22.05	\$ 977,586.75	\$ 16.00	\$ 618,473.25	NO BID			\$ 18.00	\$ 761,163.00	\$ 15.65	\$ 693,842.75
	Additional UnNamed St.		PER SY	\$ 22.05	\$	\$	\$	NO BID			\$ 18.00	\$	\$	\$
	Mobilization Fee per St							NO BID			No Bid	\$	\$	750.00
	Bid for all Streets				YES		NO	NO BID			YES			NO
	<b>Task / Item #2</b>													
	Johnson Road	Marginal to Poor	6,648	\$ 64.60	\$ 429,460.80	\$ 37.88	\$ 251,826.24	\$ 40.85	\$ 271,570.80	No Bid			\$ 39.00	\$ 259,272.00
	Alternate H/MAC		6,648	\$ 66.15	\$ 439,765.20	\$ 35.78	\$ 237,865.44	\$ 42.00	\$ 279,216.00	No Bid			No Bid	No Bid
	Total Item # 1 & Alt. Item #2				\$1,417,351.95		\$856,338.69		\$ 279,216.00			\$ 761,163.00		\$ 953,114.75

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



CITY COUNCIL AGENDA

12/20/2016

Agenda Item: 4b

**Item/Subject:** Consider the purchase of one Ferrara Pumper Fire Truck, first reading.

**Initiating Department/Presenter:** Public Works

**Presenter:** Mike Clouds, Fleet Manager

**Recommended Motion: FIRST READING** - Move to approve the purchase of one 2018 Ferrara Custom Rescue Pumper Body and Cinder Chassis through HGACBuy from Hall Buick – GMC for \$527,722.00.

**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:** City asset #051, a 2007 International Chassis with Pierce Medium Sized Pumper Fire Truck Body, currently has over 9,600 hours and 135,000 miles. It is expected to have over 150,000 miles on it before the new one will be delivered. This fire truck is critical to the Fire Department and the community because it is a “first out” unit that responds to every emergency call. The City currently has two Ferrara Fire Trucks in our fleet, both 2004 models. The City has been pleased with the performance, dependability, and service after the sale.

A decision package was submitted and approved in the amount of \$535,514 for the replacement of this truck and required equipment. The fire truck itself (including a Frontal Air Bag Protection System for \$12,000) is \$527,722 (if the truck is ordered after 12/31/16 there is a 3% price increase which would make the price \$543,554) and the required equipment (to be purchased separately) is \$15,552. This comes to a total of \$543,274 (or \$559,106 if ordered after 12/31/2016). The \$7,760 (or \$23,592 if ordered after 12/31/16) over the estimated amount in the decision package can be covered by the other vehicle and equipment purchases to date that have been under budget.

Upon replacement, asset #051 will be sold at auction.

**Previous Council Action:** This purchase was included in the 2016-2017 City Manager’s Recommended Budget that was approved.

**Financial Implications:**

**Item is budgeted:** 306-379-69040 In the amount of \$1,554,014 orig. budget (\$1,258,923 balance; estimated cost of the Fire Truck of \$535,514.00 included in the budget)

**Approvals:**     City Attorney                       Director of Finance                       City Manager

**Associated Information:**

- HGACBuy Contract Pricing Worksheet (page 2)

**HGACBuy** is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	City of Huntsville Fire Department	Contractor:	Hall Motors
Contact Person:	Fire Chief Tom Grisham	Prepared By:	Hall Motors
Phone:	936-291-3047	Phone:	800-443-9006
Fax:	936-291-3472	Fax:	225-567-7679
Email:	tgrisham@huntsvilletx.gov	Email:	erica@ferrarafire.com

Product Code:	JC05	Description:	Cinder Custom Pumper
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**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** 358502

**B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.**  
 (Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
23: Add 5-Year Parts & Labor Warranty, Cab & Chassis	11019	26: Add 5-Year Parts & Labor Warranty, Body	6279
41: Add Engine, ISL450 Horsepower ILO ISL350	8524	43: Add Cab, XMPD ILO MFD	980
45: Add Raised Roof Cab Option, 8"	2393	37: Delete 12" Chrome Front Bumper	-922
173: Add 10-1/2" HD Steel Front Bumper	2996	179: Add Bumper Extension, 10" - 28"	980
180: Add Compartment, Front Bumper	461	182: Add Flat T/P Cover, Front Bumper Compartment	338
53: Add Back Up Pump, Cab Tilt	626	189: Add Front Wheels, Polished Aluminum ILO Steel	856
190: Add Front S/S Trim, Baby Moons/Lug Nut Covers	134	191: Add Rear Axle, 27,000-Pound ILO 24,000-Pound	2422
203: Add Rear Wheels, Polished Aluminum ILO Steel	1523	205: Add Rear S/S Trim Wheel Trim, Lincoln Hats	193
220: Add Battery Charger/Air Compressor, Kussmaul PP 1200	2047	379: Add Siren - Q2B, Flush Mount	2420
381: Add Switch, Q2B Siren x 2	270	34: Add Double Frame Rails ILO Single	1556
35: Add Frame Rail Coating, F-Shield	2800	<b>Subtotal From Additional Sheet(s):</b>	127516
387: Add Air Horn Activation, Lanyard Control	315	<b>Subtotal B:</b>	175726

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**  
 (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Special: Add Front Air Bag System	12000	22-J8-1020: Air Pump Primer ILO Standard	890
16-M2-8020: Add Computer Mount	450	<b>Subtotal From Additional Sheet(s):</b>	5740
52-J8-6420: Add Extended Side Rear Compartments	3691	<b>Subtotal C:</b>	22771

**Check:** Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:** 4%

**D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)**

Quantity Ordered:	1	X Subtotal of A + B + C:	556999	=	Subtotal D:	556999
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**E. H-GAC Order Processing Charge (Amount Per Current Policy)** Subtotal E: 2000

**F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation**

Description	Cost	Description	Cost
Add Extended Warranty Credit	-17298	Add Repeat Customer Discount	-13979
		<b>Subtotal F:</b>	-31277

**Delivery Date:** 300 **G. Total Purchase Price (D+E+F):** 527722



## CITY COUNCIL AGENDA

12/20/2016

Agenda Item: 4c

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**Item/Subject:** Authorize the City Manager to sign an Access Easement for Sam Houston State University to construct a sidewalk to connect a planned parking project.

**Initiating Department/Presenter:** City Manager

**Presenter:** Matt Benoit, City Manager

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**Recommended Motion:** Move to authorize the City Manager to sign an Access Easement for Sam Houston State University to construct a sidewalk to connect a planned parking project and making the following findings of fact:

1. The proposed easement alleviates a parking shortage at Sam Houston State University, and in so doing, limits congested and improves on-street parking in adjacent neighborhoods, and
  2. The proposed easement is in a flood plain and does not inhibit the future development or diminish the property value.
- 

**Strategic Initiative:** Goal #6 - Resource Development - Enhance the quality of life for citizens, businesses and visitors by leveraging the human and fiscal resources available to the community.

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**Discussion:** Illustrated in the attached map is a planned sidewalk easement to connect Sam Houston State University to what used to be the old concrete plant where 16<sup>th</sup> Street dead ends. The University intends to construct parking in that location, and the sidewalk will allow connectivity between the two sites. The attached "Access Easement for Sidewalk" allows the City to review engineered drawings and verify governmental permits. This will ensure that the City can verify the necessity for and Corps of Engineer and accessibility guidelines.

The easement will allow SHSU to cross Town Creek. Since there are no development plans for Town Creek (because it is the flood plain), an easement is of no consequence to the property.

Concurrently, the City Council has and will continue to consider solutions to parking in areas north and west of SHSU. Granting a 0.8-acre easement is a considerably less expensive approach to alleviating parking issues than those currently under consideration by the City Council.

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**Previous Council Action:** None on this particular easement.

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**Financial Implications:**

There is no financial impact associated with this item.

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**Approvals:**     City Attorney                       Director of Finance                       City Manager

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**Associated Information:**

- Illustrative map (page 2) \*\*\*Keep in mind, the proposed location is for illustration purposes. The actual easement will likely slide to the southwest on the southern end.
  - Proposed Access Easement for Sidewalk (pages 3-11)
-



## ACCESS EASEMENT FOR SIDEWALK

Date: \_\_\_\_\_, 2016

Grantor: The City of Huntsville, a home-rule municipal corporation of the State of Texas

Grantor's Mailing Address:

1212 Avenue M  
Huntsville (Walker County), Texas 77340

Grantee: **SAM HOUSTON STATE UNIVERSITY**, a state institution of higher education and a member of the Texas State University System

Grantee's Mailing Address:

Vice President for Finance and Operations  
Sam Houston State University  
P.O. Box 2027, Huntsville, (Walker County), Texas 77341

Easement Property: Being comprised of the following:

With map of property and easement attached hereto and incorporated herein for all purposes with legal description as follows:

Being 0.0804 acres of land, more or less, over, across, and upon a portion of a called 4.64 acre tract of land situated in the Pleasant Gray League, A-24, Walker County, Texas described in a deed to the City of Huntsville, recorded in Volume 921, Page 137, (Tract Five) Official Records of Walker County, Texas (O.R.W.C.T.), and a portion of a called 0.742 acre tract of land situated in the Pleasant Gray League, A-24, City of Huntsville, Texas, described in a deed to the City of Huntsville recorded in Volume 275, Page 102. Official Records of Walker County, Texas (O.R.W.C.T.) and being more particularly described as follows:

BEGINNING at a point in the northeast line of said 4.64 acre tract and a shared southwest line of a called 4.3 acre tract of land described in a deed to The Board of Regents of the Texas State University System for the use and benefit of Sam Houston, recorded in Volume 1045, Page 170 (O.R.W.C.T.), same being the north corner of the herein described tract. For reference, a 5/8-inch iron rod found, capped "JS MOORER," bears North 49°18'55" West, 57.54 feet;

THENCE with northeast line of said called 4.64 acre tract, South 49°33'11" East, 20.21 feet to the east corner of the herein described tract;

THENCE leaving said northeast line and across said called 4.64 acre tract, South 48°47'11" West, at a distance of 123.64 feet pass the common line between said called 4.64 acre tract and called 0.742 of an acre tract, continuing a total distance of 140.24 feet, to a point for the southeast corner of the herein described tract;

THENCE North 90°00'00" West, 33.89 feet, to a point for the southwest corner of the herein described tract, being in the southwest line of said called 0.742 of an acre tract;

THENCE with the southwest line of said called 0.742 acre tract, North 44°51'23" West, 28.21 feet to a point for the northwest corner of the herein described tract;

THENCE leaving said southwest line of said called 0.742 acre tract, North 44°51'23" West, 28.21 feet to a point for the northwest corner of the herein described tract;

THENCE North 48°47'11" East, at a distance of 6.12 feet pass the common line between said called 0.742 acre tract and said called 4.64 acre tract, continuing a total distance of 129.79 feet, to the PLACE OF BEGINNING and occupying 0.0804 acres of land, more or less, as shown on the accompanying plat bearing date of November 8, 2016.

Reference is hereby made to a separate survey plat bearing date of November 8, 2016. Bearings refer to the State Plane Coordinate System of Texas, Central Zone (Central-4203), based on the City of Huntsville Mapping Control Network Control Points No. 6689 and No. 6568, with published coordinates of N: 10,257,405.25, E: 3,800,556.56 and N: 10,257,160.48, E: 3,800,504.41 respectively.

Easement Purpose: To install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with, and remove walkways, sidewalks, and promenade structures with all associated steps, stairs, ramps, tunnels, and other appurtenances which provide a public walkway to connect Grantees properties. Together with all other rights necessary or convenient for the enjoyment of the rights, privileges and easement hereby granted.

Consideration: **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, grants, sells, and conveys to Grantee and Grantee's heirs, successors, and assigns an nonexclusive easement over, upon, across and under the Easement Property for the Easement Purpose, as well as to use the surface and subsurface thereof in any lawful manner that shall be deemed necessary and desirable by Grantee, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, successors, and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part of the Easement, except as to the Reservations from Conveyance and Exceptions to Warranty, to the extent that such claim arises by, through, or under Grantor but not otherwise.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this document:

1. The Easement is appurtenant to, runs with, and inures to the benefit of all or any portion of the Dominant Estate Property, whether or not the Easement is referenced or described in any conveyance of all or such portion of the Dominant Estate Property. The Easement is nonexclusive and irrevocable. The Easement is for the benefit of Grantee and Grantee's heirs, successors, and permitted assigns.

2. The duration of the Easement is perpetual.

3. Grantee's right to use the Easement Property is nonexclusive, and Grantor reserves for Grantor and Grantor's heirs, successors, and assigns the right to use all or part of the Easement Property in conjunction with Grantee as long as such use by Grantor and Grantor's heirs, successors, and assigns does not interfere with the use of the Easement Property by Grantee for the Easement Purpose.

4. This easement, and Grantee's rights hereunder, are subject to all prior easements, reservations, grants of other rights, restrictions and other encumbrances and matters now of record and/or evident on said lands or otherwise made known by Grantor to Grantee.

5. Grantee's use of said Easement Property shall not unreasonably interfere with Grantor's use of the land herein described or adjacent lands.

6. At least ninety (90) days prior to adding improvements to the easement, Grantee shall provide Grantor copies of construction design(s) and any required engineering or governmental certifications. Grantor may review designs, verify governmental certifications and provide objections within the ninety (90) day period. Any timely objection shall be negotiated between Grantee and Grantor prior to commencement of improvements. Grantee has the right to eliminate any encroachments into the Easement Property. All Grantee improvements, including but not limited to configuration, construction, installation, maintenance, replacement, and removal shall be at the sole expense of Grantee.

7. Grantee shall have the right to cut and/or remove all trees, growth, undergrowth, and other obstructions that, in Grantee's judgment, may injure, endanger, or interfere with the exercise by Grantee of the rights and privileges granted to it in this Easement, and Grantee shall not be required to reimburse Grantor, its successors assigns, tenants, or licensees for such action.

8. This Easement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

9. Binding Effect. This Easement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.

10. Choice of Law. This Easement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in Walker County, Texas.

11. Further Assurances. Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or

appropriate to perform the terms, provisions, and conditions of this Easement and all transactions contemplated by the same.

12. Integration. This document contains the complete Easement rights granted and cannot be varied except by written agreement of the parties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this Easement.

13. Legal Construction. If any provision in this Easement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this Easement will be construed as if the unenforceable provision had never been a part of the Easement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this document are for reference only and are not intended to restrict or define the text of any section. This Easement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

14. Recitals. Any recitals in this document are represented by the parties to be accurate, and constitute a part of the substantive Easement.

[Remainder of this page left intentionally blank]

IN WITNESS WHEREOF, Grantor, owner of the Easement Property, has caused these presents to be executed by its duly authorized representative this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Grantor: City of Huntsville

By: \_\_\_\_\_  
Name: Matthew Benoit  
Title: City Manager  
City of Huntsville, Texas

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Leonard Schneider,  
City Attorney  
City of Huntsville

THE STATE OF TEXAS            }  
                                          }  
COUNTY OF WALKER            }        ACKNOWLEDGMENT

BEFORE ME, a Notary Public, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, State of Texas

APPROVED AS TO LEGAL FORM

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Fernando C. Gomez, J.D., Ph.D.  
Vice Chancellor and General Counsel,  
Texas State University System

Examined and Recommended:

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Dana G. Hoyt, Ph.D.  
President, Sam Houston State University

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Date

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Brian McCall, Ph.D.  
Chancellor, Texas State University System

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Date

APPROVED by the Board of Regents on \_\_\_\_\_ at \_\_\_\_\_,

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The Honorable  
Chairman, Board of Regents



CITY COUNCIL AGENDA

12/20/2016

Agenda Item: 5c

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**Item/Subject:** Consider the nomination of a member of the TIRZ #1 Board of Directors to be appointed as the 2017 Chair.

**Initiating Department/Presenter:** City Council

**Presenter:** Mayor Brauningner

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**Recommended Motion:** Nominate (*select a member from below*) to serve as the 2017 TIRZ #1 Board of Directors Chair. (*Nominations do not require a second.*)

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

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**Discussion:**

Excerpt from Ordinance 2004-16, adopted 8-03-2004 - Section 3. *Board of Directors*

*The member of the Board of Directors appointed to Position Three is hereby designated to serve as the chair of the Board of Directors for a one-year term beginning on the effective date of this Ordinance. Thereafter the City Council shall annually nominate and appoint, subject to City Council approval, a member to serve as chair for a term of one year beginning on January 1 of the following year. The City Council authorizes the Board of Directors to elect from its members a vice-chairman and such other officers as the Board of Directors sees fit.*

Current TIRZ members are Dalene Zender, Don Johnson, Barry Shoemake, Walker County Judge Danny Pierce, Walker County Commissioner Ronnie White, Walker County Appointee David Moorman. There is also one open position for which a nomination is on tonight's agenda.

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**Previous Council Action:** No prior action has been taken to appoint the 2017 Chair. Don Johnson served as the 2016 Chair.

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**Financial Implications:**

There is no financial impact associated with this item.

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**Approvals:**     City Attorney     Director of Finance     City Manager

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**Associated Information:**

- None

