

CITY OF HUNTSVILLE, TEXAS

Mac Woodward, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4
Andy Brauning, 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, OCTOBER 20, 2015 - 6:00 P.M. REGULAR SESSION

COUNCIL CHAMBERS AND LARGE CONFERENCE ROOM 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

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 October 6, 2015 and Town Hall on October 13, 2015. [Lee Woodward, City Secretary]
- b. Authorize the City Manager to accept a Community Development Block Grant Disaster Recovery (CDBG-DR) grant. [Dr. Sherry McKibben, Neighborhood Resources Director]
- c. Authorize the City Manager to apply for a 2016/2017 Houston-Galveston Area Council Solid Waste Recycling Grant in the amount of \$28,600.00, plus \$8,000.00 in matching funds, and adopt Resolution 2016-03 in support of same. [Dr. Sherry McKibben, Neighborhood Resources Director]
- d. Designate the Civil Rights Officer and Labor Standards Officer, reaffirm and adopt the Civil Rights Policies pursuant to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7215240, and adopt Resolution 2016-04 in support of same. [Dr. Sherry McKibben, Neighborhood Resources Director]
- e. Designate the signatories for the 2015-16 Community Development Block Grant (CDBG) Award #7215240 and adopt Resolution 2016-05 in support of same. [Dr. Sherry McKibben, Neighborhood Resources Director]

5. STATUTORY AGENDA

- a. **FIRST READING** - *Presentation, public comment, discussion, and possible action to accept funding from TxDOT for a Transportation Alternatives Program (TAP) grant and authorizing the City Manager to enter into an Advanced Funding Agreement (AFA), first reading.* [Dr. Sherry McKibben, Neighborhood Resources Director and Y. S. "Ram" Ramachandra, City Engineer]
- b. **FIRST READING** - *Presentation, public comment, discussion, and possible action to consider Ordinance 2016-03 changing the direction of traffic from bidirectional to one-way from University Avenue to Bobby K. Marks Drive on 16th Street and from 16th Street to Bowers Boulevard on Bobby K. Marks Drive, directing the City Engineer to post all necessary signs and perform appropriate public notifications, and authorizing the City Manager to sign an Interlocal Agreement with Sam Houston State University for the lease of certain spaces to be created, first reading.* [Matt Benoit, City Manager]

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

- a. *Presentation, discussion, public comment, and possible action on nominations to City boards and committees.* [Mayor Woodward]
- b. *Presentation, public comment, discussion, and possible action to consider nominations for an ad hoc City Council Long Range Planning Committee.* [Mayor Woodward]
- c. **FIRST READING** - *Presentation, public comment, discussion, and possible action to adopt Ordinance 2016-02 to repeal ordinances creating the Huntsville Beautification Advisory Committee, Huntsville Economic Development Council, and the Youth Advisory Board, first reading.* [Mayor Woodward]

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.

- a. *Presentation, discussion, and public comment* on a request from Jerry DeWitt concerning final cleanup and landscaping in relation to the Safe Routes to School sidewalks project at 600 Highway 190 East.

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 convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.074 - personnel matters regarding the evaluation and job duties of City Manager Matt Benoit. [Mayor Woodward]
- b. City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 legal advice on the following items:
 - (1) contract with fd2s design consultants; and
 - (2) denial of appeal request by Gilbreath Outdoor Advertising regarding off-premise billboard sign and Gilbreath v. the City of Huntsville. [Matt Benoit, City Manager, and Leonard Schneider, City Attorney]

11. RECONVENE

- a. Take action, if necessary, on items addressed during Executive Session, including approval of an amendment to the contract for the City Manager.

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 October 20, 2015 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 MEETING HELD ON THE 6th DAY OF OCTOBER 2015, 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: Mac Woodward, Andy Brauninger, Lydia Montgomery, Don H. Johnson, 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

WORKSHOP [5:00 P.M.] – (1) Consideration and discussion of recommendations of the Council Board and Commission Review Committee (Councilmember Montgomery, Chair); and (2) Discuss and consider City's outreach and education effort for Section 4B sales tax proposal. [Matt Benoit, City Manager]

The Council discussed the Committee's work and potential changes to the Youth Advisory Board, Huntsville Beautification Advisory Committee, the Huntsville Economic Development Council, and considering the discharge of the Natural Preservation Ad Hoc Committee, along with a suggestion to begin staff evaluation of Arts Commission and Hotel Occupancy Tax Board applications earlier in the year, and recommendation of a re-review of the historic preservation ordinance and associated Commission, if, in two years, no property has received the City's designation.

The City Manager shared the communications suggestions for public education on the 4B sales tax proposal and the scheduling of public meetings.

MAIN SESSION [6:00 P.M.]

1. **CALL TO ORDER** - Mayor Woodward called the meeting to order at 6:00 p.m.
2. **INVOCATION AND PLEDGES** – Councilmember Montgomery gave the invocation and Will Saumell from the YMCA led the pledges.
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 September 15, 2015 and the Special Joint Session with the Planning Commission on September 17, 2015. [Lee Woodward, City Secretary]
 - b. Ratify a correction to the September 1, 2015 City Council Regular Session minutes. [Lee Woodward, City Secretary]
 - c. Approve purchase of hardware and services for replacement of core servers and network devices used as part of the City's technology infrastructure. [Chris Vasquez, IT Director]
 - d. Authorize the City Manager to accept the 2016–17 Victims' Service Coordinator Grant for \$121,817.50, plus a \$30,454.38 cash match, and adopting Resolution 2016-01 in support of same. [Dr. Sherry McKibben, Director of Neighborhood Resources]
 - e. Authorize the City Manager to award a one-year purchasing agreement for water and wastewater supplies maintained in the City of Huntsville warehouse. [Carol Reed, Public Works Director]
 - f. Approve tax sale bids for trust properties, Property IDs 26432, 25832, 25512, 26352, and 26270 as recommended by Walker County Appraisal District. [Steve Ritter, Finance Director]

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

4. **STATUTORY AGENDA**
 - a. **Presentation, discussion, public comment, and possible action** to consider authorizing the City Manager to apply for a Texas Commission on the Arts *Arts Respond – Cultural District Project Grant* for \$30,000 plus \$30,000 in matching funds, and designate the City Manager as the City's Authorized Representative. [Dr. Sherry McKibben, Neighborhood Resources Director, and Kimm Thomas, Director of Tourism and Cultural Services]

John K. Smither, Tamara Chasteen, Dana Nicolay, Una Grace Nash, and Nancy Gaertner spoke in support of both items 4a and 4b. Councilmember Montgomery moved to authorize the City Manager to apply for a Texas Commission on the Arts *Arts Respond – Cultural District Project Grant* for \$30,000 plus \$30,000 in matching funds, and designate the City Manager as the City's Authorized Representative; the motion was seconded by Councilmember Humphrey. The motion was adopted unanimously, 9-0.

- b. **Presentation, discussion, public comment, and possible action** to authorize the City Manager to apply for a Texas Commission on the Arts *Arts Respond – Cultural District Project Grant* for \$50,000, plus \$50,000 in matching funds, and designate the City Manager as the City's Authorized Representative. [Dr. Sherry McKibben, Neighborhood Resources Director, and Kimm Thomas, Director of Tourism and Cultural Services]

Councilmember Humphrey moved to authorize the City Manager to apply for a Texas Commission on the Arts *Arts Respond – Cultural District Project Grant* for \$50,000, plus \$50,000 in matching funds, and designate the City Manager as the City's Authorized Representative; the motion was seconded by Councilmember Johnson. The motion was adopted unanimously, 9-0.

5. **MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT**
 - a. **Presentation, discussion, public comment, and possible action** to adopt Ordinance 2016-01, concerning action on rate recommendations for Entergy Texas, Inc.'s Application for Approval of a Distribution Cost Recovery Factor,

which is currently pending before the Cities and the PUC, first reading. [Leonard Schneider, City Attorney]

Councilmember Olson moved to adopt Ordinance 2016-01, concerning action on rate recommendations for Entergy Texas, Inc.'s Application for Approval of a Distribution Cost Recovery Factor, which is currently pending before the Cities and the PUC, and discussion commenced. Councilmember Olson moved for a single reading per the provision of the City Charter Section 4.12, the motion was seconded by Councilmember Humphrey. The motion for waiver was adopted unanimously, 9-0. The main motion was adopted unanimously, 9-0.

- b. **Presentation, public comment, discussion, and possible action to consider adopting Resolution 2016-02, ensuring the payment of unpaid property taxes and approving the release of an amount not to exceed \$10,177.30 in liens on the property located at 920 ½ Avenue C, and authorizing the City Manager and City Attorney to take appropriate action and sign all necessary documents. [Matt Benoit, City Manager]**

Councilmember Montgomery moved to adopt move to adopt Resolution 2016-02 relating to liens on 920 ½ Avenue C.; the motion was seconded by Councilmember Olson. Councilmember Olson moved to amend to direct staff to report back to the City Council in six months on the status, the motion was seconded by Councilmember Montgomery. The main motion, as amended (the Mayor received no objection from the Council to voting on the main motion as adopted), was adopted unanimously, 9-0.

- c. **Presentation, public comment, discussion, and possible action to consider nominations for the Walker County Appraisal District 2015-2016 ballot. [Mayor Woodward]**

Councilmember Johnson moved to nominate Clyde Loll in the position of retiring member Bill Cooney, and discussion commenced. Without objection, Councilmember Olson moved approval of nominations as presented, with the substitution of Clyde Loll for Bill Cooney for the Walker County Appraisal District 2015-2016 ballot; the motion was seconded by Councilmember Montgomery. The motion was adopted unanimously, 9-0.

- d. **Presentation, public comment, discussion, and possible action to consider recommendations of the Council Board and Commission Review Committee. [Councilmember Montgomery, Chair]**

Councilmember Montgomery moved to approve recommendations as presented by the City Council Board and Commission Review Committee (below), with the exception of the Cemetery Advisory Board; the motion was seconded by Councilmember Brauning.

- to deactivate the Youth Advisory Board
- due to inactivity, to disband the Huntsville Beautification Advisory Committee and the Huntsville Economic Development Council
- to discharge the Natural Preservation Ad Hoc Committee, as having met their charge
- to suggest staff evaluation of Arts Commission and Hotel Occupancy Tax Board applications begin earlier in the year
- to recommend re-review of the historic preservation ordinance and associated Commission, if, in two years, no property has received the City's designation.

The motion was adopted unanimously, 9-0. Mayor Woodward thanked the committee for their work. Councilmember Brauning lauded Chair Montgomery for her leadership.

- e. **Presentation, public comment, discussion, and possible action to approve the sale of the portion of the City easement upon which Tracy Sorensen's building encroaches, with the sale contingent upon Sorensen doing a metes and bounds survey of the portion of the encroachment and paying full market value as established by the City Council. [Matt Benoit, City Manager, and Leonard Schneider, City Attorney]**

Councilmember Olson moved to approve the sale of the portion of the City easement upon which Tracy Sorensen's building encroaches, with the sale contingent upon Sorensen doing a metes and bounds survey of the portion of the encroachment and paying full market value as established by the City Council; the motion was seconded by Councilmember Johnson. Judge Sorensen and her attorney Jacob Paschal appeared before the Council to discuss details of the location and the sale. The motion was adopted unanimously, 9-0.

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 September 29, 2015.

7. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

There were no media inquiries.

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.)

- On Thursday, Deputy City Secretary Clasina Watson will be at a training seminar for the Texas Municipal Clerks Association, where she will receive the City's award of a 2016 MCCi Records Management Scholarship for \$500. The City Secretary's office applied for the grant through TMCA, and will work with the IT Department to utilize it fully.
- The City will be holding an informational Town Hall meeting on the upcoming election next Tuesday, October 13, at 7 p.m. at the library Community Room.
- City Manager Matt Benoit announced the City had received the grants for all five segments of Montgomery Road, Sam Houston Avenue, and Lake Road for which it had applied earlier in the year for sidewalks and multi-use pathways.

- Hornet Homecoming parade and game is next week, followed the week after by Sam Houston State University's Homecoming.

Councilmember Montgomery encouraged subscription to the City's *This Week in Huntsville* digital newsletter, sharing the new promotional rack card. Councilmember Humphrey reminded all present of the communitywide meeting of Rachel's Challenge Wednesday evening at Huntsville High School. Mayor Pro Tem Olson announced the Kroger opening was quickly approaching.

9. EXECUTIVE SESSION

- a. **City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.074 - personnel matters regarding the evaluation and job duties of City Manager Matt Benoit. [Mayor Woodward]**
- b. **City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 legal advice on the following items:**
 - (1) **City Charter Section 14.13 and purchase exchange of real estate for parking spaces at SHSU and drainage easements;**
 - (2) **contract with fd2s design consultants; and**
 - (3) **denial of appeal request by Gilbreath Outdoor Advertising regarding off-premise billboard sign. [Matt Benoit, City Manager, and Leonard Schneider, City Attorney]**

The Mayor adjourned the Council into Executive Session at 7:35 p.m.

10. RECONVENE

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

The Council reconvened at 9:38 p.m.

11. ADJOURNMENT

Mayor Woodward adjourned the meeting at 9:39 p.m.

Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL TOWN HALL MEETING HELD ON THE 13th DAY OF OCTOBER 2015, IN THE HUNTSVILLE PUBLIC LIBRARY, LOCATED AT 1219 13th STREET, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 7:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Mac Woodward, Andy Brauningner, Lydia Montgomery, Keith D. Olson, Joe Emmett, Tish Humphrey, Ronald Allen

COUNCILMEMBERS ABSENT: Don H. Johnson, Joe P. Rodriquez

OFFICERS PRESENT: Matt Benoit, City Manager, Lee Woodward, City Secretary

TOWN HALL SESSION [6:00 P.M.]

1. Call to Order - Mayor Woodward called the meeting to order at 7:02 p.m.
2. Presentations – City Manager Matt Benoit gave an overview of the procedure for the Town Hall, the 4B proposal and frequently asked questions concerning it, and established how questions can be submitted and will be answered and made available.
3. Public Comments and Questions – Mayor Woodward discussed the background to the proposal.
4. Discussions of items addressed in meeting – no official action will be taken
5. Adjourn – Without objection, the meeting was adjourned at 9:49 p.m.

Lee Woodward, City Secretary



CITY COUNCIL AGENDA

10/20/2015

Agenda Item: 4b

Item/Subject: Consider authorizing the City Manager to accept a Community Development Block Grant Disaster Recovery (CDBG-DR) grant.

Initiating Department/Presenter: Neighborhood Resources

Presenter: Sherry McKibben

Recommended Motion: Move to authorize the City Manager to accept a Community Development Block Grant Disaster Recovery (CDBG-DR) grant.

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.

Executive Summary: The spring storms the community experienced spelled the end for a critical generator at one of the City's wastewater treatment plants. Staff has been able to find a grant to replace the generator with no match. This item recommends authorizing the City Manager to accept the grant.

Discussion: During May and June of this year, the City suffered through several strong storms that resulted in the Mayor, Governor, and President declaring Walker County as a Disaster Area. These declarations have made Huntsville eligible for Disaster Recovery Funds. The Community Development Block Grant Disaster Recovery (CDBG-DR) is for \$350,000, with no matching funds required.

On May 25, 2015, Huntsville suffered a severe thunderstorm that resulted in two power outages at the A. J. Brown Wastewater Treatment Facility. The generator functioned through the first outage, but failed to function during the second. Staff was able to use portable generators as an emergency backup, but only essential equipment was powered. Backup power is required at the plant by the Texas Commission on Environmental Quality (TCEQ).

The generator at this facility is over twenty years old and parts are difficult to find and usually have to be fabricated. When the vendor, Wakashaw Pierce, came to repair the generator, they used aftermarket parts because of the age of the equipment. Staff recommended replacing this generator and the City has been awarded a grant for \$350,000 with no matching funds necessary in order to do so.

Previous Council Action: Council approved applying for this grant on August 4, 2015.

Financial Implications:

Item is not budgeted: A budget amendment will be submitted for Council approval after bids have been obtained for the purchase and installation of the generator. It is expected the total cost will be in the \$350,000 area but may be under or may be over. If over, then an additional source of funds will be needed to cover the amount in excess of the \$350,000 grant.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Award letter (page 2)



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

October 2, 2015

The Honorable Mac Woodward
Mayor
City of Huntsville
1212 Avenue M
Huntsville, Texas 77340-4608

Dear Mayor Woodward:

I am pleased to inform you that the Texas Department of Agriculture (TDA) has approved a Disaster Relief Fund award for the City of Huntsville in the amount of \$350,000 for wastewater improvements in response to flood damage sustained on May 25, 2015.

Your contract is being drafted and should be mailed to you within the next 30 to 60 days. The contract must be signed and returned within 30 days of receipt.

Thank you for your efforts on behalf of the citizens of the City of Huntsville. Please feel free to contact Suzanne Barnard, State Director, Texas Community Development Block Grant Program at (512) 463-6612, if you have questions about the award.

Sincerely,

Sid Miller

SM/JF/cp

Sincerely,

Jason Fearneyhough
Deputy Commissioner

P.O. BOX 12847
AUSTIN, TEXAS 78711

TEXASAGRICULTURE.GOV

(512) 463-7476
FAX: (888) 223-8861



CITY COUNCIL AGENDA

10/20/2015

Agenda Item: 4c

Item/Subject: Consider authorizing the City Manager to apply for a 2016/2017 Houston-Galveston Area Council Solid Waste Recycling Grant in the amount of \$28,600.00, plus \$8,000.00 in matching funds, and adopt Resolution 2016-03 in support of same.

Initiating Department/Presenter: Neighborhood Resources and Public Works

Presenter: Sherry McKibben and Carol Reed

Recommended Motion: Move to authorize the City Manager to apply for a 2016/2017 Houston-Galveston Area Council Solid Waste Recycling grant in the amount of \$28,600, plus \$8,000.00 in matching funds, and adopt Resolution 2016-03 in support of same.

Strategic Initiative: Goal #1 - City Appearance - Provide policies, amenities, and events that enhance the City's already beautiful and historic natural environment.

Executive Summary: The City has been made aware of a grant to assist with recycling efforts. City staff is proposing the installation of drinking water and water bottle refilling locations in city parks. The proposal includes an \$8,000 match that is intended to be accomplished through in-kind services. The goal with the use of grant funds is to reduce disposal plastic bottles in the waste stream.

Discussion: The Houston-Galveston Area Council (H-GAC), in cooperation with the Texas Commission on Environmental Quality (TCEQ), is soliciting grant applications for the Municipal Solid Waste Grants Program Funding for fiscal years 2016/2017.

Staff is proposing to initiate a pilot program by installing eight water bottle refilling stations at locations in Huntsville area parks. These stations allow for a water bottle filling station on the top portion, an ADA approved bubbler fountain on the side, and a pet water bowl station at the base. Staff will install the dispensers with a conventional water tap/meter to measure the water station usage. This meter will be used to provide a direct and quantifiable performance measure to gauge the effect on reducing the amount of plastic water bottle waste going into local landfills.

The total project cost is \$36,600.00 including \$28,600 in grant funds and \$8,000.00 in City match. The City match will be derived from the normal charge being waived for the tap/meter (\$1,000.00 each). Additionally, the Water Department Staff will complete installation utilizing in-kind labor.

Previous Council Action: No previous Council action.

Financial Implications:

Item is not budgeted: The \$8000.00 cash match will be allocated out of the Water Department Maintenance Fund.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Resolution 2016-03 (page 2)

RESOLUTION NO. 2016-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AUTHORIZING THE SUBMISSION OF THE 2016-17 HOUSTON-GALVESTON AREA COUNCIL (H-GAC) APPLICATION FOR A MUNICIPAL SOLID WASTE GRANT; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION.

WHEREAS the City desires to ensure the safety and well-being of all its citizens; and,

WHEREAS the City of Huntsville requires the collection of Solid Waste; and,

WHEREAS it is necessary and in the best interest of the City to apply for funding under the HGAC Municipal Solid Waste Grant Program;

NOW, THEREFORE, be it resolved by the City Council of the City of Huntsville, Texas, that:

SECTION 1: A Municipal Solid Waste Grant application is hereby authorized to be filed on behalf of the City and be placed in competition for funding to H-GAC.

SECTION 2: Application will be for no more than \$36,600.00 of which \$28,600 will be grant funds, to provide for 8 Water Bottle Refilling Stations and the City agrees to provide matching funds of \$8,000.00.

SECTION 3: The Mayor and City Council strongly support this application to address the safety and well-being needs of the Community.

SECTION 4: The City agrees that in the event of loss or misuse of the Municipal Solid Waste Grant funds, the City assures that the funds will be returned to the Houston - Galveston Area Council in full.

SECTION 5: The City Council directs and designates the City Manager as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in Municipal Solid Waste Grant.

PASSED AND APPROVED this 20th day of October 2015.

THE CITY OF HUNTSVILLE

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

10/20/2015

Agenda Item: 4d

Item/Subject: Consider designation of the Civil Rights Officer and Labor Standards Officer, reaffirming and adopting the Civil Rights Policies pursuant to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7215240, and adopting Resolution 2016-04 in support of same.

Initiating Department/Presenter: Neighborhood Resources

Presenter: Sherry McKibben

Recommended Motion: Move to designate Sherry McKibben as the Civil Rights Officer and the Labor Standards Officer, reaffirm and adopt the Civil Rights Policies pursuant to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7215240, and adopt Resolution 2016-04 in support of same.

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.

Executive Summary: The City of Huntsville recently received and approved acceptance of a grant to replace a waterline. The various State and Federal agencies that provide the funds and administer the grant have certain requirements that need to be met as a condition of receiving the grant. This item accomplishes those requirements and conditions so that the City may proceed with executing the grant.

Discussion: The City of Huntsville was awarded a Community Development Block Grant (CDBG) for 2015-16. The City Council accepted this award on September 15, 2015.

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.

The total estimated cost of design engineering and construction is \$405,000. A 15% match (\$60,750) is required. The grant includes grant funds of \$344,250, a cash match of \$46,750 and in-kind services totaling \$14,000.

The grant requires that the City Council appoint a Civil Rights Officer to ensure that the Civil Rights Policies are followed in regards to this grant and a Labor Standards Officer is required to ensure that the Davis Bacon Act is followed in regards to fair wages.

Additionally, the grant requires the reaffirmation and adoption policies that support Civil Rights for this grant activity.

These include the reaffirmation of:

1. The Section 3 Policy for CDBG grant activity. Section 3 states that the City and contractors working on

CDBG grant funded activities will strive to the greatest extent feasible to engage business and individuals classified as Section 3. A Section 3 business is a business owned by a person who is low income, is on public assistance, and/or lives in public housing. A Section 3 individual must meet the same qualifications.

2. The use of excessive force by the City. Resolution 2012-11 states that the City will not use excessive force against persons who are engaging in non-violent protests.

The adoption of:

1. A revision of the Citizen Participation Plan and Grievance Procedures adopted by Council on October 4, 2010, that outlines the procedure the City will follow in notifying the public about the activities in regards to the CDBG Grant and steps the citizens would follow in the event they have a grievance. The revisions from the Plan and Procedures that were previously adopted include: (1) changing the name of the funding organization from the Texas Department of Rural Affairs to the Texas Department of Agriculture; (2) changing the funding from TDCP to TxCDBG.

2. Adoption of the Section 504 Policy against discrimination based on handicap and outlines the grievance procedures a citizen would follow to issue a complaint.

3. Adopt the Fair Housing Policy that state the City will not discriminate in housing and will have one fair housing activity per year during the grant period. The City will proclaim April as Fair Housing Month to fulfill the requirement.

This agenda item only pertains to grant activities under the CDBG Contract NO. 7215240.

Previous Council Action: The City Council approved applying for this grant on February 17, 2015 and adopted Resolution 2015-06. City Council accepted the grant on September 15, 2015.

Financial Implications:

There is no financial impact associated with this item.

Item is budgeted: This item is budgeted in the FY 2015-16 CIP budget in the amount of \$405,000.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Resolution 2016-04 (Page 3)
- Civil Rights Officer Designation (Page 5)
- Labor Standards Officer Designation (Page 6)
- Section 3 Policy (Page 7)
- Excessive Force Policy (Page 8)
- Citizen Participation Plan and Grievance Procedures (Page 9)
- Section 504 Policy and Grievance Procedures (Page 12)
- Fair Housing Policy (Page 14)

RESOLUTION NO. 2016-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, REAFFIRMING AND ADOPTING THE CIVIL RIGHTS POLICIES PURSUANT TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NUMBER 7215240.

- WHEREAS The City of Huntsville, (hereinafter referred to as "City of Huntsville") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA"), Contract No. 7215240 (hereinafter referred to as "the Contract") executed on October 15, 2015;
- WHEREAS The City of Huntsville, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;
- WHEREAS The City of Huntsville, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;
- WHEREAS The City of Huntsville, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;
- WHEREAS The City of Huntsville, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;
- WHEREAS The City of Huntsville, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and
- WHEREAS The City of Huntsville, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of Contract No. 7215240, to affirmatively further fair housing;

NOW THEREFORE, be it resolved by the City Council of the city of Huntsville Texas,

Section 1 The City reaffirms the following policies in regards to Contract No. 7215240:

1. Section 3 Policy;
2. Excessive Force Policy;

Section 2 The City adopts the following Policies in regards to Contract No. 7215240:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 504 Policy and Grievance Procedures; and
3. Fair Housing Policy;

Section 3 Designates the Director of Neighborhood Resources as the Civil Rights Officer and Labor Standards Officer in regards to Contract No. 7215240.

PASSED AND APPROVED this 20th day of October, 2015.

THE CITY OF HUNTSVILLE

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



Designation Form for Civil Rights Officer



City: Huntsville

TxCDBG Contract # 7215240

Address: 1212 Avenue M

Huntsville, TX 77340

Telephone Number: 936-291-5428

I, Mac Woodward, Mayor, do hereby appoint Dr. Sherry McKibben, as the Civil Rights Officer for the City of Huntsville.

The Civil Rights Officer shall be responsible for the oversight and compliance of fair housing and equal opportunity activities to be performed by the City of Huntsville, as required by the Texas Community Development Block Grant Program Contract No.7215270.

The Civil Rights Officer is responsible for being familiar with and adhering to all civil rights laws and regulations pertaining to the Texas Community Development Block Grant Program, including those described in the TxCDBG Implementation Manual and those listed in the TxCDBG contract.

Civil Rights Officer: _____
(Signature)

Appointed by: _____
(Signature)

Date: _____

Appointment of Labor Standards Officer

(Submit form to Labors@TexasAgriculture.gov)

A701

Grant Recipient: City of Huntsville

Contract No: 7215240

I, Mayor Mac Woodward hereby appoint Dr. Sherry McKibben

as the Labor Standards Officer for the aforementioned contract. The appointed Labor Standards Officer is assigned to oversee the labor portion of the contract and will be responsible for assuring compliance with all requirements under **Chapter 7 of the TxCDBG Project Implementation Manual**.

Appointed Labor Standards Officer Name:	Dr. Sherry McKibben				
Address:	1212 Avenue M				
City:	Huntsville	State:	TX	Zip:	77340
Telephone Number:	936-291-5428	Fax Number:	936-291-5409		
Email Address:	smckibben@huntsvilletx.gov				

I acknowledge the appointment and duties of Labor Standards Officer.

Signature: _____

Date: _____

Appointed by: Mac Woodward

Title: Mayor

Signature: _____

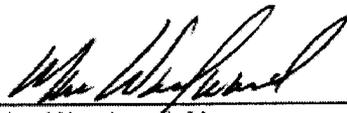
Date: _____

Section 3 Policy

In accordance with 12 U.S.C. 1701u and where Texas Community Development Block Grant (TxCDBG) funded projects are concerned, the City of Huntsville agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment, and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Equal Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements. notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.
- G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As Mayor of the City of Huntsville, I the undersigned have read and fully agree to this plan, and will direct the appropriate City Personnel to accomplish the full implementation of this program per the adoption of the aforementioned Resolution by the City Council of the City of Huntsville, Texas.



Mac Woodward, Mayor

9/4/12

Date

RESOLUTION NO. 2012-11

**A RESOLUTION OF THE CITY OF HUNTSVILLE, TEXAS
REGARDING THE USE OF EXCESSIVE FORCE.**

WHEREAS, the Huntsville City Council desires to establish its policy regarding the use of excessive force.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS THAT;

Section 1: It is the policy of the City of Huntsville Texas to use only that force which is necessary, reasonable, and lawful to accomplish a legitimate police task and the lawful goals of the City of Huntsville. This includes prohibiting the use of excessive force by the law enforcement agencies within its jurisdiction against any individual. The City of Huntsville will be mindful and protective of the rights of all citizens, including all participants in non-violent civil rights demonstrations and be mindful of any existing State and local law against barring entrance to or exit from a facility or location which is the subject of a nonviolent civil rights demonstration, as well as the rights of any onlookers, bystanders, or any other persons located in the vicinity or owning property in the vicinity.

Section 2: This Resolution shall take effect immediately from and after its passage and it is so duly resolved.

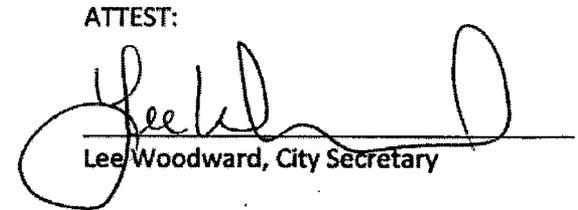
DULY PASSED AND ADOPTED by the City Council of the City of Huntsville, Texas, on this, the 7th day of February, 2012.

THE CITY OF HUNTSVILLE



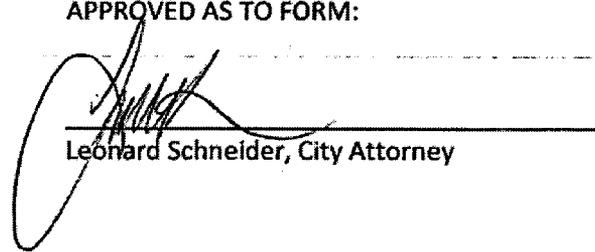
Mac Woodward, Mayor

ATTEST:



Lee Woodward, City Secretary

APPROVED AS TO FORM:



Leonard Schneider, City Attorney

**CITY OF HUNTSVILLE CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Huntsville, Texas, 1212 Avenue M, Huntsville, TX 77340, 936-291-5400 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City Manager, at City of Huntsville, Texas, 1212 Avenue M, Huntsville, TX 77340 or may call 936-291-5428.
2. A copy of the complaint or grievance shall be transmitted by the City Manager to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City Manager shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City/County must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Mac Woodward, Mayor

Date

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), the City of Huntsville hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Huntsville does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Huntsville's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Huntsville shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, The City of Huntsville shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for The City of Huntsville to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to: **Dr. Sherry McKibben, Neighborhood Resources Director**, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted **Dr. Sherry McKibben**. Informal but thorough

investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **Dr. Sherry McKibben** and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of Huntsville relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Huntsville within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Huntsville complies with Section 504 and HUD regulations.

Mac Woodward, Mayor

Date

Fair Housing Policy

In accordance with Fair Housing Act, the City of Huntsville hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The City of Huntsville *agrees to* affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The City of Huntsville *agrees to* plan at least one activity during the contract term to affirmatively further fair housing.
3. The City of Huntsville will introduce and pass a resolution adopting this policy.

As officers and representatives of The City of Huntsville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Mac Woodward, Mayor

Date



CITY COUNCIL AGENDA

10/20/2015

Agenda Item: 4e

Item/Subject: Consider designating the signatories for the 2015-16 Community Development Block Grant (CDBG) Award # 7215240 and adopt Resolution 2016-05 in support of same.

Initiating Department/Presenter: Neighborhood Resources

Presenter: Sherry McKibben

Recommended Motion: Move to designate the signatories for the 2015-16 Community Development Block Grant (CDBG) Award # 7215240 and adopt Resolution 2016-05 in support of same.

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.

Executive Summary: Continuing with the conditions and requirements of a recent CDBG grant discussed with item 4d, this item requests the Council designate certain city officials to sign, request payment and authorize certain parties to complete other regulatory requirements.

Discussion: The City of Huntsville was awarded a Community Development Block Grant (CDBG) for 2015-16. Council accepted this award on September 15, 2015.

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 1950's 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.

The total estimated cost of design engineering and construction is \$405,000. A 15% match (\$60,750) is required. The grant includes grant funds of \$344, 250, a cash match of \$46,750 and in-kind services totaling \$14,000.

The grant requires that the City Council designate signatories for different aspects of the grant management. Resolution 2016-04 makes the designations of the Mayor and City Manager signatories for Contractual Documents and the Mayor, City Manager, Director of Neighborhood Resources and Finance Department Accountant II the signatories for the Request for Payment form (Form A203). Form A203 is to request reimbursements for the grant fund the City expends on the project. Additionally, the Director of Neighborhood Resources is designated the responsible party for the Environmental Assessment, the Civil Rights Officer, and the Labor Standards Officer for the project.

Previous Council Action: The City Council approved applying for this grant on February 17, 2015 and adopted Resolution 2015-06. City Council accepted the grant on September 15, 2015.

Financial Implications:

There is no financial impact associated with this item.

Item is budgeted: This item is budgeted in the FY 2015-16 CIP budget in the amount of \$405,000.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Resolution 2016-05 (Page 3)
- Form A202 – Signatory Designation (Page 4)
- Form A1008 – Civil Rights Officer (Page 5)
- Form A701 – Labor Standards Officer (Page 6)

RESOLUTION NO. 2016-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NUMBER 7215240.

- WHEREAS The City of Huntsville, Texas has received a 2015 Texas Community Development Block Grant award to provide water improvements, and;
- WHEREAS It is necessary to appoint persons to execute contractual documents and documents for requesting funds from the Texas Department of Agriculture, and;
- WHEREAS An original signed copy of the *TxCDBG Depository/Authorized Signatories Designation Form* (Form A202) is to be submitted with a copy of this Resolution, and;
- WHEREAS The City Huntsville, Texas acknowledges that in the event that an authorized signatory of the City (elections, illness, resignations, etc.), the City must provide TxCDBG with the following:
- A resolution stating who the new authorized signatory is; and
 - A revised *TxCDBG Depository/ Authorized Signatories Designation Form* (Form A202).

NOW THEREFORE, be it resolved by the city council of the city of Huntsville Texas, as follows:

- SECTION 1: The Mayor and City Manager be authorized to execute contractual documents between the Texas Department of Agriculture and the City for the 2015 Texas Community Development Block Grant Program.
- SECTION 2: The Mayor, City Manager, Director of Neighborhood Resource and Finance Department Accountant II be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2015 Texas Community Development Block Grant Program.
- SECTION 3: The Director of Neighborhood Resources is designated the Responsible Party for the City in regards to the Environmental Assessment for Contract No. 7215240.
- SECTION 4: The Director of Neighborhood Resources is designated the Civil Rights Officer and Labor Standards Officer for Contract No. 7215240.

PASSED AND APPROVED this 20th day of October, 2015.

THE CITY OF HUNTSVILLE

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

**Depository/Authorized Signatories Designation Form
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
DEPOSITORY/AUTHORIZED SIGNATORIES DESIGNATION FORM**

Grant Recipient City of Huntsville TxCDBG Contract No. 7215240

The individuals listed below are designated by resolution as authorized signatories for contractual documents.

Mac Woodward	Matt Benoit
_____ (Name)	_____ (Name)
Mayor	City Manager
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

In addition to the individuals listed above, the individuals listed below are designated by resolution as authorized signatories for the *Request for Payment Form (Form A203)*—(At least two (2) signatories required).

Sherry McKibben	Rachel Kulhavy
_____ (Name)	_____ (Name)
Director of Neighborhood Resources	Finance Department Accountant II
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

Mac Woodward	Matt Benoit
_____ (Name)	_____ (Name)
Mayor	City Manager
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

NOTE: A copy of a Resolution passed by the city council or county commissioner's court authorizing the signatories must be submitted along with this form. Grant Recipients are strongly encouraged to use the sample resolution provided.



Designation Form for Civil Rights Officer



City: Huntsville

TxCDBG Contract # 7215240

Address: 1212 Avenue M

Huntsville, TX 77340

Telephone Number: 936-291-5428

I, Mac Woodward, Mayor, do hereby appoint Dr. Sherry McKibben, as the Civil Rights Officer for the City of Huntsville.

The Civil Rights Officer shall be responsible for the oversight and compliance of fair housing and equal opportunity activities to be performed by the City of Huntsville, as required by the Texas Community Development Block Grant Program Contract No.7215270.

The Civil Rights Officer is responsible for being familiar with and adhering to all civil rights laws and regulations pertaining to the Texas Community Development Block Grant Program, including those described in the TxCDBG Implementation Manual and those listed in the TxCDBG contract.

Civil Rights Officer: _____
(Signature)

Appointed by: _____
(Signature)

Date: _____

Appointment of Labor Standards Officer

(Submit form to Labors@TexasAgriculture.gov)

A701

Grant Recipient: City of Huntsville

Contract No: 7215240

I, Mayor Mac Woodward hereby appoint Dr. Sherry McKibben

as the Labor Standards Officer for the aforementioned contract. The appointed Labor Standards Officer is assigned to oversee the labor portion of the contract and will be responsible for assuring compliance with all requirements under **Chapter 7 of the TxCDBG Project Implementation Manual**.

Appointed Labor Standards Officer Name:	Dr. Sherry McKibben				
Address:	1212 Avenue M				
City:	Huntsville	State:	TX	Zip:	77340
Telephone Number:	936-291-5428	Fax Number:	936-291-5409		
Email Address:	smckibben@huntsvilletx.gov				

I acknowledge the appointment and duties of Labor Standards Officer.

Signature: _____

Date: _____

Appointed by: _____

Mac Woodward

Title: _____

Mayor

Signature: _____

Date: _____



CITY COUNCIL AGENDA

10/20/2015

Agenda Item: 5a

Item/Subject: Consider accepting funding from TxDOT for a Transportation Alternatives Program (TAP) grant and authorizing the City Manager to enter into an Advanced Funding Agreement (AFA), first reading.

Initiating Department/Presenter: Neighborhood Resources, Engineering

Presenter: Sherry McKibben, Ram Ramachandra

Recommended Motion: **FIRST READING** - Move to accept funding from TxDOT for a Transportation Alternatives Program (TAP) grant and authorize the City Manager to enter into an Advanced Funding Agreement (AFA).

Strategic Initiative: Goal #1 - City Appearance - Provide policies, amenities, and events that enhance the City's already beautiful and historic natural environment.

Executive Summary: Earlier this spring, the City Council authorized staff to apply for a TxDOT grant for various sidewalk projects throughout the community. The grant has been awarded to the City. This item accomplishes two things: 1. Accepts the grant, and 2. Authorizes the City Manager to sign the requisite agreements with TxDOT to proceed with design and construction of the sidewalk projects.

Discussion: The Texas Department of Transportation issued a call for projects under their Transportation Alternatives Program (TAP) in January 2015. This funding has combined grant programs of several different types, such as the Safe Routes to Schools, on- and off-road pedestrian and bicycle facilities, and projects that enhance mobility, into one new program. The federally funded TAP provides opportunities to expand transportation choices and enhance the transportation experience through categories of activities related to the surface transportation system. The TAP focuses on non-traditional transportation projects.

Council authorized applying for the following projects on April 23, 2015 with a Project Cost of \$2,981,606.00 to place sidewalks at the following locations:

1. Lake Road (from Ridgeview West Apartments to Sam Houston Avenue) – West side
2. Montgomery Road (from I-45 to Sam Houston Avenue) – **Both Sides**
3. Sam Houston Avenue (from Boettcher Drive to Lake Road) – **Both Sides**

The City received a notification from TxDOT on September 29, 2015 confirming the award of TAP grant in the amount of \$2,385,285 to construct sidewalks on all three streets mentioned above.

The project costs (design and construction) include TxDOT TAP grant funds awards of \$2,385,285 and the City's cash match of \$596,321. Additionally, the City will pay an estimated cost of \$259,270 for engineering to bring the plans to 100% complete. The Total cost to the City is \$855,591. The City will work with TxDOT to enter into an Advanced Funding Agreement (AFA). This agenda item authorizes the City Manager to sign this Agreement once it is received from TxDOT. The time frame for getting the AFA

finalized and executed is unknown at this time and is dependent on TxDOT initiation.

Previous Council Action: Council had a workshop on April 23, 2015 to help designate the projects to be included in the grant, authorized applying for the grant on April 23, 2015 and adopted Resolution 2015-08. Council had a second workshop on April 28, 2015 to revise the scope of the application and adopted Resolution 2015-09.

Financial Implications:

Item is not budgeted: A budget amendment will be brought to Council once the Advance Funding Agreement is initiated between TxDOT and the City.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Award documents (page 3-5)

TAP Funding for Small Urban

1 message

Teri Kaplan <Teri.Kaplan@txdot.gov>

Tue, Sep 29, 2015 at 6:48 PM

To: "smckibben@huntsvilletx.gov" <smckibben@huntsvilletx.gov>

Cc: Allison Kurwitz <Allison.Kurwitz@txdot.gov>

Hello, TAP Project Sponsor.

Congratulations, your project nomination, entitled *Lake Road, SH 75 and FM 1374 Safe Sidewalks*, submitted in TxDOT 's 2015 Transportation Alternatives Program (TAP) Call for Projects was selected for funding by the Texas Transportation Commission on September 24, 2015.

TxDOT's Public Transportation Division administers the TAP Call for Projects for population areas less than 200,000. Project Management will be handled by the TxDOT District office where the project is located. The first step to advance your project will be execution of the Advance Funding Agreement for the project between TxDOT and the Project Sponsor. I have copied the TxDOT TAP Coordinator on this email until a Project Manager from the District has been identified.

TxDOT looks forward to working with you to advance your TAP project to construction.

Sincerely,

Teri Kaplan

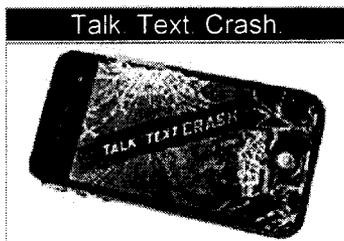
Statewide Bicycle and Pedestrian Coordinator

TxDOT TAP Program Manager

TxDOT-PTN

512-374-5235

Teri.Kaplan@txdot.gov



TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

Page 1 of 1

VARIOUS Districts

The Texas Transportation Commission (commission) desires to award \$25,660,859 in federal funds under the Transportation Alternatives Program (TAP), authorized under Section 1122 of Moving Ahead for Progress in the 21st Century Act (MAP-21) and codified at 23 U.S.C. §213(b) and §101(a)(29). The commission recognizes that MAP-21 requires the state to have a competitive process to allow eligible entities to submit projects for funding.

The commission adopted administrative rules that establish the guidelines under which the TAP is administered by the Texas Department of Transportation (department), located in Title 43, Texas Administrative Code (TAC), Chapter 11, Subchapter F, §§11.300 - 11.317. Pursuant to the program rules, a Notice of a TAP Call for Projects was published in the *Texas Register* on January 16, 2015, for the distribution of TAP funds apportioned to the department for fiscal years 2013 - 2015, as well as funds anticipated for fiscal year 2016. TAP project nominations were received by the department on or before May 4, 2015. Projects were evaluated for eligibility, technical standards, and specific selection criteria set forth in the TAP Program Guide.

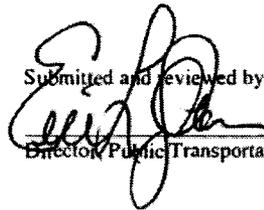
This award distributes funds available for projects in small urban areas with a population of 5,001 to 200,000.

In accordance with the TAC rules, the commission will select TAP projects for funding based on recommendations from the director of the division responsible for administering the TAP, the potential benefit of the project to the state, and whether the project enhances the surface transportation system. Exhibit A is a list of the candidate projects recommended for funding.

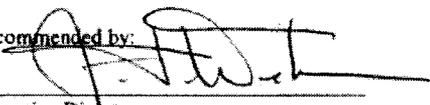
IT IS THEREFORE ORDERED by the commission that the projects listed in Exhibit A are hereby selected and designated for funding under the TAP and that the executive director or the director's designee is authorized to proceed with the award and execution of local agreements as required by the program rules.

IT IS FURTHER ORDERED that for each project listed in Exhibit A, and subsequently verified as eligible for development, the total amount in federal funds must be locally matched by a minimum of 20 percent. The required local match may be 100 percent in cash or a combination of cash with state funds, available through the department's Economically Disadvantaged Counties Program, or with federally eligible in-kind contributions. The federal funding awarded to a TAP project will be limited to the amount shown in Exhibit A.

IT IS FURTHER ORDERED that should additional funding become available, the commission may select additional eligible projects for funding from among those project nominations submitted in the department's 2015 TAP Call for Projects.

Submitted and reviewed by:


Director, Public Transportation Division

Recommended by:


Executive Director
114365 SEP 24 16
Minute Number Date Passed

EXHIBIT A
 TRANSPORTATION ALTERNATIVES PROGRAM (TAP)
 PROJECTS SELECTED FOR FUNDING – SMALL URBAN AREAS
 (POPULATION 5,001 – 200,000)

Nominating Entity	TAP Project Name	Federal Funds Requested
City of Bryan	South College Phase 1 Shared Use Path, Sidewalks and Bike Route	\$2,152,919
City of Huntsville	Lake Road, SH 75 and FM 1374 Safe Sidewalks	\$2,385,285
City of Bryan	FM158 Safety Lighting of Existing Sidewalks and Path	\$1,590,382
City of Killeen	Heritage Oaks Hike and Bike Trail, Segment 4	\$2,448,281
Denton County Transportation Authority	A-Train Bike and Pedestrian Trail - Eagle Point Section	\$2,396,699
City of El Campo	Sidewalk Project Along Avenue I and West & East Norris Streets	\$352,820
Dallas County	Pleasant Run Road Trail	\$2,364,904
City of Granbury	Granbury Town Square Pedestrian Safety Improvements	\$1,619,200
City of Tyler	Legacy Trails Phase I	\$3,520,840
Town of Anthony	Wildcat Drive Safe Routes to School	\$315,508
City of Boerne	Trail System Expansion - Connecting People to Places	\$2,365,266
City of Wichita Falls	Hike and Bike Trail From Wichita Bluff Park to LP 11	\$1,363,766
City of Sherman	Sherman Streetscapes - Phase II	\$458,574
City of Sulphur Springs	Crosstown Trail	\$712,892
City of Galveston	Downtown Pedestrian Transit Connectivity Improvements	\$402,494
City of Aransas Pass	Aransas Pass 2015 TAP Improvements	\$695,836
City of Wichita Falls	Pedestrian Improvements Kemp Blvd (Midwestern Pkwy to Southwest Pkwy)	\$515,193
Total Award		\$25,660,859



CITY COUNCIL AGENDA

10/20/2015

Agenda Item: 5b

Item/Subject: Consider Ordinance 2016-03 changing the direction of traffic from bidirectional to one-way from University Avenue to Bobby K. Marks Drive on 16th Street and from 16th Street to Bowers Boulevard on Bobby K. Marks Drive, directing the City Engineer to post all necessary signs and preform appropriate public notifications, and authorizing the City Manager to sign an Interlocal Agreement with Sam Houston State University for the lease of certain spaces to be created, first reading.

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager

Recommended Motion: FIRST READING - Approve Ordinance 2016-03 and authorize the City Manager to sign an Interlocal Agreement with Sam Houston State University for the lease of certain spaces to be created.

Strategic Initiative: Goal #8 - Public Safety - Provide safety and security for all citizens.

Executive Summary: The City and the University have jointly developed a plan to improve pedestrian safety while crossing 16th Street and Bobby K. Marks Drive. The plan requires changing these two streets to one-way traffic and creating parking spaces on the public streets. These changes are to become effective under certain conditions with the intent of implementing the traffic changes during the University's winter break. Further, to ensure conformity in parking restrictions and allow flexibility to the University with the newly-created parking restrictions, an Interlocal Agreement is proposed to lease the spaces to the University for 50% of the University charge for each space for a period of five years.

Discussion: In January, the City Council approved an Interlocal Agreement with Sam Houston State University ("the University") to study and design pedestrian safety measures to facilitate safer crossings on Bobby K. Marks Drive. Shortly thereafter, 16th Street was added to the scope of study. City staff completed the procurement process and selected a Traffic Engineer to perform the necessary studies and make recommendations.

The University and City have jointly agreed on a plan that will change the direction of traffic along the two segments that were reviewed. 16th Street from University Avenue to Bobby K. Marks Drive will transition from bidirectional traffic to one-way going east. Bobby K. Marks Drive will transition from bidirectional to one-way going south. By establishing these streets as one-way, diagonal and parallel spaces will be created on both streets. The importance of additional on-street parking and one-way traffic is as follows:

- On-street parking slows traffic in two ways: First, The act of cars pulling in and out and searching for spaces naturally slows traffic (particularly in a 1-way setting). Second, the vehicle traffic roadway will be narrowed to simulate the feel of oncoming traffic when there is on-street parking in a residential area. Slowed traffic enhances and improves pedestrian safety at designated crossings.

- Pedestrians only have one direction of traffic to contend with when crossing a street.
- Slower and one-way traffic allows for a safer and more manageable environment for either bike lanes or bike routes (shared lane arrangements). With the recent announcement that the City has received TXDOT's Transportation Alternatives Program Grant, there may be a greater desire to move to and from SHSU with a bicycle. Bike lanes or bike routes will improve that experience once on campus.
- This solution carries with it flexibility and cost-effectiveness. Since the one-way and parking are accomplished with signage and paint, there is room for additional modifications.

Ordinance 2016-03 is to become effective upon four conditions:

- 1.) Council adoption
- 2.) Interlocal Agreement with SHSU (discussed below) is executed
- 3.) Parking Inventory is designed and approved, and
- 4.) Striping and MUTCD requirements are met.

The goal is to accomplish the striping and signage installation during winter break at SHSU. Winter Commencement is scheduled for December 11th and 12th. Changes will not be effective before then.

Through discussions with the University on the one-way restrictions and parking creation proposed with Ordinance 2016-03, the University offered their desire to manage the spaces created on 16th Street and Bobby K. Marks Drive. In all reality, these parking spaces are closer to and more a part of the University campus than many of the 6,000+ parking spaces on campus. Reasons for the University to sell permits and manage these spaces include:

- If there is an event on campus that necessitates limiting or refusing parking in these created spaces, the University's Police Department can allow bidirectional traffic if the spaces are leased to the University. If they are strictly parking spaces on public streets, they cannot be limited or refused (unless by Ordinance adopted by the Council).
- If there was ever a desire for limitations to the parking (for instance 2-hour maximums or weekday or weekend-only restrictions), the City is not really equipped to enforce or manage those restrictions. Our present parking enforcement efforts are limited to the downtown square area.

To address this issue, Exhibit B to Ordinance 2016-03 is an Interlocal Agreement between the City and the University for the lease of certain public parking spaces. The agreement calls for a payment to the City in the amount of 50% of the annual cost of the parking permit required for the spaces. Conceptual designs envision the creation of 175 to 200 spaces. The posted price for an annual Faculty/Staff General parking permit is \$180. Any increases will be subject to the 50% lease fee for spaces.

The finding of fact provided with Ordinance 2016-03 requests Council interpretation of the City's Charter Section 14.13(b) which requires a bid process prior to the sale or lease of city property. Approval of Ordinance 2016-03 approves section 3.03 of the City Charter and the Texas Transportation Code Section 311.001 prevailing over Section 14.13(b).

Previous Council Action: Council has been briefed on this issue previously.

Financial Implications:

Item is budgeted: 814-81418-62300 In the amount of \$37,100 (original budget was \$60,000 with \$22,900 spent to date)

Item is estimated to generate additional revenue: Lease of certain parking spaces to the University will generate additional revenue. The precise amount will not be determined until both street segments are designed and the precise number of parking spaces is known.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Ordinance 2016-03 (pages 4 - 12)

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS CHANGING THE DIRECTION OF TRAFFIC FROM BIDIRECTIONAL TO ONE-WAY FROM UNIVERSITY AVENUE TO BOBBY K. MARKS DRIVE ON 16TH STREET AND FROM 16TH STREET TO BOWERS BOULEVARD ON BOBBY K. MARKS DRIVE, DIRECTING THE CITY ENGINEER TO POST ALL NECESSARY SIGNAGE AND PERFORM APPROPRIATE PUBLIC NOTIFICATIONS AND AUTHORIZING THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH SAM HOUSTON STATE UNIVERSITY FOR THE LEASE OF CERTAIN SPACES TO BE CREATED

WHEREAS, On January 20, 2015, the City of Huntsville (hereinafter "City") and Sam Houston State University (hereinafter "the University") entered into an Interlocal Agreement to jointly participate in the design and construction of certain pedestrian improvement measures; and

WHEREAS, Pursuant to the Interlocal Agreement (hereinafter the "Agreement"), the City completed the requisite engineering study; and

WHEREAS, As a result of the engineering study, the City and the University jointly agree to certain pedestrian improvements that will enhance the safety and well-being of pedestrians on the University; and

WHEREAS, The agreed-upon pedestrian safety improvements require limiting the direction of traffic on certain street segments and the creation of parking to create natural barriers and effectively funnel pedestrian traffic on to safe cross-walk areas; and

WHEREAS, It is beneficial for the University to administer and regulate parking restrictions within its campus so as to preserve and enhance the safety and effectiveness of vehicle traffic and visitor parking; and

WHEREAS, The creation of certain parking spaces has no harmful effect because they are all to be created on streets where the University is the owner of property on both sides of the street; and

WHEREAS, The attached Interlocal Agreement for Parking Administration between the City and the University is included to preserve and protect the natural pedestrian barriers and to ensure the orderly and effective administration of parking restrictions on the University; and

WHEREAS, Both Texas Transportation Code, Chapter 311.001 and the City Charter, Section 3.03 authorizes the City to control and regulate the use of streets; and

WHEREAS, Section 44-27 of the City of Huntsville Code of Ordinances allows the City to designate particular streets as one-way streets and require that all vehicles, bicycles or motor-assisted bicycles thereon be moved in one specific direction; and

WHEREAS, no other entity is positioned better to administer parking on the University other than the University; and

WHEREAS, the City Council of the City of Huntsville has the authority to interpret the provisions of the City Charter; and

WHEREAS, the City Council of the City of Huntsville finds: (i) it is reasonable to determine that the intent of Charter Section 14.13(b) was and is to apply to real estate that does not include public roads; (ii) that the authority to control and regulate the use of public streets is given to a home rule city by the Texas Transportation Code Chapter 311.001; (iii) section 3.03 of the City Charter also provides the authority for the City to control and regulate the use of public streets, the abandonment and vacation of public streets; and (iv) Charter Section 14.13(b) was not intended to and does not govern public streets; and

WHEREAS, the City Council has determined that section 14.13(b) of the City Charter is there is no public interest in applying section 14.13 (b) of the City Charter requiring a bid process for the lease of public parking spaces because no other entity is positioned or capable to administer parking on the University other than the University.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNSVILLE, TEXAS THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2: Traffic from University Avenue eastward to Bobby K. Marks Drive on 16th Street is hereby changed from bi-directional to 1-way traffic with the 1-way traffic heading east.

Section 3: Traffic from 16th Street southward to Bowers Drive on Bobby K. Marks Drive is hereby changed from bi-directional to 1-way traffic with the 1-way traffic heading south.

Section 4: That parking spaces are hereby created on 16th Street and on Bobby K. Marks Drive in accordance with the Parking Inventory in Exhibit A.

Section 5: All ordinances or parts of Ordinances that are in conflict or inconsistent with the provisions of this Ordinance shall be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect. Any ordinances that have parking restrictions that are in conflict or inconsistent with this Ordinance in regards to the street segments identified in Ex. A attached hereto repealed.

Section 6: The Interlocal Agreement for Parking Administration, Exhibit B, between the City and Sam Houston State University is hereby approved.

Section 7: Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 8: The Effective Date of this Ordinance is the latter date of the completion of the following actions; (i) the Interlocal Agreement (Exhibit B) is fully executed (ii) the Parking Inventory (Exhibit A)

receives an engineering stamp and (iii) all striping and Manual on Uniform Traffic Control Devices are complete to the satisfaction of the City Engineer.

Section 9: That upon the completion of items (i) thru (iii) in section 8 of this Ordinance, That Chapter 44, "Traffic and Motor Vehicles", of the Code of Ordinances of the City of Huntsville, Texas, Article VIII, Section 44-192, Schedule 1, be amended as set out in Exhibit "C", attached hereto and made a part of this ordinance for all purposes.

Section 10: This Ordinance, being a penal ordinance, becomes effective ten (10) days after the Effective Date. The City Secretary shall publish the caption of this ordinance in the official City newspaper at least twice within ten (10) days of the Effective Date.

PASSED AND APPROVED on this the _____ day of _____ 2015.

THE CITY OF HUNTSVILLE

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney

Exhibit A, Parking inventory

(This page is intentionally blank for the October 20, 2015 Council meeting.)

Exhibit B, Interlocal Agreement for Parking Administration

INTERLOCAL AGREEMENT

BETWEEN CITY OF HUNTSVILLE AND SAM HOUSTON STATE UNIVERSITY

FOR THE ADMINISTRATION AND LEASE OF CERTAIN PUBLIC PARKING SPACES

ON THE SAM HOUSTON STATE UNIVERSITY CAMPUS

This Agreement is entered into by the City of Huntsville (City) and Sam Houston State University (University) pursuant to the Interlocal Cooperation Act, Texas Government Code Chapter 791.

WHEREAS, Ordinance 2016-03 approves the creation of certain parking spaces on city-owned streets along 16th Street and Bobby K. Marks Drive; and

WHEREAS, The City of Huntsville wishes to create certain pedestrian safety improvements on the campus of the University; and

WHEREAS, The pedestrian safety improvements necessitate certain natural barriers that encourage orderly flow of pedestrian traffic across established crosswalks; and

WHEREAS, It is beneficial for the University to administer and regulate parking restrictions within its campus so as to preserve and enhance the safety and effectiveness of vehicle traffic and visitor parking; and

WHEREAS, The creation of certain parking spaces has no harmful effect because they are all to be created on streets where the University is the owner of property on both sides of the street; and

WHEREAS, the University wishes to lease the parking spaces that will be created on the aforementioned public streets.

NOW, THEREFORE, for and in consideration of the mutual promises and agreements contained herein, City and University agree as follows:

I.

The City of Huntsville leases the spaces created on 16th Street and the spaces created on Bobby K. Marks Drive for a period of five years at an annual cost of \$_____ (50% of annual cost of the parking permit required for the spaces times the number of spaces) in accordance with Exhibit A "Parking Inventory" of Ordinance 2016-03. The effective date of this Agreement shall be the last date of fully executed signatures. Payment shall be made to the City of Huntsville on or before January 1 of each year, beginning in the year 2016.

Sam Houston State University shall administer, sell, collect and enforce all parking restrictions on each of the spaces in accordance with University policies and practices.

II.

Any notice given hereunder by one party to the other party shall be in writing and may be effected by personal delivery, by registered or certified mail, return receipt requested, when mailed to the proper party, in care of the official signing this Agreement or by fax transmission as agreed to by the Parties and as evidenced by a confirming return fax transmission.

If to City of Huntsville:

Matt Benoit, City Manager
1212 Avenue M
Huntsville, Texas 77340
Phone: (936) 291-5400 Fax: (936)291-5409

If Sam Houston State University:

J. Carlos Hernandez, EdD, CPA
Vice President for Finance and Operations
Box 2027, Sam Houston State University
Huntsville, Texas 77341
Phone: (936) 294-2686, Fax: (936) 294-1963

Copy to:

Lee Woodward, City Secretary
1212 Avenue M
Huntsville, Texas 77340
Phone: (936) 291-5400 Fax: (936)291-5409

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 Sam Houston State University, 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 University 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

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. 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.

XIII. 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.

IX.

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.

X.

Nondiscrimination: By executing this agreement, the City, all City contractors, City subcontractors, their respective employees, and others acting by or through them shall comply with all federal and state policies and laws prohibiting discrimination, harassment, and sexual misconduct. Any breach of this covenant may result in termination of this agreement.

XI.

This contract is subject to the review and approval of the Texas State University System Board of Regents and the City Council of the City of Huntsville, Texas.

Approved on the date or dates indicated.

CITY OF HUNTSVILLE

Matt Benoit, City Manager
City of Huntsville, Texas

Date

Examined and Recommended:

President, Dr. Dana G. Hoyt

Date

Chancellor, Dr. Brian McCall

Date

APPROVED AS TO LEGAL FORM

Vice Chancellor and General Counsel,
Dr. Fernando C. Gomez

Date

APPROVED by the Board of Regents on _____ at _____

The Honorable Dr. Jaime R. Garza
Chairman of the Board

Exhibit "C"

That Chapter 44, "Traffic Code", Article VIII, Section 44-192 " of the Code of Ordinances of the City of Huntsville, Texas, is hereby temporarily amended by amending Schedule 1 "One-way streets" by adding the following:

-Traffic from University Avenue eastward to Bobby K. Marks Drive on 16th Street is hereby changed from bi-directional to 1-way traffic with the 1-way traffic heading east.

-Traffic from 16th Street southward to Bowers Drive on Bobby K. Marks Drive is hereby changed from bi-directional to 1-way traffic with the 1-way traffic heading south.

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, REPEALING CERTAIN ORDINANCES WHICH CREATED THE FOLLOWING COMMITTEES: HUNTSVILLE BEAUTIFICATION ADVISORY COMMITTEE, HUNTSVILLE ECONOMIC DEVELOPMENT COUNCIL, AND THE YOUTH ADVISORY BOARD; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council previously adopted Ordinance No. 99-08 creating the Huntsville Beautification Advisory Board ("HBAB") to enhance the beauty and upkeep of the City of Huntsville, Texas ("City") and its areas; and

WHEREAS, the City Council previously adopted Ordinance No. 2001-25 creating the Huntsville Economic Development Council ("HEDC") to help create job opportunities and private investment in the City; and

WHEREAS, the City Council previously adopted Ordinance No. 2003-04 creating the Youth Advisory Board ("YAB") to be an advocate for the City youth and area youth and develop youth programs; and

WHEREAS the City Council has conducted a review of the functions and necessity of the HBAB, HEDC and the YAB; and

WHEREAS, the City Council finds that the functions of the HBAB and HEDC are now being met by city efforts, other local groups, and community organizations and that both committees have been inactive; and

WHEREAS, the City Council finds that schools and other community organizations are conducting activities to develop youth programs and serve as advocates for youth; and

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; now therefore

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

SECTION 1: The facts and matters set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

SECTION 2: Ordinance No. 99-08 and any amending ordinances are hereby repealed and the Huntsville Beautification Advisory Board is disbanded and no longer an official City committee.

SECTION 3: Ordinance No. 2001-25 and any amending ordinances are hereby repealed and the Huntsville Economic Development Council is disbanded and no longer an official City committee.

SECTION 4: Ordinance No. 2003-04 and any amending ordinances are hereby repealed and the Youth Advisory Board is no longer an official City committee.

SECTION 5: All ordinances or parts of Ordinances that are in conflict or inconsistent with the provisions of this Ordinance shall be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6: Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 7: This Ordinance shall take effect immediately from and after the date of its passage in accordance with Article 4.15 of the City Charter.

PASSED AND APPROVED on this _____th day of _____ 2015.

THE CITY OF HUNTSVILLE

Mac Woodward, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

10/6/2015

Agenda Item: 7a

Item/Subject: Consideration and discussion on a Citizen Participation Request from Jerry DeWitt to discuss Safe Routes to School (SRTS) sidewalk project and final cleanup and landscaping at 600 Highway 190 East.

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager

Recommended Motion: City Council consideration and discussion is encouraged. If there appears to be majority support for any action, the motion may be to, "Move to direct the City Manager to prepare _____ for Council consideration at the _____ City Council meeting."

Strategic Initiative: Goal #1 - City Appearance - Provide policies, amenities, and events that enhance the City's already beautiful and historic natural environment.

Executive Summary: Mr. DeWitt acquired a piece of property located at 600 Highway 190 East. He now wishes to request Council consideration of construction activities performed approximately 18 months ago. The City Charter sets forth the process of Council consideration of claims to private property. Staff's suggestion is to listen to Mr. DeWitt, and offer the process outlined in the City's Charter if there is a desire to remedy Mr. DeWitt's claims.

Discussion: Mr. DeWitt's Citizen Participation Request offers little in the way of the details of his desired consideration by the City Council. However, for the Council's consideration, the City's daily inspection records indicate that most of the sidewalk construction on Pine Street, including the segment along 600 Highway 190 occurred from late March through May of 2014. A small segment of sidewalk on Pine Street, approximately 30 linear feet, at the intersection with Highway 190, was constructed when the Highway 190 sidewalk was constructed from February to May 2, 2015.

Subsequently, the City was contacted by Mr. and Mrs. Tomlinson at 1511 Pine Street, in early June of this year. The Tomlinsons brought to the City's attention some concerns about erosion in the drainage ditches in and around the recently completed sidewalk project. After reviewing the issue, the City Engineer recommended additional work in the form of lining the channels with concrete, adding some energy dissipaters (to slow and calm the water) and some sod within the rights of way to slow and manage surface drainage from properties in the area. The City Manager notified the Council of that work in the August 14 Friday update. It is important to note the City's investment (approximately \$25,000) was targeted at fixing specific drainage problems where installation of sidewalks in narrow rights of way resulted in erosion that limited the effectiveness of drainage ditches and threatened the sidewalks or street sub-base. The investment was in public property.

In conversations with Mr. DeWitt, his interest appears to be in rectifying previous construction activities to private property that he did not own at the time of the construction and where there doesn't appear to be a drainage or erosion problem. There does not appear to be a public benefit to Mr. DeWitt's desire for the City's action. Furthermore, the property Mr. DeWitt is concerned with is located at 600 Highway 190 East. According to records from the Appraisal District, Mr. DeWitt only recently acquired

this property on July 20, 2015. As of the Council's consideration of this matter, he will have owned it for exactly 90 days. Whatever condition(s) may have been left behind by a previous sidewalk contractor(s) had to have been known to Mr. DeWitt prior to purchasing the property.

Regardless, the City Charter at Section 14.06 sets forth the process for Council consideration of claims to private property. It states, "The City of Huntsville shall not be held responsible on account of any claim for damages or injuries to any person, whether such damages or injuries resulted in death or not, or property unless the person making such complaint or claiming such damages or injuries, shall within six months after the time in which it is claimed such damages or injuries were inflicted upon such person or property, file with the City Secretary a true statement under oath as to the nature and character of such damages or injuries, the extent of the same, and the place where same happened, the circumstances under which it happened, the conditions causing same, and a detailed statement of each item of damages and the amount thereof and, if it be for personal injuries, whether resulting in death or not, giving a list of witnesses, if any, known to affiants who witnessed such accident."

If after listening to Mr. DeWitt's concerns during the meeting there is a desire to consider a claim, it is recommended the Council follow the Section 14.06 and receive the claim in writing with associated amount(s).

Rec'd. 10/13/15 11:32 am

City of Huntsville
City Council Meeting



CITIZEN PARTICIPATION REQUEST

(per Council Rules of Procedure)

NAME (required):

Jerry DeWitt

ADDRESS (required):

1500 Pine St,
Huntsville TX

PHONE#: (936) 291-1852

EMAIL: _____

I wish to place the following item on the agenda:

Safe Pathways to school
Side walk project.
Final cleanup & Landscape
600 Hwy 190 E. Discussion &
possible action

A citizen may provide an item for the agenda of a regular meeting (first and third Tuesdays of each month) by submitting a Citizen Participation Request in writing (in person, by mail, to citysecretary@huntsvilletx.gov, or at <http://bit.ly/1kwO4AN>) to the City Secretary by noon on the Tuesday prior to a regular City Council meeting.

Any items handled through this process will be placed in the Citizen Participation portion of the agenda. The individual who submitted the item will be permitted five minutes to speak when called upon by the presiding officer.