

CITY OF HUNTSVILLE, TEXAS

Andy Brauninger, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4
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, FEBRUARY 2, 2016 4:30 P.M. WORK SESSION – 6:00 P.M. REGULAR SESSION

CITY 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.

WORK SESSION [4:30 P.M.] The City Council will discuss and hear presentations on economic development and future initiatives. [Mayor Brauninger]

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

- HISD Family, Career, and Community Leaders of America Week proclamation
- HISD Career and Technical Education Month proclamation

4. ELECTION MATTERS

- a. *Presentation, public comment, discussion, and possible action* to enter into an Election Services Contract with Walker County for the May 7, 2016 Special Election to Fill a Vacancy to elect a Councilmember At-Large Position 1. [Lee Woodward, City Secretary]

5. 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 meetings held on January 19, 2016. [Lee Woodward, City Secretary]

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

- a. *Presentation, public comment, discussion, and possible action* to adopt Ordinance 2016-09, authorizing annual participation with other Entergy service area cities in matters concerning Entergy Texas, Inc., at the Public Utility Commission and the Federal Energy Regulatory Commission in 2016, second reading. [Leonard Schneider, City Attorney]
- b. *Presentation, public comment, discussion, and possible action* on Mayor's nomination of Mike Belovsky to an open position on the City of Huntsville, Texas Veterans Affairs Advisory Board. [Mayor Brauninger]

7. REQUESTS FOR CITIZEN PARTICIPATION

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

No requests received by January 26, 2016.

8. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

9. ITEMS OF COMMUNITY INTEREST

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

10. EXECUTIVE SESSION

- a. City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 legal advice on claims regarding McDonald Creek.

11. RECONVENE

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

12. ADJOURNMENT

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

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the February 2, 2016 City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.huntsvilletx.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____

TIME OF POSTING: _____ am/pm

TAKEN DOWN: _____

Lee Woodward, City Secretary



CITY COUNCIL AGENDA

2/2/2016

Agenda Item: Workshop

Item/Subject: The City Council will discuss and hear presentations on economic development and future initiatives.

Initiating Department/Presenter: City Council

Presenter: Mayor Andy Brauninger

Recommended Motion: N/A

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

Discussion: City Council will have an open discussion on the very hot topic of economic development. Where are we, how do we move it to the next step, and where did the community forum leave it last summer? Terry Stokes of SHSU and Betty Russo from Governor Abbott’s Economic Development Office plan to attend and be available for discussion.

Previous Council Action: A number of Council members attended meetings in 2015 with the Greater Houston Partnership and the Council placed an item on the November ballot for a 4B corporation, which was not approved by the voters.

Financial Implications:

There is no financial impact associated with this item.

Item is budgeted: _____ - _____ - _____ In the amount of \$ _____

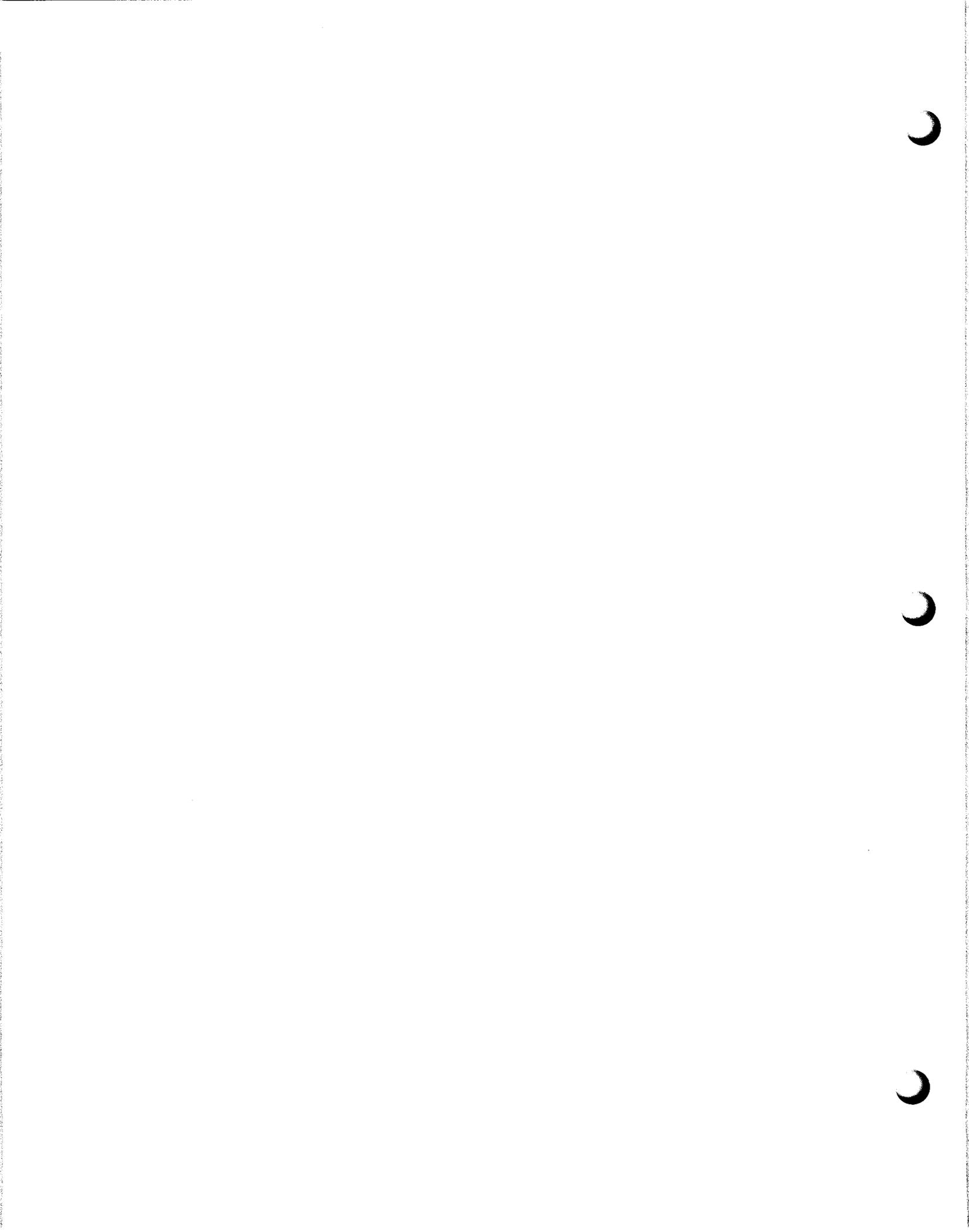
Item is not budgeted:

Item is estimated to generate additional revenue:

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- None





ELECTION SERVICES CONTRACT

Between the County Election Officer

And

City of Huntsville

WHEREAS the City of Huntsville, hereinafter referred to as "COH", shall hold their special election to fill a vacancy on Saturday, May 7, 2016; and

WHEREAS the County Election Officer, Diana L. McRae, hereinafter referred to as "Contracting Officer", along with the Voter Registration/Elections Department (VR/ED) she oversees, and by authority of Section 31.092(a) of the Texas Election Code, enters into this election services contract with COH holding their respective special election on Saturday, May 7, 2016 for the conduct and supervision of; and

WHEREAS the COH (*also referred to as participating authority(ies)/entity(ies), joint participants, political subdivisions*) has adopted orders, resolutions or other official documents required by their respective governing bodies reciting the terms of the contract for election services; and

WHEREAS the COH finds that this election services contract will adequately and conveniently serve all voters in Municipality and will facilitate the orderly conduct of the election; and

THEREFORE, the County Election Officer and COH agree as follows:

The Walker County Voter Registration/Elections Department (VR/ED), under the direction of the County Election Officer, agrees to coordinate, supervise, and handle all aspects of administering the election in accordance with the provisions of the Texas Election Code and as outlined in this agreement. Each participating authority agrees to pay Walker County for leasing the equipment, election supplies, services and administrative costs as outlined in this agreement. The VR/ED will serve as administrator for the election; however, each participating authority remains responsible for the lawful conduct of their respective election.

1. Election Date. Special election to fill a vacancy to be held May 7, 2016.

Note: In the event of a runoff election, all provisions in this contract relating to the May 7th election are applicable to the runoff election. Due to committed election obligations of the Contracting Officer and the VR/ED, in accordance with the City's charter and with the Contracting Officer's election schedule, the runoff election will be held on Saturday, June 11, 2016. All Early Voting and Election Day voting (all election precincts) will be held at the Walker County Annex, 1301 Sam Houston Avenue, Suite 101. All costs associated with the runoff election will be at the total expense of the COH. Additional details for the runoff election to be announced after the May 7th election.

2. Voting Equipment. The VR/ED will provide voting machines and equipment, prepare them for use in the election including logic and accuracy testing, and transport them (*or arrange to have them transported*) to and from the early voting location(s) and the Election Day polling places.
3. Election Supplies. The VR/ED will arrange for all necessary election supplies, including but not limited to ballots, election forms, maps, and supplies for election judges, ballot boxes, voting booths, transfer cans,

electronic poll book and accessories, etc. and if necessary, instructions and other information needed to enable the election judges to conduct a proper election.

The VR/ED will combine election forms and records in a manner convenient and adequate to record and report the results of the election for each of the participating entities as prescribed by Section 271.009 of the Texas Election Code. This includes the use of a single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place (Section 271.007 Texas Election Code).

Each participating entity shall furnish to the VR/ED a list of candidates and/or propositions showing the order and the exact manner in which their candidate names and/or propositions are to appear on the official ballot in both English and in Spanish. The list will be delivered to the VR/ED as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority will be responsible for proofreading and approving the ballot in so far as it pertains to the authority's candidates and/or propositions. The VR/ED will order programming and ballots based on the ballot approval of each participating authority. In the event, a participating authority approved a ballot containing an error, that authority will be solely, financially responsible for all replacement costs of the programming and ballots, along with any additional related expenses (i.e. shipping, etc.).

The VR/ED will be responsible for procuring the election supplies for an election however the final ballot order will be approved by COH.

4. Election Notices and other Pre-Election Matters.

NEW RULING - Effective June 25, 2013, United States Supreme Court ruled Section 5 of The Voting Rights Act of 1965 "unconstitutional" – based on this ruling, we've been advised by the Secretary of State's Office that changes in voting procedures no longer require approval or "preclearance" by federal authorities known as the Department of Justice. At this time, the language will remain in the Joint Election Agreement however we have suspended the submission for preclearance to the DOJ as instructed until further notice.

- a. The VR/ED will be responsible for making the submission required by the Federal Voting Rights Act of 1965, as amended, with regard to administration of the joint election. A copy of the preclearance letter to the DOJ will be furnished to each participating authority.
- b. Each authority will post their respective election orders and public election notices; and provide a copy of the orders and notices with the VR/ED and those issued by VR/ED to each participating authority.
- c. COH will select all voting locations to be used. The VR/ED will arrange for the use of all voting locations. In the event of an unforeseen emergency or a change must be made for another reason, the VR/ED will arrange for an alternate location or combine it with another and will notify the participating authority affected by the change immediately. **The voting locations are listed in Attachment "A" of this agreement.**

5. Election Judges, Clerks and Other Election Information.

- a. The VR/ED will be responsible for the appointment of the presiding judge(s) and clerks for each polling location. The VR/ED will arrange for training and compensation of all presiding judges and clerks. If a person is unable or unwilling to serve, the VR/ED will be responsible for the appointment of a replacement judge for the precinct and notify each participating authority affected by the change.
- b. The VR/ED will take the necessary steps to insure that all election judges appointed for the election are eligible to serve.
- c. The VR/ED will be responsible for the training of election workers to ensure compliance with the Texas Election Code and established election procedures.
- d. The election judges are responsible for picking up election supplies at the time and place determined by the VR/ED. Each election judge will receive \$10 per hour and each clerk \$9 per hour (for a maximum of 14

hours). The election judge will receive an additional \$25 for picking up the election supplies prior to Election Day and for delivering election returns and supplies to the County Annex building on Election Night.

- e. The VR/ED will employ other personnel necessary for the proper administration of the election, including temporary staff, as is necessary to prepare for the election, to ensure the timely delivery of supplies and equipment during the period of early voting and for Election Day, and for the efficient collection of precinct supplies on election night at the central accumulation station. This temporary, election personnel will be paid \$9 an hour as agreed upon by the participating authorities.

6. Early Voting.

- a. Diana L. McRae, the County Election Officer/Tax Assessor-Collector, is the Early Voting Clerk (EVC) as established by Secs. 83.002 and 31.071 of the Texas Election Code. The Elections Manager is appointed Deputy Early Voting Clerk (DEVK) for early voting as with respect to early voting in person and voting by mail. Additional clerks may be appointed by the EVC/DEVK as needed to assist in the conduct of the election.
- b. Early voting will be conducted at the Walker County Annex located at 1301 Sam Houston Avenue Suite 101, Huntsville, Texas 77340 and at minimum, will be the hours that the early voting clerk regularly conducts early voting (see specifics below).
- c. The EVC/DEVK may appoint additional clerks for early voting by personal appearance/voting by mail as needed to assist in the conduct of the election.
- d. Early voting (by personal appearance) will be conducted at the following location:

Location: Walker County Annex
1301 Sam Houston Avenue Suite 101, Huntsville, Texas 77340

Dates: Monday, April 25th through Tuesday, May 3rd (weekdays only)

Times: 8:00 am – 5:00 pm

EXCEPTION: There will be two twelve-hour days during early voting:
Tuesday, April 26th and Tuesday, May 3rd – Early Voting Hours 7:00 am – 7:00 pm

- e. The Early Voting Ballot Board (EVBB), consisting of a presiding judge and at least two other members, will be appointed by the VR/ED.
- f. The presiding election judge of the EVBB will receive \$10 per hour and EVBB election clerks will receive \$9 per hour. All members of the EVBB will be paid for at least 4 hours of service (a minimum call for service).

7. Election Day.

- a. The VR/ED will monitor all polling locations on Election Day for adequate supplies, operating voting systems, voter check-in assistance, qualifying the voter, etc.
- b. As required by law, the VR/ED will be open on Election Day and also available by phone, cell phone, e-mail, and instant messaging (via electronic poll books) to assist all elections workers and participating authorities.

8. Returns of Elections.

- a. The VR/ED is responsible for establishing and operating the central accumulation station in accordance with the provisions of the Texas Election Code and this agreement. The CAS is overseen by the County Election Officer/Central Accumulation Manager, with the assistance of the Elections Manager as Tabulation Supervisor, an Assistant Tabulation Supervisor, and numerous Receiving Clerks, if applicable.

- b. On election night as precinct returns arrive for processing, the VR/ED will provide timely cumulative reports of election results as soon as the returns are processed, accumulated and the initial reconciliation is completed. The VR/ED will be responsible for releasing cumulative totals, reflecting precinct returns via a "media report"/"summary report" to include early voting and election day, to the participants, candidates, media, and general public by distribution of hard copies and/or electronic transmittals. Walker County will operate an Election Results Center to release election results in the Walker County Annex Building located at 1301 Sam Houston Avenue.
 - c. On election night, the VR/ED will have a designated area set up in Room 114 to accommodate one representative from each participating entity to observe the election results center operation and receive election results. Internet access via data lines will be available as well *if needed*. Specific instructions regarding recommended arrival time, entrance access, etc. will be sent out via email to each participating entity before Election Day as instructions may vary with each election.
 - d. The VR/ED will be responsible for entering election night returns electronically as required by the Secretary of State's Office, if applicable.
 - e. The VR/ED will prepare, after Election Day, the unofficial canvass report after all precinct returns have been accumulated, and will make available a copy of the unofficial precinct returns for canvassing to each participating authority as soon as possible after all returns, provisional and mail ballots have been tabulated; the unofficial precinct returns will be available by 5:00 p.m. on Monday, May 16, 2016.
 - f. All participating authorities will be responsible for canvassing their respective election returns. As stated in Section 271.012 of the Texas Election Code, the presiding officer of the canvassing authority of each participating entity shall issue certificates of election to candidates elected at the joint election to offices of political subdivisions. *Please refer to the publication provided by the Elections Division of the Secretary of State's Office titled "Canvassing Elections and Qualification for Public Office" for an outline summarizing Texas case law and statutes relating to canvassing and reporting official election returns, as well as the law specifying how candidates take office upon election.*
 - g. The VR/ED will be responsible for conducting the post-election manual recount, unless a waiver is given from the Secretary of State in accordance with Section 127.201 of the Texas Election Code. Each political subdivision must notify the VR/ED if waiver has been granted or denied upon receipt of notification from the Secretary of State. The VR/ED will post required notice of recount and may require a representative of each participating authority to be present and if necessary, assist with the recount process.
 - h. The VR/ED will be responsible for entering the election results precinct return reporting, also known as the Vote Count List, as required by the Secretary of State.
9. Records of the Election.
- a. The Contracting Officer (County Election Officer) shall serve as the general custodian of election records in accordance with Section 271.010 of the Texas Election Code. However, each participating entity will be the custodian and responsible for pre-election and post-election records for their respective elections to include but not limited to election orders, public election notices, applications for a place on the ballot, candidate drawing documents, along with canvassing records and certificates of election, etc.
 - b. Election records will be available to each participating authority as well as to the public in accordance with the Public Information Act, Chapter 552 of the Texas Government Code and Chapter 66 of the Texas Election Code.
 - c. Records of the election will be retained and disposed of in accordance with the records retention schedule adopted by the Walker County Tax Assessor-Collector/County Elections Officer, and accepted by the Texas State Library and Archives Commission on May 10, 2010 and in accordance with Chapter 66 of the Texas Election Code.

NEW LAW - Effective September 1, 2011, House Bill 2817 (82(R) Legislative Session) amends the preservation period to provide that the new preservation period for non-federal elections is six months after Election Day.

- d. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Information Act, the VR/ED will maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of any participating authority to bring to the attention of the VR/ED any notice of any pending contest, investigation, litigation, or Texas Public Information Act request which may be filed with a participating authority.
- e. Upon request to maintain records beyond eligibility for preservation according with Section 66.058 of the Texas Election Code, the VR/ED shall supply a written cost estimate for storage to requesting participant.

10. Election Expenses.

- a. The COH agrees to pay the actual expenses incurred for the programming, coding, and ballot layout costs. Programming of voting equipment owned by Walker County is prepared by Election Systems and Software (ES&S).
- b. The cost of any special request from COH shall be borne totally by COH.
- c. The COH agrees to pay election expenses incurred, including but not limited to, the costs and expenses of election supplies, newspaper publication of the testing notice, air cards for electronic poll books, logic and accuracy testing, voting machines and equipment transportation, and other election related expenses.
- d. The COH agrees to pay the cost of all election personnel (*excluding the Contracting Officer*). This will include the early voting election workers, Election Day workers, Early Voting Ballot Board, along with any temporary employees hired to assist with delivery of equipment and supplies, and election workers at the central accumulation station, etc. Any hours worked over forty (40) hours per week by the full-time employees of the VR/ED (*shall be monitored and authorized by the County Election Officer*) beginning the Friday immediately before early voting begins and concluding the Friday following Election Day, due to the complexity of the elections, will be paid at one and one half (1 ½) time his/her regular rate and will be paid by COH.
- e. The COH agrees to lease the county-owned election equipment in accordance with Section 123.032 of the Texas Election Code. The voting system to be used in the election is the ES&S Model 100 Precinct Scanner. One accessible voting system, the ES&S AutoMark, will be provided at each poll location. Early voting equipment will be provided as well during each day of Early Voting.
- f. The COH agrees to pay an administrative fee not to exceed 10% of the total cost of the election as authorized by Section 31.100(d) of the Texas Election Code.
- g. The COH agrees to pay Walker County within thirty (30) days of receipt of the invoice.

11. Waiver of Damages.

The Participating Authorities acknowledge that the electronic voting system and the programming of paper ballots is highly technical and that it is conceivable that despite the effort of the Voter Registration/Elections Department it might fail during an election or might contain errors. The Participating Authorities agree that should the electronic voting system fail, the Participating Authorities will not make any claim against the County of Walker, the elected officials signed herein, or any of their employees, or agents for damages of any kind, including but not limited to damages incurred for having to conduct a second election caused as a result of such failure or error.

The Participating Authorities acknowledge that joint elections present logistical problems and other problems over and above elections that may be conducted individually. The County of Walker, the elected officials signed herein, or any of their employees, or agents will use their best efforts to help ensure that a joint election will be conducted without error or mishap, but on occasion, errors or mishaps occur. Accordingly, the Participating Authorities agree that should an error or mishap occur they will not make any claim against the County of Walker, the elected officials signed herein, or any of their employees, or agents for damages of any kind including but not limited to damages incurred for having to conduct a second election, as a result of such error or mishap.

To the extent possible by law, if legal action is filed against any of the Participating Authorities involving its' respective election and if, the County and/or the elected officials signed herein or any of their employees, or agents, is named as a party to this legal action and the complaint is based solely on allegations made against that particular political subdivision, then that political subdivision, Participating Authority, shall be solely responsible for the costs and defense of that suit and shall be authorized to provide counsel of its choice for the County and/or the elected officials signed herein or any of their employees, or agents.

The VR/ED will print multiple original documents in order for each to have an original, signed and completed contract for each authority's records. The VR/ED shall file a copy of this executed contract with the County Treasurer, County Judge, and County Auditor.

SIGNED AND ENTERED into this agreement 2nd day of February, 2016 in duplicate originals.

**WALKER COUNTY VOTER
REGISTRATION/ELECTIONS**

THE CITY OF HUNTSVILLE

*Diana L. McRae, Tax Assessor-Collector/
County Election Officer*

Andy Brauning, Mayor

Lee Woodward, City Secretary

*Attachment A – Election Day Polling Location
Attachment B – Election Cost Estimate*

Attachment A

**ELECTION DAY
POLLING LOCATION**

PCT

LOCATION

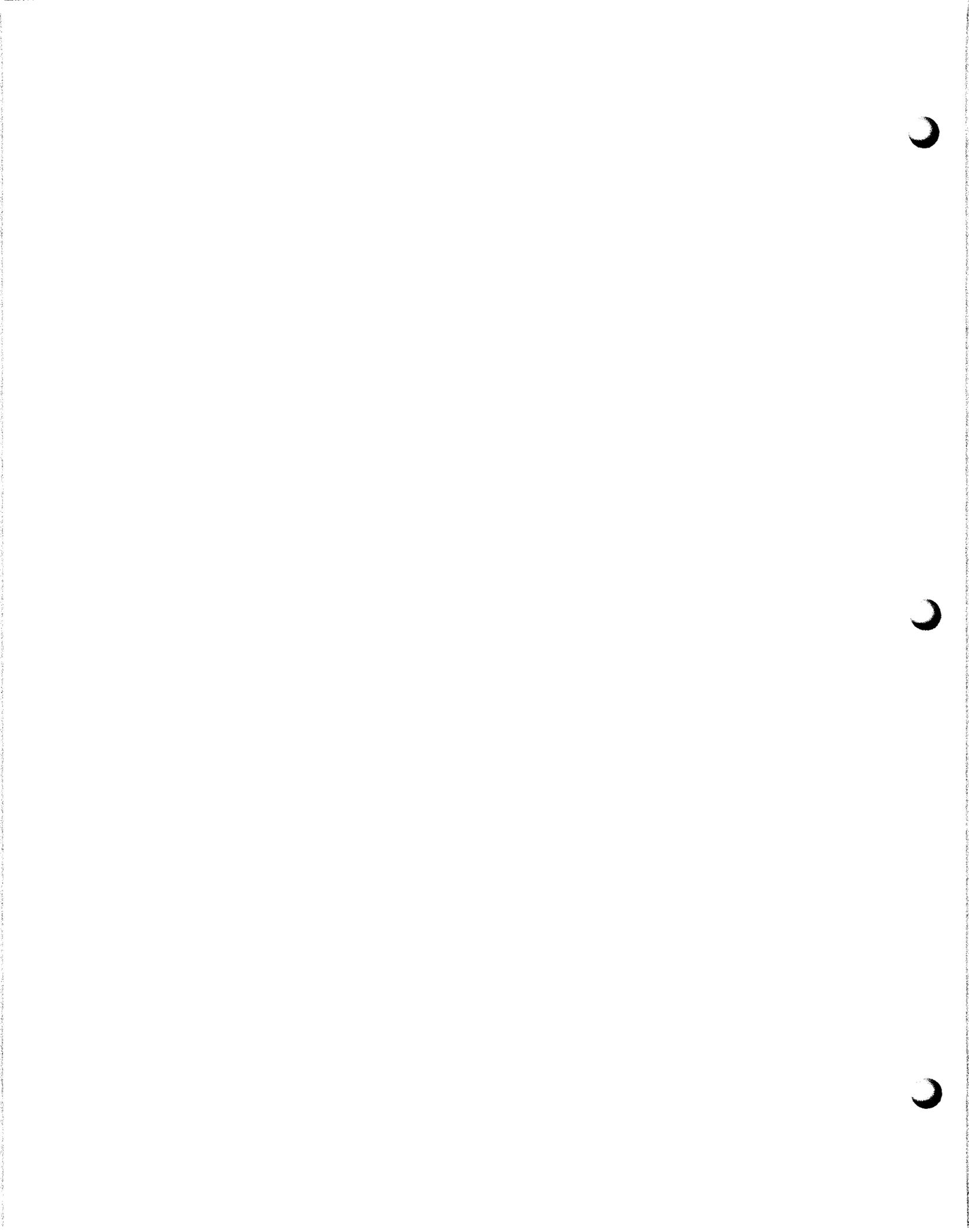
ALL

**Walker County Annex
1301 Sam Houston Avenue Suite 101
Huntsville, Texas 77340**



SPECIAL ELECTION - MAY 2016 (To Fill Vacancy)

Ballots and Programming	Unit Price	Quantity	Total
Price is based on two candidates on ballot			
Official Ballots			
Official Ballots	\$ 0.27	3000	\$ 810.00
Coding/Sample/Test ballots	\$ 0.27	40	\$ 10.80
Shipping and Handling	\$ 20.00	1	\$ 20.00
Coding			
Base Charge: Precinct Tabulator	\$ 371.88	1	\$ 371.88
Base Charge: ERM File Setup	\$ 371.88	1	\$ 371.88
Ballot Types	\$ 53.13	7	\$ 371.91
Precincts	\$ 5.31	7	\$ 37.17
Ballot Faces	\$ 10.63	7	\$ 74.41
Ballot-Contest/Issues	\$ 12.75	1	\$ 12.75
Ballot-Candidate/Responses	\$ 5.31	4	\$ 21.24
Media Burn: PCMCIA	\$ 10.00	4	\$ 40.00
Media Burn: Flashcard	\$ 10.00	2	\$ 20.00
AutoMark English-Language Set Up	\$ 256.50	1	\$ 256.50
AutoMark English-Candidate/Response	\$ 7.29	4	\$ 29.16
AutoMark English-Contest/Issues	\$ 10.53	1	\$ 10.53
AutoMark English-Props/Amends	\$ 15.48	0	\$ -
AutoMark English-Ballot Faces	\$ 10.53	7	\$ 73.71
AutoMark Spanish-Language Set Up	\$ 256.50	1	\$ 256.50
AutoMark Spanish-Candidate/Response	\$ 7.29	4	\$ 29.16
AutoMark Spanish-Contest/Issues	\$ 10.53	1	\$ 10.53
AutoMark Spanish-Props/Amends	\$ 15.48	0	\$ -
AutoMark Spanish-Ballot Faces	\$ 10.53	7	\$ 73.71
Shipping and Handling	\$ 10.00	1	\$ 10.00
Layout			
Layout	\$ 15.00	7	\$ 30.00
			\$2,941.84
Election Supplies			
Election Supplies			
Pull Tite Seals			
Demand/security seals			
			\$0.00
Miscellaneous Expenses			
Public Notice of Testing - Huntsville Item (shared expense w/ESD)	\$ 104.88	1	\$ 104.88
Delivery and Retrieval of Voting Equip			
Postage for Mailouts to Polling Locations			
Thermal Paper for Voting Equipment Reports			
			\$104.88
Election Workers			
			Total Cost
Early Voting (4 workers @ \$9/hr. for 7 day period)	\$ 2,736.00		\$2,736.00
Annex Election Central - Receiving Election Night			
Temporary Election Staff			
Early Voting Ballot Board (1PJ @\$10/2clerks @\$9/hr. for 4 hr. min)	\$112.00	1	\$112.00
Overtime VR/ED Full Time Staff			
			\$3,391.00
Lease of Election (Voting) Equipment			
			Total
Early Voting -M100 1 machine X 7 days X \$95			\$665.00
Early Voting -Automark 1 machine X 7 days X \$108			\$756.00
Early Voting -Electronic Pollbook 1 EP X 7 days X \$36			\$252.00
Election Day -M100 1 machine X 1 day X \$95			
Election Day -Automark 1 machine X 1 day X \$108			
Election Day - Electronic Pollbook 1 EP X 1 day X \$36			
Election Day Air Cards-Elec Pollbook	waive-ethernet		
			\$1,912.00
			Estimated Elec Cost: \$8,349.72
CONTRACT FOR ELECTION SERVICES			
- 10% of Total Election Cost			\$834.97
TOTAL ESTIMATION:			\$9,184.69



MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 19th DAY OF JANUARY 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a regular session with the following:

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

COUNCILMEMBERS ABSENT: Joe Emmett

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

WORK SESSION [4:30 P.M.] – City Council will hear presentations on public safety technical equipment and HR initiatives.

Chief Kevin Lunsford, Director of Public Safety, discussed law enforcement equipment and technology. Human Resources Director Julie O'Connell shared plans for new employee orientation, on-boarding, and other staff initiatives.

MAIN SESSION [6:00 P.M.]

1. **CALL TO ORDER** - Mayor Brauninger called the meeting to order at 6:00 p.m.
2. **INVOCATION AND PLEDGES** – Councilmember Johnson gave an invocation.
3. **ELECTION MATTERS**
 - a. **Presentation, public comment, discussion, and possible action to adopt Ordinance 2016-11 calling the May 7, 2016 Special Election to Fill a Vacancy to elect a Councilmember At-Large Position 1.** [Lee Woodward, City Secretary]

Mayor Pro Tem Olson moved to adopt Ordinance 2016-11 calling the May 7, 2016 Special Election to Fill a Vacancy to elect a Councilmember At-Large Position 1; the motion was seconded by Councilmembers Humphrey and Rodriguez. The motion was adopted, 7-0.

4. **CONSENT AGENDA**

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

- a. **Approve the minutes of the City Council meetings held on December 20, 2015 and January 5, 2016.** [Lee Woodward, City Secretary]
- b. **Authorize the City Manager to apply for an Emergency Management Performance Grant (EMPG).** [Dr. Sherry McKibben, Director of Neighborhood Resources]

Councilmember Montgomery moved to approve the consent agenda; the motion was seconded by Councilmembers Johnson and Rodriguez. The motion was adopted, 7-0.

5. **STATUTORY AGENDA**

- a. **Presentation, public comment, discussion, and possible action to consider authorizing the City Manager to enter into a contract for the manufacturing and installation of way-finding signage with National Signs for \$237,000, and adopting Ordinance 2016-10 for the associated budget amendment.** [Dr. Sherry McKibben, Director of Neighborhood Resources]

Councilmember Humphrey moved to authorize the City Manager to enter into a contract for the manufacturing and installation of way-finding signage with National Signs for \$237,000, and adopt Ordinance 2016-10 for the associated budget amendment; the motion was seconded by Councilmembers Johnson and Rodriguez.

Karl Davidson spoke in opposition to the project.

The motion was adopted, 6-1, Councilmember Allen voting against.

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

- a. **FIRST READING - Presentation, public comment, discussion, and possible action to adopt Ordinance 2016-09, authorizing annual participation with other Entergy service area cities in matters concerning Entergy Texas, Inc., at the Public Utility Commission and the Federal Energy Regulatory Commission in 2016, first reading.** [Leonard Schneider, City Attorney]

Councilmember Humphrey moved to waive the second reading per the provision of Charter Section 4.12 and was seconded by Mayor Pro Tem Olson. The motion failed, 0-7.

- b. **Presentation, public comment, discussion, and possible action on nominations for the City Council Finance Committee (the Mayor will select a member to serve as chair, per 8.02 of the City Council Rules of Procedure).** [Mayor Brauninger]

Mayor Brauninger moved the nominations of Councilmembers Don H. Johnson (as Chair), Joe Emmett, and Joe P. Rodriguez to serve on the City Council Finance Committee. The motion was adopted, 4-3, Councilmembers Olson, Johnson, and Montgomery voting against.

7. **REQUESTS FOR CITIZEN PARTICIPATION**

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

No requests were received by noon on January 12, 2016.

8. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

There were no media inquiries.

9. ITEMS OF COMMUNITY INTEREST

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

Councilmember Rodriguez recounted the excellence of the HMM Auxiliary 60th Anniversary event the night before and lauded the volunteers who were recognized. Mayor Pro Tem Olson's *HISD Minute* noted that January was the School Board of Trustees Appreciation Month. He said HISD's Strategic Plan would be presented to the Board on January 28 at their meeting.

Mayor Brauninger announced:

- It's a new year and a good time to be sure you are subscribed to all the City information you need. On the City's home page, at HuntsvilleTX.gov, click on the blue button titled Stay Notified. You can get newsletters, meeting agendas, and press releases sent directly to your email inbox, as soon as they are issued.
- The Huntsville Public Library is hosting its 6th Annual Art Contest for all students ages 5-18. Entries are due by February 16th, and winners will be announced at a ceremony on March 12. For more information, call Rachel at the library.
- Ken Zonker's exhibit will open at the Wynne Home on January 30 with a public reception
- Councilmember Joe Emmett is celebrating a birthday on January 30, please join us in congratulating him!
- He shared how much he enjoyed being at some of the events at the Unity of Faith Church's MLK, Jr. Day celebrations over the weekend

Councilmember Humphrey noted Councilmember Rodriguez also volunteered at the hospital and Councilmember Johnson said he had been recognized for that last night.

10. EXECUTIVE SESSION

- a. **City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 legal advice on the following items:**
- (i) claims regarding McDonald Creek;
 - (ii) log cabin located at 1103 and 1105 University Avenue and Notice to Vacate.

The Mayor adjourned the Council into Executive Session at 6:59 p.m.

11. RECONVENE

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

The Council reconvened at 7:34 p.m. Mayor Pro Tem Olson moved to accept the terms of the lease the City Attorney had presented to negotiate a fair settlement on item 10a.(ii), the motion was seconded by Councilmembers Montgomery and Rodriguez. The motion was adopted unanimously, 7-0.

12. ADJOURNMENT

Mayor Brauninger adjourned the meeting at 7:36 p.m.

Lee Woodward, City Secretary

ORDINANCE 2016-09

A ORDINANCE OF THE CITY COUNCIL OF HUNTSVILLE, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION IN 2016

WHEREAS, Entergy Texas, Inc.'s ("ETI") implementation of customer choice has ceased due to Senate Bill 1492 and ETI will continue to be regulated under traditional cost-of-service regulation;

WHEREAS, changes to the Public Utility Regulatory Act addressing rates and rate proceedings will have a direct impact on ETI and customer bills during 2016 and into the future;

WHEREAS, ETI is scheduled to litigate requests in various proceedings before the Public Utility Commission of Texas, before municipalities, or before the Federal Energy Regulatory Commission in 2016 related to ETI's continued integration with the Midwest Independent System Operator ("MISO"), ETI's continuing efforts to exit the Entergy System Agreement (which exit has now been approved by all retail regulatory authorities and the FERC) to be effective August 31, 2016, various fuel cost refunds or surcharges and reconciliations, capacity cost surcharges and reconciliations; and for any type of base rate proceedings (such as a new base rate increase request, transmission cost recovery rider, a distribution cost recovery rider, energy efficiency cost recovery factor, hurricane restoration cost or offset true-ups, or a purchased power capacity cost recovery rider) or cost adjustments;

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Public Utility Commission in February and August 2016, and file other fuel proceedings during 2016 to reconcile fuel, to refund or surcharge fuel charges, and to change the fuel mechanism, along with various surcharge requests impacting rates;

WHEREAS, ETI is expected to file a proceeding for a rate change and fuel change during 2016 to recover costs associated with new capacity purchases;

WHEREAS, ETI is scheduled to file a proceeding to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs;

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities;

WHEREAS, Cities have exclusive original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001;

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *Tex. Util. Code* § 33.025, and standing before each Federal Energy Regulatory Commission case in which the City may be affected pursuant to 18 *C.F.R.* § 385.214;

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

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

SECTION 1. The City of Huntsville shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, capacity cost surcharges and reconciliations, the allocation and refund of rough production cost equalization payments, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Public Utility Commission of Texas or with municipalities in 2016 and seek appropriate regulatory scrutiny in any case on file at the Federal Energy Regulatory Commission affecting the City and its residents.

The City of Huntsville shall participate with other Cities to intervene in fuel or fuel related proceedings at the Public Utility Commission and the Federal Energy Regulatory Commission on file in 2016 concerning ETI's rates charged to Texas customers.

All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 2. This Ordinance shall be effective from and after the date of its passage.

PASSED AND ADOPTED by _____ vote of the City Council of the City of Huntsville, Texas, this 2nd day of February, 2016.

THE CITY OF HUNTSVILLE, TEXAS

Andy Brauninger, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney