



617 Tenaha Street • P.O. Box 1744  
Center, Texas 75935-1744

(936) 598-2941 • Fax (936) 598-2615  
www.centertexas.org

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## **AGENDA**

**The Center City Council will meet in regular session on Monday, August 8, 2016 at 5:00 p.m. in the City Hall Council Room at 617 Tenaha Street. The following items are on the agenda for appropriate action:**

- I. Welcome guests and visitors.**
- II. Approval of Minutes of the Regular Meeting on July 25, 2016.**
- III. Consider Discussion and Possible Action on the following:**
  - A. Resolution 2016-21 Application of NIBRS Grant. (Enc 1)**
  - B. Resolution 2016-22 Maximum Tax Rate for Consideration in FY17 Budget. (Enc 2)**
  - C. Resolution 2016-23 Authorizing Release of Prior Year NPE Funding. (Enc 3)**
  - D. Appointments:**
    - 1. Planning & Zoning Commission. (Enc 4)**
    - 2. Zoning Board of Adjustments. (Enc 5)**
- IV. Items of Interest from Council and City Manager, and Citizens – No Action Items.**
- V. Executive Session**

Consider entering executive session for legal consultation with the City Attorney and discussion of pending litigation, personnel matters and land acquisition with possible action related thereto upon reconvening in open session in accordance with Local Government Code Section 551.071, 551.072 and 551.074
- VI. Adjournment.**

MEMORANDUM

TO: Mayor and City Council

FR: Chad D. Nehring, City Manager



Date: August 5, 2016

RE: Agenda Comments for Regular Meeting of August 08, 2016

REGULAR MEETING AGENDA:

III.A. Resolution 2016-21 – Application of NIBRS Grant

Council was presented this resolution at the prior meeting. At that time, staff understood the County case disposition rate to still be too low for application again this cycle. There has been some additional communication that might allow submission this year for upgrades to equipment used in the submission of the crime statistics and information required for the NIBRS system. Center PD already participates and will continue to submit data but if eligible this would be used for upgraded equipment. While the submission may not be valid, staff is recommending at least the submission and authorization to do so by approval of this resolution.

III.B. Resolution 2016-22 – Maximum Tax Rate for Consideration in FY17 Budget

In recent years, the state legislature has increased the procedural steps for consideration of tax rates at or above the calculated effective rate, the rate at which the same total dollars would be generated as the prior year. Approval of the maximum rate that could be considered is now a mandatory action for governmental entities prior to action on the annual budget or tax levy. This does not establish anything other than the maximum rate that could be considered in for next year. The format of this preserves the Councils' deliberation of any rate under the rollback but further directs initial budget development near the effective rate, calculated this year at \$0.5519/\$100 not to exceed a rate of \$0.56/\$100. Staff recommends approval.

III.C. Resolution 2016-23 – Authorizing Release of Prior Year NPE Funding

The FAA funding mechanism for non-commercial airports is through dedicated non-primary entitlement (NPE) funding on an annualized basis. In the case of Center Municipal airport, this equals \$150,000 of annual allocation. While virtually no major capital projects can be programmed, nor will TXDoT generally

accommodate these small projects, occasionally these funds will be requested for deobligation to be reassigned by TXDoT rather than lost on return to FAA. This request is to officially deobligate the 2014 allocation. This does not alter funding already approved for current capital projects planned for construction in 2017. Instead of using these federal funds for the current project, state funds will be substituted upon approval of these funds being reallocated to another current project. Staff recommends approval.

#### III.D. Appointments

This item was postponed from prior meeting, so is maintained on the agenda for continued discussion, deliberations or action.

#### Items of Interest:

- Mr. James Guest of Linebarger, Goggan, Blair & Sampson will be present to provide Council with a brief overview of the services they provide the taxing entities of the County for collection of delinquent tax accounts.

**MINUTES OF THE CITY OF CENTER  
CITY COUNCIL MEETING  
REGULAR MEETING  
July 25, 2016**

The Center City Council met in a regular session on Monday, July 25, 2016 at 5:00 p.m. in the Council Room at Center City Hall. The meeting was open to the public. Notices were properly posted of the date, place and hour and the news media was notified. The following members were present:

David Chadwick	-	Mayor	
Charles Rushing	-	Mayor Pro Tem	
Joyce Johnson	-	Council Member	
Leigh Porterfield	-	Council Member	
Howell Howard	-	Council Member	Absent
Jerry Lathan	-	Council Member	
Chad Nehring	-	City Manager	
Barbara Boyd	-	City Secretary	
Jim Payne	-	City Attorney	

Guests signed the register.

**Item I. Mayor David Chadwick opened the meeting and welcomed the visitors and media.** Mayor Chadwick acknowledged Lynn Ferry-Nelson, the new government relations coordinator with AEP Swepco.

**Item II. Approval of Minutes of the Regular Meeting on July 11,, 2016.** Council Member Leigh Porterfield made a motion to approve the minutes. Council Member Joyce Johnson seconded the motion. All voted in favor.

**Item III. Consider Discussion and Possible Action on the following:**

**A. Resolution 2016-19 – Adopting Shelby County Hazard Mitigation Plan.** City Manager, Chad Nehring stated the County initiated and received the grant funding for this update and review of the hazard mitigation plan. Mr. Nehring stated the document is required for any entity to be eligible for any federal or state funding for disaster preparedness or most emergency operations. Mr. Nehring stated the County and its consultant have already submitted and gained approval from FEMA and TX Dept of Emergency Management, so no further changes can be made. Council Member Charles Rushing made a motion to approve Resolution 2016-19 Adopting the Shelby County Hazard Mitigation Plan. Council Member Jerry Lathan seconded the motion. All voted in favor.

**B. Resolution 2016-20 Approve Final Payment Pinkston Generator Project.** City Manager, Chad Nehring stated this will be the final action to complete this supplemental grant project placing gas generator for the deep intake pumps at Lake Pinkston. Mr. Nehring stated the engineer has certified the installation. Council Member Joyce Johnson made a motion to approve Resolution 2016-20 to Approve the Final Payment for the Pinkston Generator Project. Council Member Leigh Porterfield seconded the motion. All voted in favor.

- C. Resolution 2016-21 Center Police Department National Incident Based Reporting System (NIBRS). Due to the District Attorney case clearance level, this grant is not eligible for the Police Department. No Action Taken on this item.
- D. Award Grant Management Contract for 2016 HOME Grant. City Manager, Chad Nehring stated the City received only one proposal and it was from Gary R. Traylor & Associates. Council Member Leigh Porterfield made a motion to award the Grant Management Contract for the 2016 HOME Grant to Gary R. Traylor & Associates, Inc. Council Member Charles Rushing seconded the motion. All voted in favor.
- E. Republic Services Inc. Consumer Price Index Rate Adjustment. Gene Keenon with Republic Services addressed the Council regarding a contractual request for annual adjustment of service rates under the solid waste collection contract. Mr. Keenon stated the last CPI adjustment was in 2012. Council Member Charles Rushing made a motion to approve Republic Services Inc. Consumer Price Index Rate Adjustment. Council Member Leigh Porterfield seconded the motion. All voted in favor.
- F. Appointments:
1. Planning & Zoning Commission.
  2. Zoning Board of Adjustments.
- These items were postponed until the next meeting.
- G. Authorize Police Department Special Projects.
1. K9 Unit. Chief Albers addressed the Council regarding the grant received for obtaining another K9 Unit. Council Member Joyce Johnson made a motion to authorize the K9 Unit. Council Member Leigh Porterfield seconded the motion. All voted in favor.
- H. Preliminary Budget Discussion. City Manager, Chad Nehring and Assistant City Manager, Jim Gibson updated the Council on the 2017 Budget.

**Item IV. Items of Interest from Council and City Manager, and Citizens – No Action Items.**

**Item V. Executive Session.**

Consider entering executive session for legal consultation with the City Attorney and discussion of pending litigation, personnel matters and land acquisition with possible action related thereto upon reconvening in open session in accordance with Local Government Code Section 551.071, 551.072 and 551.074.

**Item VI. Adjournment.** Mayor Chadwick adjourned the meeting at 5:32 p.m.

**RESOLUTION 2016-21**

**A RESOLUTION OF THE CITY OF CENTER ACCEPTING AN AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE CENTER POLICE DEPARTMENT NIBRS GRANT PROGRAM.**

**WHEREAS**, The Center City Council finds it in the best interest of the citizens of Center, Texas that the Center Police Department National Incident Based Reporting System (NIBRS) be operated for the 2017 Fiscal Year; and

**WHEREAS**, The Center City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the Center City Council assures that the funds will be returned to the Office of the Governor in full.

**NOW THEREFORE, BE IT RESOLVED** that the Center City Council approves submission of the grant application for the Center Police Department NIBRS Program to the Office of the Governor.

1. The Center City Council designates City Manager, Chad Nehring as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

Passed and Approved this 8<sup>th</sup> of August, 2016.

\_\_\_\_\_  
David Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Boyd, City Secretary

**RESOLUTION 2016-22**

**A RESOLUTION OF THE CITY OF CENTER, AUTHORIZING BUDGET DEVELOPMENT AND PUBLICATION OF NOTICES REFLECTING A TAX RATE NOT TO EXCEED THE CALCULATED ROLLBACK RATE OF \$0.608630 AND SCHEDULING THE PUBLIC HEARINGS.**

**WHEREAS**, SB 1510 reformed the procedures for adopting the tax rate and requires the City Council to take a record vote of the proposed maximum tax rate; and,

**WHEREAS**, the FY 2017 effective tax rate was calculated at \$0.551989; and,

**WHEREAS**, the FY 2017 Budget is being developed with a proposed tax rate that could be established higher than the effective rate;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTER, TEXAS, THAT:**

- 1) The Center City Council authorizes the City Manager to proceed with budget development with a proposed tax rate not to exceed \$0.608630 per \$100 valuation.
- 2) City staff are directed to develop the FY 2017 Proposed Budget with a tax rate not to exceed \$0.560000.
- 3) City staff are hereby authorized to publish the required notice
- 4) The Public Hearings are scheduled for August 22 and September 12, 2016 at 5:00 pm at the Center City Hall

**PASSED and APPROVED on the 8<sup>th</sup> day of August, 2016.**

\_\_\_\_\_  
David Chadwick, Mayor

**ATTEST:**

\_\_\_\_\_  
Barbara Boyd, City Secretary

**RESOLUTION 2016-23**

**A RESOLUTION OF THE CITY OF CENTER, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR TRANSFER OF ENTITLEMENTS WITH THE FEDERAL AVIATION ADMINISTRATION THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION – AVIATION DIVISION**

**WHEREAS**, the City of Center requested and received approval for \$150,000 of Non-Primary Entitlement (NPE) Funds for 2014 under section 47117 of Title 49 U.S.C.; and,

**WHEREAS**, use of these funds was not accomplished within the preliminary term of the grant contract; and,

**WHEREAS**, the City has the opportunity to transfer these entitlement funds conditional to the FAA providing the same amount of funds available for the intended project;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTER, TEXAS, THAT:**

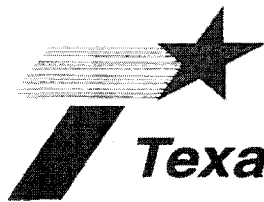
The Mayor is hereby authorized execute an agreement for transfer of entitlements with TXDoT for the transfer of these funds to be replaced by TXDoT funds in the same amount toward lighting and taxiway improvements at the Center Municipal Airport.

**PASSED and APPROVED on the 11<sup>th</sup> day of August, 2016.**

\_\_\_\_\_  
David Chadwick, Mayor

**ATTEST:**

\_\_\_\_\_  
Barbara Boyd, City Secretary



# Texas Department of Transportation

AVIATION DIVISION

125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • 512/416-4500 • FAX 512/416-4510

June 2, 2016

Chad D. Nehring  
City Manager  
City of Center, Texas  
617 Tenaha Street,  
Center, TX 75935-3552

Mr. Nehring:

The TxDOT Aviation Division is about ready to take the lighting improvement project at Center Municipal airport to the Texas Transportation Commission meeting in August for approval of funding allocation. There is a possibility that we would not have a grant written and executed in time before FY2013 non-primary entitlement (NPE) funds expire, thus making those funds unavailable for application to the project. Rather than risk these funds expiring, TxDOT Aviation is asking that the City of Center transfer the FY2013 NPE funds to TxDOT to reallocate in the program. The planned construction project will still be funded with the equivalent amount from non-expiring funds. You will still have the equivalent of four years of NPE funds (\$600,000) available for the planned improvements.

Please review the attached PDF for the Agreement for Transfer of Entitlements, then print, fill out, and sign the appropriate areas of the form. Then, please have the attorney for the City of Center review and sign the form as well. When these two signatures are acquired, please return the form to me and I'll have TxDOT Aviation Director Dave Fulton review and sign as well and I will then return a completed copy to you for your records.

If you have questions in the meantime, feel free to contact me.

Thank you,

Robert W. Jackson, AICP, C.M.  
Environmental Specialist/Airport Planner  
TxDOT Aviation Division  
512-416-4511

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# Appendix 1. ENTITLEMENT TRANSFER AGREEMENT



U.S. Department  
of Transportation  
Federal Aviation  
Administration

## AGREEMENT FOR TRANSFER OF ENTITLEMENTS

In accordance with section 47117(c)(2) of Title 49 U.S.C. (hereinafter called the "Act), the

City of Center, Texas

Hereby waives receipt of the following amount of funds apportioned to it for each fiscal year specified under section 47114(c)(1) of the Act.

<u>Amount</u>	<u>Fiscal Year</u>
\$ 150,000	2013

TOTAL \$ 150,000

On the condition that the Federal Aviation Administration makes the waived amount available to:

Texas Department of Transportation (TxDOT)

for eligible projects under section 47104(a) of the Act. This waiver shall expire on earlier of 9-30-2016 or when the availability of apportioned funds would lapse under section 47117(b) of the Act.

**FOR THE UNITED STATES OF  
AMERICA, FEDERAL AVIATION  
ADMINISTRATION through TxDOT**

**FOR City of Center, Texas**

\_\_\_\_\_  
(Signature)

David Fulton

(Typed Name)

Director, Aviation Division

(Title)

(Date)

\_\_\_\_\_  
(Signature)

(Typed or Printed Name)

(Title)

(Date)

## CERTIFICATE OF SPONSOR'S ATTORNEY

I, \_\_\_\_\_ acting as Attorney for the Sponsor do hereby certify:

That I have examined the foregoing Agreement and find that the Sponsor has been duly authorized to make such transfer and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of Texas and the Act

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_

(Signature of Sponsor's Attorney)

# Planning & Zoning Commission

7 members and 2 alternates

At least one regular member from each of the four Council districts

Seat	Term ending	Nominee	Council District
Place 1	06/01/2017	Rachel Campbell	District 1
Place 2	06/01/2018	Stephen Shires	District 3
Place 3	06/01/2017	John Howard	District 3
Place 4	06/01/2018	Jerry Lathan	District 2
Place 5	06/01/2018	Alma Jaimes	District 4
Place 6	06/01/2018	Lori Oliver	District 2
Place 7	06/01/2017	VACANT	
Alt. #1	06/01/2018	Deborah Johnson	ETJ
Alt. #2		VACANT	

# Zoning Board of Adjustments

5 members and 4 alternates (No District Requirements)

Seat	Term ending	Nominee	District
Place 1	01/01/2018	Lisa Christian	District 1
Place 2	01/01/2018	VACANT	
Place 3	01/01/2018	Randy Collard	District 4
Place 4	01/01/2017	Don Stewart	District 1
Place 5	01/01/2017	Billie Sue Payne	District 3
Alt. #1	01/01/2018	Murray Borders	District 4
Alt. #2	01/01/2017	Andi Foster	District 3
Alt. #3	01/01/2017	Larry Hume	District 4
Alt. #4	01/01/2017	VACANT	

## **ITEMS OF INTEREST**

- A. DETCOG Public Hearings – Transit Needs.
- B. Thank You – A.M. “Bo” Scott Family.

[Comment / ShareThis](#)

0 comments

**\*DETCOG to Hold Public Hearings in Center on Transit Needs\****Posted Yesterday At 11:48am by Bob Bashaw***\*DETCOG to Hold Public Hearings in Center on Transit Needs\***

\* Jasper, Texas –\* The Deep East Texas Council of Governments (DETCOG) will be holding a series of public hearings to gather input on the region's transit needs. Anyone interested in commenting on specific transit needs in their community, and transit providers, should attend or submit written comments.

The first public hearing is scheduled for Tuesday, August 9, 2016 at 10 a.m. in the conference room of the\* First United Methodist Church, \*located at 211 Porter Street in Center, Texas 75935.

The second public hearing will be held later that same day on Tuesday, August 9, 2016 at 1:30 p.m. in the \*True Vine Baptist Church\*, 302 Ironosa Rd, San Augustine, TX 75972.

The third public hearing is scheduled later that afternoon on Tuesday, August 9, 2016 at 4 p.m. in the meeting room at \*Independence Manor, \*located at 836 Ridgeview Drive in Nacogdoches, Texas 75961.

In addition to written and oral comments taken at the public hearings, written comments may be sent to Bob Bashaw, DETCOG Regional Planner, at the DETCOG office at 210 Premier Drive, Jasper, Texas 75951. Those comments must be received before 5 p.m. Friday, August 12, 2016.

Information and comments gathered at the hearings and submitted in writing will be used in developing a proposed transit plan for the 12 county DETCOG Region. Those counties are: Angelina, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity and Tyler.

The Deep East Texas Council of Governments will provide for reasonable accommodations for persons attending Deep East Texas Council of Governments functions. Requests from persons needing special accommodations should be received by Deep East Texas Council of Governments staff 24-hours prior to the function. The public hearing will be conducted in English and requests for language interpreters or other special communication needs should be made at least 48 hours prior to a function. Please call (409) 384-5704 for assistance.

For additional information about the hearings you may also contact Bob Bashaw at the Deep East Texas Council of Governments at (409) 384-5704 ext 5302 or bob.bashaw@detcog.org .

[Comment / ShareThis](#)

0 comments

**\*DETCOG to Hold Public Hearings in San Augustine on Transit Needs\****Posted Yesterday At 11:44am by Bob Bashaw***\*DETCOG to Hold Public Hearings in San Augustine on Transit Needs\***

\* Jasper, Texas –\* The Deep East Texas Council of Governments (DETCOG) will be holding a series of public hearings to gather input on the region's transit needs. Anyone interested in commenting on specific transit needs in their community, and transit providers, should attend or submit written comments.

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City of Center, Staff; Council  
members.

Thank you sincerely  
for your kind  
expression of sympathy  
It was deeply appreciated  
and is gratefully  
acknowledged

Thank you for the  
beautiful floral  
arrangement, and  
fire dept members  
honoring my Dad,  
Bo Scott.

My Dad was always  
proud of being a  
member of the  
Center Fire Dept; our  
family was proud  
of Dad's service.

Larry; Pat Scott