



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

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

AGENDA

The Center City Council will meet in Regular Session on Monday, March 12, 2018 at 5:00 p.m. in Council Room at Center City Hall. The following items are on the agenda for appropriate action:

- I. Welcome Guests and Visitors.**
- II. Approval of Minutes of the Regular Meeting on February 12, 2018.**
- III. Discuss Consider and Action on the Following:**
 - A. Resolution 2018-04 National Incident Based Reporting System.**
 - B. Approve Change Order #3 – TWDB Contract for Sewer Improvements with Doughtie Construction.**
 - C. Shelby County Chamber Request to Host Grill-Fest on Downtown Square.**
- 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 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: March 9, 2018

RE: Agenda Comments for Regular Meeting of March 12, 2018



REGULAR MEETING AGENDA:

III.A. Resolution 2018-4 – National Incident Based Reporting System

Council may recall that one approach to partial fund the upgrade in Police Department operational software was to apply for grant funds made available under this program and geared toward departments whose current software systems were not compliant. As the system selected and now installed is compliant, request for these funds can be made. Submission requires this authorization by the governing body to guarantee that system and upgrades will be made if awarded. All needed upgrades have already been installed so no additional expenditures are being authorized by this action. Staff recommends approval.

III.B. Approve Change Order #3 – TWDB Contract for Sewer Improvements with Doughtie Construction

This is the final change order for this project. Bob Staehs will be available to answer any specific questions on this change or the pending close out of this project that is very nearly complete. This is the final change inclusive of all construction items. Total project costs are increased to accommodate the actual pipe linear footage for rerouting along Wooley and Greer streets from the creek bottom to avoid condemnation as well as add five manholes for connections of unidentified/unknown service line connections. Without these line changes, the old main from Riggs to the Pate Pasture lift station couldn't be abandoned, posing a significant likelihood of stormwater infiltration and inflow (I&I) into the system during rain events, which is the primary reason this project was undertaken. This change does increase the final project costs by \$50,408.27 which does put this project slightly over the original budget. Funds remain available within the utility capital improvement budget since the grant was not received to proceed with the elevated storage tank project this year. Staff concurs with the engineer that this change warrants approval and necessary improvements.

III. C. Shelby County Chamber Request to Host Grill-Fest on the Downtown Square
Attached is a request to host an event on the downtown parking surrounding the courthouse square similar to What-a-Melon and Poultry Festival. Staff has attempted to meet with this event committee to evaluate the hours and primarily control of alcohol which historically accompanies this event. While the date doesn't pose a conflict with anything already scheduled, there are several potential aspects of the event that pose problems with this location request relative to current local and state laws, most notably related to the possession and consumption of alcohol on the public square. Permission of the Council would be sufficient to authorize exceptions to local regulations impacting the overnight hours of event operation. The question of alcohol-related events has come up at least one time prior with Council allowing an event but not authorizing any alcohol. Council regulations and state law prohibit the public consumption and open containers. The Chief has detailed concerns with state law and potential necessity of enforcement. If approved, based on state law and historic precedent, it is the recommendation that so as not to conflict with state law, permission for this event not include any authorization related to alcohol.

Items of Interest:

- A. Dixie Youth Baseball Regional World Series
As this has so many additional impacts and attention, I will likely leave it as an item for potential discussion until July.
- B. Street Construction – Drewery Construction contact – currently working on 6-7 roads including Wooley, Garrett, College, Riggs, John C Rogers and Rainbow. Finish paving should commence soon but has been delayed substantially by both weather and most recently a large water line repair.
- C. Utility Construction – we have had several calls of the phone, fiber and gas company installations in town at many locations. If problems are reported, please let staff know so that the contractors can be notified and advised.

**MINUTES OF THE CITY OF CENTER
CITY COUNCIL MEETING
REGULAR MEETING
February 12, 2018**

The Center City Council met in a regular session on Monday, February 12, 2018 at 5:00 p.m. in the Council Chambers 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
Leigh Porterfield	-	Mayor Pro Tem
Joyce Johnson	-	Council Member
Howell Howard	-	Council Member
Jerry Lathan	-	Council Member
Terry Scull	-	Council Member
Randy Collard	-	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.

Item II. Approval of Minutes of the Regular Meeting on January 22, 2018.
Council Member Howell Howard made a motion to approve the minutes. Council Member Randy Collard seconded the motion. All voted in favor.

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

- A. Resolution 2018-03 Authorizing Development Agreement Under the City's Housing Policy.** City Manager, Chad Nehring stated this resolution is developed based upon the request of a potential property buyer and developer of the remainder of the Parker Place subdivision on Loop 500. Mr. Nehring stated the City's current Housing Policy, as defined by ordinances 2009-17 and amended by ordinance 2011-7, did not exist at the time of initial development and was never utilized at this location. Mr. Nehring stated the prior development agreement has not been completely resolved and all conditions and requirements achieved so the initial recommendation included in this resolution is that no new agreement can be entered or utilized by a new developer unless and until the original agreement is resolved and closed. Council Member Howell Howard made a motion to approve Resolution 2018-03 with Section II amended to include a time frame of 120 days. Council Member Terry Scull seconded the motion. All voted in favor.

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

Item V. Executive Session.

1. Real Estate. Council entered into executive session at 5:19pm.

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 551.074.3.

Council adjourned from executive session at 5:29 and entered into open session. Council Member Terry Scull made a motion to authorize the City Manager to proceed with an Earnest Money Contract to sell City owned property on Noble Street. Council Member Leigh Porterfield seconded the motion. All voted in favor.

Item VI. Adjournment. Mayor David Chadwick adjourned the meeting at 5:31 p.m.

David Chadwick, Mayor

Attest:

Barbara Boyd, City Secretary

RESOLUTION 2018-04

A RESOLUTION OF THE CITY OF CENTER AUTHORIZING THE CITY MANAGER TO APPLY FOR JUSTICE ASSISTANCE GRANT FUNDS FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE CENTER POLICE DEPARTMENT'S CONVERSION TO THE NATIONAL INCIDENT-BASKED REPORTING SYSTEM (NIBRS).

WHEREAS, The Center City Council finds it in the best interest of the citizens of Center, that the Center Police Department Technology Enhancement Program be operated for FY 2018; and

WHEREAS, The Center City Council agrees to provide any applicable matching funds for the said project as required by the Criminal Justice Division grant application; and

WHEREAS, The Center City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the Center City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, The Center City Council designates the City Manager 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.

NOW THEREFORE, BE IT RESOLVED that the Center City Council approves submission of the grant application for the Center Police Department's Conversion to the National Incident-Based Reporting System (NIBRS) to the Office of the Governor, Criminal Justice Division.

PASSED AND APPROVED THIS 12th DAY OF MARCH 2018.

David Chadwick, Mayor

ATTEST:

Barbara Boyd, City Secretary

Overview

The Center Police Department seeks to apply for the National Incident Based Reporting System (NIBRS) grant that is currently being offered through the Texas Governors Office. This a zero-match grant that covers the cost for law enforcement agencies to fund activities that further the reporting of NIBRS data to DPS. Such activities include, but are not limited to, technology upgrades to existing infrastructure or the purchase of new technology that would allow for the reporting of NIBRS data. The procurement of a complete Records Management System (RMS) is eligible under this announcement.

History

In January 2018 the Center Police Department went live with eForce Software (a NIBRS reporting system) as part of the Center Police Department's technology overhaul. When seeking approval from the City Council (in November and December) for procurement of the eForce software, the Center Police Department was cautiously optimistic that there was a likelihood of being awarded this grant when it became available in 2018.

Conclusion

It is the hope of the Center Police Department that the department will be authorized to apply for, and subsequently be awarded, NIBRS Grant Funding through the Governor's Office to retroactively cover the software costs of the eForce Software System. The department is respectfully requesting the City Council's approval to apply for this grant.

CHANGE ORDER

No. 3

PROJECT TWDB Sewer System Improvements - Project No. 73623

DATE OF ISSUANCE 2/26/18

EFFECTIVE DATE 2/26/18

OWNER City of Center

OWNER's Contract No. TWDB Sewer System Improvements - Project No. 73623

CONTRACTOR Doughtie Construction Co., Inc.

ENGINEER Everett Griffith, Jr. & Associates, Inc.

You are directed to make the following changes in the Contract Documents.

2. Deduct 46 LF of 10" Sewer @ \$37.25/LF.....	(\$1,713.50)
3. Add 394 LF of 14" Sewer @ \$49.50/LF.....	\$19,503.00
6. Add 227 LF of 14" FM @ \$23.00/LF.....	\$5,221.00
8. Add 2 Ea. Manholes @ \$2,100.00/Ea.....	\$4,200.00
11. Add 46 LF of 10" WB @ \$65.00/LF.....	\$2,990.00
12. Deduct 210 LF of 14" WB @ \$95.00/LF.....	(\$19,950.00)
19. Add 7 LF of 30" DB @ \$415.00/LF.....	\$2,905.00
28. Add 31 Ea. Tree Removal @ \$250.00/Ea.....	\$7,750.00
30. Deduct 49 LF Replace 18" Clay w/ 18" PVC @ \$54.50/LF.....	(\$2,670.50)
N/A. Deduct 1 LS Pump Rental @ \$13,040.83/LS.....	(\$13,040.83)
N/A. Deduct 1 LS Fuel Charge @ \$5,441.50/LS.....	(\$5,441.50)
N/A. Add 50 LF 20" DB (casing only) @ \$125.00/LF.....	\$6,250.00
N/A. Add 1 Ea. Extra Depth Manholes @ \$6,742.00/Ea.....	\$6,742.00
N/A. Add 147 CY Bedding Rock @ \$85.00/CY.....	\$12,495.00
N/A. Add 1 LS. Cross Connections (5 Locations) @ \$25,168.60/LS.....	\$25,168.60

Total \$50,408.27

Reason For Change: Field changes to complete this project.

CHANGE IN CONTRACT PRICE:		CHANGE IN CONTRACT TIMES:	
Original Contract Price	\$ 2,153,323.55	Original Contract Times	
		Substantial Completion:	365 days
		Ready for final payment:	365 days
		days or dates	
Net changes from previous Change Orders No. <u>1</u> to No. <u>2</u>	\$ 85,795.06	Net change from previous Change Orders No. <u>1</u> to No. <u>2</u>	55 days
		days	
Contract Price prior to this Change Order	\$ 2,239,118.61	Contract Times prior to this Change Order	
		Substantial Completion:	420 days
		Ready for final payment:	420 days
		days or dates	
Net Increase of this Change Order	\$ 50,408.27	Net Increase of this Change Order	0
		days	
Contract Price with all approved Change Orders	\$ 2,289,526.88	Contract Times with all approved Change Orders	
		Substantial Completion:	420 days
		Ready for final payment:	420 days
		days or dates	

RECOMMENDED:

By: Bob Griffith
Everett Griffith, Jr. and Associates, Inc.

Date: 2/26/18

APPROVED:

By: _____
City of Center

Date: _____

ACCEPTED:

By: Ken Douglas
Doughtie Construction

Date: 2-26-18

100 Courthouse Square, A-101
Center, Texas 75935
936-598-3682



936-598-8163 Fax
www.shelbycountychamber.com
info@shelbycountychamber.com

February 6, 2018

12

Chad Nehring, City Manager
City of Center
P.O. Box 1744
Center, Texas 75935

Dear Chad,

The Shelby County Chamber of Commerce seeks permission from the City of Center to close the entire inner courthouse square and allow us to use it for our upcoming Grill Fest, from 3:00pm on April 20th until 5:00pm on April 21st, 2018.

For the past few years, the Grill Fest has been held at the Civic Center. This year, due to scheduling issues and a decision to try something new, we would like to have the Grill Fest on the downtown square. Set up and cooking will begin at 3:00pm on Friday, April 20th and will continue through the night. The actual event will be held from 9:00am until 3:00pm on April 21st.

We are looking forward to this location change and hoping for a fun and well attended event. As always, it is a pleasure to work with the City of Center in promoting and improving our area. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Chadwick".

Deborah Chadwick
Interim Executive Director

CENTER POLICE DEPARTMENT

JIM ALBERS

Chief of Police

PO Box 1900 Center, Texas 75935
Phone # 936-598-2788 Fax # 936-598-7629

February 23, 2018

REF: *Public Consumption of Alcohol
On City Downtown Square*

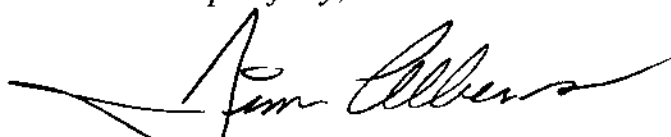
To: *Chad Nehring, City Manager*

It is my understanding that the Chamber of Commerce is requesting to move the "Grill Fest" to the downtown city square. In my opinion the move poses some legal problems for the city. In my experience Bar-B-Q cook-off teams traditionally drink alcoholic beverage while participating in these events.

In the past this event has been held at the Civic Center where alcohol can be consumed at the venue under contract with the city and with some restricted access. Moving this event to the downtown city square is in clear violation of the City of Center Code of Ordinance 6-4, Article 1 in particular Sec 6-2 section A.

If the City chooses to allow this event on the square it should be on the entry form for each team that no alcohol will be allowed or tolerated and violations will result in arrest by Center PD Officers.

Respectfully,



*Jim Albers
Chief of Police*

CODE OF ORDINANCES
CITY OF
CENTER, TEXAS

ALCOHOLIC BEVERAGES 6- 4

ARTICLE I. IN GENERAL

Sec. 6- 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings

ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages are as defined by V.T.C.A., Alcoholic Beverage Code § 1. 04.

Container means the can, bottle or carton in which an alcoholic beverage is placed for sale.

Ord. No. 78- 13, § 3, 6-26- 1978)

Cross reference Definitions generally, § 1- 2.

Sec. 6-2. Possession, consumption in public places.

a) The carrying on or possession of alcoholic beverages on properties owned by the city is hereby expressly prohibited.

b) Such properties include, but are not limited to, the Community Park, the Mini Park, Perry Sampson Park, and the American Legion Park.

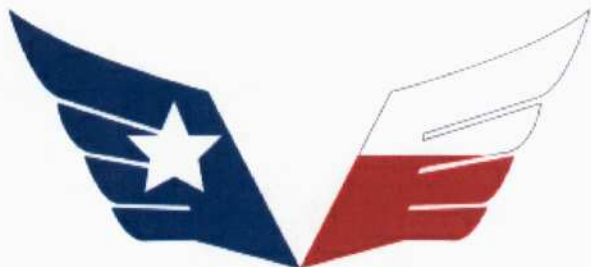
Ord. No. 78- 13, § 1, 6-26- 1978; Ord. No. 78- 14, §§ 1, 2, 6- 12- 1978; Ord. No. 87- 10, 5- 11- 1987)

Cross reference Streets, sidewalks and other public places, ch. 78.

State law reference Order for prohibition of consumption, V.T.C.A., Alcoholic Beverage Code § 109. 35.

Sec. 6-3. Exhibiting alcoholic beverages, discarding containers in public places.

It shall be unlawful for any person to exhibit alcoholic beverages or alcoholic beverage containers; discard alcoholic beverage containers on any public street, public park, public parking area or private parking area open to the public within the city; and any and all such acts are hereby declared to be unlawful and are hereby declared to be public nuisances.



LAW HAWK

BRYAN E. WILSON ★ ATTORNEY AT LAW

To ban public drinking, a city must request approval from the TABC under §109.35 of the Texas Alcoholic Beverage Code. Even if the TABC approves this request, it is not a complete ban across the city. Instead, **cities can only ban public consumption of alcohol in the “central business district” area of the city**. This means that cities can only ban in locations where 90% of the buildings are commercial, so a city can't ban public drinking in other areas like a residential neighborhood



**TEXAS ALCOHOLIC
BEVERAGE COMMISSION**
Texans Helping Businesses & Protecting Communities

1.

What are the legal hours of public consumption of alcoholic beverages?

In an extended hours area, a person may not consume or possess with intent to consume an alcoholic beverage in a public place:

- Monday-Saturday: before 7am or after 2:15am
- Sunday: before noon or after 2:15am
- Exception: Consumption is legal between 10am and noon on Sunday:
 - At an on-premise establishment when it is sold along with the service of food to a customer;
 - At a winery, fair, festival, concert, or sports venue.

"Extended hours area" means an area subject to the extended hours of sale provided in Section 105.03 or 105.05 of this code.

In a standard hours area, a person may not consume or possess with intent to consume an alcoholic beverage in a public place:

- Monday-Friday: before 7am or after 12:15am
- Saturday: before 7am or after 1:15am
- Sunday: before noon or after 12:15am
- Exception: Consumption is legal between 10am and noon on Sunday:
 - At an on-premise establishment when it is sold along with the service of food to a customer;
 - At a winery, fair, festival, concert, or sports venue.

"Standard hours area" means an area which is not an extended hours area.

Sec. 109.35. ORDERS FOR PROHIBITION ON CONSUMPTION. (a) If the governing body of a municipality determines that the possession of an open container or the public consumption of alcoholic beverages in the central business district of the municipality is a risk to the health and safety of the citizens of the municipality, the governing body may by charter or ordinance prohibit [petition for the adoption of an order by the commission that prohibits] the possession of an open container or the public consumption of alcoholic beverages in that central business district.

(b) If a municipality prohibits [submits a petition for an order of the commission to prohibit] the possession of an open container or the public consumption of alcoholic beverages in the central

business district of the city, the municipality must adopt [and attaches to the petition] a map, plat, or diagram showing the central business district that is [to be] covered by the prohibition[, the commission shall approve and issue the order without further consideration unless the commission finds that the map, plat, or diagram improperly identifies the central business district].

(c) The municipality's charter or ordinance [commission's order] may not prohibit the possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the municipality, residential structures, or licensed premises located in the area of prohibition.

(c-1) In accordance with Section 1.06, this section does not authorize municipal regulation of the possession of an open container or the public consumption of alcoholic beverages except as expressly provided by this section.

(d) In this section, "central business district" means a compact and contiguous geographical area of a municipality in which at least 90 percent of the land is used or zoned for commercial purposes and that is the area that has historically been the primary location in the municipality where business has been transacted.

(e) In this section, "open container" means a container that is no longer sealed.

ITEMS OF INTEREST

1. Sales Tax Analysis
2. SWEPCO Letter

**City of Center
Sales Tax Analysis
Historical Total Sales Tax Receipts by Month**

MARCH 2018

Month	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Monthly Percentage	FY 2018	Percent Change	Monthly Projection
October	257,753	335,201	245,967	244,899	228,115	231,497	238,942	8%	248,034	3.80%	3,110,359
November	432,948	338,279	302,511	259,984	276,664	294,255	293,524	10%	285,077	-2.88%	2,898,684
December	265,439	265,303	206,335	232,741	226,007	236,836	229,978	7%	235,009	2.19%	3,159,258
January	262,380	302,637	246,183	241,181	231,378	231,546	246,897	8%	245,441	-0.59%	3,113,080
February	371,088	365,493	331,108	349,611	336,519	314,037	332,583	11%	326,532	-1.82%	3,040,422
March	239,331	263,274	206,065	201,810	208,247	212,208	207,108	7%	223,858	8.09%	3,253,141
April	241,588	264,284	249,697	210,844	210,221	227,687	222,669	7%			
May	328,048	312,786	293,299	285,819	279,420	326,257	291,837	9%			
June	348,851	247,419	216,356	222,767	230,377	224,919	226,133	8%			
July	306,444	248,010	224,280	231,096	224,098	236,589	242,449	8%			
August	359,983	311,966	272,497	266,114	299,026	292,434	294,075	9%			
September	325,572	243,919	228,343	231,038	237,446	241,060	229,515	8%			
	3,739,425	3,498,572	3,022,640	2,977,904	2,987,519	3,069,326	3,055,709		1,563,951		

Monthly Allocation

223,857.77

City of Center	1%	111,928.89
4B Economic Development Corporation	0.50%	55,964.44
4A Economic Development Corporation	0.25%	27,982.22
Sales Tax for Property Tax Relief	0.25%	27,982.22
		<u>223,857.77</u>



An AEP Company

BOUNDLESS ENERGY

Southwestern Electric
Power Company
P.O. Box 21106
Shreveport, LA 71156-0001
AEP.com

Venita McClellon-Allen
President and COO

February 16, 2018

Chad Nehring
City Manager, City of Center
P. O. Box 1744
Center TX 75935-1744

Dear City Manager Nehring:

Please be advised that no earlier than March 22, 2018 AEP Southwestern Electric Power Company (SWEPCO) intends to file with the Public Utility Commission of Texas (Commission) and each municipality asserting original rate-setting jurisdiction in its Texas service area a statement of intent to change its rates charged to Texas Retail Customers. The purpose of this filing is to implement the requirements of Ordering Paragraph 6 of the Commission's final order in its Docket No. 46449. SWEPCO anticipates that its filing will request a reduction in its revenue level.

This notice is being provided to you as required by Section 33.024(a) of the Public Utility Regulatory Act. If your municipality has ceded its original rate-setting jurisdiction to the Commission, this information is being provided to you as a courtesy.

Please feel free to contact Mark A. Robinson at (903) 234-7351 if you have additional questions regarding this upcoming filing.

Sincerely,

A handwritten signature in cursive script that reads "Venita McClellon-Allen".