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AGENDA

The Center City Council will meet in Regular Session on Monday, October 8, 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 September 24, 2018.**
- III. Discuss Consider and Action on the Following:**
 - A. Resolution 2018-14 Authorizing Field Usage by Permit.
 - B. Resolution 2018-15 Confirmation of Use of 1924 King Survey Map of the City of Center for Public Property Designation.
 - C. Resolution 2018-16 Local Government Corporation.
 - D. Approve Work at Fairview Cemetery from Cemetery Trust Fund.
 - E. Approve Engineering Firm Selection for 2019 TCDP Application/Project.
- IV. Items of Interest from Council and City Manager and Citizens – No Action Items.**
 1. Halloween In The Hole – October 29, 2018 at 5:00 pm.
- V. Executive Session**
 1. Land.

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: October 5, 2018

RE: Agenda Comments for Regular Meeting of October 8, 2018

REGULAR MEETING AGENDA:

III.A. Resolution 2018-14 – Authorizing Field Usage by Permit

As the youth programs particularly, but also including adult groups become more prevalent, there are increasing requests for off-season practice availability and seasonally with time changes, that also increases requests for use of field lights. Also, in this policy is in anticipation of the soccer complex having field lighting as similar inquiries have already been made for that facility. Jason Mitchell has developed a draft use agreement inclusive of conditions of field upkeep, lighting availability and costs on a monthly basis, that can serve as a “facility use agreement” as required by City Ordinance for exclusive use of parks and facilities. Council has approved similar standard forms to serve as the standard basis for these facility use agreements previously to establish the use for youth leagues and more recently for exclusive park use for community functions. These is not a significant imposition on staff to accommodate effecting this policy, including automatic scheduling of light use and the monthly fee was loosely estimated to sufficiently cover the electric expenses of lighting use.

III.B. Resolution 2018-15 - Confirmation of Use of 1924 King Survey Map of the City of Center for Public Property Designation

We were recently mad aware and was able to confirm with research into the Council minutes from 1924, that the City commissioned a survey of all subdivisions/additions, parcels and dedications within the City. In several instances, Council has been requested to release claims to previously recorded/filed but more often unrecorded plats or identified rights of way that have left “voids” between parcels for “intended” but never constructed much less dedicated or accepted streets. Many parcels within town reverence boundaries based on unfiled/unrecorded plats, causing significant issues as parcels are conveyed or developed. In some instances, entire plats of subdivisions/additions were never developed as in areas of Hwy 96 S, but more often they were partially developed leaving these void areas between lots that in many instances are conveyed together and sometimes even reference the remainder of the original tract. While this survey map is not a silver bullet for all the property issues the

City will deal with, defining it as a starting point in determining responsibility when current deeds corroborate these survey lines will assist in resolving some questions. This action is recommended such that staff will be more easily able to develop points of reference with surveyors, some of which are already using this survey map to match deed calls and references. This does not indicate intent nor obligate the City to construct any new streets even in these areas identified. There are likely a couple of small areas that this action would determine are “streets” and previously accepted by Council but improvement or renovation would be a matter for Street EDC consideration. Construction where no current roadway exists is, by City ordinance, the obligation of the developer.

III.C. Resolution 2018-16 – Local Government Corporation

During workshops this Summer, Council discussed creation of mechanisms and methods to continue fostering housing availability, development and expansion. Some of that discussion prioritized a long-term approach but one that would not require sustained or routine funding assistance. This resolution directs staff to formally initiate the necessary materials for the creation of a local government corporation, as authorized by state statute, to allow for the creation of a separate financial entity to ensure separation from any tax dollars. The entity will be able to acquire and own land and operate for the stated purposes within the enabling legislation, by-laws under the supervision of the City Council. This does not approve and the enabling ordinance as well as by-laws will be developed and presented to the Council at a future meeting.

III.D. Approve Special Project – Fairview Cemetery from Cemetery Trust Fund

Physical maintenance of facilities and markers at Fairview Cemetery is eligible expenditure of the Fairview Cemetery perpetual care fund. Inquiries and ideas to repair one substantial retaining wall have been expressed and after several contractors were not too interested in that project, staff was able to get a quote for potential repairs. If approved, staff will coordinate the repairs on this retaining wall that has been tilting and leaning for several years and continues to deteriorate.

III.E. Approve Engineering Firm Selection for 2019 TCDP Application/Project

Staff will present the recommendation from the two firms that responded to the request for proposals for the upcoming Texas Community Development Program call for grant applications. The proposals were solicited to assist with selection and development of a project for application as well as engineering services should the City be one of the projects awarded funds this cycle. The scoring will be completed on the two applications and presented for Council authorization.

IV. Items of Interest:

- 1) 2018 Street Program – Street renovations will be beginning this week at several locations. Most initial work will be the installation of concrete at intersections to handle drainage in gutter lines across roadways, followed by asphalt repairs to major areas of streets throughout town.

**MINUTES OF THE CITY OF CENTER
CITY COUNCIL MEETING
REGULAR MEETING
September 24, 2018**

The Center City Council met in a regular session on Monday, September 24, 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	Absent
Leigh Porterfield	-	Mayor Pro Tem	
Joyce Johnson	-	Council Member	Absent
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 Pro Tem Leigh Porterfield opened the meeting and welcomed the visitors.

Item II. Approval of Minutes of the Workshop and Regular Meetings on September 10, 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. Ordinance 2018-05 Adopting the Fiscal Year 2019 Budget.** City Manager, Chad Nehring stated this is the annual item that formally adopts the budget for the upcoming fiscal year, beginning October 1st. Mr. Nehring stated the majority of the operational budget is a continuation of current activities and additional funding is dedicated towards capital items. Council Member Terry Scull made a motion to approve Ordinance 2018-05 Adopting the Fiscal Year 2019 Budget. Council Member Howell Howard seconded the motion. All voted in favor.
- B. Ordinance 2018-06 Adopting Tax Rate & Levy for Fiscal Year 2019.** City Manager, Chad Nehring stated this is the required ordinance to adopt a property tax rate to support the budget approved. Mr. Nehring stated based upon the budget development and the allocation for capital projects this year, the tax rate calculated as necessary is .60/\$100. Council Member Terry Scull made a motion that the property tax rate be increased by the adoption of a tax rate of .6000000, which is effectively a 6.29 percent increase in the tax rate. Council Member Jerry Lathan seconded the motion. All voted in favor.
- C. Ordinance 2018-07 Establishing Rates & Fees for Fiscal Year 2019.** City Manager, Chad Nehring stated this is the annual ordinance for any revisions and adjustments to rates or fees for services to meet budget projections and accommodate for projected increases in expenses. Mr. Nehring stated the water and garbage rates are adjusted by

- 2% and the wastewater rates are adjusted by 4%. Mr. Nehring stated the registration fees for youth recreation programs are being increased slightly to allow for acceptance and transactions by credit/debit cards and internet payments. Council Member Howell Howard made a motion to approve Ordinance 2018-07 Establishing Rates & Fees for Fiscal Year 2019. Council Member Jerry Lathan seconded the motion. All voted in favor.
- D. Ordinance 2018-08 Amending the Budget for Fiscal Year 2018. City Manager, Chad Nehring stated as with any financial plan, circumstances and opportunities change as the fiscal period progresses with both positive and negative impacts. Mr. Nehring stated while there are some modified projects included to clean up some line items, the majority of amendments have already been approved by Council related to added or adjusted projects. Council Member Terry Scull made a motion to approve Ordinance 2018-08 Amending the Budget for Fiscal Year 2018. Council Member Randy Collard seconded the motion. All voted in favor.
- E. Resolution 2018-13 Clarifying the Authority of the Emergency Management Official to Authorize Use of Facilities for Emergency Planning Purposes. City Manager, Chad Nehring stated the traditional plan that would outline the response to various incidents is not specific enough to address much more detailed planning efforts that address things such as customer safety, relocation of operations, etc and with several of these response or emergency plans by independent entities, private non-profits churches, etc desire some level of likely assistance beyond typical emergency responder direction. Mr. Nehring stated they are seeking general assurances that as they may be available, public properties could likely be identified in their plans and this resolution authorizes staff to make public facilities, as they may be available and needed during a localized emergency situation, available and authorizes those facilities to be included with ancillary needs during emergency situations. Council Member Terry Scull made a motion to approve Resolution 2018-13 Clarifying the Authority of the Emergency Management Official to Authorize Use of Facilities for Emergency Planning Purposes. Council Member Howell Howard seconded the motion. All voted in favor.
- F. Award of Bids – Surplus Vehicles/Equipment. City Manager, Chad Nehring stated the bid tab for each item that was advertised and the bids received. Council Member Howell Howard made a motion to Award the Bids for Surplus Vehicles/Equipment to the highest bidder. Council Member Jerry Lathan seconded the motion. All voted in favor.
- G. Approve Chicken Trot 5K Run-October 6, 2018. City Manager, Chad Nehring stated this is the annual fun run on Saturday morning of the Poultry Festival and the request is to utilize generally a road route previously used for this event. Council Member Randy Collard made a motion to approve the Chicken Trot 5K Run on October 6, 2018. Council Member Howell Howard seconded the motion. All voted in favor.

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

1. Doo Dah Parade – September 26, 2018.
2. Street Projects.

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 551.074.3.

Item VII. Adjournment. Mayor Pro Tem, Leigh Porterfield adjourned the meeting at 5:20 pm.

Leigh Porterfield, Mayor Pro Tem

Attest:

Barbara Boyd, City Secretary

RESOLUTION 2018-14

A Resolution of the City of Center, Authorizing the Issuance of Facility License Agreement Permitting Dedicated Use of Athletic Fields, Including Field Lights For Activities Not Associated with Sanctioned or Organized Leagues.

WHEREAS, Section 58-33 of the Code of Ordinances, as adopted August, 2012, prohibits the use of field lights and dedicated use of fields without a Facility License Agreement; and,

WHEREAS, Prior Authorization and Model Field Use Agreements and Permits for the dedicated use of parks and their facilities have been approved by the City Council, including any associated fees or charges;

WHEREAS, The City desires to allow for the further use of facilities under certain standards and conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTER, TEXAS, that;

1. The Attached Exhibit A – “Permit for Use of Fields and Lights” shall be authorized for use to reserve fields and allow the use of field lights, including the terms, conditions and charges.
2. Should multiple requests arise, priority will be given to in order of priority to:
 - a. Teams that participated in Center Youth leagues;
 - b. Teams primarily consisting of Center ISD/Center youth or adult participants,
 - c. Teams representing primarily youth from within Shelby County;
 - d. Any other team, groups or organizations whose participants are primarily from outside Shelby County.
3. No person shall be authorized to issue nor shall any permit be valid during any period in which sanctioned league activities, games or tournaments are scheduled.

PASSED and APPROVED on the 8th day of October, 2018.

ATTEST:

David Chadwick, Mayor

Barbara Boyd, City Secretary

Chad,

There are many teams wanting use of the baseball/softball facilities particularly in the fall. These teams are mainly select teams from our area or league all-star teams that have continued to play in tournaments past league. In my opinion, I believe that this is great in helping to build our high school programs. Any extra work players can get while they are young, surely will reflect when they get to high school. The only problem with practicing mainly in the fall is the use of lights. At this time, we don't have anything set up to allow teams the use of lights. I have come up with a simple contract that teams could fill out. I have included a small fee so that teams would have a small investment in what they were doing. This could create a way for teams and players to have an invested interest in our facilities. I am recommending that teams are able to use lights through this permitted system.

Thanks

A handwritten signature in black ink that reads "Jason Mitchell". The signature is written in a cursive style with a large, stylized initial "J".

Jason Mitchell

Permit to Use Fields and Lights

_____ wish to use the Baseball/Softball Facilities with
(Team Name)

Lights 2 days a weeks. Lights will be turned on for a maximum of 1 hour for team practice. _____ will have exclusive rights to use the field during their team scheduled practice time. Lights will cut off 20 minutes after the scheduled team practice. EX. Lights are cut on from 7pm-8pm. They will go off at 8:20 allowing 20 minutes for exit and raking of fields. After each practice teams must:

1. Rake around bases and fix pitching mounds and rubbers
2. Pick up all trash and put in trash cans
3. Put rakes back on top of dugouts

The cost of the permit is \$50/month. Permits will not be allowed during regular league seasons or during tournaments.

_____ will not hold the City of Center or the leagues liable for accidents that occur during the teams practice schedule.

(Team Representative Signature)

(Team Representative Printed Name)

(Practice Days)

(Practice Time)

(Lights off at)

(Recreational Director Signature)

(Date)

RESOLUTION 2018-15

A Resolution of the City of Center, Authorizing the Use of the 1924 “King” Survey Map of the City of Center as the Basis for Determination of Public Rights of Way and Existing Dedications, Save and Except for Other Deed Records to the Contrary.

WHEREAS, in 1924, the City Council commissioned and acquired a survey map of all parcels and public areas within the City of Center provided by Mr. J.E. King; and,

WHEREAS, Occasional questions arise regarding the status of properties, regarding dedication, ownership or control by private or public entities based on surveys and deeds;

WHEREAS, this is a sufficient justification within this 1924 survey instrument to reasonably believe the intent of the City Council was to consider all those areas appropriately platted, dedicated and documented;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTER, TEXAS, that;

1. For purposes of public properties including dedicated rights of way, the 1924 “King” survey map shall be the basis of determining publicly dedicated and accepted property in so much as it corresponds to current property owner’s surveys within the City of Center.
2. When current survey and property boundaries conform with the 1924 “King” map, the public areas identified shall be deemed to have been accepted by the City for public purposes.
3. This policy shall not in any manner or form be intended nor construed to retract or negate nor does this supercede or otherwise annul any official action of the City Council of the City of Center, regarding the platting, replatting, quit-claim, deeds or other actions duly approved or accepted by the City of Center or filed of record with the Shelby County Clerk’s Office.

PASSED and APPROVED on the 8th day of October, 2018.

David Chadwick, Mayor

ATTEST:

Barbara Boyd, City Secretary

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RESOLUTION 2018-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTER, TEXAS DIRECTING STAFF TO DEVELOP THE APPROPRIATE INSTRUMENTS TO ESTABLISH A LOCAL GOVERNMENT CORPORATION FOR HOUSING DEVELOPMENT.

WHEREAS, Chapter 431, Subchapter D of the Texas Transportation Code authorizes the creation of local government corporations to “accomplish any governmental purpose”; and

WHEREAS, The Center City Council desires to create a local government corporation to focus additional efforts on growth and specifically housing developments; and

WHEREAS, The City Council has previously adopted policy tools to stimulate housing development; and

WHEREAS, Housing development is considered by the City Council to be a governmental function.

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

SECTION 1. Staff is directed to develop an authorizing ordinance, articles of incorporation, and corporation by-laws for Council approval for the creation of the Center Local Government Corporation under applicable State laws;

PASSED AND APPROVED, this the 8th day of October, 2018

David Chadwick, Mayor

ATTEST:

Barbara Boyd, City Secretary

NORRIS DANIEL CONSTRUCTION

936-585-0582

232 CR 233

NACOGDOCHES TEXAS 75961

DATE 09/24/2018

JOB ESTIMATE: E-075

PUT UP 2 NEW RETAINER WALLS AT CEMETARY ON

MARTIN LUTHER KING

6" WIDE, 5' HIGH X 26' LONG EACH

\$11.50 SF

TOTAL

\$ 2,990.00

A handwritten signature in cursive script, appearing to read "Norris Daniel", is written over a horizontal dotted line.

Norris Daniel