



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

(936) 598-2941 • Fax (936) 598-2615  
[www.centertexas.org](http://www.centertexas.org)

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## AGENDA

**The Center City Council will meet in Regular Session on Monday, September 11, 2017 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. Public Hearings:**
  - A. Proposed Tax Rate.
  - B. Proposed Budget.
- III. Approval of Minutes of the Regular Meeting on August 28, 2017.**
- IV. Discuss Consider and Action on the Following:**
  - A. Resolution 2017-22 Dedication of Open Space in Portacool Park.
  - B. Accept Plat of Center EDC Addition.
  - C. Designation of Special Event at Portacool Park.
- V. Items of Interest from Council and City Manager and Citizens – No Action Items.**
  - A. FY 2017-2018 Proposed Budget.
- VI. 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
- VII. Adjournment.**

MEMORANDUM

TO: Mayor and City Council

FR: Chad D. Nehring, City Manager

Date: September 8, 2017

RE: Agenda Comments for Regular Meeting of September 11, 2017



REGULAR MEETING AGENDA:

II. Hearings:

1) Tax Rate

This is the second and final public hearing on the tax rate prior to consideration for adoption.

2) FY18 Budget

This is the required hearing prior to the adoption of the budget for FY18

IV.A. Resolution 2017-22 Dedication of Open Space in Portacool Park

This action should be the final administrative item to address in the completion of the Texas Parks & Wildlife grant for the recently complete Portacool Park project. A component of the grant required the dedication of a portion of the land as open space, without significant improvement. This area is identified on the attached exhibit to the resolution and was used as the site for the azalea garden. This resolution by Council is not a permanent dedication of natural habitat or wetlands but indicates the construction plan, which has already been approved and completed, but TP&W now requires specific action on this by Council. Staff recommends approval.

IV.B. Accept Plat of Center EDC Addition

This action will approve the subdivision of land at the intersection of Loop 500 and Hwy 7 W acquired by the Center Economic Development Corporation. This plat meets the development standards for driveway and easement access to a single subdivided lot at the rear corner. This is the site and location negotiated for acquisition by Center Utilities for a future water tower location but this plat fully conforms with standard for use for any private purpose as no special accommodations are being made based on this expected use. Upon approval, this can be filed with the deed records.

#### IV.C. Designation of Special Event at Portacool Park

Included is a request for a special event at Portacool Park for Sept. 16<sup>th</sup>. Since there is a participation charge and it is not open to the public, this request requires designation by Council as a special event under the park use regulations. Based on the information presented, there does not appear to be any additional issues that would need special accommodation.

#### Items of Interest:

The preliminary, draft of the budget book inclusive of the financial budget for funds and departments is available. Staff can address any questions at this meeting or individually. The draft has not yet been completely reviewed and there may still be some non-financial items or pages that require updates or modification. While Council has already addressed the financial components of the budget, the pages dealing with future capital projects and the efforts to document the strategic plans and goals may benefit from additional review and/or input prior to final adoption.

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**MINUTES OF THE CITY OF CENTER  
CITY COUNCIL MEETING  
REGULAR MEETING  
August 28, 2017**

The Center City Council met in a regular session on Monday, August 28, 2017 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	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 David Chadwick opened the meeting and welcomed the visitors and media.** Gene Keenon with Republic Services presented Council with a check for sponsorship for the East Texas Poultry Festival.

**Item II. Public Hearing:**

- A. Proposed Tax Rate. Mayor Chadwick opened the hearing at 5:03. There were no comments made. Mayor Chadwick closed the hearing.

**Item III. Approval of Minutes of the Regular Meeting and the Workshop Meeting on August 14, 2017.**

Council Member Howell Howard made a motion to approve the minutes. Council Member Jerry Lathan seconded the motion. All voted in favor.

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

- A. Ordinance 2017-06 Cancelling Regular Election. City Manager, Chad Nehring stated as only one person filed by the state's deadline for each of the three positions with terms expiring, Council is allowed to officially cancel the election and declare those unopposed candidates elected to these positions. Council Member Terry Scull made a motion to approve Ordinance 2017-06 Cancelling Regular Election. Council Member Jerry Lathan seconded the motion. All voted in favor.
- B. Ordinance 2017-07 Establishing Standards for Wireless Facilities and Use of Public Property. City Manager Chad Nehring stated ordinance outlines the basic features required by the new state law which prohibits installation of any above-ground facilities on dedicated public park land, but does grant them access to City right of way and other public property including ability to locate equipment on public traffic poles and street sign posts. Mr. Nehring stated this action will allow for the City to respond and if necessary react to these technology improvements and providers use of rights of way. Council Member Leigh Porterfield made a motion to approve Ordinance 2017-07 Establishing Standards for Wireless Facilities and Use of Public Property. Council Member Randy Collard seconded the motion. All voted in favor.



- C. Ordinance 2017-08 Regulating the Maximum Speeds on Hwy 7. City Manager, Chad Nehring stated TXDoT has conducted a speed study and accident history along the entire Hwy 7 corridor and gave their recommendation for revised speed limits. Mr. Nehring stated since the City participates by a maintenance agreement with segments of the highway system within the corporate limits, Council approval of the enforceable speed limits is required. Council Member Howell Howard made a motion to approve Ordinance 2017-08 Regulating the Maximum Speeds on Hwy 7. Council Member Terry Scull seconded the motion. All voted in favor.
- D. Authorize Agreement for Household Hazardous Waste Event. City Manager, Chad Nehring stated staff has continued to work with Pineywoods RC&D to utilize funds that were set aside for waste recycling within Center focusing to provide disposal costs of household hazardous waste material. Mr. Nehring stated the City's likely maximum exposure for this event would be \$8,000 and would be provided by the solid waste fund, which has line items available for waste stream reduction and recycling. Council Member Leigh Porterfield made a motion to Authorize the Agreement for Household Hazardous Waste Event. Council member Jerry Lathan seconded the motion. All voted in favor.
- E. Authorize Engagement Letter for Audit Services with Axley & Rode. City Manager, Chad Nehring stated this firm has conducted the annual financial and operational review of the City and EDC operations for the last two decades. Mr. Nehring stated annual audits are comprehensive and services throughout the year ensures adequate review. Council member Howell Howard made a motion to Authorize the Engagement Letter for Audit Services with Axley & Rode. Council Member Randy Collard seconded the motion. All voted in favor.
- F. Bid for Tax Foreclosed Property-1423 Netherly Street. City Manager, Chad Nehring stated this item was received from the County with the information included. Mr. Nehring stated staff did not find a filed lien for past code enforcement. Mr. Nehring stated this property would qualify for a notice of substandard structure, so sale for demolition or rehab would remove questionable ownership and should remedy the existing noncompliant conditions. Council Member Jerry Lathan made a motion to approve the Bid for Tax Foreclosed Property at 1423 Netherly Street. Council member Howell Howard seconded the motion. All voted in favor.
- G. Shelby County Chamber Board of Directors Ballot. City Manager, Chad Nehring stated historically, the Council has acted on this annual ballot as the owner of the City's membership with the Chamber. Council Member Howell Howard made a motion to approve the Shelby County Chamber Board of Directors Ballot. Council Member Terry Scull seconded the motion. All voted in favor.
- H. Approve CHS Homecoming Parade and Related Street Closure Request. City Manager, Chad Nehring stated this is the annual request and route of the CHS Homecoming parade. Council Member Randy Collard made a motion to approve the CHS Homecoming Parade and Related Street Closure Request. Council Member Terry Scull seconded the motion. All voted in favor.

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

- 1. FY 2018 Budget. City Manager, Chad Nehring stated the filed budget as required

by Charter and state law is included with this packet.

**Item VI. Executive Session.**

1. Litigation.

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.

Entered into Executive Session at 5:25. No Action Taken. Adjourned at 5:31

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

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David Chadwick, Mayor

Attest:

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Barbara Boyd, City Secretary

## **RESOLUTION 2017-22**

### **A RESOLUTION AUTHORIZING THE DEDICATION OF APPROXIMATELY .50 ACRES FOR UNDEVELOPED OPEN SPACE IN Portacool Park.**

WHEREAS, in, August, 2015, the City of Center received a \$400,000 grant from the Texas Parks and Wildlife Department for the acquisition and development of land at Portacool Park; and

WHEREAS, as suggested in the grant proposal, the City of Center desires to dedicate .50 acres (as outlined in the attached exhibit "A") of Portacool Park as permanent, undeveloped open space;

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

#### **I.**

That the City Council hereby authorizes the dedication of 50 acres of Portacool Park as permanent, undeveloped open space to be preserved in its natural condition in perpetuity except as approved by the Texas Parks and Wildlife Department.

PRESENTED AND PASSED on this the 11<sup>th</sup> Day of September, 2017, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays at a regular meeting of the City Council of Center, Texas.

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David Chadwick, Mayor

ATTEST:

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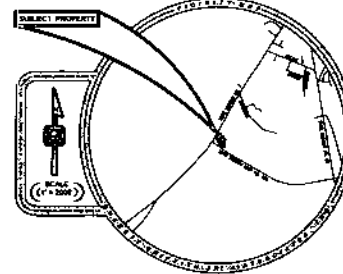
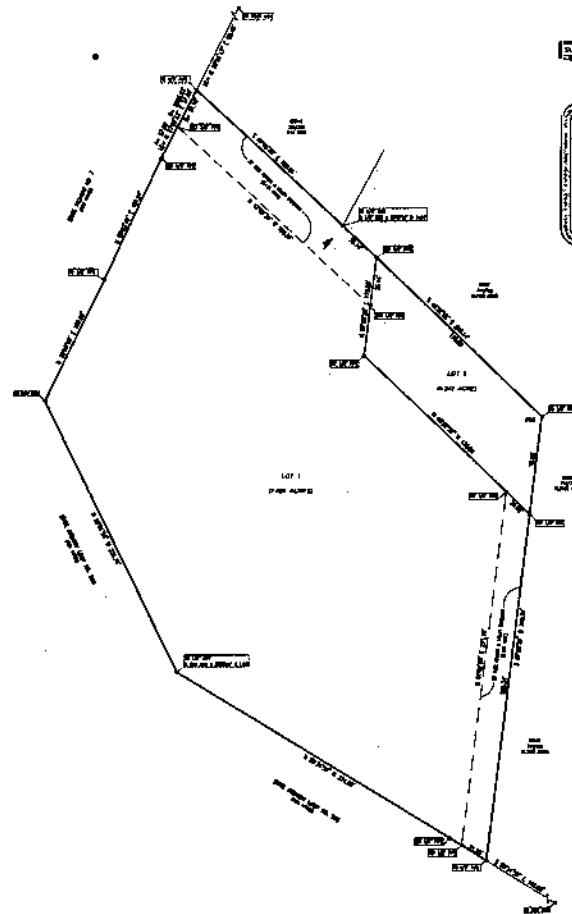
Barbara Boyd, City Secretary



	<p>212 West Ninth Street Tyler, Texas 75701 903-597-0617 Fax</p>	<p><b>MHS</b> PLANNING &amp; DESIGN, LLC</p>	<p>ACQUISITION BOUNDARY MAP MIN PARK EXPANSION CITY OF CENTER, TEXAS</p>	<p>DRAWN: HNR CHECKED: MHS DATE: MAR 2015 SCALE: AS SHOWN JOB NO: 15-003 1 OF 1</p>
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# CENTER EDC LOOP 500 SUBDIVISION



## THE STATE OF TEXAS

### COUNTY OF DALLAS

#### CITY OF DALLAS

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September 6, 2017

City of Center

Attn: City Council/Mayor

P.O box 1744

Center TX 75935

Dear council Members:

My name is Mrs. Celia Aguilar. I am a teacher at F.L Moffett Primary School and I am also a local Zumba Instructor. Two other local Zumba instructors (Jocelyn Hernandez and Denetra Slaughter) and I would like to request your permission to host a Zumbathon fundraiser to help the people who were affected by Hurricane Harvey and who are now in Center. We are asking to please use The Porta Cool Park from 9:00 to 10:30 am on Saturday 16, 2017 if possible. The donation we will be asking for would be 5 dollars per person. Barbara Fulbright and Brenda McQueen would make sure the donations are sent directly to the Shelby and Panola County Harvey Relief Fund.

We will need music for this event so we will provide our own speakers.

Thank you for considering our proposal and we appreciate your time.

Sincerely,

Celia Aguilar and Zumba Instructors

A handwritten signature in black ink, appearing to read 'Celia Aguilar', is written over the printed name and title.

## **ITEMS OF INTEREST**

1. Sales Tax Report.
2. Commission of Agriculture Letter.

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

**SEPTEMBER 2017**

Month	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Monthly Percentage	FY 2017	Percent Change
October	206,001	257,753	335,201	245,967	244,899	228,115	231,497	8%	238,942	3.22%
November	258,262	432,948	338,279	302,511	259,984	276,664	294,255	10%	293,524	-0.25%
December	225,055	265,439	265,303	206,335	232,741	226,007	236,836	7%	229,978	-2.90%
January	206,994	262,380	302,637	246,183	241,181	231,378	231,546	8%	246,897	6.63%
February	334,903	371,088	365,493	331,108	349,611	336,519	314,037	11%	332,583	5.91%
March	204,182	239,331	263,274	206,065	201,810	208,247	212,208	7%	207,108	-2.40%
April	207,204	241,588	264,284	249,697	210,844	210,221	227,687	7%	222,669	-2.20%
May	264,898	328,048	312,786	293,299	285,819	279,420	326,257	9%	291,837	-10.55%
June	227,689	348,851	247,419	216,356	222,767	230,377	224,919	8%	226,133	0.54%
July	243,280	306,444	248,010	224,280	231,096	224,098	236,589	8%	242,449	2.48%
August	306,906	359,983	311,966	272,497	266,114	299,026	292,434	9%	294,075	0.56%
September	246,330	325,572	243,919	228,343	231,038	237,446	241,060	8%	229,515	-4.79%
	2,931,706	3,739,425	3,498,572	3,022,640	2,977,904	2,987,519	3,069,326		3,055,709	

Monthly Allocation 229,515.02

City of Center	1%	114,757.51
4B Economic Development Corporation	0.50%	57,378.76
4A Economic Development Corporation	0.25%	28,689.38
Sales Tax for Property Tax Relief	0.25%	28,689.38
		229,515.02





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August 29, 2017

The Hon. Sid Miller  
Commissioner of Agriculture  
1700 North Congress, 11<sup>th</sup> Floor  
Austin, Texas 78701

Re: Texas Community Development Block Grant Program  
2017-18 Community Development Fund  
State Scoring Criteria  
City of Center, Texas

Dear Commissioner Miller,

I am writing to ask that you review, and bring about needed improvement to the published guidance and instructions made available to applicants for grants under the bi-annual Community Development Fund of the Texas Community Development Block Grant Program. I am particularly concerned regarding the awarding, and withholding of points within scoring categories the Department itself controls under the recently completed 2017/18 TXCDBG CD Fund competition.

Under the 2017/18 CD Fund competition, the maximum achievable score was 200 points. 90% of those points are controlled within scoring factors chosen at the regional level by Regional Review Committees. The remaining 10% (20 points) are assigned by the Department itself, based on factors described in the TXCDBG Action Plan. Despite the small number of points in State-controlled scoring categories, they can, as we have recently experienced, control the outcome of applications that were otherwise favored within the regional competition.

The Regional Review Committee Guidebook, describes the State Scoring as follows:

**II. State Scoring – 20 points of Maximum Possible Score for Each RRC as Described in the 2015 Action Plan**

TxCDBG will assign 20 points as follows:

1. Past Performance on previously awarded contracts (2012-2015) - Maximum Points – (12 points) of Maximum Possible RRC Score
  - Timely submission of Close-out reports
  - Environmental clearance within 6 months of the contract start date
  - Extension of contracts (i.e., timeliness of completing projects)
2. Basic infrastructure or Housing Activities - 8 points of Maximum Possible RRC Score

The Community Development Fund Guide provides additional information on the assigning of the State Scores, as follows:

For the State Score, each applicant is initially awarded the full 20 points. Points are deducted from those 20 points based upon the performance of an applicant on a previously awarded contract. An applicant's state score will be determined by the following:

1. Past performance on previously awarded contracts (2012-2015) (12 points)
  - Timely submission of close-out reports (4 points) (CLOSEOUT SCORE)
    - a. Four points will be deducted for applicants that did not submit a close-out report within 60 days from the end date of the contract
  - Timeliness of environmental clearance (4 points) (ENVIRONMENTAL SCORE)
    - a. Zero points will be deducted for applicants that completed the environmental review within 30 days of the environmental clearance milestone (210 days after the contract start date)
    - b. One point will be deducted for applicants that completed the environmental review within 60 days of the environmental clearance milestone (240 days after the contract start date)
    - c. Two points will be deducted for applicants that completed the environmental review within 90 days of the environmental clearance milestone (270 days after the contract start date)
    - d. Four points will be deducted for applicants that did not complete the environmental review within 90 days of the environmental clearance milestone (271 days after the contract start date)
  - Timeliness of completing projects (i.e., extension of contracts) (4 points) (EXTENSION SCORE)
    - a. Four points will be deducted for applicants that received an extension on a previous contract
2. Basic infrastructure or Housing Activities (8 points) (PROJECT SCORE)
  - a. Eight points will be deducted for any application that contains any proposed project activity that is not considered to be "basic infrastructure" or a housing activity. Basic infrastructure is defined as any project activity addressing water improvements, sewer improvements, street improvements, or flood/drainage improvements.

The final state score will be the average of points for each contract awarded in 2012-2015. Note: The City of Center last received a CD Fund grant in 2011.

In the case of Center's 2017/18 CD Fund application, the City was originally notified of its State Score as follows:

Original Score	Scored By	Maximum Score	Center, Texas Score
Environmental Score	State	4	2.667
Closeout Score	State	4	4
Extension Score	State	4	4
Project Score	State	8	8
Total State Score	State	20	17.33
Total Regional Score	Region	180	180
Grand Total Score	State	200	197.33

In reviewing our score, we noticed what appeared to be a mathematical error. The four State scores added to 18.667, not 17.33, and the difference of that 1.34 points would have resulted in a score high enough to secure funding next year in 2018, if the 2018 allocation is at the same level as 2017. So, we contacted TDA and asked that the math error be corrected.

The TDA staff response was to attribute the error to a typo, but to report that the original total score was correct due to an offsetting error made in our favor that would also need to be corrected; thus, our score was not increased. TDA provided a breakdown of our State Score as follows:

TDA Contract	TXCDBG Fund	ENVIRONMENTAL	CLOSEOUT	EXTENSION	TOTAL
713292	Texas Capital Fund	4	4	4	12
7214182	Downtown Revitalization Fund	0	4	0	4
7215018	Community Enhancement Fund	4	4	4	12
Averaged		2.667	4	2.667	9.337
PROJECT SCORE					8
TOTAL					17.337

We were surprised when we reviewed the itemized performance scores assigned by the State, for the following reasons:

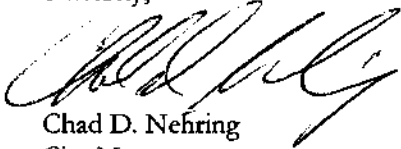
- 1) The RRC Guidebook does not make it clear that performance scoring for previously awarded contracts pertains to all TDA contracts, *regardless of Fund Type*, nor list the pertinent Fund Types, nor otherwise clarify this requirement in any meaningful way for prospective applicants or consultants.
- 2) TDA's Application Community Development Fund Guide does not make it clear that performance scoring for previously awarded contracts pertains to all TDA contracts, *regardless of Fund Type*, nor list the pertinent Fund Types, nor otherwise clarify this requirement in any meaningful way for prospective applicants or consultants.
- 3) The TXCDBG Action Plan does not make it clear that performance scoring for previously awarded contracts pertains to all TDA contracts, *regardless of Fund Type*, nor list the pertinent Fund Types, nor otherwise clarify this requirement in any meaningful way for prospective applicants or consultants.
- 4) Applying the same performance measures to all TDA contracts for Scoring Purposes, regardless of Fund Type, implies that the State considers all Fund Types carry the same challenges and that local governments have an identical ability to control the achievement of the deadlines associated with each performance measure. Not only is that false, but it completely ignores growing coordination issues arising from regulatory complexity involving the sequencing of approvals required from various State and Federal agencies, including the Texas Historical Commission, Texas Department of Transportation, U.S. Army Corps of Engineers, FEMA, and other agencies with whom consultation is required.

I am requesting that the Texas Department of Agriculture provide all future applicants in the TXCDBG CD Fund competition, an unambiguous written explanation of the State Scoring Factors that is sufficient to allow an applicant to prepare a knowledgeable application, and is uniformly itemized in the TXCDBG Action Plan, TXCDBG CD Fund Application Guide, and respective Regional Review Committee Guidebooks.

Because the Department has chosen to incorporate such rigid past performance measurement into the scoring process that controls the award of current grants, I am further requesting that the State immediately begin informing the current holders of all grant contracts, in writing, of the potential impact of lengthy environmental reviews, requested contract extensions, known issues involving other agency coordination, and late closeouts, on the local government's ability to effectively compete for future grants under the TXCDBG CD Fund competition.

Finally, I would request that an official response addressing the City of Center's specific scoring irregularities be submitted upon review and reevaluation relative to all other state applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad D. Nehring", is written over the printed name and title.

Chad D. Nehring  
City Manager

C: Ms. Beth A. Van Duyne, Regional Administrator, U.S. Department of HUD,  
801 Cherry Street, Unit #45, Suite 2500, Fort Worth, Texas 76102

Cc: Mayor & City Council