CITY OF HUNTSVILLE, TEXAS

Russell Humphrey, Mayor

Vicki McKenzie, Mayor Pro Tem
Position 3 At-Large
Bert Lyle, Position 1 At-Large
Karen Denman, Position 2 At-Large
Pat Graham, Position 4 At-Large

Tore Fossum, Ward 1
Casey Cox, Ward 2
Anissa Antwine, Ward 3
Jon Strong, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA
TUESDAY, JUNE 4, 2024

WORKSHOP 5:00 P.M. - Conference Room
REGULAR SESSION 6:00 P.M. - Conference Room

City of Huntsville New Service Center Complex, 448 Highway 75, Huntsville, Texas, 77340

Persons with disabilities who plan to attend this meeting and may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5413) two working days prior to the meeting for appropriate arrangements.

WORKSHOP (5:00 p.m.)

DISCUSSION

a. The City of Huntsville Employee Scholarship Committee will host a Reception for the Class of 2024 Scholarship Recipients.
Sandra Cuevas, Human Resources Manager

MAIN SESSION (6:00 p.m.)

CALL TO ORDER

INVOCATION AND PLEDGES - ***U.S. Flag and Texas Flag:*** *Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.*

PROCLAMATION

PRESENTATIONS

a. Presentation to the Class of 2024 City of Huntsville Scholarship Recipients.
Sandra Cuevas, Human Resources Manager
and Scholarship Committee

b. Presentation to the City of Huntsville Employees who were recipients of the "Best of Readers Choice Award".
Russell Humphrey, Mayor

c. Recognize Olivia J. Discon's appointment by Governor Greg Abbott as student regent for the Texas State University System for the 2024-2025 term.
Russell Humphrey, Mayor

PUBLIC HEARING

1. CONSENT AGENDA

The presiding officer will call for public comments 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. Consider approving the Minutes from the May 21, 2024, Regular City Council Meeting.
Kristy Doll, City Secretary

b. Consider authorizing the City Manager to approve an annual purchase order for used tire disposal services.
Brent Sherrod, Public Works Director

c. Consider ratifying the award of an emergency contract for the emergency repair of the storm-damaged concrete and clay sewer lines (in two separate sections) between Elkins Lake and Lake Azalea, Town Creek Sewer Repair, and Elkins Spillway Sewer Repair.
Brent Sherrod, Public Works Director

d. Consider authorizing the City Manager to enter into a Professional Services Agreement (PSA) between the City of Huntsville and Waterstone Development Group, LLC on behalf of Waterstone Opportunity Fund, LLC, for the purpose of initiating the creation of a Public Improvement District related to the proposed residential subdivisions, the Villages of Magnolia Farms and Westin Meadows.
Kevin Byal, Director of Development Services

e. Consider Ordinance No. 2024-12 extending the Disaster Declaration issued by Mayoral Proclamation on May 2, 2024, and extended by Ordinances 2024-08 on May 9, 2024, and Ordinance 2024-11 on May 21, 2024.
Aron Kulhavy, City Manager

2. STATUTORY AGENDA

3. CITY COUNCIL/MAYOR/CITY MANAGER

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

5. ITEMS OF COMMUNITY INTEREST

6. EXECUTIVE SESSION

a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.074 – Personnel Matters: regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary Kristy Doll.
Kristy Doll, City Secretary

b. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.087 for deliberation regarding economic development negotiations - Project Goose.
Tammy Gann, Director of Economic Development

7. RECONVENE

Take action on item discussed in executive session, if needed.

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, Section 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; Sec. 551.089 - deliberation regarding security devices or security audits; 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 to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Kristy Doll, City Secretary, do hereby certify that the above notice 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: May 31, 2024

TIME OF POSTING: 11:30 a.m.

TAKEN DOWN:

Kristy Doll

Kristy Doll, City Secretary

CITY COUNCIL AGENDA

6/4/2024

Agenda Item Number: a.

Agenda Item: The City of Huntsville Employee Scholarship Committee will host a Reception for the Class of 2024 Scholarship Recipients.

Initiating Department/Presenter: Human Resources

Presenter:
Sandra Cuevas, Human Resources Manager

Recommended Motion: Not applicable

Strategic Initiative: NA

Discussion: NA

Previous Council Action: NA

Financial Implications: NA

Approvals:
Kristy Doll

Associated Information:

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: a.

Agenda Item: Presentation to the Class of 2024 City of Huntsville Scholarship Recipients.

Initiating Department/Presenter: Human Resources

Presenter:
Sandra Cuevas, Human Resources Manager
and Scholarship Committee

Recommended Motion: Not applicable

Strategic Initiative: NA

Discussion: NA

Previous Council Action: NA

Financial Implications: NA

Approvals:
Kristy Doll

Associated Information:

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: b.

Agenda Item: Presentation to the City of Huntsville Employees who were recipients of the "Best of Readers Choice Award".

Initiating Department/Presenter: City Council

Presenter:
Russell Humphrey, Mayor

Recommended Motion: Not Applicable

Strategic Initiative:

Discussion:

Previous Council Action:

Financial Implications:

Approvals:
Kristy Doll
Aron Kulhavy

Associated Information:

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: c.

Agenda Item: Recognize Olivia J. Discon's appointment by Governor Greg Abbott as student regent for the Texas State University System for the 2024-2025 term.

Initiating Department/Presenter: City Council

Presenter:
Russell Humphrey, Mayor

Recommended Motion: Not Applicable

Strategic Initiative: Strategic Priority #5, Engagement - Build strong relationships within our organization and community with a focus on our culture of core values as expressed in Service, Trust, Accountability and Respect. Provide a welcoming and collaborative environment that fosters mutual partnership between city government, community organizations and our residents.

Discussion:
Governor Greg Abbott has appointed Olivia J. Discon, a criminal justice major at Sam Houston State University, as student regent for the 2024-2025 term. Ms. Discon is one of eight student regents appointed to the governing boards of Texas' public university systems and independent universities.

Student regents have the same rights and privileges as regularly appointed board members, except the right to vote or be counted toward a quorum for official board business.

Ms. Discon is currently an intern for the City in the City Manager's office after completing another internship in the Economic Development Department.

Previous Council Action:

Financial Implications:

Approvals:
Kristy Doll
Aron Kulhavy

Associated Information:

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: 1.a.

Agenda Item: Consider approving the Minutes from the May 21, 2024, Regular City Council Meeting.

Initiating Department/Presenter: City Secretary

Presenter:
Kristy Doll, City Secretary

Recommended Motion: Motion to approve the Minutes from the May 21, 2024, Regular City Council Meeting.

Strategic Initiative:

Discussion:

Previous Council Action:

Financial Implications:

Approvals:
Kristy Doll

Associated Information:

1. May 21, 2024 City Council Meeting Minutes

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 21st DAY OF MAY 2024, AT THE HUNTSVILLE PUBLIC LIBRARY, LOCATED AT 1219 13th STREET, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a workshop and regular session with the following:
COUNCILMEMBERS PRESENT: Mayor Humphrey, Mayor Pro Tem McKenzie, Councilmember At-Large Position 1 Lyle, Councilmember Ward 1 Fossum, Councilmember At-Large Position 2 Denman, Councilmember Ward 2 Cox, Councilmember Ward 3 Antwine, Councilmember At-Large Position 4 Graham, Councilmember Ward 4 Strong

COUNCILMEMBERS ABSENT:

OFFICERS PRESENT: Aron Kulhavy, City Manager; Kristy Doll, City Secretary; Leonard Schneider, City Attorney

WORKSHOP
Mayor Humphrey called the workshop to order at 5:00 p.m.

DISCUSSION

a. Budget 101 Presentation
Steve Ritter, Finance Director

b. Update on the Flooding Event and Disaster Recovery
Greg Mathis, Fire Chief

Mayor Humphrey adjourned the workshop without objection at 5:43 p.m.

MAIN SESSION CALL TO ORDER
Mayor Humphrey called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGES - ***U.S. Flag and Texas Flag:*** *Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.*

Councilmember Lyle gave the invocation, and the pledges were led by Mayor Humphrey.

PROCLAMATIONS

a. Proclamation No. 2024-14 Child Care Provider Day
Russell Humphrey, Mayor

b. Proclamation No. 2024-13 ALS Awareness Month
Russell Humphrey, Mayor

c. Proclamation No. 2024-11 National Tourism and Travel Week
Russell Humphrey, Mayor

d. Proclamation No. 2024-12 Public Works Week
Russell Humphrey, Mayor

1. **CONSENT AGENDA**
The presiding officer will call for public comments 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. **Consider approving the Minutes from the May 7, 2024, Regular City Council Meeting.**
Kristy Doll, City Secretary

b. **Consider approving the Minutes from the May 9, 2024, Emergency City Council Meeting.**
Kristy Doll, City Secretary

c. **Consider adoption of Ordinance 2024-9 to amend the Budget for FY 23-24 amending the Schedule of Fees and Charges.**
Steve Ritter, Finance Director

d. **Consider adoption of Ordinance 2024-10 to amend the budget for FY 23-24 and/or CIP Project Budgets.**
Steve Ritter, Finance Director

e. **Consider approving Resolution 2024-13 authorizing the City Manager to enter into an interlocal agreement with the Region 8 Education Service Center in order for the City to participate in "The Interlocal Purchasing System" (TIPS) public purchasing cooperative.**
Steve Ritter, Finance Director

f. **Consider Ordinance No. 2024-11 Extending the Disaster Declaration issued by Mayoral Proclamation on May 2, 2024, and extended by ordinance 2024-08 on May 9, 2024.**
Aron Kulhavy, City Manager

Councilmember Anissa Antwine made a motion to approve the Consent Agenda, Items a through f. The motion was seconded by Councilmember Tore Fossum. The motion passed 9-0. Russell Humphrey, Karen Denman, Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Tore Fossum, Casey Cox; No: None

2. STATUTORY AGENDA

a. **Consider authorizing the City Manager to execute Change Order Number 6 for the construction contract of West Green Briar and River Oaks Improvements Project GLO Contract # 20-065-128-C439, City Project # 21-10-08 & # 21-10-09.**
Kathlie Jeng-Bulloch, City Engineer

Councilmember Tore Fossum made a motion to authorize the City Manager to execute Change Order Number 6 for the construction contract of West Green Briar and River Oaks Improvements Project GLO Contract # 20-065-128- C439, City Project # 21-10-08 & # 21-10-09. The motion was seconded by Councilmember Vicki McKenzie. The motion passed 9-0. Yes: Russell Humphrey, Karen Denman, Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Tore Fossum, Casey Cox; No: None

3. CITY COUNCIL/MAYOR/CITY MANAGER

a. **Consider approving the City of Huntsville Service Center located at 448 Highway 75, as the location for the City Council meetings beginning June 4th, 2024.**
Kristy Doll, City Secretary

Councilmember Vicki McKenzie made a motion to consider approving the City of Huntsville Service Center located at 448 Highway 75, as the location for the City Council meetings beginning June 4th, 2024. The motion was seconded by Councilmember Anissa Antwine. The motion passed 9-0. Yes: Russell Humphrey, Karen Denman, Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Tore Fossum, Casey Cox; No: None

4. **MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA**
None

5. **ITEMS OF COMMUNITY INTEREST**
Mayor and Council announced Items of Community Interest.

6. **EXECUTIVE SESSION**
   a. **City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.087 for deliberation regarding economic development negotiations - Project Goose Tammy Gann, Director of Economic Development**

   b. **City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.074 – Personnel Matters: regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary Kristy Doll.**
   Kristy Doll, City Secretary

City Council convened into Executive Session at 6:31 p.m.

Councilmember Tore Fossum left from Executive Session at 7:57 p.m. and did not return to the meeting.

7. **RECONVENE**
City Council reconvened from Executive Session at 8:24 p.m.

Councilmember Vicki McKenzie made a motion to renew the City Secretary contract with Kristy Doll for one year with a revision to vacation leave to an accrual rate of 160 hours per year and 20 years of service. The motion was seconded by Councilmember Pat Graham. The motion passed 8-0. Yes: Russell Humphrey, Karen Denman, Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Casey Cox; No: None

ADJOURNMENT
Mayor Humphrey adjourned the meeting without objection at 8:25 p.m.

ATTEST:	**CITY OF HUNTSVILLE**
______________________	______________________
Kristy Doll, City Secretary	**Russell Humphrey, Mayor**

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: 1.b.

Agenda Item: Consider authorizing the City Manager to approve an annual purchase order for used tire disposal services.

Initiating Department/Presenter: Public Works

Presenter:
Brent Sherrod, Public Works Director

Recommended Motion: Move to authorize the City Manager to approve an annual purchase order for used tire disposal services from EE-TDF Cleveland LLC in the amount of $103,940.00.

Strategic Initiative: Strategic Priority #4, Infrastructure - Develop and maintain a comprehensive and well-planned infrastructure network that prepares for the challenges of the future and provides quality, modern and efficient, water, wastewater, drainage and transportation services.

Discussion: The waste tire disposal contract is used for the disposal of large heavy tires and small automobile tires. These are brought to the transfer station and disposed of by customers. Services included in this bid are the contractor provides personnel and transportation for the removal of all used tires on a call-in basis. The tires are then disposed in a manner approved by the Texas Commission on Environmental Quality (TCEQ).

City staff solicited competitive sealed proposals with the notice published as required. The invitation to bid was advertised on the City's website, in the Huntsville Item and Electronic State Business Daily, and sent to several potential bidders. Three (3) bids were received and opened on April 17, 2024, in response to the invitation for proposals. The bids received are reflected in the attached bid tabulation. Public Works staff evaluated the bids received to determine the best value to the City and allow the City to select the lowest most responsible bidder. Based on price and upon past experience, with the same service, EE-TDF Cleveland LLC soon to be Travis Tire Recycling LLC, per the Novation Agreement, was determined to be the best value for the City.

The term of this contract is May 1, 2024-April 2025 with the option to renew for three (3) additional one (1) year terms with a final expiration date of April 30, 2028. The vendor has the ability to escalate the price at the time of renewal with mutual agreement. This option to extend is contingent on budget and City Council approval. With an estimated expense of $15,000 for FY23/24, estimated expense of $23,855.00 for FY24/25, estimated expense of $24,571.00 for FY25/26,estimated expense of $25,308.00 for FY26/27,estimated expense of $15,206 for FY27/28, with a total life of the contract expense estimated at $103,940.00.

Previous Council Action: None

Financial Implications: Item is budgeted yearly in account 224-377-55070.

Approvals:
Brent Sherrod
Leonard Schneider
Sam Masiel
Aron Kulhavy
Kristy Doll

Associated Information:
1. Bid Tab - 24-26 Waste Tire Disposal Service

Bid Tabulation
Project Name: Bid NO. 24-26 Waste Tire Disposal Service
Location: 1210 11th Street, Huntsville, TX 77340
Date: April 17, 2024 Time: 2:00 PM

		EE-TDR Cleveland	Pledge Waste Services	Sanford Federal
1	Price Per Automotive Tire	$2.50 price per each (include all fees)	10.00 price per each (include all fees)	$8.00 price per each (include all fees)
2	Price Per Heavy Haul Tire	$12.00 price per each (include all fees)	$12.00 price per each (include all fees)	$23.00 price per each (include all fees)
3	Estimated number of days for pick-up after City request:	3 # of Days	14 # of Days	14 # of Days
4	Contractor to include copy of Insurance	Yes	No	Yes
5	Contractor to include copy of TCEQ Tire Disposal Permit	Yes	No	Yes

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: 1.c.

Agenda Item: Consider ratifying the award of an emergency contract for the emergency repair of the storm-damaged concrete and clay sewer lines (in two separate sections) between Elkins Lake and Lake Azalea, Town Creek Sewer Repair, and Elkins Spillway Sewer Repair.

Initiating Department/Presenter: Public Works

Presenter:
Brent Sherrod, Public Works Director

Recommended Motion: Move to ratify the award of an emergency contract to Raybo Twardeski (5T Utilities) for the emergency repair of the storm damaged concrete and clay sewer lines between Elkins Lake and Lake Azalea, Town Creek Sewer Repair, and Elkins Spillway Sewer Repair in the amount of $154,147.92.

Strategic Initiative: Strategic Priority #4, Infrastructure - Develop and maintain a comprehensive and well-planned infrastructure network that prepares for the challenges of the future and provides quality, modern and efficient, water, wastewater, drainage and transportation services.

Discussion: The concrete sewer line in-between Elkins Lake and Lake Azalea as well as between River Oaks and Greenbriar, has become majorly compromised (in two separate sections) by over thirty inches of rain in the last three weeks. It is imperative that it is repaired as quickly as possible. This is the main interceptor line for the NB Davidson Wastewater Treatment Facility, and the plant has been unable to meet its water quality permitted levels since the storm. The plant normally treats and releases 700,000 to 800,000 gallons per day. Since the storm, that level has risen to 2,000,000 to 3,000,000 gallons per day, due to creek water running into the interceptor line. We are currently bypassing around the affected portion of the line.

Near Eastham Thomason Park and Cottonwood St. a 24” clay tile sewer line broke during the torrential storms when the bank of Town Creek sloughed off and took approximately sixty feet of the sewer line into the creek bottom. It was repaired by replacing the affected line with PVC and heavy stabilizing bedding was placed under, and on top of the line.

Raybo Twardeski (5T Utilities) will be replacing the affected portions of the Elkins Lake concrete line with PVC pipe, bedding the pipe in stabilized sand, and reinforcing the creek bank with rip rap. Total cost for all three emergency storm related projects is $154,147.92.

Previous Council Action: None

Financial Implications: Item is budgeted in account 220-1221-52280

Approvals:
Brent Sherrod
Leonard Schneider
Sam Masiel
Aron Kulhavy
Kristy Doll

Associated Information:

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: 1.d.

Agenda Item: Consider authorizing the City Manager to enter into a Professional Services Agreement (PSA) between the City of Huntsville and Waterstone Development Group, LLC on behalf of Waterstone Opportunity Fund, LLC, for the purpose of initiating the creation of a Public Improvement District related to the proposed residential subdivisions, the Villages of Magnolia Farms and Westin Meadows.

Initiating Department/Presenter: Development Services

Presenter:
Kevin Byal, Director of Development Services

Recommended Motion: Move to authorize the City Manager to enter into a Professional Services Agreement (PSA) between the City of Huntsville and Waterstone Development Group, LLC on behalf of Waterstone Opportunity Fund, LLC, for the purpose of initiating the creation of a Public Improvement District related to the proposed residential subdivisions, the Villages of Magnolia Farms and Westin Meadows.

Strategic Initiative: Strategic Priority #2, Economic Development - Creat an economic climate for the City of Huntsville that drives development of diverse industries and sectors, providing sustainable economic growth and improved living standards.

Discussion: The Developer, Waterstone Opportunity Fund, LLC, proposes to develop an approximately 116-acre tract of land for a residential subdivision with approximately 468 lots. Although the property is located in the City's ETJ, it is anticipated the tract will be annexed into the city limits in the near future. This Professional Services Agreement (PSA) outlines the terms and conditions under which the Developer and the City will collaborate on the project.
A PSA aims to protect the interests of both parties, reduce the risk of misunderstandings, and ensure a smooth and professional working relationship. It clearly defines the services to be provided, ensuring both parties have a mutual understanding of expectations. It sets out milestones and relevant project timelines. Additionally, it outlines the duties and responsibilities of each party, including what each entity must provide to facilitate the work.

Previous Council Action:

Financial Implications:

Approvals:
Leonard Schneider
Sam Masiel
Aron Kulhavy

Kristy Doll

Associated Information:

1. Professional Services Agreement for City of Huntsville 24.5.02

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (this "Agreement"), effective as of __________, 2024, (the "Effective Date"), is made and entered into by and between the City of Huntsville, Texas, a home-rule municipality organized and operating pursuant to its ordinances and the laws of the State of Texas (the "City"), and Waterstone Development Group, LLC on Behalf of Waterstone Opportunity Fund, LLC , (the "Developer").

RECITALS

WHEREAS, the Developer is purchasing the approximately 116.828 acres of land situated in Walker County, which land is shown and more particularly described on **Exhibit "A"** attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Property is located within Huntsville's ETJ and is anticipated to be annexed into City limits subject to agreement between the City and Developer; and

WHEREAS, the City and Developer desire to negotiate the terms for the Property to be included in the boundaries of a public improvement district ("PID"); and

WHEREAS, the hereinafter defined Parties also desire to negotiate additional agreements necessary to provide that revenue generated by the PID may be used to reimburse Developer for certain public infrastructure to be built to improve the Property (the "PID Agreements"); and

WHEREAS, the creation of the PID and the negotiation of the PID Agreements will require the City to expend resources for various consultants to successfully assist with the negotiation and documentation process (the "Professional Services"); and

WHEREAS, Developer and the City anticipate that the total Professional Services will not exceed $50,000 (the "Budget Amount"); and

WHEREAS, the Developer hereby agrees to pay for the Professional Services provided by the consultants and by any additional consultants hereinafter approved in writing by the Developer (collectively, "City Consultants").

AGREEMENT

NOW THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer (collectively "Parties" and each individually a "Party") agree as follows:

1. Recitals. That the representations, covenants, and recitations set forth in the foregoing are material to this Agreement and are incorporated into and made a part of this Agreement.

2. Exhibits. All Exhibits referenced in this Agreement, and listed below, are incorporated herein for all purposes; specifically:

Exhibit "A" – Property Description

3. Payment for Professional Services. The Developer shall be responsible for reimbursing the City for the payment of invoices for Professional Services relating to the creation of the PID and negotiation of the PID Agreements, (including any and all agreements, plans, and other matters necessary to facilitate the creation and operation of the PID) subject to the terms of this Section 3.

(a) Deposits – Initial Payment and Replenishment. Within ten (10) business days after the execution of this Agreement, the Developer shall deliver to the City funds in the amount of FIFTY THOUSAND AND NO/100 DOLLARS ($50,000) to be used as a deposit towards the payment of total costs incurred for Professional Services for City Consultants ("Initial Payment"). Developer shall pay and subsequently increase such Initial Payment by delivering the required funds to City within ten (10) business days of written notice from City that the balance in the deposit has decreased to less than $10,000. If the balance falls below $10,000, the Developer will deposit additional capital to raise the balance to $35,000. However, if it appears the work contemplated herein can be completed within the Budget Amount no additional funds shall be required. If it appears the work contemplated herein cannot be completed within the Budgeted Amount, then the Parties will re-examine and agree upon a revised Budgeted Amount before Developer deposits additional monies. The Parties understand and agree that if Developer fails to pay and/or make replenishment payment(s) in accordance with the requirements of this Section, all work by City Consultants shall cease until such time as Developer deposits funds sufficient to comply with its obligations under this Section. The Initial Payment and all other funds delivered to the City by the Developer pursuant to this Section shall be used by the City solely to pay for Professional Services as described in this Agreement. Upon completion of the PID and final payment under this PSA are completed any remaining funds on deposit shall be returned to the Developer.

(b) Accounting. The Initial Payment and all additional funds delivered to the City under subsection (a) above shall be accounted for in a line item account of the City. The City shall provide the Developer with a monthly statement identifying all disbursements from the account.

(c) Invoice Frequency. The City Consultants will invoice the City approximately every thirty (30) days with a detailed billing statement of all Professional Services rendered in accordance with this Agreement, (including date services provided, person providing services, time spent on the task, and billing rate). Within ten (10) days after receipt of each invoice from a City Consultant (and before such invoice is paid), the City shall forward such invoice to the Developer. If Developer reasonably requests additional information in clarification or support for such invoice, the City shall cause the City Consultant to provide same. The City shall be entitled to redact any information covered by the attorney/client privilege. The Developer shall have ten (10) days during which to review each invoice and to make objections. If the Developer objects to any portion of an invoice, the City, the Developer and the City Consultant shall attempt to resolve the dispute within a reasonable period of time; however, if notwithstanding their collective good faith efforts the dispute cannot be timely resolved, the City may pay such invoice, including any disputed amounts, within thirty (30) days from the date of the invoice using the funds delivered by the Developer to the City pursuant to this Agreement.

(d) In utilizing Professional Services, the City shall act in good faith and shall not incur unnecessary or unreasonable costs.

(e) In the event that the Developer determines that it will not proceed with the creation of the PID and negotiation and drafting of the PID Agreements, the Developer will so notify the City pursuant to Section 5 of this Agreement, and the City will terminate all Professional Services and incur no further fees or expenses for Professional Services under this Agreement.

4. No Obligation to Establish PID. The Developer acknowledges that this Agreement does not obligate the City to establish the PID or enter into the PID Agreements. The Developer's obligation to pay the City Expenses shall exist and continue independent of whether the PID is approved or the PID Agreements entered into. This Agreement shall confer no vested rights or development rights on the Property or to the Developer.

5. Termination. Either Party may terminate this Agreement for any reason or for no reason by providing at least five (5) business days' written notice of termination. Termination of this Agreement shall be the sole and exclusive remedy of the City or the Developer, as the case may be, for any claim by either Party of any breach of this Agreement by the other Party. The City shall be entitled to pay City Consultants for all Professional Services incurred through the date of termination; however, any excess funds remaining after such payments have been made shall be promptly refunded to the Developer. Notwithstanding any other provision of this Agreement to the contrary, the obligation to repay such excess funds to the Developer in the event of a termination shall survive any termination of this Agreement, and the Developer does not release or discharge its right to such excess funds.

6. Entire Agreement. This Agreement contains the entire agreement between the Parties with respect to the provision of Professional Services in connection with the negotiation and drafting of documents and necessary legislative actions to develop the Property in accordance with the terms of the Development Agreement, as amended, in a manner that benefits the City and the Developer.

7. Amendment. This Agreement may only be amended by written instrument signed by the Developer and the City.

8. Successors and Assigns. Neither the City nor the Developer may assign or transfer their interest in the Agreement without prior written consent of the other Party.

9. Notice. Any notice and/or statement required and permitted to be delivered shall be deemed delivered by (i) telecopying such notice, or (ii) depositing same in the United States Mail, Certified, with Return Receipt Requested, postage prepaid, addressed to the appropriate Party at the following addresses, or at such other addresses provided by the Parties in writing.

DEVELOPER:

Waterstone Development Group, LLC
185 Cedar Point Dr.
Livingston, Texas 77351

CITY:

City of Huntsville
Attn: City Manager
1212 Avenue M
Huntsville, TX 77340

10. Non-Recordation. This Agreement shall not be recorded.

11. Interpretation. Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably and neither more strongly for or against either Party.

12. Applicable Law. This Agreement is made and shall be construed in accordance with the laws of the State of Texas and venue shall lie in only Walker County, Texas.

13. Severability. In the event any portion or provision of this Agreement is illegal, invalid, or unenforceable under present or future law, then and in that event, it is the intention of the agreement, hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the Parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

14. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

15. Authority for Execution. The City hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with all applicable City ordinances and state law. The Developer hereby certifies, represents, and warrants that the individual executing this Agreement on behalf of the Developer is duly authorized and has full authority to execute this Agreement and bind the Developer to the same.

CITY OF HUNSTVILLE, TEXAS

____

______________________________, City Manager

ATTEST

____

________________________, City Secretary

DEVELOPER

WATERSTONE DEVELOPMENT GROUP, LLC

By:_______________________________________

Name: ____________________________________

Its: _______________________________________

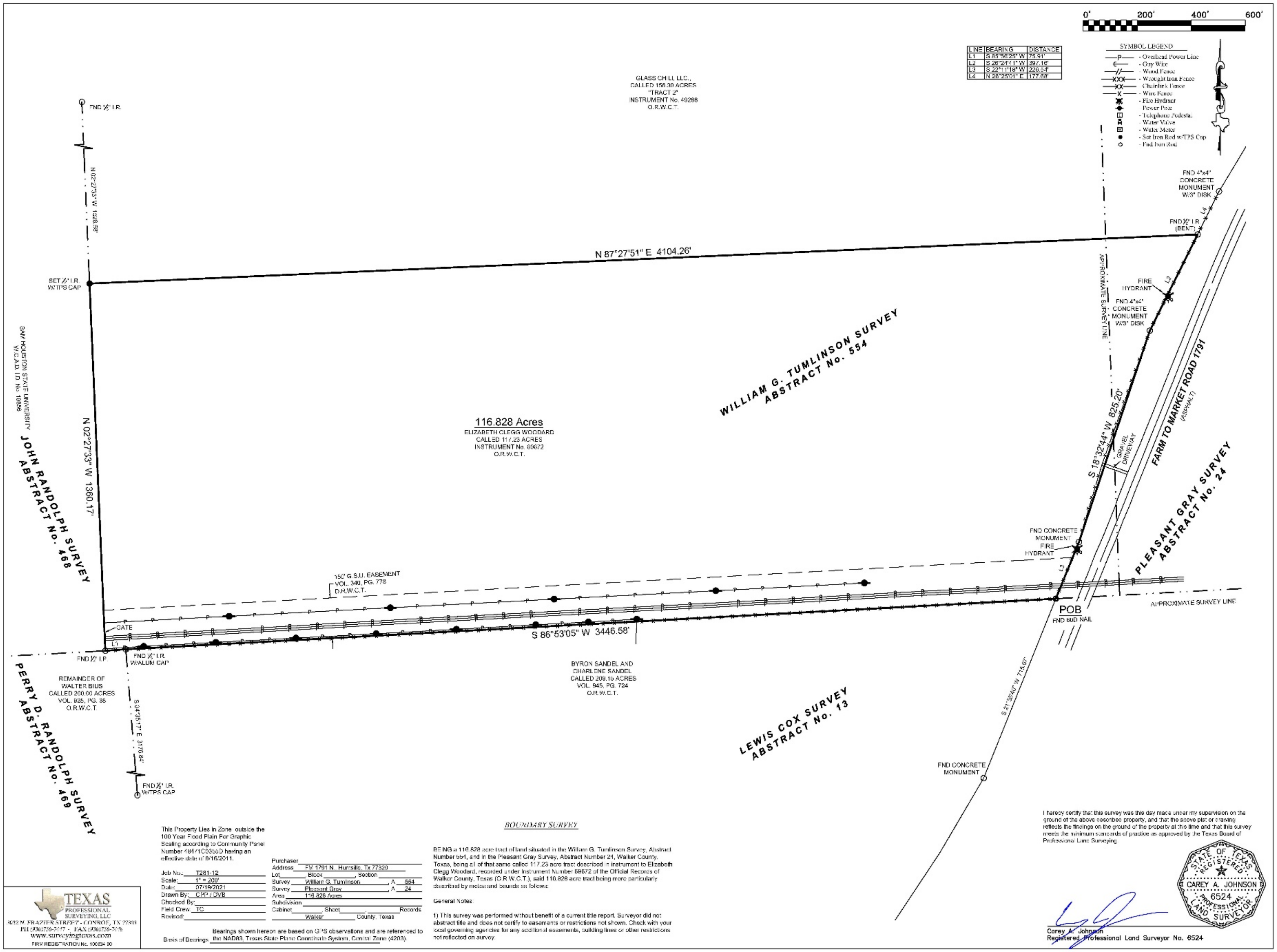
WATERSTONE OPPORTUNITY FUND, LLC

By:_______________________________________

Name: ____________________________________

Its: _______________________________________

Exhibit A


0' 200' 400' 600'
LINE BEARING DISTANCE
L1 S 85°56'25" W 75.91'
L2 S 26°24'11" W 397.16'
L3 S 22°11'18" W 226.54'
L4 N 28°25'01" E 177.68'
SYMBOL LEGEND
P - Overhead Power Line
- Guy Wire
- Wood Fence
XXX - Wrought Iron Fence
XX - Chainlink Fence
X - Wire Fence
- Fire Hydrant
- Power Pole
- Telephone Pedestal
- Water Valve
- Water Meter
- Set Iron Rod w/TPS Cap
- Fnd Iron Rod
GLASS CHILL LLC.
CALLED 158.30 ACRES
"TRACT 2"
INSTRUMENT No. 49288
O.R.W.C.T.
FND ½" I.R.
N 02°27'33" W 1828.58'
SET ½" I.R.
W/TPS CAP
N 87°27'51" E 4104.26'
FND 4"x4"
CONCRETE
MONUMENT
W/3" DISK
FND ½" I.R.
(BENT)
FIRE
HYDRANT
FND 4"x4"
CONCRETE
MONUMENT
W/3" DISK
APPROXIMATE SURVEY LINE
WILLIAM G. TUMLINSON SURVEY
ABSTRACT No. 554
116.828 Acres
ELIZABETH CLEGG WOODARD
CALLED 117.23 ACRES
INSTRUMENT No. 69672
O.R.W.C.T.
SAM HOUSTON STATE UNIVERSITY
W.C.A.D. I.D. No. 19656
JOHN RANDOLPH SURVEY
ABSTRACT No. 468
N 02°27'33" W 1360.17'
S 18°32'44" W 825.20'
GRAVEL
DRIVEWAY
FARM TO MARKET ROAD 1791
(ASPHALT)
PLEASANT GRAY SURVEY
ABSTRACT No. 24
FND CONCRETE
MONUMENT
FIRE
HYDRANT
150' G.S.U. EASEMENT
VOL. 340, PG. 778
D.R.W.C.T.
GATE
S 86°53'05" W 3446.58'
POB
FND 60D NAIL
APPROXIMATE SURVEY LINE
FND ½" I.P.
FND ½" I.R.
W/ALUM CAP
REMAINDER OF
WALTER BIUS
CALLED 200.00 ACRES
VOL. 925, PG. 38
O.R.W.C.T.
PERRY D. RANDOLPH SURVEY
ABSTRACT No. 469
S 04°35'17" E 3170.84'
FND ½" I.R.
W/TPS CAP
BYRON SANDEL AND
CHARLENE SANDEL
CALLED 209.10 ACRES
VOL. 945, PG. 724
O.R.W.C.T.
LEWIS COX SURVEY
ABSTRACT No. 13
S 21°59'60" W 715.87'
FND CONCRETE
MONUMENT
This Property Lies in Zone outside the 100 Year Flood Plain Per Graphic Scaling according to Community Panel Number 48471C0350D having an effective date of 8/16/2011.
Job No.: T281-12
Scale: 1" = 200'
Date: 07/19/2021
Drawn By: CPP / DVB
Checked By:
Field Crew: TC
Revised:
Purchaser
Address FM 1791 N., Huntsville, Tx 77320
Lot , Block , Section
Survey William G. Tumlinson , A 554
Survey Pleasant Gray , A 24
Area 116.828 Acres
Subdivision
Cabinet , Sheet , Records
Walker County, Texas
Basis of Bearings: Bearings shown hereon are based on GPS observations and are referenced to the NAD83, Texas State Plane Coordinate System, Central Zone (4203).
TEXAS PROFESSIONAL SURVEYING, LLC
3032 N. FRAZIER STREET - CONROE, TX 77303
PH (936)756-7447 - FAX (936)756-7478
www.surveyingtexas.com
FIRM REGISTRATION No. 100834-00
BOUNDARY SURVEY
BEING a 116.828 acre tract of land situated in the William G. Tumlinson Survey, Abstract Number 554, and in the Pleasant Gray Survey, Abstract Number 24, Walker County, Texas, being all of that same called 117.23 acre tract described in instrument to Elizabeth Clegg Woodard, recorded under Instrument Number 69672 of the Official Records of Walker County, Texas (O.R.W.C.T.), said 116.828 acre tract being more particularly described by metes and bounds as follows:
General Notes:
1) This survey was performed without benefit of a current title report. Surveyor did not abstract title and does not certify to easements or restrictions not shown. Check with your local governing agencies for any additional easements, building lines or other restrictions not reflected on survey.
I hereby certify that this survey was this day made under my supervision on the ground of the above described property, and that the above plat or drawing reflects the findings on the ground of the property at this time and that this survey meets the minimum standards of practice as approved by the Texas Board of Professional Land Surveying.
Carey A. Johnson
Registered Professional Land Surveyor No. 6524
STATE OF TEXAS
REGISTERED
CAREY A. JOHNSON
6524
PROFESSIONAL
LAND SURVEYOR

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: 1.e.

Agenda Item: Consider Ordinance No. 2024-12 extending the Disaster Declaration issued by Mayoral Proclamation on May 2, 2024, and extended by Ordinances 2024-08 on May 9, 2024, and Ordinance 2024-11 on May 21, 2024.

Initiating Department/Presenter: City Secretary

Presenter:
Aron Kulhavy, City Manager

Recommended Motion: Move to approve Ordinance No. 2024-12 extending the Disaster Declaration issued by Mayoral Proclamation on May 2, 2024, and extended by Ordinance 2024-08 on May 9, 2024, and Ordinance 2024-11 on May 21, 2024.

Strategic Initiative:

Discussion:

Previous Council Action: May 9th approved Ordinance No. 2024-8 and May 21st approved Ordinance 2024-11, to extend the Disaster Declaration.

Financial Implications:

Approvals:
Leonard Schneider
Kristy Doll

Associated Information:
1. 2024 Ordinance Extend Disaster Declaration

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, EXTENDING THE DISASTER DECLARATION ISSUED BY MAYORAL PROCLAMATION ON MAY 2, 2024 IN RESPONSE TO SEVERE FLOODING, DAMAGING WINDS AND RAIN, DOWNED TREES AND POWER OUTAGES; AND AUTHORIZING PUBLIC EXPENDITURES AND OTHER FINDINGS

WHEREAS, on May 2, 2024, the Mayor of the City of Huntsville, Texas, issued a mayoral proclamation declaring a state of disaster for the City of Huntsville, in response to rains on April 29, 2024 and May 2, 2024 causing Severe Weather, Flooding, Damaging Winds, Downed Trees and Power Outages; and

WHEREAS, as a result of the severe weather and flooding, there has been unforeseen erosions of city owned and maintained infrastructure including drainageways, streets, storm sewer improvements, water and sanitary sewer facilities causing significant damage to the existing infrastructure and exposing other utility lines to further damage without timely repairs and requiring additional funds, supplies, manpower, and other resources to respond to the flooding events that occurred on April 29 and May 2, 2024; and

WHEREAS, the conditions necessitating such disaster declaration continue to exist; and

WHEREAS, the City Council has determined that extraordinary measures must be taken to repair the damage to the existing water, sewer, storm sewer and street infrastructure, make necessary improvements to prevent the immediate failure of said infrastructure facilities, and to prevent the suffering of people in the City of Huntsville, including calling an emergency meeting to extend the disaster declaration and authorize necessary expenditures to alleviate health, safety and welfare concerns; and

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

SECTION 1. The facts and matters set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

SECTION 2. The declaration of disaster, which was signed and executed by the Mayor on May 2, 2024, and extended on May 9, 2024, by Ordinance 2024-8 and May 21, 2024, by Ordinance 2024-11 shall be renewed and extended until June 18, 2024, in accordance with Section 418.108 of the Texas Government Code, unless earlier terminated by the Mayor's office, or amended, rescinded, superseded or expire pursuant to applicable law.

SECTION 3. That this Ordinance continues the activation of the City Emergency Plan and activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary or desirable by those administering such plans, and activates the preparedness and response aspects of such plans as provided therein and provides the authority for the Mayor to take actions authorized by Section 418.108 of the Government Code.

SECTION 4. That this Ordinance, in addition to Section 418.108 of the Government Code and Chapter 18 of the Code of Ordinances, authorizes the emergency expenditure of funds to repair and/or take other actions to provide necessary water and sewer services for the health, safety and welfare of the citizens, and repairs to other infrastructure that has been damaged that is necessary for the health, safety and welfare of the citizens.

SECTION 5. That the Mayor may execute any and mutual aid agreements in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said city is located and with other municipalities within the county, for the countywide coordination of efforts in emergency management; for the procurement of all necessary supplies and equipment, including acceptance of private contributions; and the authorizing of agreements, after approval of the city attorney, for the use of private property for public shelter and other purposes.

SECTION 6. That this Ordinance shall be filed promptly with the City Secretary and shall be given prompt and general publicity.

SECTION 7. That this Ordinance shall take effect immediately from and after its issuance.

PASSED AND APPROVED on this the ____th day of June 2024.

THE CITY OF HUNTSVILLE

____
Russell Humphrey, Mayor

ATTEST:

____
Kristi Doll, City Secretary

APPROVED AS TO FORM:

____
Leonard Schneider, City Attorney

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: 6.a.

Agenda Item: City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.074 – Personnel Matters: regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary Kristy Doll.

Initiating Department/Presenter: City Secretary

Presenter:
Kristy Doll, City Secretary

Recommended Motion: None

Strategic Initiative:

Discussion:

Previous Council Action:

Financial Implications:

Approvals:
Leonard Schneider
Kristy Doll

Associated Information:

CITY COUNCIL AGENDA
6/4/2024

Agenda Item Number: 6.b.

Agenda Item: City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.087 for deliberation regarding economic development negotiations - Project Goose.

Initiating Department/Presenter: Economic Development

Presenter:
Tammy Gann, Director of Economic Development

Recommended Motion: No action required

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

Discussion:

Previous Council Action:

Financial Implications:

Approvals:
Aron Kulhavy
Kristy Doll

Associated Information: