

CITY OF HUNTSVILLE, TEXAS

Russell Humphrey, Mayor

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



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

HUNTSVILLE CITY COUNCIL AGENDA

TUESDAY, MARCH 17, 2026

REGULAR SESSION 6:00 P.M. - Main Conference Room

City of Huntsville Service Center Complex, 448 Highway 75 N, Huntsville, Texas, 77320

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

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

- a.** Proclamation No. 2026-05 Small Business Development Center Day
Russell Humphrey, Mayor

PRESENTATIONS

- a.** GLO - RCP Resilient Communities Program Comprehensive Plan Update, Public Meeting #1
Kathlie Jeng-Bulloch, City Engineer

PUBLIC HEARING

- a.** Town Creek Channel Improvements Project (GLO LCP Grant Application)
Christina Bodin-Turner, Grants Manager

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 March 3, 2026, Regular City Council Meeting.
Kristy Doll, City Secretary
- b.** Consider Resolution No. 2026-13 authorizing the submission of an application and acceptance of funding if awarded under the Texas General Land Office 2024 Disasters Local Communities Program (LCP) for Town Creek Channel Improvements.
Christina Bodin-Turner, Grants Manager

- c. Consider Resolution No. 2026-14 declaring a blighted area within the downtown district of the City of Huntsville and authorizing the submission of an application to the Texas Department of Agriculture for the Texas Capital Fund Downtown Revitalization Program.
Christina Bodin-Turner, Grants Manager

2. STATUTORY AGENDA

- a. Receive presentation from Pattillo, Brown, and Hill, LLP, CPAs concerning the audit and consider acceptance of the audit for FY 24-25.
Lance Hall, Finance Director
- b. **First Reading** - Consider Ordinance No. 2026-05, suspending the rates proposed by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas Company's Gas Reliability Infrastructure Program filing made with the City on or about February 17, 2026.
Leonard Schneider, City Attorney
- c. **First Reading** — Consider Ordinance No. 2026-07, modifying the Code of Ordinances Chapter 48, Article 3 - Tow Trucks, to allow for a comprehensive policy administered by the Police Department.
James Barnes, Lieutenant
Roy Moore
- d. **First Reading** -Consider and possible action approving expenditure of \$2.35 million to purchase FBO Operating Agreement from Huntsville Aviation Inc. and Wade Gillaspie.
Lance Hall, Finance Director
- e. Consider adoption of Ordinance 2026-06 to amend the budget for FY 25-26 and/or CIP Project Budgets.
Lance Hall, Finance Director

3. CITY COUNCIL/MAYOR/CITY MANAGER

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

5. ITEMS OF COMMUNITY INTEREST

6. EXECUTIVE SESSION

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: March 11, 2026

TIME OF POSTING: 2:30 p.m.

TAKEN DOWN:

Sharon Schultz

Sharon Schultz, Deputy City Secretary



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: a.

Agenda Item: Proclamation No. 2026-05 Small Business Development Center Day

Initiating Department/Presenter: City Council

Presenter:
Russell Humphrey, Mayor

Recommended Motion: N/A

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: N/A

Previous Council Action: N/A

Financial Implications: N/A

Approvals:
Kristy Doll

Associated Information:



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: a.

Agenda Item: GLO - RCP Resilient Communities Program Comprehensive Plan Update, Public Meeting #1

Initiating Department/Presenter: Engineering

Presenter:

Kathlie Jeng-Bulloch, City Engineer

Recommended Motion: None

Strategic Initiative:

Discussion: N/A

Previous Council Action: August 19, 2005
September 5, 2023

Financial Implications: \$0.0

Approvals:

Kathlie Jeng-Bulloch

Ricardo Villagrand

Kristy Doll

Associated Information:

1. Huntsville RCP Public Meeting 1

GLO – RCP - Resilient Communities Program Comprehensive Plan Update

Public Meeting #1 – 03/17/2026



RESILIENT COMMUNITIES TEAM



Judy Langford

President/Owner



Kevin Coleman

Planning Director



Jerri Conrado

RCP Grant Manager &
Community Engagement



Dennis Ku

Senior Engineer



Tim Jenkins

Chief Planner



Alisa Max

Pape Dawson
Project Manager



Kevin Guenther

Pape Dawson – Project Lead Planner



Thomas Duncan

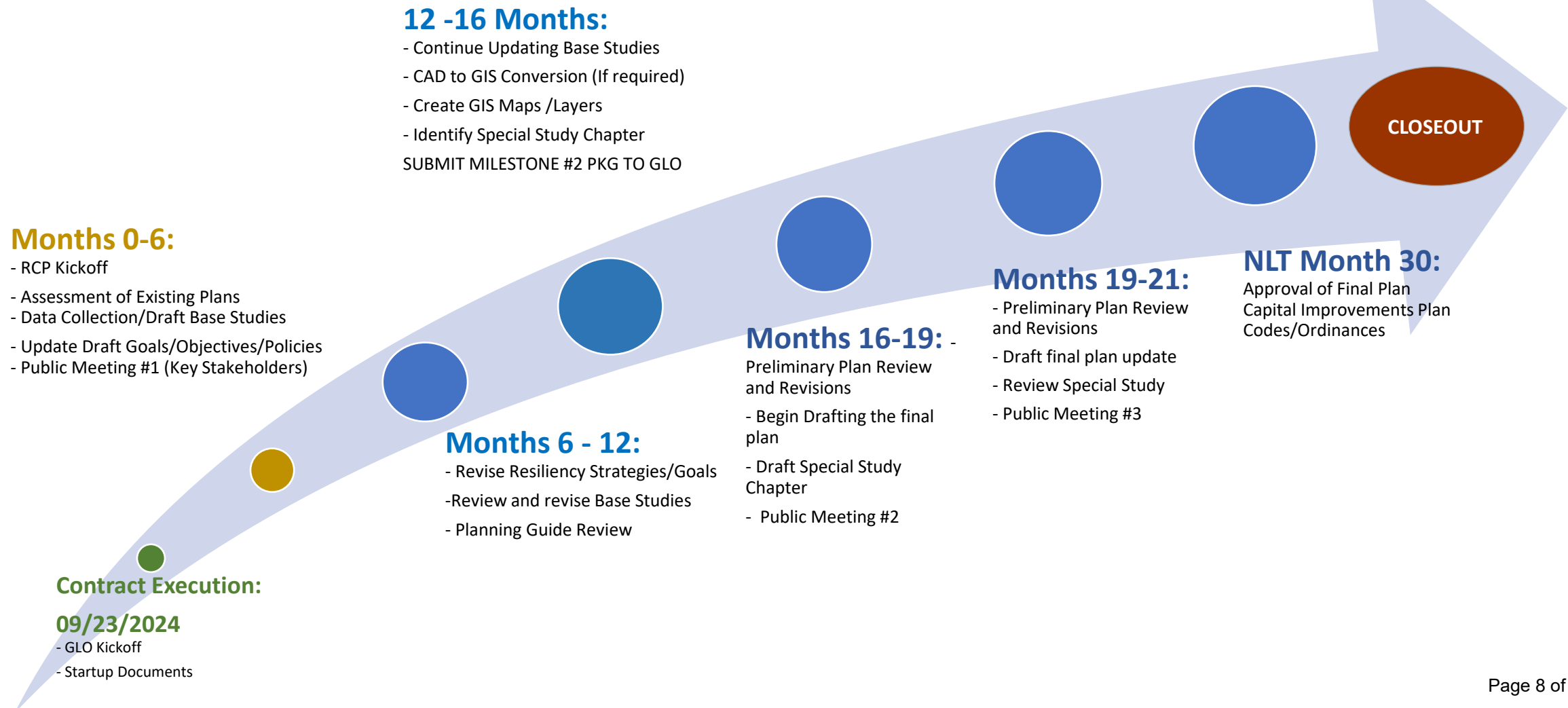
Pape Dawson – Project Manager

Langford Community Management Services, Inc.

The LCMS Team brings extensive experience in grant administration and compliance, with more than 125 years of combined expertise managing and implementing State and Federally funded projects. Our team has a proven record of delivering high-quality project management, oversight, and regulatory compliance.

LCMS has partnered with Pape-Dawson Engineers, a leading Texas-based civil engineering firm with decades of experience in infrastructure planning, environmental services, and grant-funded project delivery. Together, our teams provide comprehensive technical and administrative expertise to ensure efficient, compliant, and impactful project outcomes.

Schedule Of Activities



Existing Plan Update Requirements



Land Use & Future Development

Transportation

Housing

Public Facilities & Infrastructure

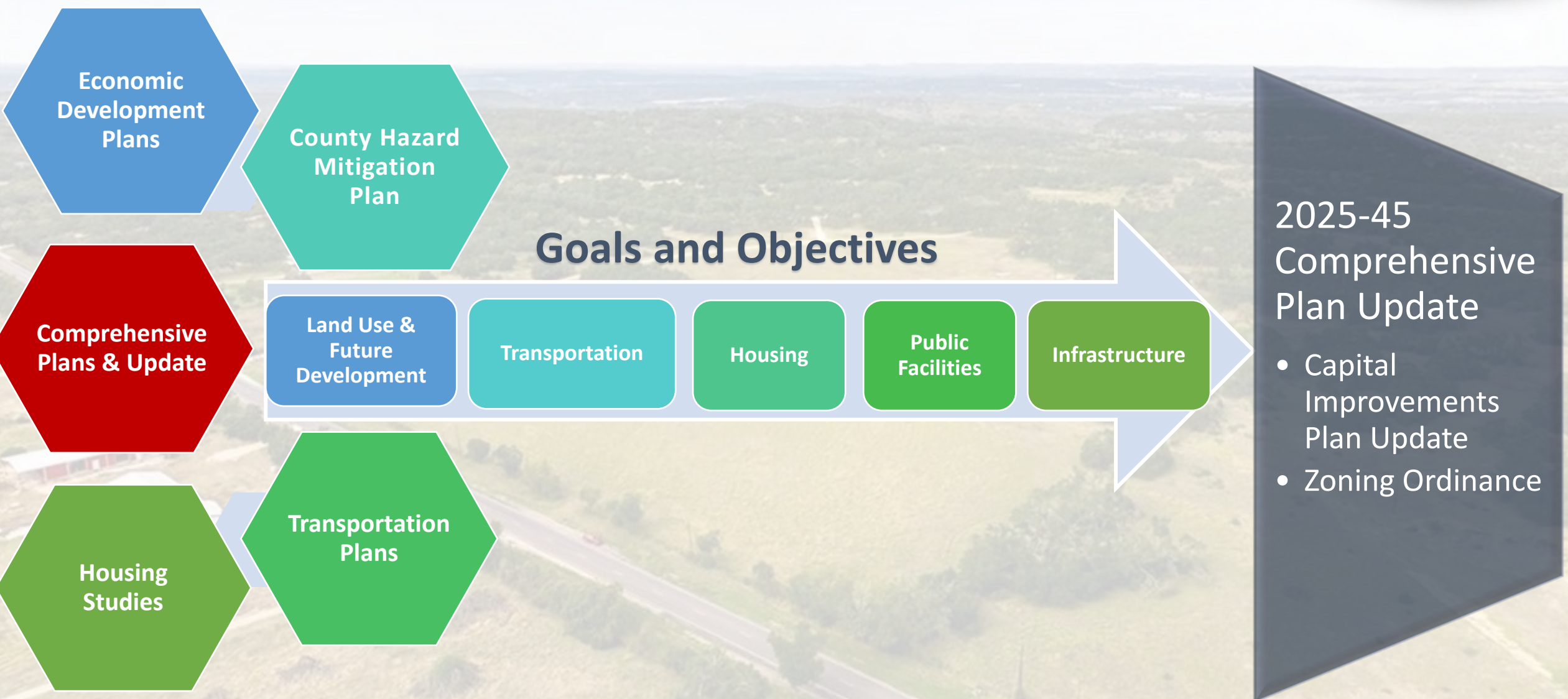
Economic Development

Natural Resources Protection

Historic Properties & Cultural Resources

**Required Elements in RCP
Comprehensive Plan**

Integration into Plan Development







CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: a.

Agenda Item: Town Creek Channel Improvements Project (GLO LCP Grant Application)

Initiating Department/Presenter: Finance

Presenter:

Christina Bodin-Turner, Grants Manager

Recommended Motion: None

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 City of Huntsville is considering submission of an application to the Texas General Land Office (GLO) for funding through the 2024 Disasters Local Communities Program (LCP). The proposed project, Town Creek Channel Improvements, would include drainage and channel improvements intended to reduce flooding risk and address impacts associated with the 2024 disaster events.

The City intends to request up to \$5,000,000 in Community Development Block Grant – Disaster Recovery (CDBG-DR) funding for the project. The program requires a public participation process prior to submission of an application, including a public hearing to receive citizen comments regarding the proposed project.

The purpose of this agenda item is to conduct the required public hearing and receive comments from citizens regarding the proposed application.

Previous Council Action: None

Financial Implications: None

Approvals:

Lance Hall

Ricardo Villagrand

Kristy Doll

Associated Information:



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 1.a.

Agenda Item: Consider approving the Minutes from the March 3, 2026, Regular City Council Meeting.

Initiating Department/Presenter: City Secretary

Presenter:

Kristy Doll, City Secretary

Recommended Motion: Motion to approve the Minutes from the March 3, 2026, Regular City Council Meeting.

Strategic Initiative:

Discussion:

Previous Council Action:

Financial Implications: NA

Approvals:

Kristy Doll

Associated Information:

1. City Council Meeting Minutes 03-03-2026

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 3RD DAY OF MARCH 2026 AT 6:00 P.M. AT THE CITY OF HUNTSVILLE SERVICE CENTER COMPLEX, LOCATED AT 448 HIGHWAY 75, IN THE CITY OF HUNTSVILLE, WALKER COUNTY, TEXAS.

The City Council met in a Regular Session with the following:

COUNCILMEMBERS PRESENT: Mayor Humphrey, Mayor Pro Tem Strong, Councilmember At-Large Position 1 Lyle, Councilmember Ward 1 Fossum, Councilmember At-Large Position 2 Denman, Councilmember Ward 2 Cox, Councilmember At-Large Position 3 McKenzie, Councilmember Ward 3 Antwine, Councilmember At-Large Position 4 Graham

COUNCILMEMBERS ABSENT:

OFFICERS PRESENT: Scott Swigert, City Manager; Kristy Doll, City Secretary; Leonard Schneider, City Attorney

OFFICERS ABSENT:

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 Bert Lyle gave the invocation, and the pledges were led by Mayor Pro Tem Strong.

PROCLAMATION

PRESENTATIONS

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 February 17, 2026, Regular City Council Meeting.
Kristy Doll, City Secretary**
- b. Consider the acceptance of the Monthly Financial Report for the month of January 2026.
Lance Hall, Finance Director**
- c. Consider Resolution 2026-08 authorizing the submission of an application and acceptance of funding if awarded under the FY 2026 Inspire Grants for Small Museums Program.
Christina Bodin-Turner, Grants Manager**
- d. Consider approval of Resolution No. 2026-09 designating authorized signatories for contractual documents and requests for payment, the responsible party for the required environmental review, and required compliance officers for Texas General Land Office (GLO) Contract No. 25-145-002-F361 for the Martin Luther King Drive Street Improvements project.**

Lance Hall, Finance Director

- e. **Consider approval of Resolution No. 2026-10 designating authorized signatories for contractual documents and requests for payment, the responsible party for the required environmental review, and required compliance officers for Texas General Land Office (GLO) Contract No. 24-065-203-F206 for the Autumn Road Culvert Replacement project.**

Lance Hall, Finance Director

- f. **Consider Resolution 2026-11 authorizing the submission of an application and acceptance of funding if awarded under the FY 2026 State Homeland Security Program – Regular Projects (SHSP-R) for Protection of Soft Targets/Crowded Places.**

Christina Bodin-Turner, Grants Manager

- g. **Consider Resolution 2026-12 authorizing the submission of an application and acceptance of funding if awarded under the FY 2026 State Homeland Security Program – Regular Projects (SHSP-R) for the Interoperable Communications Project.**

Christina Bodin-Turner, Grants Manager

Councilmember Anissa Antwine made a motion to approve Consent Agenda Items a. through g. The motion was seconded by Councilmember Tore Fossum. 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

2. STATUTORY AGENDA

- a. **Consider authorizing the City Manager to enter into an agreement with Raftelis Financial Consultants, Inc. for Professional Consulting an Expert Witness/Litigation Services for a pending Rate Case.**

Lance Hall, Finance Director

Councilmember Vicki McKenzie made a motion to move Agenda Item 2.a. to the Executive Session as authorized by Texas Government Code, Chapter 551, Section 551.071 - to receive legal advice on an agreement with Raftelis Financial Consultants, Inc. for Professional Consulting. The motion was seconded by Councilmember Tore Fossum. 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

This Item was moved to the Executive Session as authorized by Texas Government Code, Chapter 551, Section 551.071 - to receive legal advice on an agreement with Raftelis Financial Consultants, Inc. for Professional Consulting.

- b. **Consider authorizing the City Manager to award the RFP 26-02 Strategic Planning Consulting Services agreement to provide the facilitation and consulting for the City Council Strategic Planning Retreat and the development of the City of Huntsville Strategic Plan (2026–2031).**

Scott Swigert, City Manager

Councilmember Jon Strong made a motion to authorize the City Manager to award RFP 26-02 for Strategic Planning Consulting Services and to authorize the execution of an agreement for strategic planning services to Raftelis to provide facilitation and consultation for the City Council Strategic Planning Retreat and the development of the City of Huntsville Strategic Plan (2026–2031) in the amount not-to-exceed of \$30,000. The motion was seconded by Councilmember Pat Graham. 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

- c. First Reading - Consider approving an Agreement with the Texas Grand Ranch, LLC, to construct a Water Distribution System in ETJ for the Estates of Texas Grand Ranch Section III.**
Kathlie Jeng-Bulloch, City Engineer

Councilmember Bert Lyle made a motion to waive the two-reading requirement and approve the Agreement with the Texas Grand Ranch, LLC, to construct a Water Distribution System in ETJ for the Estates of Texas Grand Ranch Section III. The motion was seconded by Councilmember Pat Graham. 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

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

None

5. ITEMS OF COMMUNITY INTEREST

Councilmembers 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 551.071 – to receive legal advice on the Airport FBO Agreement with Huntsville Aviation Inc. and on operations of the airport.**
Leonard Schneider, City Attorney
- b. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.071 - to receive legal advice on the 380 Agreement with Rock MFG, LLC (assignee of Zinc Point Manufacturing, Inc.).**
Leonard Schneider, City Attorney
- c. 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 Attorney.**
Brian Beasley, HR Director
- d. 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 Manager.**
Russell Humphrey, Mayor

City Council convened into Executive Session at 6:25 p.m.

7. RECONVENE

City Council reconvened from Executive Session at 8:01 p.m.

Item 6.a.

Councilmember Karen Denman made a motion to purchase FBO operating agreement from Huntsville Aviation Inc. and Wade Gillaspie for \$2,350,000 contingent upon executed mutual release and settlement agreement

after approval by City Manager and City Attorney and instruct staff to start preparation to take over operations. The motion was seconded by Councilmember Tore Fossum. 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

Item 6.b.

Councilmember Anissa Antwine made a motion to authorize a mutual termination of Chapter 380 Economic Development Agreement with Rock Manufacturing LLC contingent upon an executed termination and mutual release. The motion was seconded by Councilmember Tore Fossum. 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

Item 2.a.

Councilmember Casey Cox made a motion to authorize the City Manager to enter into an agreement with Raftelis Financial Consultants, Inc. for Professional Consulting an Expert Witness/Litigation Services for a pending Rate Case. The motion was seconded by Councilmember Tore Fossum. 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

ADJOURNMENT

Mayor Humphrey adjourned the meeting without objection at 8:03 p.m.

ATTEST:

CITY OF HUNTSVILLE

Kristy Doll, City Secretary

Russell Humphrey, Mayor



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 1.b.

Agenda Item: Consider Resolution No. 2026-13 authorizing the submission of an application and acceptance of funding if awarded under the Texas General Land Office 2024 Disasters Local Communities Program (LCP) for Town Creek Channel Improvements.

Initiating Department/Presenter: Finance

Presenter:

Christina Bodin-Turner, Grants Manager

Recommended Motion: Move to approve Resolution No. 2026-13 authorizing the submission of an application to the Texas General Land Office for the 2024 Disasters Local Communities Program for the Town Creek Channel Improvements project; authorizing the City Manager to apply for, accept, reject, alter, or terminate the grant on behalf of the City; and authorizing execution of all documents necessary to implement the grant if awarded.

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 Texas General Land Office is accepting project proposals under the 2024 Disasters Local Communities Program to fund infrastructure recovery and resilience projects tied to the 2024 disaster events.

The City proposes to submit an application for Town Creek Channel Improvements to increase stormwater conveyance capacity and reduce localized flooding along Town Creek. The City will request up to \$5,000,000 in CDBG-DR funding for the project.

Previous Council Action: None

Financial Implications: The City will request up to \$5,000,000 in grant funds and commit a minimum 5% match (\$250,000) from the General Fund if awarded.

Approvals:

Lance Hall

Sam Masiel

Ricardo Villagrand

Leonard Schneider

Kristy Doll

Associated Information:

RESOLUTION NO. 2026-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AUTHORIZING AN APPLICATION TO THE TEXAS GENERAL LAND OFFICE FOR THE 2024 DISASTERS LOCAL COMMUNITIES PROGRAM FOR TOWN CREEK CHANNEL IMPROVEMENTS; DESIGNATING THE CITY MANAGER AS AUTHORIZED REPRESENTATIVE; AND COMMITTING LOCAL MATCH FUNDING IF AWARDED.

WHEREAS the Texas General Land Office (GLO) is administering the 2024 Disasters Local Communities Program (LCP) to provide Community Development Block Grant – Disaster Recovery (CDBG-DR) funding to support disaster recovery, infrastructure restoration, and resilience projects; and

WHEREAS the City of Huntsville seeks to improve drainage capacity and reduce localized flooding through the Town Creek Channel Improvements project; and

WHEREAS it is necessary and in the best interest of the City to apply for funding under this program.

NOW, THEREFORE, be it resolved by the City Council of the City of Huntsville, Texas, that:

SECTION 1: The City Manager is hereby authorized to submit an application to the Texas General Land Office for funding under the 2024 Disasters Local Communities Program for the Town Creek Channel Improvements project in an amount not to exceed \$5,000,000.

SECTION 2: The City Manager is designated as the City’s Authorized Representative and is authorized to apply for, accept, reject, alter, or terminate the grant on behalf of the City and to execute all documents necessary to implement the grant if awarded.

SECTION 3: The City of Huntsville commits to providing a minimum five percent (5%) local match in the amount of \$250,000 from the General Fund if the project is awarded and agrees to comply with all applicable federal and state requirements of the program.

SECTION 4: This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED this 17th day of March, 2026.

THE CITY OF HUNTSVILLE

Russell Humphrey, Mayor

ATTEST:

APPROVED AS TO FORM:

Kristy Doll, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 1.c.

Agenda Item: Consider Resolution No. 2026-14 declaring a blighted area within the downtown district of the City of Huntsville and authorizing the submission of an application to the Texas Department of Agriculture for the Texas Capital Fund Downtown Revitalization Program.

Initiating Department/Presenter: Finance

Presenter:

Christina Bodin-Turner, Grants Manager

Recommended Motion: Move to approve Resolution No. 2026-14 declaring certain areas within the downtown district of the City of Huntsville as blighted and authorizing the submission of an application to the Texas Department of Agriculture for the Texas Capital Fund Downtown Revitalization Program for downtown sidewalk and streetscape improvements, for a total project request of up to \$1,000,000.

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: Staff has identified deteriorated and obsolete pedestrian infrastructure within portions of the downtown district, including the sidewalks surrounding the Walker County Courthouse and the corridor along 11th Street from Avenue M to Sam Houston Avenue. Conditions in these areas include severely damaged and uneven sidewalks, accessibility barriers, limited safe pedestrian crossings, and building interface conditions where entrances are not accessible from the public sidewalk. These conditions create pedestrian safety concerns and restrict accessibility within the project areas.

The Texas Capital Fund Downtown Revitalization Program, administered by the Texas Department of Agriculture, provides funding to address deteriorated public infrastructure in historic downtown districts. Because the downtown area is primarily commercial and does not contain sufficient residential population to document Low-to-Moderate Income benefit, eligibility for the program requires designation of the project areas as blighted.

Approval of this resolution would designate the identified project areas as blighted and authorize submission of a grant application to address the deteriorated conditions through sidewalk reconstruction, accessibility improvements, and pedestrian safety enhancements.

Previous Council Action: None

Financial Implications: The City will submit a grant application for up to \$1,000,000, requiring a 20% City match (\$200,000). No City funds are being expended at this time. If awarded, the required match would need to be incorporated into the FY2027 budget.

Approvals:

Lance Hall
Sam Masiel
Scott Swigert
Ricardo Villagrand
Leonard Schneider
Kristy Doll

Associated Information:

1. Resolution 2026-14

RESOLUTION NO. 2026-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, DECLARING CERTAIN AREAS WITHIN THE DOWNTOWN DISTRICT AS BLIGHTED AND AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION PROGRAM.

WHEREAS deteriorated and obsolete pedestrian infrastructure has been identified within portions of the downtown district, including the sidewalks surrounding the Walker County Courthouse and the corridor along 11th Street from Avenue M to Sam Houston Avenue, where conditions include damaged sidewalks, accessibility barriers, unsafe pedestrian crossings, and building interface conditions affecting access from the public sidewalk; and

WHEREAS the Texas Capital Fund Downtown Revitalization Program administered by the Texas Department of Agriculture provides funding to address deteriorated public infrastructure in historic downtown districts; and

WHEREAS the downtown area is primarily commercial and does not contain sufficient residential population to qualify under the Low-to-Moderate Income national objective, the City seeks to qualify the project under the program's slum/blight area basis national objective.

NOW, THEREFORE, be it resolved by the City Council of the City of Huntsville, Texas, that:

SECTION 1: Conditions of blight exist within the identified project areas of the downtown district, including the sidewalks surrounding the Walker County Courthouse and the corridor along 11th Street from Avenue M to Sam Houston Avenue.

SECTION 2: The City Council hereby designates the identified project areas as blighted areas for purposes of applying for funding through the Texas Capital Fund Downtown Revitalization Program.

SECTION 3: The City Council authorizes submission of an application to the Texas Department of Agriculture for the Texas Capital Fund Downtown Revitalization Program and designates the City Manager as the City's Authorized Representative for all matters related to the application.

SECTION 4: This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED this 17th day of March, 2026.

THE CITY OF HUNTSVILLE

Russell Humphrey, Mayor

ATTEST:

APPROVED AS TO FORM:

Kristy Doll, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 2.a.

Agenda Item: Receive presentation from Pattillo, Brown, and Hill, LLP, CPAs concerning the audit and consider acceptance of the audit for FY 24-25.

Initiating Department/Presenter: Finance

Presenter:

Lance Hall, Finance Director

Recommended Motion: Move to accept the FY 24-25 audit from Pattillo, Brown and Hill, LLP, CPAs.

Strategic Initiative: Goal #6 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: By Charter and State Statutes the City is required to have a financial audit annually by a Certified Public Accountant. The Finance Committee received a presentation at its March 17, 2026 meeting.

The CPA firm of Pattillo, Brown and Hill has performed the audits for the 12 previous fiscal years. City Council approved engaging/renewing Pattillo, Brown & Hill as the City's auditors for fiscal years 21-22, 22-23, 23-24, 24-25, and 25-26 at a meeting on June 21, 2022. The audit firm had no findings of concern during this year's audit process.

Previous Council Action: None

Financial Implications: None

Approvals:

Lance Hall

Ricardo Villagrand

Leonard Schneider

Kristy Doll

Associated Information:



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 2.b.

Agenda Item: First Reading - Consider Ordinance No. 2026-05, suspending the rates proposed by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas Company's Gas Reliability Infrastructure Program filing made with the City on or about February 17, 2026.

Initiating Department/Presenter: City Attorney

Presenter:

Leonard Schneider, City Attorney

Recommended Motion: Move to waive the two-reading requirement and adopt Ordinance No. 2026-05, suspending the rates proposed by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas Company's Gas Reliability Infrastructure Program filing made with the City on or about February 17, 2026.

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: As with the GRIP Statute, amounts included in these regulatory assets are not subject to reasonableness review until the next base rate case and are subject to refund with interest. CenterPoint has determined that its capital investment in the Houston, Texas Coast, South Texas, and Beaumont/East Texas geographic rate areas increased by \$571,202,171 in calendar year 2025. This incremental GRIP investment results in the following average monthly customer bill impact for each affected customer class:

Customer Impact Summary

CUSTOMER CLASS	MONTHLY BILL INCREASE
RESIDENTIAL	\$2.47
GENERAL SERVICE-SMALL VOL.	\$4.18
GENERAL SERVICE-LARGE VOL.	\$55.23

The GRIP Statute provides that the proposed GRIP rate surcharge will become effective 60 days from the date of the Company's filing or April 18, 2026, unless suspended by the Cities. Cities may suspend the GRIP rate increase for an additional 45 days beyond the Company's proposed effective date of April 18, 2026, while reviewing the GRIP application to see if filed correctly. Attached to this letter is a Rate Suspension Ordinance for your consideration. This Rate Suspension Ordinance will suspend the GRIP rate effective date until June 2, 2026.

Previous Council Action:

Financial Implications: No financial implications

Approvals:

Ricardo Villagrand
Leonard Schneider
Kristy Doll

Associated Information:

1. Ordinance No. 2026-05 CP 2026 GRIP Susp ORD Beaumont ETex (1)

ORDINANCE NO.2026-05

ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS, SUSPENDING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS COMPANY'S GAS RELIABILITY INFRASTRUCTURE PROGRAM FILING MADE WITH THE CITY ON OR ABOUT FEBRUARY 17, 2026; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on or about February 17, 2026, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company") filed an Annual Gas Reliability Infrastructure Program ("GRIP") adjustment with the City of Huntsville ("City") to increase gas rates in the Houston, Texas Coast, South Texas, and Beaumont/East Texas geographic rate areas pursuant to *Gas Utility Regulatory Act*, TEX. UTIL. CODE ("Gas Utility Regulatory Act") § 104.301; and

WHEREAS, the Company proposed an effective date of April 18, 2026, for the requested increase unless the City suspends the date for a period no longer than forty-five (45) days; and

WHEREAS, the City has exclusive original jurisdiction over the rates, operations and services of a gas utility in areas in the municipality pursuant to Gas Utility Regulatory Act § 103.001; and

WHEREAS, Gas Utility Regulatory Act § 104.301 requires a streamlined process for the recovery of the costs of incremental investment by a gas utility; and

WHEREAS, the City's review of CenterPoint's GRIP filing is limited to a ministerial review of the filing for compliance with the statute; and

WHEREAS, the City finds the need to suspend the effective date of CenterPoint's requested rate increase for 45 days beyond the Company's proposed effective date until June 2, 2026, in order to review the Company's filing for compliance with Gas Utility Regulatory Act § 104.301; and

WHEREAS, the reasonableness of the Company's investment will be reviewed in CenterPoint's future base rate case where all costs included in CenterPoint's GRIP filing will be subject to refund.

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

Section 1. That the statement and findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. The effective date of the Company's proposed GRIP rate increase, and the proposed tariffs related thereto, is hereby suspended until June 2, 2026.

Section 3. To the extent the City finds that the rates proposed by CenterPoint's filing comply with Gas Utility Regulatory Act § 104.301, then the rates will become effective by operation of law on June 2, 2026.

Section 4. The meeting at which the ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. This Ordinance shall become effective from and after its passage.

First reading date: _____

PASSED AND APPROVED this _____ day of _____, 2026.

THE CITY OF HUNTSVILLE, TEXAS

Russell Humphrey, Mayor

ATTEST:

Kristy Doll, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 2.c.

Agenda Item: First Reading — Consider Ordinance No. 2026-07, modifying the Code of Ordinances Chapter 48, Article 3 - Tow Trucks, to allow for a comprehensive policy administered by the Police Department.

Initiating Department/Presenter: Police Department

Presenter:

James Barnes, Lieutenant
Roy Moore

Recommended Motion: Move to waive the two-reading requirement and adopt Ordinance No. 2026-07 to modify the Code of Ordinances Chapter 48, Article 3 - Tow Trucks, to allow for a comprehensive policy administered by the Police Department.

Strategic Initiative: Strategic Priority #1, Public Safety - Create a community where all individuals feel safe and protected, where citizens trust the effectiveness of our agencies through community engagement, technologies, and best practices. We strive to promote a culture of service, prevention and partnership.

Discussion: Modification to the Code of Ordinances 48, Article 3 would create a policy administered by the police department pertaining to city-directed tow truck operations, qualifications, and establish a rotation list of 3 approved wrecker services used in the event of police-directed tows. The adoption of this policy enables improved customer service, greater oversight, and limits tow services to those that meet the requirements set forth in the policy.

Previous Council Action: No previous council action

Financial Implications: No financial implications

Approvals:

Darryle Slaven
Ricardo Villagrand
Leonard Schneider
Kristy Doll

Associated Information:

1. Ordinance No. 2026-07
2. Proposed New Tow Ordinance Exhibit A
3. Huntsville Admin Wrecker Revised

ORDINANCE NO. 2026-7

AN ORDINANCE OF THE CITY OF HUNTSVILLE AMENDING CHAPTER 48 OF THE HUNTSVILLE, TEXAS CODE OF ORDINANCES BY ADOPTING REVISIONS TO ARTICLE III. TOW TRUCKS OF THE CODE OF ORDINANCES OF THE CITY OF HUNTSVILLE, TEXAS; REQUIRING THE PUBLICATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A PENALTY; MAKING OTHER PROVISIONS AND FINDINGS THERETO; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, City of Huntsville Code of Ordinances Chapter 48, Taxicabs and Other Vehicles for Hire, governs the operation of vehicles for hire for ground transportation purposes: and

WHEREAS, Article III of Chapter 48 specifically deals with regulations relating to tow trucks, the issuance of permits allowing police directed nonconsent tows, consent tows from the scene of an accident or custodial arrest, and the performance of tows at the direction of the city from a rotation list: and

WHEREAS, the ordinance was reviewed, and recommendations were made for updating the ordinance to allow for better customer service: and

WHEREAS, the City Council was provided with information on February 3, 2026, about the proposed revisions to be made to the ordinance: and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, COUNTY OF WALKER, STATE OF 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 City of Huntsville Code of Ordinances Chapter 48, Article III shall be amended as shown in Exhibit A attached hereto and incorporated herein.

SECTION 3: All ordinances or parts of ordinances that are in conflict or inconsistent with the provisions of this ordinance shall be, and the same hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4: Should any paragraph, sentence, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

SECTION 5: It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6: This ordinance shall take effect immediately after its passage.

PASSED AND APPROVED on this the _____ day of _____,

THE CITY OF HUNTSVILLE, TEXAS

Russell Humphrey, Mayor

ATTEST:

Kristy Doll, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

EXHIBIT A – PROPOSED NEW ORDINANCE

Sec. 48-249. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nonconsent tows means any tow conducted without permission of, or not at the direction of, the vehicle's legal or registered owner, or such owner's authorized representatives, within the boundaries of the city.

Owner means any person who holds the legal title to a vehicle, or has the legal right of possession of a vehicle, or legal right of control of a vehicle, or any driver who reasonably appears to have authority to operate the vehicle. This does not include any person who has gained possession of a motor vehicle only as a result of tow truck services performed.

Permit means the authorization granted by the chief of police for a person to use one or more permitted tow trucks in accordance with the Huntsville Voluntary Wrecker Service Rotation Policy.

Permit holder means any person issued a permit pursuant under the Huntsville Voluntary Wrecker Service Rotation Policy.

Person means any individual or any association, firm, partnership, joint venture, limited liability company, joint stock company or association, corporation or other legally recognized entity, whether for profit or not for profit, but shall not include the city.

Rotation list means lists of tow trucks qualified to appear thereon, to be used to remove any vehicle, including wrecked or disabled vehicles, from a public street or private property by the police department.

(Code 1961, § 7.01.01; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999; Ord. No. 2003-14, 10-21-2003)

Sec. 48-250. Removal of vehicles by police department.

Notwithstanding any other provisions of this article, in any circumstance in which a vehicle or other subject is so located on a public street as to constitute a hazard or obstacle, or to interfere with traffic, or in the event a stolen vehicle is found, or in any other circumstances in which a police officer in the cause of his duty directs the removal of a vehicle from or to any location, any police officer may require its removal at the owner's expense by any practicable means to include, but not limited to, use of a tow truck selected by the use of the rotation list.

(Code 1961, § 7.01.02; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

Sec. 48-251. Police officers not to influence selection of tow truck service.

It shall be unlawful for a police officer investigating or present at the scene of any wreck or collision to directly or indirectly recommend to any person the name of any tow truck service; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a tow truck.

(Code 1961, § 7.01.08; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

Sec. 48-252. Soliciting tow truck business on city streets prohibited.

- (a) A person commits an offense if he intentionally or knowingly solicits a tow in any manner, directly or indirectly, on the streets of the city, involving any vehicle that is wrecked on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling or purchasing such vehicle.

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- (b) In any prosecution for a violation of this section, proof that the tow truck was present and stopped at the scene of an accident shall constitute prima facie evidence that such permit holder or the tow truck driver was operating or causing to be operated the tow truck to solicit business, but the person charged shall have the right to introduce evidence to prove that the vehicle owner requested a tow truck to come to the scene or that a police officer requested the tow truck for the vehicle owner.
 - (c) It shall be an affirmative defense that the vehicle was not disabled as a result of a collision.
 - (d) It shall be an affirmative defense to prosecution under this section that the collision was investigated by a state department of public safety law enforcement officer.

(Code 1961, § 7.01.09; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2001-07, 3-27-2001; Ord. No. 2003-14, 10-21-2003)

Sec. 48-253. Pound hauls and impounded vehicles.

- (a) If an owner refuses to designate a permitted tow truck, the city shall utilize the rotation list for pound calls or hauls resulting from vehicles being towed by the police division.
- (b) Any police officer may, for lawful purpose, direct that any vehicles shall be taken to automobile impoundment facilities owned or used by the city; such facilities, whether at one or more locations, are hereinafter referred to as the city pound.
- (c) Whenever it becomes necessary under this section for the permit holder to disassemble parts to a vehicle in order to tow such vehicle, the permit holder shall reassemble such parts upon reaching the city pound.
- (d) No permit holder under this section shall have the owner of an impounded vehicle sign a release from liability or damage until the owner has inspected the vehicle. Any such release shall contain a notation for which the permit holder is alleged to be liable by the owner of the vehicle. If there is any such enumeration of alleged damages, then the release shall be a full release except as to the specifically enumerated damages. The release shall be signed by the owner of the vehicle, and a representative of the permit holder.
- (e) No permit holder shall assert a lien on personal effects within a vehicle. Personal effects shall include such items as clothing, toilet articles, animals and purses, but shall not include tools.
- (f) Each permit holder and tow truck business shall clearly post and make available procedures to release autos between 8:00 a.m. and 9:00 a.m. each day of the week, in addition to the permit holder's regular business hours.

(Code 1961, § 7.01.10; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

Sec. 48-254. Removal of vehicles from private property; abandoned vehicles.

- (a) A person commits an offense if the person removes a vehicle from private property without express written or verbal consent of the owner of the property and does not notify the city police division within one hour of such removal. The information to be provided in such notification shall include:
 - (1) The date, time and location of the removal;
 - (2) The physical description and license or registration number of the vehicle;
 - (3) The name of the wrecker company which performs the removal; and
 - (4) The storage location of the vehicle.

- (b) Nothing in this article shall be construed to authorize a nonconsent tow except where permitted by state law.

(Code 1961, § 7.01.12; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2005-18, 9-20-2005)

Sec. 48-255. Uses of tow truck without city permit prohibited.

- (a) A person commits an offense if the person owns or operates a tow truck that performs a police directed nonconsent tow within the city without a city permit.
- (b) A person commits an offense if the person owns or operates a tow truck that performs a tow at the scene of an accident or a custodial arrest on a public street or right-of-way without a city permit.
- (c) It shall be an affirmative defense to prosecution under any provision of this article that the tow truck is owned by the vehicle owner of the vehicle being towed, carried or otherwise transported by the tow truck.
- (d) It shall also be an affirmative defense to prosecution under any provision of this article that regulates tow trucks that the vehicle being towed, carried or otherwise transported by the tow truck was originally picked up or loaded onto the tow truck at a specific location outside the city.
- (e) Additionally, it shall be an affirmative defense to prosecution under this article that the motor vehicle was being towed by the tow truck pursuant to a request by the lienholder of the motor vehicle; and that the tow truck was incidental to a lawful repossession of the vehicle; and that the tow truck driver has complied with all requirements of this article that would be applicable if the lienholder were the vehicle owner of the vehicle being towed.

(Code 1961, § 7.01.13; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2005-18, 9-20-2005)

Sec. 48-256. Tow of certain illegally parked vehicles; procedure for vehicle owners to contest tow; hearings.

- (a) If the police department has a vehicle towed without prior notice to, or consent of, the owner, the police department shall notify the owner within 24 hours by telephone call, or by postcard or form letter mailed by first class mail to the last known registered owner of the motor vehicle, that this vehicle has been towed and how he can reclaim it.
- (b) If the owner contests the legality of the tow and desires possession of his vehicle without posting of any security, a hearing shall be set before the municipal court on its next full working day following the written request for hearing.
- (c) If the owner contests the legality of the tow, the owner shall be entitled to immediate possession of his vehicle upon written request for hearing and the deposit with the municipal court of a sum sufficient to secure payment of towing and storage fees. A hearing shall then be set before the municipal court within 14 days to determine the legality of the tow.
- (d) Notice of this procedure shall be provided to any person contesting the legality of a city tow. All written requests for hearing shall be on a form provided by the municipal court.

(Code 1961, § 7.01.16; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999)

PREVIOUS ORDINANCE WITH REVISIONS / REDACTIONS

Sec. 48-249. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Chief of police means the chief of police for the city, or the person designated by the chief of police to act for the chief of police for the purposes of this article.~~

~~City manager means the city manager of the City of Huntsville, Texas.~~

~~Interest means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or other financial arrangements, as the case may be, of the permit holder. A rebuttable presumption of the existence of interest shall arise from the benefit gained, directly or indirectly, by any person.~~

~~Nonconsent tows means any tow conducted without permission of, or not at the direction of, the vehicle's legal or registered owner, or such owner's authorized representatives, within the boundaries of the city.~~

~~Owner means any person who holds the legal title to a vehicle, or has the legal right of possession of a vehicle, or legal right of control of a vehicle, or any driver who reasonably appears to have authority to operate the vehicle. This does not include any person who has gained possession of a motor vehicle only as a result of tow truck services performed.~~

~~Permit means the authorization granted by the chief of police for a person to use one or more permitted tow trucks in accordance with the provisions of this article~~ **Huntsville Voluntary Wrecker Service Rotation Policy.**

~~Permit holder means any person issued a permit pursuant to this article~~ **under the Huntsville Voluntary Wrecker Service Rotation Policy.**

~~Person means any individual or any association, firm, partnership, joint venture, limited liability company, joint stock company or association, corporation or other legally recognized entity, whether for profit or not for profit, but shall not include the city.~~

~~Rotation list means lists, prepared in accordance with the provisions of this article, of tow trucks qualified to appear thereon, to be used to remove any vehicle, including wrecked or disabled vehicles, from a public street or private property by the police department.~~

(Code 1961, § 7.01.01; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999; Ord. No. 2003-14, 10-21-2003)

Sec. 48-250. Removal of vehicles by police department.

Notwithstanding any other provisions of this article, in any circumstance in which a vehicle or other subject is so located on a public street as to constitute a hazard or obstacle, or to interfere with traffic, or in the event a stolen vehicle is found, or in any other circumstances in which a police officer in the cause of his duty directs the removal of a vehicle from or to any location, any police officer may require its removal at the owner's expense by any practicable means to include, but not limited to, use of a tow truck selected by the use of the rotation list.

(Code 1961, § 7.01.02; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

~~Sec. 48-251. Permits, applications and fees.~~

~~(a) A city tow truck permit shall entitle the permit holder to use the permitted tow truck to:~~

~~(1) Perform police directed nonconsent tows within the city consistent with state law;~~

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- ~~(2) Perform consent tows from the scene of an accident or a custodial arrest; and~~
 - ~~(3) Perform tows at the direction of the city from the rotation list.~~
 - ~~(b) Each permit holder shall pay an annual fee as established by ordinance from time to time. Additionally, the permit holder shall pay a fee as established by ordinance from time to time for each tow truck to be utilized in accordance with subsection (a) of this section. The fee for any permit for which an application is filed after July 31 shall be one-half the normal fee.~~
 - ~~(c) An applicant for a permit shall submit, on a form provided by the city, a verified application containing or accompanied by the following:
 - ~~(1) The true name, address and telephone number of the person that owns the tow truck proposed to be used by the permit holder. A tow truck cannot be used by more than one permit holder;~~
 - ~~(2) A certificate from the city tax assessor-collector that all city taxes on all properties, real and personal, to be used by the permit holder pursuant to this article are current;~~
 - ~~(3) A certificate of public liability and property damage issued by a casualty company authorized to do business in the state, in the standard form approved by the state board of insurance, containing a provision that at least ten days prior notice of cancellation of said insurance shall be given to the chief of police of the city, by the insurance company, and providing that the amount of coverage shall comply with the limits established by state regulation;~~
 - ~~(4) A list of drivers employed by the permit holder along with the drivers' current driving records.~~~~
 - ~~(d) No permit holder shall use a tow truck for making tows in accordance with this article unless:
 - ~~(1) The permit holder possesses a licensed vehicle storage facility and office in the name of the permit holder located wholly or partially within the incorporated limits of the city, or its extraterritorial jurisdiction; and~~
 - ~~(2) A permit fee has been paid for the tow truck in accordance with subsection (b) of this section.~~~~
 - ~~(e) No person shall have interest in more than one permit holder, and shall file a sworn affidavit on a form supplied by the city to that fact.~~
- ~~(Code 1961, § 7.01.03; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 95-10, 3-21-1995; Ord. No. 99-20, 6-29-1999; Ord. No. 2003-14, 10-21-2003)~~

~~Sec. 48-252. Tow truck requirements.~~

- ~~(a) All city-permitted tow trucks shall, in addition to the state's tow truck standards, meet the following minimum requirements:
 - ~~(1) Be a minimum of one ton (minimum gross vehicle weight) in capacity as reflected on the manufacturer's certificate. If the vehicle does not have a manufacturer's certificate, then the gross vehicle weight shall be determined by a testing procedure approved by the city manager. All such vehicles shall be equipped with booster brakes or air brakes;~~
 - ~~(2) Be equipped with a wheel lift or roll-back;~~
 - ~~(3) Be equipped with a functional lightbar;~~
 - ~~(4) Be in such condition that it can safely and reliably be used as a tow truck;~~
 - ~~(5) Be free from damaged bodies, defective paint, and other conditions which may make them unsightly;~~~~

(6) ~~Each permit holder shall own and have access to one dolly; provided, however, that any permit holder with more than one tow truck shall have one dolly for every two tow trucks permitted by the city.~~

(b) ~~To be permitted for heavy-duty tow truck rotation, the truck must be capable of towing an 80,000-pound (maximum gross weight) tractor-trailer.~~

~~(Code 1961, § 7.01.04; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 95-10, 3-21-1995; Ord. No. 99-20, 6-29-1999; Ord. No. 2003-14, 10-21-2003)~~

~~Sec. 48-253. Issuance and expiration of permits.~~

(a) ~~The chief of police shall issue a permit for all tow trucks so complying with the provisions of this article upon proper application being made therefor unless legal grounds exist for denying such a permit.~~

(b) ~~Each permit shall expire at 12:00 midnight on the first January 31 after issuance and will be renewable only upon compliance with the provisions of this article and any other applicable laws, ordinances or regulations that shall be in effect at the time of the renewal application.~~

~~(Code 1961, § 7.01.05; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999)~~

~~Sec. 48-254. Inspection of tow truck equipment and storage facilities used in the tow truck business.~~

~~Any permit holder, or applicant, by virtue of making application therefor agrees to permit during normal business hours the inspection of tow trucks, tow truck equipment and storage facilities. This authority shall be cumulative of any other authority held by the chief of police, other law enforcement officials, or other legally authorized public officials. Each permit holder on the rotation list shall enter into an agreement as authorized from time to time by city council.~~

~~(Code 1961, § 7.01.06; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)~~

~~Sec. 48-255. Police rotation lists.~~

(a) ~~The chief of police shall establish and maintain the rotation lists. There shall be one rotation list for regular tow trucks and a separate rotation list for heavy-duty tow trucks.~~

(b) ~~The rotation lists shall contain the names of all permit holders qualified and requesting to be on such lists. Each permit holder will be afforded one slot on the rotation lists.~~

(c) ~~A permit holder is qualified to be on such lists if the permit holder maintains:~~

~~(1) At least one tow truck in compliance with 48-252; and~~

~~(2) A 24-hour tow truck service and does not have more than two telephone numbers.~~

(d) ~~When the police officer investigating a collision determines that a vehicle involved in a collision is unable to safely proceed under its own power, or when the police officer determines that the owner involved in a collision is physically unable to safely move the vehicle to a location where it will not create a traffic hazard, such officer shall request the owner to designate the tow truck service that the owner desires to move the vehicle.~~

~~(1) Such designation by the owner will be indicated in writing on a form provided by the city and signed by the owner.~~

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- ~~(2) When the designation has been properly made, the police officer shall communicate the name of the designated tow truck service to the police communications center.~~
- ~~(3) The police communications center shall cause the designated tow truck service to be called and directed to send to the scene of the collision a permitted tow truck.~~
- ~~(4) If the designated tow truck service is not a permit holder, and does not have available a permitted tow truck on the rotation list, or the tow truck service does not answer the phone, the owner will be requested to make other designation.~~
- ~~(e) If the owner of a vehicle involved in a collision is physically unable to designate the tow truck service desired to remove the vehicle, or the owner fails or refuses to designate one, or has no preference, then the police officer shall communicate that fact immediately to the police communications center.~~
- ~~(1) Such designation by the owner will be indicated in writing on a form provided by the city and signed by the owner if the owner is physically able. If not, the police officer shall indicate by notation on the form.~~
- ~~(2) The police communications center shall call the tow truck next in line after the last permitted tow truck so called and request the permit holder to tow the vehicle from the scene of the collision. If the permit holder does not answer the phone or cannot provide a tow truck permitted to him, the next permit holder on the list shall be called. The permit holder may use any tow truck permitted under the permit holder's name to make the call.~~
- ~~(3) No person shall tow, carry or transport a motor vehicle under the direction or authority of a police officer unless a tow slip has been issued to the driver of the tow truck by the police officer. Such tow truck slip shall be filled out by the police officer on a form designated by the city. The tow truck slip shall contain the following information:~~
- ~~a. A complete description of the vehicle to be towed, including the license plate number and the vehicle identification number;~~
- ~~b. Any visible damage to the inside or outside of the vehicle;~~
- ~~c. Any personal property contained within the vehicle which is visible from outside that vehicle;~~
- ~~d. Any visible missing parts or paraphernalia;~~
- ~~e. The location from which the vehicle is being towed;~~
- ~~f. The date and time the vehicle is picked up by the tow truck;~~
- ~~g. The reason the vehicle is being towed;~~
- ~~h. The location to which the vehicle is to be towed;~~
- ~~i. The signature and employee number of the police officer authorizing the tow;~~
- ~~j. The signature and tow truck license number of the tow truck driver.~~
- ~~(f) If the permit holder after the arrival at the scene determines, in conjunction with the police officer in charge, that assistance is needed, then the permit holder shall arrange for such assistance within a reasonable time.~~
- ~~(g) Any permit holder selected shall deliver a tow truck to the scene within 20 minutes of notification.~~
- ~~(h) The maximum fees that may be charged by regular rotation permit holders under this section for the use of the tow truck designated shall be as established by ordinance from time to time. No additional charges may be made.~~

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- (i) ~~The fee when a vehicle is lawfully hooked up but not towed from the scene is one-half the regular towing fee.~~
- (j) ~~No fee shall be charged for towing any vehicle under directions or authority of a city police officer unless the tow truck driver has obtained a completed tow slip from the police officer.~~
- (k) ~~Any person collecting or charging any fee greater than the maximum fee schedule established herein for towing a vehicle pursuant to the direction of a city police officer from the rotation list shall violate this article and be subject to the administrative disposition of violations contained in section 48-262.~~
- ~~(Code 1961, § 7.01.07; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 95-10, 3-21-1995; Ord. No. 98-15, 8-18-1998; Ord. No. 99-20, 6-29-1999; Ord. No. 2003-14, 10-21-2003; Ord. No. 2005-18, 9-20-2005)~~

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It shall be unlawful for a police officer investigating or present at the scene of any wreck or collision to directly or indirectly recommend to any person the name of any tow truck service; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a tow truck.

(Code 1961, § 7.01.08; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

Sec. 48-252. Soliciting tow truck business on city streets prohibited.

- (a) A person commits an offense if he intentionally or knowingly solicits a tow in any manner, directly or indirectly, on the streets of the city, involving any vehicle that is wrecked on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling or purchasing such vehicle.
- (b) In any prosecution for a violation of this section, proof that the tow truck was present and stopped at the scene of an accident shall constitute prima facie evidence that such permit holder or the tow truck driver was operating or causing to be operated the tow truck to solicit business, but the person charged shall have the right to introduce evidence to prove that the vehicle owner requested a tow truck to come to the scene or that a police officer requested the tow truck for the vehicle owner.
- (c) It shall be an affirmative defense that the vehicle was not disabled as a result of a collision.
- (d) It shall be an affirmative defense to prosecution under this section that the collision was investigated by a state department of public safety law enforcement officer.

(Code 1961, § 7.01.09; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2001-07, 3-27-2001; Ord. No. 2003-14, 10-21-2003)

Sec. 48-253. Pound hauls and impounded vehicles.

- (a) If an owner refuses to designate a permitted tow truck, the city shall utilize the rotation list for pound calls or hauls resulting from vehicles being towed by the police division.
- (b) Any police officer may, for lawful purpose, direct that any vehicles shall be taken to automobile impoundment facilities owned or used by the city; such facilities, whether at one or more locations, are hereinafter referred to as the city pound.
- (c) Whenever it becomes necessary under this section for the permit holder to disassemble parts to a vehicle in order to tow such vehicle, the permit holder shall reassemble such parts upon reaching the city pound.

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- (d) No permit holder under this section shall have the owner of an impounded vehicle sign a release from liability or damage until the owner has inspected the vehicle. Any such release shall contain a notation for which the permit holder is alleged to be liable by the owner of the vehicle. If there is any such enumeration of alleged damages, then the release shall be a full release except as to the specifically enumerated damages. The release shall be signed by the owner of the vehicle, and a representative of the permit holder.
 - (e) No permit holder shall assert a lien on personal effects within a vehicle. Personal effects shall include such items as clothing, toilet articles, animals and purses, but shall not include tools.
 - (f) Each permit holder and tow truck business shall clearly post and make available procedures to release autos between 8:00 a.m. and 9:00 a.m. each day of the week, in addition to the permit holder's regular business hours.

(Code 1961, § 7.01.10; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

~~Sec. 48-259. Duties of permit holders on rotation list.~~

The duty to provide safe and prompt tow truck service upon call includes, but is not limited to, the following specific duties:

- ~~(1) Upon arrival at the scene of a collision within the incorporated limits of the city, permit holder personnel shall take directions from the police officer investigating that collision.~~
- ~~(2) The permit holder summoned to a scene, whether it be an accident or otherwise, must perform the tow unless unusual circumstances exist. If unusual circumstances exist, the permit holder may summon additional aid to perform the tow. If no unusual circumstance exists, and the permit holder is unable to perform tow, said permit holder will immediately pass and the next permit holder on rotation will be summoned. Performing the tow will be defined as physically towing the vehicle in question. Under no circumstance will a permit holder be allowed to drive a vehicle which is the subject of rotation call from a scene.~~
- ~~(3) Permit holder personnel who haul any vehicle from the scene of a collision within the incorporated limits of the city shall remove the debris of the collision from the public streets. This duty specifically includes removal of broken glass and metal fragments from the street, and the removal of any load of any vehicle from the traveled portion of the street, so as to eliminate any hazard to vehicular traffic. This does not include the responsibility to unload cargo from a wrecked vehicle in order to permit hauling. Such debris should be disposed of in a manner which will keep it out of gutters, storm sewers and streams, public rights of way, and property not belonging to the tow truck business, without consent of the property owner. The officer on the scene of the accident may provide assistance in locating a place for disposal of such debris.~~
- ~~(4) No permit holder shall store any vehicle or tow trucks on the public streets or rights of way. Permit holders will use reasonable care in the storage of property not belonging to said permit holders so as to minimize the risk of theft or damage. If any damaged or inoperable vehicle is found upon the public right-of-way within a reasonable distance of an automobile repair shop and police records show that such vehicle was taken to that place within 30 days as a result of a collision, this shall be prima facie proof that the vehicle is illegally stored.~~

~~(Code 1961, § 7.01.11; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2003-14, 10-21-2003)~~

Sec. 48-254. Removal of vehicles from private property; abandoned vehicles.

- (a) A person commits an offense if the person removes a vehicle from private property without express written or verbal consent of the owner of the property and does not notify the city police division within one hour of such removal. The information to be provided in such notification shall include:
 - (1) The date, time and location of the removal;
 - (2) The physical description and license or registration number of the vehicle;
 - (3) The name of the wrecker company which performs the removal; and
 - (4) The storage location of the vehicle.
- (b) Nothing in this article shall be construed to authorize a nonconsent tow except where permitted by state law.

(Code 1961, § 7.01.12; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2005-18, 9-20-2005)

Sec. 48-255. Uses of tow truck without city permit prohibited.

- (a) A person commits an offense if the person owns or operates a tow truck that performs a police directed nonconsent tow within the city without a city permit.
- (b) A person commits an offense if the person owns or operates a tow truck that performs a tow at the scene of an accident or a custodial arrest on a public street or right-of-way without a city permit.
- (c) It shall be an affirmative defense to prosecution under any provision of this article that the tow truck is owned by the vehicle owner of the vehicle being towed, carried or otherwise transported by the tow truck.
- (d) It shall also be an affirmative defense to prosecution under any provision of this article that regulates tow trucks that the vehicle being towed, carried or otherwise transported by the tow truck was originally picked up or loaded onto the tow truck at a specific location outside the city.
- (e) Additionally, it shall be an affirmative defense to prosecution under this article that the motor vehicle was being towed by the tow truck pursuant to a request by the lienholder of the motor vehicle; and that the tow truck was incidental to a lawful repossession of the vehicle; and that the tow truck driver has complied with all requirements of this article that would be applicable if the lienholder were the vehicle owner of the vehicle being towed.

(Code 1961, § 7.01.13; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2005-18, 9-20-2005)

~~Sec. 48-262. Administrative disposition of violations.~~

~~The chief of police shall have, as to the holder or applicant of any permit, the duty and authority to enforce the provisions of this article by administrative action in accordance with the principles and procedures set forth herein:~~

- ~~(1) The properly and safe functioning of the tow truck business has critical impact on the health, safety and welfare of the public, involving use of the public streets of the city, often in circumstances necessitating prompt removal of dangerous obstructions to traffic on said streets; therefore, the privilege of any person to engage in the tow truck business in the city shall be subject to strict regulations in order to protect the public.~~

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- ~~(2) For purposes of invoking any administrative remedy against a permit holder, the act or omission of any agent or employee of said permit holder shall be considered to be the acts or omission of said permit holder.~~
- ~~(3) Administrative remedies that the chief of police may employ to enforce the provisions of this article include, but are not limited to:~~
- ~~a. Suspension or revocation of any or all permits; this power includes the authority to remove or cause to be removed any sticker or other evidence of a permit from tow truck or tow trucks;~~
 - ~~b. Removal of a permit holder from the rotation list.~~
- ~~(4) Grounds for suspension of any or all permits include driving a tow truck to the scene of a collision in response to a call by any person for a tow truck, or towing a vehicle with a tow truck when the tow truck, the tow truck driver, or the permit holder does not meet all the following conditions, as applicable:~~
- ~~a. Is in a condition that it cannot safely tow a vehicle;~~
 - ~~b. Is not then covered by insurance as required in this article;~~
 - ~~c. Does not then meet all requirements for a permit;~~
 - ~~d. Failure to meet at all times the requirements for a permit;~~
 - ~~e. Failure to maintain at all times at least one tow truck in such condition that it meets the requirements for a permit and for eligibility to be on the rotation list;~~
 - ~~f. Driving or causing to be driven to the scene of a collision in response to a call from the police department any tow truck which does not then meet the requirements of the rotation list;~~
 - ~~g. Driving any tow truck to or from the scene of a collision in a manner which endangers any person;~~
 - ~~h. Failure to arrive in response to a police call within reasonable time;~~
 - ~~i. Violation of motor vehicle or traffic laws while in scope of employment;~~
 - ~~j. Failure to report seized or abandoned vehicles;~~
 - ~~k. False statements of material fact;~~
 - ~~l. Relocation of vehicle depository or storage facility to a location that is further outside the city limits;~~
 - ~~m. Repeated suspensions;~~
 - ~~n. Collecting or charging any fee in excess of those set out in this article;~~
 - ~~o. Violation of laws regarding removal or impounding of vehicles;~~
 - ~~p. Violation of ordinances regulating tow trucks; or~~
 - ~~q. Three or more violations within one year of ordinances or rules by the permittee or agents or employees.~~

~~(Code 1961, § 7.01.14; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999)~~

Sec. 48-263. Procedures for suspension or revocation of certificates and permits; appeals.

- (a) ~~The chief of police may suspend or revoke any or all permits after proper notice and hearing. Notice of hearing, the administrative action which may be taken, and the grounds therefor shall be given to the permit holder at least ten days prior to the date of the hearing. Mailing of such notice to the last known business address of said permit holder shall constitute sufficient notice. Evidence and testimony shall be taken at the hearing and the hearing will be recorded. The decision of the chief of police, including any order of suspension or revocation shall be issued within 15 days of the hearing and written notice of that decision shall be sent to the permit holder.~~
- (b) ~~An appeal from the decision of the chief of police may be made in writing to the city manager within ten days of the chief of police's decision. The city manager shall make a decision on the appeal based on the record of the hearing before the chief of police and any written argument submitted by the permit holder or a representative of the chief of police. Any such written submission shall be made within ten days of the notice of appeal to the city manager. A written ruling of the city manager shall be given to the permit holder within 20 days of receipt of any written submission to the city manager.~~
- (c) ~~An appeal from the written decision of the city manager may be made to the city council by filing a written request for the appeal with the city secretary within ten days of the issuance of the city manager's written decision. Such appeal shall be determined by the city council based upon the written record and submission made before the chief of police and city manager. The council shall schedule the vote on the appeal within 30 days of the filing of the written request for appeal with the city secretary, and the permit holder or his representative and the chief of police or his representative may make an oral presentation not to exceed ten minutes in length to the council prior to the vote on the appeal.~~
- (d) ~~If, after any permit has been suspended, the condition for which it was suspended has been corrected, and proof of such correction is made to the chief of police, then a new permit may be issued upon proper application, fee payment, and proof of meeting all requirements thereof.~~

~~(Code 1961, § 7.01.15; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999)~~

Sec. 48-256. Tow of certain illegally parked vehicles; procedure for vehicle owners to contest tow; hearings.

- (a) If the police department has a vehicle towed without prior notice to, or consent of, the owner, the police department shall notify the owner within 24 hours by telephone call, or by postcard or form letter mailed by first class mail to the last known registered owner of the motor vehicle, that this vehicle has been towed and how he can reclaim it.
- (b) If the owner contests the legality of the tow and desires possession of his vehicle without posting of any security, a hearing shall be set before the municipal court on its next full working day following the written request for hearing.
- (c) If the owner contests the legality of the tow, the owner shall be entitled to immediate possession of his vehicle upon written request for hearing and the deposit with the municipal court of a sum sufficient to secure payment of towing and storage fees. A hearing shall then be set before the municipal court within 14 days to determine the legality of the tow.
- (d) Notice of this procedure shall be provided to any person contesting the legality of a city tow. All written requests for hearing shall be on a form provided by the municipal court.

(Code 1961, § 7.01.16; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999)

~~Sec. 48-265. Records required of rotation tow truck permittees.~~

- ~~(a) Each city permittee of a tow truck shall keep tow slips issued by the city for one year from the date of the latest transaction.~~
- ~~(b) It shall be unlawful for any holder of a city tow truck permit to fail to keep the records as herein provided, or to fail to produce any of these records for inspection and copying upon request of the city manager or his authorized agent or representative. The failure to keep the records as herein provided or failure to produce such required records after request shall be punishable by a fine of not less than \$50.00 nor more than \$500.00. Each day for which proper records have not been kept shall be a separate offense.~~

~~(Code 1961, § 7.01.17; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999)~~

Exhibit A

Sec. 48-249. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nonconsent tows means any tow conducted without permission of, or not at the direction of, the vehicle's legal or registered owner, or such owner's authorized representatives, within the boundaries of the city.

Owner means any person who holds the legal title to a vehicle, or has the legal right of possession of a vehicle, or legal right of control of a vehicle, or any driver who reasonably appears to have authority to operate the vehicle. This does not include any person who has gained possession of a motor vehicle only as a result of tow truck services performed.

Permit means the authorization granted by the chief of police for a person to use one or more permitted tow trucks in accordance with the Huntsville Voluntary Wrecker Service Rotation Policy.

Permit holder means any person issued a permit pursuant under the Huntsville Voluntary Wrecker Service Rotation Policy.

Person means any individual or any association, firm, partnership, joint venture, limited liability company, joint stock company or association, corporation or other legally recognized entity, whether for profit or not for profit, but shall not include the city.

Rotation list means lists of tow trucks qualified to appear thereon, to be used to remove any vehicle, including wrecked or disabled vehicles, from a public street or private property by the police department.

(Code 1961, § 7.01.01; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999; Ord. No. 2003-14, 10-21-2003)

Sec. 48-250. Removal of vehicles by police department.

Notwithstanding any other provisions of this article, in any circumstance in which a vehicle or other subject is so located on a public street as to constitute a hazard or obstacle, or to interfere with traffic, or in the event a stolen vehicle is found, or in any other circumstances in which a police officer in the cause of his duty directs the removal of a vehicle from or to any location, any police officer may require its removal at the owner's expense by any practicable means to include, but not limited to, use of a tow truck selected by the use of the rotation list.

(Code 1961, § 7.01.02; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

Sec. 48-251. Police officers not to influence selection of tow truck service.

It shall be unlawful for a police officer investigating or present at the scene of any wreck or collision to directly or indirectly recommend to any person the name of any tow truck service; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a tow truck.

(Code 1961, § 7.01.08; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

Sec. 48-252. Soliciting tow truck business on city streets prohibited.

- (a) A person commits an offense if he intentionally or knowingly solicits a tow in any manner, directly or indirectly, on the streets of the city, involving any vehicle that is wrecked on a public street. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling or purchasing such vehicle.

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- (b) In any prosecution for a violation of this section, proof that the tow truck was present and stopped at the scene of an accident shall constitute prima facie evidence that such permit holder or the tow truck driver was operating or causing to be operated the tow truck to solicit business, but the person charged shall have the right to introduce evidence to prove that the vehicle owner requested a tow truck to come to the scene or that a police officer requested the tow truck for the vehicle owner.
 - (c) It shall be an affirmative defense that the vehicle was not disabled as a result of a collision.
 - (d) It shall be an affirmative defense to prosecution under this section that the collision was investigated by a state department of public safety law enforcement officer.

(Code 1961, § 7.01.09; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2001-07, 3-27-2001; Ord. No. 2003-14, 10-21-2003)

Sec. 48-253. Pound hauls and impounded vehicles.

- (a) If an owner refuses to designate a permitted tow truck, the city shall utilize the rotation list for pound calls or hauls resulting from vehicles being towed by the police division.
- (b) Any police officer may, for lawful purpose, direct that any vehicles shall be taken to automobile impoundment facilities owned or used by the city; such facilities, whether at one or more locations, are hereinafter referred to as the city pound.
- (c) Whenever it becomes necessary under this section for the permit holder to disassemble parts to a vehicle in order to tow such vehicle, the permit holder shall reassemble such parts upon reaching the city pound.
- (d) No permit holder under this section shall have the owner of an impounded vehicle sign a release from liability or damage until the owner has inspected the vehicle. Any such release shall contain a notation for which the permit holder is alleged to be liable by the owner of the vehicle. If there is any such enumeration of alleged damages, then the release shall be a full release except as to the specifically enumerated damages. The release shall be signed by the owner of the vehicle, and a representative of the permit holder.
- (e) No permit holder shall assert a lien on personal effects within a vehicle. Personal effects shall include such items as clothing, toilet articles, animals and purses, but shall not include tools.
- (f) Each permit holder and tow truck business shall clearly post and make available procedures to release autos between 8:00 a.m. and 9:00 a.m. each day of the week, in addition to the permit holder's regular business hours.

(Code 1961, § 7.01.10; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989)

Sec. 48-254. Removal of vehicles from private property; abandoned vehicles.

- (a) A person commits an offense if the person removes a vehicle from private property without express written or verbal consent of the owner of the property and does not notify the city police division within one hour of such removal. The information to be provided in such notification shall include:
 - (1) The date, time and location of the removal;
 - (2) The physical description and license or registration number of the vehicle;
 - (3) The name of the wrecker company which performs the removal; and
 - (4) The storage location of the vehicle.

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- (b) Nothing in this article shall be construed to authorize a nonconsent tow except where permitted by state law.

(Code 1961, § 7.01.12; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2005-18, 9-20-2005)

Sec. 48-255. Uses of tow truck without city permit prohibited.

- (a) A person commits an offense if the person owns or operates a tow truck that performs a police directed nonconsent tow within the city without a city permit.
- (b) A person commits an offense if the person owns or operates a tow truck that performs a tow at the scene of an accident or a custodial arrest on a public street or right-of-way without a city permit.
- (c) It shall be an affirmative defense to prosecution under any provision of this article that the tow truck is owned by the vehicle owner of the vehicle being towed, carried or otherwise transported by the tow truck.
- (d) It shall also be an affirmative defense to prosecution under any provision of this article that regulates tow trucks that the vehicle being towed, carried or otherwise transported by the tow truck was originally picked up or loaded onto the tow truck at a specific location outside the city.
- (e) Additionally, it shall be an affirmative defense to prosecution under this article that the motor vehicle was being towed by the tow truck pursuant to a request by the lienholder of the motor vehicle; and that the tow truck was incidental to a lawful repossession of the vehicle; and that the tow truck driver has complied with all requirements of this article that would be applicable if the lienholder were the vehicle owner of the vehicle being towed.

(Code 1961, § 7.01.13; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 2005-18, 9-20-2005)

Sec. 48-256. Tow of certain illegally parked vehicles; procedure for vehicle owners to contest tow; hearings.

- (a) If the police department has a vehicle towed without prior notice to, or consent of, the owner, the police department shall notify the owner within 24 hours by telephone call, or by postcard or form letter mailed by first class mail to the last known registered owner of the motor vehicle, that this vehicle has been towed and how he can reclaim it.
- (b) If the owner contests the legality of the tow and desires possession of his vehicle without posting of any security, a hearing shall be set before the municipal court on its next full working day following the written request for hearing.
- (c) If the owner contests the legality of the tow, the owner shall be entitled to immediate possession of his vehicle upon written request for hearing and the deposit with the municipal court of a sum sufficient to secure payment of towing and storage fees. A hearing shall then be set before the municipal court within 14 days to determine the legality of the tow.
- (d) Notice of this procedure shall be provided to any person contesting the legality of a city tow. All written requests for hearing shall be on a form provided by the municipal court.

(Code 1961, § 7.01.16; Ord. No. 89-5, § 1, 2-21-1989; Ord. No. 89-8, § 1, 4-4-1989; Ord. No. 99-20, 6-29-1999)



HUNTSVILLE POLICE DEPARTMENT

A Texas Best Practices Law Enforcement Agency

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Voluntary Wrecker Service Rotation List

Policy

The following guidelines will be in effect for wrecker services that have voluntarily requested and agreed to be placed on the City of Huntsville Police Department's "voluntary wrecker service rotation list". These guidelines are effective for the Huntsville Police Department voluntary wrecker service rotation list only. By filing an application with the Huntsville Police Department and requesting to be placed on the voluntary rotation list, all wrecker services agree to the following terms and conditions pertaining to their participation and to be in compliance with Title 16, Chapters 85 and 86 of the Texas Administrative Code. Any wrecker service that voluntarily participates on this wrecker service rotation list must follow the guidelines set forth herein and those as set forth in the Texas Administrative Code.

I. Definitions

Definitions or terms' not set out below are defined in Title 16 of the Texas Administrative Code 85.10 and 86.10. As used in this document, the terms below shall have the following meanings:

"Abandoned Motor Vehicle" shall have the same meaning as assigned that term by Texas Transportation Code 683.002.

"Consent Tow" shall be any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a peace officer investigating a traffic accident or a traffic incident that involves the vehicle.

"Junked Vehicle" shall have the same meaning as assigned to that term by Texas Transportation Code 683.071.

"Special Circumstances Tow" a rotation tow such as a police pursuit out of the City of Huntsville resulting in extensive miles for the tow, or the tow requires extensive recovery. If a City of Huntsville Rotation Tow requires special circumstances in and/or for towing the vehicle, the driver will provide whatever services are required and the wrecker service owner will call the Chief of Police designee the next day and explain the special circumstances to request additional charges, which may be approved solely at the discretion of the designee of the Chief of Police.

"Tow Truck" shall mean a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move motor vehicles. In accordance with Title 16, Chapter 86 of the Texas Administrative Code:

- a. Each tow truck shall: (1) have a legible manufacturer's data plate indicating the capacity of the boom, the winch or the carry mechanism; or (2) have a document in the truck from the manufacturer stating the capacity of the boom, the winch or the carry mechanism;
- b. Every hydraulic line on each tow truck must be free of leaks and be in good working condition free of defects;
- c. The winch must not exceed the capacity of the boom or leak oil;
- d. The cables must be as specified by the manufacturer and be in good condition, within manufacturer guidelines;

"Non-Consent Tow" shall be any tow of a motor vehicle that is not a consent tow.

"Wrecker Service" shall mean an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway in this state.

"Crimes of moral turpitude" includes, but is not limited to, murder, voluntary manslaughter, rape, statutory rape, domestic violence, prostitution, fraud, and crimes where fraud is an element, all theft offenses, driving while intoxicated, driving under the influence of drugs, violations of the Texas Controlled Substances Act (V.T.C.A, Health and Safety Code Ch. 481), a felony or other offense which adversely affects the applicants ability to provide safe and reliable service.

"Pass" shall be defined as when the Walker County Communications Dispatch Center calls a wrecker service on the voluntary rotation list to perform a non-consent tow and is unable to contact the wrecker service or the wrecker service refuses or declines to accept the telephone call, or the wrecker service refuses or declines to respond to conduct the tow.

II. Application for Participation on the Huntsville Police Department Voluntary Wrecker Service Rotation List:

A person or other legal entity desiring to participate on the Huntsville Police Department voluntary wrecker service rotation list within the city shall make written application to the Chief of Police or designee. Such application shall be made upon a form provided by the Chief of Police and must be signed by the applicant or the wrecker service's legal representative. Said application shall be accompanied by all required documentation as specified herein. The application for participation is attached hereto and for all purposes is a part of these mandatory guidelines for voluntary participation on the wrecker service rotation list.

- A. By completing and signing the application and submitting the required documentation, the applicant and service agree to participate on the voluntary wrecker service rotation list established by these guidelines and acknowledge that the wrecker service will adhere to and uphold the terms and conditions set forth herein.
- B. These guidelines may be amended, at any time, for any reason at the sole discretion of the Chief of Police upon fifteen (15) days notice (sent via regular mail to the address listed in the application above) to all current participants on the wrecker service rotation list.
- C. Every two (2) years a new rotation list will be opened for ALL participants to apply and submit documents and information for enrollment, unless a sooner period is deemed necessary by the Chief of Police, at their sole discretion. The enrollment period will be from January 2nd to February 2nd of the enrollment year. The current enrollment year will be 2026. The enrollment year will then be every two years thereafter. All current participants and those requesting to participate on any future City of Huntsville Voluntary Wrecker Service Rotation List have to submit a new application, documents, and information as determined by the Chief of Police. All documents are due by the submittal deadline for possible participation on the rotation list for the two (2) year term. Applications, documents, and information not received by the Huntsville Police Department within the enrollment period will be void. The newly created rotation list shall consist of the following wrecker services: Pete Johnson's Towing, Drakes Towing & Recovery, and Snags Wrecker Service.
- D. All voluntary wrecker services requesting to be placed on the City of Huntsville Voluntary Wrecker Service Rotation List must follow all federal, state, and local laws.

III. Guidelines for Qualification for City of Huntsville Voluntary Wrecker Service Rotation List:

- A. The wrecker service must have its office and vehicle storage facility located within the city limits of the City of Huntsville and must own the property on which they are located. The office must be a structure with indoor plumbing and a restroom. Sheds, box trailers, and portable buildings are not an office.
- B. The list will consist of 3 wrecker services. Additional companies that meet all requirements may be added at the Chief of Police's sole discretion if a need arises.
- C. A participant's position and placement on the Huntsville Police Department Voluntary Wrecker Service Rotation List is not transferrable.
- D. Two or more wrecker services sharing common ownership may not appear more than once on the voluntary wrecker service rotation list. For this purpose, two or more wrecker services are considered to be under common ownership if: 1) one wrecker service is a wholly owned subsidiary of the other, or 2) the wrecker services share a common place of business within the city and/or have one or more common owners.
- E. All wrecker services must own and/or operate a licensed vehicle storage facility to be placed on the voluntary rotation list and may not share a storage lot with another service resulting in more than one wrecker service storing vehicles in a common location. Any vehicle being towed as a result of the rotation list will be towed to the City approved Vehicle Storage Facility and may not be moved from that Vehicle Storage Facility unless being transferred only to a repair facility in accordance with Title 16, Chapters 85 and 86 of the Texas Administrative Code with the consent of the owner of the vehicle as defined in § 86.10 (22).
- F. Wrecker service must provide 24-hour service, 7 days a week.
- G. Wrecker service must have a phone number that will be answered 24 hours a day, 7 days a week.
- H. Wrecker service must present proof of either Worker's Comp or Occupational Insurance for its wrecker drivers.
- I. Payment of biennial permit fees for the wrecker business and each tow truck. Fees will be approved by the City Council in the City of Huntsville Fee Schedule.

IV. Towing Fees

- A. Whenever a light duty motor vehicle is towed and the wrecker service is summoned from the Huntsville Police Department Voluntary Wrecker Service Rotation List (not including those tows that require the use of a heavy-duty wrecker), the wrecker service may not charge a tow fee in excess of what the fee schedule allows. Such maximum charge shall be applicable regardless of whether the vehicle is towed from public or private property and shall be complete compensation for all services rendered in connection with the performance of the tow, cleanup, and removal of wreckage or debris resulting from an accident involving the towed vehicle. No additional fees, charges, costs, etc. may be attached to the towing of the vehicle.
- B. The provisions of these guidelines apply to "private property tows" as they are regulated in Title 16, Chapter 86 of the Texas Administrative Code
- C. Owner's request for a wrecker service will be honored at the discretion of the police officer on scene if that service can timely respond on scene within twenty (20) minutes of receiving the call from

Walker County Communications Dispatch Center and is a participant of the Huntsville Voluntary Wrecker Service Rotation List. The fee for this tow will be as set forth in Section IV., Paragraph A, above. Heavy-duty wrecker calls will be allowed 40 minutes to respond.

V. Wrecker Driver Qualifications

- A. Prior to a driver operating a wrecker for tows in connection with the Huntsville Police Department Voluntary Wrecker Service Rotation List, each driver must obtain a City of Huntsville Wrecker Drivers Permit. The Application for the permit will be available from the City of Huntsville Police Department. The requirements for obtaining a City of Huntsville Wrecker Driver Permit are as follows:
 - a. Complete all information contained on the Application;
 - b. Provide Photos - front & profile
 - c. Criminal Background
 - d. Copy of Texas Driver's License; and
 - e. Copy of TDLR Incident Management ID.
 - f. In accordance with Title 16, § 86.1001 of the Texas Administrative Code, all wrecker drivers must, at all times, wear "uniforms clearly marked with the tow company's name as it appears on department records"; and must "wear reflective vest or jacket at all times while working outside the tow truck; the reflective vest or jacket" must meet Class 3 safety requirements.
 - g. Driver must agree to comply, at all times, with the guidelines of the City of Huntsville Voluntary Wrecker Rotation Service and Title 16 of the Texas Administrative Code.
 - h. Drivers shall not have been convicted of a felony offense or a crime of moral turpitude within the past five years.
 - i. Payment of permit fee. The permits are valid for 2 years.
- B. City of Huntsville Wrecker Driver permits will be issued at the discretion of the Chief of Police or designee after a review of the application and supporting documents, and the criminal background check of the applicant. City of Huntsville Wrecker Driver permits may be revoked by the Chief of Police or designee for any violation of the law, the Huntsville Wrecker Voluntary Rotation Guidelines, driver misconduct, or any other action or inaction deemed inappropriate by the Chief of Police or designee.
- C. Applicants that fail to complete the application completely or have omissions will be denied and will not be eligible to reapply for a period of 6 months. Applicants are only eligible for four (4) wrecker driver permits per calendar year. This means that an applicant can only switch companies on the rotation three times during the year. A 5th application will not be processed.

VI. Duties and Responsibilities:

- A. Each wrecker service included on the voluntary wrecker service rotation list will have a duty to respond when summoned from the list to perform the rotation tow. A wrecker service so summoned that fails to respond to the scene within twenty (20) minutes from the first call placed to the wrecker service by the Walker County Communications Dispatch Center, or at the discretion of the requesting Huntsville Police Officer, will be passed over and the next rotation wrecker service on the list will be summoned. It is a violation of these guidelines if another wrecker service attempts to substitute and perform the duties of the originally summoned wrecker service. The wrecker service shall not subcontract, in whole or in part, its rights or obligations with respect to the rotation list to any other person or entity. In addition, if a pattern of not responding when summoned develops, or the wrecker service not responding to the scene within

twenty minutes from the FIRST CALL PLACED to the wrecker service by dispatch, the violating company may be stricken from the rotation list for a term to be determined by the Chief of Police or his designee.

- B. Any wrecker service that receives a total of three suspensions in a 12-month period shall have its voluntary wrecker rotation privileges terminated immediately. The wrecker service shall not be eligible to reapply for the voluntary rotation list for a period of 24 months, commencing on the date of termination.
- C. If the Walker County Communications Dispatch Center calls the designated phone number for the rotation wrecker service and there is no answer and upon leaving a message, the wrecker service has five (5) minutes to return the call to Dispatch. If the wrecker service fails to return the call to the Walker County Communications Dispatch Center the wrecker service will be passed over, and the next rotation wrecker will be called. If the FIRST CALL from dispatch is not answered and a message is left, from that FIRST CALL the wrecker service will continue to have twenty (20) minutes to respond to the scene from that FIRST UNANSWERED CALL.
- D. All vehicles towed as a result of a rotation call will be towed to the City of Huntsville approved Vehicle Storage Facility for that wrecker service on file with Huntsville Police Department (hereinafter "City approved VSF"), unless the owner designates a location to the wrecker service. Upon the vehicle owner's request of a particular tow location, the wrecker driver will agree to take the vehicle to that location designated by the vehicle owner, (except for those vehicles which are part of an ongoing law enforcement investigation). The address where the vehicle is taken must match the address on the Huntsville Police Department Tow Slip. If the location where the vehicle owner requests the vehicle towed is closed, the vehicle will be taken to the City approved VSF. This will be the responsibility of the wrecker service to ensure the officer is provided with any updated change in tow location. If the owner requests the vehicle be towed to a location other than the City approved VSF, the tow fee will remain \$200.00 and the wrecker service may charge per mile not to exceed \$5.00 per mile for all towed miles outside the Huntsville City Limits.
- E. Before any towed vehicle is transferred/transported from one location to another, the wrecker service must give the owner or owner's representative notice of the fee to be charged for such transfer. Any removal/transfer of a vehicle from a vehicle storage facility must be done in compliance with Title 16, § 85.710 of the Texas Administrative Code.
- F. All vehicle storage facilities will comply with the guidelines and laws set forth by the Texas Department of Licensing and Regulation, Title 16, Chapter 85 of the Texas Administrative Code. By voluntarily participating on the Huntsville Police Department Voluntary Wrecker Rotation List, all participants hereby authorize a duly authorized representative of the Chief of Police to inspect their 'vehicle storage facility. Any impound fees must be in compliance with Title 16, § 85.722 of the Texas Administrative Code. Title 16, § 85.719 requires a written inventory of any unsecured personal property, safekeeping of personal property, and obtain motor vehicle registration from the Texas Department of Transportation. All vehicle storage facilities are required to have all signs posted in accordance with § 85.1003 of the Code.
- G. For safety and efficiency reasons, all wrecker services participating on the Huntsville Police Department Voluntary Wrecker Rotation List are required to have the following safety devices and tools on each truck: 5 lb fire extinguisher, size appropriate shovel, broom, size appropriate bucket, and appropriate amount of sand. By participating on the list all participants hereby

authorize any member of the Huntsville Police Department to inspect the tow trucks used for the required safety devices and tools.

- H. Any wrecker service, by voluntarily requesting to participate on the Huntsville Voluntary Wrecker Rotation List hereby authorizes the Chief of Police or designee to review all tow slips and receipts pertaining to the tows initiated by the use of the voluntary wrecker rotation list. Upon notice, the wrecker service will provide the tow slips and receipts for inspection to the Huntsville Police Department within ten (10) days.
- I. Each wrecker service will notify dispatch if they will not be responding to a scene or will be out of service for any extended length of time. In the event a wrecker service repeatedly removes itself from the rotation, the wrecker service owner or an officer of the entity will be notified to attend a meeting with the Chief of Police or designee to present documents justifying such removal from rotation for each time. In the event, the chief or designee finds the wrecker service is removing itself from the rotation unnecessarily such as for convenience only, the following penalties are recommended: 1) 1st meeting will be a 15 day suspension; 2) 2nd meeting will be a 30 day suspension; and 3) 3rd meeting will be permanent suspension from the Huntsville Police Department Voluntary Wrecker Service Rotation List.

VII. The Voluntary Wrecker Rotation List:

The Chief of Police, or designee, will maintain the voluntary wrecker service rotation list consisting of eligible wrecker services having requested, in writing and by application, inclusion on the list and as approved by the Chief of Police. The voluntary wrecker rotation list will be maintained in alphabetical order. When a tow truck is needed, a tow truck will be summoned from the first wrecker service on the list. Thereafter, a tow truck from the next wrecker service on the alphabetical list will be summoned in like fashion, advancing through the list.

VIII. Compliance

- A. If it is found that a wrecker service has violated any term of this agreement, the wrecker service may be penalized from participation on the voluntary wrecker rotation list. Such penalization may include written warning, suspension, or removal from the voluntary wrecker rotation list. The Huntsville Police Department will provide the violating wrecker service notice of such penalties, and the violating wrecker service will have 10 days to file a written request for a hearing before the Chief of Police. After the passage of the 10-day period, if a hearing is not requested, the penalty will immediately go into effect. After the hearing the Chief of Police will have the sole power to render a decision of said penalty.
- B. Any applicant who makes an application under this chapter and is permitted by the City of Huntsville, and is called by the police department under this chapter, shall be required to respond to any authorized call. Service on the voluntary wrecker service rotation list is at will, and the Chief of Police or their designee may suspend or remove the wrecker service from service at their discretion, including for, but not limited to, any of the following reasons:
 - a. Passing, refusing, or declining to accept a telephone call. The wrecker service shall be entitled to two passes during a calendar month. In the event the wrecker service passes

three or more times during a calendar month, the first occurrence the wrecker will be suspended from the rotation list for 30 days. The second occurrence the wrecker service will be suspended from the rotation list for the balance of the year.

- b. Forfeiture of calls by failing to respond to the location dispatched within 20 minutes of being called (40 minutes for heavy duty). The first failure shall result in a warning. Upon the third failure in the same calendar year, the wrecker service shall be suspended from the voluntary wrecker service rotation list.
 - c. Causing undue damage to vehicles picked up or any other act of incompetency of operation
 - d. Intoxication or incompetency of a wrecker service driver
 - e. Failure to maintain required insurance
 - f. Failure to allow the Chief of Police or his designee to periodically make safety inspections of the wreckers, wrecker service facility, and/or the vehicle storage facility as required herein
 - g. The making of any false statement as to a material matter in an application for a permit, or permit renewal, or in a hearing concerning the permit or services required by this document
 - h. Failure to protect vehicles within the care of the wrecker service as a result of a wrecker service tow and failure to prevent parts, accessories, and personal belongings from being removed from the vehicle except as may be necessary to protect such items from theft.
 - i. The Chief of Police or designee may suspend or revoke an existing permit or disqualify a person from receiving a permit because of a person's arrest or conviction of a crime, felony probation revocation, revocation of parole, revocation of mandatory supervision or driver's license history. The permittee shall be required to notify, in writing, the Chief of Police of any arrest within five business days of the arrest or release from custody. Failure by the permittee to notify the Chief of Police may result in suspension or revocation of the permit
 - j. Allowing an unlicensed/permitted driver/employee to operate a wrecker or release a vehicle at the vehicle storage facility.
 - k. Administrative penalty imposed by the TDLR. A wrecker service's application may be denied if an administrative penalty has been imposed by the TDLR during the prior year of application. Should it become necessary to request the TDLR Prosecutor's office, the Vehicle Storage Facility will be suspended pending action by the TDLR.
 - l. Violation of the laws of the state, federal or city government, commission of an offense defined by this document, or violation of any of the terms of this document; or violation of any of the terms of this document by a wrecker service, its agents or employees.
 - m. Collecting or charging fees in excess of those set out in this document and/or the council approved fee schedule
 - n. Service of the wrecker service is not the best interest of the city
- C. Any wrecker service on the voluntary rotation list that violates this article or state law may be subject to sanctions by the Chief of Police or designee, depending upon the nature of the infraction, number of infractions, and other circumstances. The sanctions shall range from written notification of violations with warning to, and including, suspension or removal from the voluntary wrecker service rotation list.

AFFIRMATION OF PARTICIPATION

I (We) shall participate on the City of Huntsville's Wrecker Service Rotation List pursuant to the terms and provisions of this application and the guidelines hereby attached and incorporated herein for all purposes. Further, I understand that violations of the terms and conditions of this application or the guidelines may result in the loss of those towing privileges of those tows initiated by the Huntsville Police Department utilizing the "Voluntary Wrecker Service Rotation List"

I (We) understand that providing false or misleading information on this application or previous suspensions, violations, and removals from said list, or citizen complaints may result in the denial of this wrecker service application for participation on the City of Huntsville's Wrecker Service Rotation List. If this application is approved, I also agree to furnish to the Chief of Police any change of the information provided for within this application within ten (10) days of said change. Further by signing my name below I represent that I have the authority to bind.

Applicant's Signature

Company/Individual Position Title

Printed Name

Date

Attached to this Application are the following:

- _____ Completed owner information sheet for each owner or partner of service
- _____ Copy of Vehicle Storage Facility License
- _____ Copy of Vehicle Storage Facility Insurance Documentation evidencing either Worker's Comp or Occupational Insurance
- _____ Copy of TDLR Cab Card for each tow truck
- _____ Copy of Liability Insurance Card for each tow truck policy with minimum coverage limit in the amount of one million dollars
- _____ Certificate of Liability Insurance naming City of Huntsville as an additional insured with 30 days written notice before cancellation or termination
- _____ Copy of Current Registration and Inspection for each tow truck
- _____ Confirmation of Compliance with Title 16, § 86.710 of the Texas Administrative Code "Drug Testing Policy"

_____ Approved

Expiration of Application _____

_____ Not Approved

Date

Authorized Signature

Printed Name



HUNTSVILLE POLICE **DEPARTMENT**

A Texas Best Practices Law Enforcement Agency

Honor • Professionalism • Dedication



APPLICATION FOR PARTICIPATION

THE VOLUNTARY WRECKER SERVICE ROTATION LIST

This form is to be filed with the Chief of Police or his designee. By applying to participate on the voluntary wrecker service rotation list, the wrecker service hereby agrees to the attached guidelines and understands that a violation of any of the guidelines, laws, or ordinances subjects the wrecker service to possible removal or suspension from said list.

DATE OF
APPLICATION _____

WRECKER SERVICE INFORMATION

Name of Wrecker Service

Name of Wrecker Service

ADDRESS AND CONTACT INFORMATION OF WRECKER SERVICE

Address

Office Phone Number

24 Hour Contact Number

Other Contact Information

Email Address

TDLR Carrier Number

TYPE OF OWNERSHIP _____ Corporate _____ Partnership _____ Individual

(If owned by corporation or partnership, attach an additional page hereto to include names, addresses, and telephone numbers, and e-mail addresses of all corporate officers and partners.)

STORAGE FACILITY OWNERSHIP

(All applicants/participants must attach a copy of such vehicle storage facility license, and a copy of liability insurance for each and all tow trucks.) VEHICLE STORAGE FACILITY (VSF) INFORMATION

VEHICLE STORAGE FACILITY (VSF) INFORMATION

Name of Storage Facility

Address of Facility

Storage Capacity of Facility

Vehicle Storage Facility Number

After Hours Telephone Number

Facility Telephone Number



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 2.d.

Agenda Item: First Reading -Consider and possible action approving expenditure of \$2.35 million to purchase FBO Operating Agreement from Huntsville Aviation Inc. and Wade Gillaspie.

Initiating Department/Presenter: Finance

Presenter:

Lance Hall, Finance Director

Recommended Motion: Move to waive the two-reading requirement and approve expenditure of \$2.35 million to purchase FBO Operating Agreement from Huntsville Aviation Inc. and Wade Gillespie.

Strategic Initiative: Strategic Priority #2, Economic Development - Create 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: Rule of Procedure 3.05(b) requires two readings for any action involving an expenditure of more that 300k that is not a recurring expense or that is not budgeted, unless waived by as provided by Section 9 of the Rules of Procedure. This has also been presented to the Finance Committee. If approved by council, the appropriate budget amendment will be presented. The purchase of the FBO operating agreement was approved by Council on March 3, 2026, and this agenda item is to approve the expenditure of the purchase amount.

Previous Council Action: The City Council at its meeting on March 3, 2026, approved the purchase of the FBO operating agreement from Huntsville Aviation Inc. and Wade Gillaspie for \$2,350,000 contingent upon executed mutual release and settlement agreement after approval by City Manager and City Attorney and instruct staff to start preparation to take over operations.

Financial Implications: The General Fund must use unallocated reserves that fall below the 25% minimum threshold.

Approvals:

Ricardo Villagrand

Leonard Schneider

Kristy Doll

Associated Information:



CITY COUNCIL AGENDA

3/17/2026

Agenda Item Number: 2.e.

Agenda Item: Consider adoption of Ordinance 2026-06 to amend the budget for FY 25-26 and/or CIP Project Budgets.

Initiating Department/Presenter: Finance

Presenter:

Lance Hall, Finance Director

Recommended Motion: Move to adopt Ordinance 2026-06 to amend the budget for FY 25-26 and/or CIP Project Budgets.

Strategic Initiative: Strategic Priority #2, Economic Development - Create 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: Detailed explanation of the Budget Amendments is provided in the attachment, Exhibit A & B, to the Ordinance. The Budget Amendment was discussed with the Finance Committee at their meeting today.

Previous Council Action: Presented to Finance Committee on March 17, 2026

Financial Implications: See the attached Ordinance 2026-06 and related Budget Amendment (Exhibit A & B).

Approvals:

Lance Hall

Sam Masiel

Leonard Schneider

Ricardo Villagrand

Kristy Doll

Associated Information:

1. BAs Template - Airport SRF Settlement Agreement
2. BAs Raftelis Contract - \$170K
3. FY 26 ORDINANCE 2026-06 to amend budget - Airport & Raftelis

Budget Amendments FY 25-26 Finance Committee & City Council - March 17, 2026
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Exhibit A	Increase: Airport Fund -SRF -Miscellaneous Expense	\$ 2,350,000
	Increase: General Fund -Transfer to Airport SRF	\$ 2,350,000
	Decrease: General Fund -Unallocated Reserves	\$ 2,350,000
Explanation:	The City Council approved a settlement agreement with Wade Gillaspie, the owner and operator of Huntsville Aviation, on March 3, 2026, in the amount of \$2,350,000. Staff is recommending using General Fund Unallocated Reserves as the source of funds to fund this settlement agreement. This budget amendment allocates funds to the accounts to pay for the settlement agreement. The General Fund must use unallocated reserves that fall below the 25% minimum threshold; the funds must be specifically appropriated by the City Council.	

Budget Amendments FY 25-26 Finance Committee & City Council - March 17, 2026

Exhibit B	Increase: Non-Departmental -Water -Purchased Services	\$ 170,000
	Decrease: Utility Fund -Unallocated Reserves	\$ 170,000

Explanation:	City Council authorized the City Manager to execute the necessary documents to hire Raftelis Financial Consultants for Professional Consulting and Expert Witness/Litigation Services for a pending rate case on March 3, 2026. The approximate contract price for these services is \$170,000. Staff is recommending using the Utility Fund Unallocated Reserves as the source of funds for these services. The Utility Fund's Unallocated Reserves balance after this proposed use (if approved) will be approximately \$781,000 under the 25% required reserve balance of \$8,539,000 if the City spends the full \$170,00 in the fiscal year 25-26 budgeted use of UAR.
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ORDINANCE NO. 2026-06

AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE 2025-2026 ANNUAL BUDGET AND CAPITAL IMPROVEMENTS PROJECTS (CIP) BUDGETS, ORDINANCE NO. 2025-22 TO AMEND ADOPTED EXPENDITURES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the 2025-2026 Annual Budget and CIP Budgets were adopted by Ordinance 2025-22 on September 16, 2025;

WHEREAS, various unforeseen circumstances affecting the City have presented themselves during the course of the fiscal year;

WHEREAS, the City Council considered the circumstances independently, deliberating appropriately on the associated revenues and expenditures and the overall impact on the general financial status of the City;

WHEREAS, pursuant to the laws of the State of Texas and the City Charter of the City of Huntsville, Texas, the City Council has determined that it will be beneficial and advantageous to the citizens of the City of Huntsville to amend the annual budget for fiscal year 2025 – 2026 and the Capital Improvements Projects (CIP) budget as set forth herein; and

WHEREAS, this ordinance combines the independent Council actions into one budget amendment document;

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

Section 1. The findings set forth above are incorporated into the body of this ordinance.

Section 2. The annual budget for fiscal year 2025 – 2026 is hereby amended to include the expenditures and revenues in Exhibit “A” and the Capital Improvements Projects budget is hereby amended to include the expenditures described in Exhibit “A & B” attached hereto and made a part of this ordinance as if set out verbatim herein.

Section 3. All ordinances of the City in conflict with the provisions of this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. Should any section, portion, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the force or effect of any other section or portion of this ordinance.

Section 5. The necessity for amending the budget for the fiscal year 2025 – 2026 and Capital Improvements Projects, as required by the laws of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

Section 6. This ordinance shall take effect immediately after its passage.

PASSED AND APPROVED on this the 17th day of March 2026.

THE CITY OF HUNTSVILLE, TEXAS

Russell Humphrey, Mayor

APPROVED AS TO FORM:

ATTEST:

Kristy Doll, City Secretary

Leonard Schneider, City Attorney