

**NOTICE OF MEETING OF THE GOVERNING BODY OF THE
CITY OF NAVASOTA, TEXAS
JANUARY 27, 2020**

Notice is hereby given that a Regular Meeting of the governing body of the City of Navasota will be held on the 27th of January, 2020 at 6:00 PM at the City Hall in the City Council Chambers, Room No. 161, located at 200 E. McAlpine Street, Navasota, Texas 77868, at which time the following subjects will be considered, to wit:

1. Call to Order.
2. Invocation
Pledge of Allegiance
3. Remarks of visitors: Any citizen may address the City Council on any matter. Registration forms are available on the podium and/or table in the back of the city council chambers. This form should be completed and delivered to the City Secretary by 5:45 p.m. Please limit remarks to three minutes. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.
4. Staff Report:
 - (a) Introduction of Navasota Post Master;
 - (b) Railroad Commission audit results;
 - (c) Proclamation - Tommy Gates - 800th win;
 - (d) Board and Commission update; and
 - (e) Reports from City Staff or City Officials regarding items of community interests, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognition of public officials, public employees, or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that has arisen after the posting of the agenda.
5. Jennifer Douglass with the U.S. Census Bureau will provide information regarding the upcoming 2020 Census.
6. Consideration and possible action on Change Order No. 1 for the 2019 Advanced Meter Infrastructure (AMI) System Upgrade Project.
7. Consideration and possible action on proposal for professional engineering services from KSA on the downtown revitalization project on W. Washington Avenue.
8. Consideration and possible action on the first reading of Ordinance No. 914-20, authorizing participation with Entergy Service Area Cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission in 2020 and authorizing the hiring of lawyers and rate experts.

9. Consideration and possible action on the Navasota Police Department's 2019 Racial Profiling Data Report.

10. Consent Agenda: The following items may be acted upon with one motion and vote. No separate discussion or action is necessary unless requested by the Mayor or a City Councilmember, in which event the item will be removed from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda.

Consent Items Are:

A. Consideration and possible action on the second reading of Ordinance No. 912-20, changing the current zoning from A/O: Agriculture/open Space District to M-1: light industrial district for the properties legally described as A0046 J Moore, Tract 27, Acres 3.03, and A0046 J Moore, Tract 10, Acres 2.00, changing the current zoning from A/O: Agriculture/open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district for the properties legally described as, S8019 - River Haven, block 1, Lot 3-1, Acres 1.26, S8019 - River Haven, block 1, lot 2-1, Acres 7.7, S8019 - River Haven, block 1, lot 1-1, Acres 14.619, and A0002 D Arnold, Tract 34-2, Acres 10.84, changing the current zoning from A/O: Agriculture/open Space District to R-3: high density, multi-dwelling unit, residential district for the properties legally described as A0002. D Arnold, Tract 18, Par 5, Acres 27.76 and S8212 - Savensky Subdivision, Block 1, Lot 1, Acres 1, located in Navasota, Grimes County, Texas; and

B. Consideration and possible action on the second reading of Ordinance No. 913-20, Uniform Right-of-Way management ordinance.

11. Adjourn.

DATED THIS THE 22ND OF JANUARY, 2020

/BS/

BY: BRAD STAFFORD, CITY MANAGER

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the CITY OF NAVASOTA, is a true and correct copy of said notice and that I posted a true and correct copy of said notice in the glass bulletin board, in the foyer, on the south side of the Municipal Building as well as in the bulletin board on the north side of the Municipal Building of the City of Navasota, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 22nd of January, 2020 at 10:53 AM and will remain posted continuously for at least 72 hours preceding the scheduled time of said meeting. Agendas may be viewed at www.navasotatx.gov.

The City Council reserves the right to convene in Executive Session at any time deemed necessary for the consideration of confidential matters under the Texas Government Code, Sections 551.071-551.084.

DATED THIS THE 22ND OF JANUARY, 2020

/SMH/

BY: SUSIE M. HOMEYER, CITY SECRETARY

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (936) 82516475 OR (936) 82516408 OR BY FAX AT (936) 82512403.

City Manager's Message
An Executive Summary of Agenda Items and Current Issues

City of Navasota
City Council Meeting
1-27-2020

- 1. Call to order**
- 2. Invocation and Pledges of Allegiance**
- 3. Remarks of Visitors**
Staff is unaware of anyone wishing to address the City Council.
- 4. Staff Report:**
Introduction of Navasota Post Master;
Railroad Commission audit results;
Proclamation - Tommy Gates - 800th win;
- 5. Jennifer Douglass with the U.S. Census Bureau will provide information regarding the upcoming 2020 Census.**
The U.S. Census is fast approaching, and Jennifer Douglass with the Census Bureau would like to provide the City Council and public with information regarding the upcoming census.
- 6. Consideration and possible action on Change Order No. 1 for the 2019 Advanced Meter Infrastructure (AMI) System Upgrade Project.**
Utility staff originally just had commercial gas meters listed in the project for radio change outs, however, further evaluation leads them to propose changing the meter as well. The cost of the change order is \$173,113. The majority of the cost will be paid from the financing of the SCADA and AMI system, however, between \$50,000 and \$60,000 may need to come from budgeted funds.
- 7. Consideration and possible action on proposal for professional engineering services from KSA on the downtown revitalization project on W. Washington Avenue.**
City Council budgeted to install new streetscapes/sidewalks in the 200 and 300 block of west Washington Avenue. Staff asked KSA to provide a proposal for the engineering after working with them on the crosswalk project. The lump sum cost for engineering from preliminary design through construction is \$90,970.

8. Consideration and possible action on the first reading of Ordinance No. 914-20, authorizing participation with Entergy Service Area Cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission in 2020 and authorizing the hiring of lawyers and rate experts.

Each January the Entergy Service Area Cities are asked if they would like to participate with a group in matters concerning Entergy, Texas, Inc, at the Public Utility Commission and authorizing the hiring of lawyers and rate experts to ensure the requested rates are justified and accurate. The City of Navasota has participated in the process for several years and the group has been successful in keeping increases to fair and just amounts.

9. Consideration and possible action on the Navasota Police Department's 2019 Racial Profiling Data Report.

The Navasota Police Department maintains records from traffic stops in which a citation is issued, or arrests made stemming from the traffic stop. The information includes race or ethnicity of the individual being detained, and whether the individual consented to a search.

10. Consent Agenda: The following items may be acted upon with one motion and vote. No separate discussion or action is necessary unless requested by the Mayor or a City Councilmember, in which event the item will be removed from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda.

Consent Items Are:

A. Consideration and possible action on the second reading of Ordinance No. 912-20, changing the current zoning from A/O: Agriculture/open Space District to M-1: light industrial district for the properties legally described as A0046 J Moore, Tract 27, Acres 3.03, and A0046 J Moore, Tract 10, Acres 2.00, changing the current zoning from A/O: Agriculture/open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district for the properties legally described as, S8019 - River Haven, block 1, Lot 3-1, Acres 1.26, S8019 - River Haven, block 1, lot 2-1, Acres 7.7, S8019 - River Haven, block 1, lot 1-1, Acres 14.619, and A0002 D Arnold, Tract 34-2, Acres 10.84, changing the current zoning from A/O: Agriculture/open Space District to R-3: high density, multi-dwelling unit, residential district for the properties legally described as A0002. D Arnold, Tract 18, Par 5, Acres 27.76 and S8212 - Savensky Subdivision, Block 1, Lot 1, Acres 1, located in Navasota, Grimes County, Texas; and

B. Consideration and possible action on the second reading of Ordinance No. 913-20, Uniform Right-of-Way management ordinance.

Calendar of Events

January 28 th 10:00 a.m.	Downtown Revitalization Workshop Navasota Center
January 29 th	B/CS Economic Outlook Conference College Station
January 30 th Brad is a presenter	William “King” Cole training workshop Austin, Texas
January 31 st	TCMA Board Meeting TML Center, Austin
February 7 th 6:00 p.m.	TCMA Region 6 Annual Meeting The Woodlands
February 10 th 6:00 p.m.	City Council Meeting Municipal Building
February 24 th 6:00 p.m.	City Council Meeting Municipal Building
February 27 th & 28 th	TCMA City Management Clinic Granbury, Texas

Respectfully submitted,

Brad Stafford
City Manager



Vision Statement:

*Navasota 2027: What America Wants To Be
“A beautiful, progressive, vibrant, service-oriented,
close-knit community filled with
historical charm and promise for people and business.”*

Mission Statement:

*“To guide Navasota’s growth in a way that maintains
our heritage, culture, and uniqueness while
maximizing our economic and social development.”*



THE CITY OF NAVASOTA COUNCIL LEADERSHIP POLICY

It is the desire of the Navasota City Council to demonstrate responsible leadership by:

- (a) Establishing a 2027 Strategic Growth Map for the City of Navasota.*
- (b) Assuring stable and effective city operations.*
- (c) Developing and adopting policies that will guide the growth of the City of Navasota.*
- (d) Facilitating private/public sector partnerships at the local, regional, state and federal level that will invest in the future of Navasota.*
- (e) Ensuring all Navasota boards, commissions and committees are aligned with the Council's growth policies.*



S.M.A.R.T. GOAL SETTING SYSTEM

Area	Today's Date	Target Date	Date Achieved
City Council Retreat	10/2/19	2019-2020	

Goal Statement: A descriptive statement of the DESIRED OUTCOME.
(a S.M.A.R.T. Goal is Specific, Measurable, Actionable, Responsible and Time-bound)

The Management Connection, Inc. provided professional facilitation to the City of Navasota Council on September 4th, 2019. This document captures the Council's direction to staff.

Action Steps (List the specific actions you will take to achieve this goal)	Target Date	Who	Percentage Completion
Outcomes			
Direction from Council			
1. <u>There needs to be a discussion on how to get state lawmakers to partner with the City.</u> a. Potentially inviting Schwertner, Leman, and Kolkhorst to visit and tour the city b. Alan Bojorquez is creating a report card on all the legislature and looking for help	2019-2020	Navasota Staff	
2. <u>Figure out a way to speed up the billing cycle to reduce the lag time from end of month to bill date for payments</u> a. We can make every period longer or each period 31 days—it will take a few years, but you'll catch up b. Propose a staff member under Lance and Rita to handle all meters—Meter Maintenance Technician	2019-2020	Navasota Staff	
3. <u>The City Manager will do a cost benefit analysis on the Boys and Girls Club</u> a. Benefit of having them in the community along with the mechanics of it to present to the council	2019-2020	Navasota Staff	



The Management Connection, Inc.

PROFESSIONAL FACILITATORS

<p>4. <u>The Council will move forward with the concept of bonds for utility and street improvements</u></p> <p>a. Bonds will be broken into three-year small increments</p> <p>i. Focus will be on high traffic roads first</p> <p>ii. Host community meetings to get more buy in from the city</p> <p>iii. City Manager will present the numbers to council</p>	<p>2019-2020</p>	<p>Navasota Staff</p>	
<p>5. <u>Gather a proposal for a new look and cost of renovating fire station at the current location.</u></p> <p>a. A rendering needs to be created to show the public</p>	<p>2019-2020</p>	<p>Navasota Staff</p>	
<p>6. <u>Review the Social Media policy (specifically # 3 & 4) as it relates to non-city employees and council members.</u></p> <p>a. It's a developing area legally. We should review the policy because it's from 2014 and make sure it's in accordance with current situation.</p>	<p>2019-2020</p>	<p>Navasota Staff</p>	
<p>7. <u>Design the new website</u></p> <p>a. Have 2-3 citizens sit in to consult about the ease of receiving notifications. Get a mixture of people who are and aren't familiar with computers</p>	<p>2019-2020</p>	<p>Navasota Staff</p>	
<p>8. <u>Find more ways to get coverage in the news</u></p> <p>a. neighbors@theeagle.com - send pictures to get included</p>	<p>2019-2020</p>	<p>Navasota Staff</p>	
<p>9. <u>Develop relationships with Boards and Commissions:</u></p> <p>a. Have a mandatory annual meeting with members to talk about what a comp plan is, what the Council's expectations are, and that they need to be able to make decisions as a board. They need to know about open</p>	<p>2019-2020</p>	<p>Navasota Staff</p>	



The Management Connection, Inc.

PROFESSIONAL FACILITATORS

meetings act, public information act, Robert's Rules of Order, ect.

- i. By being involved, we have a chance to educate them about how the city works
- ii. We don't want to take away their ability to think, but we can give them parameters
- iii. We should create a statement to be read before each meeting that says "we are our own board, we work toward the goals of the city and will stand by the final decision". It's a reminder that we're all here to do the best for the city. A mission statement to go at the top of the packet.

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 4. **AGENDA DATE:** January 27,
2020

PREPARED BY: Brad Stafford, City Manager

APPROVED BY: BS

ITEM: Staff Report:

- (a) Introduction of Navasota Post Master;
- (b) Railroad Commission audit results;
- (c) Proclamation - Tommy Gates - 800th win;
- (d) Board and Commission update; and
- (e) Reports from City Staff or City Officials regarding items of community interests, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognition of public officials, public employees, or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that has arisen after the posting of the agenda.

ITEM BACKGROUND:

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

ATTACHMENTS:

- 1. Proclamation



Proclamation The City of Navasota, Texas

“Tommy Gates 800th Win”

Whereas, Tommy Gates, Head Coach of Lady Rattler Basketball at Navasota High School, coached the Lady Rattlers to a 39-28 win over Fort Bend Austin, which brought Coach Gates overall win total to eight-hundred (800); and

Whereas, Coach Gates, has been a head coach for thirty-two (32) years, and with eight-hundred (800) career wins his teams have averaged twenty-five (25) wins per season; and

Whereas, Coach Gates Navasota teams have earned ten (10) District titles, made seven (7) trips to the regional tournament and one (1) appearance at the state tournament; and

Whereas, During his career as a head coach he has inspired and significantly enriched the lives of many of his players, managers, and others he has influenced; and

Whereas, It is appropriate that the entire community of Navasota, Texas, recognize Coach Tommy Gates for his hard work, and dedication to the young people of Navasota; and

Now, Therefore, I, Bert Miller, Mayor of the City of Navasota, Texas, do hereby proclaim and recognize Tommy Gates as an Outstanding Citizen in the City of Navasota, Texas, in recognition of service and dedication to the community and encourage all citizens of Navasota, to join with me in congratulating Coach Gates for winning eight hundred (800) games and for being a great representative of the Navasota community.

DATED THIS THE 27TH DAY OF JANUARY, 2020.

BERT MILLER, MAYOR

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 5. **AGENDA DATE:** January 27,
2020

PREPARED BY: Brad Stafford, City Manager

APPROVED BY: BS

ITEM: Jennifer Douglass with the U.S. Census Bureau will provide information regarding the upcoming 2020 Census.

ITEM BACKGROUND:

The 2020 Census is fast approaching, and Jennifer Douglass, with the U.S. Census Bureau would like to address the City Council about the upcoming census.

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

Staff recommends listening to the presentation.

ATTACHMENTS:

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 6. **AGENDA DATE:** January 27,
2020

PREPARED BY: Jennifer Reyna, Utility Administrative
Assistant

APPROVED BY: BS

ITEM: Consideration and possible action on Change Order No. 1 for the 2019 Advanced Meter Infrastructure (AMI) System Upgrade Project.

ITEM BACKGROUND:

The original scope of work was to install radios only on the manual read commercial gas meters. After evaluating the age of the commercial meters the City of Navasota requested a quote to change meters for increased accuracy.

BUDGETARY AND FINANCIAL SUMMARY:

Original Contract Amount: **\$3,065,257**

Change Order No. 1 Amount: **\$173,113**

New Contract Amount: **\$3,238,370**

STAFF RECOMMENDATION:

Staff recommends approval of Change Order No. 1 for the 2019 Advanced Metering Infrastructure (AMI) System Upgrade in the amount of \$173,113.

ATTACHMENTS:

1. Change Order No. 1 2019 AMI System Upgrade
2. Change Order No. 1 AMI System Upgrade Summary of Work
3. Change Order No. AMI System Upgrade Scope of Work

CHANGE ORDER FORM

(Request & Agreement for change in Plans and/or Specifications and/or Contract)

Change Request No. 1

CUSTOMER: City of Navasota

Project No. 73848-20 Contract No. ESA Executed Aug. 26, 2019 Site: City of Navasota Texas

Title: Change in Scope for Selected Commercial Gas Meters

I. REQUEST

Date: January 14, 2020

- (a) Requested by the City of Navasota
- (b) Description of change

This change order is to provide materials and labor to perform the change in scope per Attachment A-2.

II. AMERESCO's AGREEMENT

For all costs involved in this change including extensions of time herein requested, Ameresco proposes to perform the work described in accordance with the provisions of the Agreement for the price as follows.

Payment shall be made on the basis of:

- (a) Predetermined lump sum total of: (add)(deduct) \$173,113.00
 - (b) Lump sum "not to exceed": (add)(deduct) \$ _____
 - (c) Time & Material Basis "not to exceed": (add)(deduct) \$ _____
- (Computed in accordance with provisions of the Contract)

Place an "X" beside selected proposal method and strike out either (add) or (deduct) whichever does not apply. If necessary, attach detailed estimates and breakdown for above in accordance with change order instruction. A claim for work performed under protest may be submitted per (c) above.

A 90 day extension of the contract time is requested.

All references in the Agreement to Attachments shall also mean and refer to Attachment A(1) and B(1) as a separate scope of Work. Attachments A-1 through J-1 shall be read and construed separately from Attachment A(1) and B(1).

All other provisions of the Agreement not expressly modified by this Change Order #1 shall remain in full force and effect including, but not limited to, Section 25 of the Agreement, Representations and Warranties, which representations and warranties are incorporated herein by reference with respect to this Change Order #1.

IN WITNESS WHEREOF, the Parties hereto have caused this Change Order #1 to be duly executed and delivered by their proper and duly authorized officers.

AMERESCO, INC.

CITY OF NAVASOTA

By: Robert Georgeoff
Title: Vice President
Date:

By:
Title:
Date:

Contract Award	\$ 3,065,257.00
Previous Additions	\$ 0.00
Previous Deductions	\$ 0.00
Net Total	\$ 3,065,257.00
This Change	\$ 173,113.00
TOTAL	\$ 3,238,370.00

ATTACHMENT A(1)

SUMMARY OF CHANGE ORDER

Price for new scope (replacement)	\$	208,918
Price for old scope (retrofit)	\$	35,805
Net change order price	\$	173,113

New price for replacing commercial gas meters

<u>Line Item</u>	<u>Provider</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Gas meters & accessories	Aqua-Metric	1	\$ 159,240	\$ 159,240
Installation labor	Pedal Valve	1	\$ 35,960	\$ 35,960
Additional labor to install 1" by-pass	Pedal Valve	1	\$ 13,718	\$ 13,718
TOTAL DIRECT COST				\$ 208,918

Old price for retrofitting commercial gas meters

<u>Line Item</u>	<u>Provider</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended</u>
Gas Index: 275	Aqua-Metric	2	\$ 36.81	\$ 74
Gas Index: 415	Aqua-Metric	2	\$ 38.75	\$ 78
Gas Index: 750	Aqua-Metric	26	\$ 242.19	\$ 6,297
Gas Index: 1000	Aqua-Metric	13	\$ 242.19	\$ 3,148
Gas Index: 3000	Aqua-Metric	5	\$ 242.19	\$ 1,211
Gas Index: 5000	Aqua-Metric	1	\$ 242.19	\$ 242
Gas SmartPoint 100GM-A & -B	Aqua-Metric	4	\$ 193.75	\$ 775
Gas SmartPoint 500GM	Aqua-Metric	45	\$ 435.94	\$ 19,617
Installation labor (275 & 415)	Pedal Valve	4	\$ 62.00	\$ 248
Installation labor (>750)	Pedal Valve	45	\$ 91.45	\$ 4,115
TOTAL DIRECT COST				\$ 35,805

List of Meters in Scope

<u>Size</u>	<u>Qty</u>
275	2
415	2
750	26
1000	13
3000	5
5000	1
T-18	1
T-27	3
Sick 500	1
Roots 3m	2
Roots 7m	1
Roots 11m	1
Roots 16m	1
Roots 23m	1
Rotary 5cfh	1
Sonix880	2
Sewer meters	2
Remove	1
TOTAL	66

ATTACHMENT B(1)
CITY OF NAVASOTA - COMMERCIAL GAS METERS REPLACEMENT

#	NAME	ADDRESS	METER #	EXISTING INDEX TYPE	REPLACE METER?	EXISTING METER	SCOPE OF WORK
1	Wilford Day Jr	1209 S. LaSalle	9317839	manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
2	Psalms Funeral	501 S. Lasalle	4340024	manual	Y	Old415	(1) Replace existing diaphragm meter with a new Sensus R415 diaphragm meter. (2) Install a new Sensus 100 GM radio transceiver. (3) Install a 1 inch bypass.
3	First Baptist Office	Grimes St	3411515	Manual	Y	Old415	(1) Replace existing diaphragm meter with a new Sensus R415 diaphragm meter. (2) Install a new Sensus 100 GM radio transceiver. (3) Install a 1 inch bypass.
4	Grimes St. Joseph	210 S. Judson	79225	Old emc	Y	3000	(1) Replace existing diaphragm meter with a new Sonix 3000 meter. (2) Install a new Sensus 700 GM radio transceiver.
5	Grimes Cty. Office	208 S. Judson	99058	Remove	N	750d	(1) Remove existing meter and cap gas pipes.
6	Trinity Lutheran	1530 E Washington	22233	Manual	Y	1000d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
7	Jim's Car Wash 111	1701 E. Washington	41930	Manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
8	Kolkhorst Petro	1697 E Washington	3720499	Manual	Y	1000d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
9	Erick's Rest.	8734 Hwy6S	12443372	Manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
10	L. D.S. Church	404 Ivy	7831540	Manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
11	John C. Webb Elem.	1605 Neal	13415399	Manual	Y	R 3000d	(1) Replace existing diaphragm meter with a new Sonix 3000 meter. (2) Install a new Sensus 700 GM radio transceiver.
12	Library	1411 E. Washington	203866	Manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
13	Navasota Nursing	1405 E Washington	163008	Manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
14	Arlan's Food Mkt.	1401 E. Washington	14654897	Manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
15	NISD-Admn. Bldg	705 E. Washington	4398236	Manual	Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
16	Medical Center	501 E. Washington	3504706		Y	1000d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
17	Navasota Center	103 Stadium Dr.	12834303		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
18	Wells Fargo	305 E. Washington	200482		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
19	Spring Products	124 N. LaSalle	0195613		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
20	Madison Avenue	202 N.LaSalle	50196		Y	Install R-275	(1) Replace existing diaphragm meter with a new Sensus R275 diaphragm meter. (2) Install a new Sensus 100 GM radio transceiver. (3) Install a 1 inch bypass.
21	Father's House Min.	304 Frazier	41096		Y	3000	(1) Replace existing diaphragm meter with a new Sonix 880 meter (downsize). (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
22	Northwood Apts.	516 Laredo	181721		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
23	TXDOT	1560 N.LaSalle	8725269		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
24	HTRI	160 Research Dr	13904964	Minimax	N	T-27 turbo	(1) Existing meter is installed backwards. Re-install existing meter to the correct flow direction. (2) Replace existing corrector with a new Eagle electronic corrector. (3) Install a new Sensus 900 GM radio transceiver.
25	Brookshire Brothers	313 N .LaSalle	20149		Y	1000	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
26	China Inn Rest.	111 N. LaSalle	9242056		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
27	Turner Pierce	604 W. Washington	195334		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.

28	Blair Ventures	804 W. Washington	9241976		N	Remove	(1) Remove existing meter and cap gas pipes.
29	Budget Grocery	202FM379	12815654		N	Remove	(1) Remove existing meter and cap gas pipes.
30	City Vehicle Shop	Malcolm	12445		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
31	B & R Industries	500Mafcolm	195580		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
32	Entergy- Metal Bldgs	Louise #2286	13866529		Y	1000	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
33	CENTURY ASPHALT LTD	9514 FM379	17291258	sick	N	Sick500 4"	(1) Install a new Sensus 700 GM radio transceiver via a pulse cable.
34	Grant Prideco	F.M. 379	13183800	EC-350	N	T-27	(1) Replace existing corrector with a new Eagle electronic corrector. (2) Install a new Sensus 900 GM radio transceiver.
35	Tuboscope	9574FM 1227	1235070	roots	N	Roots 16m	(1) Replace existing corrector with a new Eagle electronic corrector. (2) Install a new Sensus 900 GM radio transceiver.
36	Grant Prideco	LINKDR	8755	Minimax	Y	Rockwell T-18	(1) Replace T-18 module with new. Reuse existing meter housing. (2) Replace existing corrector with a new Eagle electronic corrector. (3) Install a new Sensus 700 GM radio transceiver.
37	Tex Fob Inc-Small	222 Link Dr.	163971		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
38	Tex Fab Inc.-Big	222 Link Dr.	19041		Y	10000	(1) Replace existing diaphragm meter with a new Romet rotary RM-5000 meter. (2) Install a new Eagle electronic corrector. (3) Install a new Sensus 900 GM radio transceiver. (4) Install a 1 inch bypass.
39	Gerdau	9930 Industrial Dr.	13658166		Y	750d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
40	Weffborn(Middle)	9677 Industrial Dr.	6872734		N	Remove	(1) Remove existing meter and cap gas pipes.
41	Grant Pride Co	Industrial Drive	8068061	Minimax	N	T-27 turbo	(1) Replace existing corrector with a new Eagle electronic corrector. (2) Install a new Sensus 900 GM radio transceiver.
42	Navasota Rubber	9515 Industrial Dr.	13692745		N	3000d	(1) Remove existing meter and cap gas pipes.
43	Texas Pipe Works	9444 Industrial Dr.	6051549		Y	5000d	(1) Replace existing diaphragm meter with a new Romet rotary RM-5000 meter. (2) Install a new Eagle electronic corrector. (3) Install a new Sensus 900 GM radio transceiver. (4) Install a 1 inch bypass.
44	Forged Components	9533FM379	1050989	Roots	N	Roots 23m	(1) Replace existing corrector with a new Eagle electronic corrector. (2) Install a new Sensus 900 GM radio transceiver.
45	Tx Custom Coaters	9468 Interstate Dr.	1714110	Roots mfero	N	Roots 7m	(1) Replace existing corrector with a new Eagle electronic corrector. (2) Install a new Sensus 900 GM radio transceiver.
46	Interstate (Sewer)	10908 Interstate	13268001		N	Eastech Vantage 4400	(1) Install a new Sensus 520M radio transceiver to existing meter via a pulse cable.
47	Trinity Ind. (Sewer)	Hwy 6South	133003		N	Flomotion BE6300	(1) Install a new Sensus 520M radio transceiver to existing meter via a pulse cable.
48	Stripes	1930 Hwy 105 E.	19720791	Eaglem plus	N	Roots 3m	(1) Replace existing corrector with a new Eagle electronic corrector. (2) Install a new Sensus 700 GM radio transceiver.
49	Hi Ho Store	1921 Hwy 105 E			N	Sonix 880	(1) Install a new Sensus 700 GM radio transceiver.
50	Golden Creek	2100 Dave Crossing	9785866		Y	3000	(1) Replace existing diaphragm meter with a new Sonix 3000 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
51	Comfort Inn	9345Hwy6	21671		Y	1000	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
52	Mallett Brothers	9339Hwy6	14784699		Y	750	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
53	Best Western Hotel	8965 Hwy6	13279800		Y	750	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
54	Popeye's	9319Hwy9DS	192485		Y	750	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
55	Pizza Hut	9305 Hwy9DS	8550880		Y	1000	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver.
56	Sonic	9249Hwy9DS	6872670.		Y	1000	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
57	N. H.S.	9238 Hwy 90 S.	206570	Eagle m plus	N	Roots 11m	(1) Replace existing corrector with a new Eagle electronic corrector. (2) Install a new Sensus 900 GM radio transceiver.
58	Las Fuentes Rest.	8731 Hwy 6 5.	9243201	Roots micro	N	Roots 3m 175	(1) Install a new Sensus 700 GM radio transceiver via a pulse cable.
59	McDonald's	8737Hwy65	9059		Y	1000	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
60	M.B.C. Management	7984Hwy65	192486		Y	750	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.

61	Ergogenesis	J. Body Built Place	42861		N	5 cfh rotary	(1) Remove existing meter and cap gas pipes.
62	Tractor Supply	9320Hwy 6	13866547		Y	1000	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
63	LaCasita Rest. (Back)	9416Hwy 6	199606		Y	750	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
64	Navasota Inn	9460Hwy6	756859		Y	1000d	(1) Replace existing diaphragm meter with a new Sonix 880 meter. (2) Install a new Sensus 700 GM radio transceiver. (3) Install a 1 inch bypass.
65	W.C. Tractor	10044 State Hwy 6	79010777		N	Sonix 880	(1) Install a new Sensus 700 GM radio transceiver. (2) Install a 1 inch bypass.
66	Western Steakhouse & Dancehall	9524 State Hwy 6			Y	R275	(1) Replace existing diaphragm meter with a new Sensus R415 diaphragm meter. (2) Install a new Sensus 100 GM radio transceiver. (3) Install a 1 inch bypass.

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 7. **AGENDA DATE:** January 27,
2020

PREPARED BY: Brad Stafford, City Manager

APPROVED BY: BS

ITEM: Consideration and possible action on proposal for professional engineering services from KSA on the downtown revitalization project on W. Washington Avenue.

ITEM BACKGROUND:

The proposed project intends to continue improvements along Washington Avenue from 8th Street to 10th Street. The improvements generally include new sidewalks, curb ramps, pedestrian railing, street trees with irrigation, decorative street signs and street lights, and pavement markings. The lump sum engineering fee for this project is \$90,970.00.

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

Staff recommends approval of the proposal for professional engineering services with KSA for the downtown revitalization project on W. Washington Avenue in the amount of \$90,970.00.

ATTACHMENTS:

1. KSA Proposal

January 8, 2020 *Revised January 17, 2020*

Mr. Brad Stafford
City Manager
City of Navasota
P.O. Box 910
Navasota, TX 77868

via email only
<bstafford@navasotatx.gov>

**RE: Proposal for Professional Engineering Services
City of Navasota – Downtown Revitalization W. Washington Ave, 8th Street to 10th Street
KSA Project No. NAV.011**

Dear Mr. Stafford,

KSA Engineers, Inc., (KSA) is pleased to present this letter to serve as our proposal to provide professional engineering services associated with the above referenced project. The following is a general description of the project scope of work to be performed under this proposal. KSA proposes to complete this scope of work at lump sum fee of \$90,970 which is further detailed below and in the attached.

KSA understands the City intends to continue downtown improvements along Washington Ave, from 8th Street (railroad crossing) to 10th Street, on the south side right-of-way from 8th to 9th and both sides of the right-of-way from 9th to 10th. Enclosed is a map of the project location. These improvements generally include new sidewalks, curb ramps, pedestrian railing, street trees with irrigation, decorative street signs and street lights, and pavement markings. These improvements will be designed in accordance with the Texas Accessibility Standards, TxDOT standard construction details and specifications, and will generally match the style and aesthetics of the previous downtown revitalization project completed on Washington Ave between 10th Street and Railroad Street as depicted in the record drawings by Jones & Carter and sealed by Amy S. Hennard, P.E., on December 20, 2018.

Scope of Services

KSA proposes to provide the services outlined in Preliminary Design Phase, Final Design Phase, Bidding Phase, Construction Phase, and Commissioning (Closeout) Phase of the *EJCDC E-505 Standard Form of Agreement between Owner and Engineer for Professional Services*, for the scoped improvement listed above. More specifically those services include:

Preliminary and Final Design Phases

- Project management and coordination.
- Collect, review, compile, and summarize available data of the existing infrastructure and conditions.
- Design kick-off meeting, site visit, and review meeting for each phase deliverable.
- Preliminary Design (60%), Final Design (90%), and Bid Documents (100%) deliverables including plans, technical specifications, and preliminary opinion of probable project cost (POPPC) for the project scope.
- Design documents will include demo plan, layout of improvements, grading plan for new sidewalks and curb ramps, irrigation and street trees plan and details, signage and lighting plan and details, pavement marking layout, and traffic control plans.
- Front-end construction contract documents will be prepared with the Final Design deliverables using relevant EJCDC forms, as amended by KSA and the City, to procure a contractor for the project utilizing the lowest responsive bidder process.

Bidding Phase

- Bid documents will be made available to interested contractors and plan rooms utilizing CivCast.
- Conduct a pre-bid meeting, answer contractor questions and issue addenda as needed, conduct a bid opening and prepare a tabulation of bid amounts, check references for the lowest responsive bidder, and attend a City Council meeting to present the bid results.

Construction and Closeout Phases (120 day construction duration assumed)

- Project management and coordination with the City's inspector and CMT firm.
- Conduct pre-construction meeting, bi-weekly progress meetings, final inspection, and punch list verification meeting for a total of 10 on-site meetings.
- Respond to contractor requests for information, review and approve shop drawings and material submittals, review and recommend change order requests, and review contractor applications for payment.
- Prepare record drawings from contractor's as-built plans.

Special Services: Topographic Design Survey

- Topographic survey of project area in State Plane coordinate system, NAD83 – Central Zone. Existing right-of-way lines will be depicted using monumentation found in the field harmonized with existing public records. The Digital Terrain Model will show 1 foot contours and all improvements within the project limits. Only above-ground utilities or underground utilities marked by others via One-Call will be depicted on the survey.

Special Services: Permitting (TxDOT)

- Provide 60% and 90% design documents to the TxDOT College Station District for review and comment, prepare comment response letters, attend up to three coordination and review meetings with TxDOT and the City, and provide overall coordination with TxDOT for the approval of the construction documents.

The following services are excluded from this proposal:

- Geotechnical investigations and engineering. Standard sidewalk, curb, and pavement repair sections will be used.
- Signalization or intersection improvements beyond replacement of existing street signs and layout of new pavement markings.
- Subsurface utility engineering. Existing utilities will be approximated based on available documentation and One-Call markings in the field.
- Right-of-way acquisition services. Additional right-of-way is not anticipated to complete the proposed improvements.
- Landscape architecture services beyond the layout and specification of street trees and irrigation facilities.
- Environmental services and documentation. Based on the funding source of this project (general City funds), environmental clearance should not be required.
- Permitting beyond TxDOT approval of improvements within State right-of-way. It is anticipated that the project will stop prior to the railroad right-of-way.
- Resident Project Representative. It is understood that the City will provide on-site inspection.
- Construction materials testing (CMT). It is understood that the City will contract with a CMT firm during the construction phase.

These excluded services may be added to KSA's scope via amendment if desired by the City.

Compensation

We propose to perform the services described under in Preliminary Design Phase, Final Design Phase, Bidding Phase, Construction Phase, and Closeout Phase of the Standard Form of Agreement for the above outlined scope for the following lump sum fees:

Preliminary Design Phase Services (60% plans and estimate)	\$ 20,530
Final Design Phase Services (90% and 100% plans, specifications, and estimate)	\$ 17,610
Bid Phase Services	\$ 7,190
Construction Phase Services	\$ 27,750
Closeout Phase Services	\$ 2,550
Special Services: Topographic Design Survey	\$ 10,890
Permitting (TxDOT)	\$ 4,450
<hr/>	
Total for Engineering Services	\$ 90,970

Schedule

We propose to perform the scoped services in accordance with the following schedule.

- Design Survey 3 weeks from NTP
 - Preliminary Design Phase (60%)..... 6 weeks
 - ↳ City and TxDOT Review of Deliverables and Review Meeting..... 2 weeks*
 - Final Design Phase (90%)..... 4 weeks
 - ↳ City and TxDOT Review of Deliverables and Review Meeting..... 3 weeks*
 - ↳ Address FD Comments and Provide 100% Bid Documents 1 week
 - Bid Phase Services 4 weeks
 - ↳ Bid Tabulation and Council Award 3 weeks
 - Construction Phase Services (120 days duration assumed) 18 weeks
 - ↳ Closeout and Record Drawings 1 week
- Total from NTP to Closeout..... 45 weeks

*Please note that City and TxDOT review times above are estimated and longer review times will extend the overall project schedule.

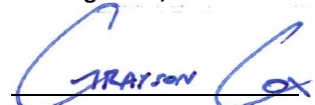
Mr. Brad Stafford
January 8, 2020 Revised January 17, 2020
Page 4 of 4

Proposal Acceptance

If this scope of services and proposed fees are acceptable, KSA will prepare the Standard Form of Agreement and project Task Order for review and execution. As always, KSA appreciates the opportunity to provide professional services for the City of Navasota. If you have any questions, please do not hesitate to call.

Respectfully,

KSA Engineers, Inc.



Grayson M. Cox, P.E.
Project Manager

Attachments: Project Location Map

West Washington



— PROPOSED NEW SIDEWALK

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 8. **AGENDA DATE:** January 27,
2020

PREPARED BY: Brad Stafford, City Manager

APPROVED BY: BS

ITEM: Consideration and possible action on the first reading of Ordinance No. 914-20, authorizing participation with Entergy Service Area Cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission in 2020 and authorizing the hiring of lawyers and rate experts.

ITEM BACKGROUND:

It is once again time to authorize municipal participation in regulatory rate proceedings involving Entergy Texas, Inc. before the Public Utility Commission. The Steering Committee has long played a crucial role in limiting ETI's various requested rate increases to reasonable levels.

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

Staff recommends approval of the first reading of Ordinance No. 914-20, authorizing participation with Entergy Service Area Cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission in 2020 and authorizing the hiring of lawyers and rate experts.

ATTACHMENTS:

1. Ordinance No. 914-20
2. Letter from Lawton Law Firm

ORDINANCE NO. 914-20

AN ORDINANCE OF THE CITY COUNCIL OF NAVASOTA, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2020; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Cities have exclusive original jurisdiction over rates, operations, and services of an electric utility in areas in the municipality pursuant to *Tex. Util. Code* § 33.001;

WHEREAS, Cities have standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the municipality pursuant to *Tex. Util. Code* § 33.025;

WHEREAS, Entergy Texas, Inc. ("ETI" or "Company") is expected to litigate rate change requests in various proceedings before the Public Utility Commission of Texas or before municipalities in 2020, which may include (1) rate proceedings or cost adjustments such as a transmission cost recovery rider, a distribution cost recovery rider, energy efficiency cost recovery factor, or hurricane restoration cost or offset true-ups, and (2) various fuel cost refunds or surcharges and reconciliations;

WHEREAS, ETI is scheduled to file fuel factor proceedings at the Public Utility Commission in February and August 2020, and may file other fuel proceedings to refund or surcharge fuel charges;

WHEREAS, ETI is scheduled to file a proceeding to recover costs incurred in association with its Energy Efficiency Plan as well as reconcile past costs;

WHEREAS, Cities have the statutory right to set fair and reasonable rates for both the Company and customers within Cities; and

WHEREAS, Cities are entitled to reimbursement by the utility of their reasonable rate case expenses to participate in cases that are deemed rate proceedings pursuant to *Tex. Util. Code* § 33.023.

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

SECTION 1. The City of Navasota shall participate with other Cities to intervene in ETI's various rate filings related to the various fuel cost surcharges and reconciliations, any interim or incremental surcharge proceedings or surcharge adjustments, and for any base rate adjustment proceedings or cost of service adjustments on file with the Public Utility Commission of Texas or with municipalities in 2020.

SECTION 2. The City of Navasota employs the Lawton Law Firm P.C. to represent the City with regard to the ETI rate matters before local and Public Utility Commission of Texas and any court of law and authorizes counsel to employ rate experts as are recommended by the Cities' Steering Committee to intervene in fuel or rate related proceedings at the Public Utility Commission concerning ETI's rates charged to Texas customers.

SECTION 3. All such actions shall be taken pursuant to the direction of the Cities' Steering Committee. Cities' Steering Committee shall have authority to retain rate consultants and lawyers. Cities' Steering Committee shall direct the actions of Cities' representatives in the above proceedings. The Steering Committee is directed to obtain reimbursement from ETI of all reasonable expenses associated with participation in said proceedings.

SECTION 4. The meeting at which this 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 be effective from and after the date of its passage.

PASSED by _____ vote of the City Council of the City of Navasota, Texas, this 27th day of January, 2020.

THE CITY OF NAVASOTA, TEXAS

By: _____
MAYOR, BERT MILLER

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

PASSED by _____ vote of the City Council of the City of Navasota, Texas, this 10th day of February, 2020.

THE CITY OF NAVASOTA, TEXAS

By: _____
MAYOR, BERT MILLER

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 512/329-2604

January 9, 2020

Via e-mail

Mr. Richard Ferguson
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City Attorney – City of Sour Lake
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City Attorney – City of Beaumont
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Beaumont, Texas 77704

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Mayor Nyla Akin Dalhaus
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Cut and Shoot, Texas 77306

Amy L. Wade
City Secretary – City of Cut and Shoot
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Mr. Jeff Lambright
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Mr. Theo Melancon
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Port Arthur, Texas 77643

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City of Houston Legal Department
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City Attorney – City of Huntsville
City Attorney – City of Splendora
Liles Parker PLLC
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Interim City Manager – City of Huntsville
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Huntsville, Texas 77340

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City Attorney – City of Dayton
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Liberty, Texas 77575

Mr. Tom Warner
City Manager – City of Liberty
1829 Sam Houston
Liberty, Texas 77575

Mr. Larry L. Foerster
City Attorney – City of Montgomery
City Attorney – City of Roman Forest
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City Attorney – City of Rose City
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Shenandoah, Texas 77381

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City Manager – City of Silsbee
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Silsbee, Texas 77656

Mr. Jack Provost
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Sour Lake, Texas 77959

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City Attorney Leonard Schneider
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Splendor, Texas 77372

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Vidor, Texas 77662-3726

Mr. Chris Leavins
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Beaumont, Texas 77704-4915

Mayor Roy McDonald
Mayor – City of West Orange
2700 Western Avenue
West Orange, TX 77630

Mr. Rex Peveto
City Attorney – City of West Orange
118 Border Street
Orange, Texas 77630

Mr. Michael S. Stelly
City of West Orange, Texas
2700 Austin Avenue
West Orange, TX 77630

Re: **Annual Ordinance Authorizing Municipal Participation in
Regulatory Proceedings of Entergy Texas, Inc. in 2020**

Steering Committee of Cities located in Entergy Texas, Inc.’s Service Territory:

It is once again time to authorize municipal participation in regulatory rate proceedings involving Entergy Texas, Inc. (“ETI” or “Company”) before the Public Utility Commission of Texas (“PUCT” or “Commission”). **Attached is a proposed Ordinance for your consideration to authorize participation in rate proceedings in 2020. Please forward the completed Rate Ordinance to us by email at danlawtonlawfirm@gmail.com and molly@mayhallvandervoort.com.**

The Steering Committee of Cities has long played a crucial role in limiting ETI’s various requested rate increases to reasonable revenue levels. In ETI’s most recent base rate case, which was filed in 2018, the Company requested a \$117.5 million increase.¹ Cities’ participation in the proceedings was instrumental in negotiating a just and reasonable settlement, under which the Company agreed to a rate *decrease* of approximately \$4.3 million. The settlement agreement incorporated many of the recommendations made by Cities’ team of consultants, and the net impact of the settlement on customers turned out to be very close to Cities’ filed case.

In 2019, ETI initiated a fuel cost reconciliation proceeding that is expected to conclude this year. In past years, the Steering Committee of Cities has been able to negotiate favorable settlements for customers for the fuel proceedings filed by ETI. The settlements returned more money to customers and in a more timely fashion than would have been possible through ETI’s filed requests. We have intervened in the pending fuel reconciliation proceeding and will work to ensure that customers receive any fuel credits to which they are entitled. In addition, ETI’s fuel

¹ ETI proposed to offset the first two years of the rate increase by about \$100.8 million per year for excess income taxes collected that it must return to customers as a result of the Tax Cut and Jobs Act of 2017. In other words, under the Company’s proposal, customers would experience a very large rate increase after the first two years and not know why. Cities’ consultants recommended that the excess income taxes be paid out over a longer period of time to lessen the risk of rate shock to customers.

factor was lowered in both of its semi-annual fuel factor filings in 2019. The impact of these two adjustments on residential customers consuming 1,000 kWhs per month was a decrease of approximately \$1.80 per month starting in March 2019 and another \$3.57 per month starting in September 2019.

In 2020, we anticipate that ETI will seek rate revenue increases through incremental cost recovery mechanisms such as the Transmission Cost Recovery Factor (“TCRF”) and the Distribution Cost Recovery Factor (“DCRF”). The Steering Committee of Cities’ past efforts in such proceedings have led to reductions to ETI’s requested TCRF and DCRF increases and even dismissal or denial of ETI’s request for purported incremental cost recovery. The Company is also expected to file its annual application to amend its Energy Efficiency Cost Recovery Factor. As in past years, we will review these filings carefully to ensure that ETI has adhered to all statutory and regulatory requirements.

Finally, last year ETI began construction of its Montgomery County Power Station, a 993-megawatt combined cycle gas turbine plant, adjacent to the Lewis Creek power plant in Willis, Texas. The estimated cost of the plant is \$937 million and it is expected to go live in mid-2021, therefore it is possible that ETI will file a base rate case towards the end of 2020. We will keep the Cities apprised as we learn more of the Company’s plans for its next base rate case.

The continued support of each of the Cities in the Steering Committee has been instrumental in the successful regulation of ETI and in maintaining reasonable rates for customers within the Cities. We look forward to each City’s continued participation with the Steering Committee in the regulatory process. **Please forward completed Rate Ordinances to us by email at danlawtonlawfirm@gmail.com and molly@mayhallvandervoort.com.**

If you have any questions or concerns, please call.

Sincerely,


Daniel J. Lawton

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 9. **AGENDA DATE:** January 27,
2020

PREPARED BY: Shawn Myatt, Chief of Police

APPROVED BY: BS

ITEM: Consideration and possible action on the Navasota Police Department's 2019 Racial Profiling Data Report.

ITEM BACKGROUND:

Senate Bill 1074 requires the Navasota Police Department to submit to the governing body of each municipality served by the agency an annual report of information collected regarding information relating to traffic stops in which a citation is issued and arrests resulting from those traffic stops, including the race or ethnicity of the individual detained and whether a search was conducted and, if so, whether the person detained consented to the search.

BUDGETARY AND FINANCIAL SUMMARY:

STAFF RECOMMENDATION:

Staff recommends the Acceptance of the Navasota Police Department's 2019 Racial Profiling Data Report and that the report be placed on file.

ATTACHMENTS:

1. Racial Profiling Report 2019



**Navasota Police Department
Annual Contact Data Report
2019**



Navasota Police Department

200 E. McAlpine / P.O. Box 910
Navasota, Texas 77868
Office: 936-825-6124 Fax: 936-825-7280



January 3, 2020

Since January 1, 2002, the Navasota Police Department, in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identifying and responding to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Navasota Police Department continues to strive towards the goal of maintaining strong relations with the community.

This report provides statistical data relevant to the public contacts made during the period of 1/1/19 and 12/31/19.

The Navasota Police Department did not receive any complaints on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 01/01/19 – 12/31/19.

Sincerely,

Shawn Myatt
Chief of Police
Navasota Police Department

**Navasota Police Department
General Contact Information**

Navasota Police Department
P O Box 910
200 E McAlpine
Navasota, TX 77868

936-825-6124 Admin Line
936-825-6410 Police Line
936-825-7280 Fax Line

Chief of Police: Shawn Myatt

Racial Profiling Report

Agency Name: NAVASOTA POLICE DEPARTMENT
Reporting Date: 1/3/2020
TCOLE Agency Number: 185201
Chief Administrator: SHAWN MYATT
Agency Contact Information:
Phone: 936-825-6410
Email: SMYATT@NAVASOTATX.GOV
Mailing Address: P O BOX 910 / NAVASOTA , TX 77868

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop; and (7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Texas Commission on Law Enforcement; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by:

Shawn Myatt

Date:

1/7/20

Racial Profiling Reporting

Tier 2 (Rev. 2018)

NAVASOTA POLICE DEPARTMENT

Module(s): All

Call Type(s): All

Date Range: From 1/1/2019 To 12/31/2019

Gender	400 Female
	773 Male
	1173 Total
Race or Ethnicity:	375 Black
	11 Asian / Pacific Islander
	420 White
	360 Hispanic / Latino
	7 Alaska Native / American Indian
	1173 Total
Race or Ethnicity known prior to stop?	56 Yes
	1117 No
	1173 Total
Reason for stop:	124 Violation of law other than traffic
	41 Pre-existing knowledge (i.e. warrant)
	775 Moving Traffic Violation
	233 Vehicle Traffic Violation (Equipment, Inspection or Registration)
	1173 Total
Street address or approximate location of the stop:	679 City Street
	3 US Highway
	22 County Road
	441 State Highway
	28 Private Property or Other
Search conducted?	78 Yes
	1095 No
	1173 Total

Racial Profiling Reporting

Tier 2 (Rev. 2018)

NAVASOTA POLICE DEPARTMENT

Module(s): All

Call Type(s): All

Date Range: From 1/1/2019 To 12/31/2019

Reason for search:	24 Consent
	4 Contraband/evidence in plain site
	24 Probable cause or reasonable suspicion
	18 Inventory search performed as result of towing
	8 Incident to arrest/warrant
	78 Total - Must equal Search conducted (Yes)
Contraband discovered?	30 Yes
	48 No
	78 Total - Must equal Search conducted (Yes)
Description of Contraband:	15 Illegal drugs / drug paraphernalia
	0 Currency
	5 Weapons
	5 Alcohol
	4 Stolen property
	1 Other
	30 Total - Must equal Contraband discovered (Yes)
Result of Stop:	37 Verbal Warning
	770 Written Warning
	320 Citation
	14 Written Warning and Arrest
	18 Citation and Arrest
	14 Arrest
	1173 Total
Arrest based on:	30 Violation of the Penal Code
	6 Violation of the Traffic Law
	2 Violation of the City Ordinance
	8 Outstanding Warrant
Was physical force resulting in bodily injury used during stop?	0 Yes
	1173 No

Comparative Analysis

Table 1. Citizen Contacts and U.S. Census Data of Navasota Population by Race

Race/Ethnicity*	Contacts***		Census Data		Variance	
	N	%	N	%	N	%
Caucasian**	780	66.50	3694	52.40	2914	14.10
African	375	31.97	2156	30.59	1781	1.38
Asian	11	.94	25	.35	14	.59
Native American	7	.59	33	.47	26	.12
Other	0	0	1141	16.19	1141	
Total	1173		7049			

*Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

**In this table, Hispanic drivers have been added to the Caucasian driving population. This has been done in order to correspond with Census collection data.

***Contact figures include residential and non-residential contacts.

Table 2. Comparison of Contacts and U.S. Census Data of Navasota by Gender

Male/Female	Contacts*		Census Data		Variance	
	N	%	N	%	N	%
Female	400	34.10	3767	53.44	3367	-19.34
Male	773	65.90	3282	46.56	2509	19.34
Total	1173		7049			

*Contact figures include residential and non-residential contacts.

Training

In compliance with the Texas Racial Profiling Law, the Navasota Police Department has asked that all its officers adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the Navasota Police Department have been asked to complete a TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

To date, all sworn officers of the Navasota Police Department have completed the TCOLE required racial profiling training course.

The chief of police, as part of the initial training and continued education for such appointment, will attend the LEMIT program on racial profiling. This will fulfill the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Training Law.

Summary Statement

The findings suggest that the Navasota Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received complaints from community members regarding officers misconduct associated with racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the Navasota Police Department practices. Thus, allowing for the citizens of the Navasota community to benefit from professional and courteous service from their police department.

Brochures with additional information concerning racial profiling, including how to make a compliment or complaint, are located in the City Hall lobby, located at 200 East McAlpine, Navasota, Texas. Compliments or complaints may also be submitted online at www.navasotatx.gov. Questions regarding these findings should be directed to Chief Myatt at (936) 825-6124.

**CITY OF NAVASOTA
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 10. **AGENDA DATE:** January 27,
2020

PREPARED BY: Susie M. Homeyer, City Secretary

APPROVED BY: BS

ITEM: Consent Agenda: The following items may be acted upon with one motion and vote. No separate discussion or action is necessary unless requested by the Mayor or a City Councilmember, in which event the item will be removed from the Consent Agenda for separate discussion and/or action by the City Council as part of the regular agenda.

Consent Items Are:

A. Consideration and possible action on the second reading of Ordinance No. 912-20, changing the current zoning from A/O: Agriculture/open Space District to M-1: light industrial district for the properties legally described as A0046 J Moore, Tract 27, Acres 3.03, and A0046 J Moore, Tract 10, Acres 2.00, changing the current zoning from A/O: Agriculture/open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district for the properties legally described as, S8019 - River Haven, block 1, Lot 3-1, Acres 1.26, S8019 - River Haven, block 1, lot 2-1, Acres 7.7, S8019 - River Haven, block 1, lot 1-1, Acres 14.619, and A0002 D Arnold, Tract 34-2, Acres 10.84, changing the current zoning from A/O: Agriculture/open Space District to R-3: high density, multi-dwelling unit, residential district for the properties legally described as A0002. D Arnold, Tract 18, Par 5, Acres 27.76 and S8212 - Savensky Subdivision, Block 1, Lot 1, Acres 1, located in Navasota, Grimes County, Texas; and

B. Consideration and possible action on the second reading of Ordinance No. 913-20, Uniform Right-of-Way management ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the consent agenda items which include the second reading of Ordinance No. 912-20, changing the current zoning from A/O: Agriculture/open Space District to M-1: light industrial district for the properties legally described as A0046 J Moore, Tract 27, Acres 3.03, and A0046 J Moore, Tract 10, Acres 2.00, changing the current zoning from A/O: Agriculture/open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district for the properties legally described as, S8019 - River Haven, block 1, Lot 3-1, Acres 1.26, S8019 - River Haven, block 1, lot 2-1, Acres 7.7, S8019 - River Haven, block 1, lot 1-1, Acres 14.619, and A0002 D Arnold, Tract 34-2, Acres 10.84, changing the current zoning from A/O: Agriculture/open Space District to R-3: high density, multi-dwelling unit, residential district for the properties legally described as A0002. D Arnold, Tract 18, Par 5, Acres 27.76 and S8212 - Savensky Subdivision, Block 1, Lot 1, Acres 1, located in Navasota, Grimes County, Texas; and the second reading of Ordinance No. 913-20, Uniform Right-of-Way management ordinance.

ATTACHMENTS:

1. Ordinance No. 912-20
2. Ordinance No. 913-20

ORDINANCE NO. 912-20

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NAVASOTA, TEXAS TO REZONE THE FOLLOWING PROPERTY FROM A/O: AGRICULTURE/OPEN SPACE DISTRICT TO M-1: LIGHT INDUSTRIAL DISTRICT: A0046 J MOORE, TRACT 27, ACRES 3.03, A0046 J MOORE, TRACT 10, ACRES 2.00, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NAVASOTA, TEXAS TO REZONE THE FOLLOWING PROPERTY FROM A/O: AGRICULTURE/OPEN SPACE DISTRICT TO R-1C: LOW DENSITY, SINGLE DWELLING UNIT, 2 ACRE LOT OR LARGER, RESIDENTIAL DISTRICT: RIVER HAVEN, BLOCK 1, Lot 3-1, ACRES 1.26, S8019 - RIVER HAVEN, BLOCK 1, Lot 2-1, ACRES 7.7, S8019 - RIVER HAVEN, BLOCK 1, Lot 1-1, ACRES 14.619, A0002 D ARNOLD, TRACT 34-2, ACRES 10.84, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NAVASOTA, TEXAS TO REZONE THE FOLLOWING PROPERTIES FROM A/O: AGRICULTURE/OPEN SPACE DISTRICT TO R-3: HIGH DENSITY, MULTI-DWELLING UNIT, RESIDENTIAL DISTRICT: A0002. D ARNOLD, TRACT 18, PAR 5, ACRES 27.76, S8212 - SAVENSKY SUBDIVISION, BLOCK 1, Lot 1, ACRES 1; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 24TH day of October 2019, a workshop was held by the Planning and Zoning Commission to discuss the rezoning of certain properties currently zoned as A/O: Agricultural/Open Space Districts to be in accordance with the Comprehensive Plan of the City of Navasota; and

WHEREAS, it was determined that a 3.03 acre tract legally described as A0046 J MOORE, TRACT 27, a 2.0 acre tract legally described as A0046 J MOORE, TRACT 10, should be rezoned from A/O: Agriculture/Open Space District to M-1: light industrial district; and

WHEREAS, it was determined that a 1.26 acre tract legally described as S8019 - RIVER HAVEN, BLOCK 1, Lot 3-1, a 7.7 acre tract legally described as S8019 - RIVER HAVEN, BLOCK 1, Lot 2-1, a 14.619 acre tract legally described as S8019 - RIVER HAVEN, BLOCK 1, Lot 1-1, ACRES 14.619, a 10.84 acre tract legally described as A0002 D ARNOLD, TRACT 34-2, should be rezoned from A/O: Agriculture/Open Space District to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district; and

WHEREAS, it was determined that a 27.76 acre tract legally described as A0002. D ARNOLD, TRACT 18, PAR 5, a 1 acre tract legally described as S8212 - SAVENSKY SUBDIVISION, BLOCK 1, Lot 1, should be rezoned from A/O: Agriculture/Open Space District to R-3: high density, multi-dwelling unit, residential district; and

WHEREAS, the rezoning of said properties is in harmony with the Comprehensive Plan of the City of Navasota; and

WHEREAS, on the 12th of December 2019, a public hearing was held before the Planning and Zoning Commission of the City of Navasota, a quorum being present on the occasion and said matter of rezoning being part of the agenda for said Commission meeting, an opportunity to present arguments for and against the proposed rezoning was held; and

WHEREAS, the properties are shown on Exhibit "A" attached hereto and incorporated herein for all purposes pertinent; and

WHEREAS, the Planning and Zoning Commission recommends to the Navasota City Council, that the properties legally described as A0046 J MOORE, TRACT 27, ACRES 3.03, A0046 J MOORE, TRACT 10, ACRES 2.00 be rezoned as M-1: Light Industrial District; and

WHEREAS, the Planning and Zoning Commission recommends to the Navasota City Council, that the properties legally described as S8019 - RIVER HAVEN, BLOCK 1, Lot 3-1, ACRES 1.26, S8019 - RIVER HAVEN, BLOCK 1, Lot 2-1, ACRES 7.7, S8019 - RIVER HAVEN, BLOCK 1, Lot 1-1, ACRES 14.619, A0002 D ARNOLD, TRACT 34-2, ACRES 10.84, be rezoned as R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district; and

WHEREAS, the Planning and Zoning Commission recommends to the Navasota City Council, that the properties legally described as A0002. D ARNOLD, TRACT 18, PAR 5, ACRES 27.76 and S8212 - SAVENSKY SUBDIVISION, BLOCK 1, Lot 1, ACRES 1, be rezoned as R-3: high density, multi-dwelling unit, residential district; and

WHEREAS, on the 13th day of January 2020, after notice as required by law, a public hearing was held before the Navasota City Council, a quorum being present on the occasion and said matter of rezoning being part of the agenda, an opportunity to present arguments for and against the proposed rezoning was held;

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

SECTION 1. The Official Zoning Map of the City of Navasota is hereby amended to change the following properties currently zoned as A/O: Agriculture/Open Space District to M-1: Light Industrial District: a 3.03 acre tract legally described as A0046 J MOORE, TRACT 27, a 2.0 acre tract legally described as A0046 J MOORE, TRACT 10.

SECTION 2. The Official Zoning Map of the City of Navasota is hereby amended to change the following properties currently zoned as A/O: Agriculture/Open Space District

to R-1C: low density, single dwelling unit, 2 acre lot or larger, residential district: a 1.26 acre tract legally described as S8019 - RIVER HAVEN, BLOCK 1, Lot 3-1, a 7.7 acre tract legally described as S8019 - RIVER HAVEN, BLOCK 1, Lot 2-1, a 14.619 acre tract legally described as S8019 - RIVER HAVEN, BLOCK 1, Lot 1-1, ACRES 14.619, a 10.84 acre tract legally described as A0002 D ARNOLD, TRACT 34-2.

SECTION 3. The Official Zoning Map of the City of Navasota is hereby amended to change the following properties currently zoned as A/O: Agriculture/Open Space District to R-3: high density, multi-dwelling unit, residential district: a 27.76 acre tract legally described as A0002. D ARNOLD, TRACT 18, PAR 5, a 1 acre tract legally described as S8212 - SAVENSKY SUBDIVISION, BLOCK 1, Lot 1.

SECTION 4. That if any section, subsection, word, sentence or phrase of this Ordinance is held invalid, it shall not affect the remaining parts of this ordinance.

SECTION 5. This Ordinance shall become effective from and after its passage, approval, and adoption on second reading.

PASSED AND ADOPTED ON FIRST READING THIS THE 13th DAY OF JANUARY 2020.

BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

PASSED AND ADOPTED ON SECOND READING THIS 27TH DAY OF JANUARY 2020.

BERT MILLER, MAYOR

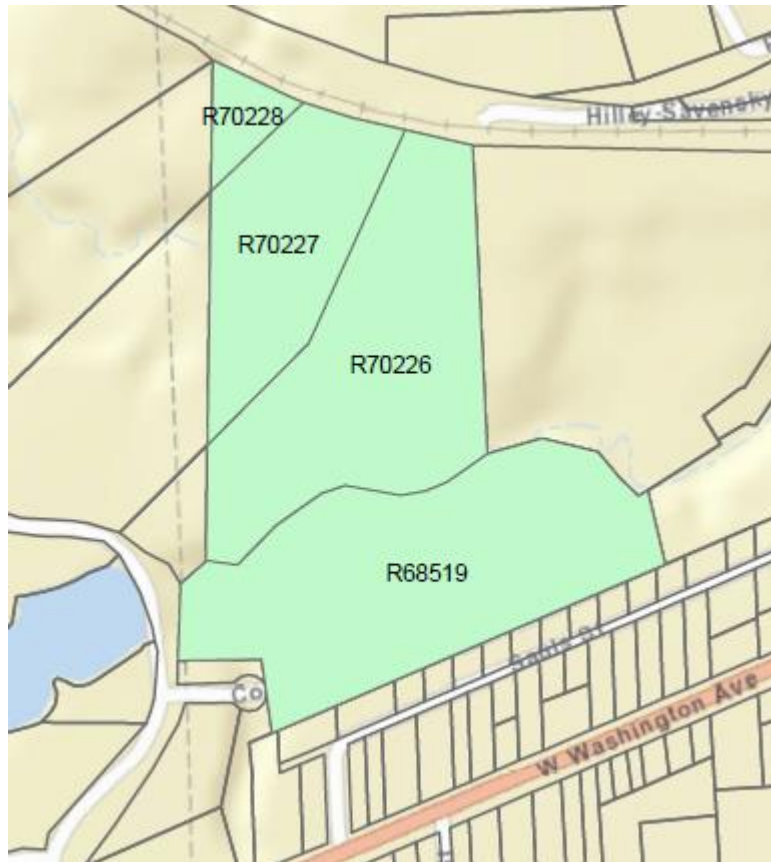
ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

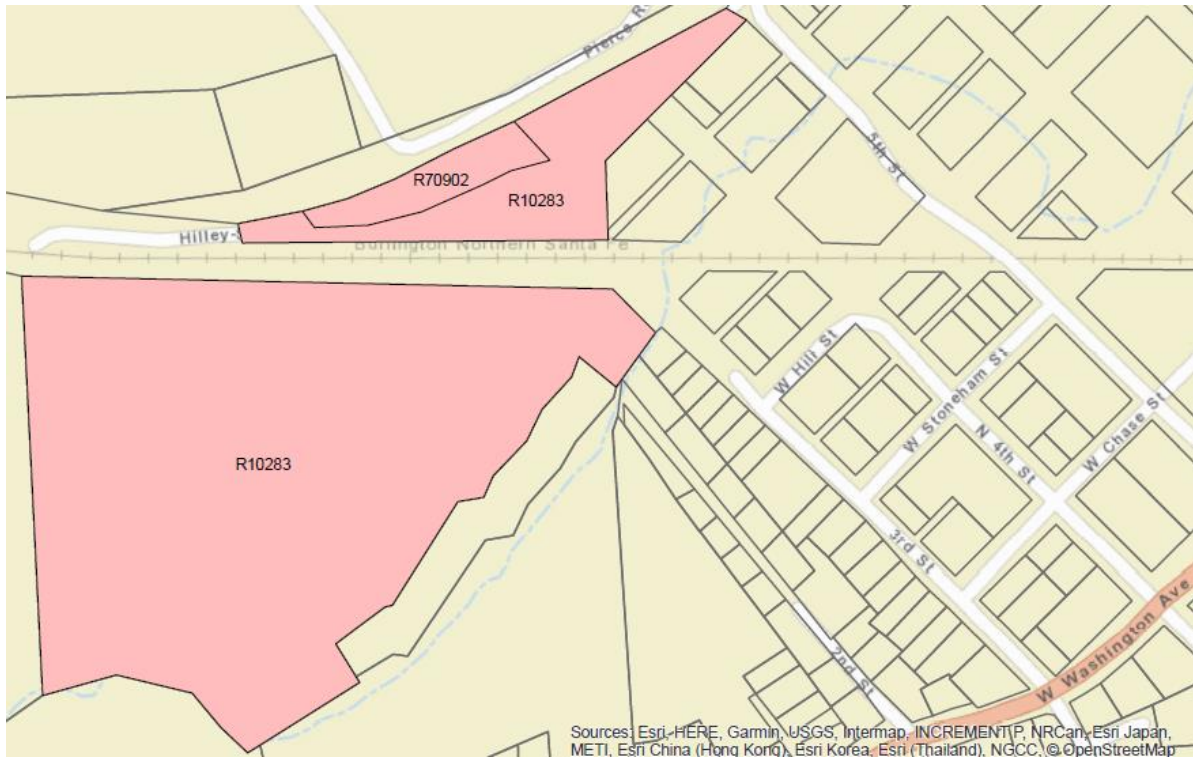
Exhibit "A"



R13794: A0046 J MOORE, TRACT 27, ACRES 3.03
R13776: A0046 J MOORE, TRACT 10, ACRES 2.00



- R70228: S8019 - RIVER HAVEN, BLOCK 1, Lot 3-1, ACRES 1.26
- R70227: S8019 - RIVER HAVEN, BLOCK 1, Lot 2-1, ACRES 7.7
- R70226: S8019 - RIVER HAVEN, BLOCK 1, Lot 1-1, ACRES 14.619
- R68519: A0002 D ARNOLD, TRACT 34-2, ACRES 10.84



R70902: S8212 - SAVENSKY SUBDIVISION, BLOCK 1, Lot 1, ACRES 1
R10283: A0002. D ARNOLD, TRACT 18, PAR 5, ACRES 27.76

ORDINANCE NO. 913-20

UNIFORM RIGHT-OF-WAY MANAGEMENT ORDINANCE

AN ORDINANCE OF THE CITY OF NAVASOTA, TEXAS, GOVERNING THE UNIFORM USE, OCCUPANCY AND CONSTRUCTION IN THE CITY'S PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE FOLLOWING: DEFINITIONS; FRANCHISE REQUIRED; REGISTRATION OF RIGHTSOF-WAY OCCUPANTS; CONSTRUCTION STANDARDS; CONDITIONS OF GRANT; ENFORCEMENT, INCLUDING FINE NOT TO EXCEED \$500.00 OR CIVIL PENALTY NOT TO EXCEED \$500.00; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the laws of the State of Texas have consistently and expressly preserved the historic authority of Texas municipalities to manage the public rights-of-way and regulate the use, occupancy and construction in those public rights-of-way; and

WHEREAS, in Chapter 283 of the Texas Local Government Code, the State of Texas has granted telecommunications companies holding a certificate from the Public Utilities Commission of Texas the authority to place their poles, conduit, cable, switches and related appurtenances and facilities within the City's public rights-of-way; and

WHEREAS, the City Council may at its discretion grant authority in the form of franchise ordinances to persons other than telecommunications companies seeking to occupy the City's public rights-of-way, such as but not limited to, those transmitting or distributing gas, water, wastewater, electricity, or cable services; and

WHEREAS, the City Council may require persons to register and obtain construction permits in order to place facilities within the public rights-of-way and repair or maintain those facilities; and

WHEREAS, the City Council may, in the course of protecting the public health, safety and welfare, exercise its police powers to regulate the use of the public rights-of-way in a reasonable, competitively neutral and nondiscriminatory manner; and

WHEREAS, pursuant to the laws of the State of Texas and its inherent police powers, the City Council may establish reasonable regulations governing construction activities within and upon the public rights-of-way so to preserve those valuable public resources, maintain the physical integrity of the streets, conserve the limited physical capacity of the public rights-of-way, prevent pedestrian and vehicular traffic hazards, minimize

congestion, avoid damage to private property, limit visual blight and noise, and protect the public health, safety and welfare; and

WHEREAS, the City Council finds that it is necessary for the good government, peace or order of the City to adopt an ordinance regulating the use of public rights-of-ways within the City;

WHEREAS, municipal police power-based regulations as applied to management of the public rights-of-way typically include provisions regarding restrictions on excavations, cutting curbs and streets, detouring traffic, erecting barricades, restoring public rights-of-way, trimming trees, and relocating facilities; and

WHEREAS, upon issuance of public notice and conducting a public meeting, the City Council find the enactment of the following regulations to be reasonably necessary to protect the public health, safety and welfare.

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

SECTION I
ENACTING PROVISIONS

A. COMMON NAME

This Ordinance shall commonly be referred to as the “Uniform Right-of-Way Management Ordinance.”

B. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Navasota and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

C. Purpose

The purpose of this Ordinance is to:

1. Assist in the management of public rights-of-way in a non-discriminatory and competitively neutral manner;
2. Govern the use and occupancy of the rights-of-way by Certificated Telecommunications Providers,

cable service providers, electric distribution systems, gas distribution systems, and all other persons expressly authorized by the City or State law to construct and maintain facilities in the public rights-of-way.

3. Assure that the City can continue to fairly and responsibly protect the public health, safety and welfare and effectively manage its rights-of-way as a vital public resource.
4. Minimize the disruption, damage, or alteration of existing trees, vegetation, and ground cover in the City's public rights-of-way.
5. Minimize the congestion, inconvenience, visual impact, costs, and other adverse effects of construction in and use of the City's public rights-of-way.
6. Conserve the limited capacity of the City's public rights-of-way held in public trust by the City.
7. Preserve the physical integrity of and control the orderly flow of vehicles and pedestrians on the City's public rights-of-way.
8. Assist the City in its efforts to identify the different entities using the City's public rights-of-way.

SECTION II **DEFINITIONS**

Definitions

Whenever used in this Ordinance, the following terms, as well as their singular, plural, and possessive forms, shall have the following definitions and meanings, unless the context of the sentence in which they are used indicates otherwise:

1. “*Cable Service*” means Cable Service as defined in the Cable Communications Policy Act of 1984, as amended, 47 U.S.C.A. §522 et seq.
2. “*Certificated Telecommunications Provider*” or “CTP” means a person who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the Public Utility Commission to offer local exchange telephone service.
3. “*District*” means any district or authority created by authority of either Texas Constitution, art. III, § 2(b)(1)-(2), or art. XVI, § 59.

4. “*Facilities*” means any and all of the duct spaces, manholes, lines, wires, fibers, poles, conduits, underground and overhead passageways, and other equipment, structures, plant and appurtenances, and all associated transmission media placed in, on, over or under the public rights-of-way, including wires, cables and pipelines.
5. “*Grantee*” means a person that the City has expressly granted the authority to use, occupy and construct facilities within the City’s public rights-of-way pursuant to a duly enacted franchise ordinance. The term also includes certificated telecommunications providers, districts, and water supply corporations.
6. “*Person*” means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, cooperative, utility, public utility, retail public utility, district, water supply corporation, political subdivision and any other legal entity.
7. “*Plans of Record*” means “as built” construction plans, maps, and drawings used in the ordinary course of business and as reasonably required by the City of facilities in the public rights-of-ways.
8. “*Public Rights-of-Way*” or “*Rights-of-Way*” means the area on, below, above or adjacent to a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement, in which the City has an interest. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications.
9. “*Public Utility*” means a “public utility” as that term is used in the Public Utility Regulatory Act of 1995, Texas Utilities Code, § 11.004, including municipally owned and/or operated utilities, and also means a “gas utility” as that term is defined in the Gas Utility Regulatory Act, Texas Utilities Code, §101.004, including municipally owned and/or operated utilities.
10. “*Telecommunications Service*” means the rent, sale or lease, of plant, equipment, facilities, or other property for the transmission of voice, data, image, graphics and other communications between or among points by wire, fiber optics, or other similar facilities, but does not include the provision to the public of any "wireless service," as defined by law, and does not include long-distance transmissions (inter-LATA and intra-LATA toll transmissions).
11. “*Telecommunications Utility*” means "Telecommunications Utility" as used in the Public Utility Regulatory Act of 1995, Texas Utilities Code, Section 51.002(11).

12. “*Use and Occupancy*” means installation, construction, re-construction, maintenance, or repair, of any facilities in, over, under, along, through or across the Public rights-of-way for any purpose whatsoever.
13. “*City*” means The City of Navasota, Grimes County, Texas, a duly incorporated municipality.
14. “*City Council*” means the City Council of the City of Navasota, Texas.
15. “*Water Supply Corporation*” means a nonprofit water supply or sewer service corporation created or operating under Texas Water Code Chapter 67.

C. Non-discrimination and Competitive Neutrality

City hereby recognizes that it has the legal duty to ensure that it will not create physical or economic barriers to any Grantee attempting to enter the market, and to ensure that all City regulations are imposed in a competitively neutral manner.

D. Governing Law

This Ordinance shall be construed in accordance with the other City ordinances in effect on the date of passage of this Ordinance and as may be amended from time to time to the extent that such Ordinance is not in conflict with or in violation of the Constitution and laws of the United States or the State of Texas.

**SECTION III
FRANCHISE REQUIRED**

A. General

No person shall use, occupy or construct Facilities in, upon, over or under the City’s public rights-of-way, without first having applied for and received a franchise or other authorization from the City unless otherwise provided by law.

B. Certificated Telecommunications Providers

Pursuant to Texas Local Government Code Chapter 283, a CTP is not required to obtain a franchise. A CTP is subject to all other provisions of this Ordinance.

SECTION IV
REGISTRATION OF RIGHTS-OF-WAY OCCUPANTS

A. Registration Required

1. No person shall use, maintain, operate, occupy or construct Facilities in, upon, over, or under the City's public rights-of-way without having registered with the City in accordance with the following provisions. In order to protect the public health, safety and welfare, all persons using or occupying the rights-of-way will register with the City. Registration will be issued in the name of the person who will own the facilities. Registration must be renewed every five (5) years. If a registration is not renewed, subject to sixty (60) day notification to the owner, the facilities of the user will be deemed to have been abandoned.
2. All persons using or occupying the City public rights-of-way must register within ninety (90) days after the effective date of this Ordinance.
3. Persons possessing a current franchise issued by the City do not need to register under this section.

B. Required Information

Registration shall be on a form prescribed by the City and shall include:

1. The name of the user of the rights-of-way;
2. The name, address and telephone number of the people who will be contact person(s) for the user;
3. The name, address and telephone number of any and all contractors or subcontractors who will be working in the rights-of-way on behalf of the user;
4. The name(s) and telephone number of an emergency contact who shall be available twenty-four (24) hours a day;
5. Proof of insurance, as specified in Section VI, subsection B.
6. When any information provided in the registration changes, the user shall inform the City of the change no more than thirty (30) days after the date the change is made.

SECTION V.
CONSTRUCTION STANDARDS

A. Rights-of-Way Construction Permits

1. No person shall excavate, contract, install, repair or maintain facilities in, upon, over or under the City's public rights-of-way or affect traffic flow without first having applied for and received a nonexclusive rights-of-way construction permit from the City in accordance with the following provisions. Persons, including Grantees, are required to obtain a rights-of-way construction permit prior to conducting land-disturbing activities for any reason in the public rights-of-way.
2. A permit shall not be required for the installation of facilities necessary to initiate service to a customer's property, or repair or maintenance of existing facilities unless such repair or maintenance requires the breaking of pavement, the closure of a nonresidential traffic lane, excavation or boring.
3. No permit shall be issued unless the Grantee has a valid franchise, as provided by Section III, above, and the Grantee is in full compliance with all terms of the franchise, including payment of any franchise fees.
4. No permit shall be issued unless the Grantee has registered with the City, as provided by Section IV, above.
5. The rights-of-way construction permits shall be available at a cost of twenty-five dollars (\$25.00) and shall not be unreasonably delayed or withheld by the City.
6. On a form prescribed by the City, the Grantee shall provide the following information in order to apply for a rights-of-way construction permit.
 - (a) The name of the Grantee;
 - (b) The name, address and telephone number of the contact person(s) for the Grantee;
 - (c) The name, address and telephone number of any and all contractors or subcontractors performing the work;
 - (d) A detailed description of the project, duration of the project, location of the desired work, erosion control plan, and proposal for lane closures, if any; and
 - (e) Proof of insurance and a surety bond, as specified in Section VI, subsections B & C.

7. A copy of the permit and engineering plans shall be maintained at the construction site and made available for inspection by the City at all times when construction or installation work is occurring.
8. If any of the provisions of this Ordinance are not followed, a permit may be revoked by the City Manager or the City Manager's designee. If a person has not followed the terms and conditions of this Ordinance and work done pursuant to a prior permit, new permits may be denied or additional terms required.
9. Appeal from denial or revocation of permit or from the decision of the City Manager or the City Manager's designee shall be to the City Council. Appeal shall be filed with the City Secretary within fifteen (15) calendar days from the date of the decision being appealed.
10. The City shall assign the location in, across, along, over, or under the public right-of-way among competing users with due consideration to each user type and the public health, safety and welfare. Based on these considerations, the City may prohibit a person from using the public right-of-way, unless expressly prohibited to do so by state or federal law. A construction permit is not transferable or assignable to any person Other than the Grantee without the prior written approval of the City.

B. Construction and Maintenance of Facilities

1. Facilities installed by Grantee in City shall be placed underground and shall be under construction within sixty (60) days of a Developer's request and assurance that the site is ready for utility installation. Grantee shall maintain good faith efforts toward completion of the installation of facilities. Surface equipment may be installed at any time provided no excessive damage to infrastructure occurs.
2. Final or record plats of approved subdivisions may be obtained from the County. When any final or record plat has been signed by the property owner and approved by the City, a Grantee may begin construction and installation of facilities in the utility easements as depicted in the final or record plat.
3. Pursuant to the laws of the State of Texas and this Ordinance, Grantee has the non-exclusive right and privilege to use and occupy the public rights-of-way in City for the purpose of maintaining and operating its facilities subject to the terms, conditions, and stipulations set forth in this Ordinance, the Constitution and laws of the United States and the State of Texas and the City's Ordinances to the extent such Ordinances are not in conflict herewith.

4. Grantee's facilities and transmission media used in or incident to the provision of services and to the maintenance of a business by Grantee in City shall remain as now constructed, subject to such changes under the conditions prescribed in this Ordinance as may be considered necessary to protect the public health and safety, and such changes and extensions as may be considered necessary by Grantee in the pursuit of its business. Grantee shall at all times during the term of this Ordinance be subject to all lawful exercise of the police power by City in the operation and maintenance of the public rights-of-way. The terms of this Ordinance shall apply throughout City and shall apply to all of Grantee's facilities.
5. The permitted working hours in the rights-of-way are 7:00 a.m. to 6:00 p.m., Monday through Friday. Work that needs to be performed after 6:00 p.m. Monday through Friday must be approved by the City in advance. Any work performed on Saturday must be approved twenty-four (24) hours in advance by the City. Directional boring is permitted only Monday through Friday 7:00 a.m. to 6:00 p.m., unless approved in advance. No work will be done, except for emergencies, on Sundays or legal holidays, unless approved in advance.

C. Location of Facilities

All facilities shall be constructed, installed and located in accordance with the following terms and conditions:

1. All cables, wires, telephone lines, pipelines and other facilities installed are required to be placed underground. Such facilities shall be installed within its existing underground duct or conduit or on existing poles whenever excess capacity exists within such facility.
2. All facilities in a public right-of-way shall be constructed, installed, placed, and maintained with the utmost diligence so that such facilities will not:
 - (a) endanger the lives of any person;
 - (b) unnecessarily inconvenience the public or residents of the City;
 - (c) unreasonably interfere with any City improvements;
 - (d) obstruct the free use of public easements, public grounds, or public right-of-ways;
 - (e) interfere with any existing facilities, traffic control signals, street lights, fire lines, or communication lines; or
 - (f) obstruct or hinder in any manner the various utilities serving City residents.
3. In determining whether any requirement under this Section is unreasonable or unfeasible, the City Manager or the City Manager's designee shall consider, among other things, whether the requirement would subject Grantee to an unreasonably increased risk of service interruption, to

an unreasonably increased liability for accidents, to an unreasonable delay in construction or in the availability of its services, or to any other unreasonable technical or economic burden.

D. Damage to Property

Grantee, or any person acting on Grantee's behalf, shall not take any action or permit any action to be done which may impair or damage any City property or other property located in, on or adjacent to the public rights-of-way. Nothing in this Ordinance relieves a Grantee, municipality, or any other person or entity from its obligations to obtain locates of underground facilities before excavation as required by the Underground Facility Damage Prevention and Safety Act, Texas Utilities Code, Section 251.001, et seq.

E. Notice of Repair and Emergency Work

Grantee, or any person acting on Grantee's behalf, shall not commence any work in or about City property or public rights-of-way without providing seven (7) days advance notice to City. If an emergency exists which makes advance notification impossible, the Grantee may begin that response or repair work, or take any action required under the circumstances, provided that notice to the City is given as promptly as possible after beginning the work, and Grantee acquires any approval required by City ordinances applicable to emergency response work.

F. Maintenance of Facilities

Grantee shall maintain its facilities in a good and safe condition and in a manner that complies with all applicable law.

G. Relocation or Removal of Facilities

1. Grantee may not locate or maintain its Facilities so as to unreasonably interfere with the use of City property or public rights-of-way by City or by other persons authorized to use or be present in or upon City property or public rights-of-way. In the event of unreasonable interference to City property or public rights-of-way, such Facilities shall be moved by Grantee, temporarily or permanently, as determined by the City Manager or the City Manager's designee upon reasonable notice. If the temporary removal of Grantee's aerial facilities is necessary to permit the moving of houses or other bulky structures, Grantee shall be required to temporarily remove the same upon not less than twenty (20) days advance notice by a party permitted to move a building, house or other bulky structure. Upon a showing that twenty (20) days does not afford a Grantee adequate time to arrange removal of facilities, the parties shall agree upon a schedule which shall not unreasonably delay the moving of houses or other bulky structures. The expenses of such

temporary relocation or removal of aerial facilities shall be paid in advance by the party or parties requesting and benefitting from such temporary relocation or removal.

2. Within thirty (30) days following written notice from City, or a mutually agreed upon time frame, Grantee shall, without claim for reimbursement or damages against City, temporarily or permanently (as determined by the City) remove, relocate, change or alter the position of any facilities on City property or within the public rights-of-way whenever City officials determine that such removal, relocation, change or alteration is reasonably required for the widening or straightening of streets.
3. In any instance in which operation of Subsection 2 of this Section is deemed by Grantee to impose a significant financial hardship, Grantee shall have the right to present alternative proposals to City, and City shall give due consideration to any such alternative proposals.
4. If after proper notice, Grantee fails or refuses to remove or abate the facilities in question, City retains the rights and privilege to remove or abate any such utility facilities, at the sole cost and expense of Grantee. In performing or permitting such work to be done, City shall not be liable to any carrier or any Grantee for any damages to any utility facilities unless directly and proximately caused by the willful, intentional or malicious act by City, and shall not be liable in any event for any consequential damages relating to service interruptions.

H. Emergency Removal or Relocation of Facilities

City retains the right and privilege to cut or move any facilities located on City property or within the public rights-of-way that the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. City shall cooperate to the extent possible with Grantee in such instances to assure continuity of service, and to afford Grantee the opportunity to make such relocation and/or removal itself where deemed reasonable, at City's sole discretion. City shall use all reasonable means to minimize the disruption of service.

I. Restoration of Public Rights-of-Way and City Property

1. When Grantee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or City property, it shall at its own expense, promptly remove any obstructions and restore such public rights-of-way or City property to as good a condition as existed before the work was undertaken, including the compaction of all trench fill material in accordance with applicable regional standards. Soil testing shall be undertaken at all street crossings and as requested by the City, and as is required of all other users of the public rights-of-way.

2. Grantee shall replace and properly repair the surface, base, irrigation system and landscape treatment of any public rights-of-way that may be excavated or damaged by reason of the erection, construction, maintenance, or repair of the Grantee's facilities within ten (10) calendar days after completion of the work in accordance with existing standards of the City in effect at the time of the work.
3. If weather or other conditions do not permit the complete restoration required by this Section, Grantee shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at Grantee's sole expense and Grantee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.
4. Grantee shall contain all sediment within the work area using erosion control measures and erosionlimiting construction techniques. Grantee shall submit a construction erosion control plan with all permit applications. All construction materials shall be cleared from rights-of-way by the end of every business day. A waiver may be granted for this requirement.
5. Grantee or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights-of-way or property.
6. If the Grantee, or any person acting on Grantee's behalf, fails to restore the public rights-of-way within ten (10) calendar days after completion of the work, or if the City Council determines that the situation poses an immediate danger to the public, then the City on its own initiative may undertake restoration activities and the City's actual costs of restoration shall be charged to the Grantee. In the event of restoration by the City, Grantee shall remain subject to the criminal fines and civil penalties provided by this Ordinance in addition to the obligation to reimburse the City the actual costs of restoration.
7. If, within one (1) year from the completion of the restoration work, the City reasonably determines that additional restoration is needed to place the public right-of-way or other property in as good a condition as the public right-of-way or other property was in immediately prior to the person's disturbance, damage or injury, then the person shall perform such additional restoration at the person's sole cost and expense, and to the satisfaction of the City.

J. Plans of Record

1. Within sixty (60) days of completion of each new permitted section of Grantee's facilities, the Grantee shall supply the City with a complete set of "as built" plans of record for the new permitted section in a format used in the ordinary course of business of the Grantee's business, to the extent they are prepared in the ordinary course of business, but excluding customer specific, proprietary or confidential information and as reasonably prescribed by City, and as allowed by

law. The City may, at its discretion, accept any reasonable alternative to “as built” plans of record which provides adequate information as to the location of Facilities in the public rights-of-way.

2. Grantee shall maintain maps of all of Grantee's facilities located on City property or within the public rights-of-way and shall promptly locate its Facilities at City's request.

K. Duty to Provide Information

Within ten (10) days of a written request from City Manager or the City Manager’s representatives, Grantee shall furnish City with information directly related to the Grantee’s use, occupancy or construction within or upon a public rights-of-way and as otherwise required by state law to be furnished to the City.

SECTION VI
CONDITIONS OF GRANT

A. Indemnity

1. The Grantee shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its officers, Councils, commissions, agents and employees, against and from any and all claims, demands, causes of actions, suits, proceedings, damages, liabilities and judgments of every kind arising out of or due to the **Grantee’s** construction, maintenance, or operation of a system in the City, including but not limited to damages for injury or death or damages to property, real or personal, and against all liabilities to others and against all loss, cost and expense, resulting or arising out of any of the same.
2. The indemnity provided by this Subsection does **not** apply to any liability resulting from the negligence of the municipality, its officers, employees, contractors, or subcontractors. If a Grantee and the municipality are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the municipality under state or federal law and without waiving any defenses of the parties under state or federal law. This Section is solely for the benefit of the municipality and Grantee and does not create or grant any rights, contractual or otherwise, to any other person or entity.
3. Grantee or City shall promptly advise the other in writing of any known claim or demand against the Grantee or City related to or arising out of the Grantee’s activities in a public right-of-way.

B. Grantee Insurance

1. Each Grantee shall secure and maintain the following liability insurance policies.
 - a. General liability insurance with limits not less than:
 - (1) One Million and No/100 Dollars (\$1,000,000.00) primary; and
 - (2) One Million and No/100 Dollars (\$1,000,000.00) umbrella or other securities as acceptable to the City Manager or the City Manager's designee.
 - b. Worker's compensation for Grantee's employees within statutory limits.
 - c. The liability insurance policies required by this Section shall be maintained by Grantee throughout the term during which Grantee is otherwise operating within public rights-of-way, or is engaged in the removal of its facilities.
2. Such liability insurance shall be kept in full force and effect by the Grantee during the existence of this franchise and thereafter for a period of not less than twelve (12) months.
3. An insurer has no right of recovery against the City, and no recourse against the City for a Grantee's non-payment of premiums or assessments.
4. Insurance policies and certificates must be issued from an insurance company licensed to do business in the State of Texas. Insurance policies and certificates issued by insurance companies not licensed to do business in the State of Texas are not acceptable.
5. Unless otherwise precluded by law, Grantee may satisfy one or more of the insurance requirements specified in this Section through self-insurance. In no event shall a self-insurance proposal be approved absent City's satisfaction that Grantee is in a sound financial condition, which shall be evidenced by a letter of self-insurance to be provided to City.

C. Bonds

1. The City Manager or the City Manager's designee may waive the requirement of a bond, if Grantee is able to demonstrate financial responsibility by having assets in excess of an amount determined appropriate by the City Manager. In the event the City Manager determines a bond is required, due to insufficient assets or a demonstration that the Grantee is not adequately or promptly fulfilling its responsibilities in the public rights-of-way, it shall meet the requirements of this section.

2. To the extent not maintained by an affiliate, Grantee shall annually obtain, maintain and file with the City Secretary, a corporate surety bond with a surety company authorized to do business in the State of Texas, and found acceptable by City Attorney, in the amount of Seventy-Five Thousand and No/100 Dollars (\$75,000.00), or of the estimated amount of the value of work anticipated to be done in that year, whichever is greater, to guarantee the restoration of the rights-of-way in the event the Grantee leaves a job site in the rights-of-way unfinished, incomplete, unsafe or unreasonably delays the completion of the construction. Grantee shall provide this corporate surety bond within thirty (30) days of the issuance of a permit under this Ordinance but prior to commencement of construction. Should a Grantee without a bond in place leave a job site in the rights-of-way unfinished, incomplete, unsafe or unreasonably delays the completion of construction, Grantee will pay the actual cost of restoring the rights-of-way, plus an administrative fee to reimburse the City's cost of overseeing any such restoration.
3. The rights reserved to City with respect to the Bond are in addition to all other rights of City, whether reserved by this Ordinance or authorized by law; and no action, proceeding or exercise of a right with respect to such bond shall affect any other right City may have.
4. The bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be canceled by the surety nor any intention not to renew be exercised by the surety until sixty (60) days after the receipt by City of Navasota, by registered mail, of written notice of such intent."
5. Pursuant to Texas Water Code § 49.220, this subsection does not apply to districts and water supply corporations.

D. Assignments of Transfers of Business

The City requires Grantee to maintain a current point of contact information and provide notice of a transfer or assignment of business ownership or control.

E. Notice

1. All notices to City shall be in writing via certified mail, return receipt requested, to:

Right-of Way Manager
City of Navasota
P.O. Box 910
Navasota, Texas 77868

2. All notices to Grantee shall be in writing via certified mail, return receipt requested, to the contact person and address provided by Grantee to the City upon execution of this Ordinance. Notice shall be deemed effective when mailed to the most recent address provided by Grantee to City.
3. Any change in the address, telephone number or fax number of Grantee or City shall be furnished to the other within a reasonable time.

SECTION VII

ADMINISTRATION OF ORDINANCE

- A.** The City may, at reasonable times but not more than once annually unless there is good cause, make inquiries pertaining to compliance with this Ordinance and Grantee shall respond to such inquiries on a timely basis.
- B.** City may establish, after reasonable notice, such rules and regulations as may be appropriate for the administration of this Ordinance in the construction of Grantee's facilities on City property to the extent permitted by law.
- C.** The City shall have the right to lay, and permit to be laid, cable, electric, gas, water, wastewater, and other pipelines, cables, conduits or facilities and to do and permit to be done, underground and overhead installation in, across, along, over or under any street, alley, highway, public right-of-way or public property occupied by the Grantee and to change any curb or sidewalk or grade of any street.

SECTION VIII VARIANCES

The City Council is authorized in specific cases to issue a variance from the strict and literal terms of this Ordinance if the Council expressly finds as follows:

- (1) the variance is not contrary to the public interest;
- (2) due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship; and
- (3) the spirit of the Ordinance will be observed and substantial justice will be done.

SECTION IX
ENFORCEMENT

A. Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
2. a civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. other available relief.

SECTION X
REPEALER

A. General

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

B. Franchises

Should all or part of this Ordinance be inconsistent or conflict with a specific franchise ordinance adopted by the City, the two shall be read together to the extent possible, otherwise, specific provisions contained within the franchise ordinance shall govern as to that particular Grantee.

C. Amendments

Grantees shall, at all times, be subject to the lawful exercise of the City's police power and regulatory authority and such reasonable and authorized regulations as the City shall hereafter by resolution or Ordinance provide.

D. Newly Annexed Areas

This Ordinance shall apply in newly annexed areas upon the date of annexation.

SECTION XI
SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION XII
EFFECTIVE DATE

This Ordinance shall take effect immediately from and after the date of passage and upon publication as required by law.

SECTION XIII
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that 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.

PASSED AND APPROVED this 9th day of December, 2019, by the City Council of the City of Navasota, Texas.

CITY OF NAVASOTA, TEXAS

BY: _____
Hon. Bert Miller, Mayor

ATTEST:

Susie M. Homeyer, City Secretary

**CITY OF NAVASOTA
MISCELLANEOUS ITEMS**

1. PLANNING CALENDAR
2. UPDATED INVESTMENT REPORT

AGENDA PLANNING CALENDAR

JANUARY 13, 2020 - [DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 12/30/2019](#)

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) Election update; (b) Results for Home for the Holidays; (c) Texas Birthday Bash update; (d) Results on Blue Santa; (e) Results on No shave November results; (f) Utility Department update; (g) Foster Street Drainage update; (h) Board and Commission update; and (i) Reports from staff and City Council
5. Public Hearing – rezoning of properties – River Havens
6. 1st reading of Ordinance No. 912-20 - rezoning of properties – River Havens
7. Resolution No. 667-20 - in support of Navasota Landing Apartment improvements
8. 1st reading of Ordinance No. 913-20 - Uniform Right-of-Way management
9. Appointments to Boards and Commissions
10. Quarterly Investment Report ending December 31, 2019
11. Consent agenda: (a) Minutes for the month of December 2019; and(b) Expenditures for the month of December 2019
12. Executive Session: Annual evaluation of City Manager
13. Reconvene in open session
14. Action on Executive Session
15. Adjourn

JANUARY 27, 2020 - [DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 01/13/2020](#)

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) Staff recognition for years of service; (b) Railroad Commission Audit Report; (c) Board and Commission update; and (d) Reports from staff and City Council
5. Census presentation
6. Racial Profiling report for 2019
7. 1st reading of Ordinance No. _____ - Utilities (Lupe)
8. Procedures for Council meetings
9. Board and Commission appointments
10. Consent agenda: (a) 2nd reading of Ordinance No. 912-20 - rezoning of properties – River Havens; (b) 2nd reading of Ordinance No. 913-20 - Uniform Right-of-Way management
11. Adjourn

FEBRUARY 10, 2020 - [DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 01/27/2020](#)

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) Board and Commission update; and (b) Reports from staff and City Council
5. Order calling City Election for May 2, 2020
6. Discussion of new session of NCU
7. Consent agenda: (a) Minutes from January 2020; (b) Expenditures from January 2020; and (c) 2nd reading of Ordinance No. _____ - Utilities (Lupe)
8. Adjourn

FEBRUARY 24, 2020 - [DEADLINE FOR SUBMITTING ITEMS AND COVER SHEETS FOR THIS MEETING IS 2/10/2020](#)

1. Called to order
2. Invocation/Pledge of Allegiance
3. Remarks of visitors
4. Staff Report: (a) Board and Commission update; and (b) Reports from staff and City Council
5. Adjourn

CITY OF NAVASOTA INVESTMENT PORTFOLIO

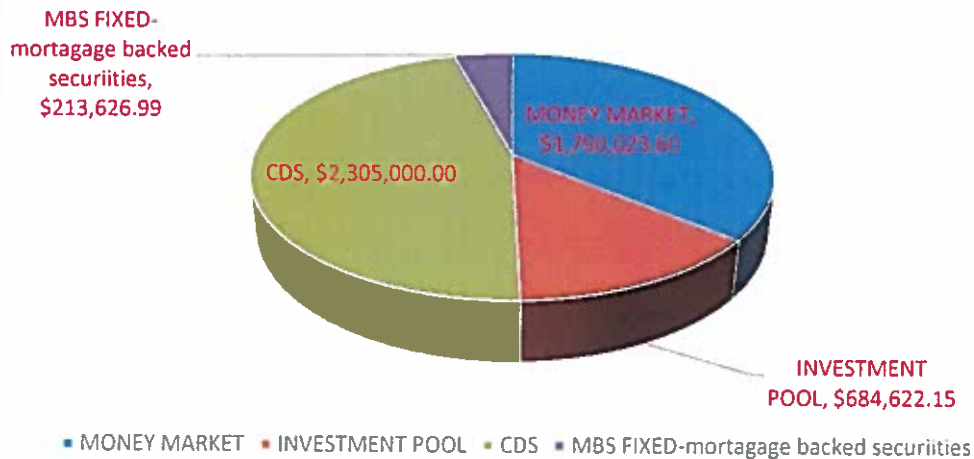
QUARTERLY SUMMARY FOR PERIOD ENDING

12/31/2019

BEGINNING BOOK VALUE	\$4,087,316.26
BEGINNING MARKET VALUE	\$4,089,705.51
ENDING BOOK VALUE	\$4,991,973.35
ENDING MARKET VALUE	\$4,993,272.74
CHANGE IN MARKET VALUE	\$903,567.23
weighted average maturity	6,071

PORTFOLIO BREAKDOWN

MONEY MARKET	\$1,790,023.60
INVESTMENT POOL	\$684,622.15
CDS	\$2,305,000.00
MBS FIXED-mortgage backed securities	\$213,626.99



PORTFOLIO BREAKDOWN BY MATURITY

YEARS	0-1	\$4,864,135.21
YEARS	1-2	\$8,801.35
YEARS	2-3	\$120,336.18
YEARS	3-4	
YEARS	4-5	
YEARS	5-	

\$4,993,272.74

THIS REPORT HAS BEEN PREPARED IN COMPLIANCE WITH THE INVESTMENT POLICY OF THE CITY OF NAVASOTA AND THE PFIA

INVESTMENT OFFICER
FINANCE DIRECTOR

INVESTMENT OFFICER
CITY MANAGER