AGENDA
ELGIN CITY COUNCIL
SPECIAL VIRTUAL MEETING
THURSDAY, APRIL 23, 2020 6:00 PM
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET

In accordance with social distancing guidelines, the City Council meeting will not be open to the public. Council Members will attend virtually. The meeting will be streamed live at https://www.youtube.com/channel/UC3OGBV_IoV0Nr3AqM1jJTzA and there will be an opportunity for the public to submit written comments prior to the meeting on agenda items.

Members of the public wishing to submit their written comments on a listed agenda item must submit their comments by emailing the city secretary at asanchez@ci.elgin.tx.us or by calling 512-229-3222 by 6:00 pm April 22, 2020.

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **INVOCATION**

IV. **PLEDGE OF ALLEGIANCE**

V. **PUBLIC COMMENT**

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM." Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

VI. **CITY MANAGERS REPORT**

1. **Update On City Of Elgin Coronavirus Pandemic Response And/Or Impacts**

Documents:

EXSUMMARY - CORONAVIRUS REPORT 2.PDF

2. **2nd Quarter Investment Report - March 2020**

Documents:

EXEC SUMMARY 2Q INVEST REPORT THRU MARCH 31,2020.PDF
2ND QUARTER INVESTMENT REPORT MAR 2020.PDF

3. **Review And Discussion Of FY2020-21 Annual Budget And Five-Year Capital Plan Adoption Calendar**

Documents:

EXSUMMARY - BUDGET CALENDAR.PDF
MEMBUDGCAL42020.PDF

4. **General Activity Report And/Or Project Update**

Documents:

EXSUMMARY - GENERAL ACTIVITY REPORT.PDF

VII. **CONSENT AGENDA**

All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of theses items unless a council member removes an item from the Consent Agenda and places it on the New Business section for Discussion and action.

1. **City Council Meeting Minutes - March 17, 2020, March 23, 2020**

Documents:

EXSUMMARY SHEET MINUTES.PDF
CITY COUNCIL MINUTES 03-17-2020.PDF
CITY COUNCIL SPECIAL MEETING 03-23-20.PDF

VIII. **NEW BUSINESS**

1. **Consider And Approve A Letter Of Intent – YERICO Expansion Project**

   Documents:

   YERICO LOI EXECUTIVE SUMMARY.PDF
   YERICO LOI 4-6-2020.PDF

2. **Consider And Approve A COVIT-19 Grant Program For Local Small Businesses In The Amount Of $50,000 With A Maximum Grant Of $2,000 To Approved Applicants**

   Documents:

   EXEC SUMMARY COVIT 19 GRANT PROGRAM.PDF
   COVID GRANT PROGRAM.PDF

3. **A RESOLUTION REGARDING A FINANCING AGREEMENT FOR THE PURPOSE OF PROCURING "VEHICLES, ROLLING STOCK AND EQUIPMENT"**

   Documents:

   01A EXSUMMARY-AUTHORIZE FINANCING EQUIPMENT.PDF
   02 RESOLUTION FOR PURCHASE OF EQUIPT. INCL EXHIBIT A.PDF
   03 EQUIPT LIST REVISED 4-18-2020.PDF

4. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING AN ESCROW AGREEMENT IN THE AMOUNT OF $1,209,357 WITH LGI HOMES-TEXAS, LLC FOR PARTIAL CONSTRUCTION OF IMPROVEMENTS TO COUNTY LINE ROAD PURSUANT TO A COST PARTICIPATION AGREEMENT BETWEEN THE TWO PARTIES DATED SEPTEMBER 26, 2019; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND MAKING CERTAIN FINDINGS RELATED THERETO.**

   Documents:

   01 EXSUMMARY-AUTHORIZE ESCROW AGREEMENT.PDF

5. **AN ORDINANCE AMENDING CHAPTER 8, Article VI-SOLICITORS AND PEDDLERS, SECTIONS 8-140 THROUGH 8-160, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY DELETING THIS SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW PEDDLERS, SOLICITORS AND VENDORS ORDINANCE, PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

   Documents:

   02 PEDDLERS ORDINANCE EXEC SUMMARY.PDF
   01 ORD ADOPT PEDDLERS SOLICITORS AND VENDORS.PDF
   03A DETAIL PEDDLERS_SOLICITORS_AND_VENDORS_JULY 2020.PDF
   04 VENDOR APPLICATION FORM JULY 2020.PDF
   05 FAQ.PDF
   06 SOLICITOR FINGERPRINT PROCESS JULY 2019.PDF

6. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT IN THE AMOUNT OF $826,214, WITH ROYAL VISTA, INC. FOR CONSTRUCTION OF A CENTRAL LIFT STATION FOR THE CITY'S WASTEWATER SYSTEM AND MAKING CERTAIN FINDINGS RELATED THERETO.**

   Documents:

   01 CENTRAL LIFT STATION EXEC SUMMARY.PDF
   02 RESOLUTION AUTH MAYOR TO EXEC CONTRACT WITH ROYAL VISTA.PDF

7. **A RESOLUTION BY THE CITY OF ELGIN, TEXAS, RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY ENTEX, SOUTH TEXAS DIVISION TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

   Documents:

   EXSUMMARY COVER SHEET GRIP.PDF
   RES201CENTERPOINT ENGERY RATE CHANGE 4-7-20.PDF

IX. EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

X. RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session

XI. ANNOUNCEMENTS

XII. ADJOURMENT

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3222. Please provide forty-eight hours notice when feasible.

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Monday, April 20, 2020 in accordance with Chapter 551 of the Texas Government Code.

_____
Amelia Sanchez, City Secretary

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: Update on City of Elgin Coronavirus Pandemic Response and/or Impacts

DEPARTMENT: City Manager

PROPOSED ACTION:
No Council action proposed, requested, or believed necessary at this time; This item is for a briefing and general discussion with the City Council as to on-going operational response to the COVID-19 coronavirus.

BACKGROUND:
This item is for an informational report and general discussion of the City's on-going response to the Coronavirus from the

BUDGET/FINANCIAL IMPACT:
Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:
Review and discussion of City on-going response to the Coronavirus Pandemic; and direction to staff, if any, regarding same.

ATTACHMENTS:
None

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: Quarterly Financial Report – Second Quarter 19-20

DEPARTMENT: Finance

PROPOSED ACTION: Review and Accept

BACKGROUND: Section 2256.005 of the Texas Government Code requires that not less than quarterly, the Investment Officer shall prepare and submit to the City Council, a written, signed, investment report demonstrating a list of investment transactions for the preceding reporting period, in accordance with the Act. Reports will include the following:

1.) For each pooled fund group: a beginning book value and market value, book and market value additions and changes, and ending book and market value.
2.) The book value and market value of each investment at the beginning and end of the period by type of asset and fund type invested.
3.) The maturity date of each investment.

Detailed and summary reports will be prepared and presented to the City Council and Mayor not less than quarterly. The attached Report complies with this requirement of the ACT and the City's Investment Policy.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Review and accept the report as presented.

ATTACHMENTS: Quarterly Financial Report – Second Quarter 2019-20

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{ } Staff will provide brief comments and answer questions on this item at the meeting.
{X} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: Review and discussion of FY2020-21 Annual Budget and Five-Year Capital Plan Adoption Calendar

DEPARTMENT: City Manager

PROPOSED ACTION:
No Council action proposed or requested at this time.

BACKGROUND:
This item is for general review and discussion of the currently planned development schedule for development of the Annual Budget and Five-Year Capital Plan for all city funds for the next fiscal year, which begins October 1, 2020.

BUDGET/FINANCIAL IMPACT:
Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:
Consideration of FY2020-21 Budget and Five-Year Capital Plan Adoption Calendar as presented; and direction to staff, if any, as appropriate

ATTACHMENTS:
Memorandum – Budget Calendar

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

Memorandum

Date: April 20, 2020

To: Mayor and City Council
Department Heads

Subject: Calendar for Formulation and Adoption of FY2020-21 Annual Operating Budget and 2020 Five-Year Capital Plan

Following is a projected schedule relating to the development and formal adoption of the *2020 Five-Year Capital Plan* and the *FY2020-21 Annual Operating Budget* for the City of Elgin in accordance with the City Charter and applicable state law:

APRIL

Wednesday, April 29, 2020**.....**Briefing of departmental staff by City Manager and Director of Finance on the budget development process

MAY

Friday, May 8, 2020 ……...Deadline for submission of departmental requests for inclusion in the Proposed 2*020 Five-Year Capital Plan (5YRCP)*

Monday, May 11 through
Friday, May 22, 202…..... Review and consideration of departmental *5YRCP* requests by City Manager, Director of Finance, and applicable Department Heads (as needed)

Friday, May 22, 2020…..... Deadline for submission of departmental requests for funding **program changes** within the Proposed *FY2020-21 Annual Operating Budget*

JUNE

Tuesday, June 2, 2020…….....**Presentation of Proposed 2020 Five-Year Capital Plan**
(Regular Council Meeting) **to Mayor and City Council by City Manager**

Tuesday, June 9, 2020…..…….City Council 5YRCP Review/ Work Session *(tentative*)*
(Special Called Meeting)

Monday, June 8 through
Friday, July 17, 2020…….....Review and consideration of program change requests and straight-line budget projections by City Manager, Director of Finance, and applicable Department Heads (as needed)

JULY

Tuesday, July 7, 2020.…….. Public Hearing on Proposed *2020 Five Year Capital Plan*
(Regular Council Meeting)

AUGUST

Tuesday, August 4, 2020……...**Presentation of Proposed FY2020-21 Annual Operating Budget to Mayor & City Council by City Manager**
(Regular Council Meeting)

….Resolution formally adopting the 2020 Five-Year Capital Plan

….Set dates for public hearings on tax rate.

Wednesday, August 5, 2020……Publish General Budget Summary

Tuesday, August 11, 2020…..…….....Council Budget Review/ Work Session *(tentative*)*

Wednesday, August 12, 2020.……Publish Effective Property Tax Rate & Rollback Calculation

…. Publish Notice of 1st Public Hearing on Tax Rate and Budget

Tuesday, August 25, 2020…..…….....Council Budget Review/ Work Session *(tentative*)*

SEPTEMBER

Tuesday, September 1, 2020……....First Public Hearing on Tax Rate and Proposed FY2020-21 Annual Budget
(Regular Council Meeting)

Tuesday, September 8, 2020..…….....Council Budget Review/ Work Session *(tentative*)*

Tuesday, September 15, 2020.…….Second Public Hearing on Proposed Tax Rate and Budget
(Regular Council Meeting)

...**First Reading** of Appropriations Ordinance Adopting FY2020-21 Annual Operating Budget and Tax Rate

Tuesday, September 22, 2020.……....**Second Reading and Final Adoption** of Appropriations Ordinance and Tax Rate Ordinance for FY 2019-20
(Special Called Council Meeting)

Sunday, September 27, 2020……..…..Deadline established by City Charter for final adoption of FY2020-21 Annual Operating Budget
("The budget shall be finally adopted not later than three {3} calendar days prior to the end of the fiscal year")

OCTOBER

Thursday October 1, 2020……**…**……...Beginning of FY2020-21 Fiscal Year

Please let me know at your earliest convenience if you have any comments or questions; or require additional information regarding the budget development process.

Thomas L. Mattis
City Manager

***Tentative dates for Council Budget Work Sessions. Actual number and schedule for work sessions to be determined by City Council.**

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:
No Council action proposed or requested; This item is to allow for general update and/or activities report relating to various on-going city projects or issues.

BACKGROUND:
This item is to provide opportunities for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

BUDGET/FINANCIAL IMPACT:
Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:
N/A

ATTACHMENTS:
None.

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes –March 17, 2020 and Special Meeting March 23, 2020.

DEPARTMENT: Administration

PROPOSED ACTION:

Review and approve the March 17th and March 23rd 2020 Meeting Minutes.

BACKGROUND:

N/A

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:

Approval of the March 17th and March 23rd 2020 Meeting Minutes.

ATTACHMENTS: March 17th and March 23rd 2020 Meeting Minutes.

{ }Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAINSTREET
TUESDAY, MARCH 17, 2020

CALL TO ORDER

Mayor Cannon called the meeting to order at 7:05 p.m.

ROLL CALL

Present: Chris Cannon, Mayor
Jessica Bega, Mayor Pro Tem
Mary Penson, Council Member
Daniel Lopez, Council Member
Brad Jones, Council Member
Forest Dennis, Council Member
Susie Arreaga, Council Member
Juan Gonzalez, Council Member

Mayor Cannon certified there was a quorum and that Council Member Brashar was absent. Mayor Cannon stated that Council Member Brashar had informed him that she would not be in attendance.

Council Member Penson moved to excuse Council Member Brashar. Council Member Dennis seconds the motion. Motion carried 8-0.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Patrick South, Chief of Police
Michael Gonzalez, Asst Public Works Director
David Harrell, Planning Director
Amy Miller, Director Community Development
Beau Perry, City Engineer

INVOCATION

Council Member Lopez gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Cannon led the Pledge of Allegiance to the United States and Texas Flag.

Mayor Cannon recessed the Regular Meeting and opened the Public Hearings at 7:06 p.m.

PUBLIC HEARING

1. Second Public Hearing - A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING A STRATEGIC PARTNERSHIP AGREEMENT WITH THE BRICKSTON MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO.

There were no speakers on this item. Mayor Canon closed the Public Hearings at 7:07 p.m. and reconvened the regular meeting.

PUBLIC COMMENT

There was no one to speak during Public Comment.

CITY MANAGER'S REPORT

1. Update on City of Elgin Coronavirus Pandemic Response and/or Planning.

City Manager Thomas Mattis provided a general report a of the city's plans and/or response to the Coronavirus. He stated that that the format or the plan was based on the four different threat levels where typically you move to each level but that in this case it would not work that way. He stated that the city had been in stage 4 but given the circumstances and what had happened and to be most consistent with other entities around us, staff felt the city needed to go to level 2. He stated this report was about the city's organizational response, the city's business, the city's responsibility, and our obligations and what we can control. He stated there also appeared conflicts such as with state law, our City Charter and actions complying with the law, such as the Open Meetings Act, parts of which the Governor has suspended to enable having teleconference meetings. He stated that the Texas Department of State Health was reporting additional cases of the Coronavirus in the state but as of now no cases in Bastrop County. He stated that as he went through the report to keep in mind this was an attempt to provide general guidelines the staff will follow operationally but at the same time is not considered absolute rules or law. Mr. Mattis stated he would briefly go over Readiness Levels and that details were provided in the handout.

CITY OF ELGIN CORONAVIRUS (COVID-19) READINESS PLAN

Threat Level 4 - Normal Conditions – Operations as usual but emphasis on hygiene and vigilance until the threat is totally dissipated.

Threat Level III – Increased Readiness – Increased response if greater than the normal threat of a contagious disease event, such as confirmed case and/or quarantine of unconfirmed instances within the Austin MSA and/or central Texas area.

Threat Level II – High Readiness – Increased response as appropriate if there is a greater than the normal threat of a contagious disease event. Initial conditions include confirmed cases and/or quarantine of the unconfirmed instances within the Austin MSA and/or central Texas area.

Threat Level I – Maximum Readiness – Increased response when there is a significant possibility of a contagious disease event within the city or immediately surrounding area. Initial conditions include confirmed case or cases of a contagious disease in the City of Elgin.

Mr. Mattis concluded his report and stated that staff had not officially declared the city was in Level 2, but the Council could decide to move to Level 2 by endorsing the staff plan and voicing concerns if anyone does not want the city to go to Level 2.

Council Member Dennis moved to ratify the declaration of the State of Public Health Emergency issued by the Mayor on March 16, 2020 as well as adopting the City of Elgin COVID 19 Readiness Plan as presented by the City Manager and acknowledging the date the city is at Level 2. Council Member Lopez seconds the motion. Motion carried 8-0.

2. Elgin Police Department 2019 Racial Profiling Report.

Chief of Police Patrick South presented the Elgin Police Department 2019 Racial Profiling Report.

3. Update on Removal of Fire Destroyed Home At 501 W. Alamo.

City Manager Thomas Mattis stated that the city was moving forward with the removal of the building and spoke of the procedures and costs associated with these projects. He stated the owner could not afford the removal but had given the city permission to go ahead and the city had gotten an estimate of a little over $12,000. He stated staff would be asking Council to adjust the budget to reflect that cost, and the city would file a lien on the property.

4. Monthly Departmental Reports – February

There were no questions or comments on the Monthly Reports.

CONSENT AGENDA

Council Member Penson moved to approve the Consent Agenda. Mayor Pro Tem Bega seconds the motion. Motion carried 8-0.

1. CONSIDER REQUEST TO CLOSE STREETS FOR THE WESTERN DAYS FESTIVAL PARADE ON SATURDAY JUNE 27 FROM 8:00 AM TO NOON.

2. CONSIDER REQUEST TO WAIVE FEES FOR THE WESTERN DAYS FESTIVAL AND PARADE JUNE 25 – 27, 2020.

3. CONSIDER REQUEST TO WAIVE THE OPEN CONTAINER ORDINANCE FOR THE WESTERN DAYS FESTIVAL JUNE 26, 2020 FROM 4:00 PM TO MIDNIGHT AND SATURDAY JUNE 27 FROM 8:00 AM TO 8:00 PM IN ELGIN MEMORIAL PARK.

4. City Council Meeting Minutes - March 3, 2020.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A BUILDING LEASE AGREEMENT BETWEEN THE CITY OF ELGIN, TEXAS AND THE ELGIN COMMUNITY CUPBOARD; AND PROVIDING FOR RELATED MATTERS.

Council Member Penson moved to approve the Resolution as presented. Council Member Lopez seconds the motion. Motion carried 8-0.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY OF ELGIN, TEXAS AND THE ELGIN COMMUNITY CUPBOARD; AND PROVIDING FOR RELATED MATTERS.

Council Member Penson moved to approve the Resolution as presented. Council Member Lopez seconds the motion. Motion carried 8-0.

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING A STRATEGIC PARTNERSHIP AGREEMENT WITH THE BRICKSTON MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO.

Council Member Dennis moved to approve the Resolution as presented. Council Member Penson seconds the motion. Motion carried 8-0.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A WHOLESALE WATER SERVICE AGREEMENT BETWEEN THE CITY AND AQUA WATER SUPPLY CORPORATION THAT REPLACES RESOLUTION 2017-03-07-10, THAT AUTHORIZED A PREVIOUS AGREEMENT BETWEEN THE TWO PARTIES, WITH TERMS AND CONDITIONS FOR THE PROVISION OF WHOLESALE WATER SERVICE TO AQUA WATER SUPPLY CORPORATION AND MAKING CERTAIN FINDINGS RELATED THERETO.

Council Member Penson moved to approve the Resolution as presented. Council Member Lopez seconds the motion. Motion carried 8-0.

5. AN ORDINANCE AMENDING CHAPTER 30, SECTION 30-2, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY DELETING THIS SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW PERSONNEL POLICY, PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

Council Member Penson moved to approve the Ordinance as presented. Council Member Lopez seconds the motion. Motion carried 8-0.

6. Consideration, Discussion and Possible Action to Award a Contract to the Low Bidder Royal Vista Inc. Incorporated, in the Amount of $826,214.00 for Construction of the Central Lift Station and Authorize the City Manager to Fund the Project from 2016 CO Bond Funds as Planned.

Mayor Pro Tem Bega moved to approve and award a Contract to the Low Bidder Royal Vista Inc. Incorporated, in the Amount of $826,214.00 for Construction of the Central Lift Station and Authorize the City Manager to Fund the Project from 2016 CO Bond Funds as Planned. Council Member Jones seconds the motion. Motion carried 8-0.

ANNOUNCEMENTS

Amy Miller reminded everyone to participate in the Census and to donate blood next week.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 8:49 p.m.

_____
Chris Cannon, Mayor

ATTEST:

_____
Amelia Sanchez, City Secretary

MINUTES
ELGIN CITY COUNCIL
SPECIAL MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
MONDAY, MARCH 23, 2020

CALL TO ORDER

Mayor Cannon called the meeting to order at 5:03 p.m.

ROLL CALL

Present: Chris Cannon, Mayor
Jessica Bega, Mayor Pro Tem
Daniel Lopez, Council Member
Brad Jones, Council Member
Forest Dennis, Council Member

Mayor Canon certified there was a quorum.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Michael Gonzalez, Parks Director
Patrick South, Chief of Police
Amy Miller, Community

INVOCATION

Council Member Lopez gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Cannon led the Pledge of Allegiance to the United States and Texas Flag.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, POSTPONING THE GENERAL ELECTION TO BE HELD ON MAY 2, 2020, UNTIL NOVEMBER 3, 2020; EXTENDING TERMS UNDER THE HOLDOVER PROVISION OF THE TEXAS CONSTITUTION; AND ORDERING OTHER MATTERS INCIDENT AND RELATED TO THE POSTPONEMENT OF SUCH ELECTION.

Council Member Dennis moved to approve the Resolution of the City of Elgin, Texas, postponing the General Election to be held on May 2, 2020, until November 3, 2020, and extending terms under the Holdover Provision of the Texas Constitution. Council Member Lopez seconds the motion. Motion carried 5-0.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 5:15 p.m.

_____
Chris Cannon, Mayor

ATTEST:

_____
Amelia Sanchez, City Secretary

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: Approve a Letter of Intent between YERICO Manufacturing and The City of Elgin Economic Development Corporation.

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the Letter of Intent

BACKGROUND: This Letter of Intent establishes each party's responsibility for the future growth of YERICO in the City of Elgin. The EDC's will donate land to YERICO for three phases of their growth and will work with the Tax Increment Reinvestment Zone Board to abate/refund 50% of their property taxes for five years. YERICO will do a four phase project (Phases 1-3 are agreed upon, however Phase 4 is still under negotiations) which will include the following:

a) In Phase 1, Developer will construct a 20,000 sq. ft. R&D, office and warehouse facility with an approximate cost of $2,400,000 in construction and an estimated $1,000,000 in equipment. The facility will employ 20 full-time equivalent employees with pay ranging between $15 an hour to $38 an hour. The project will be under construction in 2021.

b) In Phase 2, Developer will construct a 40,000 sq. ft. semiconductor parts manufacturing facility with an approximate cost of $3,000,000 in construction and an estimated $3,000,000 in equipment. The facility will employ 29 full-time equivalent employees with pay ranging between $15 an hour to $38 an hour. The project will be under construction in 2021

c) In Phase 3, Developer will construct a 60,000 sq. ft. semiconductor service company facility with an approximate cost of $7,200,000 in construction and an estimated $5,000,000 in equipment. The facility will employ 85 full-time equivalent employees with pay ranging between $15 an hour to $38 an hour. The project will be under construction in 2021

d) In Phase 4, Developer will construct a 120,000 sq. ft. R&D, office Carbon Fiber Manufacturing facility with an approximate cost of $14,400,000 in construction and an estimated $20,000,000 in equipment. The facility will be constructed on approximately 12 acres and will employ 190 full-time equivalent employees and will be under construction in 2026.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Approve the Letter of Intent

ATTACHMENTS: Copy of the Letter of Intent

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

April 6, 2020

IHN-Hong Min
YERICO manufacturing Inc
619 Mogonye Lane
Elgin, TX 78621

Re: Letter of Intent – YERICO Expansion Project

Dear IH,

This correspondence is provided as documentation of our continuing dialogue relative to a project being contemplated by Yerico Manufacturing, Inc in partnership with the Elgin Economic Development Corporation ("EDC"). Based on our most recent discussions, we believe that we now concur on the primary issues and an acceptable general framework for an overall agreement that will make this project a reality in our community.

This Letter of Intent is being provided to formally clarify for the record the general terms of an Economic Development Agreement ("Agreement") with the Elgin EDC in support of the YERICO Manufacturing, Inc currently known as YERICO Expansion ("Project") as proposed by YERICO Manufacturing ("Developer"). **YERICO Manufacturing, Inc and the EDC expressly acknowledge that this Letter of Intent is non-binding and merely an expression of interest by the parties in consummating the partnership as described herein.**

Based on our most recent discussions, following is a list of the pertinent elements that would be included in an Agreement and/or other appropriate legal document:

The Project

The project is being identified as four phases. Phases 1, 2 & 3 will be under construction in 2021 and phase 4 will be under construction by 2026

Project Phases

Although there remain many details to be identified, sufficient preliminary data has been provided now as to the overall size and scope of Project One, with the primary components of same being:

a) In Phase 1, Developer will construct a 20,000 sq. ft. R&D, office and warehouse facility with an approximate cost of $2,400,000 in construction and an estimated $1,000,000 in equipment. The facility will employ 20 full-time equivalent employees with pay ranging between $15 an hour to $38 an hour. The project will be under construction in 2021.

b) In Phase 2, Developer will construct a 40,000 sq. ft. semiconductor parts manufacturing facility with an approximate cost of $3,000,000 in construction and an estimated $3,000,000 in

equipment. The facility will employ 29 full-time equivalent employees with pay ranging between $15 an hour to $38 an hour. The project will be under construction in 2021

c) In Phase 3, Developer will construct a 60,000 sq. ft. semiconductor service company facility with an approximate cost of $7,200,000 in construction and an estimated $5,000,000 in equipment. The facility will employ 85 full-time equivalent employees with pay ranging between $15 an hour to $38 an hour. The project will be under construction in 2021

d) In Phase 4, Developer will construct a 120,000 sq. ft. R&D, office Carbon Fiber Manufacturing facility with an approximate cost of $14,400,000 in construction and an estimated $20,000,000 in equipment. The facility will be constructed on approximately 12 acres and will employ 190 full-time equivalent employees and will be under construction in 2026.

The EDC will have continuous discussions with YERICO to locate Phase 4 within the City of Elgin. These discussions will include land grant/price along with any future interior roadways and any potential local and State incentives. The Phase 4 Land and its boundaries will be generally located off the south end of Roy Rivers Road. The exact location is to be determined.

Because Phase 4 is not projected to begin until 2026 no agreement has been reached on the outline of Phase 4. However, YERICO has provided preliminary data regarding Phase 4.

Because of the uniqueness of The Project, Developer and the EDC wish to enter into this Agreement for Phase 1, 2, 3 &4 to encourage innovative and comprehensive planning of the Land, provide certainty of regulatory requirements throughout the term of this Agreement and result in a high-quality development for the benefit of the present and future residents of the City, the EDC, and YERICO Manufacturing, Inc.

While acknowledging the non-specific nature of the development plans at this time, it is important to note that the EDC's support for the Project is wholly predicated on the YERICO Concept Plan yet to be presented. Any significant change in the Project as described may adversely affect support for this project by the EDC.

Economic Development Agreement Outline

Phase 1 Land: The Phase 1 Land contains approximately five (5) acres. This land will be granted at no cost to the (Developer). The Phase 1 Land size and shape can be modified if required for design purposes.

Phase 2 Land: The Phase 2 Land contains approximately five (5) acres. This land will be granted at no cost to the (Developer). The Phase 2 Land size and shape can be modified if required for design purposes.

Phase 3 Land: The Phase 3 Land contains approximately eight (8) acres. This land will be granted at no cost to the (Developer). The Phase 3 Land size and shape can be modified if required for design purposes.

Phase 4 Land: The Phase 4 Land contains approximately twelve (12) acres. The EDC and the Developer will continue to discuss details regarding this land as the other phases progress. The Phase 4 Land size and shape can be modified if required for design purposes.

Property Tax Abatement Phase 1,2 & 3: Contingent upon the approval of the Elgin Tax Increment Reinvestment Board, City and County Property taxes will be reimbursed in the amount of 50% of the total payment paid by the Developer each year for a maximum of five years for Phases 1, 2 & 3.

Property Tax Abatement Current YERICO Facility: City and County taxes will be reimbursed in the amount of 50% of the total payment paid by the Developer each year for a maximum of five years for the building constructed in 2019 on Mogonye Lane beginning the year phases 1,2 & 3 begin construction in Elgin

Feasibility Period: Developer shall have 60 days from the date of the land grant contract to conduct its normal due diligence at its sole cost and expense.

Survey: The Developer is responsible for surveying and platting the Phases 1, 2, 3 &4

Timeline: Developer and EDC will close on the Phase 1, 2 & 3 land within 30 days of the end of the Feasibility Period. Developer will have a contract with a third-party contractor to construct the project within three (3) months of closing. Developer will complete Phases 1, 2 & 3 within eighteen (18) months of contracting with the third-party contractor.

Zoning: Prior to the land closing, EDC shall obtain City of Elgin and zoning approval for all phases of the Project. Developer shall not be required to close the land purchase until the proper zoning is in place for Developer's development. EDC shall extend the closing date if the zoning process exceeds the Feasibility Period.

Street and / or Utility Extensions: The EDC will be responsible for extending Roy Rivers Road, if required, so the Developer can access the Project property. This extension may be a temporary road that is capable of handling construction trucks and equipment. The EDC shall deliver adequate domestic water and sanitary sewer to the site. The road/temporary road and the utility extensions shall be delivered to the site within a mutually agreeable timeframe following the land closing, which timeframe will include an adequate time for the EDC to design and construct new infrastructure. The parties shall agree upon a required completion date for these extensions prior to entering into the land purchase contract. (Developer requires a minimum of ____ domestic water main and a fire hydrant all with pressure and flow adequate for the Project; and a minimum ____ sanitary sewer main).

Offsite Regional Storm Water Detention Facility and Water Quality Pond: EDC shall, at its sole cost and expense, develop an Offsite Regional Storm Water Detention Facility and Water Quality Pond (the "Detention Facility") for the non-exclusive use by the Developer. EDC shall design, construct, manage, keep, and maintain the Facility with no construction or operational cost to Developer. EDC and Developer shall enter into an "Offsite Regional Storm Water Detention Facility Use Agreement" (the "Detention Facility Agreement") for use of the Detention Facility. The Detention Facility Agreement shall include, at no cost and expense to Developer, an easement from the Site to the Detention Facility. Developer shall be allowed to flow storm water to the Detention Facility via above ground drainage.

Closing and Closing Costs Project One: The closing shall occur thirty (30) days following the end of the Feasibility Period(s). Developer shall demonstrate to EDC its affirmative ability to construct the required Project improvements. At the closing, EDC shall pay its property taxes thru the closing date, to include the payment of any and all Rollback Taxes. All other closing costs will be paid for by the Developer. Each party shall pay its own legal costs.

General Warranty Deed: EDC will give Buyer free and clear title to the Project One Land by General Warranty Deed.

Phase 4: The Developer has proposed future development in 2026. This development includes another twelve (12) acres of land. The EDC is willing to give the Developer an Option on the twelve (12) acres for one year following the closing of the Phase 1, 2 &3 Land at a price yet to be determined. Following the one-year Option the EDC is willing to offer a First Right of Refusal to the Developer on the twelve (12) acres when the EDC receives offers on the property.

Special Provisions: The EDC will insert special provisions in the Project agreement. These special provisions will include claw-backs if the Developer does not complete the project within the stated period of time. These claw-backs may include the Developer returning undeveloped land of each phase assigned land to the EDC at no cost to the EDC.

Other Potential State Incentives: The EDC will work diligently with the State of Texas to secure any and all State incentives that may be available. The EDC Director will review the YERICO project with the State ED representative to identify and secure any State funding. These may include, but are not limited to, the following:

1. **Skills Development Fund**: The Skills Development Fund is an innovative program created to assist Texas public community and technical colleges finance customized job training for their local businesses. The Fund was established by the Legislature in 1995 and is administered by the Texas Workforce Commission. Grants are provided to help companies and labor unions form partnerships with local community colleges and technical schools to provide custom job training. Average training costs is $1,800 per trainee; however, the benefit may vary depending on the proposal.

2. **Texas Enterprise Zone Program**: An enterprise project is eligible for a refund for all state sales and use taxes paid and used at the qualified business site. The total amount of any refund will continue to be predicated on investment amount and number of jobs created/retained.

3. **State Sales and Use Tax Exemptions**: Leased or purchased machinery, equipment, replacement parts, and accessories that are used or consumed in the manufacturing, processing, fabricating, or repairing of tangible personal property for ultimate sale, 7 are exempt from state and local sales and use tax. Texas businesses are exempt from paying state sales and use tax on labor for constructing new facilities.

4. **Goods-in-Transit Incentive**: House Bill 621 of the 80th Texas Legislature amends the Tax Code and the Government Code to add an exemption from ad valorem taxation for goods-in-transit. To qualify for the exemption, personal property used for assembling, storing, manufacturing, processing, or fabricating purposes would have to be acquired in Texas or imported into Texas and stored at a Texas location in which the owner of the goods does not have a direct or indirect ownership interest. The goods-in-transit would have to be transported to another location in Texas or out of state no later than 175 days after the property was acquired in or imported into the state. Oil and gas and their immediate derivatives, aircraft, and dealer's special inventories would not qualify for the exemption.

5. **Permit Assistance**: TCEQ and the Office of the Governor Economic Development & Tourism division have established a relationship to assist companies, which may experience unwarranted delays in their environmental permitting process for projects that could affect

job creation or have a high economic impact.

Pending the full execution and formal approval of this Letter, we are now prepared to move forward with the preparation of a formal Economic Development Agreement and to initiate preliminary development plans for the Project at your earliest convenience. With your acknowledgement below, I will move forward immediately to secure endorsement from the EDC of this proposal and begin to prepare an Economic Development Agreement for formal consideration.

Sincerely

Owen Rock
Director Economic Development

AGREE AND ACCEPT:

IHN-Hong Ming
YERICO Manufacturing, Inc

Date:

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: Approve a COVIT-19 Grant Program for local small businesses in the amount of $50,000 with a maximum grant of $2,000 to approved applicants

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the Grant Program

BACKGROUND: According to the provisions of Chapter 505 of the Texas Local Government Code the Economic Development Corporation requires permission from the City Council to approve any expenditure over $10,000. This resolution grants permission to the EDC to expend over $10,000 for a COVIT -19 Grant Program.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { X} not included in the current-year budget { } N/A

RECOMMENDATION: Approve the COVIT – 19 Grant Program

ATTACHMENTS: COVIT – 19 Grant Program with Application Form

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

COVID-19 Emergency Grant Program Application

Background

The Elgin Economic Development Corporation (EDC) is implementing a COVID-19 Emergency Grant Program to provide assistance to local businesses suffering from financial impacts related to the COVID-19 (coronavirus) pandemic pursuant to the authority of the EDC under Sec. 505.103, Local Gov't Code and the EDC Board's intent to promote local businesses during this time of local disaster. The purpose of this program is to provide working capital for personnel costs, rent, utilities, etc. for existing small business enterprises within the city of Elgin, Texas.

The EDC will provide grants in the amount of $2,000. The application period for this grant will remain open until September 30, 2020; until funding has been exhausted; or until the EDC determines that its program goals have been satisfied.

The grant is available to all non home-based small businesses in the City of Elgin. Priority will be given to businesses that have had to: close, lay off employees, limit operations to take-out, curbside, or delivery. Categories of eligible small businesses include: retail (storefront), restaurant/food business; personal care (barber shop, nail salons, spas, etc.); and social assistance (childcare, etc.); art galleries and performance venues; and small manufacturing businesses.

Ineligible Businesses:

Home-based businesses
non-profit organization
Adult related businesses
Chain stores/restaurants
Churches and Religious Organizations

Eligible Businesses must meet all of the following criteria.

- 15 employees or less
- The business must be located in the corporate city limits of Elgin, and must be in compliance with all applicable zoning, land use, and other ordinances.
- Proof of applicant's ownership of the business, or proof that the owner of such business has approved the application for grant funds, shall be required.
- The applicant must be current on all property and sales taxes due
- Engaged in activities that are legal under city and state law.
- Meet program technical requirements including ability to provide financial records to support grant request.
- Registered with the Texas Secretary of State's Office

There is a limit of one grant per applicant. The EDC is the sole and final authority in determining eligibility for funding.

If you have questions, or for assistance with your application, please contact Owen Rock at the City of Elgin EDC

Work: 512-229-3226

Email: Orock@ci.elgin.tx.us

APPLICATION

1. Business name_____

Address Line 1 _____

Address Line 2 _____

City _____

State_____

ZIP Code _____

2. Email Address _____

3. Name of business owners _____

4. Business Category (Restaurant, Day care) _____

5. Is this the only place of business? Yes No

If not, please list all business names, locations, addresses: _____

_____

6. Is the business a franchise? * Yes No

7. Please describe how COVID 19 mitigation recommendations and/or requirements have impacted your business? _____

_____

_____

_____

_____

8. Compare your current ***estimated*** net income for the month ending 3/31/2020 with your actual net income from 3/31/2019. If you were not in operation in 2019 you may use your actuals from February 2020. Please note in the text field what two time periods you are comparing to illustrate your decreased net income for March 2020.

Estimated revenue / net income then: _____

Estimated revenue / net income now: _____

10. How many FTE (full time equivalent) employees are employed at the business at this time?

Full Time: _____

Part Time: _____

11. How many FTE (full time equivalent) employees would you employ under normal business conditions at this time?

Full Time: _____

Part Time: _____

12. If approved, please list expenses for which you would apply EDC Board funding towards. _____

_____

_____

_____

_____

Please attach a copy of your most recent Balance Sheet in your email with your completed application. Applications received without a balance sheet will not be considered.

I certify that the information I have given is truthful and accurate to the best of my ability. Financial Information provided has not been manipulated to exaggerate the financial duress of this business. I understand that the information submitted in this application will be shared with the EDC Board, comprised of individuals that will determine the allocation of funding to applicants. I understand that the decisions to whom the money will be granted is at the sole discretion of the EDC Board.

Signed: _____

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: **A RESOLUTION REGARDING A FINANCING AGREEMENT FOR THE PURPOSE OF PROCURING "VEHICLES, ROLLING STOCK AND EQUIPMENT"**

DEPARTMENTS: Finance

PROPOSED ACTION: Adopt Resolution as presented

BACKGROUND: In preparing the FY 2019-20 operating budget, various departments requested acquisition of vehicles and equipment to either replace vehicles that had exceeded their useful life or were needed to improve efficiency of operations or productivity of maintenance crews. Rather than finance these acquisitions using current year operating funds, it was determined to be more cost effective to finance these items over a period of five years (far beyond the useful lives of most of the equipment). Funding for debt service occasioned by the loan will come from the debt portion of the property tax rate and surplus utility funds.

The first payment in August 2020 will come from I&S reserve funds. The remaining semi-annual payments will come from the debt portion of the property tax rate that are deposited in the I&S fund and surplus utility funds for equipment acquired for the Utility Department. It is not anticipated that the additional debt service proposed in future years will negatively impact the debt rate which has been $0.228697 per $100 valuation, for the last several years.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Adopt Resolution as presented.

ATTACHMENTS: 1.)Resolution that includes a copy of the proposed terms and conditions for financing the total cost of vehicles and equipment to be acquired. (EXHIBIT A.) 2.) List of equipment to be purchased.

{X} Staff will be making a brief presentation on this agenda item at the meeting and will be available to answer any questions related thereto.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION _____

A RESOLUTION REGARDING A FINANCING AGREEMENT FOR THE PURPOSE OF PROCURING "VEHICLES, ROLLING STOCK AND EQUIPMENT"

WHEREAS, City of Elgin desires to enter into a certain Financing Agreement, by and between Government Capital Corporation and the City of Elgin, for the purpose of financing "vehicles, rolling stock and equipment"; and

WHEREAS, the City of Elgin desires to designate this Agreement as a "qualified tax-exempt obligation" of the City of Elgin for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, The City of Elgin desires to designate the Mayor as an authorized signer of the Agreement.

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

Section 1. That the City of Elgin enters into a Financing Agreement with Government Capital Corporation for the purpose of procuring "vehicles, rolling stock and equipment." The terms and conditions of said Agreement are attached as EXHIBIT A.

Section 2. That the Financing Agreement, by and between the City of Elgin and Government Capital Corporation is designated by the City of Elgin as a "qualified tax-exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the City of Elgin designates the Mayor as an authorized signer of the Financing Agreement, by and between the City of Elgin and Government Capital Corporation.

Section 4. That should the need arise, if applicable, the City will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended

This Resolution has been PASSED upon Motion made by Council Member_____, seconded by Council Member _____ by a vote of _____ to _____ and is effective this _____, 2020.

City of Elgin	Witness Signature
X *Mayor Signature*	X City Secretary Signature
Printed Name: Title: Mayor	Printed Name: Title: City Secretary

EXHIBIT A

April 20, 2020

Mr. Charles Cunningham
Elgin City Hall
512-229-3214
ccunningham@ci.elgin.tx.us

Dear Mr. Cunningham,

Thank you for the opportunity to present proposed financing for the City of Elgin. I am submitting for your review the following proposed structure:

ISSUER:	City of Elgin, Texas
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005
EQUIPMENT COST:	$ 862,800
TERM:	10 Semi-Annual Payments (5 Years)
INTEREST RATE:	3.270% ***Fixed***
PAYMENT AMOUNT #1:	$ 320,000.00
PAYMENT #1 DUE:	August 2020
PAYMENTS #2-#10 AMOUNT:	$ 66,206.97
PAYMENTS BEGINNING:	January 2021, and semi-annually thereafter

Government Capital is registered with Texas Ethics Commission to be HB 1295 compliant. The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time.

Our finance programs are flexible, and my goal is customer delight. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

Drew

Drew Whitington
Client Services
Main: 817-421-5400

Equipment Purchase List

General Fund

Eqipment	Model	Vendor	Dept.	Price	Coop
Police Pursuit Veh.	2020 Chevy Tahoe RWD 9C1	Defender Supply	Police	$ 47,500	HGAC
Police Pursuit Veh.	2020 Chevy Tahoe RWD 9C1	Defender Supply	Police	$ 47,500	HGAC
Police Pursuit Veh.	2020 Chevy Tahoe RWD 9C1	Defender Supply	Police	$ 47,500	HGAC
Motor grader	John Deer 670G	RDO Equipment	Streets	$ 224,211	BB
Backhoe	John Deer 310L	RDO Equipment	Streets	$ 91,103	BB
Pickup Truck	F250 Diesel Crew Cab	Caldwell County Chevy	Streets	$ 38,298	HGAC
Mower	Ventrac 4500 Kubota	Austin Turf and Tractor	Streets	$ 28,157	BB
Mower	Ventrac 4500 Kubota	Austin Turf and Tractor	Streets	$ 28,157	BB
12' Trailer	Utility trailer	Central Texas Trailers	Parks	$ 6,432	BB
18' Trailer	Utility trailer	Magnum Trailers	Streets	$ 6,432	BB
Mower	Kutbota Z1211	Ewald	Streets	$ 13,329	BB
Mower	Kubota Z1211	Ewald	Parks	$ 13,329	BB
Mower	Kubota Z1211	Ewald	Parks	$ 13,329	BB
Van	Ford Transit cargo van	Caldwell County Chevy	Bldg/Grnds	$ 25,383	HGAC
			Subtotal	$ 630,660	

Utility Fund

Eqipment	Model	Vendor	Dept.	Price	Coop
Pickup Truck	F250 Diesel Single Cab Box Bed	Caldwell County Chevy	Util. Bill	$ 37,002	HGAC
18' Trailer	Utility trailer	Magnum Trailers	Streets	$ 6,432	
Skid Steer	Caterpiller 289D XPS	Holt Cat austin	Ultil. Maint.	$ 79,702	BB
Excavator	Caterpiller 305E	Holt Cat austin	Ultil. Maint.	$ 72,002	BB
Pickup Truck	F250 Diesel Single Cab Box Bed	Caldwell County Chevy	Ultil. Maint.	$ 37,002	HGAC
			Subtotal	$ 232,140	

Total $ 862,800

BB - Buy Board
HGAC- Houston Galveston Area Council

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING AN ESCROW AGREEMENT IN THE AMOUNT OF $1,209,357 WITH LGI HOMES-TEXAS, LLC FOR PARTIAL CONSTRUCTION OF IMPROVEMENTS TO COUNTY LINE ROAD PURSUANT TO A COST PARTICIPATION AGREEMENT BETWEEN THE TWO PARTIES DATED SEPTEMBER 26, 2019; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND MAKING CERTAIN FINDINGS RELATED THERETO.

DEPARTMENTS: Finance

PROPOSED ACTION: Adopt Resolution as presented

BACKGROUND: On September 26, 2019, the City entered into a "Cost Participation" Agreement with LGI Homes-Texas, Inc. ("LGI") for the purpose of securing funds for improvements that are proposed to be made to County Line Road. These improvements are needed to mitigate choke points along County Line Road that will occur as new housing developments that feed into this arterial road come on-line in the near future.

The escrow agreement considered here is simply a funding mechanism used to guarantee the availability of LGI's share of the costs as they are needed, when construction gets underway.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Adopt Resolution as presented.

ATTACHMENTS: Proposed Resolution that includes a copy of the "Escrow Agreement" in its entirety as EXHIBIT A.

{X} Staff will be making a brief presentation on this agenda item at the meeting and will be available to answer any questions related thereto.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: **AN ORDINANCE AMENDING CHAPTER 8, Article VI-SOLICITORS AND PEDDLERS, SECTIONS 8-140 THROUGH 8-160, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY DELETING THIS SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW PEDDLERS, SOLICITORS AND VENDORS ORDINANCE, PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

DEPARTMENT: Police Department

PROPOSED ACTION:

Adopt the Ordinance as submitted

BACKGROUND: Ordinance No. 93-01 adopted on 1-5-1993 established current City rules and regulations regarding activities of peddlers, solicitors and vendors conducting business within the City. Revisions proposed in the new set of rules and regulations update compliance requirements of said activities including among other things, more precise and discrete definitions of related sales or solicitation activities; a formal application process for securing permits that includes a criminal history check by the Texas Department of Public Safety; special provisions for "street vendors" and vendors conducting business in the Historic District; a waiver of surety bond requirements; and a more consistent appeal process for permits that have been denied or revoked.

The revised Ordinance is designed to improve the City's ability to provide oversight and control, in a manner that is consistent with comparable jurisdictions, over business enterprises that conduct door to door or mobile sales or solicitation activities.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X } N/A

RECOMMENTATION:

Staff recommends that the Ordinance be adopted as submitted.

ATTACHMENTS:

1.) Ordinance amending Chapter 8. 2.) Article VI Sec 8-140 through 8-157 3.) Copy of Peddler Application for Permit 4.) FAQ

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8, Article VI- SOLICITORS AND PEDDLERS, SECTIONS 8-140 THROUGH 8-160, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY DELETING THIS SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW PEDDLERS, SOLICITORS AND VENDORS ORDINANCE, PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

WHEREAS, Chapter 8, Sections 8-140 through 8-160, Code of Ordinances, City of Elgin, Texas, Solicitors and Peddlers, dated January 5, 1993 is hereby deleted in its entirety and replaced with a new Peddlers, Solicitors and Vendors Ordinance dated April __, 2020 to be effective July 1, 2020.

WHEREAS, a copy of said Peddlers, Solicitors and Vendors Ordinance is on file in the office of the City Secretary and is hereby adopted by reference as though it was copied fully herein.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The effective date of the Ordinance to be July 1, 2020.

READ, PASSED, and ADOPTED on this ____ day of April, 2020.

_____
CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

_____
AMELIA SANCHEZ, City Secretary

ARTICLE 8.04 PEDDLERS, SOLICITORS AND VENDORS

Generally

Article VI. Solicitors and Peddlers

Sec. 8.-140. - Definitions

For the purpose of this ordinance the following terms shall have the following meanings:

Distributor. Any person who attempts to make personal contact with a resident at his residence without prior specific invitation from or appointment with the resident, for the primary purpose of attempting to sell a good or service.

Peddler. Any person who engages in commercial activities within the city limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from door-to-door.

Solicitor. Any person who solicits or attempts to solicit, from door-to-door, funds or orders for services, commercial goods, wares, merchandise, subscriptions or publications to be delivered at a future date or time.

Sec. 8-141. – Purpose of Article

This entire article is and shall be deemed an exercise of the police power of the state and of the city for the public safety, comfort, convenience and protection of the city and citizens of said city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

Sec. 8-142. - Violations and penalties

(a) Any person who violates or fails to comply with the provisions of any section of this article is guilty of a class “C” misdemeanor and upon conviction shall be punishable by a fine as provided in the general penalty, Sec. 1-15. – General Penalty for Violations of this code.

(b) Any peddler or solicitor who enters upon property owned, leased, or controlled by another and willfully refuses to leave the property, after receiving notification to leave from the owner, leaser, or person controlling the property, shall be guilty of a misdemeanor criminal trespass and may be incarcerated or fined upon conviction as provided in the Texas Penal Code.

Sec. 8-143. - Time and location restrictions

(a) No peddler or solicitor may conduct activities defined in this article, without prior invitation or appointment with the occupant of the premises, before 9:00 a.m. and after 5:00 p.m. on any day.

(b) No peddler or solicitor may peddle or solicit in the public streets or from medians in the streets, within the city limits, or in any way block, obstruct, or unduly hinder passage on public streets within the city limits.

Sec. 8-144. – Trespass Enforcement

Any distributor, peddler or solicitor who remains on private property where a notice is placed upon any door or entrance way leading into said property which notice contains the words “NO SOLICITING” or “NO SOLICITORS” and which is clearly visible to the distributor, peddler or solicitor.

Part II. Permit

Sec. 8-145. - Required

Except as provided under permit exemptions, it shall be unlawful for any peddler or solicitor to engage in business as defined in this article within the incorporated city limits without first obtaining a permit from the city.

Sec. 8-146. - Exemptions

(a) The following are excluded from permitting provisions:

(1) Persons distributing nonprofit pamphlets, handbills, or other printed material for the purpose of disseminating news or other information of public interest;

(2) Persons conducting fundraising activities for local nonprofit organizations, qualified civic organizations, or educational institutions;

(3) Persons conducting proselytizing activities or distributing religious material or literature;

(4) Persons engaged in a business or activity regulated under the exclusive authority of the state or federal government;

(5) Persons engaged in business activity and going to a house or business at the express invitation of the occupant or owner of such house or business.

(6) Canvassers who attempt only to distribute not for profit handbills or to solicit political support or to determine opinions or sentiments.

(b) Persons who are exempt from the permitting requirements are encouraged to notify the city of the approximate dates of the door-to-door activities, and the areas in which they will be working.

Sec. 8-147. - Application

(a) Any peddler or solicitor desiring to engage in activities as a peddler or solicitor within the city must file a written application for permit with the city manager of his/her designee, each applicant shall provide the following information:

(1) Applicant’s name, telephone number, home address, birth date, physical description, finger or thumbprint, criminal history check from the Texas Department of Public Safety, and either: Driver’s license number and state, or government issued picture identification card;

(2) A complete department of public safety (DPS) criminal history, issued within ninety (90) days of the date of application, for the applicant and each individual involved in the peddling, solicitation, or distribution campaign.

(3) For each individual involved in the peddling, solicitation, or distribution campaign: name, telephone number, address, birth date, physical description, and either, 1) Driver's license number and state, or 2) government issued picture identification card;

(4) If the applicant is peddling or making solicitations for any commercial, charitable or political organization, the name, telephone number and address of such organization;

(5) Full and complete list of goods to be sold and/or services to be delivered;

(6) Description (year, make, model, color and type) and license plate number and state where all vehicles to be used in soliciting and peddling are registered;

(7) A copy of the applicant's state limited sales and use tax permit, if applicable.

(b) Applicant must provide original identifying documents to the city manager of his/her designee upon request.

Sec. 8-148. - Fees

(a) All peddlers and solicitors not exempted by this article shall pay a permit fee to the city as provided in the fee schedule in Sec. 1-15. – General Penalty for Violations of this code for each person permitted.

(b) All distributors not exempted by this article shall pay a permit fee to the city as provided in the fee schedule in Sec. 1-15. – General Penalty for Violations of this code for any individual or any group of individuals.

Sec. 8-149. - Exemptions from fees

The following are exempt from the permit fee:

(1) Any individual soliciting or peddling for a philanthropic, charitable, political or religious organization.

Sec. 8-150. - Denial

(a) A copy of the application for permit will be referred to the city police services department who will undertake an investigation of the applicant's record and background, which is reasonably necessary to protect the public. An application for permit under this article may be denied where:

(1) Required application information is incomplete or incorrect.

(2) Applicant is currently wanted on warrant for arrest.

(3) Applicant has been convicted of any offense reportable by the city to the Texas Department of Public Safety or the Federal Bureau of Investigation under "Index Crimes" part I or other law enforcement reporting system (e.g. murder, nonnegligent manslaughter, sexual assault, aggravated assault, robbery, burglary, theft, and motor vehicle theft).

(b) If the city manager denies a permit, applicant may appeal this decision in writing to the city council, which may affirm, modify or reverse the decision of the city manager.

Sec. 8-151. - Issuance; duration; additions to permit

(a) If the city manager finds that the application is completed and in conformance with the provisions of this article, a permit shall be issued within ten (10) working days. Each permit will be valid for thirty (30) days from date of issue.

(b) Only those peddlers or solicitors whose names are listed on the approved application may conduct business under the issued permit. If any new peddlers or solicitors join the campaign after the original permit is issued, they must supply updated personal information required in the original application to the city manager or his/her designee.

Sec. 8-152. - Display

Each peddler, solicitor, and distributor will prominently display his/her permit or City Issued ID Card at all times while engaging in business in the city.

Sec. 8-153. - Permit nontransferable

Permits issued under the provisions of this article are not transferable in any situation and will be clearly marked “not transferable.”

Sec. 8-154. - Suspension

(a) The city manager or his/her designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this article.

(b) Peddlers and solicitors whose permits are suspended have three business days during which to request an administrative review of the suspension. If request for administrative review is not made within three business days, the permit is revoked.

Sec. 8-155. - Revocation

(a) Upon request, the city manager shall provide the revoked peddler or solicitor with written notice containing particulars of any and all complaints against him/her, and the time, date and place for an administrative review of the suspension.

(b) The city manager will conduct an administrative review to determine whether the permit shall be restored or revoked.

(c) After notice and review, the city manager may revoke any permit issued under this article for the following reasons:

(1) Fraudulent statements, omissions on permit application or in conduct of permitted business;

(2) Violation of law;

(3) Endangerment of public welfare, health or safety.

(d) If within 3 days after revocation the applicant must appeal this decision in writing to the city council, which may affirm, modify, or reverse the decision of the city manager.

(e) Revocation of a permit shall bar the peddler, solicitor, or distributor from obtaining a permit under this article for a period of one year.

Sec. 8-156. - Duration

Each itinerant vendor's or peddler's permit issued under the authority of this article shall be valid for the period of anticipated use of the applicant, but not to exceed ten (10) days for itinerant vendors, one hundred eighty (180) days for itinerant vendors operating out of a motor vehicle or trailer, as defined by the Texas Transportation Code, within the designated vendor zone within the historic district, and ninety (90) days for peddlers from the date it is issued, or until revoked under the provisions of this article.

Itinerant Vendors and Mobile Street Vendors

Part I. In General

Sec. 8-157.100 Definitions

For the purpose of this ordinance the following terms shall have the following meanings:

Business. The purchase and sale of goods in an attempt to make a profit.

Commodity. Goods, wares, or merchandise including but not limited to: fruits, vegetables, farm products or provisions, dairy products, pets, animals, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household or garden items or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. Nothing in this article shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene, or vulgar.

Historic district. The area inside of the cities incorporated boundaries of the city and as so designated by ordinance adopted by city council.

Interstate commerce. Soliciting, selling, or taking orders, or offering to take orders, for any commodity or services which, at the time the order is taken, are in or will be produced in any federal district or territory, any commonwealth, or any state other than Texas, and shipped or introduced into this city in the fulfillment of such orders.

Itinerant vendor. Any person who exhibits, displays, sells or offers for sale any commodity from a stand located on public or private property or on the streets of the city. This definition does not include:

(1) A door-to-door "peddler" or "solicitor" as defined in this code;

(2) Activities authorized by a "special event permit" issued pursuant to this code;

(3) "Temporary use permit" pursuant to the city's unified development code; and

(4) Persons selling agricultural products, which are raised or produced by them, within the city authorized public sales of farm goods.

Mobile street vendors. Persons who offer food or drink or other commodities for sale from a motor vehicle or any other conveyance such as a push cart in a public place.

Motor vehicle. Every motor vehicle or any other conveyance such as a push cart used to vend food or

drink on city streets.

Operator. Any person, firm or corporation who owns, leases, contracts or in any other manner operates or permits a person to operate upon the city streets any motor vehicles for the purpose of vending as herein defined.

Stand. The ground, or any place, showcase, table, bench, rack, handcart, pushcart, stall, booth, vehicle or any other fixture or device or thing that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any commodity.

Street. All areas legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

Vend or vending. Offering food or drink for sale from a motor vehicle on the city streets.

Sec. 8-157.101 Applicability

The special provisions set forth in this ordinance shall apply to mobile street vendors and operators as herein defined and shall supersede any conflicting provisions found elsewhere in the city code.

Sec. 8.-157.102 Penalty; impoundment of vehicles

(a) Any person who violates or fails to comply with the provisions of any section of this article is guilty of a class C misdemeanor and upon conviction shall be punishable by a fine as provided in the general penalty Sec. 1-15. – General Penalty for Violations of this code.

(b) A peace officer may impound a vehicle used for the sale of a commodity which is placed, parked, or maintained on a street in violation of this article.

Sec. 8-157.103 Itinerant vendor time restrictions

No itinerant vendor may conduct business activities defined in this article, without prior invitation or appointment with the occupant of the premises, before 9:00 a.m. and after 8:00 p.m. on any day.

Sec. 8-157.104 Itinerant vendor location and operation

The following rules and regulations shall be complied with by each itinerant vendor. It shall be unlawful for any itinerant vendor to sell or attempt to sell any commodity:

(1) By means of any outcry, sound, speaker or amplifier, or any instrument, or device, which can be heard for a distance greater than three hundred feet;

(2) In any manner that distracts drivers, such as by displaying fluttering, undulating, rotating, spinning or waving devices, whether or not such devices are for sale;

(3) Within 1,000 feet of a hospital, college, elementary school, middle school or high school;

(4) Inside the boundaries of the historic district without warrant approval by the historic review board commission;

(5) In such a way that pedestrian or motor vehicle traffic is obstructed;

(6) In such way that obstructs traffic signals or regulatory signs;

(7) Having signage that is not in compliance with the provisions of the unified development code; or

(8) In such a place or in a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to city vehicles, including emergency and sanitation vehicles.

Sec. 8-157.105 Special requirements for mobile street vendors

Mobile street vendors shall be required to comply and it shall be an offense not to comply with any of the following special requirements:

(1) A person shall vend only when the motor vehicle is lawfully stopped.

(2) A person shall vend only from the side of the motor vehicle away from moving traffic and as near as possible to the curb or side of the street.

(3) A person shall not vend to a person standing in the roadway.

(4) A person shall not stop on the left side of a one-way street to vend.

(5) A person shall not stop in a congested area where vending might impede or inconvenience the public.

(6) A person shall not vend in a street adjacent to a public school.

(7) A person shall not stop a motor vehicle for purposes of vending within one hundred (100) feet of a street intersection.

(8) No mobile street vendor shall be in operation, doing business, or going from place to place before 7:00 a.m. or after 8:00 p.m. A violation of this subsection shall be a misdemeanor offense.

(9) A mobile food vendor shall not use any outcry, sound, speaker or amplifier, or any instrument, or device which can be heard for a distance greater than three hundred feet.

Sec. 8-157.106 Police officer's judgment deemed conclusive

For purposes of this ordinance, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced or a stop is for a temporary or stationary period of time.

Sec. 8-157.107 Vendors in the historic district

Any itinerant vendor or vendor operating out of a motor vehicle or trailer, as defined in the Texas Transportation Code, that wishes to locate within the historic district, as described in section 8-156 of this article, shall submit an application for modification to the Elgin Historic Review Board. This section does not apply to special events and small market events. Motor vehicles that sell food items shall be designed and intended for vending. Ordinary vehicles, vans, and pick-up trucks shall not be permitted for food vending operations. The International Property Maintenance Code, International Residential Code, federal, state and county codes, and all other applicable codes and ordinances adopted by the city shall apply to the designated vendor zone regarding structures and properties.

Secs. 8-157.108–8-157.129 Reserved

Part II. Permit

Sec. 8-157.130 Required

It shall be unlawful for any itinerant vendor or mobile street vendor to engage in business as defined in this article within the incorporated city limits without first obtaining a permit from the city.

Sec. 8-157.131 Application

Any person desiring to engage in activities as an itinerant vendor or mobile street vendor within the city must file a written application for permit with the city manager or his/her designee at least twenty-one (21) days prior to the initial contemplated sale or exhibit. Each applicant shall provide the following information:

(1) Full name and address of the itinerant vendor, including current telephone number;

(2) Proof of identity, including date of birth, a copy of a current driver's license or identification card and a recent photographic likeness of the applicant's face;

(3) The location of the applicant's principal office and place of business;

(4) If the applicant is employed by another, the names, dates of birth, and addresses of the person, firm, association, organization, company or corporation;

(5) A complete Department of Public Safety (DPS) criminal history, issued within ninety (90) days of the date of application, for the applicant and each individual involved and/or the owners of the entity making the application, as well as for all workers, helpers, employees, assistants, agents or other persons who will be on the site;

(6) If a motor vehicle is to be used, a description of the vehicle together with the vehicle identification number and license plate number;

(7) If the vending is to occur on private property, written proof of the property owner's permission must accompany the application, and must include a statement from the owner as to the exact dates and times that the applicant is allowed to conduct itinerant vendor activities on the owner's property;

(8) A statement detailing the type and character of the commodity to be sold, offered for sale or exhibited. Nothing in this chapter shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene, or vulgar;

(9) A copy of the applicant's state limited sales and use tax permit; and

(10) If the commodity being vended is food or drink, a copy of the Bastrop County Cities and Health District permit.

Sec. 8-157.132 Exemptions

The provisions of this ordinance concerning permit requirements shall not apply to persons who come within any of the following classifications:

(1) Persons engaged in a business or activity which the state or federal government has exclusive

authority to regulate.

(2) Persons living in the city that holds a garage sale, in accordance with Sec. 46.1. – Zoning (Definitions)

(3) Persons engaged in business activity at the express invitation of the occupant or owner of such house or business.

(4) Individuals, who are engaged in, belonging to, or member of, an entity of the Elgin Independent School District; a qualified civic organization; 501c3 nonprofit organization; or religious organization, as determined by the Chief of Police, for the express purpose of fundraising, when no other permits are required. Determination of Chief of Police may be appealed to the city council if written notice is filed with the city secretary within ten days of said determination.

(5) Governmental entities.

(6) Lemonade stands and similar activities conducted and operated entirely by children under the age of sixteen (16) years and upon the private residential premises of such children.

Sec. 8-157.133 Fees and duration

(a) The permit application shall be accompanied by fees for each vehicle or stand used in vending in accordance with the fee schedule in Sec. 1-15. – General Penalty for Violations of this code.

(b) No fee shall be charged to any bona fide certified charitable, religious, educational, or philanthropic organization, or persons engaged in interstate commerce.

Sec. 8-157.134 Historic district permit duration

180 days for Itinerant vendors and vendors operating out of a trailer, as defined by the Texas Transportation Code, within the designated vendor zone within the historic district, or until revoked under the provisions of this article.

Sec. 8-157.13 Issuance; permit nontransferable; display

Upon receipt of a completed application and fees, the city manager or his/her designee shall review the application and consider the issuance of a permit authorizing the sale, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof, in the city for a period not to exceed one hundred and eighty (180) days. The permit is not transferable or assignable. The itinerant vendor permit, or mobile street vendor permit must be conspicuously displayed at all times during the operation of the vending business. A person commits an offense under this article if the person fails to display the itinerant vendor permit or mobile street vendor permit to a peace officer or code enforcement officer during the time the person is operating at the permitted location.

Sec. 8-157.136 Denial

The city manager or his/her designee may not issue a permit under this section unless the city's engineer (or his/her designee) has reviewed the request for a permit and determines that the proposed location:

(1) Has been approved by the Texas Department of Transportation engineer if the location involves a

right-of-way covered by a state-city maintenance agreement;

(2) Has been the site of more than three motor vehicle accidents during the 12-month period immediately preceding the date of the application;

(3) Has a turnout, curbside parking, or other parking space available that may be used to transact a sale;

(4) Is not expected to cause excessive vehicle delays, vehicle surges, or lane changes;

(5) Has customary street traffic volumes that do not significantly impede the flow of vehicular traffic;

(6) Complies with the provisions of section 552.007 (solicitation by pedestrians) of the Texas Transportation Code and section 42.03 (obstructing highway or other passageway) of the Texas Penal Code;

(7) Is not expected to cause or significantly contribute to street congestion or make access to abutting public or private property unreasonable inconvenient or hazardous;

(8) Is not expected to impede the flow of street traffic to make the use of the street unreasonably inconvenient or hazardous; or

(9) If other permits are issued for that location for the same time period(s), and whether the applicant failed to pay any outstanding debts, fines, or fees owed to the city or a consumer.

Sec. 8-157.137 Renewal

A permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The city manager or his/her designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new permit.

Sec. 8-157.138 Suspension and revocation

(a) In addition to the penalties contained herein, any permit issued under this article may be suspended or revoked for any of the following reasons:

(1) Fraud, misrepresentation or knowingly making a false statement in the application for the permit;

(2) Fraud, misrepresentation or knowingly making a false statement in the course of carrying on the business of vending;

(3) Refusing to fully reimburse consumer if provided with timely notice of the consumer’s intent to cancel the transaction and return of the commodity;

(4) Conducting the business of vending in any manner contrary to the conditions of the permit or this article;

(5) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or

(6) Violating any other applicable city code provision.

(b) The city manager or his/her designee shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permitted itinerant vendor or mobile street vendor permit of the right to appeal. Such notice shall be mailed to the address on the itinerant vendor application by certified mail, return receipt requested, or presented in person or via hand delivery to the itinerant vendor.

(c) If the city revokes an itinerant vendor permit or mobile street vendor permit, the fee already paid shall be forfeited. A person whose permit has been revoked under this article may not apply for a new permit for a period of one year from the date that the revocation took effect.

Secs. 8-157.139–8-157.169 Reserved

Other Street Vendors

Sec. 8-157.170 Applicability

The special provisions set forth herein shall apply to other street vendors as herein defined and shall supersede any conflicting provisions found elsewhere in the city code.

Sec. 8-157.171 Appeals

(a) If the city manager or his/her designee denies the issuance of a permit, suspends or revokes a permit, or orders the cessation of any part of the business operation conducted under the permit, the aggrieved party may appeal the decision in writing to the city council within three business days of the action. If a request for an appeal is not made within three business days, the decision becomes final.

(b) The filing of an appeal stays the action of the city manager in suspending or revoking a permit or any part of the business operation being conducted under such permit until the city council makes a final decision, unless the city manager determines that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the city shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

Elgin Police Department
202 Depot Street
Elgin Texas 78621
www.elgintx.com

Office (512) 285-5757
Fax (512) 285-9547

Peddlers, Solicitors and Vendor Permit Application

City Ordinance 8.04, Section 8-140

Approved: _____

Date: _____

Type of permit requested

☐ 30-day Distributor Permit /$ 25.00 (group) ☐ 90-day Peddler Permit /$ 25.00 (each)

☐ 30-day Solicitor Permit /$ 25.00 (each)

****

☐ 14-day Itinerant Vendor Permit /$ 25.00 ☐ 30-day Itinerant Vendor Permit /$35.00

☐ 90-day Itinerant Vendor Permit/$ 75.00 ☐180-day Itinerant Vendor Permit/$100.00

Permit No._____ Effective Dates _____

1. Applicant Name: _____
2. Address: _____
3. Phone No.: _____
4. Date of Birth: _____
5. Driver License Number: _____ State: _____
6. Present local address: _____
7. Employers name and full address: _____

   _____
8. Year, Make and Model of Vehicle: _____
9. Vehicle License Plate No.: _____
10. Color of vehicle to be used: _____

Finger/Thumb Print
Peddler/Solicitor Only

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11. Description of merchandise or service to be sold: _____

12. Location where books and records are kept: _____
(For Peddler/Solicitors/Distributors Only)

13. Web address for the organization: _____

14. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted:

_____
(For Peddler/Solicitors/Distributors Only)

15. Attach written permission from the owner of the land or building where the sales are to take place.
(For Itinerant Vendors Only)

☐ Yes ☐ No

16. Attach a copy of the applicant's sales and use tax permit issued by the State of Texas.
(Needed for all permits) **http://www.window.state.tx.us/taxpermit/**

☐ Yes ☐ No

17. Texas Department Of Public Safety Computerized Criminal History for each applicant and participant. (Needed for all permits) (Must be within 90 days of permit application)
https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/

☐ Yes ☐ No

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Additional Employees or Agents working under this permit

Name:_____

Address: _____

Phone No.: _____

Date of Birth: _____

Driver License Number: _____State: _____

Permanent Home Address: _____

Name:_____

Address: _____

Phone No.: _____

Date of Birth: _____

Driver License Number: _____State: _____

Permanent Home Address:_____

Name:_____

Address: _____

Phone: _____

Date of Birth: _____

Driver License Number: _____State_____

Permanent Home Address_____

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Certification

I CERTIFY, under the penalties of perjury, that the information contained in this application is true and correct to the best of my knowledge, information and belief.

_____ _____

Signature of Applicant Date submitted

_____

Notary Public in and for Bastrop County, Texas

My commission expires: _____

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Denial

☐ Application denied by _____
Officer Date

Reason for denial:

☐ Misrepresentation or false statement contained in the application for permit;

☐ A violation of any of the provision of this Article;

☐ Conviction of any crime involving moral turpitude;

☐ Conviction of any crime constituting a breach of the peace, or violation of any city ordinance or state law, when the incident constituting the basis of such crime occurred during the course of businesses as an itinerant vendor or peddler;

☐ The proposed operation would not comply with Federal law, State law or city ordinance, including zoning restrictions;

Inspections

☐ Failure to provide parking spaces, which need not be paved, sufficient in number to accommodate the number of automobiles being reasonably expected to be parked at any one time, taking into consideration the type, size and quantity of merchandise to be offered for sale, and in addition to those parking spaces required under the zoning ordinance for existing businesses;

☐ The use blocks access or driveway;

☐ Failure to provide adequate trash containers for the proposed use;

☐ Failure to comply with all the provisions of this Article; or

☐ Mental incompetence to a degree that the person is not held responsible for criminal actions in a court of law or is not competent to stand trail.

Faxed applications will not be accepted.
Incomplete applications will be rejected.

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City of Elgin

Distributors, Peddlers, Solicitors and Itinerant Vendors FAQ

Article 8.04

1. What is a "Distributor"?

   Any person who attempts only to distribute handbills, advertising flyer or printed information pertinent to political, religious or other community issues. Distributor may NOT knock on doors or attempt to make face-to-face contact with citizens.

2. What is a "Peddler"?

   Any person who engages in commercial activities within the City limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from door-to-door.

3. What is a "Solicitor"?

   Any person who solicits or attempts to solicit, door-to-door, funds or orders for services, commercial goods, wares, merchandise, subscriptions or publications to be delivered at a future date or time.

4. What is an "Itinerant Vendor"?

   Any person who exhibits, displays, sells or offers for sale any commodity from a stand located on public or private property or on the streets of the city.

5. Is a permit required?

   Yes! It shall be unlawful for any person to engage in the business of distributor, peddler, solicitor or itinerant vendor within the city limits without having first obtained a permit. A permit application can be found on the City of Elgin website or at the Elgin Police Department. The requirements are as follows:

   (a) Full name and all information contained on driver's license of the applicant and each agent or employee working under the permit; including a copy of a current driver's license for each; (all permits)

   (b) Permanent home address and present local address of the applicant; (all permits)

   (c) Name and home office address of applicant's employer; (all permits)

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(d) If the applicant owns or uses a motor vehicle in connection with his business, a description of such motor vehicle and the license number of same; (all permits)

(e) A brief description of the merchandise or services to be sold; (all permits) including sample flyers/handbills; (peddler, solicitor, distributor permits)

(f) Proposed duration of temporary sales operation; (all permits)

(g) Written permission from the owner of the land or building where the sales are to take place; (itinerant vendor permits)

(h) A copy of the applicant's Texas limited sales and use tax permit; (all permits)

(i) A copy of each person's computerized criminal history. (all permits)

6. Who is exempt from having to obtaining a Distributor/Peddler/Solicitor permit?

The following are excluded from permitting provisions:

(a) Persons distributing non-profit pamphlets, handbills or other printed material for the purpose of disseminating news or other information of public interest;

(b) Persons conducting fundraising activities for local non-profit organizations, qualified civic organizations or educational institutions;

(c) Persons conducting proselytizing activities or distributing religious material or literature;

(d) Persons engaged in a business or activity regulated under the exclusive authority of the state or federal government;

(e) Persons engaged in business activity and going to a house or business at the express invitation of the occupant or owner of such house or business;

(f) Canvassers who attempt only to distribute "non-advertising for profit" handbills or to solicit political support or to determine opinions or sentiments. Persons who are exempt from the permitting requirements are encouraged to notify the Police Department of the approximate dates of the door-to-door activities and the areas in which they will be working.

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7. Who is exempt from having to obtain an Itinerant Vendor permit?

   (a) Persons engaged in a business or activity which the state or federal government has exclusive authority to regulate;

   (b) Persons living in the city that will hold a garage sale; in accordance with article 8.05.001;

   (c) Persons engaged in business activity at the express invitation of the occupant or owner of such house or business;

   (d) Individuals, who are engaged in, belonging to, or member of, an entity of the Elgin Independent School District; a qualified civic organization; 501c 3 non-profit organization; or religious organization, as determined by the Chief of Police, for the express purpose of fundraising, when no other permits are required. Determination of the Chief of Police may be appealed to the City Council if written notice is filed with the City Secretary within ten (10) days of said determination;

   (e) Governmental entities.

8. What are the permit fees for a Distributor?

   All distributors not exempted by this ordinance shall pay a permit fee to the City of Elgin of $25.00 for *EACH PERSON OR GROUP OF PERSONS*.

9. What are the permit fees for a Peddler?

   All peddlers not exempted by this ordinance shall pay a permit fee to the City of Elgin of $25.00 for *EACH PERSON* permitted. The permit is valid for 90 days.

10. What are the permit fees for a Solicitor?

    All solicitors not exempted by this ordinance shall pay a permit fee to the City of Elgin of $25.00 for *EACH PERSON* permitted. The permit is valid for 30 days.

11. What are the permit fees for an Itinerant Vendor?

    (a) 14 day permit: $25.00 fee

    (b) 30 day permit: $35.00 fee

    (c) 90 day permit: $75.00 fee

    (d) 180 day permit: $100.00 fee

Elgin Police Department
202 Depot Street
Elgin Texas 78621
www.elgintx.com

Office (512) 285-5757
Fax (512) 285-9547

12. Where do I obtain a copy of my criminal history?

The Texas Department of Public Safety Driver License office https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/

Criminal History Records FAQ's
https://www.dps.texas.gov/administration/crime_records/pages/faq.htm

13 Where do I obtain a Texas Sales and Tax Use permit?

The Texas Comptroller of Public Accounts
http://www.window.state.tx.us/taxinfo/sales/

PLEASE REFER TO THE CITY WEBSITE FOR CITY ORDINANCES REGULATING YOUR DETAILED PERMIT REQUIREMENTS OR REQUEST A COPY AT THE ELGIN POLICE DEPARTMENT. FAILURE TO MAKE YOURSELF AWARE OF THESE REQUIREMENTS DOES NOT EXEMPT YOU FROM ABIDING BY THE ORDINANCE.

TEXAS DEPARTMENT OF PUBLIC SAFETY
CRIME RECORDS SERVICE
Access & Dissemination Bureau

Personal Review

PROCEDURE FOR REVIEW OF PERSONAL CRIMINAL HISTORY RECORD INFORMATION

It is the policy of the Texas Department of Public Safety (DPS) that an individual or their authorized representative have access to and may receive a copy of their criminal history record information (CHRI). This policy is in compliance with the Texas Government Code, Section 552.023.

FINGERPRINTS SUBMITTED ELECTRONICALLY TO DPS: The DPS has entered into an exclusive contract with MorphoTrust USA to provide statewide electronic fingerprinting through DPS FAST locations operated by IdentoGO. Fingerprint Applicant Services of Texas (FAST) are available by scheduling an appointment on-line at **https://uenroll.identogo.com/servicecode/11BTF9** or by calling 1-888-467-2080. DPS FAST locations operated by IdentoGO are committed to a 98% classifiable rate which means quality prints, less rejections, and quick responses. The cost of this service is $10.00 plus a $15.00 fee for the CHRI. The results will be mailed to the address provided by the individual.

1. SCHEDULING YOUR FINGERPRINT APPOINTMENT:

Fingerprint Applicant Services of Texas (FAST) are available by scheduling an appointment on-line at **https://uenroll.identogo.com/servicecode/11BTF9** or by calling 1-888-467-2080.

When Scheduling Online:

a) Select **Schedule Appointment**.
b) Enter the **Designated Recipient's Information**.
c) Follow the prompts to enter requested information.

When Scheduling Over The Phone:

a) Have the Texas Fingerprint Service Code form before calling.
b) MorphoTrust will prompt you for the service code.
c) The service code for a personal review is **11BTF9**
d) The call center operator will ask you for your demographic information, i.e. Date of Birth, Sex, Race, Ethnicity, Height, Weight, Eye Color, Hair Color, Place of Birth and Home Address.
e) You will select a location nearest to you for your fingerprint appointment.
f) Once you have scheduled your appointment you are not required to bring the service code form to your appointment.

2. YOUR FINGERPRINT APPOINTMENT:

a) Arrive at your scheduled appointment with your photo identification and fee payment
b) If you plan on bringing a form of identification other than a valid (unexpired) TX Driver License, please refer to the Department of Public Safety's acceptable document types here: http://www.dps.texas.gov/administration/crime_records/docs/ProveIdForFingerprinting.pdf

c) MorphoTrust accepts Visa/MasterCard/Discover/American Express, business checks, money orders and coupon codes (employer accounts) at the time of service.

Please note that personal checks and cash will not be accepted.

ci) Your fingerprints will be submitted electronically to DPS. You will not receive a printed fingerprint card.

cii) At the conclusion of your appointment, the MorphoTrust enrollment agent will provide you with an IdentoGo receipt stating that you were fingerprinted.

1. Do not throw away the receipt
2. You may check status on your submission by clicking on this link: https://uenroll.identogo.com/servicecode/11BTF9

Fingerprints provided for this application shall be used to check criminal history records of the Texas Department of Public Safety and the Federal Bureau of Investigation, in accordance with applicable statutes.

FINGERPRINTS SUBMITTED BY MAIL THROUGH MORPHOTRUST: The following process must be followed to submit fingerprint hard cards to MorphoTrust. The results will be mailed to the designated recipient provided by the individual. If you have any questions, please call (512) 424-5079.

3. PRE-ENROLL YOUR FINGERPRINT SUBMISSION:

Online Registration:

a) You may begin the process now by clicking on this link: https://uenroll.identogo.com/servicecode/11BTF9

b) Choose “Submit a fingerprint card"

c) Select “Pay for Ink Card Submission” button and complete all required fields on the following page

d) Complete payment screen

e) Print the confirmation document containing a bar code

f) Sign the authorization and fill in contact information

g) Once you have obtained your fingerprint cards, follow mail-in directions on the confirmation document.

Telephone Registration:

a) You may contact MorphoTrust at 888.467.2080

b) Please have the TX Fingerprint Service Code form before you call –MorhphoTrust will prompt you for the Service Code

c) The service code for an employment personal review is **11BTF9**

d) Inform the MorhpoTrust representative that you wish to pre-enroll for a “hard card submission”

e) Once payment is complete a summary confirmation document will be emailed to you

f) Print the confirmation document, sign the authorization and fill in the contact information

g) Once you have obtained your fingerprint cards, follow mail-in directions on the confirmation page

PAY BY CREDIT CARD, BUSINESS CHECK OR MONEY ORDER:

- During your registration you will be provided an opportunity to make your payment by credit card or to elect to mail in the $25.00 by business check or money order made out to MorphoTrust USA with your submission.

**** No Personal Checks will be accepted***

4. COMPLETE THE FINGERPRINT CARD:

Following information regarding person whose record is to be searched, must be completed on the fingerprint card:

a) Printed last name, first name, middle name of individual, including all alias names.

b) Sex, race, date of birth, Social Security Number.

c) Complete, legible set of fingerprints on a DPS approved fingerprint card which may be obtained from a law enforcement agency or FAST provider near you. Visit https://uenroll.identogo.com/servicecode/11BTF9 or call 1-888-467-2080 to locate a FAST provider near you. **Individual's signature must be on the fingerprint card.**

The cost for obtaining an ink card may vary and is not included in the Texas Background check fingerprint registration process or fee. Cards must be mailed to the vendor, fingerprints cannot be submitted electronically from outside the State of Texas.

5. SUBMISSION:

Mail the completed Personal Review Service Code Form, completed fingerprint card and payment (if applicable) to the address located on the MorphoTrust confirmation document. (Contains a barcode)

CHOOSING THE CORRECT PERSONAL REVIEW

Personal Review(CR-63) -Will display all criminal history including non-disclosures and juvenile Criminal History Record information.

Personal Review-Employment(CR-68) -Will display all adult arrest and disposition excluding those that have been non- disclosed. Does not include Juvenile Criminal History Record Information.

FBI Personal Review -to request your FBI personal review paste the following link into an internet browser: https://www.edo.cjis.gov

IdentoGO
By MorphoTrust USA

Texas Fingerprint Service Code Form

Personal Review

Service Name: Personal Review
To schedule your ten-minute fingerprint appointment,simply visit **https://uenroll.identogo.com** and enter the following service code

11BTF9

Background Check Authorization

I certify that all information I provided in relation to this criminal history record check is true and accurate. I authorize the Texas Department of Public Safety (DPS) to access Texas and Federal criminal history record information that pertains to me and disseminate that information to the designated Authorized Agency or Qualified Entity with which I am or am seeking to be employed or to serve as a volunteer, through the DPS Fingerprint-based Applicant Clearinghouse of Texas and as authorized by Texas Government Code Chapter 411 and any other applicable state or federal statute or policy.
I authorize the Texas Department of Public Safety to submit my fingerprints and other application information to the FBI for the purpose of comparing the submitted information to available records in order to identify other information that may be pertinent to the application. I authorize the FBI to disclose potentially pertinent information to the DPS during the processing of this application and for as long hereafter as may be relevant to the activity for which this application is being submitted. I understand that the FBI may also retain my fingerprints and other applicant information in the FBI's permanent collection of fingerprints and related information, where all such data will be subject to comparisons against other submissions received by the FBI and to further disseminations by the FBI as may be authorized under the Privacy Act of 1974 (5 USC 552a). I understand my fingerprints will be searched by and against civil, criminal and latent fingerprints in the Next Generation Identification (NGI) system. I understand I am entitled to obtain a copy of any criminal history record check and challenge the accuracy and completeness of the information before a final determination is made by the Qualified Entity. I also understand the Qualified Entity may deny me access to children, the elderly,or individuals with disabilities until the criminal history record check is completed. If a need arises to challenge the FBI record response, you may contact the agency that submitted the information to the FBI, or you may send a written challenge request to the FBI's Criminal Justice Information Services (CJIS) Division at FBI CJIS Division, Attention: Correspondence Group, 1000 Custer Hollow Road, Clarksburg, WV 26306.

Don't have access to the Internet? You can still schedule an appointment by calling 888.467.2080

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT IN THE AMOUNT OF $826,214, WITH ROYAL VISTA , INC. FOR CONSTRUCTION OF A CENTRAL LIFT STATION FOR THE CITY'S WASTEWATER SYSTEM AND MAKING CERTAIN FINDINGS RELATED THERETO.**

DEPARTMENT: Finance and Administration

PROPOSED ACTION:

Authorize the Mayor to execute an Agreement with Royal Vista, Inc. for construction of a Central Wastewater Lift Station.

BACKGROUND:

A total of eight (8) sealed bids were received at Elgin City Hall on March 10, 2020 at 11:00 am for the Central Wastewater Lift Station Project. On March 17, 2020, the City Council awarded the bid for construction of the Central Lift Station to Royal Vista Inc. of Liberty Hill, Texas. The City's Engineer was directed to negotiate the final terms of the contract and prepare the final contract documents.

The purpose of this agenda item is to authorize the Mayor to execute the contract for construction of the lift station in the amount of $826, 214.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {X} included { } not included in the current-year budget { } N/A

RECOMMENTATION:

Staff recommends that the Mayor be authorized to execute said Agreement.

ATTACHMENTS:

Resolution authorizing the Mayor to execute said Agreement. Excerpt from the Contract Document showing the work items, unit prices and total amount of work to be completed.

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT IN THE AMOUNT OF $826,214, WITH ROYAL VISTA, INC. FOR CONSTRUCTION OF A CENTRAL LIFT STATION FOR THE CITY'S WASTEWATER SYSTEM AND MAKING CERTAIN FINDINGS RELATED THERETO.

WHEREAS, the construction of a new central lift station to facilitate collection and transmission of wastewater to the City's wastewater treatment plant was originally planned in the City's five-year capital improvement plan; and

WHEREAS, the City Council in a meeting on March 17, 2020 considered 8 bids for said project and awarded the bid to Royal Vista, Inc., a construction firm that is qualified to complete all elements of the project as defined in the construction specifications; and

WHEREAS, the City's Engineers have negotiated the terms and conditions of the project in accordance with the requirements of said project.

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

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The Mayor is hereby authorized to execute an agreement with Royal Vista Inc. to construct the Central Lift Station as specified in the excerpt from the complete contract document as provided in the attached Exhibit A.

Section 3. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. Effective Date. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this ___ day of April 2020.

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary

EXHIBIT A

CONTRACT DOCUMENT

PROPOSAL * SPECIFICATIONS * CONTRACT * BOND FORMS

* * * * * * * * * * * * * * * * * * *

CITY OF ELGIN, TEXAS

CENTRAL LIFT STATION PROJECT

* * * * * * * * * * * * * * * * * * *

CITY COUNCIL

Chris Cannon – Mayor

Jessica Bega – Mayor Pro-Tem

Mary Penson

Juan Gonzalez	**Sue Arreaga**
Brad Jones	**Daniel Lopez**
Susie Brashar	**Forest Dennis**

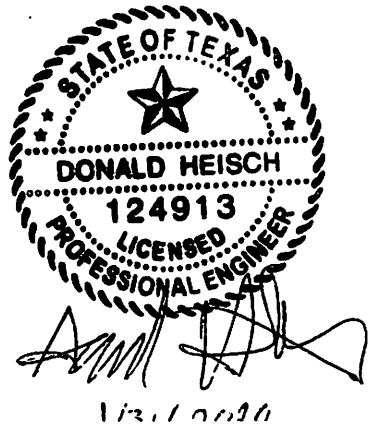
Thomas Mattis – City Manager

Doug Prinz – Utilities Director

* * * * * * * * * * * * * * * * * * *

TRC ENGINEERS, INC.
505 EAST HUNTLAND DR., SUITE 250
AUSTIN, TEXAS 78752
T.B.P.E. FIRM REGISTRATION # F-8632

JANUARY 2020



TRC PROJECT NO. 271208

SECTION P - PROPOSAL

CITY OF ELGIN, TEXAS

CENTRAL LIFT STATION

DATE: 3/9/20

Gentlemen:

Having carefully examined the Instructions to Bidders, the General Conditions of the Contract, and Detailed Plans and Specifications, the undersigned Bidder hereby proposes to do all the work and furnish all necessary superintendence, labor, machinery, equipment, tools and materials, and to complete all the work this refers to, for the construction of all items listed at the prices shown for each item on the following bid schedule.

The bid schedule attached lists the various divisions of construction contemplated in the Plans and Specifications. Bid prices must be shown in Words and Figures for each item listed in the Proposal, and in the event of a discrepancy, the words shall control.

Receipt is hereby acknowledged of the following addenda to the Contract Documents:

Addendum No. 1 dated 2/21/20 Received 2/21/20

Addendum No. 2 dated 2/28/20 Received 2/28/20

Addendum No. 3 dated 3/5/20 Received 3/6/20

All the various phases of work enumerated in the detailed specifications with their individual jobs and overhead, whether specifically mentioned, included by implication or appurtenant thereto, are to be performed by the Contractor under one of the items listed in the bid schedule, irrespective of whether it is named in said list.

Bidder agrees to perform all of the work listed in the proposal and as described in the specifications and shown on the plans, for the following unit prices:

SECTION P - PROPOSAL
CITY OF ELGIN
CENTRAL LIFT STATION
BASE BID PROPOSAL

ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.1.	1	L.S.	For the complete **construction of the Central Lift Station** including wet well, valve vault, pumping equipment, electrical equipment (excluding generator), ductile iron piping, valves, unclassified excavation and all accessories, as detailed in these specifications and as shown on the plans, complete in place ready for use by the Owner, for the sum of: Three hundred ninety-five thousand Dollars NO Cents ($ 395,000.00) per lump sum	$ 395,000.00
P.2.	1	L.S.	For furnishing all materials, equipment, labor and superintendence for the **demolition of existing Central Lift Station**, as described in the specifications and shown on the plans, complete in place, for the sum of: Thirty-five thousand Dollars NO Cents ($ 35,000.00) per lump sum	$ 35,000.00
P.3.	191	L.F.	For furnishing all materials, equipment, labor and superintendence for the installation of 8" C-900 PVC Wastewater Force Main (green in color), including connection to existing force main, complete in place, for the sum of: Sixty-five Dollars NO Cents ($ 65.00) per linear foot	$ 12,415.00

SECTION P - PROPOSAL
CITY OF ELGIN
CENTRAL LIFT STATION
BASE BID PROPOSAL

ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
For furnishing all labor, materials, equipment and for installing 8" SDR 26 PVC (ASTM D-3034) Wastewater Pipe, including bypass pumping with all appurtenances, complete in place, for the following depths of cut including mandatory gravel, secondary backfill and mechanical compaction:				
P.4.	7	L.F.	From (6'-10') cut, for the sum of: One hundred - fifty _____ Dollars NO _____ Cents ($ 150.00) per linear foot	$ 1050.00
P.5.	15	L.F.	From (10'-14') cut, for the sum of: One hundred . Eighty _____ Dollars NO _____ Cents ($ 180.00) per linear foot	$ 2700.00
For furnishing all labor, materials, equipment and for installing 12" SDR 26 PVC (ASTM D-3034) Wastewater Pipe, including bypass pumping with all appurtenances, complete in place, for the following depths of cut including mandatory gravel, secondary backfill and mechanical compaction:				
P.6.	10	L.F.	From (0'-6') cut, for the sum of: One hundred - fifty _____ Dollars NO _____ Cents ($ 150.00) per linear foot	$ 1500.00
P.7.	163	L.F.	From (6'-10') cut, for the sum of: One hundred - Eighty _____ Dollars NO _____ Cents ($ 180.00) per linear foot	$ 29340.00

SECTION P - PROPOSAL CITY OF ELGIN CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
For furnishing all labor, materials, equipment and for the removal of an existing 6" sanitary sewer line and installing 12" SDR 26 PVC (ASTM D-3034) Wastewater Pipe, including bypass pumping with all appurtenances, complete in place, for the following depths of cut including mandatory gravel, secondary backfill and mechanical compaction:				
P.8.	73	L.F.	From (0'-6') cut, for the sum of: Eighty-five Dollars NO Cents ($ 85.00) per linear foot	$ 6205.00
P.9.	256	L.F.	From (6'-10') cut, for the sum of: Ninety-five Dollars NO Cents ($ 95.00) per linear foot	$ 24,320.00
P.10.	375	L.F.	From (10'-14') cut, for the sum of: One hundred-fifteen Dollars NO Cents ($ 115.00) per linear foot	$ 43,125.00
For furnishing all labor, materials, equipment and for the removal of an existing 6" sanitary sewer line and installing 12" C-900 PVC Wastewater Pipe (green in color), including bypass pumping with all appurtenances, complete in place, for the following depths of cut including mandatory gravel, secondary backfill and mechanical compaction:				
P.11.	16	L.F.	From (0'-6') cut, for the sum of: Ninety-five Dollars NO Cents ($ 95.00) per linear foot	$ 1520.00

SECTION P - PROPOSAL CITY OF ELGIN CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.12.	522	L.F.	From (6'-10') cut, for the sum of: One hundred - five _____ Dollars No _____ Cents ($ 105,00) per linear foot	$ 54,810,00
P.13.	80	L.F.	From (10'-14') cut, for the sum of: One hundred twenty-five _____ Dollars NO _____ Cents ($ 125,00) per linear foot	$ 10,000,00
P.14.	0.21	TON	For furnishing all materials, equipment, labor and superintendence for the installation of ductile iron compact main line fittings, including bends and plugs, for the proposed force main to include meg-a-lug glands, as specified and shown on the plans, complete in place, for the sum of: Twenty-five thousand _____ Dollars NO _____ Cents ($ 25,000,00) per ton	$ 5,250,00
P.15.	191	L.F.	For furnishing all labor, materials and equipment for the inductive tracer detection wire for the force main, as specified and shown on the plans, complete in place, for the sum of: Two _____ Dollars NO _____ Cents ($ 2,00) per linear foot	$ 382,00

SECTION P - PROPOSAL CITY OF EAGLE CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.16.	2	EA.	For furnishing all materials, equipment, labor and superintendence to remove existing Manholes, complete in place, for the sum of: Twenty five hundred _____ Dollars NO _____ Cents ($ 2,500,00) per each	$ 5,000.00
P.17.	4	EA.	For furnishing and installing all materials, equipment, labor and superintendence to construct new 4' Diameter Standard 6' Depth Manholes, at locations shown on the plans, as detailed, including encasement, complete in place, for the sum of: Forty-one hundred _____ Dollars NO _____ Cents ($ 4,100.00) per each	$ 16,400.00
P.18.	2	EA.	For furnishing and installing all materials, equipment, labor and superintendence to construct new 4' Diameter Standard 6' Depth Drop Manholes, at locations shown on the plans, as detailed, including encasement, complete in place, for the sum of: Fifty two hundred _____ Dollars NO _____ Cents ($ 5200.00) per each	$ 10,400.00

SECTION P – PROPOSAL CITY OF ELGIN CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.19.	10	V.F.	For furnishing all materials, equipment, labor and superintendence to install extra depth to 4' Diameter Standard 6' Depth Manholes, complete in place, for the sum of: One hundred - fifty _____ Dollars NO _____ Cents ($ 150.00) per vertical foot	$ 1,500.00
P.20.	9	V.F.	For furnishing all materials, equipment, labor and superintendence to install extra depth to 4' Diameter Standard 6' Depth Drop Manholes, complete in place, for the sum of: One hundred - fifty _____ Dollars NO _____ Cents ($ 150.00) per vertical foot	$ 1,350.00
P.21.	83	V.F.	For furnishing all materials, equipment, labor and superintendence to install Raven Series 405 Lining on all manholes (regardless of standard or drop), complete in place, for the sum of: One hundred - twenty _____ Dollars NO _____ Cents ($ 120.00) per vertical foot	$ 9,960.00

SECTION P - PROPOSAL CITY OF ELGIN CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.22.	3	EA.	For furnishing all materials, equipment, labor and superintendence for the connection to existing manholes, complete in place, for the sum of: Eighteen Hundred _____ Dollars NO _____ Cents ($ 1800.00) per each	$ 5,400.00
P.23.	140	L.F.	For furnishing all materials, equipment, labor and superintendence for the installation of 8' tall concrete fence including 16' vehicular gate, as described in the specifications and shown on the plans, complete in place, for the sum of: Three Hundred - fifty _____ Dollars NO _____ Cents ($ 350.00) per linear foot	$ 49,000.00
P.24.	50	S.Y.	For furnishing all materials, equipment, labor and superintendence for the installation of a gravel surface 3" deep with 1" crushed stone inside the lift station fence, including geotextile fabric, as described in the specifications and shown on the plans, complete in place, for the sum of: Eighty _____ Dollars NO _____ Cents ($ 80.00) per square yard	$ 4000.00

SECTION P – PROPOSAL CITY OF ELGIN CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.25.	109	S.Y.	For furnishing all materials, equipment, labor and superintendence for the installation of 12' access road, including TxDOT Item 247, Type A, Grade 2 Crushed Stone, as described in the specifications and shown on the plans, complete in place, for the sum of: Fifty _____ Dollars Zero _____ Cents ($ 50.00) per square yard	$5,450.00
P.26.	1	EA.	For connection of existing force main to proposed manhole, regardless of size, at locations shown on the plans, complete in place, for the sum of: Eighteen hundred _____ Dollars Zero _____ Cents ($ 1,800.00) per each	$1,800.00
P.27.	1,517	L.F.	For furnishing all materials, labor, equipment and superintendence to video the proposed wastewater lines and provide to the City on DVD, for the sum of: Three _____ Dollars Zero _____ Cents ($ 3.00) per linear foot	$4,551.00

SECTION P – PROPOSAL CITY OF ELGIN GENERAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.28.	176	L.F.	For furnishing all labor, materials, equipment and superintendence for the removal of an existing 3/4" water service line, as indicated on the plans, complete in place, for the sum of: Ten _____ Dollars Xo Cents ($ 10.00) per linear foot	$ 1,760.00
P.29.	320	L.F.	For furnishing all materials, labor, equipment and superintendence for the installation of 2" schedule 40 PVC water line, as indicated on the plans, complete in place, for the sum of: Eighteen _____ Dollars No Cents ($ 18.00) per linear foot	$ 5,760.00
P.30.	2	EA.	For furnishing all materials, labor, equipment and superintendence for the relocation of existing water meter, including 3/4" connection to 2" service line, as indicated on the plans, complete in place, for the sum of: Twenty-five Hundred _____ Dollars 80 Cents ($ 2,500.00) per each	$ 5,000.00

SECTION P - PROPOSAL
CITY OF ELGIN
CENTRAL LIFT STATION
BASE BID PROPOSAL

ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.31.	558	S.Y.	For furnishing and installing seeding (hydro-mulching) Bermuda grass, for erosion control, as detailed and directed, at locations shown on the plans, complete in place, for the sum of: Two _____ Dollars No Cents ($ 2.00) per square yard	$ 1,116.00
P.32.	40	L.F.	For furnishing and installing rock berm, for erosion and sediment control, as detailed and directed, at locations shown on the plans, complete in place, for the sum of: Thirty _____ Dollars NO Cents ($ 30.00) per linear foot	$ 1,200.00
P.33.	164	L.F.	For furnishing and installing silt fence, for erosion and sediment control, as detailed and directed, at locations shown on the plans, complete in place, for the sum of: Three _____ Dollars NO Cents ($ 3.00) per linear foot	$ 492.00
P.34.	1	L.S.	For furnishing, installing and maintaining a traffic control plan, complete in place, for the sum of: Fifteen thousand _____ Dollars NO Cents ($ 15,000.00) per lump sum	$ 15,000.00

SECTION P – PROPOSAL CITY OF ELGIN CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.35.	1	L.S.	For furnishing all materials, equipment, labor and superintendence for site clearing and tree removal, as described in the specifications and shown on the plans, complete in place, for the sum of: Twelve thousand _____ Dollars NO _____ Cents ($ 12,000.00) per lump sum	$ 12,000.00
P.36.	1,708	L.F.	For furnishing and maintaining trench and/or excavation safety according to OSHA Standards, as specified and shown on the plans, as detailed in these specifications, complete in place, for the sum of: One _____ Dollars NO _____ Cents ($ 1.00) per linear foot	$ 1708.00
P.37.	325	L.F.	For furnishing all material, labor, and equipment for pavement repair over utility installation (regardless of trench width), including compaction, 12" (minimum depth) crushed limestone base, and 2" Type D HMAC, in order to restore them to their original condition, complete in place, for the sum of: Thirty _____ Dollars NO _____ Cents ($ 30.00) per linear foot	$ 9,750.00

SECTION P - PROPOSAL CITY OF ELGIN CENTRAL LIFT STATION BASE BID PROPOSAL				
ITEM NO.	NO. OF UNITS	UNIT	ITEM AND UNIT PRICE (FILL IN BOTH SCRIPT AND FIGURES)	TOTAL AMOUNT
P.38.	1	L.S.	For furnishing all materials, labor, equipment and superintendence to perform **asbestos abatement on existing lift station BUILDING** including but not limited to disposal in accordance with all applicable regulatory authorities of the existing structure as shown on the plans, complete in place, for the sum of: Ten thousand _____ Dollars No _____ Cents ($ 10,000.00) per lump sum	$ 10,000.00
P.39.	1	L.S.	For furnishing the mobilization to the site at project commencement and de-mobilization from the site at project end, as described in these specifications, for the sum of: Twenty five thousand _____ Dollars No _____ Cents ($ 25,000.00) per lump sum	$ 25,000.00
TOTAL BASE BID PROPOSAL: **(SUMMATION OF ITEMS P.1. THROUGH P.39.)** Eight hundred twenty six thousand two hundred fourteen dollars _____ Dollars No _____ Cents				$ 826,214.00

This Agreement is entered into as of the day and year written above ("The Date of Execution"):

City of Eglin	Royal Vista, Inc.
OWNER	CONTRACTOR
By: _____	By: _____
Chris Cannon	Larry Foust
Title: Mayor	Title: Vice President

Elgin City Council Meeting
Agenda Item Executive Summary

ITEM: A RESOLUTION BY THE CITY OF ELGIN, TEXAS, RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY ENTEX, SOUTH TEXAS DIVISION TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

DEPARTMENT: Administration

PROPOSED ACTION: Approval of proposed rates Resolution.

BACKGROUND: Section 104.301 of the Texas Utilities Code allows municipalities the right to postpone proposed rate increases for 45 days in order that a review of the data and calculations can be made that was the basis for the utility to propose a rate adjustment. This proposed Resolution also allows the City of Elgin to participate in a coalition of other Cities in this particular rate case.

Residential rate $1.55; general service small $3.11; general service large volume $18.74.

Increases will be suspended until June 18, 2020..

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:

ATTACHMENTS:

Proclamation

{ } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO.

A RESOLUTION BY THE CITY OF ELGIN, TEXAS, RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY ENTEX, SOUTH TEXAS DIVISION TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on March 5, 2020 CenterPoint Energy Entex, South Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly residential customer charge by $1.55; general service small $3.11; and general service large volume $18.74; and

WHEREAS, there are many customers of limited means who receive gas service from CenterPoint and relatively small increases in rates can have a negative effect on those customers being able to make ends meet; and

WHEREAS, the City has a special responsibility to exercise due diligence before approving rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS, the application to increase rates by CenterPoint is very lengthy and complex; and

WHEREAS, it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done; and

WHEREAS, the effective date proposed by CenterPoint is May 4, 2020 but a suspension by the City will mean that the rate increase cannot go into effect prior to June 18, 2020.

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

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

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations which provide the basis for the rate increase application.

Section 3. Authorizing in the participation of a coalition with other cities named in the rate case.

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

Section 5. This resolution shall be effective immediately upon passage.

PASSED and APPROVED this the 7th day of April 2020.

ATTEST:

_____
Chris Cannon, Mayor

_____
Amelia Sanchez
City Secretary