



COUNCIL MEETING  
CITY HALL - 960 EARLY BLVD.  
TUESDAY, MARCH 12, 2024 6PM  
**AGENDA**

***A. Call to order, Invocation, Pledge of Allegiance***

***B. Consideration of the minutes for regular meeting held on February 13, 2024***

***C. Citizen's comments***

***D. Matters of New Business***

1. Consideration to approve a Hotel Occupancy Tax Fund Grant application for Howard Payne University Athletics, **Resolution 2024-CVR02**.
2. Consider approval of **Resolution 2024-R06**, authorizing continued participation with the Steering Committee of cities served by Atmos Energy Corporation, and authorizing payment to fund regulatory and related activities related to Atmos Energy Corporation.
3. Consideration to award bid proposal, **RFP 2024-04**, Light Poles for Boardwalk.
4. Consider adopting an **Ordinance 2024-03**, cancelling the General Election for May 4, 2024 and declaring the unopposed candidates elected.
5. Consideration to approve **Ordinance 2024-04**, authorizing the Municipal Maintenance Agreement between TxDOT and City of Early.
6. Consideration to approve the use of American Rescue Plan Act (ARPA) funds for Early Town Center infrastructure.
7. Consideration to approve **Ordinance 2024-05**, amending 2023-2024 Fiscal Year Budget.

***E. Executive Session in accordance with the provisions of Chapter 551, Texas Government Code Sections 551.071-Consult with Attorney, 551.072-Real Property, and 551.087-Economic Development***

***F. Reconvene into Open Session and consider action, if any, on items discussed in executive session***

***G. Administrator's Report***

1. Autumn Drive project
2. Park Drive sewer line project
3. Early Town Center project
4. Transportation Alternative (TA) Grant project
5. Orchard Drive / Parkway Drive intersection

***H. Announcements***

1. State of the City - Friday, April 12th
2. Smart City Expo - Thursday, May 2nd

***I. Adjourn/Recess***

Certified and Posted 03/08/2024  
Brenda Kilgo, City Secretary



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Meeting Date: 3/12/2024

## Agenda Item B

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**PREPARED BY:** Brenda Kilgo,  
**DATE:** March 8, 2024  
**SUBJECT:** Minutes - February 13, 2024

### **RECOMMENDATION:**

### **ATTACHMENTS:**

1. Minutes - February 13, 2024

The Early City Council met in regular session on Tuesday, February 13, 2024 at 6:00 p.m. with the following members present:

Mayor Mangrum  
Council members:  
Benny Allcorn  
Charles Matlock  
Leland Acker  
Garry Forisha

City Administrator Tony Aaron  
Economic Development Director Larry McConn  
City Secretary Brenda Kilgo  
City Attorney Mark Bessent

Council member Travis Eoff was absent.

Establishing a quorum present, Mayor Mangrum called the meeting to order, Mr. Forisha gave the invocation and led the Pledge of Allegiance.

**Consideration of the minutes for regular meeting held on January 23, 2023.**

Mr. Matlock made motion, seconded by Mr. Forisha, to approve the minutes as written. All members present voted “aye”.

**Citizen’s comments**

There were no citizen comments.

**Public Hearing – Review of Building and Permit Fees**

Mangrum opened the Public Hearing at 6:01 p.m. and asked City Administrator Tony Aaron to proceed with the information for this matter. Mr. Aaron explained that a State statute was updated in last year’s Legislative Session requiring a review of a municipalities building fees every 10 years and reauthorize those fees if no updated ordinances have been approved within a 10-year period.

A list of the current building permit and inspection fees were presented for review.

Having no questions or comments, Mayor Mangrum closed the Public Hearing at 6:02 p.m.

**Consideration to approve Ordinance 2024-01, reauthorizing building permit and inspection fees.**

Mr. Acker made motion to approve Ordinance 2024-01, reauthorizing building permit and inspection fees as presented. Mr. Matlock seconded the motion and all members present voted “aye”.

**Consideration to approve Ordinance 2024-02, establishing facility use fees for City of Early ballpark.**

Mr. Aaron provided a list of proposed facility use fees for the City ballparks. He stated that these fees were more for private organizations and travel teams instead of local associations.

He also noted that the proposed fees are in line with what neighboring entities and facilities are charging. The proposed fees include hourly fees for fields and lights as well as tournament fee options. Fees for the use of the pavilions are also included within the proposed ordinance.

Mr. Forisha made motion, seconded by Mr. Acker, approve Ordinance 2024-02 to establish facility use fees for City Park. All members present voted “aye”.

**Consider adoption of a Resolution, 2024-R01, creating 2024 Building Early, Texas Initiative; an economic development program under Chapter 380 of the Texas Local Government.**

This program waives all building permits and tap fees for any new single residential construction within city limits. 2023 resulted in approximately \$7700 of fees waived but the growth in the property tax value is the added benefit for the city.

Mr. Allcorn made motion, seconded by Mr. Acker, to approve Resolution 2024-01 creating 2024 Building Early, Texas Initiative. All members voted “aye”.

**Consider approval of a Resolution, 2024-R02, approving the submission of a Justice Assistance Grant (JAG) application.**

Chief Mercer explains that this grant is through the West Central Texas Council of Governments. The application for the grant is to use the funds to purchase a phone recording system for the Early Police Department. This grant is a 100% refundable, with no cost match from the City; the amount of the grant requested is for the cost of the equipment at \$13,000.

Mr. Allcorn made motion to approve Resolution 2024-R02 for the submission of a Justice Assistance Grant application. Mr. Forisha seconded the motion and all members voted “aye”.

**Consideration of Resolution 2024-R03, approving an application for the Bullet Resistant Shield Grant Program**

Chief Mercer stated that the Police Department received this grant last year for the purchase of two shields; this application is for eight shields so that each patrol unit is equipped with one. This is also a 100% reimbursable grant, with no cost match from the City; the cost of the equipment is \$23,000.

Mr. Forisha made motion, seconded by Mr. Matlock, to approve Resolution 2024-R03 for an application for the Bullet Resistant Shield Grant Program. All members present voted “aye”.

**Consider approval of Resolution 2024-R04, authorizing continued participation with the Steering Committee of cities served by ONCOR, and authorizing payment to fund regulatory and related activities related to ONCOR.**

The continued participation with the ONCOR Steering Committee is recommended. With a minimal assessment fee of \$329, the benefits far outweigh the cost.

Mr. Acker made motion to approve Resolution 2024-R04 authorizing the continued participation and payment of the assessment fee as presented. Mr. Allcorn seconded the motion and all members present voted “aye”.

**Consider approving Resolution 2024-R05, ordering an election to be held May 4, 2024 to elect three (3) Council members and providing details relating to the holding of such election.**

Mr. Allcorn made motion, seconded by Mr. Matlock, to approve Resolution 2024-R05 ordering an election for three Council members on May 4, 2024. All members present voted “aye”.

**Consider continuation of the variance granted to City Ordinance Code Chapter 23, Section 2-2, to place a firework stand to sell fireworks at 710 Garmon Drive.**

Reviewed on an annual basis, the firework stand passed all inspections and meets all requirements with the building code. There were no responses received for or against this request and it is recommended that the variance be granted for another year.

Mr. Allcorn made motion to approve the variance as requested. Mr. Acker seconded the motion and all members present voted “aye”.

**Consider approval of Economic Development grant application, Resolution 2024-EDR01, to City of Early for Town Center Boardwalk and utilities construction.**

This item is included within the EMDD budget for the Boardwalk construction and related utilities such as gas (Atmos) and electric (Oncor) at Town Center in the amount \$600,000. The MDD Board approved the grant funds in their meeting earlier this month.

Mr. Acker made motion, seconded by Mr. Matlock, to approve Resolution 2024-EDR01 in the amount of \$600,000 for the Boardwalk and utilities construction at Early Town Center. All members present voted “aye”.

Mayor Mangrum announced that item #10 will be moved for discussion and consideration after Executive Session.

**Executive Session in accordance with the provisions of Chapter 551, Texas Government Code, Section 551.071, Consultation with Attorney.**

Mr. Matlock made motion, seconded by Mr. Acker, to enter into Executive Session. All members voted “aye” and entering into closed session at 6:17 p.m.

**Reconvene into Open Session and consider action, if any, on items discussed in executive session**

Mr. Acker made motion, seconded by Mr. Matlock, reconvene into open session at 6:42 p.m. All members present voted “aye”.

**Discussion and consideration of approval to enter a Memorandum of Understanding (MOU) between YMCA of Abilene, the City of Early and Brown County regarding Brown County Family YMCA.**

Mr. Acker made motion, seconded by Mr. Forisha, to approve to enter a MOU between YMCA of Abilene, the City of Early and Brown County regarding the Brown County Family YMCA.

## **Reports:**

### **Building & Developing services (1<sup>st</sup> Quarter FY 2023/2024)**

Jeremy Essary reported:

- 123 Permits; 85 open, 44 closed
- Skyview development
  - o 3 new houses, final inspections pending
  - o Upcoming new builds
  - o 8 lots sold for new builds
- 8 new houses built; 4 qualified under the 2023 Building Initiative
- Longhorn Subdivision – 25 lots

### **2023 Racial Profile**

Chief Mercer reported:

- 2277 traffic stops / pedestrian contacts
- 1067 on city streets, 1160 on State highways or County
- 217 of the stops the race/ethnicity was known
  - o 0 Alaskan
  - o 3 Asian
  - o 105 African American
  - o 633 White
  - o 703 Hispanic

### **Police Department (1<sup>st</sup> Quarter FY 2023/2024)**

- 839 calls
  - o 315 traffic stops
  - o 264 tickets
  - o 36 accidents
  - o 46 arrests
  - o 16 drug arrests
  - o 8 DWI
  - o 0 use of force

Two new patrol units: Dodge Durango and Dodge Charger

Mr. Aaron also reported 3 “Atta boys” to the department:

Officer Olalde saved a life with use of a tourniquet in an accidental shooting

Officer Fletcher made arrest of fleeing suspect in a Brownwood homicide

Officer Simpson and Sergeant Sheedy made arrest for an armed robbery fleeing from Lometa

### **CVB (1<sup>st</sup> Quarter FY 2023/2024)**

- 34 EVEC Rentals
- 64 Business Complex room rentals
- Approximately 1100 attended October’s Movie in the Park event
- Sponsored or provided grant funds to five (5) other events this quarter
- Social media
  - o 14,637 content engagement
  - o 112,305 Facebook reaches
- 353 visitors logged at the EVEC

- Beyond Early program – feature stories of surrounding smaller communities including Blanket, Zephyr and May on the Visit Early website to help promote tourism for all communities

#### Finance Department (1<sup>st</sup> Quarter FY 2023/2024)

- Budget progress is consistent with expectations with few exceptions for 22/23 projects continuing over into new budget year (Autumn Drive, Town Center)
- Base Sales Tax still averaging above budget; industrial sector has decreased
- Interest earned on all bank accounts for the quarter \$103,000

#### Administrator's Report

Fraud Risk Assessment – annual review to determine likelihood, significance, and strength/weakness of internal controls regarding theft risks; report shows good internal controls for majority of items reviewed; key discussion from the review involved the topic of “smaller items add up” resulting in a closer look into inventory management for such items as tools, fuel, etc.

TA Grant (TXDOT) – Sidewalk project contractor is on site to begin on north side of Early Blvd, includes Longhorn/W. Industrial, Oak Street to Early Blvd, and then move to Orchard intersection; grant is at \$0 cost to city; TXDOT handles all inspections and contractor communication;

Orchard intersection will include a calming circle/roundabout at Parkway with a 3-way yield at the circle itself and a 3-way stop at the Orchard(s) intersection; construction to begin soon in conjunction with the sidewalk project.

Autumn Drive – concrete work will be completed this week; final base layer and asphalt to follow within a few weeks.

Park Drive sewer line – replacement is almost complete; next move will be to Crescent Drive for the sewer line rehab project; additional work on City side will be to rehab the lines across McDonald Park (behind pavilion and concession stands) for water and wastewater infrastructure to Bluebonnet and the Longhorn Subdivision.

#### Adjourn

Mr. Matlock made motion, seconded by Mr. Forisha, to adjourn the meeting. All members present voted “aye” adjourning the meeting at 7:21 p.m.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY SECRETARY

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**Meeting Date: 3/12/2024**

## **Agenda Item D1**

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**PREPARED BY:** Brenda Kilgo,  
**DATE:** March 8, 2024  
**SUBJECT:** Consideration to approve a Hotel Occupancy Tax Fund Grant application for Howard Payne University Athletics, Resolution 2024-CVR02.

**RECOMMENDATION:**

**ATTACHMENTS:**

1. Resolution 2024-CVR02 Hotel Occupancy Tax grant - HPU Athletics
2. Grant application



## RESOLUTION NO. 2024-CVR02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EARLY, TEXAS, APPROVING AN AGREEMENT BETWEEN THE CITY OF EARLY AND HOWARD PAYNE UNIVERSITY ATHLETICS AWARDING A HOTEL OCCUPANCY TAX GRANT TO HOWARD PAYNE UNIVERSITY ATHLETICS IN THE AMOUNT OF \_\_\_\_\_ FOR FISCAL YEAR 2023/2024; AND AUTHORIZING THE CONVENTION AND VISITORS BUREAU COORDINATOR TO EXECUTE THE NECESSARY DOCUMENTS; AND PROVIDE AN EFFECTIVE DATE.**

**WHEREAS**, the City is authorized by Chapter 351 of the Texas Property Tax Code to levy a hotel occupancy tax to be used to directly enhance and promote tourism and the convention and hotel industry; and,

**WHEREAS**, Howard Payne University Athletics is committed to providing quality visitor information promoting the tourism and hotel industry as well as promoting other Early tourism related businesses; and,

**WHEREAS**, Howard Payne University Athletics submitted an Application for Hotel Occupancy Tax funds for Fiscal Year 2023/2024; and,

**WHEREAS**, the City Council, after consideration of the applications finds that an expenditure of local hotel occupancy tax for the Applicant as set forth herein, will directly enhance and promote tourism and, the convention and hotel industry in the City or its vicinity, and further finds that the expenditures are for one or more of the statutorily authorized purposes.

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

**Section 1:** That the City of **Early**, Texas hereby approves an Agreement between the City of Early and Howard Payne University Athletics awarding a grant of Hotel Occupancy Tax funds to Howard Payne University Athletics in the expenditure amount of \$ \_\_\_\_\_ under the terms and conditions set forth in the Project/Event Grant Application Packet.

**Section 2:** That the City Council of the City of Early hereby authorizes the Convention and Visitors Bureau Coordinator to execute the necessary documents to conform to this Resolution as appropriate.

**Section 3:** This resolution shall become effective immediately upon its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Early, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF EARLY, TEXAS**

\_\_\_\_\_  
Robert Mangrum, Mayor

**ATTEST:**

\_\_\_\_\_  
Brenda Kilgo, City Secretary



*Visit Early, Visit Often*

**Hotel Occupancy Tax Fund  
Project/Event Grant Application Packet**

**NAME OF THE ORGANIZATION REQUESTING FUNDS:**

\_\_\_\_\_Howard Payne University Athletics\_\_\_\_\_

## Overview of the Application Process

This packet was designed to establish guidelines which apply universally to all events/facilities requesting funds from the City of Early Convention & Visitors Bureau (CVB) in regards to financial support from the City Hotel Occupancy Tax (HOT) Fund.

The CVB Coordinator will review the application and make recommendations to the Early City Council regarding approval or denial of the request. At which time the CVB Coordinator will also give additional comments as to the amount of financial funding request based on estimated economic impact relevant to the request. Upon approval, funds will be dispensed one week from approval date of the Early City Council.

**To apply for support, the event must impact the hotel/convention business in the City of Early.**

## Application Guidelines

1. Incomplete applications will not be accepted. Completed applications do not guarantee funding. The CVB Coordinator will work with the applicant to ensure that all necessary documentation is included before presenting to the Early City Council.
2. All requests for funds should be submitted in writing accompanied by the official application no later than 60 days prior to your event.
3. The applicant may be asked to be present at the City Council meeting to answer any questions regarding the application. Applicants will be notified one week prior to the meeting of the time and place for the review.
4. For any applicant applying for HOT funds, the CVB recommends these funds focus on targeting visitors outside a 50 mile radius of the City of Early.
5. Applicants must post a link to the City of Early's Tourism website and promote hotel/motel venues in the City of Early.

## Required Attachments:

1. P&L from previous year's event
2. Projected budget for entire event
3. Advertising / Marketing Plan, including target audience
4. Schedule of activities

## Use of Local Vendors:

The CVB encourages all event organizers to patronize City of Early businesses for food, supplies, materials, printing, etc. when possible

## The Post-Event Process:

The Post Event Analysis must include all of the items outlined in the application; including samples of advertisements produced with the use of HOT funds. If the Post Event Analysis and the final accounting of room nights are not received by the due date, the CVB reserves the right to reject any future application by the organization and reserves the right to request reimbursement of partial of all HOT Funding.

It is the responsibility of the recipient to monitor the number of out-of town guests who stay in the City of Early lodging properties in relation to their event. It is strongly recommended to work with local hotels to ensure proper credit and tracking. Some suggestions for tracking out-of-town guests would be to use a zip code tracking system or a survey distributed to attendees.

A hotel list has been included in the packet for your reference in coordinating room blocks and/or directing people to overnight accommodations. Please note that room nights generated in the surrounding area do not fulfill the requirements of the state law and will not be credited to your event.

## Use of Local Hotel Occupancy Tax Revenues

There is a two part test that every expenditure of local hotel occupancy tax must meet to be valid.

### Test #1:

Does the event directly enhance and promote tourism in hotel/convention industry?

☒X Yes ☐No

### Test #2:

Does the event qualify under AT LEAST ONE of the following statutorily provided categories (Circle Category number):

1. The establishment, improvement or maintenance of a convention or visitor center or booth.
2. Administrative costs for facilitating convention registration (facilities, personnel, and materials).
3. The advertising, solicitations, and promotions that attract tourists and convention delegates to the City.

4. Encouragement, promotion, improvement and application of the arts (instrumental, vocal, dance, drama, architecture, painting, sculpture, photography, radio, television etc.)
5. Historical restoration and preservation projects and activities to encourage tourists to visit preserved historic sites and museums.
6. Sporting events that increase hotel activity.
7. Enhancement of existing sports facilities and/or fields.
8. Tourist Transportation systems.
9. Signage directing the public to sights and attractions frequently visited by hotel guest in the City.

If the CVB cannot fit the expenditure within one of these nine categories, hotel occupancy tax revenues cannot be used for that purpose.

## Event Support Application

### Organization/Business Information

Today's Date: 2/15/24 Event Date: April 27-30

Name of Organization/Business: HPU Athletics Department

Address of Organization: 1000 Fisk St.

City, State, & Zip of Organization: Brownwood, TX 76801

Contact Name: Hunter Sims

Contact Phone Number: 972-977-2713 Email: hsims@hputx.edu

Status of organization (Circle): **Non-Profit** Private/For Profit Govt. Agency

Tax ID #: 75-08000653

Purpose of your organization/business: College Education, Hosting College golf tournament

### Event or Expenditure Description

Please answer all items that apply to your request.

Name of your event/expenditure:

ASC Women's Golf Conference Championship

Website address of your event/expenditure:

www.hpusports.com

Date(s) of event/expenditure:

April 27-30

Location of event/expenditure:

The Hideout

Number of total persons expected to attend this event:

\_\_\_\_\_ 9 teams 40-50 players 12 coaches 88% from out of town \_\_\_\_\_

If a permanent facility (history, arts, etc.) Expected Attendance Monthly/Annually:

\_\_\_\_\_ N/A \_\_\_\_\_

Approximate number of people attending/visiting event/permanent facility will stay overnight in local hotels/motels:

\_\_\_\_\_ At least 30 Rooms could be up to 40\_ (Competitors only, this does not include fans) \_\_\_\_\_

How will the funds be used to directly enhance and promote tourism AND the hotel and convention industry in the City of Early?

\_\_\_\_\_ Yes, we hosted this event prior. We all did such a good job they asked to come back.

**Second Time Howard Payne, will Host ASC Golf Conference Championship** \_\_\_\_\_

List host hotel or hotels that currently have block of rooms for this event: Organization must provide proof of listing or link of hotels on advertising and website:

Hotel	# of Rooms Blocked
Avalon Motel – 618 Early Blvd	
Classic Inn – 607 Early Blvd	
Comfort Inn – 204 Early Blvd	
Executive Inn – 1204 C C Woodson	
Knights Inn – 606 Early Blvd	
Royal Inn – 807 Early Blvd	
Holiday Inn Express – 128 Early Blvd	Host Hotel

Provide 3 years attendance history for this event or permanent facility:

Year	Event Duration (in days)	Audience Size	# of Attendees in hotel rooms
'24	4 days 3 nights	75- 100	35-40 (fans only)

## **Funding Request Overview**

Amount Requested: \$

\_\_\_\_ Banquet Room and Buffet Dinner at Early Visitors Center and gifts for participants \_\_\_\_

Amount Granted In Past For Same Event or Facility: \$

\_\_\_\_ Same event in the past \_\_\_\_

Which Expenditure Category From Pages 3 or 4 Is Most Relevant To Your Event/Facility?

\_\_\_\_ 2/3/6 \_\_\_\_

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## **HOT Fund Grant Application Packet Form**

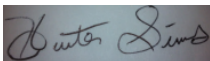
Please return completed application with necessary attachments and signature to the City of Early CVB at 104 E Industrial, Early, TX 76802 no later than 60 days prior to event or expenditure.

I have read the HOT Tax Fund Grant Application Process including the Rules Governing the Application and the Reimbursement Process.

I fully understand the HOT Tax Fund Grant Application Process, Rules Governing the Application and the process established by the City of Early. I intend to use the grant for the aforementioned event/expenditure to forward the efforts of the City of Early in directly enhancing and promoting tourism and the convention and hotel industry by attracting visitors and hotel guests from outside City of Early into the city.

I understand that if I am awarded a HOT Fund Grant, any deviation from the approved project or expenditure or from the rules governing the application may result in the partial or total withdrawal of the HOT Fund Grant or a requirement to refund any all funds received.

**Business/Organization Name:** Howard Payne University Athletics



\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
2/15/24

\_\_\_\_\_  
Date



## **CVB Recommendation**

### **CVB Staff Representative Recommended Grant Amount:**

They are requesting the use of the Visitors Center, the meal for the banquet, and goodie bags for each golfer. It would be best to use the \$3,500 initially budgeted for the another tournament which HPU did not get for this event. We hosted the ACS conference tournament a few years ago. You have to host a preview tournament to show you can meet the requirements of the tournament. This year, the host who was awarded the tournament was disapproved at the preview tournament, and the ACS tournament committee called HPU and asked if they could bring the tournament back to Brown County and if Early could cost the banquet like before since Brown County did such a great job. The ACS chose us out of all the others who have hosted the tournament before. Hunter said they specially asked to come back to Early.

I have confirmed a caterer, desserts, and the event center and am finalizing the good-bag items. All will be \$3,500 or under. The Holiday Inn is the host hotel. There was a one-day preview tournament on February 21st, with several teams staying in Early on February 20<sup>th</sup>. They did not ask for funding for that tournament.

### **Conditions of Grant:**

Host hotel to be in Early – Holiday Inn Express has been confirmed for this, and Visit Early will be listed as a sponsor.

**Approved** \_\_\_\_\_ **Denied** \_\_\_\_\_ **Resolution #** \_\_\_\_\_ **Date** \_\_\_\_\_

**Amount** \_\_\_\_\_ **Check Date** \_\_\_\_\_

The above accounting of our Special Event/Facility is accurate and true to the best of my knowledge.

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Authorized Signature

Date

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Printed Name

Title

Return this form and supporting documentation to:

City of Early CVB  
Denise Hudson. CVB Coordinator  
104 E Industrial  
Early, TX 76802  
[dhudson@earlytx.net](mailto:dhudson@earlytx.net)  
325-649-9300 Office  
325-643-4746 Fax  
325-800-8058 Cell

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**Meeting Date: 3/12/2024**

## **Agenda Item D2**

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**PREPARED BY:** Brenda Kilgo,  
**DATE:** March 8, 2024  
**SUBJECT:** Consider approval of Resolution 2024-R06, authorizing continued participation with the Steering Committee of cities served by Atmos Energy Corporation, and authorizing payment to fund regulatory and related activities related to Atmos Energy Corporation.

**RECOMMENDATION:**

**ATTACHMENTS:**

1. Resolution 2024-R06 Atmos Steering Committee
2. 2024 Atmos Steering Committee Invoice
3. Staff Report - Atmos Steering Committee

RESOLUTION NO. 2024-R06

A RESOLUTION AUTHORIZING MEMBERSHIP IN THE  
ATMOS CITIES STEERING COMMITTEE; AND  
AUTHORIZING THE PAYMENT OF FIVE CENTS PER  
CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO  
FUND REGULATORY AND RELATED ACTIVITIES  
RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Early is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City would like to become a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLY, TEXAS:

I.

That the City is authorized to become a member in the Atmos Cities Steering Committee to protect the interests of the City of Early and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2024 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to “*Atmos Cities Steering Committee*” shall be sent to:

Brandi Stigler  
Atmos Cities Steering Committee  
c/o Arlington City Attorney's Office, Mail Stop 63-0300  
101 S. Mesquite St., Suite 300  
Arlington, Texas 76010

PRESENTED AND PASSED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_\_\_  
ayes and \_\_\_\_\_ nays at a regular meeting of the City Council of the City of Early, Texas.

\_\_\_\_\_  
Signature  
Mayor

ATTEST:

\_\_\_\_\_  
Signature  
City Secretary

APPROVED AS TO FORM:  
City Attorney

BY \_\_\_\_\_

City of Arlington, c/o Atmos Cities Steering Committee  
Attn: Brandi Stigler  
101 S. Mesquite St., Ste 300  
MS #63-0300  
Arlington, TX 76010

Invoice

Date	Invoice #
2/6/2024	24-53

Bill To
City of Early

Item	Population	Per Capita	Amount
2024 Membership Assessment	3,296	0.05	164.80
Please make check payable to: Atmos Cities Steering Committee and mail to Atmos Cities Steering Committee, Attn: Brandi Stigler, Arlington City Attorney's Office, 101 S. Mesquite St., Ste 300, MS #63-0300, Arlington, Texas 76010			<b>Total</b> \$164.80

## **STAFF REPORT ON ASSESSMENT RESOLUTION FOR ATMOS CITIES STEERING COMMITTEE**

### **Purpose of the Resolution:**

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of 185 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 185 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

### **The ACSC Membership Assessment Supports Important Activities:**

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

### **Explanation of Resolution Paragraphs:**

- I. This paragraph authorizes the continuation of the City’s membership in ACSC.
- II. This paragraph authorizes payment of the City’s assessment to the ACSC in the amount of five cents (\$0.05) per capita.
- III. This paragraph requires notification that the City has adopted the Resolution.

### **Payment of Assessment**

The assessment payment check should be made out to “*Atmos Cities Steering Committee*” and mailed to Brandi Stigler, Atmos Cities Steering Committee, c/o Arlington City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

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Meeting Date: 3/12/2024

## Agenda Item D3

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**PREPARED BY:** Brenda Kilgo,  
**DATE:** March 8, 2024  
**SUBJECT:** Consideration to award bid proposal, RFP 2024-04, Light Poles for Boardwalk.

### **RECOMMENDATION:**

### **ATTACHMENTS:**

1. RFP 2024-04 Light Poles for Boardwalk





**CITY OF EARLY  
REQUEST FOR PROPOSALS (RFP)  
LIGHT POLE MATERIAL 2024-04**

**Sealed Proposal Due Date: Friday, February 16 at 3:00 p.m.**

**I. PURPOSE**

The City of Early (City) is soliciting Request for Proposals (RFP) for Composite Decking Materials.

Sealed proposals are due to the City Secretary's Office by **February 16 at 3:00 p.m.** sealed proposals will be opened at the Early City Hall on **Friday, February 16 at 3:00 p.m.** In order to be considered, the sealed proposal must address each of the requests for information in the Summary of Qualifications section.

**II. SERVICES REQUIRED**

This is a request for proposal for Composite Decking Material. The City is requesting proposals for:

**SEE BELOW FOR FULL DESCRIPTION**

- 44 – 12' Light Poles by Global Lighting Prospective (GLP)
- 44 – Pole light heads by GLP
- 35 – 16' Banner Poles by GLP
- 27 – 42" Lighted bollards by Endeavor
- Include breakdown of delivery fees by distance and/or volume (if any are applicable).

It is the City's preference to award the contract to one vendor, but the City reserves the right to choose secondary vendors also. An RFP allows for price negotiations after the bid opening, so City of Early has chosen this bid format as a way of protecting vendors against future price increases. We have also built into this bid the ability to increase or decrease prices based on market conditions and verifications as listed below:

**III. SUBMISSION OF RESPONSE**

**Delivery:** Proposals must be sealed. Proposals may be mailed or hand-delivered to the City of Early, City Secretary. Sealed Proposals for Composite Decking Material are due to the City Secretary's Office by **3:00 p.m.** on **Friday, February 16.**

- Proposal packets are required to include One (1) copy.
- Please include breakdown of delivery fees by distance and/or volume (if any are applicable).
- Please include on the sealed bid envelope:

**“SEALED RFP COMPOSITE DECKING MATERIAL 2024-03 - TO BE OPENED: Friday, February 16 at 3:00 p.m.”**

- Proposals received after this time will be returned unopened. The City reserves the right to reject any and all proposals, to request additional information concerning any proposals for purposes of clarification, and to waive any irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the City to pay any cost incurred by respondents in the preparation of the proposals. Furthermore, this RFP does not obligate the City to accept or contract for any implied services.

**Mailing Address and Hand Delivery Address:**

Brenda Kilgo, City Secretary

City of Early

ATTN – SEALED RFP 2024-03 - TO BE OPENED: 02/16/2024 AT 3:00 P.M.

PO BOX 3100

960 Early Blvd

Early, TX 76802

Your qualification shall be governed by the following schedule:

**Friday, February 16 at 3:00 p.m.,** Central Standard Time (“CST”)

Deadline for inquiries, questions, or requests for information with the City of Early

All questions must be submitted in writing to: [LMCCONN@EARLYTX.NET](mailto:LMCCONN@EARLYTX.NET)

**Communications:** All communications regarding the submission of your qualification proposal are to be in writing directly through the City of Early at: [LMCCONN@EARLYTX.NET](mailto:LMCCONN@EARLYTX.NET)

**IV. QUALIFICATION PROPOSAL INFORMATION**

**Statement of Qualifications**

Each Statement of Qualification (SOQ) must address, but does not need to be limited to, the following information:

Respondents shall include:

**Qualifications and Experience**

Please provide the following information on the attached form to return to the City of Early

- List the name and all addresses of location(s) of your firm. Which firm location will be used to provide materials to City of Early Projects?
- List all individuals and contact information for who would be providing services for this RFP.
- Describe your involvement with municipalities or other governmental agencies that you have provided construction materials and delivery services for. List any contact information for current/former references for the past five (5) years for governmental clients.

**V. EVALUATION PROCESS**

The City of Early reserves the right to accept or reject any and all submissions in the best interest of the City. Proposals will remain in effect for 90 days. Proposals cannot be altered or amended after the submission deadline. Any interlineations, alterations, or erasures made before bid opening must be initialed by the signor of the proposal, guaranteeing authenticity.

### **Receiving Bids**

Sealed bids will be received by the City Secretary. The time received shall be noted on the envelope or box and initialed.

Bids received after the published deadline shall remain unopened and will be returned to the vendor.

### **Bid Process**

Sealed bids will be opened in public at the Early City Hall. The bids shall remain on file, open for inspection with the City Secretary for at least forty-eight (48) hours before the contract may be awarded. Bids that are received, which are unmarked, shall be opened for identification purposes only and resealed. The envelope or box shall be marked accordingly.

After proposals are opened and publicly read, the proposals will be tabulated for comparison on the basis of the bid prices and quantities (lowest responsible vendor) or by the best value method shown in the bid. Until final award of the Contract, the city reserves the right to reject any or all bids, to waive technicalities, and to re-advertise for new bids. The following items will be considered when an award is based on best value:

- The purchase price for materials listed on page 1 including cost of delivery;
- The reputation of the bidder and of the bidder's goods or services;
- The extent to which the goods or services meet the municipality's needs;
- The bidder's past relationship with the municipality;
  - The RFP will be awarded using the following criteria:
    - Pricing of requested items
    - Ability to deliver product in a timely manner
    - References
    - Previous relationship with the City of Early

## **VI. BID AWARD AND PRICING**

After your response to this RFP is submitted, the City will negotiate a final price which is then approved by City Council. Prior to City Council approval, if any market changes occur the responding vendor must notify the City Secretary of this immediately. Once this Council approval occurs, pricing will be subject to the Market Conditions terms listed above for price increases and decreases. Should pricing adjustments take place after bid submittal and before placing the order, documentation verifying the reason for the price change must be presented in writing to the City Secretary immediately upon learning of the changes.

The Review Committee shall be responsible for preparing a tabulation sheet for all bids received that will be made available to the public upon request. The tabulation sheets will be forwarded to the City Council to make the final decision of an award.

**Point of Contact**

In the event clarification or additional information is needed, contact:

City of Early: Attn: Larry McConn

960 Early Blvd.

Early, Texas 76802

325-643-5451 Telephone

[LMCCONN@EARLYTX.NET](mailto:LMCCONN@EARLYTX.NET)

**Notice**

Any notice provided by this RFP or required by law to be given to the respondents by City of Early shall be deemed to have been given and received on the next business day after such written notice was deposited in the U.S. Postal Service mail facility in City of Early, Texas by registered or certified mail addressed to the respondent at the address provided in the sealed respondent. Any interpretation, corrections, or changes to this Request for Qualifications will be made by addenda. The sole issuing authority of addenda shall be the City of Early City Secretary. Addenda will be mailed to all who are known to have received a copy of this Request for Proposals. Bidders shall acknowledge receipt of all addenda.

**IMPORTANT**  
**PLEASE RETURN THIS SHEET IN ITS ENTIRETY**

Date: \_\_\_\_\_

For (Contractor's Name):

Project: **LIGHT POLE MATERIAL**

**Sealed bids are due to no later than Friday, February 16 at 3:00 p.m. They can be delivered by hand or courier service to:**

Early City Hall  
ATTN: Larry McConn  
960 Early Blvd.  
Early TX, 76802

Bids will be opened at 3:00 PM Friday February 16<sup>th</sup> in the offices of Early City Hall.

- In the space provided below, please enter your total bid amount for this project. Only this figure will be read publicly by the Department at the public bid opening.

\$ _____	44 – 12' Light Poles by Global Lighting Prospective (GLP)
\$ _____	44 – Pole light heads by GLP
\$ _____	35 – 16' Banner Poles by GLP
\$ _____	27 – 42" Lighted bollards by GLP
\$ _____	Delivery Fees

\$ \_\_\_\_\_ **Total**

Your printed quote sheet can be included in the packet for consideration

- Additionally, please answer the following questions. It is allowable to answer these on a separate page of your liking. This information WILL be used in determining the best value in the awarding of the project.
  - List the name and all addresses of location(s) of your firm. Which firm location will be used to provide materials to City of Early Projects?  
\_\_\_\_\_  
\_\_\_\_\_
  - List all individuals and contact information for who would be providing services for this RFP.  
\_\_\_\_\_  
\_\_\_\_\_
  - Describe your involvement with municipalities or other governmental agencies that you have provided construction materials and delivery

services for. List any contact information for current/former references for the past five (5) years for governmental clients.

---

It is understood and agreed by the bidder in signing this proposal that the total bid amount entered below is not binding on either the bidder or the Early Municipal Development District. It is further agreed that the official total bid amount for this proposal will be determined by multiplying the unit bid prices for each pay item by the respective estimated quantities shown in this proposal and then totaling all of the extended amounts. Authorization for the approval of the bid is based on “best value” by the City Council of the Early Municipal Development District as authorized by Texas Local Government Code Section 252.043. The City Council of the City of Early retains the right to reject any and all bids

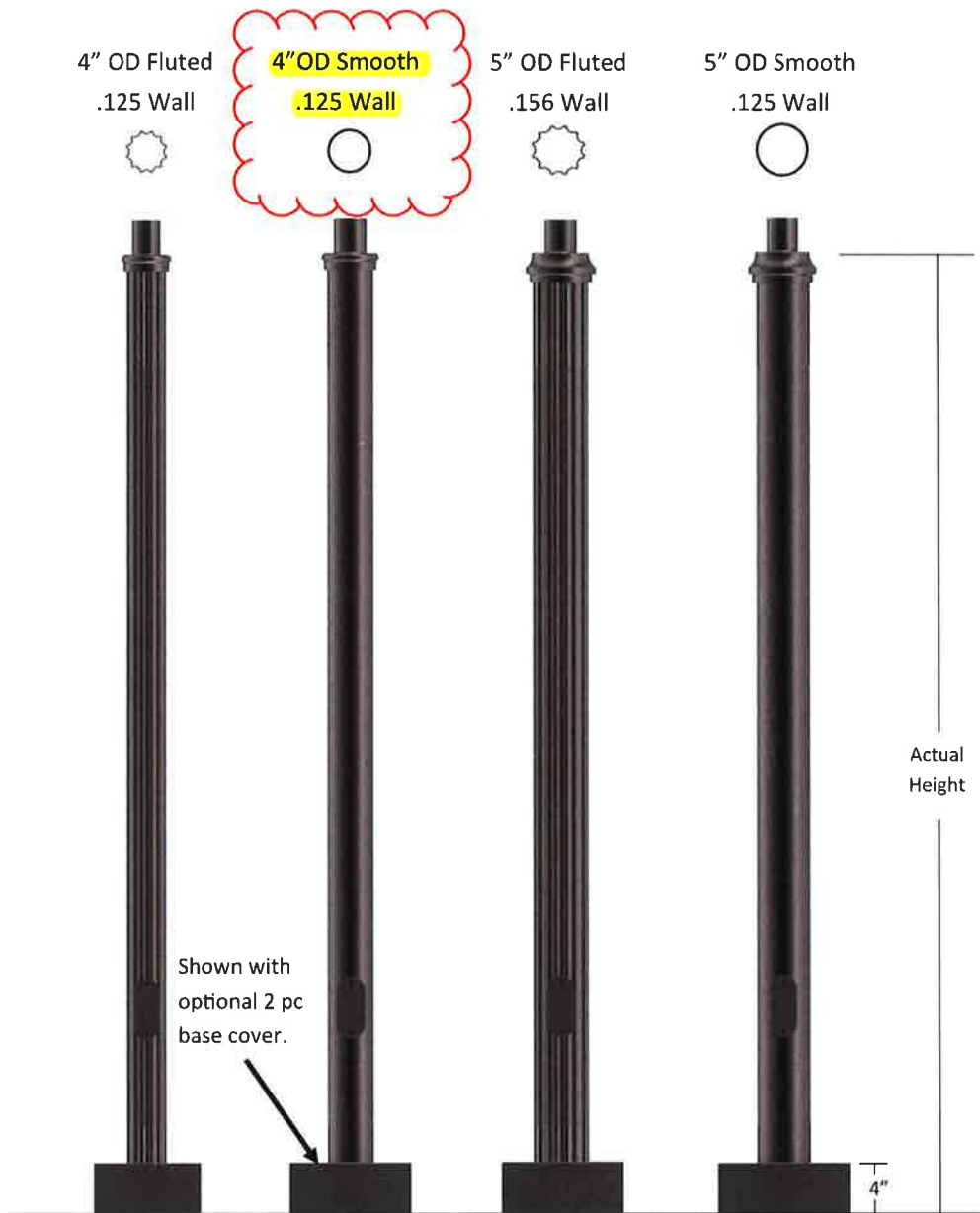
**This bid proposal is authorized by:**

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed



## Shaft Styles



## FEATURES

- Strong, lightweight and easy to install
- Extruded aluminum shaft welded to a cast aluminum base plate
- 3" OD x 3" tall tenon included for luminaire mounting
- Access door for wiring secured with stainless steel screws
- Ground lug included inside base
- Durable powder coat finish
- 1/2" x 18" Anchor Bolts & Template included

## MATERIALS

- Base Plate - Cast Aluminum (A356)
- Shaft - Extruded Aluminum (6061-T6)
- Tenon - Cast Aluminum (A356)
- Anchor Bolts - Hot Dipped Galvanized
- Hardware—Stainless Steel

## ACCESSORIES

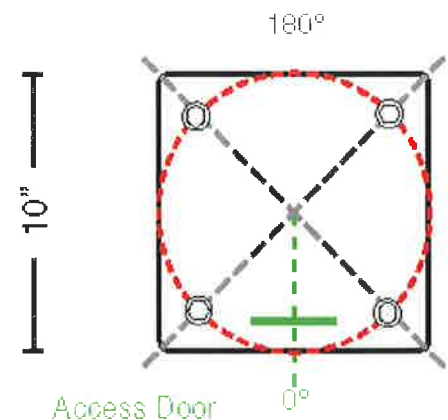
- **GFCI Box** with weatherproof WIUC (Additional accessories below ordered separately) (See Accessories Page for ordering guide)
- Clamp on banner arms
- Direct bury extension
- Clamp on flag pole holder
- Base Cover

## ANCHORAGE

- 1/2" x 18" x 3" Hot-dipped galvanized steel L-type anchor bolts.
- (4) Bolts with (2) nuts, (2) washers per bolt included

GP203-xx	GP204-xx	GP205-xx	GP206-xx	Actual Height
GP203-08	GP204-08	GP205-08	GP206-08	8'
GP203-10	GP204-10	GP205-10	GP206-10	10'
GP203-12	GP204-12	GP205-12	GP206-12	12'
GP203-14	GP204-14	GP205-14	GP206-14	14'

## 10" Bolt Circle

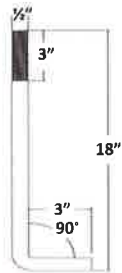




## Pole Details



## Anchor Bolt Details



- (4) 1/2" Galvanized Steel L-Type Anchor Bolts
- (8) 1/2" Galvanized Steel Hex Nuts
- (8) 1/2" Galvanized Steel Flat Washers
- (8) 3/4" Galvanized Steel Flat Washers

## Finish

The pole will be finished with an electrostatically applied polyester powder coat suitable for exterior use. The pole is pretreated using industry standard environmentally responsible processes for a long lasting and durable finish.

## Standard Finishes

- BK - Black (Gloss)**
- ~~BT - Black (Textured)~~
- SB - Statuary Bronze
- GN - Green

## Premium Finishes

- WH - White (Gloss)
- CV - Copper Vein
- GV - Green Vein
- CF - Custom Finishes

## Tenons

## 3" OD x 3" Tall Tenon Standard

- ~~TNS54 - 4" OD x 3" Tall Tenon slip fits over 5" smooth shaft~~
- ~~TNF54 - 4" OD x 3" Tall Tenon slip fits over 5" fluted shaft~~
- LT - Less Tenon
- Other tenons available upon request
- Check fixture and/or arm spec sheet for tenon requirements

## Accessories

**GFCI** - Provision for Ground Fault Circuit Interrupter outlet with NEC required wet location while in use type cover (WIUC). The cover is made of die cast aluminum and will be painted to match.

**GFCI Orientation** is stated as degrees from access door and **GFCI Placement** on shaft must be specified in ordering guide below.

**TOP** - placement will be 6" from top of pole.

**BOT** - placement will be 6" above the access door.



(Additional accessories below ordered separately)

(See Accessories Page for ordering guide)

Flag Pole Holder



Single and Double Sided  
Field Rotatable Banner Arm



## Base Covers

**BC4** — Square 2 pc Base Cover for 4" Shaft

~~BC4R — Round 2 pc Cast Base Cover for 4" Shaft~~

**BC5** — Square 2 pc Base Cover for 5" Shaft

## Ordering Guide

	Pole/Shaft Style	Height	Access Door	Tenon	Accessory	GFCI Orientation	GFCI Placement	Base Cover	Finish
EXAMPLE	GP203	14	EAD	Leave blank for standard	GFCI	BOT	180	BC4R	BT
	GP203	08	EAD	TNS54	GFCI	TOP	0	BC4	BK
	GP204	10		TNF54		BOT	90	BC4R	BT
	GP205	12		LT			180	BC5	SB
	GP206	14					270		GN
									Premium Finishes WH, CV, GV, CF
	Required				Optional				Choose Finish





GC7023



GC7022



GC7024

**FEATURES**

- Stylish and efficient traditional lighting fixtures for post top mounting
- Lightweight cast aluminum fixture base with set screws for installation
- Slip fits over common 2 7/8" and 3" OD tenons on most decorative poles
- Durable Powder Coat Finish
- 0-10v Dimming Capability
- ETL Listed

**LED LIGHT SOURCE OPTIONS**

- 3 Power Levels
- 3 Color Temperatures
- 4 Light Distributions

**MATERIALS**

- Base & Struts - Cast Aluminum (A356)
- Hat - Spun Aluminum
- Hardware - Stainless Steel

**ACCESSORIES**

- PCLL - PCL for LED Fixtures
- 26HSS - 180° House Side Shield
- SP1 - 10kV/10kA Surge Protection

**LED LIGHT SOURCE CONFIGURATIONS**

~~G2LED40—1 Driver, 1 LED Module, 1 Optic~~

~~G2LED65—1 Driver, 1 LED Module, 1 Optic~~

~~G2LED80—1 Driver, 1 LED Module, 1 Optic~~

**LED MODULE**

12 High efficacy multi-die packages  
2x6 LED Configuration  
80CRI—2700, 3000, 4000 CCT

**DRIVER**

0-10v Dimming Compatible  
120 to 277 Auto Sensing  
Class 2, Class P  
Minimum Rating IP66

**LED OPTICS**

2x6 Multi Lens  
PMMA (Acrylic)  
IES Type II, III, IV, V  
Silicone Gasket  
IP66 System



### Finish

The fixture will be finished with an electrostatically applied polyester powder coat suitable for exterior use. The fixtures are pretreated using industry standard environmentally responsible processes for a long lasting and durable finish.

#### Standard Finishes

**BK** - Black (Gloss)  
**BT** - Black (Textured)  
**SB** - Statuary Bronze  
**GN** - Green

#### Premium Finishes

**WH** - White (Gloss)  
**CV** - Copper Vein  
**GV** - Green Vein  
**CF** - Custom Finishes

### LED Light Source Performance Data

GC7020 SERIES			2700K (27K)		3000K (30K)		4000K (40K)	
MODULE NAME	NOM WATT	LIGHT DISTRIBUTION	DELIVERED LUMENS	EFFICACY (LPW)	DELIVERED LUMENS	EFFICACY (LPW)	DELIVERED LUMENS	EFFICACY (LPW)
<b>G2LED40</b>	<b>41.2</b>	T2	4074.9	98.90	4198.6	101.91	4624.7	112.25
		T3	4170.7	101.23	4297.4	104.31	4733.5	114.89
		T4	4362.1	105.88	4494.3	109.08	4950.3	120.15
		T5	4323.4	104.94	4454.3	108.11	4906.5	119.09
<b>G2LED65</b>	<b>67.9</b>	T2	5852.6	86.19	6031.1	88.82	6643.2	97.84
		T3	5990.0	88.22	6172.8	90.91	6799.0	100.13
		T4	6264.5	92.26	6455.5	95.07	7110.6	104.72
		T5	6208.9	91.44	6398.3	94.23	7047.8	103.80
<b>G2LED80</b>	<b>82.1</b>	T2	8080.6	98.42	8326.9	101.42	9171.9	111.72
		T3	8268.8	100.72	8520.4	103.78	9384.9	114.31
		T4	8652.5	105.39	8915.1	108.59	9819.7	119.61
		T5	8572.9	104.42	8832.8	107.59	9729.1	118.50

### LED Light Source Options

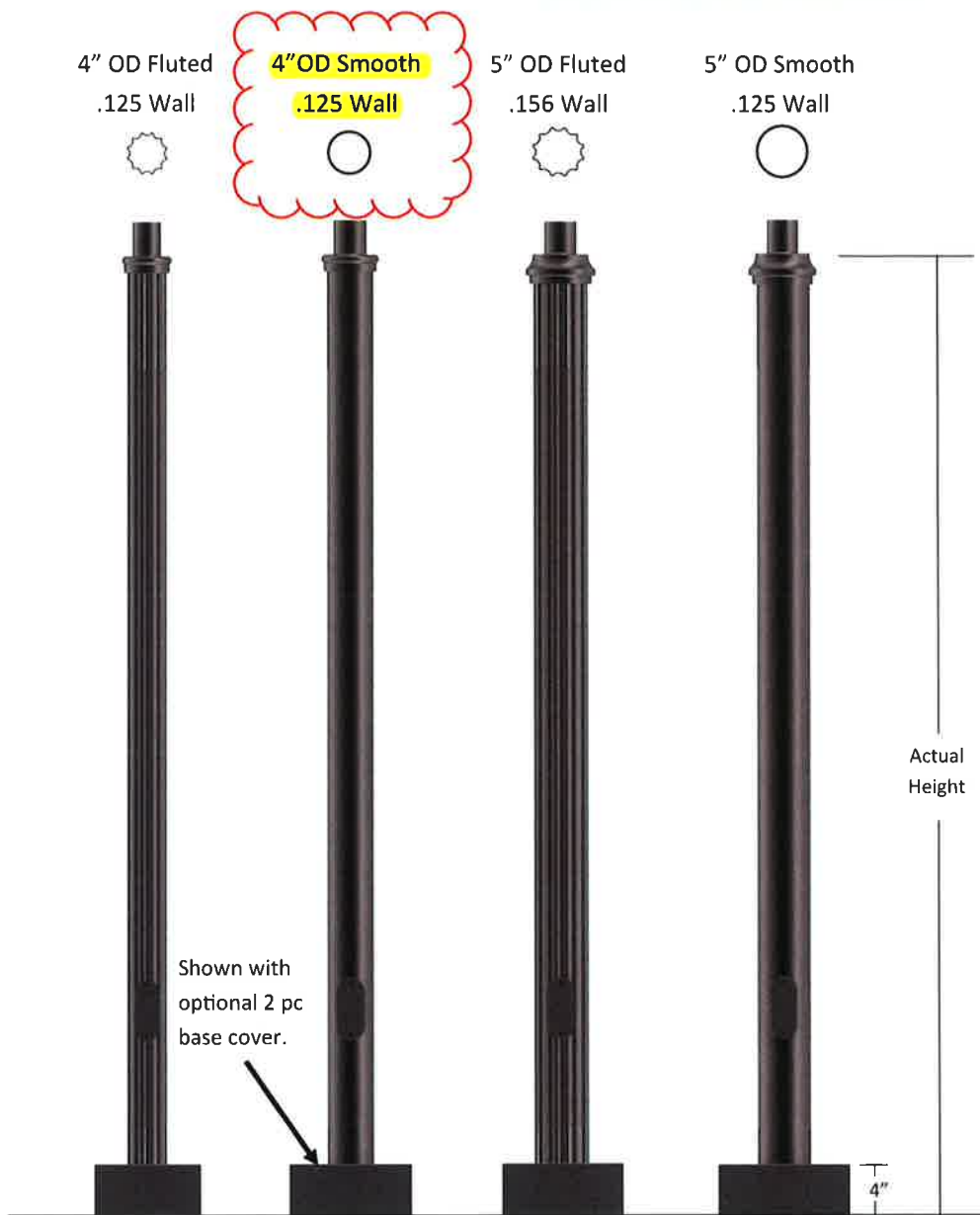
Light Source	Nominal Power	Distribution	CCT
<b>G2LED40</b>	41.2 W	Type II (T2)	2700K (27K)
<b>G2LED65</b>	67.9 W	Type III (T3)	3000K (30K)
		Type IV (T4)	
<b>G2LED80</b>	82.1 W	Type V (T5)	4000K (40K)

LED Drivers are auto voltage sensing, standard 120V through 277V  
 (347, 480V Version Available-Consult Factory)

### Ordering Guide

Luminaire	LED Light Source	Distribution Type	CCT	Optional Photocell	Optional House Side Shield	Surge Protection	Finish
EXAMPLE GC7024-NL	G2LED80	T3	40K	PCLL	26HSS	SP1	BT
GC7022-NL	G2LED40	T2	27K	PCLL	26HSS	SP1	BK
GC7023-NL	G2LED65	T3	30K				BT
GC7024-NL	G2LED80	T4	40K				SB
No lenses available for this fixture, LED Optics are IP66 rated		T5					GN
							Premium Finishes
							WH, CV, GV, CF
Required				Optional			Choose Finish

Shaft Styles **Banner Poles**  
GP204-16/EAD/LT/BC4/BK

**FEATURES**

- Strong, lightweight and easy to install
- Extruded aluminum shaft welded to a cast aluminum base plate
- 3" OD x 3" tall tenon included for luminaire mounting
- Access door for wiring secured with stainless steel screws
- Ground lug included inside base
- Durable powder coat finish
- 1/2" x 18" Anchor Bolts & Template included

**MATERIALS**

- Base Plate - Cast Aluminum (A356)
- Shaft - Extruded Aluminum (6061-T6)
- Tenon - Cast Aluminum (A356)
- Anchor Bolts - Hot Dipped Galvanized
- Hardware—Stainless Steel

**ACCESSORIES**

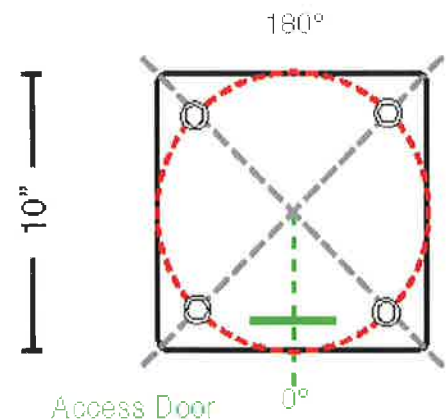
- **GFCI Box** with weatherproof WIUC (Additional accessories below ordered separately) (See Accessories Page for ordering guide)
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- Direct bury extension
- Clamp on flag pole holder
- Base Cover

**ANCHORAGE**

- 1/2" x 18" x 3" Hot-dipped galvanized steel L-type anchor bolts.
- (4) Bolts with (2) nuts, (2) washers per bolt included

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GP203-12	GP204-12	GP205-12	GP206-12	12'
GP203-14	GP204-14	GP205-14	GP206-14	14'

GP204-16

**10" Bolt Circle**



## Pole Details



## Anchor Bolt Details



- (4) 1/2" Galvanized Steel L-Type Anchor Bolts
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- (8) 1/2" Galvanized Steel Flat Washers
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## Finish

The pole will be finished with an electrostatically applied polyester powder coat suitable for exterior use. The pole is pretreated using industry standard environmentally responsible processes for a long lasting and durable finish.

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3" OD x 3" Tall Tenon Standard

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Check fixture and/or arm spec sheet for tenon requirements

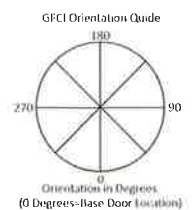
## Accessories

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**TOP** - placement will be 6" from top of pole.

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(Additional accessories below ordered separately)

(See Accessories Page for ordering guide)

Flag Pole Holder



Single and Double Sided  
Field Rotatable Banner Arm



## Base Covers

**BC4** - Square 2 pc Base Cover for 4" Shaft

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	GP205	12		LT			180	BC5	SB
	GP206	14					270		GN
									Premium Finishes
									WH, CV, GV, CF
	Required				Optional				Choose Finish



## PROJECT INFORMATION:

PROJECT NAME: <b>EARLY TOWN CENTER BOARDWALK</b>	FIXTURE TYPE: <b>BOLLARD</b>
COMPLETE CATALOG #: <b>ENAFRB20Q/F/1X25/U/5K/L/B</b>	DATE:
COMMENTS:	



ENAFRB20Q

ENAFSB20Q

Shown with GFCI

The Endeavor ENAFRB20Q & ENAFSB20Q EasyLED Sphere Bollards with UV-Stabilized Polycarbonate lenses and sealed optical compartments are designed to replace HID lighting systems up to 70w MH or HPS. These fixtures are ideal for retail centers, industrial parks, schools and universities, public transit and airports, office buildings and medical facilities.

### Specifications and Features:

**Housing:**  
Extruded Aluminum Housing with Flush Mounting Base, Sand Cast Twin Arm Head, Sealed Driver Compartment.

**Listing & Ratings:**  
CSA: Listed for Wet Locations, ANSI/UL 1598, 8750  
IP66 Sealed LED Compartment.

**Finish:**  
Textured Architectural Bronze or Black Powdercoat Finish Over a Chromate Conversion Coating. Custom Colors Available Upon Request.

**Lens:**  
SoftLED LumaLens Opal UV-Stabilized Polycarbonate Vandal-Resistant Inner Lens to Seal LED Array.

**Mounting Options:**  
Mounting Kit with 8" Anchor Bolts, Included.

**EasyLED LED:**  
Aluminum Boards

**Wattage:**  
12w: Array 11.8, System 12.9; (70w HID Equivalent)  
17w: Array 16.5w, System 18.1w; (70w HID Equivalent)  
25w: Array 24.8w, System 27.1w; (70w HID Equivalent)

**Driver:**  
Electronic Driver, 120-277V, 50/60Hz or 347V, 50/60Hz; Less Than 20% THD and PF>0.90.  
Standard Internal Surge Protection 2kV. 0-10V Dimming Standard for a Dimming Range of 100% to 10%; Dimming Source Current is 150 Microamps.

**Controls:**  
Fixtures Ordered with Factory-Installed Motion Sensor Controls are Internally Wired for Switching and/or 1-10V Dimming Within the Housing. Remote Direct Wired Interface of 1-10V Dimming is Not Implied and May Not Be Available, Please Consult Factory. Fixtures are Tested with Endeavor Controls and May Not Function Properly With Controls Supplied By Others. Fixtures are NOT Designed for Use with Line Voltage Dimmers.

**Warranty:**  
5-Year Warranty for -40°C to +50°C Environment.

See Page 3 for Projected Lumen Maintenance Table.

## CERTIFICATION & LISTINGS:



187,000 HOURS

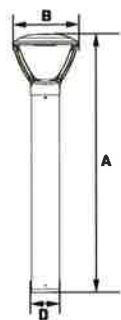
**SoftLED**

## ORDERING

ENAFRB20Q	F	1X25	U	5K	L	B		
MODEL	OPTICS	WATTAGE	DRIVER	CCT	LENS	COLOR	HEIGHT	OPTIONS
<b>ENAFRB20Q</b> = EasyLED Sphere Round Bollard	<b>F</b> =Wide Beam Spread	<b>1X12</b> =12w <b>1X17</b> =17w <b>1X25</b> =25w	<b>U</b> =120-277V <b>C</b> =347V* <b>*17w Model Only.</b>	<b>3K</b> =3000K <b>4K</b> =4000K <b>5K</b> =5000K	<b>L</b> =SoftLED LumaLens Opal UV-Stabilized Polycarbonate Array Lens	<b>Z</b> =Bronze <b>B</b> =Black <b>C</b> =Custom (Consult Factory)	<b>(Leave Blank)</b> = 42" Standard Height <b>36</b> =36" Height <b>30</b> =30" Height	<b>GF1</b> =GFCI Outlet, 15A, 120V <b>S3</b> =Microwave Sensor with Dimming & Remote Programming, 120-277V Only. See ENP17121 Spec. Page for Details.

ORDER INFORMATION EXAMPLE: ENAFRB20QF1X125U5KLBGF1

## DIMENSIONS



<b>Width (B)</b>	11" (280mm)
<b>Diameter (D)</b>	4 3/4" (120mm)
<b>Height (A)</b>	42" (1,067mm)

## ACCESSORIES & REPLACEMENT PARTS:

### MOUNTING ACCESSORIES (ORDER SEPARATELY, FIELD INSTALLED)

**ENBREBASE\*** Bollard Retrofit Base Kit Adapts New Bollards to Most Existing Bolt Patterns. Fits all Endeavor Bollards. Die Cast with Powdercoat Finish, Hardware Included. 11 1/2" Dia. x 1 1/2" H

\*Specify Color: Z=Bronze, B=Black, C=Custom (Consult Factory)



ENBREBASE\*

### ACCESSORIES (ORDER SEPARATELY, FIELD INSTALLED)

**ENP17122** Remote Programming Tool for ENP17121



ENP17122

### REPLACEMENT PARTS (ORDER SEPARATELY, FIELD INSTALLED)

**ENP17121** Internal Microwave Sensor (120-277V Only)

**ENBOADP1** Adapter Plate with Gaskets for Outlet Boxes. Fits Endeavor Round Bollards. Die Cast with Bronze Powdercoat Finish.



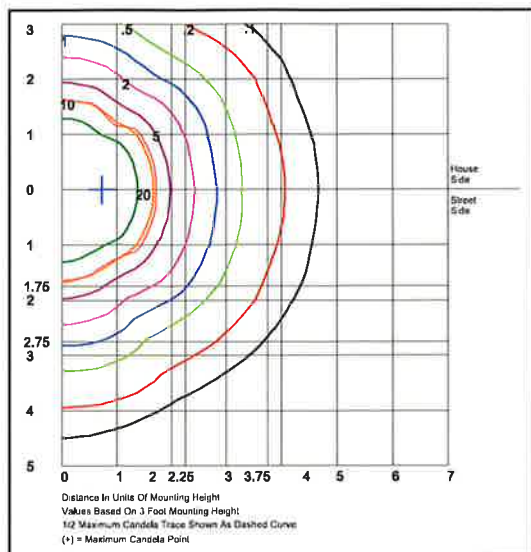
ENP17121



ENBOADP1

\*Shown Mounted

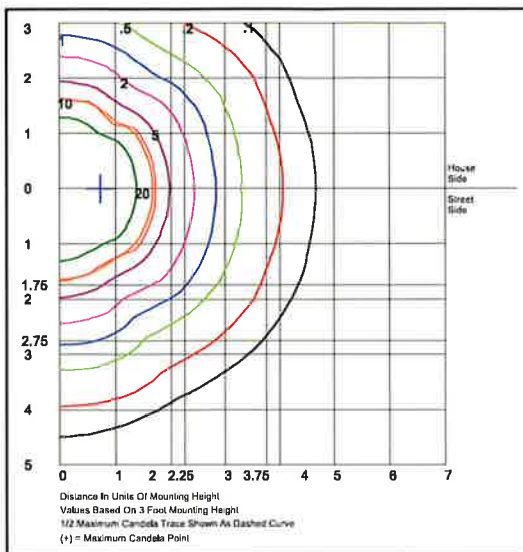
## PHOTOMETRIC DATA



**ENAFRB20QF1X25U5KL**

**Type V**

Grid in feet, Mounting Height = 3.5 ft.



**ENAFSB20QF1X25U5KL**

**Type V**

Grid in feet, Mounting Height = 3.5 ft.

## PHOTOMETRIC PERFORMANCE

OPTIC	CCT	DELIVERED LUMENS		
		12W (1X12)	17W (1X17)	25W (1X25)
<b>ENAFRB20Q &amp; ENAFSB20Q Type V Optic</b>	3000K	1,403	1,964	2,946
	4000K	1,516	2,123	3,184
	5000K	1,580	2,212	3,318
	BUG Rating	B1-U1-G0	B1-U1-G0	B2-U1-G0

## PROJECTED LUMEN MAINTENANCE

DATA SHOWN FOR 4000 CCT			COMPARE TO MH			
TM-21-11	INPUT WATTS	INITIAL	25,000 HRS	50,000 HRS	100,000 HRS	CALCULATED LED LIFE
<b>ENAFRB20 L70 Lumen Maintenance @ 25°C / 77°F</b>	18	1.00	0.96	0.92	0.84	187,000
<b>ENAFRB20 L70 Lumen Maintenance @ 50°C / 122°F</b>		1.00	0.93	0.87	0.73	113,000
<b>ENAFRB20 L80 Lumen Maintenance @ 40°C / 104°F</b>		1.00	0.97	0.93	0.93	144,000

**NOTES:**

1. Projected per IESNA TM-21-11. Data references the extrapolated performance projections for the base model in a 25°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.
2. Compare to MH box indicates suggested Light Loss Factor (LLF) to be used when comparing to Metal Halide (MH) systems.

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**Meeting Date: 3/12/2024**

## **Agenda Item D4**

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**PREPARED BY:** Brenda Kilgo,  
**DATE:** March 8, 2024  
**SUBJECT:** Consider adopting an Ordinance, 2024-03, cancelling the General Election for May 4, 2024 and declaring the unopposed candidates elected.

**RECOMMENDATION:**

**ATTACHMENTS:**

1. Ordinance 2024-03 Cancelling election



## **ORDINANCE NO. 2024-03**

### **AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 4, 2024 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the general city election was called for May 4, 2024, for the purpose of three members to the city council; and

**WHEREAS**, the city secretary has certified in writing that no person has made a declaration of write-in candidacy and that each candidate on the ballot is unopposed for election to office; and

**WHEREAS**, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the city council body to declare the candidates elected to office and cancel the election.

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

**SECTION 1.** The following candidates, who are unopposed in the May 4, 2024 general city election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Council member: Benny Allcorn  
Council member: Charles Matlock  
Council member: Leland Acker

**SECTION 2.** The May 4, 2024 general election is canceled, and the city secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling place used or that would have been used in the election.

**SECTION 3.** It is declared to be the intent of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared invalid by the judgment or decree of any court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the city council would have enacted them without the invalid portion.

**SECTION 4.** This ordinance shall take effect upon its final passage, and it is so ordained.

**PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF MARCH, 2024.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

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**Meeting Date: 3/12/2024**

## **Agenda Item D5**

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**PREPARED BY:** Brenda Kilgo,  
**DATE:** March 8, 2024  
**SUBJECT:** Consideration to approve Ordinance 2024-04, authorizing the Municipal Maintenance Agreement between TxDOT and City of Early.

**RECOMMENDATION:**

**ATTACHMENTS:**

1. Ordinance 2024-04 TxDOT Municipal Maintenance Agreement
2. Highlighted changes to the current MMA

**ORDINANCE NO. 2024-04**

**AN ORDINANCE APPROVING THE AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF EARLY FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF EARLY AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

**WHEREAS**, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

**WHEREAS**, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within such City, conditioned that the City will enter into agreements with the State for the purpose of determining the responsibilities of the parties thereto; and

**WHEREAS**, the City has requested the State to assist in the maintenance and operation of State highways within such City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EARLY:**

**SECTION 1.**

That the certain agreement between the State of Texas and the City of Early for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of Early and the same is, hereby approved; and that Robert G. Mangrum, Mayor of Early is hereby authorized to execute said agreement on behalf of the City of Early and to transmit the same to the State of Texas for appropriate action.

## **SECTION 2.**

The fact that the work contemplated under the above mentioned agreement is needed, creates an emergency which for the immediate preservation of the public peace, health, safety and general welfare requires that this Ordinance take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY SECRETARY



## MUNICIPAL MAINTENANCE AGREEMENT

This Municipal Maintenance Agreement ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between the State of Texas through the Texas Department of Transportation ("State"), and the City of \_\_\_\_\_ (population \_\_\_\_\_, 2020, latest Federal Census) acting by and through its duly authorized officers ("City").

### RECITALS

**A.** Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

**B.** Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

**C.** The Executive Director, acting for and on behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within the City, conditioned that the City will enter into agreements with the State for the purpose of determining the respective responsibilities of the parties; and

**D.** The City has requested the State to assist in the maintenance and operation of State highways within the City as described herein. The Municipal Ordinance or Resolution authorizing the undersigned City Official to execute this Agreement on behalf of the City is attached as **Exhibit C**.

### AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, it is agreed as follows:

#### ARTICLE I. COVERAGE

1. State assumption of maintenance and operations described in this Agreement shall be effective on the date of execution of this agreement by the Texas Department of Transportation.
2. In this Agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

3. This Agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
  - A. Non-Controlled Access highways or portions thereof which are described as “State Maintained and Operated” highways in the document attached and incorporated as **Exhibit A**.
  - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission, or are maintained and operated, as Controlled Access Highways and which are described in the document attached and incorporated as **Exhibit B**.
4. In the event that the present system of State highways within the City is changed by cancellation, modified routing, new routes, or a change to City boundaries, the State shall terminate maintenance and operation and this Agreement shall become null and void on those portions of the highways which are no longer on the State Highway System; and this Agreement shall apply to the new highways on the State Highway System within the City; and they shall be classified as “State Maintained and Operated” under paragraph 3 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
5. Exhibits that are a part of this Agreement may be changed with both parties’ written concurrence. Additional exhibits may also be added with both parties’ written concurrence. **The Parties shall periodically update any exhibits to reflect changes to the State Highway System under paragraph 3. Paragraph 4 shall apply to changes to the State Highway System regardless of whether an exhibit has been updated under this Paragraph.**
6. **The terms of the Agreement apply to a State Highway described by paragraphs 2-4 of this Article, unless provided otherwise in a specific project agreement.**

## ARTICLE II. GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.

4. Traffic regulations, including speed limits, shall be established only after traffic and engineering studies have been completed by the State or City, as applicable and in accordance with 43 Tex. Admin. Code Ch. 25, Subch. B, and approved by the State.
5. The State shall install, maintain, and operate, when required, all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way, including main lanes and frontage roads, except as otherwise provided in this paragraph and elsewhere in this Agreement.
  - A. At the intersections of off-system approaches to State highways, the City shall install and maintain (1) all stop signs, yield signs, and one-way signs to regulate, warn, and guide traffic on the off-system street, even if such signs are to be installed on State right-of-way, and (2) any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. These signs and markings must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices
  - B. The City shall install and maintain all street name signs except for those mounted on State-maintained traffic signal poles or arms or special advance street name signs on State right-of-way.
  - C. Any other signs or pavement markings desired by the City on State right-of-way shall require prior written authorization by the State, and shall be installed and maintained by the City.
  - D. All signs and markings installed by the City under this Paragraph must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices. All existing signs or markings shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation, and necessity, shall be determined by traffic and engineering studies as provided by regulation in the Texas Administrative Code.
  - A. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State.
  - B. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, shall be indicated by the

proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement shall be covered under a separate agreement.

- C. This Agreement satisfies the agreement requirements of 43 Tex. Admin. Code § 25.5 concerning traffic signal installation, unless the parties determine a separate agreement is necessary to address project-specific issues that are not otherwise addressed by this Agreement.
7. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation, except in those installations specifically covered by separate agreements between the City and State.
- A. For all highway lighting system projects, including those covered by separate agreements unless provided otherwise therein, (1) costs shall include the electricity required to construct and operate the lighting system, (2) the State shall not begin the trial phase of a newly installed lighting system until the applicable utility account is established by the City.
  - B. Attached as **Exhibit D** is a list of lighting installations subject to this Agreement, but which do not have a separate agreement. Exhibit D shall be updated as necessary pursuant to Article 1, Section 6.
8. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
9. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State. Permitted landscaping and public art installations shall be handled through separate agreements.
10. New construction of sidewalks, shared use pathways, curb ramps, or other accessibility-related items by either Party shall comply with current ADA standards. Except as otherwise provided in this paragraph, the City is responsible for the maintenance of these items, regardless of whether the City or the State constructed the item. Maintenance includes keeping sidewalks clear of debris and vegetation, but does not



include pavement work except as provided in the next sentence. If a Party's highway project is considered an "alteration" under the ADA that triggers the requirement to construct or upgrade accessibility-related items, that Party is responsible for the construction or upgrade, unless provided otherwise in a separate agreement.

11. If the City has a driveway permit process that has been submitted to and approved by the State, the City shall issue permits for access driveways on State highway routes and shall assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State shall issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures for public functions, such as parking, recreation, and law enforcement use, shall be determined by a separate agreement.
13. The State shall be responsible for installation, repair, and maintenance of any mailbox supports installed on the State highway system, including any markings needed on the mailbox supports.
14. The State shall be responsible for installation, repair, and maintenance of any roadside barriers including guardrail, guardrail end treatments, cable barriers, and concrete barriers needed for traffic safety on the state highway system.
15. The State shall be responsible for any structural repairs needed at bridges, culverts, drainage pipes, embankments, and retaining walls on the state highway system.
16. For purposes of this Agreement, "grade separation structure" is defined as any bridge, overpass, or similar structure that raises the roadway above ground level, regardless of what is underneath the structure.

### **ARTICLE III. NON-CONTROLLED ACCESS HIGHWAYS**

The following specific conditions and responsibilities shall apply to the non-controlled access State highways described in Exhibit A, in addition to the General Conditions in Article II above.

#### **1. State's Responsibilities (Non-Controlled Access)**

- A. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of vehicular loads encountered, and maintain the shoulders.

- B. Assist in mowing and litter pickup within the right of way to supplement City resources, when requested by the City and if State resources are available.
- C. Assist in sweeping and otherwise cleaning the traveled surface and shoulders to supplement City resources, when requested by the City and if State resources are available.
- D. Assist in snow and ice control to supplement City resources, when requested by the City and if State resources are available.
- E. Structural maintenance and repairs of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right of way or State easements but within its corporate limits.
- F. In cities with less than 50,000 population, the State shall install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks.
- G. Install, operate, and maintain traffic signals in cities with less than 50,000 population.
- H. In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds, if the City agrees to enter into an agreement setting forth the responsibilities of each party.

## **2. City's Responsibilities (Non-Controlled Access)**

- A. Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
- B. Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided in Art. II.5), parking stripes, and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population shall also install, operate, and maintain all school safety devices and school crosswalks.
- C. Signing and marking of intersecting city streets with State highways shall be the full responsibility of the City (except as provided under Art. II.5).
- D. Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.

- E. Regular cleanups and litter control to ensure drainage facilities are clear. Further, State structural maintenance and repair of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easements but within its corporate limits, except where participation by the State is specifically covered in a separate agreement between the City and the State.
- F. Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations shall be handled by a separate agreement.
- G. Perform mowing and litter pickup.
- H. Sweep and otherwise clean the pavement, including grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item from all areas within the right of way, including underneath a grade separation structure.
- I. Perform snow and ice control.
- J. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State.

#### **ARTICLE IV. CONTROLLED ACCESS HIGHWAYS**

The following specific conditions and responsibilities shall apply to the controlled access State highways described in Exhibit B, in addition to the General Conditions in Article II above.

##### **1. State's Responsibilities (Controlled Access)**

- A. Maintain the traveled surface and foundations of the main lanes, ramps, and frontage necessary for the proper support of vehicular loads encountered.
- B. Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist. Assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads on the City's request and if State resources are available.
- C. Sweep and otherwise clean the traveled surface and shoulders of the main lanes, ramps, grade separation structures, and frontage roads.
- D. Remove snow and control ice on the main lanes and ramps. Assist in these operations on the frontage roads and grade separation structures on the City's request and if State resources are available.

- E. Install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads on frontage roads. This does not include other pedestrian crosswalks.
- F. Install, operate and maintain traffic signals at ramps and frontage road intersections, unless covered by a separate agreement.
- G. Structural maintenance and repair of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easement but within its corporate limits.

## **2. City's Responsibilities (Controlled Access)**

- A. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances or resolution and taking other appropriate action in addition to full compliance with current laws on parking.
- B. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance or resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
- C. Secure the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
- D. Pass necessary ordinances or resolutions and retain responsibility for enforcing the control of access to an expressway/freeway facility.
- E. Sweep and otherwise clean the pavement other than the traveled surface and shoulders, including underneath grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item.
- F. Mow and clean up litter between the right-of-way line and the outermost curb or crown line of the frontage roads, including drainage facilities in this area.

- G. Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided by Art. II.5), and parking stripes when agreed to by the State in writing.
- H. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as provided by Art. II.5).
- I. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. State maintenance of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way but within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.

## ARTICLE V. TERMINATION

1. All obligations of the State to maintain and operate a State highway covered by this agreement shall terminate if and when such highway ceases to be designated as part of the State highway system.
2. Should either party fail to properly fulfill its obligations under this Agreement, the other party may terminate this agreement upon 30 days written notice.
3. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, except that the State shall retain all maintenance and operation responsibilities on controlled access State highways.

City of \_\_\_\_\_

State of Texas

Signature

TxDOT District Engineer

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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Meeting Date: 3/12/2024

## Agenda Item D7

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**PREPARED BY:** Brenda Kilgo,  
**DATE:** March 8, 2024  
**SUBJECT:** Consideration to approve Ordinance 2024-05, amending 2023-2024 Fiscal Year Budget.

**RECOMMENDATION:**

**ATTACHMENTS:**

1. Ordinance 2024-05 Budget amendment FY 2023/2024

**ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE CITY OF EARLY, TEXAS, AMENDING THE CURRENT  
2023-2024 FISCAL YEAR BUDGET; FINDING MUNICIPAL PURPOSES;  
AUTHORIZING EXPENDITURES AND APPROPRIATION OF FUNDS; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Early seeks to amend and otherwise modify the City's Budget for Fiscal Year 2023-2024, as adopted by Ordinance No. 2023-07; and

**WHEREAS**, the City Council finds it necessary to amend the 2023-2024 Budget to provide for the appropriation of funds for certain events, and to allocate and reclassify funds as described in the Exhibits to this Ordinance; and

**WHEREAS**, the City finds that the significance of this modification to be a matter of public necessity and a pressing need for the City of Early; and

**WHEREAS**, the City Council finds that the proposed Budget Amendment is for legitimate municipal purposes, and thus is statutorily authorized by Texas Local Government Code section 102.010;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EARLY, TEXAS:**

SECTION 1. The facts and matters set out above in the recitations are found to be true and correct.

SECTION 2. The amendments and modifications, along with this Ordinance, were duly presented to the City Council by the City Administrator and a public hearing was ordered by the City Council; advance public notice of said hearing was given, published in the Brownwood Bulletin and held according to said notice. This Ordinance shall be effective immediately upon adoption and publication as provided by law.

SECTION 3. The City of Early Fiscal Year 2023-2024 Budget is hereby amended and shall be attached and made a part of the Original Budget by the City Secretary and filed as required by State law.

**PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY