

Agenda

LINDSAY CITY COUNCIL
REGULAR MEETING
March 12, 2024
7:00pm
608 Ash Street
Lindsay, TX 76250

AGENDA TOPICS

1. Invocation and Pledge
2. Roll Call
3. Establish a Quorum/Call Meeting to Order
4. Citizen Comments- *[The City Council invites persons with comments or observations to briefly address the Council regarding any item listed on the agenda or regarding any other topics not listed on the agenda for the limited purpose of determining whether the matter should be referred to staff for study or response and/or be placed on a future meeting agenda. State law prohibits the City Council from considering deliberations on any item not listed on the posted City Council Agenda-Sec. 551.042 of Open Meetings Act].*
5. **Consent Agenda:**
[The Consent Agenda includes non-controversial and items that the Council may act on with one single vote. The Mayor or any Alderman may pull any item from the Consent Agenda in order that the council may discuss and act upon it individually as part of the Regular Agenda.]
 - a. Approve Minutes: Regular meeting February 13, 2024
 - b. Approve Operating Checks, Checks, Invoices, Financial Statements
 - c. Receive and File Departmental Reports (If Received):
 - i. US Bank Credit Card Statement
 - ii. Police Department
 - iii. Lindsay Volunteer Fire Department
 - iv. Keep Lindsay Beautiful
 - v. Approve Purchase Orders
6. Consider/take action of agenda request from Kenny Bezner related to bridge across the creek in park.
7. Consider/take action to accept the Certification of Unopposed Candidates presented by the City Secretary.
8. Consider/take action on Order of Cancellation of the Election to be held on May 4, 2024, and to certify the unopposed candidates elected.
9. Consider/take action on the use of the property at 219 E.JM Lindsay. (executive session)
10. Consider/take action on a public utility easement from Ineffable Homes for water service at 303 Third Street.
11. Consider/take action on proposals for mowing in city limits on FM 1199, FM 3108 and Highway 82 and other areas required.
12. Consider/take action on Public Utility Commission of Texas 2024 consumer price index adjustment to municipal telecommunication right-of-way Access line rates.
13. Executive Session: (Closed Meeting). Advice from Attorney
Pursuant to Sec. 551.071 of the Texas Government code, the Board of Aldermen reserves the right to convene in Executive Session (s), from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law. In addition, the Board may convene in executive session to receive advice from its attorney regarding the following:
 - a. Pending or contemplated litigation or a settlement offer.
 - b. A matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter.
 - Zoning Enforcement Issues and Sales Tax Collections
 - Regulations of Interstate and Intrastate Travel
- ii. Real Estate Deliberation
Pursuant to Sec. 551.072, deliberation regarding the purchase, exchange, lease or value of real property.
- iii. Personnel Matters
Pursuant to Sec 551.074, deliberation regarding the appointment, employment, evaluation, reassignment duties, discipline or dismissal of a public officer or employee.
- iv. Security Devices
Pursuant to Sec. 551.076, deliberation regarding security personnel or devices.
- v. Economic Development
Pursuant to Sec. 551.087, deliberation regarding Economic Development Negotiations including (1) discussion or deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the

governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic negotiations; OR (2) deliberation of a financial or other incentive to a business prospect described in (1) above.

14. Information Reports- *[These Reports are for information only. No discussion is appropriate unless there is a specific item listed below or there is a request that the item be placed on a subsequent agenda as a discussion and action item, Sec 551.042 of Open Meetings Act.]*

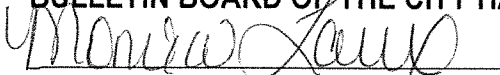
vi. Alderman Reports

Water, Sewer, Streets & Drainage; Police Department, Fire Department, Parks

vii. Mayor's Report

15. Adjournment

THIS IS TO CERTIFY THAT I, MONICA LAUX, CITY SECRETARY, POSTED THIS AGENDA ON THE BULLETIN BOARD OF THE CITY HALL AT/BEFORE 5:00 P.M. ON THE 5TH DAY OF MARCH 8, 2024.



MONICA LAUX, CITY SECRETARY

This facility is wheelchair accessible and accessible parking spaces are available. Persons with disabilities planning to attend this meeting and need assistance should contact the City Secretary at 940-665-4455 before 1:00 p.m. on the date of the meeting so that appropriate arrangements can be made.



City of Lindsay

P.O. Box 153 / 608 Ash Street
Lindsay, Texas 76250
(940) 665-4455
FAX: (940) 665-4910

AGENDA ITEM SUBMISSION

I/We request the following item be placed on the City of Lindsay Council Agenda:

1. Please briefly describe the topic to be listed with sufficient particularity to enable a person reading the agenda to determine the nature and scope of the matter to be discussed:

BRIDGE ACROSS CREEK IN PARK

2. Description of any research, document preparation or other work required of the staff and others.

3. Requested Meeting Date for Topic: _____

4. Kenny Bezner
Print Name

Kenny Bezner
Signature

NO STAFF WORK REQUIRED: Must be submitted no later than noon on the fifth day before the meeting date
STAFF WORK REQUIRED: Must be submitted no later than noon on twenty-first day before date of the meeting.

FOR CITY USE ONLY:

Date Received: March 7, 2014 3:15 PM

Received By: [Signature]

CERTIFICATION OF UNOPPOSED CANDIDATES
(CERTIFICACIÓN DE CANDIDATOS ÚNICOS)

To: Presiding Officer of Governing Body
Al: *Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024

(Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 4 de mayo de 2024.)

List offices and names of candidates:
(Lista de cargos y nombres de los candidatos:)

Offices (Cargos)

Council Mayor (*Alcalde del consejo*)
Council Alderman (*Concejal*)
Council Alderman (*Concejal*)

Candidates (Candidatos)

Scott Neu
Glenn Block
Klay Gilbert

Signature (*Firma*)

Monica Laux
Printed Name (*Nombre en letra de molde*)

City Secretary
Title (*Puesto*)

(Seal)

Date of Signing (*Fecha de firma*)



ORDER OF CANCELLATION EJEMPLO DE ORDEN DE CANCELACIÓN

The City of Lindsay hereby cancels the election scheduled to be held on May 4, 2024 In accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been Certified as unopposed and are hereby elected as follows:

El City of Lindsay por la presente cancela la elección que, de lo contrario, se hubiera celebrado el May 4, 2024 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

<u>Candidate</u>	<u>Office Sought</u>
Scott Neu	Mayor
Glenn Block	Alderman
Klay Gilbert	Alderman

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones Se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

President

Secretary (seal)

Date of Adoption

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PUBLIC UTILITY EASEMENT

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS**
COUNTY OF COOKE §

DATE: _____, 2024

GRANTOR: **Ineffable Homes, LLC**

GRANTOR'S
MAILING ADDRESS: 5717 Legacy Dr, Suite 250-2040
 Plano, TX 75024

GRANTEE: **City of Lindsay**

GRANTEE'S
MAILING ADDRESS: P.O. Box 153
 Lindsay, TX 76250

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: That certain tract or parcel of land situated in the William M. Martin Survey, Abstract Number 692, being part of Lots 10 and 11 of Amazing Grace Estates, and addition to the City of Lindsey, Cook County, Texas, and being more particularly described by metes and bounds and being depicted on a drawing in **Exhibit A**, which is attached hereto and incorporated herein for all purposes (the "Property").

GRANTOR, for the consideration paid to GRANTOR, hereby grants, sells and conveys to GRANTEE its successor and assigns, for the use and benefit of public utilities, a non-exclusive permanent easement for the construction, operation, maintenance and repair of utility facilities ("Facilities") in, upon, under and across the Property, fully described and depicted in **Exhibit A**, together with the right and privilege of ingress and egress at any and all times to access the Property, or any part thereof, for the purpose of constructing, maintaining, replacing (with the same or different size facilities), and repairing said Facilities.

GRANTOR covenants and agrees that GRANTEE shall have 1) the right to excavate and fill and to control the excavation and fill upon said permanent easement and to remove from said permanent easement any fences, buildings or other obstructions as may now be found upon said permanent easement together with the right of ingress and egress over GRANTOR'S adjacent lands to or from public right-of-way for the purpose of constructing, improving, reconstructing, repairing, inspecting, maintaining and removing said Facilities; 2) the right to prevent the construction within the easement of any building, structure or other obstruction, including the planting of trees, which may endanger or interfere with the efficiency, safety and convenient operation of said Facilities; and 3) the right to prevent possible interference with the operation of said Facilities and to remove possible hazards thereto.

GRANTOR covenants and agrees it will not use the Property in a manner that interferes with the operation, use, repair or maintenance of the Facilities. GRANTOR further covenants and agrees that it will continue to be responsible for the maintenance of the surface of the Property.

GRANTOR reserves and retains the right to grant other rights and easements across, over or under the Property to such other persons as GRANTOR deems proper, provided such other grants do not unreasonably interfere with the use of the Easement by GRANTEE for the purpose set forth herein.

TO HAVE AND TO HOLD the above described easements, together with all and singular the rights and appurtenances thereto, in anyway belonging unto GRANTEE and GRANTEE's successors and assigns forever; and GRANTOR does hereby bind itself and its successors and assigns to warrant and forever defend all and singular the easements unto GRANTEE, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under GRANTOR but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR:

Ineffable Homes, LLC,
a Texas limited liability company

By: _____
Gilberto Santos, Manager

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF COOKE §

This instrument was acknowledged before me on this the ____ day of _____, 2024, by Gilberto Santos, Manager of Ineffable Home, LLC.

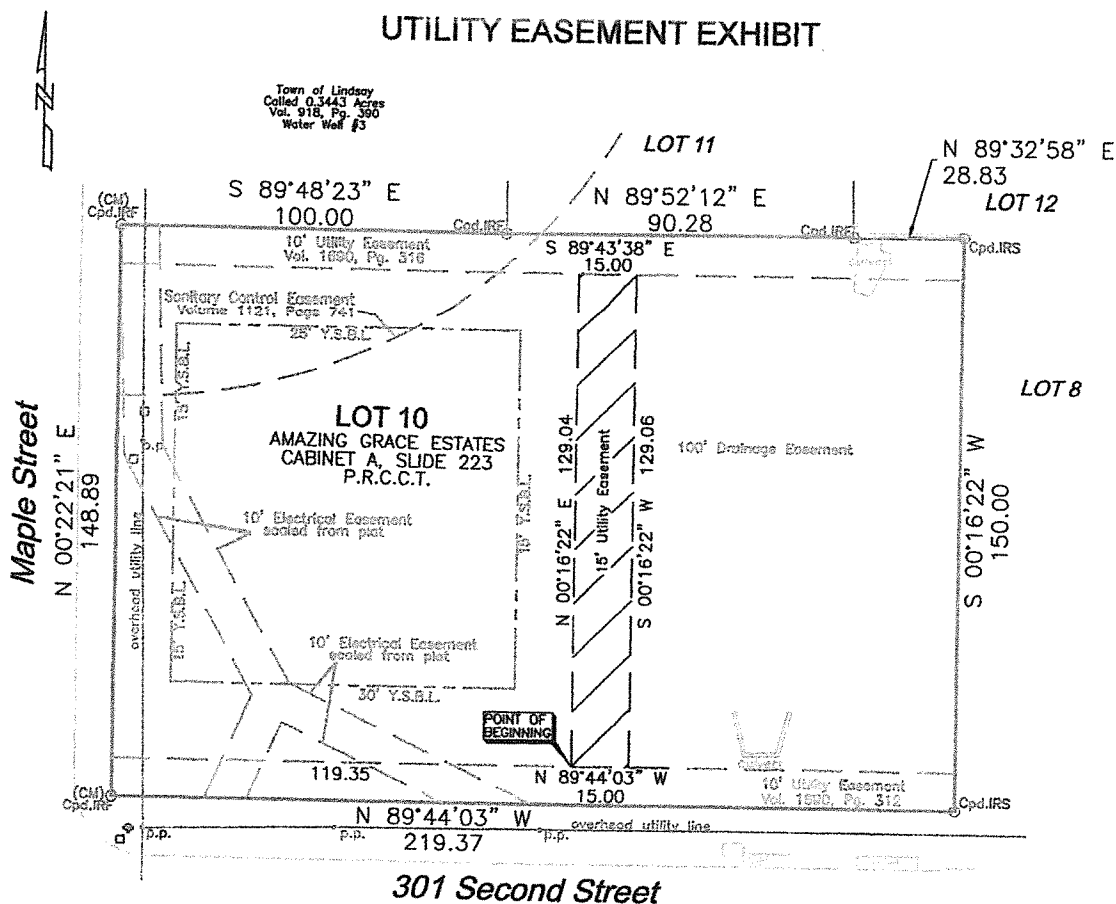
Notary Public, State of Texas

(Seal)

RETURN TO:
City of Lindsay
P.O. Box 153
Lindsay, TX 76250

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION OF THE PROPERTY



FIELD NOTES

SITUATED in the State of Texas, County of Cooke, being part of William M Martin Survey, Abstract No. 692, being part of Lot 10 of Amazing Grace Estates, an addition to the City of Lindsay, Cooke County, Texas as shown on the plat thereof recorded in Cabinet A, Slide 223 of the Plat Records of Cooke County, Texas, said premises being more particularly described as follows;

COMMENCING at a capped iron rod found at the northeast corner of the intersection of Maple Street and 2nd Street marking the southwest corner of said Lot 10

THENCE with the west line of said Lot 10, North 00°22'21" East, 10.00 feet;

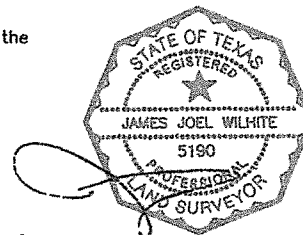
THENCE departing the west line of said Lot 10, South 89°44'03" East, 119.35 feet to the POINT OF BEGINNING;

THENCE North 00°16'22" East, 129.04 feet;


THENCE South 89°43'38" East, 15.00 feet;

THENCE South 00°16'22" West, 129.06 feet;

THENCE North 88°44'03" West, 15.00 feet to the point of beginning and containing 0.044 acres or 1,936 square feet.



February 26, 2024


Wilhite Land Surveying, Inc.
 PO Box 407
 Volley View, Texas 76272
 940-726-6150
 Fax 940-726-6151
 www.wilhelandsurveying.com
 Plat No. 1002209

GENERAL NOTES:

- 1) Source bearing is based on Amazing Grace Estates filed plat recorded in Cabinet A, Slide 223, P.R.D.C.T..
- 2) Surveyors seal will appear in red ink on original survey plats.

Job No 20232016

Scale 1" = 40'

Rec 1-9-24

January 5, 2024

Mowing for the City of Lindsay along US Highway 82, down 3108 and 1199 within the city limits
\$1300 per mow.

Submitted by

Greg Luttmmer
231 West Main Street
Lindsay, TX 76250
940-768-9191

SR SERVICES

Proposal Date: 4/27/2024

Mowing Quote for:

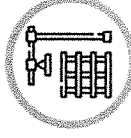
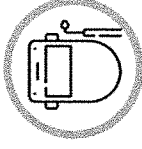
Attention: City of Lindsay

Billing Address: 608 Ash St. Lindsay, Texas 76250

Mowing Address: Lindsay City Limits

Email Address: cityoflindsay@ntin.net

Phone Number: (940) 665-4455



SR Services LLC. Office

715 E. California St. Suite #C Gainesville, TX 76240

srservicellc@gmail.com

(940) 736-4815

Christy Neu

Owner-President

(940) 736-1089

Shawn Neu

Sales Manager

(940) 902-9742



General Bid Items

Project Near Lindsay, Texas

Labor / Services: Proposal for 2024 to mow all of Lindsay City Limits at the price of \$2,000.00 per each mowing and when needed mow 3 times every two months to keep the grass from getting so tall and thick.

City of Lindsay to provide Mowing ahead construction signs again.

\$2,000.00

Final payment at completion of each mowing

\$2,000.00

Contract Terms and Conditions

High-level terms and conditions:

- Client to provide any local, city, county, state and federal Project specific permits.
- Construction locations are to be accessible by 2 wheel drive truck(s) & related equipment on all customer owned roads. Repairs or damaged equipment as a direct result of insufficient roads to be paid for by Client.
- SR Services LLC. will perform services at the specified location or locations as provided by Customer and shall be held harmless against any liability which could arise from abnormal activity related to the Project. SR Services LLC. has the right to alter the Project bid / pricing should Project encounter difficulties beyond SR Services control or should the "scope of work" as initially outlined by the Customer be altered.
- Owner is responsible for any excess debris haul off and final leveling of dirt work. Unless specified in the bid.
- Any automatic gate openers or door openers will be warrantied by the certified install and not SR Services LLC. All materials are covered under the manufacturer's warranties. Examples: Tin fading, paint, component, etc.

Pricing Terms:

- Payment must be made 50% when terms are signed in order to start project and 50% due upon completion of the project.
- Late fees and charges with interest will apply to any unpaid balance over 10 days.
- Actual footage and materials will be used to calculate each invoice.
- This estimate is valid for 10 days.
- Any additional charges will be do at the time of the change order agreement for the project. Any changes to scope of work will affect pricing.
- All mailed payments: SR Services LLC. 1875 FM 3108 Gainesville, Texas 76240

Name: _____

Date: _____

Signature: _____



SR SERVICES



Public Utility Commission of Texas

1701 N. Congress Ave., PO Box 13326, Austin, TX 78711-3326

2024 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

February 28, 2024

PURPOSE

This letter is to notify you that your city's 2024 maximum access line rates have increased by 2.2484% due to inflation, as measured by the CPI. This adjustment has been made pursuant to Chapter 283 of the Local Government Code (House Bill 1777).

DEFAULT RATES FOR 2024: INCREASE

Based on the choices made by your city in April 2023, your city's 2024 rate will either be adjusted for inflation, or will remain the same as your 2023 rate. According to our records, when similar CPI adjustments were made in April 2023, your city chose the MAXIMUM allowable CPI-adjusted rates. Therefore, your 2024 rates will reflect an increase of 2.2484% from your 2023 rates. You have the option to decline this increase in rates by taking the action explained below.

ACTION BY CITY: TO REFUSE THE INCREASE

(1) You do not have to respond to accept the increased access line rates. (2) Respond ONLY if you want to DECLINE the increase in access line rates. (3) To decline, notify the PUC using page 2 of this letter no later than April 30, 2024. (4) The PUC does not require City council authorization; however, if your city charter requires it, please do so immediately. (5) Verify your contact information and highlight any changes. (6) Make a copy of this document.

WHAT HAPPENS IF A CITY DOES NOT RESPOND BY APRIL 30, 2024?

If a city does not respond by April 30, 2024, the rates for your city will increase from 2023 levels to the newly established 2024 levels. The next opportunity to adjust your rates will be September 1, 2024.

WHAT HAPPENS NEXT?

The PUC will notify telephone companies of your desired rates and you will be compensated accordingly no later than July 1, 2024.

FUTURE REVISIONS TO CPI

The access line rates will be revised annually in March depending on whether the CPI changes for the previous year. If the CPI changes for the year 2024, you will receive a similar letter in March 2025.

See over...

City of Lindsay

SECTION 1: Your 2023 city preferred rates are as follows:

Residential: \$0.40 Non-Residential: \$0.70 Point-to-Point: \$1.03

SECTION 2: Your default rates for 2024 are as follows. Note: These are higher than the 2023 rates (above) due to the CPI inflation adjustment.

Residential: \$0.41 Non-Residential: \$0.72 Point-to-Point: \$1.06

To decline your default increase in rates, notify the PUC by completing the section below. You can mail or fax this page to the PUC. To accept rates in SECTION 2, no action is required.

I _____, Title _____, am an authorized representative for the City/Town/Village of _____. The City declines to accept the default rates indicated in SECTION 2 above. Instead, we choose the following rates: Residential _____; Non-Residential _____; Point-to-Point _____.

Date: _____ Signature: _____

Other Comments:

HOW TO RESPOND

Mail: Stephen Mendoza
Public Utility Commission
P.O. Box 13326
Austin, Texas 78711-3326

INQUIRIES

Inquiries only. NOT for sending your response.
HB1777@puc.texas.gov
Phone No: 512-936-7394

Or FAX to Stephen Mendoza at: 512-936-7428;
EMAIL to stephen.mendoza@puc.texas.gov

CITY CONTACT INFORMATION

Please notify us if the contact information we have on file for your city has changed. Thank you.

Phone No. 1: (940) 665-4455 _____
Phone No. 2: _____
Fax No: (940) 665-4910 _____
Email: cityoflindsay@ntin.net _____

Address

BETSY FLEITMAN CITY SECRETARY
or current city official responsible for right-of-way issues
CITY OF LINDSAY
PO BOX 153
LINDSAY TX 76250