



Life Connected.

**CITY COUNCIL SPECIAL MEETING
CELINA COUNCIL CHAMBERS
112 N. COLORADO ST.
TUESDAY, MAY 26, 2020
5:00 PM**

AGENDA

I. CALL TO ORDER:

II. WORKSESSION:

- A. Discussion regarding Chamber of Commerce Partnership Agreement for events. (Brawner)

III. EXECUTIVE SESSION:

The Celina City Council will convene into Executive Session pursuant to Texas Government Code 551.071, Consultation with Attorney, on 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 this Chapter.

- A. Discussion regarding an amendment to the existing Impact Fee Agreement between the City of Celina and Celina Tollway 80 Partner
- B. Discussion regarding filing petition in court to assert claims against, and seek relief from, Collin County Municipal Utility District No. 1, members of its Board of Directors, and other parties, if any, deemed necessary.

Reconvene Into Open Session

- C. Consider and act on an amendment to the existing Impact Fee Agreement between the City of Celina and Celina Tollway 80 Partner
- D. Consider and act upon retaining Messer, Fort & McDonald, PLLC to represent the City in litigation as directed by the City Council.
- E. Consider and act upon authorizing Messer, Fort & McDonald, PLLC to file suit for the city in district court asserting claims against, and seeking relief from, Collin County Municipal Utility District No. 1, members of its board of directors, and other parties, if any, deemed necessary.

IV. ACTION:

- A. Consider and act upon a Resolution of the City Council of the City of Celina, Texas, hereby authorizing the City Manager of the City of Celina, Texas, to execute an Interlocal Cooperation Agreement with Collin County under the county's emergency program for direct costs expended by municipalites located Collin County to address and respond to COVID-19; and providing for an effective date. (Stovall)
- B. Consider and act upon a Resolution of the City Council of the City of Celina, Texas, establishing a Small Business Assistance Program to provide immediate, short-term financial aid to qualified small businesses in the City of Celina; appropriating up to \$250,000 to establish the fund; providing program and application eligibility criteria and other requirements; delegating authority to the City Manager to administer the program; and providing for an effective date. (Stovall)
- C. Consider and act upon nomination of Will Sowell, Mayor Pro Tem of the City of Frisco, as primary representative and Ray Smith, Mayor of the Town of Prosper, as alternate representative for the Regional Transportation Council (RTC), the transportation policy body for the North Central Texas Council of Governments (NCTCOG). (Terry)

V. ADJOURN:

City Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551. "I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: _____ at ____ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."

Vicki Tarrant, TRMC
City Secretary, City of Celina, TX

Date Notice Removed



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Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Karla Stovall, Assistant City Manager
 CC: Jason Laumer, City Manager
 Date: May 26, 2020
 Re: Collin County Interlocal

Action Requested:

Consider and act upon a Resolution of the City Council of the City of Celina, Texas, hereby authorizing the City Manager of the City of Celina, Texas, to execute an Interlocal Cooperation Agreement with Collin County under the county's emergency program for direct costs expended by municipalities located Collin County to address and respond to COVID-19; and providing for an effective date. (Stovall)

Background Information:

On May 11, 2020, the Collin County Commissioners court took the first steps to distribute the "CARES Act" funds and adopted the 'Collin Cares' recovery plan which provides funding for cities' COVID-19 costs and business recovery efforts. The City may use these funds to reimburse itself for COVID-19 expenditures already paid and incurred, and for expenditures to assist it with its ongoing responses to COVID-19 as detailed in the "CARES Act", the Direct Costs Program and the Agreement.

This recovery plan is memorialized in an Interlocal Agreement between Collin County and the City.

Collin County is providing the City a Direct Grant of \$656,581.94 of its "CARES Act" funding.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

Resolution No. 2020-34R

Exhibit A - Interlocal Cooperation Agreement

Staff Recommendation:

**CITY OF CELINA, TEXAS
RESOLUTION NO. 2020-34R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS,
HEREBY AUTHORIZING THE CITY MANAGER OF THE CITY OF CELINA,
TEXAS, TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT
WITH COLLIN COUNTY UNDER THE COUNTY’S EMERGENCY PROGRAM
FOR DIRECT COSTS EXPENDED BY MUNICIPALITIES LOCATED COLLIN
COUNTY TO ADDRESS AND RESPOND TO COVID-19; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Celina, Texas is a municipality operating under a home-rule charter (“City”); and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump; and

WHEREAS, on April 22, 2020, the US Treasury enacted the Coronavirus Relief Fund added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”); and

WHEREAS, on May 11, 2020, the Collin County Commissioners court took the first steps to distribute the CARES Act funds and adopted the ‘Collin Cares’ recovery plan which provides funding for cities’ COVID-19 costs and business recovery efforts; and

WHEREAS, this recovery plan is memorialized in an Interlocal Agreement between Collin County and the City (the “Agreement”) which is attached here to Exhibit A; and

WHEREAS, the City may use these funds reimbursing itself for COVID-19 expenditures already paid and incurred, and for expenditures to assist it with its ongoing responses to COVID-19 as detailed in the CARES Act, the Direct Costs Program and the Agreement; and

WHEREAS, pursuant to the agreement municipal funds may be used for all expenditures that municipalities are eligible to recover under the CARES Act as described under said Act and the U.S. Department of the Treasury’s Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments as it applies to municipalities; and

WHEREAS, the COVID-19 pandemic has caused closures of and limitations on local businesses and the CARES Act and Collin County have included business revitalization as an acceptable expenditure of the direct lending funding pursuant to the agreement.

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

SECTION 1: That the City Manager of the City is hereby authorized to execute on behalf of the City Council of the City the Agreement establishing a COVID-19 emergency program for direct costs expended by municipalities located in Collin County to address and respond to COVID-19.

SECTION 2: That this Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED by the City Council of the City of Celina, Texas, this the 26th day of May 2020.

Sean Terry, Mayor

ATTEST:

Vicki Tarrant
City Secretary

Exhibit A

INTERLOCAL COOPERATION AGREEMENT
[MUNICIPAL DIRECT EXPENSE FUNDING]

As provided for by Chapter 791 of the Texas Government Code, this Interlocal Cooperation Agreement ("Agreement") is entered into by and between Collin County, Texas (hereinafter "County") and the City of Celina, Texas (hereinafter "City") under the County's Emergency Program for Direct Costs Expended by Municipalities located in Collin County to address and respond to COVID-19.

1. Program Description. The County has received federal funding under the Coronavirus Aid, Relief, and Economic Security Act (hereinafter "CARES ACT") to address and respond to the effects of the COVID-19 emergency. Assisting municipalities within the County in recovering their costs directly incurred in responding to the COVID-19 emergency is a legitimate and lawful use of the CARES ACT funding.
2. Incorporation of Program. The Order of the Collin County, Texas Commissioners Court establishing a COVID-19 Emergency Program for Direct Costs Expended by Municipalities located in Collin County to Address and Respond to COVID-19 (hereinafter "Direct Costs Program") is attached hereto and incorporated by reference herein.
3. Grant and Funding to City. Subject to the terms and conditions of this Agreement, the County agrees to grant and transfer to the City the sum of \$656,581.94 of its CARES ACT funding ("Municipal Funds"). The City agrees to deposit these Municipal Funds into a separate, segregated account created solely for holding and dispersing these Municipal Funds. The account must be an interest-bearing account and similarly insured and protected as the City's other funds.
4. Use of Municipal Funds. The City may use its Municipal Funds for reimbursing itself for COVID-19 expenditures already paid and incurred, and for expenditures to assist it with its ongoing responses to COVID-19 as detailed in the CARES ACT, the Direct Costs Program and this Agreement. Municipal Funds may be used for all expenditures that municipalities are eligible to recover under the CARES ACT as described under said Act and the U.S. Department of the Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments as applies to municipalities. Payments for the performance of governmental functions or services shall be made from current revenues available to the paying party.
5. City's Obligations relating to its Use of the Municipal Funds. The City agrees to:
 - a) only use the Municipal Funds in compliance with this Agreement and for eligible expenditures related to the COVID-19 emergency;
 - b) reimburse and return to the Municipal Funds account within thirty days any portion of the Municipal Funds that the County, the U.S. Department of Treasury, or their designee, deems were not used for COVID-19 purposes, or not used pursuant to the terms of this Agreement, or if the City's Municipal Funds account is already closed out, the reimbursement and return of the ineligible expenditure shall be made to the County;
 - c) document and justify that each expenditure from its Municipal Funds was an eligible expenditure under this Agreement and the CARES ACT. All documentation shall be delivered to the County no later than January 15, 2021, and shall be kept by the City for a minimum of four years from the close of the Direct Costs Program;

Exhibit A

- d) allow inspection of all documentation and records related to its expenditure of its Municipal Funds by the County or the U.S. Department of Treasury upon reasonable request;
- e) use the Municipal Funds only for eligible expenditures made between March 1, 2020 and 11:59 p.m., December 30, 2020;
- f) return and re-pay within thirty days to the County any Municipal Funds not expended by 11:59 p.m., December 30, 2020;
- g) acknowledge and recognize that the source of these Municipal Funds is Collin County and its CARES ACT allocation for any public programs or initiatives using these Municipal Funds;
- h) coordinate with the County any public programs or initiatives so that no duplication of services, initiatives or programs occurs; and
- i) impose similar terms and conditions upon any sub-recipient of its Municipal Funds.

6. Reports. The City shall provide periodic reports relating to the use of the Municipal Funds as requested or required by the County.

7. Eligibility Issues. If the City is not sure that an expenditure will qualify, it should seek an opinion from its City Attorney prior to making the expenditure.

8. Nature of Funding. The CARES ACT funding is being received from the County to the City as a sub-recipient. As a sub-recipient of CARES ACT funding the City acknowledges that its use of the funds is subject to the same terms and conditions as the County's use of such funds. The City hereby agrees to comply with all terms and conditions of the CARES ACT funding, and to hold the County harmless against any repayments, penalties, or interest incurred as a result of the City's failure to comply with all terms and conditions of the CARES ACT funding. Funds spent in non-compliance with the CARES ACT are subject to recapture by the County for return to the Direct Costs Program or for return to the U.S. Treasury Department.

9. Attorney's Fees and Costs. In accordance with the Program, the County shall be entitled to recover its reasonable and necessary attorney's fees and costs against the City if it is required to undertake litigation to enforce the terms of this Agreement to the extent allowed by law.

10. Law and Venue. The laws of the State of Texas shall govern this Agreement, except where clearly superseded by federal law. Venue of any dispute shall be in a court of competent jurisdiction in Collin County, Texas.

11. No Assignment. The City may not assign this Agreement.

12. Entire Agreement. This Agreement supersedes and constitutes a merger of all prior oral and/or written agreements and understandings of the parties on the subject matter of this Agreement and is binding on the parties and their legal representatives, receivers, executors, successors, agents and assigns.

13. Amendment. Any Amendment of this Agreement must be by written instrument dated and signed by both parties.

Exhibit A

14. Severability. No partial invalidity of this Agreement shall affect the remainder unless the public purpose to be served hereby is so greatly diminished thereby as to frustrate the object of this Agreement.

15. Waiver. No waiver by either party of any provision of this Agreement shall be effective unless in writing, and such waiver shall not be construed as or implied to be a subsequent waiver of that provision or any other provision.

16. Signature Authority. The signatories hereto have the authority and have been given any approvals necessary to bind by this Agreement the respective parties for which they sign.

COLLIN COUNTY, TEXAS

By: _____
Chris Hill, County Judge

Date

Attest:

County Clerk

CITY OF CELINA, TEXAS

Deleted: _____

By: _____
Mayor or City Manager

Printed Name

Printed Title

Date

Attest:

City Secretary



Life Connected.

Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Karla Stovall, Assistant City Manager
 CC: Jason Laumer, City Manager
 Date: May 26, 2020
 Re: Small Business Assistance Fund COVID-19

Action Requested:

Consider and act upon a Resolution of the City Council of the City of Celina, Texas, establishing a Small Business Assistance Program to provide immediate, short-term financial aid to qualified small businesses in the City of Celina; appropriating up to \$250,000 to establish the fund; providing program and application eligibility criteria and other requirements; delegating authority to the City Manager to administer the program; and providing for an effective date. (Stovall)

Background Information:

The Coronavirus Aid, Relief, and Economic Security Act was passed by Congress and signed into law by President Trump and the US Treasury established the Coronavirus Relief Fund added by section 5001 of the CARES Act. On May 11, 2020, the Collin County Commissioners court took the first steps to distribute the CARES Act funds and adopted the ‘Collin Cares’ recovery plan which provides funding for cities’ COVID-19 costs and business recovery efforts.

The City Council of the City recognizes the economic strain the COVID-19 pandemic is causing its local businesses, and desires to establish a stimulus program from the CARES Act funding from the Interlocal Cooperation Agreement with Collin County in order to provide limited financial assistance to small businesses located within the city limits.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

The City shall appropriate up to a sum of \$250,000 in a Separate Operating Fund for the small business assistance program.

Legal Review:

N/A

Supporting Documents:

Resolution 2020-35R

Exhibit A

Staff Recommendation:

RESOLUTION NO. 2020-35(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, ESTABLISHING A SMALL BUSINESS ASSISTANCE PROGRAM TO PROVIDE IMMEDIATE, SHORT-TERM FINANCIAL AID TO QUALIFIED SMALL BUSINESSES IN THE CITY OF CELINA; APPROPRIATING UP TO \$250,000 TO ESTABLISH THE FUND; PROVIDING PROGRAM AND APPLICATION ELIGIBILITY CRITERIA AND OTHER REQUIREMENTS; DELEGATING AUTHORITY TO THE CITY MANAGER TO ADMINISTER THE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas is a municipality operating under a home-rule charter (the “City”); and

WHEREAS, in December 2019, a novel coronavirus, now designated SARS-Co V2 which causes the disease COVID-19, was detected in Wuhan, China; and

WHEREAS, President Donald J. Trump declared a State of National Emergency for the United States of America on March 13, 2020 in response to the spread of COVID-19; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster; and

WHEREAS, on March 16, 2020, Mayor Sean Terry issued a declaration of local disaster for public health emergency for the City and such declaration was extended by the City Council; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was passed by Congress and signed into law by President Trump; and

WHEREAS, on April 22, 2020, the US Treasury established the Coronavirus Relief Fund added by section 5001 of the CARES Act; and

WHEREAS, on May 11, 2020, the Collin County Commissioners court took the first steps to distribute the CARES Act funds and adopted the ‘Collin Cares’ recovery plan which provides funding for cities’ COVID-19 costs and business recovery efforts; and

WHEREAS, on May 26, 2020, the City approved an Interlocal Cooperation Agreement between the City and Collin County to provide for the distribution of CARES Act funds; and

WHEREAS, the COVID-19 pandemic has caused closures of and limitations on local businesses; and

WHEREAS, Chapter 380 of the Texas Local Government Code allows municipalities to establish economic development programs for making grants of public money to promote local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, the City Council of the City recognizes the economic strain the COVID-19 pandemic is causing its local businesses, and desires to establish a stimulus program from the

CARES Act funding from the Interlocal Cooperation Agreement with Collin County in order to provide limited financial assistance to small businesses located within the city limits; and

WHEREAS, the City Council finds that establishing this program pursuant to Chapter 380 of the Texas Local Government Code and awarding grants to qualified small businesses will serve the public health, safety and welfare of the City; and

WHEREAS, the guidelines and criteria for this program are set forth in the attached Exhibit A.

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

SECTION 1. That the City hereby establishes and provides for the administration of a small business assistance program pursuant to Chapter 380 of the Texas Local Government Code to provide immediate, short-term financial assistance in the form of grants to qualified businesses located within the city limits of the City and within Collin County.

SECTION 2. That the guidelines and criteria set forth in Exhibit A, which is attached hereto and incorporated herein, shall establish program and application requirements and determine a business's eligibility to receive financial assistance under the program. The City Manager may establish additional rules or requirements necessary to comply with all applicable law.

SECTION 3. That the City Manager of the City of Celina, Texas is directed to administer the small business assistance program and is authorized to make grants that comply with the program requirements, as set forth herein, and is authorized to take any and all other actions he deems necessary to administer the program consistent with the program requirements set forth herein. A five-member committee consisting of a representative from the City Manager's office, the City of Celina Community Relation's office, and the City of Celina Economic Development Corporation will verify the complete and eligible application prior to the issuance of financial assistance and make recommendations to the City Manager.

SECTION 4. That the City shall appropriate the sum up to of \$250,000 in a separate operating fund of the City to establish the small business assistance program. Each qualified business is eligible to receive a one-time grant up to \$25,000 if funding is available.

SECTION 5. That this Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, ON THIS THE 26TH DAY OF MAY 2020.

Sean Terry, Mayor

ATTEST:

Vicki Tarrant, City Secretary

Attachment: SBA Resolution v3 (Small Business Assistant Program)

EXHIBIT A**ELIGIBILITY CRITERIA:**

Each qualified small business:

1. Be a physical, publicly accessible location within the City of Celina city limits and located with Collin County.
2. Show proof of ownership of business.
3. Must have been in continuous operation for a period of at least six months prior to the application date.
4. Must be in good standing with the City of Celina with respect to taxes, fees, utility payments and other financial obligations to the City.
5. Must have a current or anticipated revenue decline beginning March 1, 2020 resulting from COVID-19 impacts.
6. Must be a local, independent business responsible for all revenues and expenses.
7. Must have sustained a financial loss as a result of the COVID-19 pandemic and be able to provide sufficient documentation to evidence a business loss or gross revenue decline.
8. Be authorized to do business in Texas and listed as “in existence” with the Secretary of State of Texas.
9. Be current with property tax and sales and use tax payments.
10. Must at all times be in compliance with all ordinances of the City of Celina unless waived by the City or its designee in writing.
11. Must sign and agree to conditions of a Chapter 380 performance agreement with the City prior to the release of funds to the small business.
12. Provide proof of the use of grant funds upon request by August 31, 2020 or as extended in writing by the City Manager.

EXCLUSIONS:

1. Non-profit organizations or associations are specifically excluded from and ineligible to receive grants under the program.
2. A business is ineligible if it has received assistance from the Paycheck Protection Program or an Economic Injury Disaster Loan.

3. An eligible franchise must be responsible on a local level for all revenue and expenses of the business.
3. A business is ineligible if it has 51 or more employees.
4. Businesses or Business owner(s) which have outstanding financial obligations to the City of Celina unless forgiven or suspended by the City or its designee in writing.
5. The following businesses:
Home-based businesses; Non-profit organizations; Businesses affiliated or owned by national and regional chains; Grocery stores, Farmers Markets and Food Markets; Liquor wine, and beer stores; Wineries; Tobacco, vape and CBD stores; Pawn Shops; Gas stations and convenience stores; Medical and health providers and related service companies and vendors; Banks, lending and financial institutions; Plumbers, HVAC technicians and electricians; and Multi-level Marketing businesses.

DESCRIPTION OF GRANT:

Each qualified applicant is eligible for a grant up to \$25,000 for a business with less than 50 employees. Applicants must show proof of a financial loss as a result of the COVID-19 pandemic.

APPLICATION PROCESS:

Applicants may apply online at www.celina-tx.gov. Grants will be awarded until approved funding is exhausted or the grant program is ended by the City Council, whichever occurs first. Applications will be accepted during a 14-day open period beginning on June 1, 2020. The City Council reserves the right to modify, amend or terminate the program and/or the program requirements at any time. The City Manager is authorized to take any and all actions he deems necessary to administer the program consistent with the program requirements as approved by the City Council. Continued funding of this grant program is not guaranteed.

REQUIRED DOCUMENTATION:

1. Completed application form. The eligible business must be the applicant, but the application form must be signed by an authorized agent of the eligible business.
2. Documents sufficient to evidence a business loss, or other evidence of gross revenue decline beginning March 13, 2020. For example, a profit and loss statement from the same period last year and a profit and loss statement for this year is acceptable.
3. IRS Form 941.
4. If federal aid has been received, documents sufficient to evidence receipt of federal aid related to the COVID-19 disaster.
5. Other information, documentation or clarification as required by City staff administering the program.

6. An eligible business receiving a grant will be required to execute a Chapter 380 Economic Development Agreement with the City of Celina.

PUBLIC DISCLOSURE OF APPLICATIONS AND SUPPORTING DOCUMENTS:

By submitting an application under the program, the applicant consents to submitting all required or supporting documentation and information to the City of Celina and to the public disclosure of such documentation and information by the City of Celina in response to any request submitted pursuant to the Texas Public Information Act and/or other applicable law.

RESOLUTION NO. 2020-35(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, ESTABLISHING A SMALL BUSINESS ASSISTANCE PROGRAM TO PROVIDE IMMEDIATE, SHORT-TERM FINANCIAL AID TO QUALIFIED SMALL BUSINESSES IN THE CITY OF CELINA; APPROPRIATING UP TO \$250,000 TO ESTABLISH THE FUND; PROVIDING PROGRAM AND APPLICATION ELIGIBILITY CRITERIA AND OTHER REQUIREMENTS; DELEGATING AUTHORITY TO THE CITY MANAGER TO ADMINISTER THE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Celina, Texas is a municipality operating under a home-rule charter (the “City”); and

WHEREAS, in December 2019, a novel coronavirus, now designated SARS-Co V2 which causes the disease COVID-19, was detected in Wuhan, China; and

WHEREAS, President Donald J. Trump declared a State of National Emergency for the United States of America on March 13, 2020 in response to the spread of COVID-19; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster; and

WHEREAS, on March 16, 2020, Mayor Sean Terry issued a declaration of local disaster for public health emergency for the City and such declaration was extended by the City Council; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was passed by Congress and signed into law by President Trump; and

WHEREAS, on April 22, 2020, the US Treasury established the Coronavirus Relief Fund added by section 5001 of the CARES Act; and

WHEREAS, on May 11, 2020, the Collin County Commissioners court took the first steps to distribute the CARES Act funds and adopted the ‘Collin Cares’ recovery plan which provides funding for cities’ COVID-19 costs and business recovery efforts; and

WHEREAS, on May 26, 2020, the City approved an Interlocal Cooperation Agreement between the City and Collin County to provide for the distribution of CARES Act funds; and

WHEREAS, the COVID-19 pandemic has caused closures of and limitations on local businesses; and

WHEREAS, Chapter 380 of the Texas Local Government Code allows municipalities to establish economic development programs for making grants of public money to promote local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, the City Council of the City recognizes the economic strain the COVID-19 pandemic is causing its local businesses, and desires to establish a stimulus program from the

CARES Act funding from the Interlocal Cooperation Agreement with Collin County in order to provide limited financial assistance to small businesses located within the city limits; and

WHEREAS, the City Council finds that establishing this program pursuant to Chapter 380 of the Texas Local Government Code and awarding grants to qualified small businesses will serve the public health, safety and welfare of the City; and

WHEREAS, the guidelines and criteria for this program are set forth in the attached Exhibit A.

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

SECTION 1. That the City hereby establishes and provides for the administration of a small business assistance program pursuant to Chapter 380 of the Texas Local Government Code to provide immediate, short-term financial assistance in the form of grants to qualified businesses located within the city limits of the City and within Collin County.

SECTION 2. That the guidelines and criteria set forth in Exhibit A, which is attached hereto and incorporated herein, shall establish program and application requirements and determine a business's eligibility to receive financial assistance under the program. The City Manager may establish additional rules or requirements necessary to comply with all applicable law.

SECTION 3. That the City Manager of the City of Celina, Texas is directed to administer the small business assistance program and is authorized to make grants that comply with the program requirements, as set forth herein, and is authorized to take any and all other actions he deems necessary to administer the program consistent with the program requirements set forth herein. A five-member committee consisting of a representative from the City Manager's office, the City of Celina Community Relation's office, and the City of Celina Economic Development Corporation will verify the complete and eligible application prior to the issuance of financial assistance and make recommendations to the City Manager.

SECTION 4. That the City shall appropriate the sum up to of \$250,000 in a separate operating fund of the City to establish the small business assistance program. Each qualified business is eligible to receive a one-time grant up to \$25,000 if funding is available.

SECTION 5. That this Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, ON THIS THE 26TH DAY OF MAY 2020.

Sean Terry, Mayor

ATTEST:

Vicki Tarrant, City Secretary

Attachment: SBA Resolution v3 (Small Business Assistant Program)

EXHIBIT A**ELIGIBILITY CRITERIA:**

Each qualified small business:

1. Be a physical, publicly accessible location within the City of Celina city limits and located with Collin County.
2. Show proof of ownership of business.
3. Must have been in continuous operation for a period of at least six months prior to the application date.
4. Must be in good standing with the City of Celina with respect to taxes, fees, utility payments and other financial obligations to the City.
5. Must have a current or anticipated revenue decline beginning March 1, 2020 resulting from COVID-19 impacts.
6. Must be a local, independent business responsible for all revenues and expenses.
7. Must have sustained a financial loss as a result of the COVID-19 pandemic and be able to provide sufficient documentation to evidence a business loss or gross revenue decline.
8. Be authorized to do business in Texas and listed as “in existence” with the Secretary of State of Texas.
9. Be current with property tax and sales and use tax payments.
10. Must at all times be in compliance with all ordinances of the City of Celina unless waived by the City or its designee in writing.
11. Must sign and agree to conditions of a Chapter 380 performance agreement with the City prior to the release of funds to the small business.
12. Provide proof of the use of grant funds upon request by August 31, 2020 or as extended in writing by the City Manager.

EXCLUSIONS:

1. Non-profit organizations or associations are specifically excluded from and ineligible to receive grants under the program.
2. A business is ineligible if it has received assistance from the Paycheck Protection Program or an Economic Injury Disaster Loan.
3. An eligible franchise must be responsible on a local level for all revenue and expenses of

the business.

3. A business is ineligible if it has 51 or more employees.
4. Businesses or Business owner(s) which have outstanding financial obligations to the City of Celina unless forgiven or suspended by the City or its designee in writing.
5. The following businesses:
Home-based businesses; Non-profit organizations; Businesses affiliated or owned by national and regional chains; Grocery stores, Farmers Markets and Food Markets; Liquor wine, and beer stores; Wineries; Tobacco, vape and CBD stores; Pawn Shops; Gas stations and convenience stores; Medical and health providers and related service companies and vendors; Banks, lending and financial institutions; Plumbers, HVAC technicians and electricians; and Multi-level Marketing businesses.

DESCRIPTION OF GRANT:

Each qualified applicant is eligible for a grant up to \$25,000 for a business with less than 50 employees. Applicants must show proof of a financial loss as a result of the COVID-19 pandemic.

APPLICATION PROCESS:

Applicants may apply online at www.celina-tx.gov. Grants will be awarded until approved funding is exhausted or the grant program is ended by the City Council, whichever occurs first. Applications will be accepted during a 14-day open period beginning on June 1, 2020. The City Council reserves the right to modify, amend or terminate the program and/or the program requirements at any time. The City Manager is authorized to take any and all actions he deems necessary to administer the program consistent with the program requirements as approved by the City Council. Continued funding of this grant program is not guaranteed.

REQUIRED DOCUMENTATION:

1. Completed application form. The eligible business must be the applicant, but the application form must be signed by an authorized agent of the eligible business.
2. Documents sufficient to evidence a business loss, or other evidence of gross revenue decline beginning March 13, 2020. For example, a profit and loss statement from the same period last year and a profit and loss statement for this year is acceptable.
3. IRS Form 941.
4. If federal aid has been received, documents sufficient to evidence receipt of federal aid related to the COVID-19 disaster.
5. Other information, documentation or clarification as required by City staff administering the program.

6. An eligible business receiving a grant will be required to execute a Chapter 380 Economic Development Agreement with the City of Celina.

PUBLIC DISCLOSURE OF APPLICATIONS AND SUPPORTING DOCUMENTS:

By submitting an application under the program, the applicant consents to submitting all required or supporting documentation and information to the City of Celina and to the public disclosure of such documentation and information by the City of Celina in response to any request submitted pursuant to the Texas Public Information Act and/or other applicable law.



Life Connected.

Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Drew Jenks, Assistant
 CC: Jason Laumer, City Manager
 Date: May 26, 2020
 Re: NCTCOG Regional Transportation Council Nomination

Action Requested:

Consider and act upon nomination of Will Sowell, Mayor Pro Tem of the City of Frisco, as primary representative and Ray Smith, Mayor of the Town of Prosper, as alternate representative for the Regional Transportation Council (RTC), the transportation policy body for the North Central Texas Council of Governments (NCTCOG). (Terry)

Background Information:

The Regional Transportation Council (RTC) is the transportation policy body for the North Central Texas Council of Governments, and allows cities a voice in regional transportation policy. This action nominates Will Sowell, Mayor Pro Tem of the City of Frisco, as primary representative and Ray Smith, Mayor of the Town of Prosper, as alternate representative for the City of Celina's region.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

Nomination letter

Staff Recommendation:

Staff recommends approval.

Staff Recommendation:

Staff recommends approval.