AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 3, 2015
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
7:00 PM

CALL TO ORDER

INVOCATION

Recess REGULAR MEETING and call to order PUBLIC HEARING

PUBLIC HEARING

1. Conduct a public hearing to consider whether the property located at 423 Brenham Street, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.
   Gary N. Cooke, Planning and Development Director
2. Conduct a public hearing to consider whether the property located at 111-113 Reyna Street, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.
   Gary N. Cooke, Planning and Development Director
3. Conduct a public hearing to consider whether the property located at 602 Alley A, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.
   Gary N. Cooke, Planning and Development Director
4. Conduct a public hearing for a proposed zoning change request from William E. Rivers for his property located at 121 Anderson Drive from R-1 residential to C-3 commercial.
   Gary N. Cooke, Planning and Development Director

Close PUBLIC HEARING and Reconvene REGULAR MEETING

PUBLIC COMMENT

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

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

PRESENTATIONS

1. Presentation Elgin recognized as a Nationally Accredited Texas Main Street Program.
   Amy Miller, Community Development Director

REPORTS

1. Monthly Reports for January 2015
   Kerry Lacy, City Manager
2. Presentation of Elgin Police Department 2014 Racial Profiling Report
   Chris Bratton, Chief of Police

CONSENT AGENDA

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

1. Approval of minutes of the regular council meeting February 3, 2015.
   Lucretia Alvarez, City Secretary
2. Approval of minutes of the special council meeting February 10, 2015.
   Lucretia Alvarez, City Secretary
3. Approval of open container ordinance waiver request from Drive-a-Senior for Taste the Town on Main Street from Second Street to Depot Street on Thursday, April 30, 2015 from 5:30 p.m. until 9:00 p.m.
   Lucretia Alvarez, City Secretary
   Amy Miller, Community Development Director
4. Approval of an appointment of Brad Kilgore to the Parks and Recreation Advisory Board for a two year term that expires December 31, 2017.
   Michael Gonzalez, Parks and Recreation Program Manager
5. Approval of Ordinance Number 2015-03-03-09 amending Ordinance Number 2014-03-04-02 providing for a 2% increase in the rate Republic Services charge for collection of solid waste as authorized and approved in the original contract with the City of Elgin.
   Kerry Lacy, City Manager

UNFINISHED BUSINESS

1. Discussion and action adopting an Ordinance 2015-03-03-10 in accordance with, Chapter 46, Section 46-3 Elgin City Code of Ordinances for a zoning change request for Micah and Michelle Erwin for 414 East 8th Street for a specific use permit for three (3) years.
   Gary N. Cooke, Planning and Development Director

2. Discussion and action adopting an Ordinance 2015-03-03-11 in accordance with, Chapter 46, Section 46-3, Elgin City Code of Ordinances for a zoning change for Roseanne Cullen for property located at 515 North Highway 95 from C-3 commercial to R-1 residential.
   Gary N. Cooke, Planning and Development Director

NEW BUSINESS

1. Discussion and action after the public hearing to determine whether the property located at 423 West Brenham, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-12 to order the demolition of the property.
   Gary N. Cooke, Planning and Development Director

2. Discussion and action after the public hearing to determine whether the property located at 111-113 Reyna Street, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-13 to order the demolition of the property.
   Gary Cooke, Planning and Development Director

3. Discussion and action after the public hearing to determine whether the property located at 602 Alley A, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-14 to order the demolition of the property.
   Gary N. Cooke, Planning and Development Director

4. Discussion and action to consider adopting an Ordinance 2015-03-03-15 for a proposed zoning change request from William E. Rivers for his property located at 121 Anderson Drive from R-1 residential to C-3 commercial.
   Gary N. Cooke, Planning and Development Director

5. Discussion and action to consider approving the Investment Policy for the City of Elgin.
   Buck LaQuey, Finance Director
   Laura Schwartz, Purchasing Agent and Finance Assistant

6. Discussion and action to consider approving an extension of the Depository Contract with Prosperity Bank for one year.
   Buck LaQuey, Finance Director
   Laura Schwartz, Purchasing Agent and Finance Assistant

7. Discussion and action to consider accepting Master Plan for Union Pacific property in Downtown Elgin from McCann Adams Studio.
   Amy Miller, Community Development Director

EXECUTIVE SESSION

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

None

RECONVENE

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

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide forty-eight hours notice when feasible.

I, Lucretia Alvarez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before the 27th day of February, 2015 before 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code.

_____

Lucretia Alvarez, City Secretary

COUNCIL MEETING: March 3, 2015

ITEM: **1.**

Conduct a public hearing to consider whether the property located at 423 Brenham Street, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY:

A public hearing is required to consider whether the property located at 423 Brenham Street, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.

RECOMMENDATION(S):

ATTACHMENT:

1-Letter
2-Chapter 6 Article 3 Section 6-57 and 6-68
3-423 West Brenham
4-Ordinance 2015-2-3-6

January 27, 2015

I would like to request the Elgin City Council to declare the following three structures as unsafe as required and defined in the Elgin City Code, Chapter 6, Article III, Sections 6-57 and 6-68.

423 West Brenham

602 Alley A

113 Reyna

Gary N. Cooke

Gary N. Cooke, Director Planning & Development

P.O. Box 591 1135 Swenson Blvd. Elgin, Texas 78621 Phone 512.281.0119

Sec. 6-57. - Definitions.

Words not defined herein shall have the meanings stated in the standard building code, standard mechanical code, standard plumbing code, standard gas code, standard housing code or standard fire prevention code. Words not defined in the standard codes shall have the meanings stated in the Webster's Eighth New Collegiate Dictionary, as revised.

Applicable governing body of the city means the city council.

Approved means approved by the building official or other authority having jurisdiction.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this article each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

Building official means the officer or other designated authority charged with the administration and enforcement of this article or his duly authorized representative.

Chief appointing authority means the person or persons designated by the laws of the local governing body as having authority to appoint persons to various boards.

Department means the building department or other agency charged with the enforcement of this article.

Office of the recorder means that office, in the local governing body, responsible for recording deeds and other legal documents or actions.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property.

Structure means that which is built or constructed.

Unsafe building means any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

(1) Any means of egress or portion thereof that is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire-resistive ratings, that is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, that exceeds the stresses allowed in the standard building code for new buildings.

(4)

The building, structure or portion thereof that has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the standard building code for new buildings.

(5) Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the standard building code for new buildings adopted by the city.

(6) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

(7) The building, structure or portion thereof as a result of decay, deterioration or dilapidation that is likely to fully or partially collapse.

(8) The building, structure or portion thereof that has been constructed or maintained in violation of a specific requirement of the codes or of a city, county or state law.

(9) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

(10) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Code 1990, ch. 3, § 2(B); Ord. No. 90-05, 3-6-1990)

Sec. 6-68. - Rules of procedure for public hearing.

(a) *Calling of public hearing.* After the receipt of a written request from the building official, the city council shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of this article such that said building or structure must be demolished in order to protect the public health, safety and welfare. Said ordinance shall state with specificity each violation which renders said building or structure unsafe.

(b) *Reasonable dispatch.* The city council shall proceed with reasonable dispatch to conclude said public hearing, with due regard to the convenience and necessity of the parties involved. The hearing notice shall be served personally or posted certified mail at least 15 days before the hearing date.

(c) *Subpoenas.* The city council may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued upon the request of any member of the city council, or upon the written request of any party involved in the hearing. The issuance and service of subpoenas shall be in accordance with established law. Any person who refuses, without legal excuse, to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.

(d) *Procedure.*

(1) Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.

(2) The city council may grant continuance for good cause.

(3) In any proceedings under this article any member of the city council shall have the power to

administer oaths and affirmations and to certify official acts.

(4) Oral evidence shall be taken only on oath or affirmation.

(5) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.

(6) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.

(7) The city council may inspect any building, structure or premises during the course of the hearing, provided the following are complied with:

a. Notice of such inspection is given to the parties prior to making the inspection;

b. The parties are allowed to be present during the inspection; and

c. The inspector states for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.

(e) *After hearing.* After completion of the public hearing, if the city council finds that the building or structure is in violation of the provisions of this article, it may order the building or structure repaired or demolished within a reasonable time.

(f) *Recourse.* If the appellant is aggrieved by the decision of the city council, nothing in this article shall be construed to deprive him of seeking redress in the civil or other applicable court. Said appeal must be filed within 15 days from the effective date of the city council's final decision.

(Code 1990, ch. 3, § 2(M); Ord. No. 90-05, 3-6-1990)

January 26, 2015

Maria Antonia Galvez & Romario Zalazar
713 Madison St.
Elgin, Texas 78621

RE: **Unsafe Building Abatement Ordinance**
Elgin City, Div 10, Lot 7A (FR) PID R14574
423 West Brenham St.
Elgin, Texas 78621

Dear Property Owners:

Pursuant to the Unsafe Building Abatement Code, Code 1990, ch.3,&2(B);Ordinance No. 90-05, at the referenced address/property the structure has been identified as an Unsafe Building and in violation of the provisions of the Ordinance, based upon a visual observation from the public right of way. The building has become unsafe, unsanitary, a public and attractive nuisance and a blighted structure by virtue of the following:

1. The building has become in danger of partial collapse due to decay, deterioration and dilapidation;
2. Has become a fire hazard;
3. The stress in the building materials, as a result of the deterioration, exceed the stress allowed in the International Building Code for new buildings and the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirement established by the International Building Code.
4. The electrical system is deteriorated to a point that it is undersized and is a shock and fire hazard.
5. The plumbing system does not provide for minimum sanitation; and
6. The building is a harborage for rodents and vermin.

The building is vacant and shall remain vacant until the conditions are remedied.

Due to the seriously advanced deterioration of the referenced structure, permits shall be obtained, at your option, for its repair or demolition within thirty (30) days after receipt of this notice and demolition shall be completed within sixty (60) days after the receipt of this notice.

If permits are not secured within thirty (30) days after receipt of this notice, the City Council of Elgin shall be requested by ordinance to call for a public hearing to determine whether or not conditions exist which render this building unsafe under the provisions of the Ordinance or Code.

If you have any questions please contact Gary N. Cooke, Director of Planning, City of Elgin at 512-281-0119.

Sincerely,

Gary N. Cooke,
Building Official

P.O. Box 591 1135 Swenson Blvd. Elgin, Texas 78621 Phone 512.281.0119

Current Owner	Legal Description	Exemptions	Market
GALVEZ, MARIA ANTONIA & ROMARIO ZALAZAR (O0190182) 713 MADISON ST ELGIN,TX 78621-3403	ELGIN CITY,DIV 10,LOT 7A (FR)		Unavailable
		Entities	**Assessed**
		C01, G01, RD1, S01, TCESD, ACC	Unavailable

Situs Address

423 W BRENHAM ST
ELGIN, TX 78621

Sales

Date	Volume	Page	Seller Name
01/31/2006	1604	409	MCDONALD, MARTIN

History Information

	2014	2013	2012	2011
Imp HS	$51,777	$51,777	$51,777	$51,777
Imp NHS	$0	$0	$0	$0
Land HS	$13,163	$11,700	$11,700	$11,700
Land NHS	$0	$0	$0	$0
Ag Mkt	$0	$0	$0	$0
Ag Use	$0	$0	$0	$0
Tim Mkt	$0	$0	$0	$0
Tim Use	$0	$0	$0	$0
HS Cap	-	-	-	-
Assessed	$64,940	$63,477	$63,477	$63,477

Building Attributes

Construction	Foundation	Exterior	Interior	Roof	Flooring
	PB		WS	T	
Heat/AC	**Baths**	**Fireplace**	**Year Built**	**Rooms**	**Bedrooms**
			1940		3

Land Segments

SPTB	Description	Area	Market	Ag Value
A1	Residential Lot	11700.00F		

Improvements

Type	Description	Area	Year Built	Eff Year	Value
R	Residential				
MA	Main Area	1291	1940	1966	
DTC	Detached Carport	240	1960	1966	
OC	Open Concrete	154	1960	1966	
PB	Pole Barn	192	1996	1970	

CERTIFIED MAIL™

7008 1140 0003 3639 2010

AFTER 5 DAYS RETURN TO:
P.O. BOX 591 310 NORTH MAIN
ELGIN TEXAS 78621

MARIA GALVEZ
COMACIO ZALAZAR
713 MADISON
Elgin TEXAS

☐ Not Delivered As Addressed
Unable To Forward
☐ Moved, Left No Address
Unclaimed ☐ Attempted
☐ No Such Street Number
Vacant ☐ Insufficient
☐ No Mail Receptacle
☐ Box Closed No Order
☐ Returned For Better Address
☐ Postage Due _____

78621-0591

U.S. POSTAGE

Not Delivered 11-28
2nd Notice _____
Return _____

11-18

NIXIE 787 SC 1 77 11/26/09
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 78621059191 *1093-05077-17-42

Maria Antonia Galvez &
Romario Zalazar
713 Madison
Elgin, Texas 78621

November 17, 2008

DEAR PROPERTY OWNER / AGENT / LESSEE:

NOTICE OF VIOLATION

According to Elgin City Code Chapter 6 (Health and Sanitation) and authorized by the state of Texas makes it unlawful for any owner to allow the accumulation of weeds, rubbish, brush, or any unsightly, objectionable, or unsanitary matter on his or her property within the City limits. The City of Elgin requires only one notice of violation will be issued per twelve month period.

Currently your property located at, 423 West Brenham in Elgin, Texas is in violation and you are directed to:

X 1. Remove all litter, brush and junk from property
X 2. Secure building from entry

This is the only notice you will receive for the next twelve months relating to this violation at this address. Any further notice will be in the form of a CITATION TO MUNICIPAL COURT. The citation carries a maximum fine of $2,000.00 EACH DAY THE VIOLATION EXISTS. You have fifteen (15) days from the date this notice is served to correct this violation. If you do not remedy the situation within the time limit a citation will be issued and the City will take the necessary measures to correct the situation. All expenses incurred by the City will be billed to you. Failure to make restitution will result in a lien being placed on your property. You may request a hearing before the expiration of the fifteen (15) day time limit.

We hope that you as a property owner, agent, lessee, within the City of Elgin, will cooperate with us in our efforts to rid our community of this Fire / Health hazard. If you no longer own, manage, or lease this property please notify us with written proof of the new parties involved. If you have never owned or been an agent of this property, please call our office and notify us.
Your prompt attention to this matter will be greatly appreciated.

Sincerely,

James Cazares
City Inspector
City of Elgin

P.O. BOX 591 310 NORTH MAIN ELGIN, TEXAS 78621 PHONE (512) 285-5721

CERTIFIED MAIL™

7010 1670 0001 2310 4964

$ 005.54

AFTER 5 DAYS RETURN TO:
P.O. BOX 591 310 NORTH MAIN
ELGIN, TEXAS 78621

1st NOTICE 9.22
2nd NOTICE
RETURNED

MARIA ANTONIA GALVEZ
ROMARIO ZALAZAR
713 MADISON
ELGIN, TX 78621

1st NOTICE 9-8-25
2nd NOTICE 9-8-10

NIXIE 787 4C 1 02 09/21/10
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 78621059191 *2710-00864-24-37

78621+3990 78621@0591

Maria Antonia Galvez &
Romario Zalazar
713 Madison
Elgin, Texas 78621

August 24, 2010

DEAR PROPERTY OWNER / LESSEE:

NOTICE OF VIOLATION

According to Elgin Code Chapter 6 (Health and Sanitation) and authorized by the State of Texas, it is unlawful for any owner to allow the accumulation of weeds, rubbish, brush, or any unsightly, objectionable, or unsanitary matter on his or her property within the City limits. The City of Elgin requires **ONE NOTICE** of violation per twelve-month period.

Currently your property located in the Elgin City, Div 10, Lot 7A, Elgin, Bastrop County, Texas Property ID # 14574, 423 West Brenham is in violation and you are directed to:

__X__ 1. Cut all grass / weeds in excess of 12 inches on your property.

Any further notice will be in the form of a CITATION TO MUNICIPAL COURT. The citation carries a maximum fine of $2,000.00 EACH DAY THE VIOLATION EXISTS. You have FIFTEEN (15) days from the date this notice is served to correct this violation. If you do not remedy the situation within the time limit, a citation will be issued and the City will take the necessary measures to correct the situation. All expenses incurred by the City will be billed to you. Failure to make restitution will result in a lien being placed on your property. You may request a hearing before the expiration of the fifteen (15) day time limit.

We hope that you as a property owner, agent, or lessee, within the City of Elgin, will cooperate with us in our efforts to rid our community of this Fire / Health hazard. If you no longer own, manage, or lease this property, please notify is with written proof of the new parties involved. If you have never owned or been an agent of this property, please call our office and notify us. Your prompt attention to this matter will be greatly appreciated.

Sincerely,

James H. Cazares
Code Enforcement
512-281-0119

NOTICE OF UNSAFE STRUCTURE

Maria Galvez & Romario Zalazar
312 Madison
Elgin, Texas 78621

May 28, 2014

An inspection of your structure located at 423 W. Brenham, Elgin, Texas
And being Elgin City, Div 10, Lot 7A, has determined your structure to be unsafe as defined by Elgin City Ordinance Chapter 3 section 2. You are hereby ordered to repair structure to comply with minimum building code standards, or to demolish said structure and remove all debris from the property. All necessary permits shall be secured and work commenced within thirty (30) days after receipt of this notice and work commenced within sixty (60) days and continued to completion within such time frame as determined by the Building Official. If these permits are not secured in the time frame mentioned above, the Building Official shall request the City Council, by Ordinance, to call for a Public Hearing to determine whether or not conditions exist which render the structure unsafe under the provision of this Code.
Be advised that you have the right to appeal by Public Hearing if you choose to dispute this claim.
If you have any questions regarding the above or wish to have a Pubic Hearing declared, please contact me as soon as possible. Your attention to this matter will be greatly appreciated.

Sincerely,

James H Cazares
Code Enforcement Officer
512-281-0119

AFT LIE
200900892
1 PG

NOTICE OF IMPROVEMENT LIEN OR CLAIM

STATE OF TEXAS :

COUNTY OF BASTROP :

BEFORE ME, a Notary Public in and for the State of Texas, on this day personally appeared **Gary N. Cooke**, who being duly sworn, on oath stated as follows:

1. An improvement lien in the amount of **$ 375.00** has been impressed upon the following real property in accordance with Section 342.007, Texas Health and Safety Code.

   Legal Description: Elgin City, Div 10 Lot 7A(FR)
   PID # 14574
   AKA: 423 W. Brenham
   Owned by: Maria Antonia Galvez & Romario Zalazar

2. Said lien was impressed for failure to abate a nuisance in accordance with Chapter 6, Health and Sanitation, Section 2, Code of Ordinances, City of Elgin, Texas. This lien shall be released upon remittance of the total amount due to the City of Elgin, P.O. Box 591, Elgin, Texas 78621.

3. Claimant claims a lien against the Property pursuant to the laws of the State of Texas, and makes this sworn statement of its claim in support thereof.

City of Elgin, Texas

Gary N. Cooke

Printed Name: Gary N. Cooke
Title: Director of Planning

SUBSCRIBED AND SWORN TO before me by the said Gary N. Cooke this 22nd day of January, **2009** to certify which witness my hand and seal of office.

SANDRA J. THOMPSON
Notary Public, State of Texas
My Commission Expires
MARCH 1, 2009

Sandra J. Thompson
Notary Public, State of Texas
Printed Name: Sandra J. Thompson
My commission expires 03-01-09

STATE OF TEXAS :

COUNTY OF TEXAS :

This instrument was acknowledged before me on this 22nd day of January, **2009** by Gary N. Cooke, on behalf of the City of Elgin, Texas.

COPY

SANDRA J. THOMPSON
Notary Public, State of Texas
My Commission Expires
MARCH 1, 2009

Sandra J. Thompson
Notary Public, State of Texas
Printed Name: Sandra J. Thompson
My commission expires 03-01-09

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Rose Pietsch

January 22, 2009 01:05:23 PM
KRISTAB FEE: $16.00 BOOK:1888 PAGE:250-250
ROSE PIETSCH, County Clerk
Bastrop, Texas
AFT LIE 200900892

Issue Date : 1/15/2015

Statement Of Account

Office of Linda Harmon Tax Assessor-Collector

Bastrop County Tax Office
PO Box 579
Bastrop, TX 78602
Ph: (512) 581-7161 Fax: (512) 581-7167

This is a statement of taxes paid and due as of 1/15/2015 based upon the tax records of the Office of Linda Harmon Tax Assessor-Collector.

This document is not a tax certificate and does not absolve a taxpayer from tax liability in any way. Should this document be found to be in error, it may be corrected by the collections office. Responsibility to pay taxes remains with the taxpayer as outlined in the Texas Property Tax Code.

Property Information

Property ID : R14574
Quick-Ref ID : R14574

423 W BRENHAM ST ELGIN, TX 78621

ELGIN CITY,DIV 10,LOT 7A (FR)

Value Information

Land HS	:	$13,163.00
Land NHS	:	$0.00
Imp HS	:	$51,777.00
Imp NHS	:	$0.00
Ag Mkt	:	$0.00
Ag Use	:	$0.00
Tim Mkt	:	$0.00
Tim Use	:	$0.00
HS Cap Adj	:	$0.00
Assessed	:	$64,940.00

Owner Information

Owner ID : O0015403

GALVEZ, MARIA ANTONIA & ROMARIO ZALAZAR
713 MADISON ST
ELGIN, TX 78621-3403

Ownership: 100.00%

Suit Information: 11699

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
C01	2014	487.12	0.00	0.00	0.00	487.12
G01	2014	334.83	0.00	0.00	0.00	334.83
RD1	2014	73.64	0.00	0.00	0.00	73.64
S01	2014	1,000.08	0.00	0.00	0.00	1,000.08
TCES	2014	64.68	0.00	0.00	0.00	64.68
ACC	2014	61.18	0.00	0.00	0.00	61.18
C01	2013	478.56	0.00	114.84	89.01	682.41
G01	2013	327.22	0.00	78.54	60.87	466.63
RD1	2013	72.05	0.00	17.30	13.40	102.75
S01	2013	977.54	0.00	234.60	181.82	1,393.96
TCES	2013	59.92	0.00	14.38	11.14	85.44
ACC	2013	60.24	0.00	14.46	11.21	85.91
C01	2012	478.56	0.00	172.27	97.62	748.45
G01	2012	328.05	0.00	118.11	66.93	513.09
RD1	2012	72.74	0.00	26.19	14.84	113.77
S01	2012	977.54	0.00	351.91	199.42	1,528.87
TCES	2012	60.56	0.00	21.80	12.35	94.71
ACC	2012	60.37	0.00	21.74	12.32	94.43
C01	2011	478.55	0.00	229.71	106.24	814.50
G01	2011	316.05	0.00	151.71	70.16	537.92
RD1	2011	75.92	0.00	36.44	16.85	129.21
S01	2011	977.54	0.00	469.21	217.01	1,663.76
TCES	2011	60.43	0.00	29.00	13.41	102.84
ACC	2011	60.18	0.00	28.90	13.36	102.44

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Total for current bills if paid by 1/31/2015 : $2,021.53
Total due on all bills 1/31/2015 : $11,282.62
2014 taxes paid for entity C01 $0.00
2014 taxes paid for entity G01 $0.00
2014 taxes paid for entity RD1 $0.00
2014 taxes paid for entity S01 $0.00
2014 taxes paid for entity TCESD $0.00
2014 taxes paid for entity ACC $0.00
2014 Total Taxes Paid : $0.00

Jim Cazares

From: Rebecca Dosker <rebecca.dosker@msionline.com>
Sent: Monday, January 19, 2015 10:56 AM
To: Jim Cazares
Subject: 423 W BRENHAM ST, ELGIN, TX 78621

Good morning,

I understand there is a violation at this property. May I please have a soft copy emailed so I provide to the client for documentation?

Thank you,

Rebecca Dosker
Client Liaison CMT4
Mortgage Specialist International, LLC
1-800-346-2432 Ext 1206
rebecca.dosker@msionline.com
www.msionline.com
500 Grapevine Hwy. Ste. 400
Hurst, Texas 76054

817-788-4906

CONFIDENTIALITY AND PRIVILEGED STATEMENT:

[illegible]

Invoice

PROPOSAL

Vendor:

Name: Rudy & Ramiro

Address: 505 S. N. Ave

Phone: [illegible] -39

Proposal For & Contact Name:

City of Elgin

Gary N. Cooke

Job Site Address:

423 - W Brenham

Work Description:

Haul off & Clean up

Board Up

1-8-09

Proposal Amount: 375.00

Rudy & Ramiro

ORDINANCE NO. 2015-2-3-6

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS CALLING FOR A PUBLIC HEARING; LISTING ALLEGED VIOLATIONS THAT RENDERS A BUILDING OR STRUCTURE UPON A PROPERTY UNSAFE; REQUIRING NOTICE OF HEARING; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City of Elgin (the "City") is necessary and essential to the economic health of the community and the preservation and protection of the public welfare;

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City will preserve and protect the public health and safety;

WHEREAS, Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances provides that upon written request from the building official, the city council shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of the City of Elgin Code of Ordinances such that said building or structure must be demolished in order to protect the public health, safety and welfare;

WHEREAS, said ordinance shall state with specificity each violation which renders said building or structure unsafe;

WHEREAS, the City finds that the building official has submitted a written request for a public hearing for the following property located in the City of Elgin (referred to in this Ordinance as "Property") which public records reflect the following record owner:

Property Legal Description:	Elgin City, Div. 10, Lot 7A, locally known as 423 West Brenham St., Elgin, Texas 78621
Record Owner:	Maria Antonia Galvez and Romario Zalazar 713 Madison St. Elgin, Texas 78621

WHEREAS, the City Council finds that this ordinance is adopted pursuant to Article III, Chapter 6, Section 6-68 (a) of the City of Elgin Code of Ordinances;

WHEREAS, City Council finds that the building official has identified specific violations for the Property which the building official alleges are conditions that render said building or structure unsafe;

WHEREAS, City Council finds that it is necessary to conduct a public hearing in accordance with the requirements set forth in Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances.

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

Section 1. **Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the scheduling of a public hearing for the Property identified in this Ordinance is reasonable and necessary to protect the public health, safety and quality of life.

Section 2. **Public Hearing.** Council orders and calls a public hearing to be conducted on **March 3, 2015 at 7:00 P.M. at City Annex, 310 North Main Street, Elgin, Texas 7862** to determine whether or not conditions exist which render a building or structure unsafe located on the Property under the provisions of the City of Elgin Code of Ordinances such that said building or structure must be demolished in order to protect the public health, safety and welfare.

Section 3. **Noticed Violations.** The conditions which the building official alleges make structures and buildings located upon the above-identified Property to be in violation of the City of Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70) are as follows:

1. The building has become in danger of partial collapse due to decay, deterioration, and dilapidation;
2. The building is a fire hazard;
3. The stress in the building materials, as a result of deterioration, exceed the stress allowed in the Standard Building Code for new buildings and the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirements established by the Standard Building Code;
4. The electrical system is deteriorated to a point that it is undersized and is a shock and fire hazard;
5. The plumbing system does not provide for minimum sanitation; and
6. The building is a harborage for rodents and vermin.

Section 4. **Notice of Hearing.** City Council orders the building official to provide written notice of this ordinance and the public hearing called by this ordinance to the record owners, lienholders, and mortgagee as can be located and identified after a diligent search of the public records as set forth by state law, said notice to be mailed by first class mail with certified return receipt requested.

Section 5. **Open Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Government Code.*

Section 6. **Effective Date.** This ordinance shall take effect immediately upon its approval and passage and publication as required by law.

PASSED AND APPROVED on this the 3rd day of February, 2015.

THE CITY OF ELGIN

Marc Holm

Marc Holm, Mayor

Attest:

Lucretia Alvarez

Lucretia Alvarez, City Secretary

00328338/JDP

COUNCIL MEETING: March 3, 2015

ITEM: **2.**

Conduct a public hearing to consider whether the property located at 111-113 Reyna Street, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY:

A public hearing is required to consider whether the property located at 111-113 Reyna Street, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.

RECOMMENDATION(S):

ATTACHMENT:

1-Letter of request
2-Chapter 6 Article 3 Section 6-57 and 6-68
3-111-113 Reyna Street
4-Ordinance 2015-2-3-7

January 27, 2015

I would like to request the Elgin City Council to declare the following three structures as unsafe as required and defined in the Elgin City Code, Chapter 6, Article III, Sections 6-57 and 6-68.

423 West Brenham

602 Alley A

113 Reyna

Gary N. Cooke

Gary N. Cooke, Director Planning & Development

P.O. Box 591 1135 Swenson Blvd. Elgin, Texas 78621 Phone 512.281.0119

Sec. 6-57. - Definitions.

Words not defined herein shall have the meanings stated in the standard building code, standard mechanical code, standard plumbing code, standard gas code, standard housing code or standard fire prevention code. Words not defined in the standard codes shall have the meanings stated in the Webster's Eighth New Collegiate Dictionary, as revised.

Applicable governing body of the city means the city council.

Approved means approved by the building official or other authority having jurisdiction.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this article each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

Building official means the officer or other designated authority charged with the administration and enforcement of this article or his duly authorized representative.

Chief appointing authority means the person or persons designated by the laws of the local governing body as having authority to appoint persons to various boards.

Department means the building department or other agency charged with the enforcement of this article.

Office of the recorder means that office, in the local governing body, responsible for recording deeds and other legal documents or actions.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property.

Structure means that which is built or constructed.

Unsafe building means any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

(1) Any means of egress or portion thereof that is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire-resistive ratings, that is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, that exceeds the stresses allowed in the standard building code for new buildings.

(4)

The building, structure or portion thereof that has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the standard building code for new buildings.

(5) Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the standard building code for new buildings adopted by the city.

(6) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

(7) The building, structure or portion thereof as a result of decay, deterioration or dilapidation that is likely to fully or partially collapse.

(8) The building, structure or portion thereof that has been constructed or maintained in violation of a specific requirement of the codes or of a city, county or state law.

(9) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

(10) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Code 1990, ch. 3, § 2(B); Ord. No. 90-05, 3-6-1990)

Sec. 6-68. - Rules of procedure for public hearing.

(a) *Calling of public hearing.* After the receipt of a written request from the building official, the city council shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of this article such that said building or structure must be demolished in order to protect the public health, safety and welfare. Said ordinance shall state with specificity each violation which renders said building or structure unsafe.

(b) *Reasonable dispatch.* The city council shall proceed with reasonable dispatch to conclude said public hearing, with due regard to the convenience and necessity of the parties involved. The hearing notice shall be served personally or posted certified mail at least 15 days before the hearing date.

(c) *Subpoenas.* The city council may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued upon the request of any member of the city council, or upon the written request of any party involved in the hearing. The issuance and service of subpoenas shall be in accordance with established law. Any person who refuses, without legal excuse, to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.

(d) *Procedure.*

(1) Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.

(2) The city council may grant continuance for good cause.

(3) In any proceedings under this article any member of the city council shall have the power to

administer oaths and affirmations and to certify official acts.

(4) Oral evidence shall be taken only on oath or affirmation.

(5) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.

(6) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.

(7) The city council may inspect any building, structure or premises during the course of the hearing, provided the following are complied with:

a. Notice of such inspection is given to the parties prior to making the inspection;

b. The parties are allowed to be present during the inspection; and

c. The inspector states for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.

(e) *After hearing.* After completion of the public hearing, if the city council finds that the building or structure is in violation of the provisions of this article, it may order the building or structure repaired or demolished within a reasonable time.

(f) *Recourse.* If the appellant is aggrieved by the decision of the city council, nothing in this article shall be construed to deprive him of seeking redress in the civil or other applicable court. Said appeal must be filed within 15 days from the effective date of the city council's final decision.

(Code 1990, ch. 3, § 2(M); Ord. No. 90-05, 3-6-1990)

March 12, 2010

Jose A Navejas
205 Ochoa Street
Elgin, TX 78621

RE: **Unsafe Building Abatement Ordinance**
J.S. Smith, Lot 49 PID R12710
113 Reyna
Elgin, Texas 78621

Dear Property Owners

Pursuant to the Unsafe Building Abatement Code, Ordinance No. 90-05, at the referenced address/property the primary dwelling and the detached garage/storage structure have been identified as Unsafe Buildings and in violation of the provisions of the Ordinance, based upon a visual observation from the public right of way. The buildings have become unsafe, unsanitary, a public and attractive nuisance and blighted structures by virtue of the following:

1. The buildings have become in danger of partial collapse due to decay, deterioration and dilapidation;
2. Have become a fire hazard;
3. The stress in the building materials, as a result of the deterioration, exceed the stress allowed in the Standard Building Code for new buildings and the structural integrity of the buildings is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code.
4. The electrical systems are deteriorated to a point that it is undersized and is a shock and fire hazard.
5. The plumbing systems do not provide for minimum sanitation; and
6. The buildings are a harborage for rodents and vermin.

The buildings are vacant and shall remain vacant until the conditions are remedied.

Due to the seriously advanced deterioration of the referenced structures, permits shall be obtained, at your option, for its repair or demolition within thirty (30) days after receipt of this notice and demolition shall be completed within sixty (60) days after the receipt of this notice.

If permits are not secured within thirty (30) days after receipt of this notice, the City Council of Elgin shall be requested by ordinance to call for a public hearing to determine whether or not conditions exist which render these buildings unsafe under the provisions of the Ordinance or Code.

If you have any questions please contact Gary N. Cooke, Director of Planning, City of Elgin at 512-281-0119.

Sincerely,

Larry J. Foster, CPE, Building Inspector
Texas Professional Inspector License #3
ICC Certified Building, Mechanical, Electrical & Plumbing Code Inspector

7009 1680 0000 3483 2575

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage $ .44
Certified Fee 2.30
Return Receipt Fee (Endorsement Required) 2.30
Restricted Delivery Fee (Endorsement Required) 0.00

Postmark Here

Jose A Navejas
PID 12710
205 Ochoa
Elgin Tx 78621

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jose A Navejas
PID 12710
205 Ochoa
Elgin Tx 78621

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. 7009 1680 0000 3483 2575

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

2015
R12710

01/26/2015

Current Owner	Legal Description	Exemptions	Market
NAVEJAS, JOSE A (O0151758) 205 OCHOA ST ELGIN,TX 78621	SMITH, J. S., LOT 49 (85 X 90), ACRES 0.175		Unavailable
		Entities	**Assessed**
		C01, G01, RD1, S01, TCESD, ACC	Unavailable

Situs Address

111 REYNA
ELGIN, TX 78621

Sales

Date	Volume	Page	Seller Name

History Information

	2014	2013	2012	2011
Imp HS	$0	$0	$0	$0
Imp NHS	$1,027	$1,027	$1,027	$1,027
Land HS	$0	$0	$0	$0
Land NHS	$5,717	$5,717	$5,717	$5,717
Ag Mkt	$0	$0	$0	$0
Ag Use	$0	$0	$0	$0
Tim Mkt	$0	$0	$0	$0
Tim Use	$0	$0	$0	$0
HS Cap	-	-	-	-
Assessed	$6,744	$6,744	$6,744	$6,744

Building Attributes

Construction	Foundation	Exterior	Interior	Roof	Flooring
	PB			T	
Heat/AC	**Baths**	**Fireplace**	**Year Built**	**Rooms**	**Bedrooms**
			1945		

Land Segments

SPTB	Description	Area	Market	Ag Value
A1	Residential Lot	0.175		

Improvements

Type	Description	Area	Year Built	Eff Year	Value
R	Residential				
MA	Main Area	1216	1945	1941	
PB	Pole Barn	440	1960	1960	
CP	Covered Porch	150	1945	1941	
CS	Concrete Slab	40	1945	1960	
AS	Attached Storage	342	1945	1941	

APPENDIX A
PHOTOGRAPHIC ATTACHMENTS

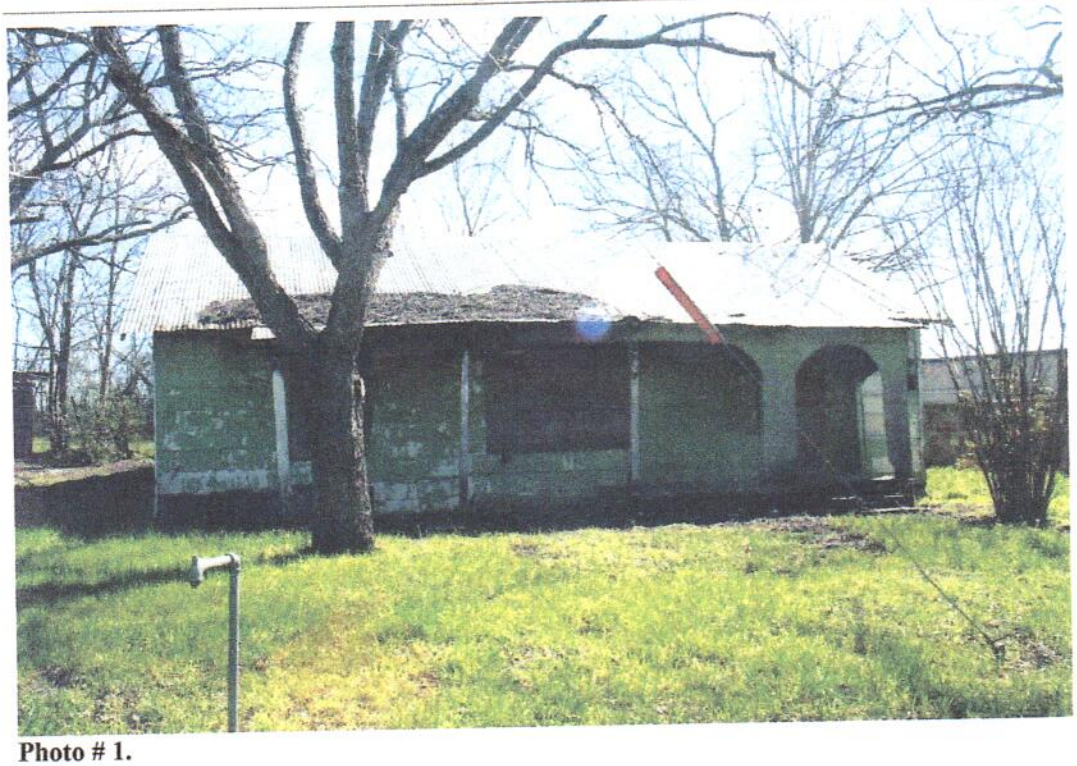

Photo # 1.

Photo # 2.

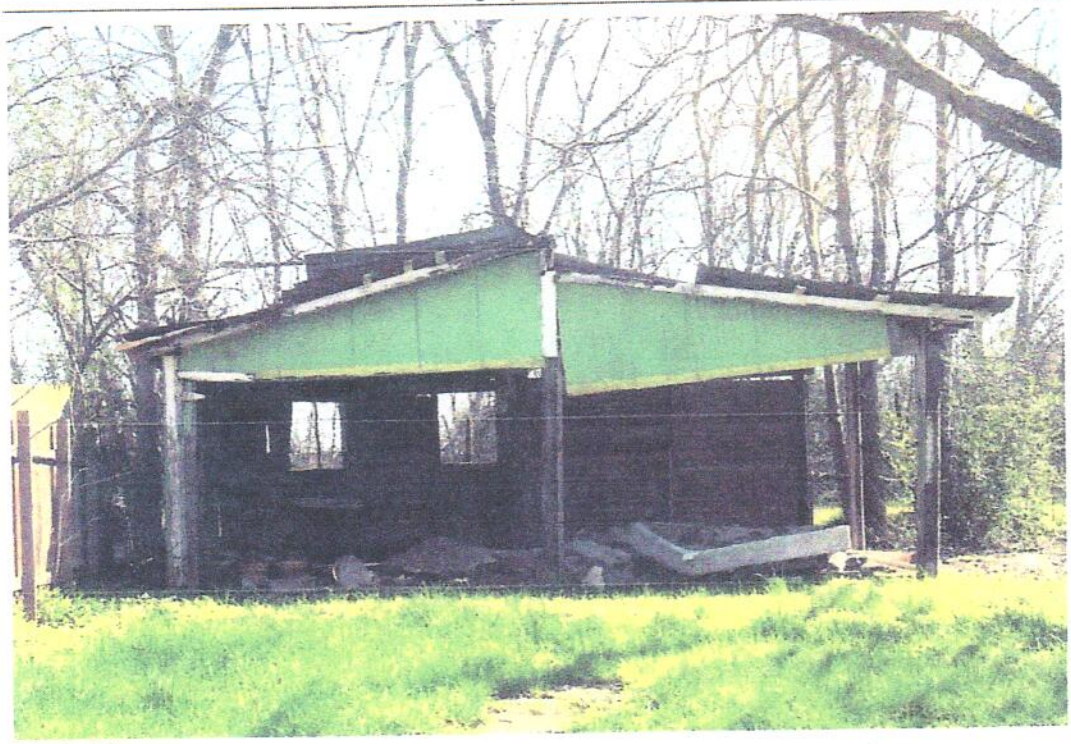

Photo # 3.

Issue Date : 1/15/2015

Statement Of Account

Office of Linda Harmon Tax Assessor-Collector

Bastrop County Tax Office
PO Box 579
Bastrop, TX 78602
Ph: (512) 581-7161 Fax: (512) 581-7167

This is a statement of taxes paid and due as of 1/15/2015 based upon the tax records of the Office of Linda Harmon Tax Assessor-Collector.

This document is not a tax certificate and does not absolve a taxpayer from tax liability in any way. Should this document be found to be in error, it may be corrected by the collections office. Responsibility to pay taxes remains with the taxpayer as outlined in the Texas Property Tax Code.

Property Information

Property ID : R12710
Quick-Ref ID : R12710

111 REYNA ELGIN, TX 78621

SMITH, J. S., LOT 49 (85 X 90), ACRES 0.175

Value Information

Land HS	:	$0.00
Land NHS	:	$5,717.00
Imp HS	:	$0.00
Imp NHS	:	$1,027.00
Ag Mkt	:	$0.00
Ag Use	:	$0.00
Tim Mkt	:	$0.00
Tim Use	:	$0.00
HS Cap Adj	:	$0.00
Assessed	:	$6,744.00

Owner Information

Owner ID : O0151758

NAVEJAS, JOSE A
205 OCHOA ST
ELGIN, TX 78621

Ownership: 100.00%

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
C01	2014	50.59	0.00	0.00	0.00	50.59
G01	2014	34.77	0.00	0.00	0.00	34.77
RD1	2014	7.65	0.00	0.00	0.00	7.65
S01	2014	103.85	0.00	0.00	0.00	103.85
TCES	2014	6.72	0.00	0.00	0.00	6.72
ACC	2014	6.35	0.00	0.00	0.00	6.35
C01	2013	50.84	0.00	12.20	9.46	72.50
G01	2013	34.77	0.00	8.34	6.46	49.57
RD1	2013	7.65	0.00	1.84	1.42	10.91
S01	2013	103.85	0.00	24.92	19.32	148.09
TCES	2013	6.37	0.00	1.52	1.18	9.07
ACC	2013	6.40	0.00	1.54	1.19	9.13
C01	2012	50.85	0.00	18.31	10.38	79.54
G01	2012	34.85	0.00	12.55	7.11	54.51
RD1	2012	7.73	0.00	2.79	1.58	12.10
S01	2012	103.85	0.00	37.39	21.19	162.43
TCES	2012	6.43	0.00	2.31	1.31	10.05
ACC	2012	6.41	0.00	2.31	1.31	10.03
C01	2011	50.84	0.00	24.41	11.29	86.54
G01	2011	33.57	0.00	16.11	7.46	57.14
RD1	2011	8.07	0.00	3.88	1.79	13.74
S01	2011	103.85	0.00	49.84	23.06	176.75
TCES	2011	6.42	0.00	3.08	1.42	10.92
ACC	2011	6.39	0.00	3.08	1.42	10.89

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Total for current bills if paid by 1/31/2015 : $209.93
Total due on all bills 1/31/2015 : $1,193.84
2014 taxes paid for entity C01 $0.00
2014 taxes paid for entity G01 $0.00
2014 taxes paid for entity RD1 $0.00
2014 taxes paid for entity S01 $0.00
2014 taxes paid for entity TCESD $0.00
2014 taxes paid for entity ACC $0.00
2014 Total Taxes Paid : $0.00

© 2003 Tyler Technologies, Inc. QuickRefID: R12710 Issue Date: 1/15/2015

Jose A Navejas
205 Ochoa St
Elgin, Texas, 78621

May 28, 2014

DEAR PROPERTY OWNER / AGENT / LESSEE:

NOTICE OF VIOLATION

According to Elgin City Code Chapter 6 (Health and Sanitation) and authorized by the state of Texas makes it unlawful for any owner to allow the accumulation of weeds, rubbish, brush, or any unsightly, objectionable, or unsanitary matter on his or her property within the City limits. The City of Elgin requires only one notice of violation will be issued per twelve month period.

Currently your properties located at, 111 Reyna, J. S. Smith, Lot 49, PID 12710 in Elgin, Texas is in violation and you are directed to:

X 1. Repair or demolish dilapidated structure
X 2. Mow or Shred all grass and weeds in excess of 12 inches

This is the only notice you will receive for the next twelve months relating to this violation at this address. Any further notice will be in the form of a CITATION TO MUNICIPAL COURT. The citation carries a maximum fine of $500.00 EACH DAY THE VIOLATION EXISTS. You have fifteen (15) days from the date this notice is served to correct this violation. If you do not remedy the situation within the time limit a citation will be issued and the City will take the necessary measures to correct the situation. All expenses incurred by the City will be billed to you. Failure to make restitution will result in a lien being placed on your property. You may request a hearing before the expiration of the fifteen (15) day time limit.

We hope that you as a property owner, agent, lessee, within the City of Elgin, will cooperate with us in our efforts to rid our community of this Fire / Health hazard. If you no longer own, manage, or lease this property please notify us with written proof of the new parties involved. If you have never owned or been an agent of this property, please call our office and notify us.
Your prompt attention to this matter will be greatly appreciated.

Sincerely,

J Cazares

James Cazares
Code Enforcement Officer
License # 4642

CERTIFIED MAIL™

7011 2000 0000 9581 2367

AFTER 5 DAYS RETURN TO:
P.O. BOX 591 310 NORTH MAIN
ELGIN, TEXAS 78621

Jose A Rodriguez
205 Oakwood St
Elgin, Texas
78621

1st NOTICE 10/3/24
2nd NOTICE 10/25
RETURNED 10/12

1st NOTICE 6-2-24
2nd NOTICE
RETURNED

ORDINANCE NO. 2015-2-3-7

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS CALLING FOR A PUBLIC HEARING; LISTING ALLEGED VIOLATIONS THAT RENDERS A BUILDING OR STRUCTURE UPON A PROPERTY UNSAFE; REQUIRING NOTICE OF HEARING; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City of Elgin (the "City") is necessary and essential to the economic health of the community and the preservation and protection of the public welfare;

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City will preserve and protect the public health and safety;

WHEREAS, Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances provides that upon written request from the building official, the city council shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of the City of Elgin Code of Ordinances such that said building or structure must be demolished in order to protect the public health, safety and welfare;

WHEREAS, said ordinance shall state with specificity each violation which renders said building or structure unsafe;

WHEREAS, the City finds that the building official has submitted a written request for a public hearing for the following property located in the City of Elgin (referred to in this Ordinance as "Property") which public records reflect the following record owner:

Property Legal Description: **J.S. Smith, Lot 49, locally known as 113 Reyna St., Elgin, Texas 78621**

Record Owner: Jose A. Navejas
205 Ochoa St.
Elgin, Texas 78621

WHEREAS, the City Council finds that this ordinance is adopted pursuant to Article III, Chapter 6, Section 6-68 (a) of the City of Elgin Code of Ordinances;

WHEREAS, City Council finds that the building official has identified specific violations for the Property which the building official alleges are conditions that render said building or structure unsafe;

WHEREAS, City Council finds that it is necessary to conduct a public hearing in accordance with the requirements set forth in Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances.

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

Section 1. **Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the scheduling of a public hearing for the Property identified in this Ordinance is reasonable and necessary to protect the public health, safety and quality of life.

Section 2. **Public Hearing.** Council orders and calls a public hearing to be conducted on **March 3, 2015 at 7:00 P.M. at City Annex, 310 North Main Street, Elgin, Texas 7862** to determine whether or not conditions exist which render a building or structure unsafe located on the Property under the provisions of the City of Elgin Code of Ordinances such that said building or structure must be demolished in order to protect the public health, safety and welfare.

Section 3. **Noticed Violations.** The conditions which the building official alleges make structures and buildings located upon the above-identified Property to be in violation of the City of Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70) are as follows:

1. The building has become in danger of partial collapse due to decay, deterioration, and dilapidation;
2. The building is a fire hazard;
3. The stress in the building materials, as a result of deterioration, exceed the stress allowed in the Standard Building Code for new buildings and the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirements established by the Standard Building Code;
4. The electrical system is deteriorated to a point that it is undersized and is a shock and fire hazard;
5. The plumbing system does not provide for minimum sanitation; and
6. The building is a harborage for rodents and vermin.

Section 4. **Notice of Hearing.** City Council orders the building official to provide written notice of this ordinance and the public hearing called by this ordinance to the record owners, lienholders, and mortgagee as can be located and identified after a diligent search of the public records as set forth by state law, said notice to be mailed by first class mail with certified return receipt requested.

Section 5. **Open Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Government Code.*

Section 6. **Effective Date.** This ordinance shall take effect immediately upon its approval and passage and publication as required by law.

PASSED AND APPROVED on this the 3rd day of February, 2015.

THE CITY OF ELGIN

Marc Holm

Marc Holm, Mayor

Attest:

Lucretia Alvarez

Lucretia Alvarez, City Secretary

00328337/JDP

COUNCIL MEETING: March 3, 2015

ITEM: **3.**

Conduct a public hearing to consider whether the property located at 602 Alley A, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY:

A public hearing is required to consider whether the property located at 602 Alley A, Elgin, Texas 78621 is an unsafe building in violation of the City of Elgin's Code of Ordinances and whether such Property should be ordered to be demolished in accordance with the City's ordinances.

RECOMMENDATION(S):

ATTACHMENT:

1-Letter of request
2-Chapter 6 Article 3 Section 6-57 and 6-68
3-602 Alley A
4-Ordinance 2015-2-3-8

January 27, 2015

I would like to request the Elgin City Council to declare the following three structures as unsafe as required and defined in the Elgin City Code, Chapter 6, Article III, Sections 6-57 and 6-68.

423 West Brenham

602 Alley A

113 Reyna

Gary N. Cooke

Gary N. Cooke, Director Planning & Development

P.O. Box 591 1135 Swenson Blvd. Elgin, Texas 78621 Phone 512.281.0119

Sec. 6-57. - Definitions.

Words not defined herein shall have the meanings stated in the standard building code, standard mechanical code, standard plumbing code, standard gas code, standard housing code or standard fire prevention code. Words not defined in the standard codes shall have the meanings stated in the Webster's Eighth New Collegiate Dictionary, as revised.

Applicable governing body of the city means the city council.

Approved means approved by the building official or other authority having jurisdiction.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this article each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

Building official means the officer or other designated authority charged with the administration and enforcement of this article or his duly authorized representative.

Chief appointing authority means the person or persons designated by the laws of the local governing body as having authority to appoint persons to various boards.

Department means the building department or other agency charged with the enforcement of this article.

Office of the recorder means that office, in the local governing body, responsible for recording deeds and other legal documents or actions.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property.

Structure means that which is built or constructed.

Unsafe building means any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

(1) Any means of egress or portion thereof that is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire-resistive ratings, that is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

(3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, that exceeds the stresses allowed in the standard building code for new buildings.

(4)

The building, structure or portion thereof that has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the standard building code for new buildings.

(5) Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the standard building code for new buildings adopted by the city.

(6) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

(7) The building, structure or portion thereof as a result of decay, deterioration or dilapidation that is likely to fully or partially collapse.

(8) The building, structure or portion thereof that has been constructed or maintained in violation of a specific requirement of the codes or of a city, county or state law.

(9) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

(10) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Code 1990, ch. 3, § 2(B); Ord. No. 90-05, 3-6-1990)

Sec. 6-68. - Rules of procedure for public hearing.

(a) *Calling of public hearing.* After the receipt of a written request from the building official, the city council shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of this article such that said building or structure must be demolished in order to protect the public health, safety and welfare. Said ordinance shall state with specificity each violation which renders said building or structure unsafe.

(b) *Reasonable dispatch.* The city council shall proceed with reasonable dispatch to conclude said public hearing, with due regard to the convenience and necessity of the parties involved. The hearing notice shall be served personally or posted certified mail at least 15 days before the hearing date.

(c) *Subpoenas.* The city council may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. Subpoenas may be issued upon the request of any member of the city council, or upon the written request of any party involved in the hearing. The issuance and service of subpoenas shall be in accordance with established law. Any person who refuses, without legal excuse, to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.

(d) *Procedure.*

(1) Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.

(2) The city council may grant continuance for good cause.

(3) In any proceedings under this article any member of the city council shall have the power to

administer oaths and affirmations and to certify official acts.

(4) Oral evidence shall be taken only on oath or affirmation.

(5) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.

(6) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.

(7) The city council may inspect any building, structure or premises during the course of the hearing, provided the following are complied with:

a. Notice of such inspection is given to the parties prior to making the inspection;

b. The parties are allowed to be present during the inspection; and

c. The inspector states for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.

(e) *After hearing.* After completion of the public hearing, if the city council finds that the building or structure is in violation of the provisions of this article, it may order the building or structure repaired or demolished within a reasonable time.

(f) *Recourse.* If the appellant is aggrieved by the decision of the city council, nothing in this article shall be construed to deprive him of seeking redress in the civil or other applicable court. Said appeal must be filed within 15 days from the effective date of the city council's final decision.

(Code 1990, ch. 3, § 2(M); Ord. No. 90-05, 3-6-1990)

2015
R12286

12/02/2014

Current Owner	Legal Description	Exemptions	Market
HAYWOOD, V EASTER HUNTER (O0001548) 3209 L ST SAN DIEGO,CA 92102-4310	ELGIN CITY, BLOCK 12, LOT 1 (FR)		Unavailable
		Entities	**Assessed**
		C01, G01, RD1, S01, TCESD, ACC	Unavailable

Situs Address

602 ALLEY A
ELGIN, TX 78621

Sales

Date	Volume	Page	Seller Name
02/03/2004	1406	447	BECKS, JOHN HENRY

History Information

	2014	2013	2012	2011
Imp HS	$20,944	$20,944	$20,944	$20,944
Imp NHS	$0	$0	$0	$0
Land HS	$6,581	$5,850	$5,850	$5,850
Land NHS	$0	$0	$0	$0
Ag Mkt	$0	$0	$0	$0
Ag Use	$0	$0	$0	$0
Tim Mkt	$0	$0	$0	$0
Tim Use	$0	$0	$0	$0
HS Cap	-	-	-	-
Assessed	$27,525	$26,794	$26,794	$26,794

Building Attributes

Construction	Foundation	Exterior	Interior	Roof	Flooring
	PB			CS	
Heat/AC	**Baths**	**Fireplace**	**Year Built**	**Rooms**	**Bedrooms**
			1940		

Land Segments

SPTB	Description	Area	Market	Ag Value
A1	Residential Lot	5850.00F		

Improvements

Type	Description	Area	Year Built	Eff Year	Value
R	Residential				
MA	Main Area	528	1940	1958	
PB	Pole Barn	264	1940	1979	
OF	Open Frame	72	1940	1958	
S	Storage Building	64	1996	1969	

LEAVE PROPERTY TRASH DOBRO JUNK TIRES

CERTIFIED MAIL™

7013 3020 0002 2667 8098

AFTER 5 DAYS RETURN TO:
P.O. BOX 591 310 NORTH MAIN
ELGIN, TEXAS 78621

$ 006.49

Easter V Hunter Haywood
3209 L Street
San Diego, CA 92102-4310

NIXIE 918 FE 1 0013/24/14

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 78621059191 *2868-06948-12-30

78621 00591

NOTICE OF UNSAFE STRUCTURE

Easter V Hunter Haywood
3209 L Street
San Diego, CA 92102-4310

December 2, 2014

DEAR PROPERTY OWNER:

An inspection of your property located at 602 Alley A, Elgin, Bastrop / Travis County, Texas, located in the Elgin City Addition, Lot 1 (FR), Block 12, PID # 12286, has determined your structure to be unsafe as defined by Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70). You are hereby ordered to repair the structure to the point they will comply with minimum building code standards, or to demolish said structure and remove all debris from the property. All necessary permits shall be secured and work commenced within thirty (30) days after receipt of this notice and work commenced within sixty (60) days and continued to completion within such time as determined by the Building Official.

If these permits are not secured in the time frame mentioned above, the Building Official shall request the City Council, by ordinance, to call for a Public Hearing to determine whether or not conditions exist which renders the structure unsafe under the provision of this Code.

Be advised that you have the right to an appeal by Public Hearing if you choose to dispute this claim.

If you have any questions regarding the above or wish to have a Public Hearing declared, please contact me as soon as possible. Your attention to this matter will be greatly appreciated.

Sincerely,

Jim Cazares, Lic #4642
Code Enforcement
512-281-0119

COPY

Por favor llama esta officina por esta noticia 512-281-0119

CERTIFIED MAIL™

92102431O 0017

AFTER 5 DAYS RETURN TO:
P.O. BOX 591 310 NORTH MAIN
ELGIN, TEXAS 78621

7013 3020 0002 2667 8081

$ 006.49

Easter V Hunter Haywood
3209 L Street
San Diego, CA 92102-4310

MIXIE 918 FE 1 0012/11/14

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 78621059191 *7508-07181-11-30

78621059191

Easter V Hunter Haywood
3209 L Street
San Diego, CA 92102-4310

December 2, 2014

DEAR PROPERTY OWNER / LESSEE:

NOTICE OF VIOLATION

According to Elgin Code of Ordinances, Chapter 16 (Environment), Article II, Sec. 16 (21-26), and authorized by the State of Texas, it is unlawful for any owner to allow the accumulation of weeds, rubbish, brush, or any unsightly, objectionable, or unsanitary matter on real property or within any easement area on real property or upon any adjacent right-of-way for streets and alleys between the property line of such real property and where the paved surface of the street or alley begins within the City limits. The City of Elgin requires **ONE NOTICE** of violation per twelve-month period. Such notice given to such person setting forth the noncompliance shall be in writing by mail or posting on the property or by personally delivering the notice.

Currently your property located at 602 Alley A, in the Elgin City Addition, Block 12, Lot 1 (FR), PID # 12286, City of Elgin, Bastrop/Travis, County, Texas, is in violation and you are directed to:

1. **Cut all grass / weeds in excess of 12 inches on your property.**
2. **Remove all tires, rubbish, brush, junk, building materials.**

Any further notice will be in the form of a CITATION TO MUNICIPAL COURT. The citation carries a maximum fine of $500.00 EACH DAY THE VIOLATION EXISTS. You have SEVEN (7) days from the date this notice is served to correct this violation. If you do not remedy the situation within the time limit, a citation will be issued and the City will take the necessary measures to correct the situation. All expenses incurred by the City will be billed to you. Failure to make restitution will result in a lien being placed on your property. You may request a hearing, in writing, before the expiration of the seven (7) day time limit.

We hope that you as a property owner, agent, or lessee, within the City of Elgin, will cooperate with us in our efforts to rid our community of this Fire / Health hazard. If you no longer own, manage, or lease this property, please notify is with written proof of the new parties involved. If you have never owned or been an agent of this property, please call our office and notify us. Your prompt attention to this matter will be greatly appreciated.

Sincerely,

James H. Cazares, Lic. #4642
Code Enforcement Officer
512-281-0119

Por favor llama esta officina por esta noticia 512-281-0119

COPY

607 ALLEVA 12-02-14

CERTIFIED MAIL™

7009 1680 0000 3483 2582

$ 005.71

1st NOTICE
2nd NOTICE
RETURNED

AFTER 5 DAYS RETURN TO
P.O. BOX 591 310 NORTH MAIN
ELGIN, TEXAS 78621

RETURN RECEIPT

V Easter Hunter Haywood
c/o Arthur Burleson
PID 12286
3209 L St
San Diego C

NIXIE 921 SE 1 02 04/17/10
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 78621059191 *0893-00133-12-40

78621@0591

March 12, 2010

V Easter Hunter Haywood
c/o Arthur Burleson
3209 L Street
San Diego, CA 92102-4310

RE: **Unsafe Building Abatement Ordinance**
Elgin City, Block 12, Lot 1 (FR) PID R12286
602 Alley A
Elgin, Texas 78621

Dear Property Owners:

Pursuant to the Unsafe Building Abatement Code, Ordinance No. 90-05, at the referenced address/property the structure has been identified as an Unsafe Building and in violation of the provisions of the Ordinance, based upon a visual observation from the public right of way. The building has become unsafe, unsanitary, a public and attractive nuisance and a blighted structure by virtue of the following:

1. The building has become in danger of partial collapse due to decay, deterioration and dilapidation;
2. Has become a fire hazard;
3. The stress in the building materials, as a result of the deterioration, exceed the stress allowed in the Standard Building Code for new buildings and the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code
4. The electrical system is deteriorated to a point that it is undersized and is a shock and fire hazard.
5. The plumbing system does not provide for minimum sanitation; and
6. The building is a harborage for rodents and vermin.

The building is vacant and shall remain vacant until the conditions are remedied.

Due to the seriously advanced deterioration of the referenced structure, permits shall be obtained, at your option, for its repair or demolition within thirty (30) days after receipt of this notice and demolition shall be completed within sixty (60) days after the receipt of this notice.

If permits are not secured within thirty (30) days after receipt of this notice, the City Council of Elgin shall be requested by ordinance to call for a public hearing to determine whether or not conditions exist which render this building unsafe under the provisions of the Ordinance or Code.

If you have any questions please contact Gary N. Cooke, Director of Planning, City of Elgin at 512-281-0119.

Sincerely,

Larry J. Foster, CPE, Building Inspector
Texas Professional Inspector License #3
ICC Certified Building, Mechanical, Electrical & Plumbing Code Inspector

P.O. BOX 591 310 NORTH MAIN ELGIN, TEXAS 78621 PHONE (512) 285-5721

APPENDIX A
PHOTOGRAPHIC ATTACHMENTS

Photographic Addenda

Photo # 1.

Photo # 2.

Photo # 3.

Issue Date : 1/15/2015

Statement Of Account

Office of Linda Harmon Tax Assessor-Collector

Bastrop County Tax Office
PO Box 579
Bastrop, TX 78602
Ph: (512) 581-7161 Fax: (512) 581-7167

This is a statement of taxes paid and due as of 1/15/2015 based upon the tax records of the Office of Linda Harmon Tax Assessor-Collector.

This document is not a tax certificate and does not absolve a taxpayer from tax liability in any way. Should this document be found to be in error, it may be corrected by the collections office. Responsibility to pay taxes remains with the taxpayer as outlined in the Texas Property Tax Code.

Property Information

Property ID : R12286
Quick-Ref ID : R12286

602 ALLEY A ELGIN, TX 78621

ELGIN CITY, BLOCK 12, LOT 1 (FR)

Value Information

Land HS	:	$6,581.00
Land NHS	:	$0.00
Imp HS	:	$20,944.00
Imp NHS	:	$0.00
Ag Mkt	:	$0.00
Ag Use	:	$0.00
Tim Mkt	:	$0.00
Tim Use	:	$0.00
HS Cap Adj	:	$0.00
Assessed	:	$27,525.00

Owner Information

Owner ID : O0001548

HAYWOOD, V EASTER HUNTER
C/O ARTHUR BURLESON
3209 L ST
SAN DIEGO, CA 92102-4310

Ownership: 100.00%

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
C01	2014	206.47	0.00	0.00	0.00	206.47
G01	2014	141.91	0.00	0.00	0.00	141.91
RD1	2014	31.21	0.00	0.00	0.00	31.21
S01	2014	423.88	0.00	0.00	0.00	423.88
TCES	2014	27.41	0.00	0.00	0.00	27.41
ACC	2014	25.93	0.00	0.00	0.00	25.93
C01	2013	202.00	0.00	48.48	37.57	288.05
G01	2013	138.13	0.00	33.14	25.69	196.96
RD1	2013	30.41	0.00	7.30	5.66	43.37
S01	2013	412.63	0.00	99.04	76.75	588.42
TCES	2013	25.29	0.00	6.06	4.70	36.05
ACC	2013	25.42	0.00	6.10	4.72	36.24
C01	2012	202.00	0.00	72.72	41.21	315.93
G01	2012	138.47	0.00	49.86	28.24	216.57
RD1	2012	30.71	0.00	11.06	6.27	48.04
S01	2012	412.63	0.00	148.55	84.17	645.35
TCES	2012	25.56	0.00	9.20	5.21	39.97
ACC	2012	25.48	0.00	9.17	5.20	39.85
C01	2011	202.00	0.00	96.96	44.84	343.80
G01	2011	133.41	0.00	64.04	29.61	227.06
RD1	2011	32.05	0.00	15.39	7.12	54.56
S01	2011	412.63	0.00	198.07	91.61	702.31
TCES	2011	25.51	0.00	12.24	5.66	43.41
ACC	2011	25.40	0.00	12.18	5.63	43.21
C01	2010	208.35	0.00	125.02	50.00	383.37
G01	2010	133.76	0.00	80.26	32.10	246.12
RD1	2010	32.15	0.00	19.29	7.72	59.16

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S01	2010	412.63	0.00	247.59	99.03	759.25
TCES	2010	26.79	0.00	16.07	6.43	49.29
C01	2009	203.31	0.00	146.38	52.45	402.14
G01	2009	131.48	0.00	94.67	33.92	260.07
RD1	2009	34.43	0.00	24.79	8.88	68.10
S01	2009	388.52	0.00	279.74	100.24	768.50
TCES	2009	26.04	0.00	18.74	6.72	51.50
C01	2008	203.31	0.00	170.78	56.11	430.20
G01	2008	132.01	0.00	110.89	36.43	279.33
RD1	2008	33.89	0.00	28.47	9.35	71.71
S01	2008	396.55	0.00	333.11	109.45	839.11
TCES	2008	26.79	0.00	22.50	7.39	56.68
C01	2007	116.82	0.00	112.14	34.34	263.30
G01	2007	78.92	0.00	75.76	23.20	177.88
RD1	2007	20.16	0.00	19.35	5.93	45.44
S01	2007	230.43	0.00	221.21	67.75	519.39
TCES	2007	16.00	0.00	15.36	4.70	36.06
C01	2006	134.96	0.00	145.76	42.11	322.83
G01	2006	95.02	0.00	102.62	29.64	227.28
RD1	2006	23.60	0.00	25.49	7.36	56.45
S01	2006	311.54	0.00	336.46	97.20	745.20

Total for current bills if paid by 1/31/2015 : $856.81
Total due on all bills 1/31/2015 : $11,884.32
2014 taxes paid for entity C01 $0.00
2014 taxes paid for entity G01 $0.00
2014 taxes paid for entity RD1 $0.00
2014 taxes paid for entity S01 $0.00
2014 taxes paid for entity TCESD $0.00
2014 taxes paid for entity ACC $0.00
2014 Total Taxes Paid : $0.00

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ORDINANCE NO. 2015-2-3-8

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS CALLING FOR A PUBLIC HEARING; LISTING ALLEGED VIOLATIONS THAT RENDERS A BUILDING OR STRUCTURE UPON A PROPERTY UNSAFE; REQUIRING NOTICE OF HEARING; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City of Elgin (the "City") is necessary and essential to the economic health of the community and the preservation and protection of the public welfare;

WHEREAS, the regulation and control of unsafe, dangerous, dilapidated and substandard buildings and structures within the City will preserve and protect the public health and safety;

WHEREAS, Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances provides that upon written request from the building official, the city council shall, by ordinance, call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of the City of Elgin Code of Ordinances such that said building or structure must be demolished in order to protect the public health, safety and welfare;

WHEREAS, said ordinance shall state with specificity each violation which renders said building or structure unsafe;

WHEREAS, the City finds that the building official has submitted a written request for a public hearing for the following property located in the City of Elgin (referred to in this Ordinance as "Property") which public records reflect the following record owner:

Property Legal Description:	Elgin City, Block 12, Lot 1, locally known as 602 Alley A, Elgin, Texas 78621.
Record Owner:	Easter V. Hunter Haywood 3209 L. Street San Diego, California 92102-4310

WHEREAS, the City Council finds that this ordinance is adopted pursuant to Article III, Chapter 6, Section 6-68 (a) of the City of Elgin Code of Ordinances;

WHEREAS, City Council finds that the building official has identified specific violations for the Property which the building official alleges are conditions that render said building or structure unsafe;

WHEREAS, City Council finds that it is necessary to conduct a public hearing in accordance with the requirements set forth in Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances.

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

Section 1. **Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that the scheduling of a public hearing for the Property identified in this Ordinance is reasonable and necessary to protect the public health, safety and quality of life.

Section 2. **Public Hearing.** Council orders and calls a public hearing to be conducted on **March 3, 2015 at 7:00 P.M. at City Annex, 310 North Main Street, Elgin, Texas 7862** to determine whether or not conditions exist which render a building or structure unsafe located on the Property under the provisions of the City of Elgin Code of Ordinances such that said building or structure must be demolished in order to protect the public health, safety and welfare.

Section 3. **Noticed Violations.** The conditions which the building official alleges make structures and buildings located upon the above-identified Property to be in violation of the City of Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70) are as follows:

1. The building has become in danger of partial collapse due to decay, deterioration, and dilapidation;
2. The building is a fire hazard;
3. The stress in the building materials, as a result of deterioration, exceed the stress allowed in the Standard Building Code for new buildings and the structural integrity of the building is less than it was prior to the damage and is less than the minimum requirements established by the Standard Building Code;
4. The electrical system is deteriorated to a point that it is undersized and is a shock and fire hazard;
5. The plumbing system does not provide for minimum sanitation; and
6. The building is a harborage for rodents and vermin.

Section 4. **Notice of Hearing.** City Council orders the building official to provide written notice of this ordinance and the public hearing called by this ordinance to the record owners, lienholders, and mortgagee as can be located and identified after a diligent search of the public records as set forth by state law, said notice to be mailed by first class mail with certified return receipt requested.

Section 5. **Open Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Government Code.*

Section 6. **Effective Date.** This ordinance shall take effect immediately upon its approval and passage and publication as required by law.

PASSED AND APPROVED on this the 3rd day of February, 2015.

THE CITY OF ELGIN

Marc Holm

Marc Holm, Mayor

Attest:

Lucretia Alvarez

Lucretia Alvarez, City Secretary

00328333/JDP

COUNCIL MEETING: March 3, 2015

ITEM: 4. Conduct a public hearing for a proposed zoning change request from William E. Rivers for his property located at 121 Anderson Drive from R-1 residential to C-3 commercial.

RESOURCE PERSON(S): Gary N. Cooke, Planning and Development Director

SUMMARY: **Zoning change request from William E. Rivers for his property located at 121 Anderson Drive from R-1 residential to C-3 commercial.**

RECOMMENDATION(S):

ATTACHMENT:

1-agenda
2-minutes
3-Letter of request, 200 ft letter, map, address list
4-rivers ordinance

AGENDA
ELGIN PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MONDAY, FEBRUARY 23, 2015, 6:30 P.M.
CITY ANNEX COUNCIL CHAMBERS,
310 NORTH MAIN STREET

CALL TO ORDER

PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, Speaker comments are limited to three (3) minutes. No formal action can be taken on items not posted on the agenda. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Commission Member, member of Staff, other individual or group.

CONSENT

1. Approval of minutes January 26, 2015

UNFINISHED BUSINESS

NEW BUSINESS

1. REVIEW AND MAKE POSSIBLE RECOMMENDATION TO THE ELGIN CITY COUNCIL FOR A ZONING CHANGE REQUEST FILED BY WILLIAM E. RIVERS FOR HIS PROPERTY LOCATED AT 121 ANDERSON DRIVE, LOT 1, BLOCK 2, IN THE JACK ANDERSON ADDITION, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE ZONING FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL FOR OFFICE SPACE.

2. REVIEW AND TAKE ACTION ON A CONCEPTUAL PLAN REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY.

3. REVIEW AND TAKE ACTION ON A PRELIMINARY PLAT REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY.

EXECUTIVE SESSION

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

RECONVENE

The board returns to open session for possible discussion and action as a result of the Executive Session.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

I, Gary N. Cooke, Director Planning & Development for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before the 9th of February, 2015 before 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code. The Elgin City Council will hold a public hearing on item 1 in the City Council Chambers, Elgin City Hall Annex, 310 N. Main Street, Elgin, Texas on
March 3, 2015.

Gary N. Cooke

Gary N. Cooke, Director Planning & Development

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide forty-eight hours notice when feasible.

Para informacion en espanol favor de llamar 512-281-0119. Servicios de traduccion disponible en la reunion.

MINUTES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING- REGULAR- SPECIAL MEETING
MONDAY FEBRUARY 23, 2015 - 6:30 PM

1. **CALL TO ORDER:** 6:30pm

ABSENT: Geno Chavarria

GUEST: Ed Rivers, Robert Torian, Johnny Raschke, Cody Mauck, Lynn Cottle

2. MINUTES: Joe Cottle made a motion to approve the January 26, 2015 minutes, Scott Mackay seconds, motion passed unanimously.

3. REVIEW AND MAKE POSSIBLE RECOMMENDATION TO THE ELGIN CITY COUNCIL FOR A ZONING CHANGE REQUEST FILED BY WILLIAM E. RIVERS FOR HIS PROPERTY LOCATED AT 121 ANDERSON DRIVE ,LOT 1, BLOCK 2, IN THE JACK ANDERSON ADDITION , CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE PROPERTY FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL. Gary N. Cooke addressed the Commission stating this property is on the frontage of Hwy 95 and according to the comprehensive plan all frontage property should be zoned commercial in the future. The property would have to meet all parking and landscape requirements. Johnny Raschke asked if it would include his property as commercial, the commission assured him that it only involves this property and his zoning would remain residential until he changes it. He has no issues. Robert Torian requested that the commission consider a more restrictive zoning like C-2, otherwise he had no objections. Cody Mauck had no objections. Joe Cottle thought that the zoning should be C-2 and after a short discussion he decide to make a motion to recommend to City Council to approve the zoning change from R-1 residential to C-3 commercial, Dorothy McCarther seconds, motion passed unanimously.

4. REVIEW AND TAKE ACTION ON A CONCEPTUAL PLAN REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY. Withdrawn

5. REVIEW AND TAKE ACTION ON A CONCEPTUAL PLAN REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY. Withdrawn

6. ANNOUCEMENTS: Next meeting March 30, 2015, possibly have the concept and preliminary plat for Scott Way, Saratoga Farms and Elgin Business Park.

7. ADJOURN:

January 30, 2015

Gary N. Cooke
City of Elgin
Director of Planning
and Development

Gary,

I am the owner of the property located at 121 Anderson Drive, Elgin, Texas. The legal description of the real property is Lot 1, Block 2, Jack Anderson Addition to the City of Elgin, Texas, Bastrop County, Texas, according to the plat recorded in Plat Cabinet No. 1, Page 31A, Plat Records of Bastrop County, Texas.

By copy of this letter i am requesting a zoning change from the current R-1 Residential to C-3 Commercial. The purpose of my request is to convert the property for use as office spaces.

I have enclosed a copy of the vesting deed, a copy of the survey of the property and a copy of a Statement of Account from the Bastrop County Tax Collector's office which shows that the property taxes are paid current. Also enclosed is a check in the amount of $350.00.

Sincerely,

William E. Rivers

P.O. Box 1124
229 Hickory Drive
Elgin, Texas
(512) 281-2463

February 4, 2015

NOTICE OF A ZONING CHANGE REQUEST

A REQUEST HAS BEEN SUBMITTED BY WILLIAM E. RIVERS FOR A ZONING CHANGE FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL FOR THE PROPERTY LOCATED AT 121 ANDERSON DRIVE, BLOCK 2, LOT 1, IN THE JACK ANDERSON ADDITION, CITY OF ELGIN, BASTROP COUNTY, TEXAS, FOR USE AS OFFICE SPACE.

Notice is hereby given of a regular/special public hearing to be held in the City Council Chambers at the Elgin City Hall Annex, 310 N. Main St. in the City of Elgin, Texas on February 23, 2015 at 6:30 p.m. by the Planning and Zoning Commission.

You are being notified because your property is located within two-hundred feet (200) of the property requesting a subdivision and /or zoning change. This hearing is open to any interested person. Opinions, objections and or comments relative to this matter may be expressed in writing or in person at the hearings. You may also be represented by another person, neighbor, or attorney.

The attached map shows the area of the request. Property owners within two hundred (200') feet are required by law to be notified.

For more information please contact Gary N. Cooke at 512-281-0119

"This institution is an equal opportunity provider"

P.O. Box 591 1135 Swenson Blvd. Elgin, Texas 78621 Phone 512-281-0119

121 Anderson

February 6, 2015

Parcels

Abstracts

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

1:1,908

0 0.015 0.03 0.06 mi

0 0.025 0.05 0.1 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

first	last	address	city	state	zip	prop #
William E	Rivers	P.O. Box 1124	Elgin	TX	78621	14689
Frontier Bank of Texas	Prop Tx Dept	P.O. Box 551	Elgin	TX	78621	14832
Cody & Stacy	Mauck	1124 CR 301	Elgin	TX	78621	14695
Harvey & Dorothy E	Raschke	113 Anderson Drive	Elgin	TX	78621	14692
Glynda Kaye	Schroeder	114 Anderson Drive	Elgin	TX	78621	14677
Robert G	Torian	1203 Newton St	Austin	TX	78704	14674
Morris & Margaret	Clark	122 Anderson Drive	Elgin	TX	78621	14671
Down Home	Ranch	20250 FM 619	Elgin	TX	78621	14668
Mary Beth	Lundgren	112 Hilltop Drive	Elgin	TX	78621	13700
Rosemary	Meredith	108 Hilltop Drive	Elgin	TX	78621	13690
Ray	Arbuckle Jr.	100 Hilltop Drive	Elgin	TX	78621	13688

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3 CODE OF ORDINANCES, CITY OF ELGIN, TEXAS AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE PROPERTY BEING LOT 1, BLOCK 2, IN THE JACK ANDERSON ADDITION, LOCATED AT 121 ANDERSON DRIVE, CITY OF ELGIN, BASTROP COUNTY, TEXAS FROM R-1 RESIDENTIAL TO C-3 HIGHWAY COMMERCIAL.

WHEREAS, an application has been made to the City Council of the City of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A", attached hereto and incorporated herein, from R-1 Residential, to C-3 Highway Commercial, and

WHEREAS, the City Council has submitted the request change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 23rd day of February, 2015, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed from R-1 Residential Zoning to C-3 Highway Commercial.

WHEREAS, on the 3rd day of March, 2015, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council has determined that substantial changes in conditions have occurred which justify the zoning classification change provided for herein, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, Section 46-3, City of Elgin, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

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

I.

That the Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit (A) is hereby changed from R-1 Residential Zoning, to C-3 Highway Commercial.

II.

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

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

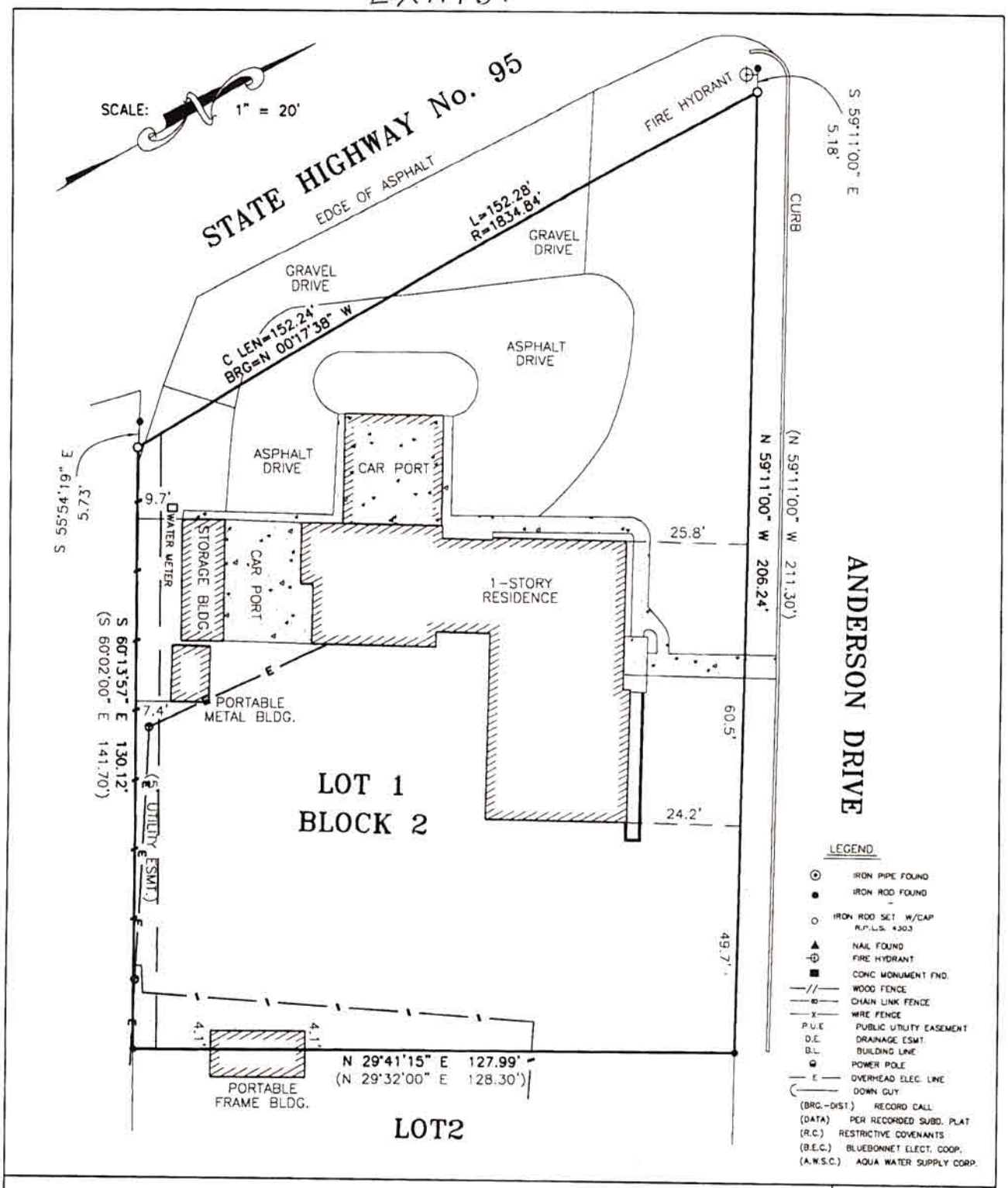
READ, PASSED, and ADOPTED on first reading this the 3rd day of March, 2015.

_____
MARC HOLM, MAYOR

ATTEST:

_____
LUCRETIA ALVAREZ, CITY SECRETARY

EXHIBIT "A"



TO THE OWNERS, LIENHOLDERS AND BASTROP ABSTRACT COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DESCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT ALL AND/OR PORTIONS OF THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS INDICATED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANEL NO. 48021C0075C EFFECTIVE JANUARY 19, 2006.

STATE OF TEXAS REGISTERED JAMES E. GARON 4303 PROFESSIONAL LAND SURVEYOR

JUNE 4, 2009

JAMES E. GARON & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
924 Main Street
Bastrop, Texas 78602
(512) 303-4185
Fax (512) 321-2107

REFERENCE WILLIAM E. RIVERS & KARLA L. RIVERS

ADDRESS 121 ANDERSON DRIVE, ELGIN, TEXAS G.F. NO. 0928135

LEGAL DESCRIPTION: LOT 1, BLOCK 2, JACK ANDERSON ADDITION, TO THE CITY OF ELGIN CABINET No. 1, PAGE 31A, PLAT RECORDS, BASTROP COUNTY, TEXAS

JOB NO.: B-314-09 FIELD BOOK B-387/53 & 52 DRAFT KEN C.

FILE: COUNTY\BASTROP\CITY OF ELGIN\JACK ANDERSON ADDN\B31409.DWG

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COUNCIL MEETING: March 3, 2015

ITEM: _____ Presentation Elgin recognized as a Nationally Accredited Texas Main Street Program.

RESOURCE PERSON(S): **Amy Miller, Community Development Director**

SUMMARY: **The City of Elgin is recognized by the Texas Historic Commission and the National Trust Main Street program as a Nationally Accredited Main Street program. The certification recognizes above average performance in planning, partnerships, staffing, volunteer effort, preservation ethic, training, and program assessment. The Main Street program supports historic preservation in the context of economic development. The program's success is directly tied to a grass roots volunteer effort and local community support.**

RECOMMENDATION(S): **Accept presentation and have a picture made with Main Street Board representatives and the City Council.**

ATTACHMENT:

COUNCIL MEETING: March 3, 2015

ITEM: _____ Monthly Reports for January 2015

RESOURCE PERSON(S): **Kerry Lacy, City Manager**

SUMMARY: **Monthly Departmental Reports for January 2015 for informational purposes only. No action is required.**

RECOMMENDATION(S): **No recommendation is needed.**

ATTACHMENT:

1-Building, Development and Code Enforcement Monthly Report
2-Public Works Monthly Report
3-Main Street Monthly Report
4-PCD Monthly Report
5-Municipal Court Monthly Report
6-EDC Monthly Report
7-Utility Billing Monthly Report
8-Water/Wastewater Monthly Report
9-Library Monthly Report
10-Parks/Recreation Monthly Report

Monthly Report to Administrative Manager
Building Department
For the Month of JANUARY 2015

Type of spections:	Jan 14	Jan 15	Fiscal Yr. To Date	Calendar Yr. To Date
Building	17	35	93	35
Electrical	25	42	89	42
Plumbing	15	36	146	36
Gas	9	23	32	23
Mechanical	13	14	38	14
TOTAL	79	150	398	150
Building Permits	23	18	81	18
Value	$2,201,552	$1,732,135	$7,623,565	$1,732,135
Fees	$14,198.49	$12,302.40	$52,765.30	$12,302.40
Electrical Permits	9	30	72	30
Fees	$1,330	$5,342.50	$13,092.50	$5,342.50
Plumbing Permits	6	19	68	19
Fees	$1,195	$3,575	$12,717.50	$3,575
Gas Permits	7	18	62	18
Fees	$687.50	$1,935	$6,672.50	$1,935
Mechanical Permits	5	21	62	21
Fees	$760	$3,417.50	$10,487.50	$3,417.50
tal All Fees	$18,170.99	$26,572.40	$95,735.30	$26,572.40

Jan 2015

Building Permits

mber of Permits		Type/Classification	Permit Fees		Valuation	
4	Jan 15		Jan 14	Jan 15	Jan 14	Jan 15
1	9	New Single Family	$9,364.74	$8,532.90	$1,302,943	$1,254,090
		New Duplex	$0		$0	
		New Manufactured	$0		$0	
		New Multi-Family	$0		$0	
	1	New Commercial	$3,235	$2,245	$650,000	$328,000
		New Industrial	$0		$0	
		New Swimming Pools	$0		$0	
		Moving Permit	$0		$0	
3	2	New Signs	$299.75	$319	$24,509	$32,245
4	5	Residential	$375.75	$1,205.50	$22,600	$117,800
3	1	Non-Residential	$923.25	$0	$201,500	$0
1	0	Demolitions	$0		$0	
	18		$14,198.49	$12,302.49	$2,201,552	$1,732,135
BOA* Request		None				
oning Request		515 N Hwy 95 Cullen	Rezone C-3 to R-1 recommend council		414 8th Erwin	Specific use recommend council
de Enforcement		**ACTIVE** Jan 14	**ACTIVE** Jan 15		**CLOSED** Jan 14	**CLOSED** Jan 15
doned/Junked cles		3	2		10	2
al Control						
Permits						
onmental						1
Code					8	7
h and Sanitation					2	
l Signs					8	23
erty Maintenance		1	1		3	
fe Structures			3			1
r/Sewer		1			6	7

ng			1		6		6	
Total	5		7		43		47	

*Zoning Board of Adjustments

Submitted By: Jim Cazares
Date: Feb.6, 2015

Public Works- January 2015

Utility – Cut Street Repairs:
5 ea. North Avenue C
1 ea. Wildcat
1 ea. Illa Street
1 ea. Depot Street

Crack Sealing: Various Streets and City owned Parking Lots, 6,250 pounds was applied in January.

Lawn Maintenance – City Owned Buildings:
Elgin Public Library
City Hall
Elgin Police Department
Elgin Industrial Park

Grounds Maintenance- Parks:
Elgin Memorial Park
Veterans Memorial Park
Thomas Memorial Park
Morris Memorial Park
Goins Picnic Area
Shenandoah Greenbelt / Soccer Fields

Miscellaneous:
Elgin Memorial Park Ball Field Light Replacement Project completed.
Roy Rivers Road project is ongoing, 60 percent complete.
Exterior repairs and repainting of The Greater Elgin Chamber of Commerce Building completed.
Shenandoah Trail Project began.
Street and drainage work began on the 2015 Street Paving Project
Removed Christmas decorations and banners.

Joe Parten
Director, Public Works
City of Elgin
1137 Swenson Blvd
PO Box 591, Elgin, TX 78621
512-281-0119 ext 107
Fax 512-285-4267
www.elgintx.com

MONTHLY ACTIVITY REPORT

Your monthly activity report is **due the 10th of each month**. Please use this electronic version and email to mainstreet-reports@thc.state.tx.us.

CITY: Elgin
MONTH: January
DATE SUBMITTED: February 10, 2015

1. **Main Street Program Details**
   Main Street Manager Name: Amy Miller
   Number of Main Street Board Members: 8
   Date(s) of Board Meeting(s): 3rd Thursdays at 7:30am
   Number of Board Members Present: 7
   Main Street Website: www.elgintx.com/historicdowntown.asp
   Social Media Links (facebook/twitter/etc): City of Elgin Mayor's office on Facebook
   Other Main Street Web Links: www.hogeyefestival.com

2. Please list **meeting dates** and **activities** for the following committees. Insert more rows as necessary. If the committee did not meet this month, please mark N/A. If you do not have a traditional committee structure, please report on projects/activities occurring under each of the four points and their outcomes.

ORGANIZATION:
Number of Committee Members: 6

Meeting Date(s) Must include Month and Day	Description of projects or activities New board appointment to be considered by City Council at the February meeting - Stacey Greutzner, who has volunteered with the Hogeye Festival.	Outcome of Meeting
1-20-15	Helping BRR with zoning overlay FAQ page for website and property owners Working with museum to plan Local Lore event for National Preservation month in May.	Work with graphic designer to complete FAQ and complete the mailing to property owners. Also mailing it to loan officers and realtors.
	Planning for spring 78621	

ECONOMIC RESTRUCTURING:
Number of Committee Members: 8

Meeting Date(s) Must include Month and Day	Description of projects or activities Planning a property showcase for early 2015 Discussing Social Media training and support in spring 2015 and employee support for businesses. Learning more about state and local tax credits. Working with new buyer in downtown to navigate the review process if they close on the property.	Outcome of Meeting
1-20-15	Zoning overlay mailing. FAQ flyer is in progress, along with a letter to property owners, etc.	Mailing planned for early January

PROMOTION

Number of Committee Members: 10

Meeting Date(s) Must include Month and Day	Description of projects or activities	Outcome of Meeting
1-6-15	Sip shop stroll – balloons worked well, table tents are great advertising Businesses encouraged to stay open til 8pm even if slow. Vintage road show – vendors prefer indoor with electricity and lighting – look into venues that could work. Car club cruise in – located downtown on Saturdays. In discussions with car club to host this downtown in spring 2015. Window display contest – good response to people's choice award on Facebook. Businesses requested help on design. March Fun Run – could sponsor race packets or bottled water, have table at the event. Art Studio Tour and Pearls of Youth Art Show – April 18th. Looking into cultural district designation through TX Commission on Arts. Purple and White Jubilee Street Dance on Saturday April 25 in evening, reception at Railroad Ranch downtown in afternoon.	Continue using balloons and design table tents that will also advertise other events. Themes chosen through May. Vintage Show – goal Spring 2016 with MSB. Began planning training with THC for window displays.

DESIGN

Number of Committee Members: 3

Meeting Date(s) Must include Month and Day	Description of projects or activities	Outcome of Meeting
	Looking at repairs needed for the gazebo in Veterans Park. Roof needs to be replaced and decking repaired. Will prepare an application for review with HRB. Stakeholders meeting February 5 for McCann Adams to present the master plan for Central Park & Plaza.	
1-20-15	Presented pictures of bike repair stations/tools.	Considering bike tools as well as racks to assist long distance riders.

This monthly report is intended to help you, your stakeholders, and Main Street staff track how you are achieving Main Street goals under the Four Points. Your notes below should reflect that.

3. Highlights of the Month *(include accomplishments/completed projects in the past month)*: Sip Shop and Stroll was well attended despite cold weather. Serious buyer for 101 North Main Street a very challenging property.

4. Challenges: *(list critical issues, problems, or concerns from the past month)*:

5. Partnerships *(Ongoing and New Relationships):*

2nd Thursday of every month Sip, Shop Stroll
Working with the local High School REAL Club on a Property Showcase
Working with the Owl and a PR Firm to advertise their Best Downtown Business Award from TDA.
Working with Elgin Caregivers on their wine swirl fundraiser in downtown.

6. Outlook *(list goals and challenges for the future):*

Working on downtown zoning overlay mailing – FAQ page is with graphic designer and undergoing final revisions.

7. Public Improvement Projects. Describe any plans for upcoming projects (i.e. streetscapes); please provide anticipated timeline (Month/Year). *Note: this is intended to be a short description so that Texas Main Street Staff are prepared to assist you if needed. It is not intended to replace quarterly reinvestment reporting.*

H&TC Freight Depot slated for repairs and overall painting after HRB review

8. Private Improvement Projects. Describe any private renovations/improvement projects happening in your downtown. *Note: this is intended to be a short description so that Texas Main Street Staff are prepared to assist you if needed. It is not intended to replace quarterly reinvestment reporting.*

9. Other Main Street Activities *(describe any other Main Street activities you participated in during the month):*

Sip, Shop & Stroll – 2nd Thursdays every month – preparing for the February event and new advertising for 2015.

10. Press Coverage of Your Main Street *Program (please list and provide links of any press coverage of your Main Street program or events/positive coverage /new developments happening in downtown):*

11. Upcoming Events. Please list any downtown events in the next two months to be included in the *Main Street Matters* e-newsletter. Please give date, time, title of event, short description, and web/social media links for more information (if applicable)

Sip Shop & Stroll events 2nd Thursdays January through June
Super Hero JDRF Fun Run Saturday March 7 in downtown

Art studio tour and Pearls of youth art show – April 18th
Purple and White Jubilee Saturday April 25
Music in the Parks Series at Veteran's Memorial Park starting at 8pm

Friday, May 15…Beto y los Fairlanes
Friday, May 22….Chubby Knuckle Choir
Friday, May 29….Patty Finney and Friends
Friday, June 5….. Weldon Henson
Friday, June 19….Damn Torpedoes - Tom Petty Cover Band

12. Suggestions for Texas Main Street Center *(list suggestions on services or training topics; new resources; questions):*

Memorandum

To: Kerry Lacy, City Manager
From: Amy Miller, Community Development Director
Date: **February 10, 2015**
Re: Parks & Community Development Department report **January 2015**

Projects

Worked with CARTS on a grant to provide planning and environmental services for a CARTS transit stop including a building with public restrooms downtown on the Union Pacific property.
Met with TXDOT and Texas Historic Commission regarding ADA ramps at 12 intersections from 11th Street to Austin Street.
Planning a property showcase for early 2015 with Bastrop County Board of Realtors.
Worked with new owners of 101 North Main Street on state and federal tax credits and historic preservation reviews.
Worked with McCann Adams studio to complete master plan for Union Pacific property.
Working with city council members to develop a community clean-up program.
Planned window display training seminar for late February.
Working with Doug on CDBG water line grant application.
Reviewed Local Landmark application for Washington School with representatives from the Elgin Historical Association and Historic Review Board
Working with Bob Haisler to implement HHW public awareness grant
Pre-construction meeting for Shenandoah trail
Working with EISD to secure a week long STEM based camp for middle school students in summer 2015
Pre-construction meeting for Morris Park and Pool restrooms
Met with Elgin Arts Association about art classes and art show locations.
Attended Lone Star Rail Public meeting
Worked with YMCA to complete swim lessons contract for summer 2015.
Sip, Shop, Stroll - Businesses to stay open 'til 8pm and offer specials, samples, live music, every 2nd Thursday
Planning for Local Lore event Saturday May 2
Car club cruise in with Lone Star car Club to host downtown in April.
Editorial content for spring issue of Downtown 78621
City of Elgin E-News, City of Elgin Facebook page, Hogeye Facebook Page, Visit Elgin Facebook page

Boards & Committees

Envision Elgin meeting
CAMPO TAC meeting
Historic Review Board
Main Street Board
Promotion Tourism committee
Organization Committee (Downtown 78621)

Design Committee
Business Retention & Recruitment Committee
City Council meeting

Upcoming events
Sip Shop & Stroll events 2nd Thursdays January through June
Super Hero JDRF Fun Run Saturday March 7 in downtown
Art Studio Tour and Pearls of Youth Art Show – April 18 and 19
Purple and White Jubilee Saturday April 25
Local Lore May 2
Music in the Parks Series at Veteran's Memorial Park starting at 8pm

Friday, May 15…Beto y los Fairlanes
Friday, May 22….Chubby Knuckle Choir
Friday, May 29….Patty Finney and Friends
Friday, June 5….. Weldon Henson
Friday, June 19….Damn Torpedoes - Tom Petty Cover Band

OFFICE OF COURT ADMINISTRATION

TEXAS JUDICIAL COUNCIL

OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Month January Year 2015

Municipal Court for the City CITY OF ELGIN

Presiding Judge Larry Dunne

If new, date assumed office

Court Mailing Address P.O. BOX 591

City ELGIN , TX Zip 7-8621

Phone Number (512) 281-0318

Fax Number

Courts Public Email

Court's Website

THE ATTACHED IS A TRUE AND ACCURATE REFLECTION OF THE RECORDS OF THIS COURT

Prepared by Lillie Griffin

Date Feb 19, 2015 Phone Number (512) 281-0318

PLEASE RETURN THIS FORM NO LATER THAN 20 DAYS FOLLOWING THE END OF THE MONTH REPORTED TO:

OFFICE OF COURT ADMINISTRATION
P O BOX 12066
AUSTIN, TX
78711-2066

PHONE: (512) 463-1625
FAX: (512) 936-2423

CRIMINAL SECTION

City of CITY OF ELGIN

Month January Year 2015

	Traffic Misdemeanors			Non-Traffic Misdemeanors		
	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
1. Total Cases Pending First of Month:	12,878	12	0	0	2,544	7
a. Active Cases	9,080	11	0	0	1,412	1
b. Inactive Cases	3,798	1	0	0	1,132	6
2. New Cases Filed	81	0	0	0	36	0
3. Cases Reactivated	0	0	0	0	0	0
4. All Other Cases Added	0	0	0	0	0	0
5. Total Cases on Docket	9,161	11	0	0	1,448	1
6. Dispositions Prior to Court Appearance or Trial						
a. Uncontested Dispositions	72	0	0	0	25	1
b. Dismissed by Prosecution	4	0	0	0	7	0
7. Dispositions at Trial:						
a: Convictions						
1) Guilty Plea or Nolo Contendere	2	0	0	0	2	0
2) By the Court	0	0	0	0	0	0
3) By the Jury	0	0	0	0	0	0
b: Acquittals:						
1) By the Court	0	0	0	0	0	0
2) By the Jury	0	0	0	0	0	0
c. Dismissed by Prosecution	0	0	0	0	0	0
8. Compliance Dismissals:						
a: After Driver Safety Course	22					
b: After Deferred Disposition	0	0	0	0	5	0
c: After Teen Court	0	0	0	0	0	0
d: After Tobacco Awareness Course					0	
e: After Treatment for Chemical Dependency				0	0	
f: After Proof of Financial Responsibility	2					
g: All Other Transportation Code Dismissals	0	0	0	0	0	0
9. All Other Dispositions	15	0	0	0	7	0
10. Total Cases Disposed	117	0	0	0	46	1
11. Cases Placed On Inactive Status	0	0	0	0	0	0
12. Total Cases Pending End of Month:	12,842	12	0	0	2,534	6
a: Active Cases	9,044	11	0	0	1,402	0
b: Inactive Cases	3,798	1	0	0	1,132	6
13. Show Cause Hearings Held	1	0	0	0	2	0
14. Cases Appealed:						
a: After Trial	0	0	0	0	0	0
b: Without Trial	0	0	0	0	0	0

JUVENILE / MINOR ACTIVITY

Court CITY OF ELGIN Month January Year 2015	TOTAL
1. Transportation Code Cases Filed	0
2. Non-Driving Alcoholic Beverage Code Cases Filed	0
3. Driving Under the Influence of Alcohol Cases Filed	0
4. Drug Paraphernalia Cases Filed	1
5. Tobacco Cases Filed	0
6. Failure to Attend School Cases Filed	3
7. Education Code (Except Failure to Attend) Cases Filed	0
8. Violation of Local Daytime Curfew Ordinance Cases Filed	0
9. All Other Non-Traffic Fine-Only Filed	0
10. Transfer to Juvenile Court: a. Mandatory Transfer	0
b. Discretionary Transfer	0
11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct)	0
12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges)	0
13. Juvenile Statement Magistrate Warning: a. Warnings Administered	0
b. Statements Certified	0
14. Detention Hearings Held	0
15. Orders for Non-Secure Custody Issued	0
16. Parent Contributing to Nonattendance Cases Filed	0

ADDITIONAL ACTIVITY

Court CITY OF ELGIN Month January Year 2015	Number Given	Number Requests For Counsel
1. Magistrate Warnings: a. Class C Misdemeanors	21	
b. Class A and B Misdemeanors	17	
c. Felonies	7	
		TOTAL
2. Arrest Warrants Issued: a. Class C Misdemeanors		50
b. Class A and B Misdemeanors		3
c. Felonies		5
3. Capiases Pro Fine Issued		15
4. Search Warrants Issued		0
5. Warrants for Fire, Health and Code Inspections Filed		0
6. Examining Trials Conducted		0
7. Emergency Mental Health Hearings Held		0
8. Magistrate's Orders for Emergency Protection Issued		1
9. Magistrate's Orders for Ignition Interlock Device Issued		0
10. All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond		0
11. Driver's License Denial, Revocation or Suspension Hearings Held		0
12. Disposition of Stolen Property Hearings Held		0
13. Peace Bond Hearings Held		0
14. Cases in Which Fine and Court Costs Satisfied by Community Service: a. Partial Satisfaction		0
b. Full Satisfaction		1
15. Cases in Which Fine and Court Costs Satisfied by Jail Credit		17
16. Cases in Which Fine and Court Costs Waived for Indigency		0
17. Amount of Fines and Court Costs Waived for Indigency		$0.00
18. Fines, Court Costs and Other Amounts Collected: a. Kept by City		$12,705.71
b. Remitted to State		$9,137.89
c. Total		$21,843.60

TO: Elgin City Council and City Manager
RE: Economic Development Corp. Monthly Report by Joe Newman
Date: Tuesday, March 3, 2015 council meeting

- The Elgin EDC finally closed on the purchase of 4.6 acres of vacant land adjacent to the Accurate Elastomer Products building in the Elgin Business Park. We will now begin marketing it to potential businesses as soon as we get the plat finished.

- We were sorry to see Maxine's Café close, but, I've contacted some other possible tenants. If you have a suggestion, please don't hesitate giving me a call. Keith Newman still owns the building. (Maxine's had a lease with an option to purchase, but decided that they couldn't turn a profit).

- I met with a group of developers who are considering a large housing subdivision and a medical facility west of town. I'll keep you posted if the deal finalizes.

- The City & EDC's sales tax revenues continue upward. February 2015 was up 37.2% over last February.

- We're getting calls on what is being built across from Meyer's Sausage Factory near the intersection of Loop 109 and South Main St. That would be a Mexican Meat Market & Store. The owner of the Texaco (corner of Hwys. 290 East & 95 S.) has the new enterprise under construction.

- I attended the B.E.S.T. Countywide Breakfast group meeting in Smithville and received updates from the other cities, Bastrop County Judge Pape, superintendents of the 4 ISDs, and the appraisal district's general manager. Very informative as usual. Elgin will host the group in April.

- I was asked to once again teach part of the Texas A&M/TEEX Economic Development Course to a class of about sixty new economic developers. I believe I usually learn about as much as my students. They always have good questions and keep me on my toes!

- Gary Cooke, Amy Miller and I met with Sean Garretson and Scott Way. They are the new owners of the land around the Mary Christian Burleson historic site on Lexington Road. The group has big plans for that area which includes: several stand-alone condos, an event center and a working farm to supply the condo owners with fresh fruit and vegetables.

- The Texas Economic Development Council's Legislative Conference was held in Austin and I attended to get the latest updates on proposed legislation that might impact economic development. I was CEO of TEDC for over six years and was their lobbyist. It is a tough job dealing with legislators.

- The BCBOR (Bastrop County Board of Realtors) surprised me at their monthly luncheon with a Certificate of Appreciation for being an "Outstanding Photographer and Supporter"! I donate the photography for their annual banquet.

If anyone needs specific information or hear unfounded rumors, please don't hesitate to contact me.
Please let me know if I can be of any assistance whatsoever.

THANKS!

Joe Newman
Elgin Economic Development Corporation
Cell: 512-581-2332
JNewman@ci.elgin.tx.us

UTILITY BILLING 2015	**January**	
Billed out	$354,788.43	
Past due notices	728	$91,880.40
Work orders-Cut offs	89	
Disconnected-not paid	72	
Turn off for non pmt	67	
Extension to pay 1st	84	
Meter tamper fee	2/$100	$200.00
After Hour turn on	2/$100	$50.00
Accounts set to final	10	for non pmt

Credit Card Fees:	
In-house collected	$21,559.89
In-house paid out	$458.92
Online collected	$68,132.70
Online paid out	$1,548.41

Submitted by:
Dodie Thomas
Utility Billing Supervisor
Customer Service/A/R Supervisor
512-285-5721 office

Monthly Reports January 2015

Department 023 Water Treatment

Well # 10	10,420,,000 Gallons
Well # 11	0 Gallons
Well # 14	17,667,000 Gallons
Well # 15	0 Gallons
Water loss due to leaks or flushing	50,000 Gallons
Total Water Pumped	**28,037,000 Gallons**

Chemicals Used

Chlorine	698 Pounds
Seaquest	300 Pounds

Distribution Samples

Bacteriological Samples Taken	10
Average Chlorine Residual	1.93 mg/l
Violations	0

Department 024 Distribution

Line Repairs/New installations

Main Line Breaks	6
Service Line Breaks	4
Miscellaneous Repairs/Complaint Calls	2
New Connections/Taps	1
Installation of New Water Main	0

Department 026 Wastewater

Collections

Backups

Main Lines	3
Service Lines	15
After Hours Call-Outs	10

Line Repairs/New Installations

Curb Side Cleanout Caps Replaced	4
Curb Side Cleanouts Installed	0
Main Line Repairs	0
New Main Line Installed	0
New Taps Installed	0
Lines TV'd	0
Manholes Installed/Repaired	0

Lift Station Maintenance/Repairs

Hour Meter Reads/Daily Site Checks	9 Daily
Pumps Pulled	0
Pumps Installed	0
Pumps De-raged	1
Motors Pulled	0
Motors Installed	0
Electrical Issues (Repair/Replace Parts)	0
Floats Cleaned/Replaced	1
Grass/Weed Maintenance	0
After Hours Call Outs	3

Wastewater Treatment Plant

Maintenance/Repairs

Pumps Pulled	1
Pumps Installed	1
Motors Pulled	1
Motors Installed	1
Control System/Electrical Repairs	1
Cleaned Wet Well Floats	3
Miscellaneous Repairs	10
After Hours Call-Outs	4

Chemicals Used

Alum/Gallons	4,000
Bleach 10%/ Gallons	2,000
Polymer/ 55 gallon drums	2

Monthly Plant Flows and Test Results

Minimum Daily Flow	618,000 Gallons
Maximum Daily Flow	2,266,200 Gallons
Average Daily Flow	819,000 Gallons
Total Monthly Flow	25,388,200 Gallons

Effluent DO (Dissolved Oxygen) Average	8.04
Effluent Chlorine Residual Average	1.49 mg/l
Effluent pH Average	7.35
Total Phosphorus Average	0.126
CBOD (Carbonaceous Biochemical Oxygen Demand) Average	5.76
TSS (Total Suspended Solids) Average	1.9
Ammonia/Nitrates Average	0.064

Remarks

Well #15 is out of service due to broken pump shaft at 290 feet deep. Pumping equipment

has been removed and inspected. Well ailingment survey has been completed and we are discussing options. Fire hydrant program will be on another sheet. Replacement fire hydrants have been ordered from vender.

Library Report for January 2015

Circulation was down 4.3% from the previous January.

Collection size is 37,963 items, 594 items less than FY2014.

Grants: Tocker Foundation grant report is completed. Staff and volunteers are looking for funds for Dual Language and English as a Second Language classes. We are to be included in CTLS Bots & Books grant.

Programs: Plans were made for Affordable Care Act presentations and facilitators in the library in January and February. Our population is 22% uninsured. January children's programs focused on the Disney Frozen theme with performers on January 21st. The Dual Language and English as a Second Language classes are going forth with volunteer teachers. Judy Maiewski teaches Microsoft Office computer skills in small classes and individually. Denise Ross from the Texas Workforce Commission is available to help job seekers on Wednesday from 10-3 in the meeting room.

Staff hosted an all-day summer reading program workshop put on by Kim Lehman of CTLS on January 23rd. Our volunteer, Jan Raby, attended the workshop with 2 staff members.

Categories	Units	Jan. '14	Jan. '15	Fiscal YTD'14	Fiscal YTD '15

Total Circulation		7,994	7,649	30,503	30,980
+ or - Same month previous year	Percent	3%+	4.5%-		
Additions					
Interlibrary Loans	Each	2	1	10	7
New Patrons	Each	97	113	322	337
Collection					
Items Added	Each	220	339	1,196	1,336
Items Withdrawn	Each	415	374	1,202	1,176
Total Collection	Each	38,557	37,963	38,557	37,963
General Statistics					
Gate Count		4,468	4,425	17,996	16,456
Hours Open	Each	179	168	647	629
Library Tours	Each	0	1	1	1
Program Visitors	Each	298	472	2,301	2,192
Public Computer Use	Hours	657	695	3,023	2,436
Patrons using computers	Each	707	637	2,594	2,348
Volunteer Hours	Each	382	352	1,373	1,467
Receipts					
		$931	$1,626	$7,353	$5,119
Civic Center Use					
City	Each	2	2	14	11
Library	Each	15	12	62	50
Public Rental	Each	1	4	13	8
Other - not for profit	Each	10	11	30	34
Total Civic Center Use		28	29	119	103

Michael Gonzalez
Parks and Recreation Program Manager
mgonzalez@ci.elgin.tx.us 512-285-6190

January Parks Summary	2015
Facility	Number of uses
Park/ Pavilion Rental	6
Ball Field Rental	0
Fleming Community Center	53
Deposits	$1,588.50

Projects:

Construction projects at Morris and Shenandoah Parks are underway. Both projects have a letter to proceed. I will be updating the City Manager on construction progress regularly.

We are continuing to plan and schedule instructors and programing for spring break activities. Some of the activities include a Bike Safety Rodeo with bike safety instructors from Bike Austin, as well as a nature program with a Master Naturalist from Texas Parks and Wildlife. A flyer with the complete list of spring break programing will be available the first week in March.

Lifeguard instructors will be hired to assist in the training of lifeguards for the 2015 swim season. The addition of help to the program will allow for more time for training and a better training experience for the lifeguards. These lifeguard instructors will lessen the burden of staff time needed to train 26 lifeguards.

Goals for February 2015

- Monitor and report on Morris Park and Shenandoah Park construction projects
- Organize and plan for baseball field rentals for the spring season
- Hire and train lifeguard instructors for the 2015 swim season
- Plan summer programing for 2015

COUNCIL MEETING: March 3, 2015

ITEM: _____ Presentation of Elgin Police Department 2014 Racial Profiling Report

RESOURCE PERSON(S): **Chris Bratton, Chief of Police**

SUMMARY: **The 2014 Racial Profiling Report has been completed by Dr. Alex del Carmen. The Police Department was found in full compliance of the Racial Profiling Act as required by the Texas Legislature.**

RECOMMENDATION(S): **Staff recommends acceptance of the report by Council.**

ATTACHMENT:

1-Letter to Council
2-Elgin PD 2014 Racial Profiling Report

Elgin Police Department

Office of the Chief

202 Depot Street • Elgin, Texas 78621 • 512 / 281-3330

February 9, 2015

TO: Mayor and City Council
FROM: Chief Chris Bratton

RE: Racial Profiling Report for Year 2014

As part of our continuing efforts to connect with our community and assess and utilize the best police practices we can, the Elgin Police Department once again contracted with Dr. Alex del Carmen to review our policies and procedures involving the Racial Profiling Statute in the State of Texas. Dr. del Carmen is one of the premier authorities on racial profiling in the United States and serves not only as an expert consultant in these matters but also as a Federal Court Monitor for racial profiling. We feel extremely fortunate to be able to work with such a distinguished expert in this area.

As part of the review conducted by Dr. del Carmen, we have been able to make sure that our policy and our procedures are strictly in line with the requirements placed on us by the State of Texas.

I am happy to report that Dr. del Carmen has assisted our department in ensuring that we are in compliance with the law. I am also pleased to report that he will continue to assist us in ensuring compliance in future years.

As always, if you have any questions, please feel free to contact me to discuss this report.

Chris Bratton
Chief of Police
512.285.5757 – Office
512.233.9998 - Cell

DEL CARMEN CONSULTING, LLC

Annual Contact Report 2014

The Elgin Police Department

Introduction

Opening Statement

January 14, 2015

Elgin City Council
310 N. Main Street

Elgin, Texas 78621

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law in 2001. Since, the
Elgin Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements are now in place. These most recent requirements have been incorporated by the Elgin Police Department and are also being addressed in this report.

In this report, you will find three sections that contain information on traffic and motor vehicle- related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Elgin Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation, which demonstrates compliance by the Elgin Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/14 and 12/31/14. In addition, this section contains the TCOLE Tier 1 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.
The findings in this report serve as evidence of the Elgin Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

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(II) Responding to the Texas Racial Profiling Law

a) Institutional Policy on Racial Profiling

b) Educational Campaign Relevant to the Complaint Process—
Addressing Allegations of Racial Profiling Practices

c) Racial Profiling Training of Law Enforcement Personnel

d) Report on Complaints Filed Against Officers for Violating the Racial Profiling Law (includes outcome of investigation)

e) Police Contact Information Table (2014)/Known Ethnicity and Race of Detained and TCOLE Tier 1 Form

f) Table Depicting Baseline Comparison (2014)

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TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of ***what*** must be accomplished by an agency but allows wide latitude in determining ***how*** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an " agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and

Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for "tier one" data for traffic stops in which a citation results are:

1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American");
2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
3) whether there was a custody arrest.

The minimum requirements for reporting on "tier two" reports include traffic and pedestrian stops. Tier two data include:

1) the detained person's gender and race or ethnicity;
2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
3) whether a search was conducted, and if so whether it was based on consent or probable cause;
4) facts supporting probable cause;
5) the type, if any, of contraband that was collected;
6) disposition of the stop, e.g., arrest, ticket, warning, or release;
7) location of stop; and
8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074

AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public

Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [~~(7)~~] the date of conviction; and

(9) [~~(8)~~] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist

of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

_____ _____

President of the Senate Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

_____
Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

_____
Chief Clerk of the House

Approved:

_____
Date

_____
Governor

Most Recent Legal Requirements

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle [~~traffic~~] stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [~~or~~] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle [~~traffic~~] stops in which a citation is issued and to arrests made as a result of [~~resulting from~~] those [~~traffic~~] stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual [~~person~~] detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [~~to the governing body of each county or municipality served by the agency~~] an annual report of the

information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [~~traffic~~] stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [~~traffic~~] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [~~traffic~~] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION ____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [~~TRAFFIC AND PEDESTRIAN~~] STOPS. (a) In this article, "race[~~:~~

[~~(1) "Race~~] or ethnicity" has the meaning assigned by Article 2.132(a).

[~~(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.~~]

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance [~~regulating traffic or who stops a pedestrian for any suspected offense~~] shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any [~~each~~] person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop [~~traffic law or ordinance alleged to have been violated or the suspected offense~~];

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was

discovered in the course of the search and a description [~~the type~~] of the contraband or evidence [~~discovered~~];

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [~~existed and the facts supporting the existence of that probable cause~~];

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop[~~, including a description of the warning or a statement of the violation charged~~].

SECTION ____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[~~, "pedestrian~~] stop" has the meaning assigned by Article 2.132(a) [~~means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest~~].

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [~~local~~] law enforcement agency shall submit a report containing the incident-based data [~~information~~] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [~~in a manner approved by the agency~~].

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities [~~determine the prevalence of racial profiling by peace officers employed by the agency~~]; and

(B) examine the disposition of motor vehicle [~~traffic and pedestrian~~] stops made by officers employed by the

agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [~~the~~] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [~~traffic or pedestrian~~] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION ____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [~~traffic and pedestrian~~] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop

for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION ____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of $1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of $1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION ____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or

municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION ____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . $40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . $25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . $50 [~~$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION ____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . $40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . $25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . $50 [~~$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION ____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . $3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . $3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of $3;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $4;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . $4;

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5;

(7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed $30; [~~and~~]

(8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed $7; and

(9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.

SECTION ____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal

Procedure) . . . $3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . $3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of $3;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . $3;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed $4; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed $5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . $0.10.

SECTION ____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION ____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

(1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or

(3) a commission rule.

SECTION ____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(II) Responding to the Law

Institutional Policy on Racial Profiling

4/2.07.04 Bias-based Profiling

DEFINITIONS

Bias-based Profiling

The selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

Racial Profiling

Law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior, or on information identifying the individual as having engaged in criminal activity, CCP Art. 3.05.

Race Or Ethnicity

A person of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent, CCP Art. 2.132 a (2).

Pedestrian Stop

An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

LAW

Articles 2.131 through 2.138 and Article 3.05 of the Texas Code of Criminal Procedures defines racial profiling and provides the bulk of applicable law regarding racial profiling regulations and monitoring requirements. Other applicable law regarding racial profiling may be found in Section 96.641 of the Education Code, Sections 1701.253 and 1701.402 of the Occupations Code, and Section 543.202 of the Transportation Code.

POLICY

Bias-based profiling in traffic contacts, field contacts, and asset seizure and forfeiture is prohibited. The race, ethnicity, gender, sexual orientation, religion, economic status, age or cultural group of an individual shall not be the sole factor in:

1. Determining the existence of probable cause to take into custody or arrest an individual, or

2. In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

This policy is established to comply with the requirements of Texas CCP Articles 2.131 – 2.138 (effective 9/1/01). The Department will strive to maintain capabilities of video/audio recording that meet the standards for an exemption to the reporting requirements in accordance with CCP Art. 2.135.

COMPLAINTS

Citizens who wish to file a complaint alleging an act of bias-based profiling will utilize the current complaint process as defined in Section 4/1.02.05 of the Department Manual.
Officers who are the subject of a complaint will be provided a copy of any audio and/or videotape records pertaining to the occurrence on which the complaint is based, if a video and/or audio record was made. Other materials related to the complaint will be provided in accordance with Department policy.

PUBLIC EDUCATION

The Office of the Chief of Police, will establish a program to provide citizens with information regarding the process for filing complaints against officers that they suspect of engaging in profiling practices. This program should include written materials explaining the process in English and Spanish.

CORRECTIVE ACTIONS

Officers who are found to be engaging in practices that may indicate bias-based profiling practices will be investigated in accordance within the Department Policy Manual, 4/1.02.05.

DATA COLLECTION

The Department will capture and report all data required under CCP Art. 2.132 pertaining to all traffic and pedestrian stops. The most efficient point for data collection of traffic and pedestrian stops is during officers' radio transmissions to the Communications Unit.

These data include:
The person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

OFFICER RESPONSIBILITIES

Officers will engage in traffic or pedestrian stops in a manner consistent with state law and Departmental policy. It ultimately is the officer's responsibility to insure the collection and internal reporting of all required data. Communications system overload or failure does not preclude the responsibility of data collection under the law.

Traffic Stops

1. Officers will continue to conduct traffic stops in accordance with Department procedures and will maximize officer safety over data-collection concerns. All information will be transmitted in a manner that minimizes radio congestion.

2. Officers will initially provide Communications with the location of the stop, license plate number, or if not available, vehicle description. (The order of this information is not mandated by this policy.)

3. If the officer conducts a vehicular or individual search, the officer will advise Communications that such a search is being made, whether the search is by consent or involuntary.

4. Officers will advise if an arrest is made as a result of the search and will make a written report in accordance with Department procedures, stating the offense charged, the probable cause for the search, (i.e. odor, plain view, furtive movements), and whether contraband was seized.

5. Officers will advise Communications of the final disposition of the stop, the violators' information, to include race or ethnicity (as stated by the individual or, if not stated, in the officer's best judgment) and gender. Although gender (sex) is not required under CCP Article 2.132, the Communication of race and sex is a common practice and may be continued. The omission of gender (sex) in the final disposition does not constitute a violation of this policy. The Communications Unit may provide officers with alternative descriptors for race or ethnicity that may be used for data collection as long as the requirements of CCP Article 2.132 (a) (2) are met. Final disposition should be communicated concisely; (i.e., "warning - black male" or "citation issued – white female").

Pedestrian Stops

Officers will make pedestrian stops as required to ensure public safety and investigate criminal activities. They will provide communications with the same information as required in traffic stops with special consideration to a brief description of the reason for the detention, (i.e., matches the physical description of a suspect, articulable suspicion of a crime in progress).

COMMUNICATIONS RESPONSIBILITIES

The Communications Unit will maintain a system of procedures to collect all data as described in *Officer Responsibilities* section above, and it will provide the necessary equipment and training to its personnel to effectively complete this process. The Communications Supervisor will coordinate with the Patrol Division Commander to establish or amend any procedures necessary to simplify data-collection methods without compromising officer safety and data-collection integrity.

The Department will ensure all Department personnel receive the TCLOESE training concerning bias-based profiling mandated by Section 1701.253, Occupation Code, as well as the Department's policy regarding racial profiling in general, as well as its information collection and reporting requirements.

PATROL DIVISION RESPONSIBILITIES

The Patrol Division Commander will insure all sworn personnel comply with the provisions of this policy and state law. These responsibilities include developing and incorporating procedures for training and conducting traffic and pedestrian stops that support the data-collection requirements of this policy, as well as procedures that support an in-car video/audio tape recording system that complies with CCP Art. 2.135. Patrol Division supervisors will be responsible for monitoring officers assigned to them to identify potential profiling practices and provide interdictory guidance, or disciplinary referral as required. Each patrol officer's immediate supervisor will randomly review the videotape for at least one of his/her traffic stops on a monthly basis to confirm videotape usage and compliance with profiling law.

OFFICE OF THE CHIEF RESPONSIBILITIES

The Office of the Chief will be responsible for oversight of the reporting process. This office will conduct an annual administrative review of data collected, to include community and personnel input, in order to amend Department policies and procedures as necessary to insure compliance with bias-based profiling legislation and policy. The Department may identify other training needs based on administrative reviews of data. The office of the chief will coordinate to offer additional training related to bias-based profiling as required. This office will

publish not later than March 1 of each year an annual report that contains information compiled during the previous year; this report will be submitted to the City Council in accordance with CCP Art. 2.134 (c).

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Elgin Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Elgin Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a complaint on a racial profiling violation by an Elgin Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

Racial Profiling Training

Racial Profiling Training

Since 2002, all Elgin Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Elgin Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Elgin has been included in this report.

It is important to recognize that the Chief of the Elgin Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Elgin Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256

Instructor's Note:
You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract
This instructor guide is designed to meet the educational requirement for racial profiling established by
legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures
An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials
Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at http://www.tcleose.state.tx.us.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05
Racial profiling prohibited CCP 2.131
Law enforcement policy on racial profiling CCP 2.132
Reports required for traffic and pedestrian stops CCP 2.133
Liability CCP 2.136
Racial profiling education for police chiefs Education Code 96.641
Training program Occupations Code 1701.253
Training required for intermediate certificate Occupations Code 1701.402
Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies
1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report
1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling
1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)
1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases
1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.
A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling
1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)
1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.
A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators
1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior
1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources
Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)
Web address for legislation 77R-SB1074: http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm

Report on Complaints

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/14---12/31/14, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

A check above indicates that the Elgin Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/14 ---- 12/31/14.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

_____
_____
_____
_____
_____
_____
_____
_____

Tables Illustrating Traffic and Motor Vehicle-Related Contacts

Tier 1 Data

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/14—12/31/14)

Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	506	40	13	25	6	67	7	16	32	26
African	225	18	18	35	0	0	18	42	43	35
Hispanic	497	39	20	38	2	22	18	42	47	38
Asian	27	2	1	2	1	11	0	0	0	0
Native American	1	.08	0	0	0	0	0	0	0	0
Middle Eastern	3	.2	0	0	0	0	0	0	0	0
Other	4	.3	0	0	0	0	0	0	1	.8

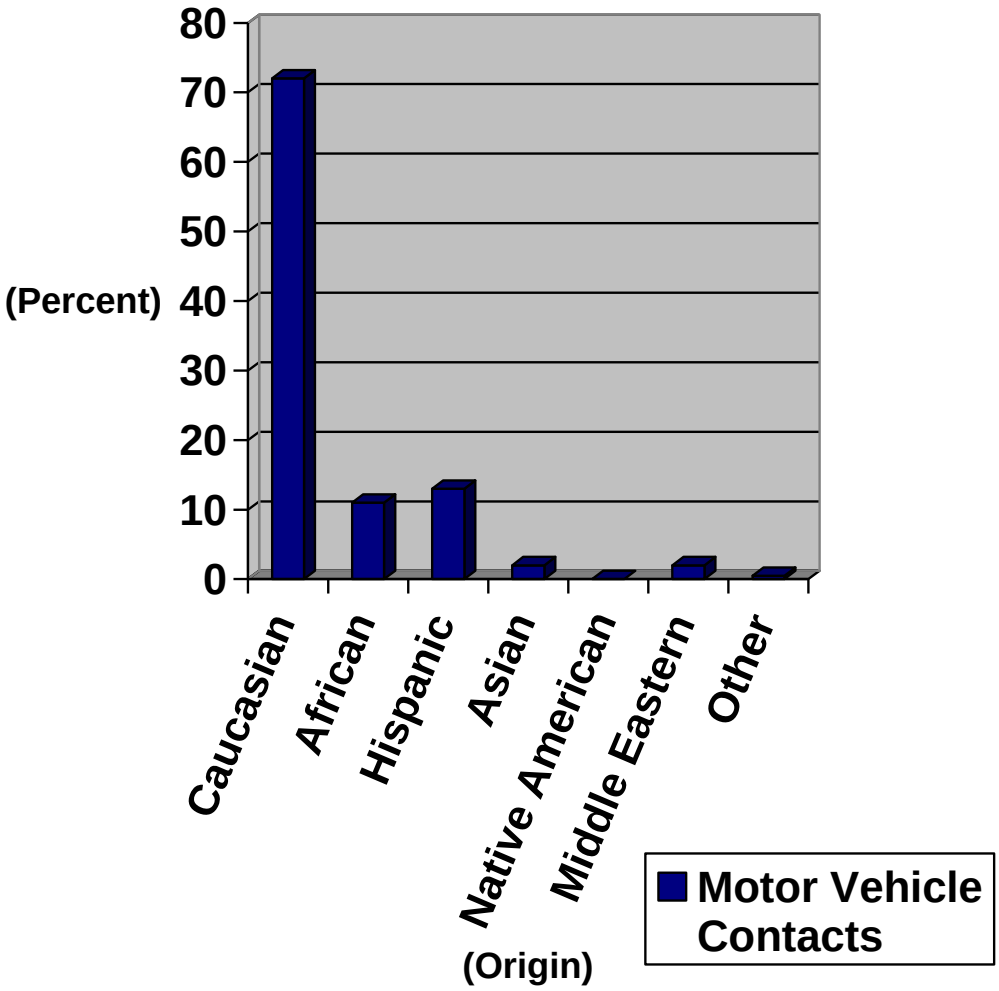
Total	1,263	100	52	100	9	100	43	100	123	100

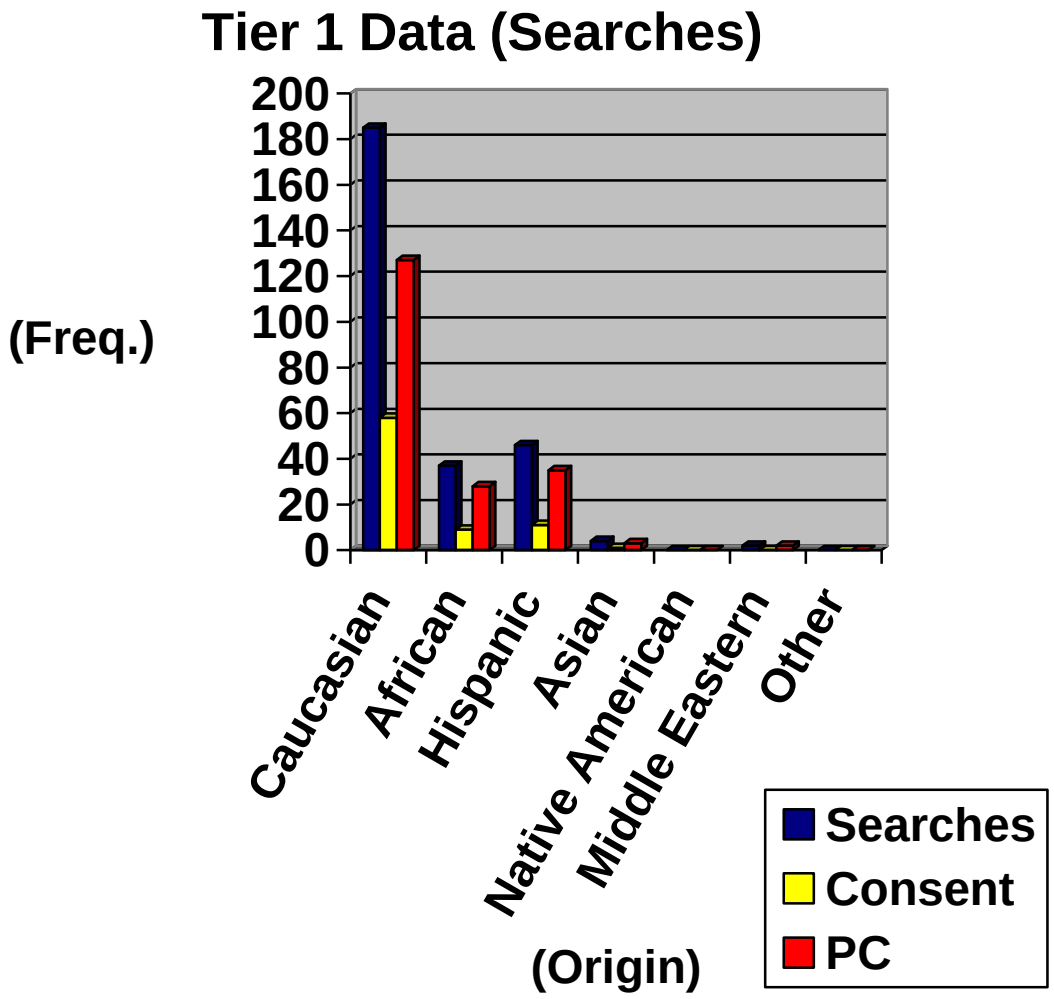
"N" represents "number" of traffic-related contacts

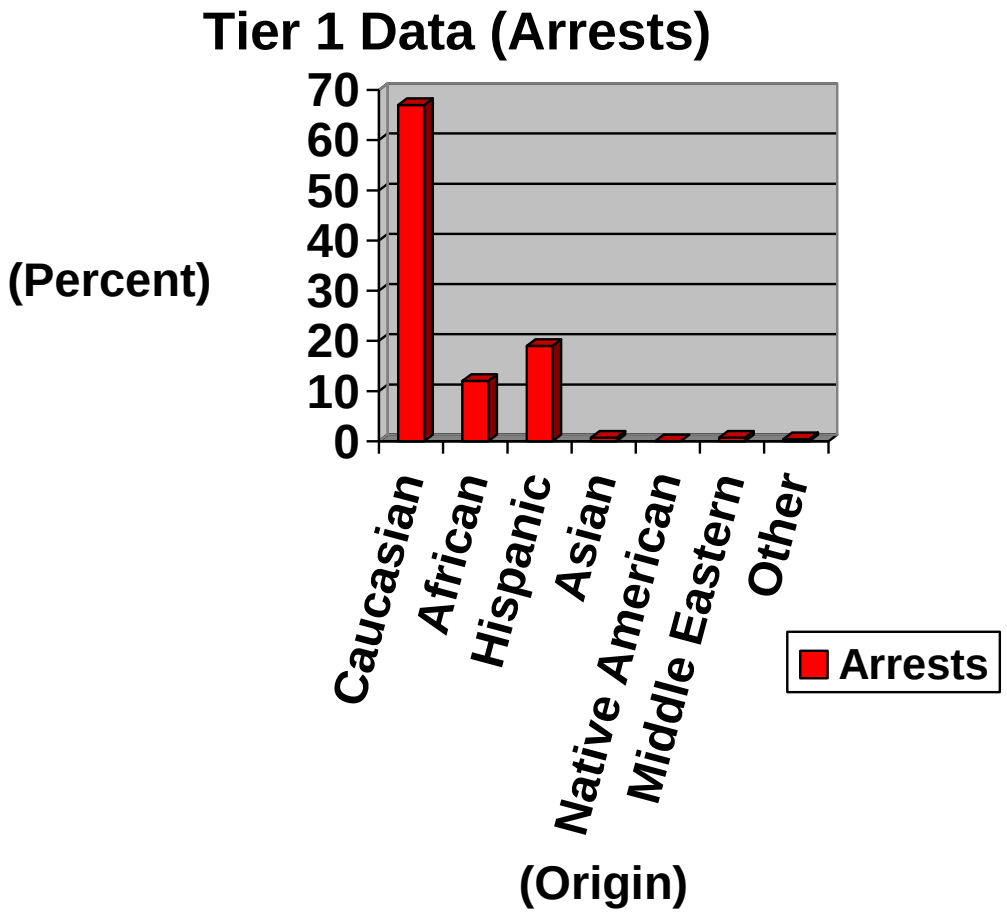
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".

**Figure has been rounded

Tier 1 Data (Motor Vehicle Contacts)



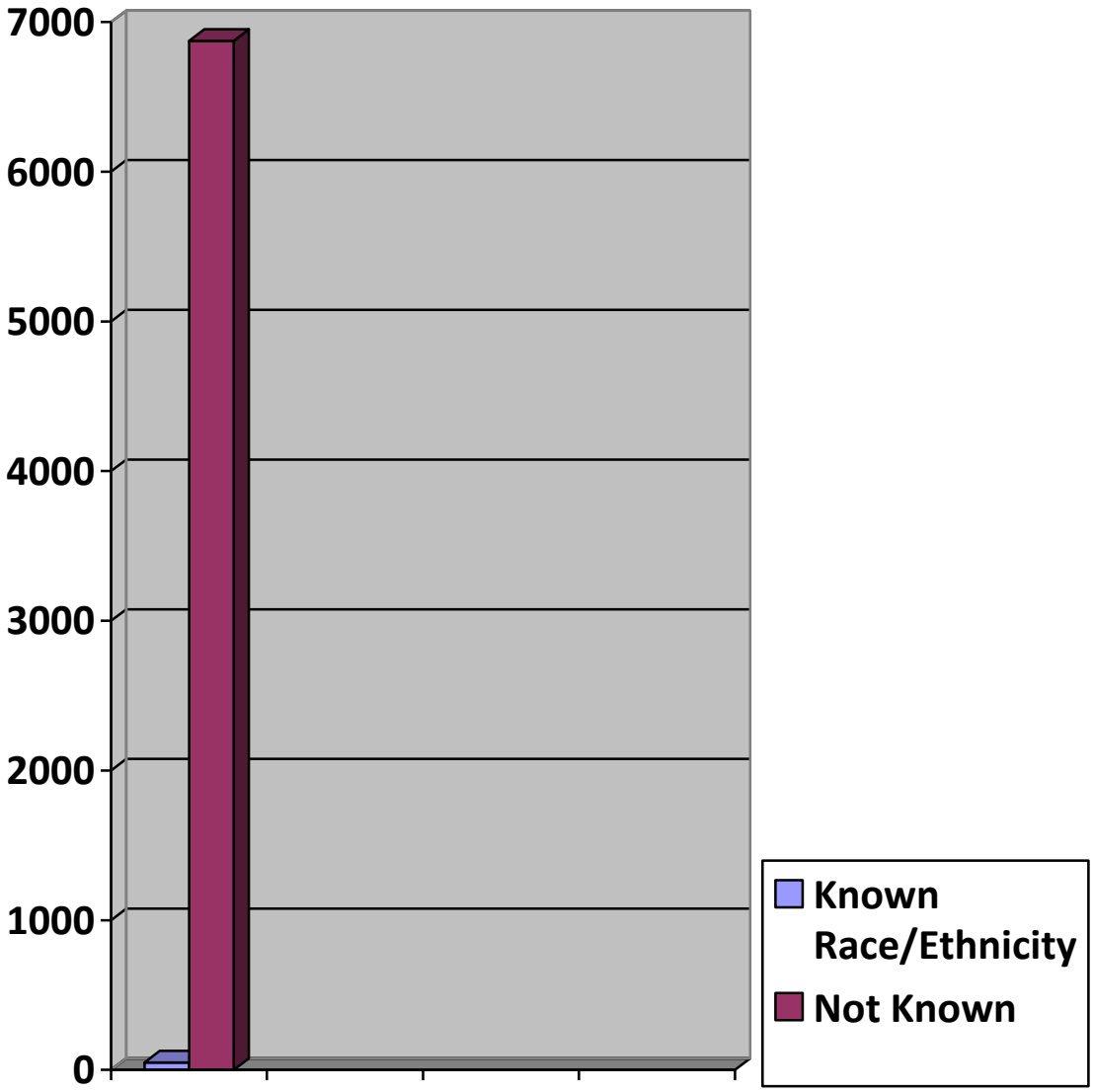

Tier 1 Data (Searches)
(Freq.)
200
180
160
140
120
100
80
60
40
20
0
Caucasian
African
Hispanic
Asian
Native American
Middle Eastern
Other
(Origin)
Searches
Consent
PC



Total Number of Instances where Officers Knew/did not Know Race/Ethnicity of Individuals Before Being Detained (1/1/14--12/31/14)

Total Number of Instances where Officers <u>Knew</u> Race and Ethnicity of Individuals Before Being Detained	**Total Number of Instances where Officers <u>Did Not Know</u> the Race and Ethnicity of Individuals Before Being Detained**
6	1,257

Known Race/Ethnicity (Frequencies)



Tier 1 (Partial Exemption TCLEOSE Form)

Partial Exemption Racial Profiling Reporting (Tier 1)

Department Name __Elgin Police Department_

Agency Number□_021202_____

Chief Administrator Name _Chris Bratton____

Reporting Name□_Chris Bratton_____

Contact Number□_512-285-5757_____

E-mail Address_cbratton@pd.ci.elgin.tx.us___

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):□Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;□

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;□

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;□

(4) provide public education relating to the agency's complaint process;□

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;□

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;□

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and□

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These polices are in effect

Chris Bratton 2-9-2015_____
Chief Administrator Date

Partial Exemption Racial Profiling Reporting

(Tier 1)

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

X all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

☐ In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

Chris Bratton 2-9-2015
Chief Administrator Date

Partial Exemption Racial Profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

Instructions: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 Must be equal

2. Total on line 20 Must equal line 15

Number of Motor Vehicle Stops:

1._1140_citation only

2.__0___arrest only

3._123__both

4._1263_Total

Race or Ethnicity:

5._225__African

6.__27__Asian

7._506__Caucasian

8._497__Hispanic

9.___3__Middle Eastern

10.__1__Native American

__4__Other

11._1263__Total

Race or Ethnicity Known Prior to Stop?

12.___6___Yes

13._1257__No

14._1263__Total

Search Conducted:

15._52__Yes

16._1211_No

17. _1263__Total

Was Search Consented?

18.___9__Yes

19._43___No

20.__52__Total Must Equal # 15

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including

information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements

_Chris Bratton_____02-09-2015_

Chief Administrator Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Tier 1 Baseline Comparison
(Fair Roads Standard)

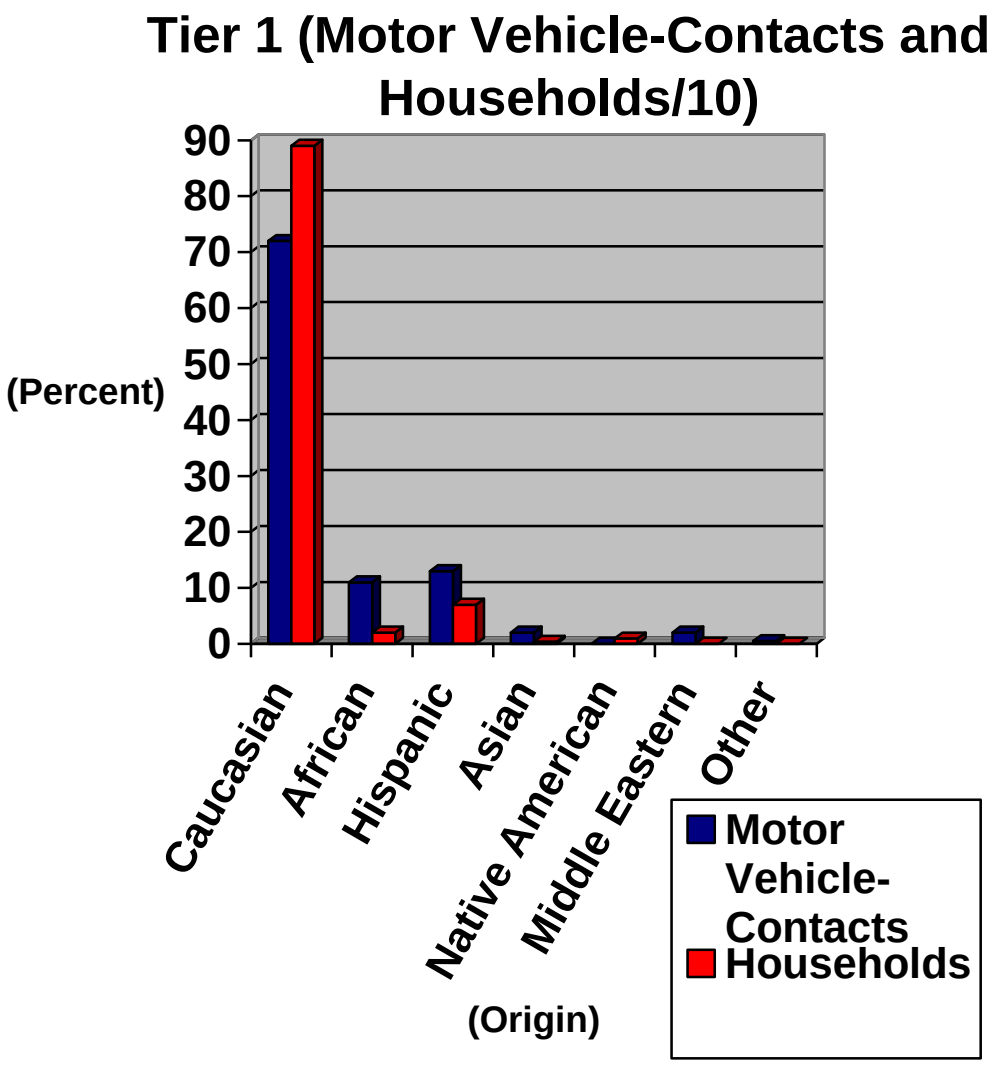
(II) Motor Vehicle-Contacts and Fair Roads Standard/U.S. Census Comparison

Comparison of motor vehicle-related contacts with households in Austin-Marble Falls CSA that have vehicle access (in percentages). (1/1/14—12/31/14)

Race/Ethnicity*	Contacts (in percentages)	Households with vehicle access (in percentages)
Caucasian	40	65
African	18	7
Hispanic	39	23
Asian	2	4
Native American	.08	.5

Middle Eastern	.2	N/A
Other	.3	N/A
Total	100	99**

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.
**Represents rounded figure


Tier 1 (Motor Vehicle-Contacts and Households/10)
(Percent)
90
80
70
60
50
40
30
20
10
0
Caucasian
African
Hispanic
Asian
Native American
Middle Eastern
Other
(Origin)
Motor Vehicle-Contacts
Households

Analysis and Interpretation of Data

Analysis

The Texas legislature, in 2001, passed Senate Bill 1074 which became the Texas Racial Profiling Law. That is, the law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it is required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific “individual” racist behavior from aggregate-level “institutional” data on traffic or motor vehicle-related contacts.

As stated previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the more recent law requires adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year. I am pleased to inform you that these additional requirements have been addressed, since 2009, by the Elgin Police Department as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the Elgin Police Department commissioned the analysis of its 2014 motor vehicle contact data. Thus, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2014 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the “other” category, that came in contact with the police in the course of a motor vehicle related contact, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also, the data analysis included the number and percentage of individuals who, after they came in contact with the police for a motor vehicle-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2014 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Elgin Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the

U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Elgin Police Department in 2014 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of "households" that have access to vehicles. Thus, proposing to compare "households" (which may have multiple residents and only a few vehicles) with "contacts" (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Elgin Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its "good will" and "transparency" before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to Austin-Marble Falls CSA.

Tier 1 (2014) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2014, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by Hispanic and African American drivers. With respect to searches, most of them were performed on Hispanic drivers. This was followed by African Americans and Caucasians. It is important to note that the arrest data revealed most arrests were made on Hispanics; this was followed by African Americans and Caucasians.

Fair Roads Standard

The data analysis of motor vehicle contacts to the census data relevant to the number of "households" in the Austin-Marble Falls CSA who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, with respect to Caucasians and Asians, a lower percentage of contacts were detected. That is, the percentage of Caucasian and Asian drivers that came in contact with the police in 2014 was lower than the percentage of Caucasian and Asian households in the Austin-Marble Falls CSA with access to vehicles. With respect to African Americans and Hispanics, a higher percentage of contacts were detected. That is, the percentage of African American and Hispanic drivers that came in contact with the police in 2014 was higher than the percentage of African American and Hispanic households in the Austin-Marble Falls CSA with access to vehicles.

Summary of Findings

The comparison of motor vehicle contacts showed that the Elgin Police Department came in contact (in motor vehicle-related incidents) with a smaller percentage of Caucasian and Asian drivers than the percentage that resided in the Austin-Marble Falls CSA and had access to vehicles; the opposite was true of Hispanics and African Americans. In addition, the data showed that in a large number of instances, officers did not know the race or ethnicity of individuals before detaining them, when compared to instances where officers knew the race/ethnicity of individuals before they were detained.

While considering the findings made in this analysis, it is recommended that the Elgin Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans and Hispanics. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public.

As part of this effort, the Elgin Police Department is also encouraged to:

1) Perform an independent search analysis on the search data collected in the first quarter of 2015.

2) Commission data audits in 2015 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The information and analysis provided in this report serves as evidence that the Elgin Police Department has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements **were** met by the Elgin Police Department in accordance with The Texas Racial Profiling Law:

☒ Clearly defined act or actions that constitute racial profiling

☒ Statement indicating prohibition of any peace officer employed by the
Elgin Police Department from engaging in racial profiling

☒ Implement a process by which an individual may file a complaint regarding racial profiling violations

☒ Provide public education related to the complaint process

☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law

☒ Collect data (Tier 1) that includes information on

a) Race and ethnicity of individual detained
b) Whether a search was conducted
c) If there was a search, whether it was a consent search or a probable cause search
d) Whether a custody arrest took place

☒ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.

☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCOLE by March 1, 2015.

☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting, LLC
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting, LLC, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.

COUNCIL MEETING: March 3, 2015

ITEM: 1. Approval of minutes of the regular council meeting February 3, 2015.

RESOURCE PERSON(S): Lucretia Alvarez, City Secretary

SUMMARY: Presented for review and approval are the minutes of the regular council meeting February 3, 2015.

RECOMMENDATION(S): Approve the minutes of the regular council meeting February 3, 2015.

ATTACHMENT: 1-February 3, 2015 Minutes

MINUTES
ELGIN CITY COUNCIL
PUBLIC HEARING & REGULAR MEETING
TUESDAY, FEBRUARY 3, 2015, 7:00 P.M.
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET

CALL TO ORDER

Mayor Marc Holm called the regular meeting at 7:05 p.m. with the following members:
Marc Holm, Mayor
Chris Cannon, Mayor Pro-Tem
Keith Joesel, Council Member (absent)
Sue Brashar, Council Member
Edward Maldonado, Council Member
Juan Gonzalez, Council Member
Mary Penson, Council Member
Jessica Bega, Council Member
Craig Fromme, Council Member

INVOCATION

Council Member Mary Penson gave the invocation.

Recessed REGULAR MEETING at 7:06 p.m. and called to order PUBLIC HEARING at 7:06 p.m.

PUBLIC HEARING

1. Proposed Zoning Change Request from Roseanne Cullen for 515 North Highway 95 from C-3 commercial to R-1 residential.
   Gary Cooke, Planning and Development Director

   No public comments.

2. Proposed Zoning Change Request from Micah and Michelle Erwin for 414 East 8th Street for a specific use permit.
   Gary Cooke, Planning and Development Director

   Micah Erwin was present and explained that the honey wine they make would be sold at farmers markets and other places for marketing. It will not be consumed on the premises.

Closed PUBLIC HEARING at 7:16 p.m. and Reconvened REGULAR MEETING at 7:16 p.m.

PUBLIC COMMENT

None

PRESENTATIONS

1. Presentation of Employee of the First Quarter Tina Guerero.
   Sandy Ott, Library Director

2. Presentation of Proclamation for Black History Month.
   Amy Miller, Parks and Community Development Director

REPORTS

1. Monthly Department Reports for December Council Informational Monthly Updates.
   Kerry Lacy, City Manager

2. Presentation of Quarterly Investment Report ending December 31, 2014.
   Buck LaQuey, CPA, Finance Director
   Laura Schwartz, Purchasing Agent, Finance Assistant

3. Presentation of Quarterly Financial Report ending December 31, 2014.
   Buck LaQuey, CPA, Finance Director
   Laura Schwartz, Purchasing Agent, Finance Assistant

CONSENT AGENDA

Council Member Sue Brashar requested moving item 1. Approval of Minutes to New Business.

1. Approval of minutes of the regular meeting January 6, 2015.
   Lucretia Alvarez, City Secretary

2. Approval of an Agreement to Conduct Joint Election between the City of Elgin and Elgin Independent School District for the May 9, 2015 Election.
   Lucretia Alvarez, City Secretary

3. Approval of a Contract for Election Services between the Elections Administrator of Bastrop County and the City of Elgin for the May 9, 2015 Election.
   Lucretia Alvarez, City Secretary

4. Approval of appointments to Library Advisory Board.
   Sandy Ott, Library Director

5. Approval of appointments to Parks and Recreation Advisory Board.
   Michael Gonzalez, Parks and Recreation Program Manager

6. Approval of appointments to Main Street Board.
   Amy Miller, Parks and Community Development Director

7. Approval of appointments to Historic Review Board.
   Amy Miller, Parks and Community Development Director

8. Approval of appointments to Board of Adjustments.
   Gary Cooke, Planning and Development Director

9. Approval for partial street closure of Main Street, First Street, and Avenue C on Sunday, March 1, 2015 for the Volunteer Fire Department Annual BBQ plate fundraiser from 11:00 a.m. to 1:00 p.m.
   Amy Miller, Parks and Community Development Director

10. Approval for waiver of the open container ordinance in Veterans' Memorial Park for the Friends of Elgin Parks' Music in the Park series on May 15, May 22, May 29, June 5, and June 19, 2015 from 4:00 p.m. until 10:00 p.m.
    Michael Gonzalez, Parks and Recreation Program Manager

11. Approval of a contract with the Bastrop YMCA to provide swim lessons and swim leagues at Morris Memorial Park and Pool for the summer 2015 pool season.
Amy Miller, Parks and Community Development Director

Mayor Pro-Tem Chris Cannon made a motion to approve the consent agenda as presented, Council Member Sue Brashar seconded, and motion approved unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

1A Approval of minutes of the regular meeting January 6, 2015.
Lucretia Alvarez, City Secretary

Council Member Sue Brashar made a motion to approve the minutes with one correction, Council Member Craig Fromme seconded, and motion approved unanimously.

1 Discussion and action regarding proposed Ordinance Calling a General Election on May 9, 2015 for the purpose of Electing Certain City Officials, Designating Election Precincts and Polling Places, Providing for Early Voting and Providing for Performance of Required Administrative Duties.
Lucretia Alvarez, City Secretary

Mayor Pro-Tem Chris Cannon made a motion to approve Ordinance 2015-02-03-03 as presented, Council Member Mary Penson seconded, and motion approved unanimously.

ORDINANCE NO. 2015-02-03-03

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING A GENERAL ELECTION ON MAY 9, 2015 FOR THE PURPOSE OF ELECTING CERTAIN CITY OFFICIALS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; AND PROVIDING FOR OTHER MATTERS RELATING TO SUCH CITY ELECTION.

2 Discussion and action regarding proposed Ordinance Calling a Special Election on May 9, 2015 for the purpose of submitting to voters a proposed charter amendment to the Home Rule Charter of the City: designated election precincts and polling places; providing for early voting and election day voting; providing for performance of required administrative duties; making provisions for the conduct of such election; certifying provision of required accessible voting systems at each polling place; and providing for other matters related to such election.
Lucretia Alvarez, City Secretary

Mayor Pro-Tem Chris Cannon made a motion to approve Ordinance 2015-02-03-04 as presented, Council Member Mary Penson seconded, and motion approved unanimously.

ORDINANCE NO. 2015-02-03-04

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING A SPECIAL ELECTION FOR MAY 9, 2015 FOR THE PURPOSE OF SUBMITTING TO VOTERS A PROPOSED CHARTER AMENDMENT TO THE HOME RULE CHARTER OF THE CITY; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.

3 Discussion and action regarding the Local Government Investment Cooperative (LOGIC) as an authorized investment pool.
Buck LaQuey, CPA, Finance Director

Mayor Pro-Tem Chris Cannon made a motion to approve Resolution 2015-2-3-1 for LOGIC as an authorized investment pool, Council Member Edward Maldonado seconded, and motion approved unanimously.

RESOLUTION NO. 2015-2-3-1

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT FOR PARTICIPATION IN A PUBLIC FUNDS INVESTMENT COOPERATIVE (THE "COOPERATIVE"), DESIGNATING THE BOARD OF DIRECTORS OF THE COOPERATIVE AS AN AGENCY AND INSTRUMENTALITY TO SUPERVISE THE COOPERATIVE, APPROVING INVESTMENT POLICIES OF THE COOPERATIVE, APPOINTING AUTHORIZED REPRESENTATIVES AND DESIGNATING INVESTMENT OFFICERS.

4. Discussion and possible action regarding proposed zoning change request from Roseanne Cullen for 515 North Highway 95 from C-3 commercial to R-1 residential.
Gary Cooke, Planning and Development Director

Mayor Pro-Tem Chris Cannon made a motion to approve the zoning change request as presented, Council Member Craig Fromme seconded, and motion approved unanimously.

5. Discussion and possible action regarding proposed zoning change request from Micah and Michelle Erwin for 414 East 8th Street for a specific use permit.
Gary Cooke, Planning and Development Director

Mayor Pro-Tem Chris Cannon made a motion to approve the zoning change request from Micah and Michelle Erwin for 414 East 8th Street for a specific use permit for three years, Council Member Sue Brashar seconded, and motion approved unanimously.

6. Discussion and action regarding proposed ordinance to create a Building Standards Commission and appoint members.
Gary Cooke, Planning and Development Director

Mayor Pro-Tem Chris Cannon made a motion to approve Ordinance 2015-02-03-05 as presented and appoint Board of Adjustments members to this commission, Council Member Mary Penson seconded, and motion approved unanimously.

ORDINANCE NO. 2015-02-03-05

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY ADDING A NEW DIVISION FOUR TO ARTICLE IV, CREATING A BUILDING STANDARDS COMMISSION; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

7. Discuss and consider adopting an ordinance calling for a public hearing for March 3, 2015 at City Hall during the council meeting to discuss a declaration that the structure located at 423 Brenham Street, Elgin, Texas is unsafe.
Gary Cooke, Planning and Development Director

Council Member Jessica Bega made a motion to approve Ordinance 2015-02-03-06 as presented, Council Member Sue Brashar seconded, and motion approved unanimously.

ORDINANCE NO. 2015-02-03-06

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS CALLING FOR A PUBLIC HEARING; LISTING ALLEGED VIOLATIONS THAT RENDERS A BUILDING OR STRUCTURE UPON A PROPERTY UNSAFE; REQUIRING NOTICE OF HEARING; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

8. Discuss and consider adopting an ordinance calling for a public hearing for March 3, 2015 at City Hall during the council meeting to discuss a declaration that the structure located at 113 Reyna Street, Elgin, Texas is unsafe.
   Gary Cooke, Planning and Development Director

   Council Member Sue Brashar made a motion to approve Ordinance 2015-02-03-07 as presented, Council Member Jessica Bega seconded, and motion approved unanimously.

ORDINANCE NO. 2015-02-03-07

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS CALLING FOR A PUBLIC HEARING; LISTING ALLEGED VIOLATIONS THAT RENDERS A BUILDING OR STRUCTURE UPON A PROPERTY UNSAFE; REQUIRING NOTICE OF HEARING; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

9. Discuss and consider adopting an ordinance calling for a public hearing for March 3, 2015 at City Hall during the council meeting to discuss a declaration that the structure located at 602 Alley A, Elgin, Texas is unsafe.
   Gary Cooke, Planning and Development Director

   Mayor Pro-Tem Chris Cannon made a motion to approve Ordinance 2015-02-03-08 as presented, Council Member Mary Penson seconded, and motion approved unanimously.

ORDINANCE NO. 2015-02-03-08

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS CALLING FOR A PUBLIC HEARING; LISTING ALLEGED VIOLATIONS THAT RENDERS A BUILDING OR STRUCTURE UPON A PROPERTY UNSAFE; REQUIRING NOTICE OF HEARING; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

10. Discussion and action regarding proposed resolution authorizing the preparation and submission of a 2013/2014(PY) Texas Community Development Block Grant (TxCDBG) Application to the Texas Department of Agriculture (TDA) for funding under the Texas Community Development Block Grant Program (TxCDBG).
    Doug Prinz, Utilities Director
    Philip Ruiz, Community Development Management Company
    Amy Miller, Community Development Director

    Council Member Sue Brashar made a motion to approve Resolution 2015-2-3-2 as presented, Council Member Craig Fromme seconded, and motion approved unanimously.

RESOLUTION NO. 2015-2-3-2

A RESOLUTION OF THE CITY COUNCIL OF CITY OF ELGIN, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

EXECUTIVE SESSION

None

ANNOUNCEMENTS

- Jim Walenta, former Planning and Zoning board chairman, has passed away.
- Seven Elgin High School graduates will be signing with college teams this week.

ADJOURNMENT

Mayor Marc Holm adjourned the meeting at 8:15 p.m.

_____
MARC HOLM
Mayor of Elgin, Texas

ATTEST:

_____
LUCRETIA ALVAREZ
City Secretary of Elgin, Texas

COUNCIL MEETING: March 3, 2015

ITEM: 2. Approval of minutes of the special council meeting February 10, 2015.

RESOURCE PERSON(S): Lucretia Alvarez, City Secretary

SUMMARY: Presented for review and approval are the minutes of the special council meeting February 10, 2015.

RECOMMENDATION(S): Approve the minutes of the special council meeting February 10, 2015.

ATTACHMENT: 1-February 10, 2015 Minutes

MINUTES
ELGIN CITY COUNCIL
SPECIAL MEETING
TUESDAY, FEBRUARY 10, 2015, 7:00 P.M.
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET

CALL TO ORDER

Mayor Marc Holm called the regular meeting at 7:10 p.m. with the following members:

Marc Holm, Mayor	
Chris Cannon, Mayor Pro-Tem	(absent)
Keith Joesel, Council Member	
Sue Brashar, Council Member	
Edward Maldonado, Council Member	
Juan Gonzalez, Council Member	
Mary Penson, Council Member	(absent)
Jessica Bega, Council Member	
Craig Fromme, Council Member	(absent)

PUBLIC COMMENT

None

PRESENTATIONS

None

REPORTS

None

CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Discussion and action to consider authorizing the City Manager to agree by formal letter to Paul Pape, Bastrop County Judge, that the City of Elgin will match funding at a minimum for all expenditures related to the proposed City Recreation Center/Shelter in an amount at least equal to the $1,500,000.00 being provided by Bastrop County disaster funds to cover engineering, architecture and construction.
   Kerry Lacy, City Manager

Council Member Juan Gonzalez made a motion to authorize the City Manager to agree by formal letter as presented, Council Member Craig Fromme seconded, and motion approved unanimously.

2. Discussion and action to consider authorizing the City Manager to enter into an agreement/contract on behalf of the City of Elgin with Oxley Williams Tharp Architects for architectural services in relation to a proposed Recreation Center/Shelter in the amount of $210,000.00 lump sum base fee representing 7% of the total proposed construction cost of the project.
Kerry Lacy, City Manager

   Council Member Juan Gonzalez made a motion to authorize the City Manager to enter into an agreement as presented, Council Member Keith Joesel seconded, and motion approved unanimously.

EXECUTIVE SESSION

None

ANNOUNCEMENTS

- Chlorine level at the pool is .01 and being monitored.
- Randy Hensley's retirement party is February 27, 2015 at 2:00 p.m. at the Fleming Community Center.
- Bright lights at Memorial Park ball field have been installed.

ADJOURNMENT

Mayor Marc Holm adjourned the meeting at 7:21 p.m.

_____
MARC HOLM
Mayor of Elgin, Texas

ATTEST:

_____
LUCRETIA ALVAREZ
City Secretary of Elgin, Texas

COUNCIL MEETING: March 3, 2015

ITEM: 3. Approval of open container ordinance waiver request from Drive-a-Senior for Taste the Town on Main Street from Second Street to Depot Street on Thursday, April 30, 2015 from 5:30 p.m. until 9:00 p.m.

RESOURCE PERSON(S): **Lucretia Alvarez, City Secretary**
Amy Miller, Community Development Director

SUMMARY: **This is an annual fundraiser for Drive-a-Senior's Taste the Town on Main Street from Second Street to Depot Street on Thursday, April 30, 2015 from 5:30 p.m. until 9:00 p.m.**

RECOMMENDATION(S): **Approve open container ordinance waiver request from Drive-a-Senior for Taste the Town on Main Street from Second Street to Depot Street on Thursday, April 30, 2015 from 5:30 p.m. until 9:00 p.m.**

ATTACHMENT: **1-Drive-a-Senior letter**

DriveaSenior
Volunteers In Motion

(512) 281-6065 ~ P.O. Box 1368, Elgin, TX 78621~ elgin@driveasenior.org

February 5, 2015

Dear Mayor and City Council,

Drive a Senior – Elgin (DAS) would like to formally request an open-container waiver for our Taste the Town fundraiser the evening of Thursday, April 30 from 5:30 to 9:00 pm.

The event will take place on Main St. with multiple business hosting wineries and a distillery. Participating locations will span from the 200 block of North Main St. to the 100 block of Depot St. All participating wineries will have licensed servers and will obtain off-site permits from TABC prior to the event.

Local restaurants will also be stationed at various locations to provide finger foods to those who attend Taste the Town.

In addition to this being a fundraiser for DAS, we also want to drive traffic to local businesses. We will sell up to 185 tickets for the event.

This second year for the event (in this format) and all went well last year. DAS will have a minimum of two volunteers at each location monitoring the crowd.

Thank you for your consideration in this matter.

Sincerely,

Erin Heine

Erin Heine
Executive Director

COUNCIL MEETING: March 3, 2015

ITEM: 4. Approval of an appointment of Brad Kilgore to the Parks and Recreation Advisory Board for a two year term that expires December 31, 2017.

RESOURCE PERSON(S): Michael Gonzalez, Parks and Recreation Program Manager

SUMMARY: **Brad is interested in serving on the parks board. he will be filling a spot for a Parks Board member who has recently resigned.Brad Enjoys living in Elgin and he is excited to be a participant in its growth.**

RECOMMENDATION(S): Approve Appointment of Brad Kilgore to the Parks and Recreation Advisory Board for a two year term that expires December 31, 2017.

ATTACHMENT: **1-Application for Brad Kilgore**

CITY OF ELGIN APPLICATION FOR COMMUNITY BOARDS

Please Type or Print Clearly

NAME: BRAD KILGORE

TELEPHONE: (440) 799 5146 (H) _____ (W)

X (Cell #)

ADDRESS (Residence): 292 SPENCE LN, ELGIN, TX

(Mailing): SAME

E-MAIL ADDRESS: BRAD-KILGORE25@YAHOO.COM

Is e-mail a way of contacting you promptly? Yes X No ____ If not, how? OR USE PHONE #

WHICH OF THE FOLLOWING COMMISSION/BOARDS WOULD YOU LIKE TO SERVE ON:

Check all that Apply. If you apply for multiple boards/commissions, please rank your preferences as 1st, 2nd, 3rd, etc.

- ___ **Board of Adjustment**
- ___ **Historic Review Board**
- X **Parks & Recreation Board**
- ___ **Economic Development Corporation**
- ___ **Library Advisory Board**
- ___ **Planning & Zoning Commission**
- ___ **Envision Elgin**
- ___ **Main Street Board**
- ___ **Public Safety Advisory Committee**

LIST THREE REFERENCES: (Name, Address & Contact Information for each)

KEITH T. LORCHER 2017 BWRIGHT ST, AUSTIN, TX 78704 512 289 5436

JAIME NICOLETTI - 3648 ROSALINA LOOP, ROUND ROCK, TX 78665 512 601 5545

BEN PONZER -

OCCUPATION AND/OR AREA(S) OF EXPERTISE (If retired, please indicate former occupation or profession)

CONSTRUCTION LABORER → BUILDING AND CODE

I CAN GET BUILDING MATERIALS FOR REUSE/RECYCLE

USMC COMBAT VET → HAVE VET SUPPORT / HELP FOR PROJECTS

EDUCATION: (High School, College, etc.) ASSOC. DEGREE IN ENGINEERING, HIGH SCHOOL DIPLOMA.

ADDITIONAL PERTINENT INFORMATION

- Do you reside within the City Limits of Elgin? YES ____ NO X
  If yes, how long? _____ What Ward? _____
- Do you reside within the Elgin Independent School District? YES X NO ____
- Do you own property or a business in the Elgin Area? YES X NO ____
  If yes, please specify business name and/or property location: 1) 292 SPENCE LN 2) 394 HIDDEN OAKS DR

- Are you a registered Voter? YES X NO ___
- Are you currently serving on any other City of Elgin Board/Commission/Committee? YES_____ NO X If yes, please indicate name of Board or Commission _____
- Recognizing that serving on a Board or Commission is often time consuming, are you committed to attending all regularly scheduled meetings? YES X NO ____ If not why? _____
- How did you hear of the available position(s)? APPEARED AT A MEETING AND WAS ASKED.
- Why would you like to serve on the selected Board or Commission? I WOULD LIKE TO SEE ELGIN CONTINUE TO GROW, THRIVE, AND LOOK ENTICING TO VISIT OR MOVE TO.
- Do you or your employer have any business dealings with the City of Elgin that might present a conflict of interest? YES ____ NO X
- Do you have your employer's support to serve on a Board or Commission? YES X NO ____
- Do you agree to complete any training necessary for the Board or Commission to which you are applying? YES X NO _____
- Completing/submitting this application does not guarantee placement!

Signature of Applicant

01/29/15
Date

If you have any questions, please contact Lucretia Alvarez, City Secretary @ (512) 281-5724. Submit original application to City Secretary/City of Elgin, P.O. Box 591, Elgin, Texas 78621 or deliver to 310 North Main Street.

Thanks for your interest!

COUNCIL MEETING: March 3, 2015

ITEM: **5.**

Approval of Ordinance Number 2015-03-03-09 amending Ordinance Number 2014-03-04-02 providing for a 2% increase in the rate Republic Services charge for collection of solid waste as authorized and approved in the original contract with the City of Elgin.

RESOURCE PERSON(S): **Kerry Lacy, City Manager**

SUMMARY: **The existing contract with Republic Services provides for an annual increase in the rate they charge up to but not exceeding 2%.**

RECOMMENDATION(S): **Approve Ordinance 2015-03-03-09 as required by the contract between Republic Services and the City of Elgin.**

ATTACHMENT:

1-Ordinance 2015-03-03-09
2-Letter from Republic Servicies on annual rate increase per contract

ORDINANCE NO. 2015-03-03-09

AN ORDINANCE AMENDING ORDINANCE 2014-03-04-02 ESTABLISHING NEW RATES FOR THE COLLECTION OF WASTE DISPOSAL FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS BASED ON THE ANNUAL CPI ADJUSTMENT TO THE REPUBLIC SERTVICIES CONTRACT FOR COLLECTION OF SOLID WASTE FOR THE CITY OF ELGIN.

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

I.

Ordinance 2014-03-04-02 of the City of Elgin, Texas is hereby amended to read as follows, beginning with item (1):

(1) The charges for the collection of garbage, rubbish and recycling from residential units located in the City using carts, bags and containers shall be levied upon the following basis:

(a) For the collection of garbage, rubbish and recycling at a single-family dwelling within a residential unit using one 90-95 gallon cart, per month……$16.37

(b) For the collection of garbage, rubbish and recycling at a single-family dwelling within a residential unit using two 90-95 gallon carts, per month……..$21.69

(c) For the collection of garbage, rubbish and recycling at a single-family dwelling within a residential unit more than two carts each additional 90-95 gallon cart shall be per month……..$ 2.89

(d) For the collection of garbage, rubbish and recycling at a duplex, triplex, or fourplex, per month for each unit within said duplex, triplex or fourplex, using two carts……...$21.69

(e) For the collection of garbage, rubbish and recycling at a single-family dwelling or at a duplex, triplex or fourplex per month for each unit within a residential unit or each unit within said duplex, triplex or fourplex with more than two carts each additional 90-95 gallon cart shall be per month……..$2.89

(f) For the collection of garbage rubbish and recycling at a single-family dwelling within a residential unit being serviced by provider with door side/special need customers using one 90-95 gallon cart, per month……..$13.23

(g) For the collection of garbage rubbish and recycling at a single-family dwelling within a residential unit upon completion of proof of primary account holder being considered Senior Citizens (65 and over) using only one 90-95 gallon cart per month……..$13.23

(2) Each single-family dwelling within a residential unit shall be charge separately as a residential unit.

(3) Charges for garbage, rubbish and recycling collection service at residential units will be billed to the person responsible for the water billing provided, however, that if the residential unit does not receive a monthly water bill, charges shall be billed to owner of residential unit unless other arrangements are made for the assumption of responsibility for said garbage and rubbish collection charges. Bills shall be rendered monthly.

(4) Bills for said service are due and payable on or before the fifteenth day of the month in which the same fall due. All accounts shall be considered delinquent if not paid by said date. All delinquent accounts are subject to stoppage of service twenty-five (25) days after the date of billing.

(5) The monthly rate charged for a first bill and a final bill will be prorated based on the number of days of service.

That Chapter 10, Section 5-Sub-Section E, Code of Ordinances, City of Elgin, Texas is hereby amended to read as follows, beginning with item (1):

(1) The charges for the collection of garbage and rubbish from commercial units located in the city using carts, bags, containers, bins, roll-offs compactors shall be levied upon the following basis:

(a) Commercial Hand Pickup Rates Per Month:

One cart, once a week frequency……$22.09
One cart, twice a week frequency……..……$34.34
Two cart, once a week frequency……..$34.34
Two cart, twice a week frequency……..$50.15

(b) Commercial Container Rates:

	Frequency/week				
	1	2	3	4	5
2 yd	73.81	138.42	200.45	264.87	328.96
3 yd	81.12	145.25	214.65	285.37	349.39
4 yd	97.47	163.62	253.93	335.42	414.33
6 yd	124.25	217.24	316.71	416.23	533.56
8 yd	142.53	257.71	388.43	497.16	627.23

(c) Roll-off Container Rates:

All roll-off units will be ordered through and paid to Allied Waste at the following

rates:
(i)Delivery fee for all sizes……$132.70
(ii)Daily rental fee for all sizes……..$4.19
(iii) 20 yard roll-off, per haul……...$416.01
(iv) 30 yard roll-off, per haul……...$445.21
(v) 40 yard roll-off, per haul……...$503.59
(vi)Double handle/false alarm……..…….….$132.70
(a)Double handle fee…… $31.21
(b)Overload fee……..$38.49 per ton over 10,000 tons per roll-off container

(d) Special services rates:
All special services will be ordered through and paid to Allied Waste at rates quoted by Allied Waste.

(2) Bills for said service are due and payable on or before the fifteenth day of the month in which the same fall due. All accounts shall be considered delinquent if not paid by said date. All delinquent accounts are subject to stoppage of service twenty-five (25) days after the date of billing.

(3) The monthly rate charged for a first bill will be pro-rated based on the number of days of service.

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

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

READ, PASSED, AND ADOPTED on this 3rd day of March, 2015. To become EFFECTIVE upon passage.

_____
MARC HOLM, Mayor
City of Elgin, Texas

ATTEST:

_____
Lucretia Alvarez, City Secretary

February 20, 2015

Mr. Kerry Lacy
City Manager
City of Elgin
310 North Main St.
Elgin, TX 78621

Re: Waste Services Annual Rate Adjustment

Dear Mr. Lacy,

As you know, our contract with the City of Elgin allows for annual Rate Adjustments. The full description for the Annual Rate Adjustment can be found in Clause 18.00 of the contract. This clause allows for a maximum of a 2% annual increase based on changes in the Consumer Price Index for Water and Sewer and Trash Collection Services and the Producer Price Index "Diesel" (Number 2 Diesel").

I have taken the CPI and PPI data for the Rate Adjustment Period and calculated the overall percentage increase on the attached spreadsheet.

To summarize:

The average value for the **CPI Water, Sewer and Trash** for the base year was 184.879 and the average for the change year was 201.509. This results in a difference of 8.99%. When this number is multiplied by 80%, the resulting number is an increase of 7.20%.

The average value for the **PPI Number 2 Diesel** for the base year was 319.833 and the average for the change year was 315.650. This results in a difference of -4.233%. When this number is multiplied by 20%, the resulting number is a decrease of .26%.

Thus, the total increase equals 6.93%. Since the contract has a 2% maximum annual cap, a full 2% will be applied to all city wide rates. I have attached a new rate sheet for your review.

Please review the tables and calculations and let me know if you have any questions or concerns.

Republic Services appreciates the patronage of the residents of the City of Elgin as well as the relationships that we have developed with residents and City Staff. We highly value your business partnership and look forward to a fantastic 2015.

Warm regards,

Gary A. Gauci
Municipal Services Manager

COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action adopting an Ordinance 2015-03-03-10 in accordance with, Chapter 46, Section 46-3 Elgin City Code of Ordinances for a zoning change request for Micah and Michelle Erwin for 414 East 8th Street for a specific use permit for three (3) years.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY: **Adopt Ordinance 2015-03-03-10 in accordance with, Chapter 46, Section 46-3 Elgin City Code of Ordinances for a zoning change for Micah and Michelle Erwin for 414 East 8th Street for a specific use permit for three (3) years.**

RECOMMENDATION(S): **Adopt Ordinance 2015-03-03-10 in accordance with, Chapter 46, Section 46-3 Elgin City Code of Ordinances for a zoning change for Micah and Michelle Erwin for 414 East 8th Street for a specific use permit for three (3) years.**

ATTACHMENT: **1-Ordinance**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE PROPERTY BEING LOT 3A, BLOCK H, IN THE GARRETT'S SECOND ADDITION, LOCATED AT 414 EAST 8TH STREET, CITY OF ELGIN, BASTROP COUNTY, TEXAS FROM R-2 RESIDENTIAL TO S-P FOR A SPECIFIC USE PERMIT FOR A MEADERY.

WHEREAS, an application has been made to the City Council of the City of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A", attached hereto and incorporated herein, from R-2 Residential, to S-P, Specific Use and

WHEREAS, the City Council has submitted the request change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 26th day of January, 2015, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed from R-2 Residential Zoning to S-P Specific Use, for (3) three years.

WHEREAS, on the 3rd day of February, 2015, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council has determined that substantial changes in conditions have occurred which justify the zoning classification change provided for herein, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, Section 46-3, City of Elgin, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

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

I.

That the Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit (A) is hereby changed from R-1 Residential Zoning, to C-3 Highway Commercial.

II.

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

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

READ, PASSED, and ADOPTED on first reading this the 3rd day of February, 2015.

_____
MARC HOLM, MAYOR

ATTEST:

_____
LUCRETIA ALVAREZ, CITY SECRETARY

EXHIBIT "A"

DEED
201311651
4 PGS

GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF THIRD PARTY
NOTICE OF CONFIDENTIALITY: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Loan Number: 052182201

THE STATE OF TEXAS §
§KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BASTROP §

THAT SEAN A. COOPER AND SHONNA K. COOPER (hereinafter called "GRANTORS" whether one or more), for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations cash in hand paid by MICHELLE NICOLE ERWIN AND MICAH ERWIN, WIFE AND HUSBAND whose address is 414 EAST 8TH STREET, ELGIN, TX 78621 (hereinafter called "GRANTEES" whether one or more), the receipt and sufficiency of which are hereby acknowledged and confessed, and the further consideration of the advancement and payment in cash of all or part of the purchase price hereof by Beneficiary at the special instance and request of Grantee under that certain note in the principal sum of TWO HUNDRED TWENTY- FIVE THOUSAND FORTY AND 00/100 ($225,040.00) payable to the order of SWBC MORTGAGE CORPORATION (hereinafter referred to as "BENEFICIARY") of even date herewith, said note bearing interest at the rate therein provided, principal and interest being due and payable in monthly installments as therein set out, and providing for attorney's fees and acceleration of maturity at the rate and in the events therein set forth, which note is secured by the Vendor's Lien herein reserved and is additionally secured by a Deed of Trust of even date herewith, executed by the Grantees herein to EDWARD KERSHNER, Trustee, reference to which is here made for all purposes; and in consideration of the payment of the sum above mentioned by the Beneficiary above mentioned, Grantors hereby transfer, set over, assign and convey unto said Beneficiary and assigns, the Vendor's Lien and Superior Title herein retained and reserved against the property and premises herein conveyed, in the same manner and to the same extent as if said note had been executed in Grantors' favor and by said Grantors assigned to the Beneficiary without recourse; have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto the said Grantees herein, the following described property, together with all improvements thereon, to-wit:

SEE EXHIBIT 'A' ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

Unofficial Document

BAC 133544ER

Unofficial Document

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in any wise belonging, unto the said Grantees, their heirs and assigns forever. And Grantors do hereby bind themselves, their heirs, executors and administrators, to warrant and forever defend all and singular, the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Taxes for the current year have been prorated and are assumed by Grantee. This conveyance is made and accepted subject to any and all validly existing restrictions, mineral reservations and interests, conditions, covenants, easements, and rights of way, if any, applicable to and enforceable against the above described property as now reflected by the records of the County Clerk in said County and State and to any applicable zoning laws or ordinances.

But it is expressly agreed and stipulated that the Vendor's Lien and the Superior Title are retained and reserved in favor of the payee in said note against the above described property, premises and improvements, until said note, and all interest thereon is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

When this deed is executed by one person, or when the Grantee is one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "Successors and assigns".

Unofficial Document

Dated this the 30th day of August, 2013.

Sean A. Cooper Date: 8/30/13
SEAN A. COOPER

Shonna K. Cooper Date: 8/30/13
SHONNA K. COOPER

THE STATE OF TEXAS

COUNTY OF Bastrop

This instrument was acknowledged before me on August 30, 2013, by Sean A. Cooper and Shonna K. Cooper

WILLIAM E. RIVERS
Notary Public, State of Texas
My Commission Expires
MARCH 28, 2017

Notary Public, State of

THE STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on _____, by _____ of _____ on behalf of said corporation.

Notary Public, State of

RETURN TO:

MICHELLE NICOLE ERWIN
414 EAST 8TH STREET, ELGIN, TX 78621

UNOFFICIAL DOCUMENT

PROFESSIONAL
LAND SURVEYORS

1515 Chestnut Street (512) 303-0952
Bastrop, Texas 78621 Fax: (512) 332-0961

METES AND BOUNDS DESCRIPTION

0.302 ACRE OF LAND BEING A PORTION OF LOT 3, BLOCK H, GARRETTS 2ND ADDITION, CITY OF ELGIN, BASTROP COUNTY, TEXAS PER PLAT RECORDED IN VOLUME 45, PAGE 618, DEED RECORDS OF BASTROP COUNTY AND CABINET 1, PAGE 100B, PLAT RECORDS OF BASTROP COUNTY, SAME BEING THAT TRACT CONVEYED AS 0.302 ACRE TO SEAN A. COOPER AND SHONNA K. COOPER PER VOLUME 1744, PAGE 337, OFFICIAL RECORDS OF BASTROP COUNTY AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS PER SURVEY SUPERVISED BY C. RICHARD RALPH, R.P.L.S. NO. 4758 DURING AUGUST, 2013:

BEGINNING, at an iron rod found for the northwest corner hereof, the common north corner of Lots 3 and 4 of said Block H, the common north corner of said 0.302 acre and Lot 4A, Muery Subdivision per Cabinet 2, Page 24B of said Plat Records and a point on the south right-of-way line of North Avenue H (70' R.O.W.);

THENCE S 60°00'00" E, 179.37 feet to an iron rod found for the northeast corner hereof, of said Lot 3 and said Block H and the intersection of the south line of said North Avenue H with the west right-of-way line of East 8th Street (60' R.O.W.);

THENCE S 30°00'00" W, 73.33 feet along the north line of said East 8th Street to an iron rod found for the southeast corner hereof and the common east corner of said 0.302 acre and that tract conveyed as 0.289 acre to Mickey Concienne and Jeniffer Concienne per Volume 1471, Page 489 of said Official Records;

THENCE N 60°00'00" W, 179.37 feet to an iron rod found for the southwest corner hereof, the common west corner of said 0.302 acre and said 0.289 acre, a point on the common line of said Lots 3 and 4 and a point on the east line of said Lot 4A;

THENCE N 30°00'00" E, 73.33 feet along the west line of said 0.302 acre, the common line of said Lots 3 and 4 and the east line of said Lot 4A to the POINT OF BEGINNING, containing 0.302 acre of land, more or less and shown on the survey map prepared herewith.

Surveyed by:

C. Richard Ralph
Registered Professional Land Surveyor No. 4758
Project No. 9912517.1 – 13/33;F

STATE OF TEXAS REGISTERED C. RICHARD RALPH 4758 PROFESSIONAL LAND SURVEYOR

August 21, 2013

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Rose Pietsch

September 03, 2013 03:57:00 PM
KRISTAB FEE: $28.00 BOOK:2261 PAGE:249-252
ROSE PIETSCH, County Clerk
Bastrop, Texas
201311651

EXHIBIT "A"

DEED

State of Texas Registered Professional Land Surveyors

COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action adopting an Ordinance 2015-03-03-11 in accordance with, Chapter 46, Section 46-3, Elgin City Code of Ordinances for a zoning change for Roseanne Cullen for property located at 515 North Highway 95 from C-3 commercial to R-1 residential.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY: **Adopt Ordinance 2015-03-03-11 in accordance with, Chapter 46, Section 46-3, Elgin City Code of Ordinances for a zoning change for Roseanne Cullen for her property located at 515 North Highway 95 from C-3 commercial to R-1 residential.**

RECOMMENDATION(S): **Adopt Ordinance 2015-03-03-11 in accordance with, Chapter 46, Section 46-3, Elgin City Code of Ordinances for a zoning change for Roseanne Cullen for her property located at 515 North Highway 95 from C-3 commercial to R-1 residential.**

ATTACHMENT: **1-Ordinance**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE PROPERTY BEING IN THE THOMAS CHRISTIAN A20 SURVEY, 1.4810 ACRES, LOCATED AT 515 NORTH STATE HIGHWAY 95, CITY OF ELGIN, BASTROP COUNTY, TEXAS FROM C-3 HIGHWAY COMMERCIAL TO R-1 RESIDENTIAL.

WHEREAS, an application has been made to the City Council of the City of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A", attached hereto and incorporated herein, from C-3 Highway Commercial to R-1 Residential, and

WHEREAS, the City Council has submitted the request change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 26th day of January, 2015, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed from C-3 Highway Commercial to R-1 Residential Zoning.

WHEREAS, on the 3rd day of February, 2015, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council has determined that substantial changes in conditions have occurred which justify the zoning classification change provided for herein, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, Section 46-3, City of Elgin, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

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

I.

That the Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit (A) is hereby changed from R-1 Residential Zoning, to C-3 Highway Commercial.

II.

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

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

READ, PASSED, and ADOPTED on first reading this the 3rd day of February, 2015.

_____
MARC HOLM, MAYOR

ATTEST:

_____
LUCRETIA ALVAREZ, CITY SECRETARY

PROFESSIONAL
LAND SURVEYORS

EXHIBIT A

1003 Jefferson Street
Bastrop, Texas 78602
(512) 303-0952
Fax: (512) 332-0981

CORRECT
LEGAL DESCRIPTION

1.481 ACRES OF LAND OUT OF THE THOMAS CHRISTIAN SURVEY, ABSTRACT NO. 20 IN THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, COMPRISED OF THAT TRACT CONVEYED AS 1.481 ACRES TO VERONICA P. REUSCHLE BY DEED RECORDED IN VOLUME 744, PAGE 375, OFFICIAL RECORDS OF BASTROP COUNTY AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF C. RICHARD RALPH, REGISTERED PROFESSIONAL LAND SURVEYOR DURING MARCH, 2000:

BEGINNING at an iron rod found for the north corner hereof, the west or southwest corner of that tract conveyed as 1.473 acres to David S. Graham and L. Gayle Graham by deed recorded in Volume 690, Page 673 of said Official Records and a point on the east or southeast right-of-way line of State Highway No. 95;

THENCE S 61°10'48" E, 206.31 feet along the common line of said Reuschle and said Graham tracts to an iron rod set for the east corner hereof and the common north corner of said Reuschle tract and that tract conveyed as 7.643 acres, Tract I to Stephen B. Wilde, Trustee by deed recorded in Volume 648, Page 146 of said Official Records;

THENCE S 43°48'28" W, 324.43 feet to an iron rod found for the south corner hereof, the common south corner of said Reuschle and said Wilde tract and a point on the northerly line of that tract conveyed as 3.125 acres, Tract II to same said Wilde by same said Deed;

THENCE N 61°20'45" W, 205.10 feet to an iron pipe found for the west corner hereof, the common west corner of said Reuschle tract and said 3.125 acres and a point on the east or southeast line of said State Highway No. 95;

THENCE N 43°34'25" E, 324.69 feet along said line of State Highway No. 95 to the POINT OF BEGINNING, containing 1.481 acres of land, more or less and shown on the survey map prepared herewith.

COUNTY CLERK'S MEMO
PORTIONS OF THIS
DOCUMENT NOT
REPRODUCIBLE
WHEN RECORDED

Surveyed by:

C. Richard Ralph
Registered Professional Land Surveyor No. 4758

March 27, 2000

Project No. 0012106 – 16/55

FILED AND RECORDED

2000 SEP 26 04:15 PM 200013534
Shirley Wilhelm
COUNTY CLERK
BASTROP COUNTY, TEXAS
By KB

Unofficial Document

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Rose Pietsch

December 15, 2014 11:41:09 AM
MARYC FEE: $24.00
ROSE PIETSCH, County Clerk
Bastrop, Texas
201415410

DEED

Unofficial Document

Surety

DEED
201415410
4 PGS

WARRANTY DEED

STATE OF TEXAS

COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS THAT:

I, **LEON MCMORROW**, of **TRAVIS COUNTY, TEXAS**, hereinafter referred to as "Grantor," with the full and free consent of **ROSEANNE CULLEN**, of **TRAVIS COUNTY, TEXAS**, co-owner of the said property, which consent is expressed through her signature below, in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) to Grantor in hand paid by **KIERAN CULLEN MCMORROW**, of **TRAVIS COUNTY, TEXAS,** hereinafter referred to as "Grantee," whose mailing address is **2606 Briarcrest Drive, Austin, Texas 78704**, the receipt and sufficiency of which are hereby acknowledged and confessed, have Granted, Sold and Conveyed, and by these presents do Grant, Sell, Convey and Warrant unto the said Grantee all my interest in and right and title to my share of that certain tract or parcel of land located in **BASTROP COUNTY, TEXAS,** described as follows:

> **1.481 ACRES OF LAND, MORE OR LESS, OUT OF THE THOMAS CHRISTIAN SURVEY, ABSTRACT NO. 20, BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED THEREIN BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PERTINENT PURPOSES**

TO HAVE AND TO HOLD the said real property, together with all and singular the rights and appurtenances thereunto in anywise belonging unto said Grantee, his assigns and heirs forever, and Grantor does hereby bind himself, his heirs, executors and administrators, to WARRANT and FOREVER DEFEND all and singular the said premises unto said Grantee, and his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except for taxes for the current year which are prorated as of the date hereof and assumed by the Grantee herein.

Unofficial Document

THIS CONVEYANCE is intended to make Roseanne Cullen and Kieran Cullen McMorrow sole co-owners, as tenants in common, of the above-described property.

THIS CONVEYANCE is made and accepted subject to any and all restrictions, covenants, conditions, agreements, assessments, maintenance charges, leases, easements, and previously conveyed or reserved mineral and royalty interests, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations, and ordinances of municipal and/or governmental authorities, if any, but only to the extent they are still in effect relating to the hereinabove described property.

EXECUTED on this the **12th day of DECEMBER, 2014**

GRANTOR:

LEON MCMORROW

CO-OWNER:

ROSEANNE CULLEN

GRANTEE :
Name & Address: KIERAN CULLEN MCMORROW
2606 Briarcrest Dr., AUSTIN, TX 78704

STATE OF **TEXAS**
COUNTY OF **TRAVIS**

AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared LEON MCMORROW and ROSEANNE CULLEN known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.
This instrument was acknowledged before me on the **12th** day of **DECEMBER, 2014** by LEON MCMORROW and ROSEANNE CULLEN.

Jennifer B. Flores

Notary Public in and for the State of Texas

JENNIFER B. FLORES
MY COMMISSION EXPIRES
October 8, 2016

My commission expires: Oct. 8, 2016

Unofficial Document

COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action after the public hearing to determine whether the property located at 423 West Brenham, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-12 to order the demolition of the property.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY: **Following the written request from the building official, the city council, shall by ordinance, call a public hearing to determine whether or not conditions exist for an unsafe structure. On February 3, 2015 council approved Ordinance 2015-02-03-06 for this public hearing.**

RECOMMENDATION(S): **Council to determine whether the property located at 423 West Brenham, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-12 to order the demolition of the property.**

ATTACHMENT: **1-Ordinance 2015-03-03-12**

ORDINANCE NO. 2015-03-03-12

AN ORDINANCE MAKING FINDINGS OF FACT; FINDING A STRUCTURE OR BUILDING TO BE DILAPIDATED, SUBSTANDARD, UNSAFE, AND UNFIT FOR HUMAN HABITATION; FINDING THE STRUCTURE TO BE A PUBLIC NUISANCE AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY; ORDERING THE NUISANCE TO BE ABATED; ORDERING THAT THE PROPERTY BE DEMOLISHED; AND MAKING OTHER PROVISIONS.

WHEREAS, this public hearing concerns a structure located at Elgin City, Div. 10, Lot 7A, locally known as: 423 West Brenham St., Elgin, Texas 78621 (the "Property");

WHEREAS, the City conducted an investigation and administratively determined that the structure located upon the Property was unsafe and in violation of the City's unsafe building abatement ordinances;

WHEREAS, the Record Owners of the Property, who have been identified as Maria Antonia Galvez and Romario Zalazar, were provided written notice and thereby ordered to repair or demolish the structure said actions to commence within thirty (30) days of said written notice; however, the Record Owners failed to repair or demolish the structure located upon the Property;

WHEREAS, a public hearing concerning the Property was called in accordance with the City Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances and §214.001, et. seq., of the Texas Local Government Code;

WHEREAS, written notice of a public hearing to be held on March 3, 2015, was provided by certified mail, return receipt requested and regular U.S. mail to the Record Owners and other parties with an ownership interest in the Property, to the extent such interests could be ascertained and notice was posted on the Property;

WHEREAS, on March 3, 2015, at 7:00 P.M., a public hearing was held at 310 North Main Street, Elgin, Texas 78621 to determine if the Property is dilapidated, substandard, unsafe, and unfit for human habitation and whether the Property constitutes a hazard to the public safety and health, and should be declared a public nuisance;

WHEREAS, the City employs qualified professionals to perform an examination, inspection and investigation of the structure(s) and the electrical wiring, gas, mechanical, and plumbing systems of the Property;

WHEREAS, the City Council during the public hearing received a report concerning the existing condition of the Property from the Building Official and heard testimony regarding the deteriorated condition of the Property;

WHEREAS, despite being provided more than 60 days from the first notices, the Record Owner(s) of the Property have failed to take action to effectuate the repairs or demolition necessary to comply with the City's Building Codes and applicable City ordinances;

WHEREAS, copies of the reports and findings made by the City's Building Official was introduced and considered and testimony was heard at the public hearing, which reports show that the conditions which make the above-identified structure unsafe, dangerous, dilapidated, and substandard in violation of Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70);

WHEREAS, the City Council finds it necessary to consider and act upon the Property Owner's noncompliance with Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70), to make findings of fact and to order the Property Owner to take certain actions with respect to the Property, and to take further action, in order to protect the public health, safety, and welfare;

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

SECTION 1. The City Council finds all of the above recitals to be true and correct and are incorporated into this ordinance as findings of fact.

SECTION 2. The City Council hereby declares and finds that the Property and the structures and buildings located upon the real property described as follows: **Elgin City, Div. 10, Lot 7A, locally known as: 423 West Brenham St., Elgin, Bastrop County, Texas 78621,** to be a public nuisance and to be in violation of the City of Elgin Code of Ordinances pursuant to Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70) and Section 214.001, et. seq. Texas Local Government Code.

SECTION 3. It is hereby found and determined that the Property and the structures and buildings located on the Property described in Section 2 hereinabove are dilapidated, substandard, unsafe, and unfit for human habitation and are a hazard and danger to the public health, safety, and welfare.

SECTION 4. In accordance with Article III, Chapter 6, Section 6-68 of the City of Elgin Code of Ordinances and Section 214.001, et. seq., of the Texas Local Government Code, the City Council for the City of Elgin hereby orders and directs the structures and buildings located in and upon the Property be demolished at the Owner's expense no earlier than 30 calendar days after the date a copy of this Ordinance is either personally delivered, mailed by first class mail with certified return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to the Record Owners of the Property and any other persons identified as set forth in Section 7 of this Ordinance.

SECTION 5. For the costs incurred by the City in demolishing any buildings or structures located upon the Property, the City Council for the City of Elgin hereby orders and directs that expenses of demolition and abatement be assessed upon the Property. The assessment of the reasonable expenses incurred shall be determined by the Building Official, and City Council directs and orders that a notice claiming a lien for costs incurred by the City shall be placed on the Property and be recorded in the real property records of Bastrop County in accordance with Article III, Chapter 6, Section 6-70 of the Elgin Code of Ordinances.

SECTION 6. Within ten (10) days of the date of this Ordinance, the Building Official is required to publish in a newspaper of general circulation in the City a notice containing: (1) the street address and legal description of the Property; (2) the date of the hearing; (3) a brief statement indicating the results of the order; and (4) instructions stating where a complete copy of the order may be obtained.

SECTION 7. As required in Section 214.001 of the Texas Local Government Code, the Record Owners, any mortgagee and lienholder, or registered agent for the Property described in this Ordinance, to the extent they can be reasonably found and located by examining the Bastrop County and Elgin tax records, Bastrop County Appraisal District records, records of the Texas Secretary of State, Bastrop County assumed name records, Elgin Utility records, and the real property records of Bastrop County to determine the owners and any mortgagors

and lienholders with interests in Property, shall be given notice of this Ordinance, and each of them shall also be provided with a written copy of this Ordinance by certified mail, return receipt requested.

SECTION 8. The City Secretary is further directed to prepare or cause to be prepared and to file a certified copy of this Ordinance in the real property records of Bastrop County, Texas.

PASSED AND APPROVED on this ____ day of _____, 2015.

THE CITY OF ELGIN

_____
Marc Holm, Mayor

Attest:

_____
Lucretia Alvarez, City Secretary

COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action after the public hearing to determine whether the property located at 111-113 Reyna Street, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-13 to order the demolition of the property.

RESOURCE PERSON(S): **Gary Cooke, Planning and Development Director**

SUMMARY: **Following the written request from the building official, the city council, shall by ordinance, call a public hearing to determine whether or not conditions exist for an unsafe structure. On February 3, 2015 council approved Ordinance 2015-02-03-07 for this public hearing.**

RECOMMENDATION(S): **Council to take action after the public hearing to determine whether the property located at 111-113 Reyna Street, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-13 to order the demolition of the property.**

ATTACHMENT: **1-Ordinance 2015-03-03-13**

ORDINANCE NO. 2015-03-03-13

AN ORDINANCE MAKING FINDINGS OF FACT; FINDING A STRUCTURE OR BUILDING TO BE DILAPIDATED, SUBSTANDARD, UNSAFE, AND UNFIT FOR HUMAN HABITATION; FINDING THE STRUCTURE TO BE A PUBLIC NUISANCE AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY; ORDERING THE NUISANCE TO BE ABATED; ORDERING THAT THE PROPERTY BE DEMOLISHED; AND MAKING OTHER PROVISIONS.

WHEREAS, this public hearing concerns a structure located at J.S. Smith, Lot 49, locally known as: 113 Reyna, Elgin, Texas 78621 (the "Property");

WHEREAS, the City conducted an investigation and administratively determined that the structure located upon the Property was unsafe and in violation of the City's unsafe building abatement ordinances;

WHEREAS, the Record Owner of the Property, who has been identified as Jose A. Navejas, was provided written notice and thereby ordered to repair or demolish the structure said actions to commence within thirty (30) days of said written notice; however, the Record Owner failed to repair or demolish the structure located upon the Property;

WHEREAS, a public hearing concerning the Property was called in accordance with the City Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances and §214.001, et. seq., of the Texas Local Government Code;

WHEREAS, written notice of a public hearing to be held on March 3, 2015, was provided by certified mail, return receipt requested and regular U.S. mail to the Record Owner and other parties with an ownership interest in the Property, to the extent such interests could be ascertained and notice was posted on the Property;

WHEREAS, on March 3, 2015, at 7:00 P.M., a public hearing was held at 310 North Main Street, Elgin, Texas 78621 to determine if the Property is dilapidated, substandard, unsafe, and unfit for human habitation and whether the Property constitutes a hazard to the public safety and health, and should be declared a public nuisance;

WHEREAS, the City employs qualified professionals to perform an examination, inspection and investigation of the structure(s) and the electrical wiring, gas, mechanical, and plumbing systems of the Property;

WHEREAS, the City Council during the public hearing received a report concerning the existing condition of the Property from the Building Official and heard testimony regarding the deteriorated condition of the Property;

WHEREAS, despite being provided more than 60 days from the first notices, the Record Owner(s) of the Property has failed to take action to effectuate the repairs or demolition necessary to comply with the City's Building Codes and applicable City ordinances;

WHEREAS, copies of the reports and findings made by the City's Building Official was introduced and considered and testimony was heard at the public hearing, which reports show that the conditions which make the above-identified structure unsafe, dangerous, dilapidated, and substandard in violation of Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70);

WHEREAS, the City Council finds it necessary to consider and act upon the Property Owner's noncompliance with Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70), to make findings of fact and to order the Property Owner to take certain actions with respect to the Property, and to take further action, in order to protect the public health, safety, and welfare;

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

SECTION 1. The City Council finds all of the above recitals to be true and correct and are incorporated into this ordinance as findings of fact.

SECTION 2. The City Council hereby declares and finds that the Property and the structures and buildings located upon the real property described as follows: **J.S. Smith, Lot 49, locally known as 113 Reyna, Elgin, Bastrop County, Texas 78621,** to be a public nuisance and to be in violation of the City of Elgin Code of Ordinances pursuant to Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70) and Section 214.001, et. seq. Texas Local Government Code.

SECTION 3. It is hereby found and determined that the Property and the structures and buildings located on the Property described in Section 2 hereinabove are dilapidated, substandard, unsafe, and unfit for human habitation and are a hazard and danger to the public health, safety, and welfare.

SECTION 4. In accordance with Article III, Chapter 6, Section 6-68 of the City of Elgin Code of Ordinances and Section 214.001, et. seq., of the Texas Local Government Code, the City Council for the City of Elgin hereby orders and directs the structures and buildings located in and upon the Property be demolished at the Owner's expense no earlier than 30 calendar days after the date a copy of this Ordinance is either personally delivered, mailed by first class mail with certified return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to the Record Owner of the Property and any other persons identified as set forth in Section 7 of this Ordinance.

SECTION 5. For the costs incurred by the City in demolishing any buildings or structures located upon the Property, the City Council for the City of Elgin hereby orders and directs that expenses of demolition and abatement be assessed upon the Property. The assessment of the reasonable expenses incurred shall be determined by the Building Official, and City Council directs and orders that a notice claiming a lien for costs incurred by the City shall be placed on the Property and be recorded in the real property records of Bastrop County in accordance with Article III, Chapter 6, Section 6-70 of the Elgin Code of Ordinances.

SECTION 6. Within ten (10) days of the date of this Ordinance, the Building Official is required to publish in a newspaper of general circulation in the City a notice containing: (1) the street address and legal description of the Property; (2) the date of the hearing; (3) a brief statement indicating the results of the order; and (4) instructions stating where a complete copy of the order may be obtained.

SECTION 7. As required in Section 214.001 of the Texas Local Government Code, the Record Owner, any mortgagee and lienholder, or registered agent for the Property described in this Ordinance, to the extent they can be reasonably found and located by examining the Bastrop County and Elgin tax records, Bastrop County Appraisal District records, records of the Texas Secretary of State, Bastrop County assumed name records, Elgin Utility records, and the real property records of Bastrop County to determine the owners and any mortgagors and

lienholders with interests in Property, shall be given notice of this Ordinance, and each of them shall also be provided with a written copy of this Ordinance by certified mail, return receipt requested.

SECTION 8. The City Secretary is further directed to prepare or cause to be prepared and to file a certified copy of this Ordinance in the real property records of Bastrop County, Texas.

PASSED AND APPROVED on this ____ day of _____, 2015.

THE CITY OF ELGIN

_____
Marc Holm, Mayor

Attest:

_____
Lucretia Alvarez, City Secretary

COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action after the public hearing to determine whether the property located at 602 Alley A, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-14 to order the demolition of the property.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY: **Following the written request from the building official, the city council, shall by ordinance, call a public hearing to determine whether or not conditions exist for an unsafe structure. On February 3, 2015 council approved Ordinance 2015-02-03-08 for this public hearing.**

RECOMMENDATION(S): **Council to take action after the public hearing to determine whether the property located at 602 Alley A, Elgin, Texas 78621 is an unsafe building and a public nuisance in violation of the City's Code of Ordinances and to consider approval and adoption of an Ordinance 2015-03-03-14 to order the demolition of the property.**

ATTACHMENT: **1-Ordinance 2015-03-03-14**

ORDINANCE NO. 2015-03-03-14

AN ORDINANCE MAKING FINDINGS OF FACT; FINDING A STRUCTURE OR BUILDING TO BE DILAPIDATED, SUBSTANDARD, UNSAFE, AND UNFIT FOR HUMAN HABITATION; FINDING THE STRUCTURE TO BE A PUBLIC NUISANCE AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY; ORDERING THE NUISANCE TO BE ABATED; ORDERING THAT THE PROPERTY BE DEMOLISHED; AND MAKING OTHER PROVISIONS.

WHEREAS, this public hearing concerns a structure located at Elgin City, Block 12, Lot 1, locally known as: 602 Alley A, Elgin, Texas 78621 (the "Property");

WHEREAS, the City conducted an investigation and administratively determined that the structure located upon the Property was unsafe and in violation of the City's unsafe building abatement ordinances;

WHEREAS, the Record Owner of the Property, who has been identified as Easter V. Hunter Haywood, was provided written notice and thereby ordered to repair or demolish the structure said actions to commence within thirty (30) days of said written notice; however, the Record Owner failed to repair or demolish the structure located upon the Property;

WHEREAS, a public hearing concerning the Property was called in accordance with the City Article III, Chapter 6, Section 6-68(a) of the City of Elgin Code of Ordinances and §214.001, et. seq., of the Texas Local Government Code;

WHEREAS, written notice of a public hearing to be held on March 3, 2015, was provided by certified mail, return receipt requested and regular U.S. mail to the Record Owner and other parties with an ownership interest in the Property, to the extent such interests could be ascertained and notice was posted on the Property;

WHEREAS, on March 3, 2015, at 7:00 P.M., a public hearing was held at 310 North Main Street, Elgin, Texas 78621 to determine if the Property is dilapidated, substandard, unsafe, and unfit for human habitation and whether the Property constitutes a hazard to the public safety and health, and should be declared a public nuisance;

WHEREAS, the City employs qualified professionals to perform an examination, inspection and investigation of the structure(s) and the electrical wiring, gas, mechanical, and plumbing systems of the Property;

WHEREAS, the City Council during the public hearing received a report concerning the existing condition of the Property from the Building Official and heard testimony regarding the deteriorated condition of the Property;

WHEREAS, despite being provided more than 60 days from the first notices, the Record Owner(s) of the Property has failed to take action to effectuate the repairs or demolition necessary to comply with the City's Building Codes and applicable City ordinances;

WHEREAS, copies of the reports and findings made by the City's Building Official was introduced and considered and testimony was heard at the public hearing, which reports show that the conditions which make the above-identified structure unsafe, dangerous, dilapidated, and substandard in violation of Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70);

WHEREAS, the City Council finds it necessary to consider and act upon the Property Owner's noncompliance with Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70), to make findings of fact and to order the Property Owner to take certain actions with respect to the Property, and to take further action, in order to protect the public health, safety, and welfare;

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

SECTION 1. The City Council finds all of the above recitals to be true and correct and are incorporated into this ordinance as findings of fact.

SECTION 2. The City Council hereby declares and finds that the Property and the structures and buildings located upon the real property described as follows: **Elgin City, Block 12, Lot 1, locally known as 602 Alley A, Elgin, Bastrop County, Texas 78621,** to be a public nuisance and to be in violation of the City of Elgin Code of Ordinances pursuant to Elgin Code of Ordinances, Chapter 6 (Buildings and Building Regulations), Article III, Section 6 (56-70) and Section 214.001, et. seq. Texas Local Government Code.

SECTION 3. It is hereby found and determined that the Property and the structures and buildings located on the Property described in Section 2 hereinabove are dilapidated, substandard, unsafe, and unfit for human habitation and are a hazard and danger to the public health, safety, and welfare.

SECTION 4. In accordance with Article III, Chapter 6, Section 6-68 of the City of Elgin Code of Ordinances and Section 214.001, et. seq., of the Texas Local Government Code, the City Council for the City of Elgin hereby orders and directs the structures and buildings located in and upon the Property be demolished at the Owner's expense no earlier than 30 calendar days after the date a copy of this Ordinance is either personally delivered, mailed by first class mail with certified return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to the Record Owner of the Property and any other persons identified as set forth in Section 7 of this Ordinance.

SECTION 5. For the costs incurred by the City in demolishing any buildings or structures located upon the Property, the City Council for the City of Elgin hereby orders and directs that expenses of demolition and abatement be assessed upon the Property. The assessment of the reasonable expenses incurred shall be determined by the Building Official, and City Council directs and orders that a notice claiming a lien for costs incurred by the City shall be placed on the Property and be recorded in the real property records of Bastrop County in accordance with Article III, Chapter 6, Section 6-70 of the Elgin Code of Ordinances.

SECTION 6. Within ten (10) days of the date of this Ordinance, the Building Official is required to publish in a newspaper of general circulation in the City a notice containing: (1) the street address and legal description of the Property; (2) the date of the hearing; (3) a brief statement indicating the results of the order; and (4) instructions stating where a complete copy of the order may be obtained.

SECTION 7. As required in Section 214.001 of the Texas Local Government Code, the Record Owner, any mortgagee and lienholder, or registered agent for the Property described in this Ordinance, to the extent they can be reasonably found and located by examining the Bastrop County and Elgin tax records, Bastrop County Appraisal District records, records of the Texas Secretary of State, Bastrop County assumed name records, Elgin Utility records, and the real property records of Bastrop County to determine the owners and any mortgagors and

lienholders with interests in Property, shall be given notice of this Ordinance, and each of them shall also be provided with a written copy of this Ordinance by certified mail, return receipt requested.

SECTION 8. The City Secretary is further directed to prepare or cause to be prepared and to file a certified copy of this Ordinance in the real property records of Bastrop County, Texas.

PASSED AND APPROVED on this ____ day of _____, 2015.

THE CITY OF ELGIN

_____
Marc Holm, Mayor

Attest:

_____
Lucretia Alvarez, City Secretary

COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action to consider adopting an Ordinance 2015-03-03-15 for a proposed zoning change request from William E. Rivers for his property located at 121 Anderson Drive from R-1 residential to C-3 commercial.

RESOURCE PERSON(S): **Gary N. Cooke, Planning and Development Director**

SUMMARY: **Zoning change request from William E. Rivers for his property located at 121 Anderson Drive from R-1 residential to C-3 commercial.**

RECOMMENDATION(S): **Planning and Zoning Commission recommends the approval for the zoning change request from William E. Rivers for his property located at 121 Anderson Drive from R-1 residential to C-3 commercial. Adopt an ordinance 2015-03-03-15 in accordance with Chapter 46, Section 46-3, Elgin City Code of Ordinances.**

ATTACHMENT:

1-agenda
2-minutes
3-Letter of request, 200 ft letter, map, address list
4-rivers ordinance

AGENDA
ELGIN PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MONDAY, FEBRUARY 23, 2015, 6:30 P.M.
CITY ANNEX COUNCIL CHAMBERS,
310 NORTH MAIN STREET

CALL TO ORDER

PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, Speaker comments are limited to three (3) minutes. No formal action can be taken on items not posted on the agenda. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Commission Member, member of Staff, other individual or group.

CONSENT

1. Approval of minutes January 26, 2015

UNFINISHED BUSINESS

NEW BUSINESS

1. REVIEW AND MAKE POSSIBLE RECOMMENDATION TO THE ELGIN CITY COUNCIL FOR A ZONING CHANGE REQUEST FILED BY WILLIAM E. RIVERS FOR HIS PROPERTY LOCATED AT 121 ANDERSON DRIVE, LOT 1, BLOCK 2, IN THE JACK ANDERSON ADDITION, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE ZONING FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL FOR OFFICE SPACE.

2. REVIEW AND TAKE ACTION ON A CONCEPTUAL PLAN REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY.

3. REVIEW AND TAKE ACTION ON A PRELIMINARY PLAT REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY.

EXECUTIVE SESSION

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

RECONVENE

The board returns to open session for possible discussion and action as a result of the Executive Session.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

I, Gary N. Cooke, Director Planning & Development for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before the 9th of February, 2015 before 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code. The Elgin City Council will hold a public hearing on item 1 in the City Council Chambers, Elgin City Hall Annex, 310 N. Main Street, Elgin, Texas on
March 3, 2015.

Gary N. Cooke

Gary N. Cooke, Director Planning & Development

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide forty-eight hours notice when feasible.

Para informacion en espanol favor de llamar 512-281-0119. Servicios de traduccion disponible en la reunion.

MINUTES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING- REGULAR- SPECIAL MEETING
MONDAY FEBRUARY 23, 2015 - 6:30 PM

1. **CALL TO ORDER:** 6:30pm

ABSENT: Geno Chavarria

GUEST: Ed Rivers, Robert Torian, Johnny Raschke, Cody Mauck, Lynn Cottle

2. MINUTES: Joe Cottle made a motion to approve the January 26, 2015 minutes, Scott Mackay seconds, motion passed unanimously.

3. REVIEW AND MAKE POSSIBLE RECOMMENDATION TO THE ELGIN CITY COUNCIL FOR A ZONING CHANGE REQUEST FILED BY WILLIAM E. RIVERS FOR HIS PROPERTY LOCATED AT 121 ANDERSON DRIVE ,LOT 1, BLOCK 2, IN THE JACK ANDERSON ADDITION , CITY OF ELGIN, BASTROP COUNTY, TEXAS TO CHANGE THE PROPERTY FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL. Gary N. Cooke addressed the Commission stating this property is on the frontage of Hwy 95 and according to the comprehensive plan all frontage property should be zoned commercial in the future. The property would have to meet all parking and landscape requirements. Johnny Raschke asked if it would include his property as commercial, the commission assured him that it only involves this property and his zoning would remain residential until he changes it. He has no issues. Robert Torian requested that the commission consider a more restrictive zoning like C-2, otherwise he had no objections. Cody Mauck had no objections. Joe Cottle thought that the zoning should be C-2 and after a short discussion he decide to make a motion to recommend to City Council to approve the zoning change from R-1 residential to C-3 commercial, Dorothy McCarther seconds, motion passed unanimously.

4. REVIEW AND TAKE ACTION ON A CONCEPTUAL PLAN REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY. Withdrawn

5. REVIEW AND TAKE ACTION ON A CONCEPTUAL PLAN REQUEST SUBMITTED BY SCOTT WAY FOR THE PROPERTY LOCATED IN THE MARY CHRISTIAN BURLESON HOMESTEAD SUBDIVISION AND BEING APPROXIMATELY 24 ACRE TRACT, CITY OF ELGIN, BASTROP COUNTY, TEXAS TO BE KNOWN AS ELGIN AGRARIAN COMMUNITY. Withdrawn

6. ANNOUCEMENTS: Next meeting March 30, 2015, possibly have the concept and preliminary plat for Scott Way, Saratoga Farms and Elgin Business Park.

7. ADJOURN:

January 30, 2015

Gary N. Cooke
City of Elgin
Director of Planning
and Development

Gary,

I am the owner of the property located at 121 Anderson Drive, Elgin, Texas. The legal description of the real property is Lot 1, Block 2, Jack Anderson Addition to the City of Elgin, Texas, Bastrop County, Texas, according to the plat recorded in Plat Cabinet No. 1, Page 31A, Plat Records of Bastrop County, Texas.

By copy of this letter i am requesting a zoning change from the current R-1 Residential to C-3 Commercial. The purpose of my request is to convert the property for use as office spaces.

I have enclosed a copy of the vesting deed, a copy of the survey of the property and a copy of a Statement of Account from the Bastrop County Tax Collector's office which shows that the property taxes are paid current. Also enclosed is a check in the amount of $350.00.

Sincerely,

William E. Rivers

P.O. Box 1124
229 Hickory Drive
Elgin, Texas
(512) 281-2463

February 4, 2015

NOTICE OF A ZONING CHANGE REQUEST

A REQUEST HAS BEEN SUBMITTED BY WILLIAM E. RIVERS FOR A ZONING CHANGE FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL FOR THE PROPERTY LOCATED AT 121 ANDERSON DRIVE, BLOCK 2, LOT 1, IN THE JACK ANDERSON ADDITION, CITY OF ELGIN, BASTROP COUNTY, TEXAS, FOR USE AS OFFICE SPACE.

Notice is hereby given of a regular/special public hearing to be held in the City Council Chambers at the Elgin City Hall Annex, 310 N. Main St. in the City of Elgin, Texas on February 23, 2015 at 6:30 p.m. by the Planning and Zoning Commission.

You are being notified because your property is located within two-hundred feet (200) of the property requesting a subdivision and /or zoning change. This hearing is open to any interested person. Opinions, objections and or comments relative to this matter may be expressed in writing or in person at the hearings. You may also be represented by another person, neighbor, or attorney.

The attached map shows the area of the request. Property owners within two hundred (200') feet are required by law to be notified.

For more information please contact Gary N. Cooke at 512-281-0119

"This institution is an equal opportunity provider"

P.O. Box 591 1135 Swenson Blvd. Elgin, Texas 78621 Phone 512-281-0119

121 Anderson

February 6, 2015

Parcels

Abstracts

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

1:1,908

0 0.015 0.03 0.06 mi

0 0.025 0.05 0.1 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

first	last	address	city	state	zip	prop #
William E	Rivers	P.O. Box 1124	Elgin	TX	78621	14689
Frontier Bank of Texas	Prop Tx Dept	P.O. Box 551	Elgin	TX	78621	14832
Cody & Stacy	Mauck	1124 CR 301	Elgin	TX	78621	14695
Harvey & Dorothy E	Raschke	113 Anderson Drive	Elgin	TX	78621	14692
Glynda Kaye	Schroeder	114 Anderson Drive	Elgin	TX	78621	14677
Robert G	Torian	1203 Newton St	Austin	TX	78704	14674
Morris & Margaret	Clark	122 Anderson Drive	Elgin	TX	78621	14671
Down Home	Ranch	20250 FM 619	Elgin	TX	78621	14668
Mary Beth	Lundgren	112 Hilltop Drive	Elgin	TX	78621	13700
Rosemary	Meredith	108 Hilltop Drive	Elgin	TX	78621	13690
Ray	Arbuckle Jr.	100 Hilltop Drive	Elgin	TX	78621	13688

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3 CODE OF ORDINANCES, CITY OF ELGIN, TEXAS AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE PROPERTY BEING LOT 1, BLOCK 2, IN THE JACK ANDERSON ADDITION, LOCATED AT 121 ANDERSON DRIVE, CITY OF ELGIN, BASTROP COUNTY, TEXAS FROM R-1 RESIDENTIAL TO C-3 HIGHWAY COMMERCIAL.

WHEREAS, an application has been made to the City Council of the City of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A", attached hereto and incorporated herein, from R-1 Residential, to C-3 Highway Commercial, and

WHEREAS, the City Council has submitted the request change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 23rd day of February, 2015, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed from R-1 Residential Zoning to C-3 Highway Commercial.

WHEREAS, on the 3rd day of March, 2015, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council has determined that substantial changes in conditions have occurred which justify the zoning classification change provided for herein, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, Section 46-3, City of Elgin, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

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

I.

That the Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit (A) is hereby changed from R-1 Residential Zoning, to C-3 Highway Commercial.

II.

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

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

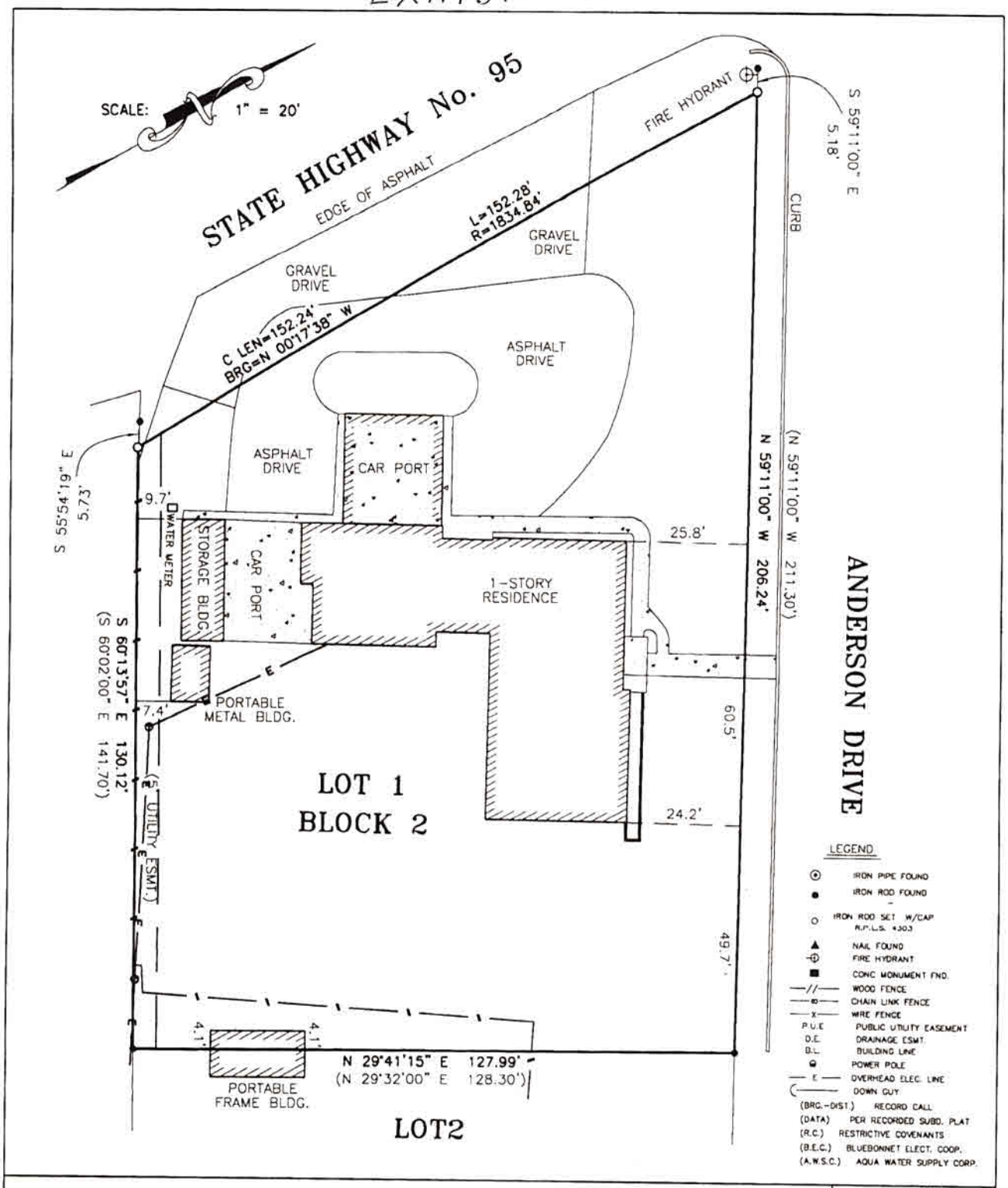
READ, PASSED, and ADOPTED on first reading this the 3rd day of March, 2015.

_____
MARC HOLM, MAYOR

ATTEST:

_____
LUCRETIA ALVAREZ, CITY SECRETARY

EXHIBIT "A"



TO THE OWNERS, LIENHOLDERS AND BASTROP ABSTRACT COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DESCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT ALL AND/OR PORTIONS OF THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS INDICATED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANEL NO. 48021C0075C EFFECTIVE JANUARY 19, 2006.

STATE OF TEXAS REGISTERED JAMES E. GARON 4303 PROFESSIONAL LAND SURVEYOR

JUNE 4, 2009

JAMES E. GARON & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
924 Main Street
Bastrop, Texas 78602
(512) 303-4185
Fax (512) 321-2107

REFERENCE WILLIAM E. RIVERS & KARLA L. RIVERS

ADDRESS 121 ANDERSON DRIVE, ELGIN, TEXAS G.F. NO. 0928135

LEGAL DESCRIPTION: LOT 1, BLOCK 2, JACK ANDERSON ADDITION, TO THE CITY OF ELGIN CABINET No. 1, PAGE 31A, PLAT RECORDS, BASTROP COUNTY, TEXAS

JOB NO.: B-314-09 FIELD BOOK B-387/53 & 52 DRAFT KEN C.

FILE: COUNTY\BASTROP\CITY OF ELGIN\JACK ANDERSON ADDN\B31409.DWG

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COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action to consider approving the Investment Policy for the City of Elgin.

RESOURCE PERSON(S): **Buck LaQuey, Finance Director**
Laura Schwartz, Purchasing Agent and Finance Assistant

SUMMARY:

Attached, for your approval, is the current Investment Policy for the City of Elgin. No changes are needed to invest with TexStar's Logic or Money Market accounts.

The Investment Policy does not need to be amended to invest in TexStar's Logic because City Council approved specifically the investment in the prior meeting (Feb 3, 2015).

Any investments in the Money Market accounts are approved with this policy because it is just another account with the depository bank (Prosperity Bank) and is covered under the City of Elgin's pledge agreement with Prosperity Bank.

RECOMMENDATION(S): **Staff recommends that you approve the attached, unchanged, Investment Policy for the next year.**

ATTACHMENT: **1-Investment Policy**

CITY OF ELGIN, TEXAS

INVESTMENT POLICY

Approved

POLICY

It is the policy of the City of Elgin (City) after allowing for the anticipated cash flow requirements in its bank accounts to meet daily needs and after giving due consideration to the safety and risk of investments, providing protection for both principal and liquidity, to invest public funds in a manner which will provide the highest investment return while conforming to all state and local statutes governing the investment of public funds. This Investment Policy is authorized by the City Council in accordance with Texas Government Code, Chapter 2256- Public Funds Investment, also cited as the Public Funds Investment Act (Act), to satisfy the statutory requirements to define, adopt, and review a written investment policy regarding the investment of its funds and funds under its control. The City Council shall review and adopt by resolution, its investment strategies and policy not less than annually. This is required even if there are no changes within the policy. Such an investment must be written, emphasize safety, address investment management and include types of authorized investments, maximum allowable stated maturity, maximum dollar-weighted average maturity, method to monitor the market price, and requirements for settlement of transactions. The resolution shall state that the policy has been reviewed and include record of changes made to either the investment policy or strategy.

SCOPE

This policy applies to all funds or financial resources available for investment under the City's financial control and accounted for in the City of Elgin, Texas Annual Financial Report which includes all current funds and will include any new fund created by the City Council unless specifically exempt. These policies do not, however, govern funds that are managed under separate investment programs or trust agreements, such as retirement funds, pension funds, deferred compensation funds, and certain private donations that are maintained as required by Federal and State laws, other local policies, or donor stipulations. In addition to this Policy, bond funds (as defined by the Internal Revenue Service) shall be managed by their governing ordinances an all applicable State and Federal laws.

The City will consolidate cash balances from all applicable funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. Such earnings from investments will be used in a manner that best serves the public trust and interests of the City as deemed in the annual budget.

INVESTMENT OBJECTIVES

All investments shall be designed and managed in a manner responsive to the public trust and in compliance with all Federal, State and other legal requirements, including but not limited to

the Act. The City shall manage and invest its available resources with four objectives, listed in order of priority: Safety, Liquidity, Public Trust, and Yield.

Safety

Safety of principal and the City's assets is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To increase investment safety, the City strives to decrease or minimize credit and interest rate risk. Minimization of credit risk or the risk of loss due to the failure of a security issuer or guarantor shall be done by the City by limiting investments to safe types, pre-qualifying financial institutions and broker/dealers, and diversifying the portfolio in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Minimization of interest rate risk or the decrease in market value of securities in the City's portfolio due to changes in interest rates shall be done by the City through strong cash flow projections so that market value losses are reduced and through investments in short-term securities.

Liquidity

The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets. A portion of the portfolio will also be placed in short term investment pools and/or money market mutual funds, which offer daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Public Trust

Investments shall be made with judgment and care, under circumstances, then prevailing, which persons of prudence, discretion and intelligence exercise in the

management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived. All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

Yield

The City's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the safety, liquidity and public trust objectives described

above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

STANDARDS OF CARE

Delegation of Authority

The Director of Finance, is the Investment Officer of the City and is responsible for investment decisions and activities. The Investment Officer may delegate the day-to-day administrative duties to other persons authorized to perform investment activities for the City, or he/she may perform the duties him or herself. The City Manager will retain ultimate responsibility for investment decisions.

The Investment Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived.

Training Requirements

The Investment Officer is required to attend at least one training session relating to the officer's responsibility under the Act within 12 months after assuming duties. Afterwards, the City shall provide ten hours of investment training not less than once in a two-year period that begins on the first day of the fiscal year and consists of two consecutive fiscal years after that date for the Investment Officer(s) and/or his/her delegate(s), through courses and seminars offered by an independent professional source (i.e. the *Government Finance Officers Association of Texas, the Government Treasurers Organization of Texas, the Texas Municipal League*, etc.) as approved by the City Council in order to insure the equality and capability of the City's investment personnel making investment decisions in compliance with the Act. The training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Act.

The City shall also encourage those who may perform daily activities with the City investments to attend such training although they are not listed specifically as Investment Officers of the City.

Prudent Person Rule

As set forth in the Act, Investment Officers shall use the standard of prudence with the "Prudent Person Rule". "Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived (Public Funds Investment Act 2256.006(a))."

"In determining whether an investment officer has exercised prudence with respect to an

investment decision, the determination shall be made taking into consideration:

1. The investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and

2. Whether the investment decision was consistent with the written investment policy of the entity (Public Funds Investment Act 2256.006(b))."

Investment officials acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibilities for an individual security's credit risk or market price change, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

Ethics and Conflict of Interest

Investment Officers and other employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make

impartial investment decisions. According to the Act, a personal business relationship with a business exists if one of the following three (3) items applies:

1. The Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization.

2. Funds received by the Investment Officer from the business organization exceed 10 percent of the Investment Officer's gross income for the previous year.

3. The Investment Officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the Investment Officer.

Investment Officer(s) must file a disclosure statement with the Texas Ethics Commission and the City Council if an officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City or the Officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the entity.

"No officer or employee of the City shall:

1. Have a financial interest, direct or indirect, in any contract with the city nor shall be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The "financial interest" contemplated under this article requires that the officer or employee receive an actual

financial benefit from the transaction with the city. An actual financial benefit from the transaction shall not include:

A. An ownership in the entity transacting with the city where the ownership interest is less than one (1) percent of the entity.
B. Compensation or benefits as an employee, officer, or director of the entity transacting business within the city where such compensation is not affected by the entity's transaction with the City.

2. Participate in a vote or decision on any matter in which the officer or employee has a direct or indirect financial interest or in which a relative of the officer or employee has a direct or indirect financial interest. It is expressly provided herein that an investment or ownership in a publicly held company in an amount less than three thousand, five hundred dollars ($3.500.00) does not constitute a prohibited financial interest under this article."

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

A qualified depository shall be selected through the City's banking services procurement process, which shall include solicitation of proposals as required under Chapter 105 of the Local Government Code. The centralization of depository services is designed to maximize investment capabilities while minimizing service costs. The selection of a depository shall be based on the financial institution offering the most favorable terms and conditions at the least possible cost, while adhering to the guidelines and provisions within the request for proposal. In selecting a depository, the City shall give consideration to the financial institution's credit characteristics, financial history, service capabilities, location within City limits or within a ten (10) mile radius of the City limits, and costs for required services. The City's depository contract shall be for three years with an option to extend for an additional two years upon mutual agreement of the depository and the City. Specialized services may be contracted for by the City with another financial institution or company if the depository cannot provide such service or charges more than the same service with little or no appreciable benefit.

AUTHORIZED AND SUITABLE INVESTMENTS

Investments described below are authorized by Chapter 2256, Texas Government Code as eligible securities for the City. City funds governed by this Policy may be invested in the following types of securities:

1.) Obligations of the United States or its agencies and instrumentalities with stated maturity not to exceed two years.

2.) Direct obligations of the State of Texas or its agencies with a stated maturity not to exceed two years.

3.) Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or the United States or its agencies and instrumentalities with stated maturity not to exceed two years.

4.) Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent along with a stated maturity not to exceed two years.

5.) Certificates of deposit issued by a depository institution that has its main office or a branch office in this state that are:

(a) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor with a stated maturity not to exceed two years; or

(b) secured by obligations that are described by (1)-(4) above, which are intended to include all direct federal agency or instrumentality issued mortgage backed securities that have a market value of not less than the principal amount of the certificates and a stated maturity not to exceed two years, but excluding those mortgage-backed securities described in Section 2256.009 (b); or

(c) Secured in any other manner and amount provided by law for deposits of Participants with a stated maturity not to exceed two years.

6.) Certificates of deposit issued by a depository institution that has its main office or a branch office in this state that are:

(a) guaranteed or insured by the Federal Savings and Loan Insurance Corporation or its successor with a stated maturity not to exceed two years, or

(b) secured by obligations that are described by (1)-(4) above, which are intended to include all direct federal agency or instrumentality issued mortgage backed securities that have a market value of not less than the principal amount of the certificates and a stated maturity of two years or less, but excluding those mortgage-backed securities described in Section 2256.009 (b); or

(c) Secured in any other manner and amount provided by law for deposits of Participants with a stated maturity not to exceed two years.

7.) Eligible Investment Pools as defined in Section 2256.016 of the Texas Government Code provided that:

(a) investment in the particular pool has been authorized by the City Council;

(b) the pool shall have furnished the Investment Officer(s) an offering circular

containing the information required by Section 2256.016(b) of the Texas Government Code;

(c) the pool shall furnish to the Investment Officer(s) investment transaction confirmations with respect to all investments made with it;

(d) the pool shall furnish to the Investment Officer(s) monthly reports that contain the information required by Section 2256.016(c) of the Texas Government Code;

(e) any pool that is created to function as a money market mutual fund must continuously maintain a stable net asset value of one dollar ($1.00),

(f) the pool's investment philosophy and strategy are consistent with this Policy and the City's ongoing investment strategy; and

(g) the pool provides evidence of credit rating no lower than "AAA" or "AAA-m" by at least one nationally recognized credit rating service,

(h) An investment pool must make available an annual audited financial statement.

(i) If the investment pool operates an Internet website, the information required by section 2256.016(b), (c) (2), and (f) must be posted on the website.

(j) An investment pool in advertising investment rates must include either all levels of return based on breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested if an investment pool offers fee breakpoints based on fund balances invested.

8.) Fully collateralized direct repurchase agreements having a defined termination date that is no later than 270 days from the delivery date, secured by direct obligations of the U.S. or its agencies and instrumentalities, pledged with a third party selected or approved by the political entity, and placed through a primary government securities dealer, and as otherwise defined by the Public Funds Investment Act. Each issuer of repurchase agreements must sign a copy of a Master Repurchase Agreement.

The City shall take all prudent measures that are consistent with this investment policy to liquidate any investment that does not have or is down-graded to less than the minimum rating stated herein. On a monthly basis, the investment officers will monitor the rating of all investments held by the City. However, as stated in Section 2256.017, the City is not required to liquidate investments that were authorized investments at the time of purchase.

UNAUTHORIZED INVESTMENTS

The following investments are specifically prohibited by State Law:

1.) Obligations whose payment represents the coupon payment on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
2.) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
3.) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
4.) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

COLLATERALIZATION

Consistent with the requirements of the Public Funds Collateral Act, the city requires that all bank deposits shall be federally insured or collateralized with eligible securities. This pledged collateral will have a market value equal to or no less than 100% of the deposits plus accrued interest less an amount insured by the FDIC. Evidence of the pledged collateral must be will be provided to and reviewed by the Director of Finance and will be retained by the City of Elgin. Evidence of collateral is reviewed annually by the City's independent auditor in conjunction with the annual audit.

Financial institutions serving as City Depositories will be required to sign a Depository Agreement with the City and the City's safekeeping agent. The safekeeping portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing, and shall establish a perfected security interest in compliance with Federal and State regulations, including:

1.) The Agreement must be in writing;

2.) The Agreement has to be executed by the Depository and the City contemporaneously with the acquisition of the assets;

3.) the Agreement must be approved by the Depository's Board of Directors or loan committee, and a copy of the meeting minutes must be delivered to the City; and,

4.) The Agreement must be part of the Depository's "official record" continuously since its execution.

Repurchase agreements must also be secured in accordance with State Law. Each counter party to a repurchase transaction is required to sign a copy of **The Bond Market** Association Master Repurchase Agreement. An executed copy of the Agreement must be on file before the City will enter into any transactions with a counter party.

1.) Allowable Collateral

a.) Demand Deposits

Eligible securities for Collateralization of deposits are limited to U.S. Treasuries or agencies, FDIC coverage, direct or unconditionally guaranteed obligations of the State of Texas; states, agencies, counties, cities, or political subdivisions of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent), with a remaining maturity of 10 years or less.

b.) Certificates of Deposit

Eligible securities for Collateralization of deposits are limited to U.S. Treasuries or agencies, FDIC coverage, direct or unconditionally guaranteed obligations of the State of Texas; states, agencies, counties, cities, or political subdivisions of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent), with a remaining maturity of 10 years or less.

c.) Repurchase Agreements

Collateral underlying repurchase agreements is limited to U.S. government and agency obligations, which are eligible for wire transfer (i.e. book entry) to the City's designated safekeeping agent through the Federal Reserve System.

2.) Collateral Levels

Collateral is valued at current market price plus interest accrued through the date of valuation.

a.) Demand Deposits

The market value of collateral pledged for demand deposits will be in an amount equal to the largest total balance of the City's account, less the amount coverage provided by the FDIC. The securities comprising the pledge shall be valued at par or market, whichever is lower.

b.) Certificates of Deposits

The market value of collateral pledged for certificates of deposit must at all times be equal to or greater than the par value plus accrued interest, less the amount insured by the FDIC.

c.) Repurchase Agreements

The market value of collateral required to be pledged for repurchase agreements shall be at a percentage of the par value of the agreement plus accrued interest and shall be maintained at the following levels:

Collateral	U.S. Treasury	U.S. Government

Maturity	Securities	Agency
1 year or less	101%	101%
1 year to 5 years	102%	102%
Over 5 years	103%	104%

Any collateral with a maturity of over 5 years must be approved by the Investment Officer(s) in writing before the transaction is initiated.

3.) Monitoring Collateral Adequacy

a.) Demand Deposits

The City requires monthly reports with market values of pledged securities from all financial institutions with which the City has bank deposits. The Investment Officer(s) will monitor adequacy of collateralization monthly.

b.) Certificates of Deposit

The City requires monthly reports with market values of pledged securities from all financial institutions with which the City has certificates of deposit. The Investment Officer(s) will monitor adequacy of collateralization monthly.

c.) Repurchase Agreements

Weekly monitoring by the Investment Officer(s) of all collateral underlying repurchase agreement is required. More frequent monitoring may be necessary during periods of market volatility.

4.) Margin Calls

a.) Certificates of Deposit

If the collateral pledged for a certificate of deposit falls below the par value of the deposit, plus accrued interest less FDIC insurance, the Institution will be notified by the Investment Officer and will be required to pledge additional securities no later than the end of the next succeeding business day.

b.) Repurchase Agreements

If the value of the collateral underlying a repurchase agreement falls below the margin maintenance levels specified above, the City will make a margin call unless the repurchase agreement is scheduled to mature within five business days and the amount is deemed to be immaterial.

5.) Collateral Substitution

Collateralized certificates of deposit and repurchase agreements often require substitution of collateral. Any broker, dealer, or financial institution requesting substitution must contact the Investment Officer for approval and settlement. The substituted security's value will be calculated and substitution approved if its value is equal to or greater than the required security level. The Investment Officer(s), or a designee, must provide written notification of the decision to the bank or the safekeeping agent holding the security prior to any security release. Substitution is allowable for all transactions, but should be limited, if possible, to minimize potential administrative problems and transfer expense. The Investment Officer(s) may limit substitution and assess appropriate fees if substitution becomes excessive or abusive.

6.) Collateral Reductions

Should the collateral's market value exceed the required amount, any broker or financial institution may request approval from the Investment Officer(s) to reduce collateral. Collateral reductions may be permitted only if the City's records indicate that the collateral's market value exceeds the required amount.

SAFEKEEPING AND CUSTODY

The City shall contract with a bank or banks for the safekeeping of securities either owned by the City as part of its investment portfolio or as part of its depository and repurchase agreements. All collateral securing bank deposits must be held by third-party banking institution acceptable to and under contract with the City, or by the Federal Reserve Bank. The securities purchased under a repurchase agreement must be delivered to a third-party custodian with whom the City has established a safekeeping agreement.

All security transactions, including collateral for repurchase agreements entered into by the City shall be conducted on a delivery-verses-payment (DVP) basis. By so doing, City funds are not released until the City has received, through the Safekeeping Agent, the securities purchased. The security shall be held in the name of the City or held on behalf of the City. The Safekeeping Agent's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

INVESTMENT PARAMETERS

Maximum and Weighted Average Maturity

In order to minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirement of the funds. The City of Elgin intends to match the holding periods of investment funds with liquidity need of the City. The maximum final stated maturity of any investment shall not exceed five years. All long-term maturities will be intended to cover long-term liabilities. In addition, no less than ten percent (10%) of the funds in the portfolio will be liquid at all times. The entire portfolio will have a weighted average maturity of one (1) year or less. This weighted average will be calculated using the stated final maturity dates of each security.

By Fund Groups

Maturity guidelines by fund are as follows:

a.) Operating Funds - The weighted average days to maturity for the operating fund portfolio shall be 365 days or less and the maximum allowable maturity shall be two years.

b.) Debt Service Funds - Debt Service Funds shall be invested to ensure adequate funding for each consecutive debt service payment. The Investment Officer shall invest in such a manner as not to exceed an "unfunded" debt service date with the maturity of any investment. Any unfunded debt service date is defined as a coupon or principal payment date that does not have cash or investment securities available to

satisfy said payment.

c.) Debt Service Reserve Funds - Market conditions, Bond Resolutions constraints and Arbitrage compliance will be considered when formulating Reserve Fund strategy. Maturity limitation shall generally not exceed the call provisions of the Bond Ordinance and shall not exceed the final maturity of the bond issue. All Debt Service Reserve Fund investment maturities shall not exceed five years.

d.) Special Project, Special Purpose, and Capital Improvement Funds - The investment maturity of bond proceeds shall generally be limited to the anticipated cash flow requirements. City funds that are considered "bond proceeds" for arbitrage purposes will be invested using a more conservative approach than the standard investment strategy when arbitrage rebate rules requiring refunding excess earnings. All earnings in excess of the allowable arbitrage earnings will be segregated and made available for any necessary payments to the U.S. Treasury.

INVESTMENT STRATEGY

The City of Elgin maintains one portfolio in which all funds under the City's control are pooled for investment purposes. In order to minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the funds. Investment guidelines by fund-type are as follows:

1. General, Enterprise, or Operating-type Funds

Suitability – Any investment eligible in the Investment Policy is suitable for General, Enterprise, or Operating Funds.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, managing the weighted average days to maturity of each fund's portfolio to less than 365 days and restricting the maximum allowable maturity to two years will minimize the price volatility of the portfolio.

Marketability – Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity – General, Enterprise, or Operating-type Funds require the greatest short-term liquidity of any of the fund-types. Short-term investment pools and money market mutual funds will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification – Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of ELGIN. Diversifying the appropriate maturity structure up to the two-year maximum will reduce interest rate risk.

Yield – Attaining a competitive market yield for comparable security- types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling six-month Treasury bill portfolio will be the minimum yield objective.

2. Debit Service Funds

Suitability – Any investment eligible in the Investment Policy is suitable for the Debt Service Funds.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Funds maturities to not exceed the debt service payment schedule the market risk of the overall portfolio will be minimized.

Marketability – Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

Liquidity – Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Investment pools and money market mutual funds may provide a competitive yield alternative for short-term fixed maturity investments.

Diversification – Market conditions influence the attractiveness of fully extending maturity to the next "unfunded" payment date. Generally, if investment rates are anticipated to decrease over time, ELGIN is best served by locking in most investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded in an attempt to bolster yield.

Yield – Attaining a competitive market yield for comparable security- types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling six-month Treasury bill portfolio shall be the minimum yield objective.

3. Debit Service Reserve Funds

Suitability – Any investment eligible in the Investment Policy is suitable for the Debt

Service Reserve Funds. Bond resolution and loan documentation constraints and insurance company restrictions may create specific considerations in addition to the Investment Policy.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Reserve Fund maturities to not exceed the call provisions of the borrowing will reduce the investment's market risk if ELGIN's debt is redeemed and the Reserve Fund liquidated. No stated final investment maturity shall exceed the shorter of the final maturity of the borrowing or five years. Annual market-to-market requirements or specific maturity and average life limitations within the borrowing's documentation will influence the attractiveness of market risk and influence maturity extension.

Marketability – Securities with less active and efficient secondary markets are acceptable for Debt Service Reserve Funds.

Liquidity – Debt Service Reserve Funds have no anticipated expenditures. The Funds are deposited to provide annual debt service payment protection to ELGIN's debt holders. The funds are "returned" to ELGIN at the final debt service payment. Market conditions and arbitrage regulation compliance determine the advantage of investment diversification and liquidity. Generally, if investment rates exceed the cost of borrowing, ELGIN is best served by locking in investment maturities and reducing liquidity. If the borrowing costs cannot be exceeded, then current market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipated future increased yields.

Diversification – Market conditions and the arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Debt Service Reserve Funds. At no time shall the final debt service payment date of the bond issue be exceeded in an attempt to bolster yield.

Yield – Achieving a positive spread to the applicable borrowing cost is the desired objective. Debt Service Reserve Fund portfolio management shall operate within the limits of the Investment Policy's risk constraints.

4. Special Project, Special Purpose or Capital Improvement Funds

Suitability – Any investment eligible in the Investment Policy is suitable for Capital Improvement Funds.

Safety of Principal – All investments will be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Capital Improvement

Funds to not exceed the anticipated expenditure schedule, the market risk of the overall portfolio will be minimized. No stated final investment maturity shall exceed the shorter of the anticipated expenditure schedule.

Marketability – Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity – Most capital improvement programs have reasonably predictable draw down schedules. Therefore, investment maturities should generally follow the anticipated cash flow requirements. Investment pools and money market mutual funds will provide readily available funds generally equal to one month's anticipated cash flow needs, or a competitive yield alternative for short-term fixed maturity investments.

Diversification – Market conditions and arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for bond proceeds. Generally, if investment rates exceed the applicable cost of borrowing, ELGIN is best served by locking in most investments. If the cost of borrowing cannot be exceeded, then current market conditions will determine the attractiveness of diversifying maturities or investing in shorter and larger amounts. At no time shall the anticipated expenditure schedule be exceeded in an attempt to bolster yield.

Yield – Achieving a positive spread to the cost of borrowing is the desired objective within the limits of the Investment Policy's risk constraints. The yield of an equally weighted, rolling six-month Treasury bill portfolio will be the minimum yield objective for non- borrowed funds.

Investment transactions must be settled on delivery-versus-payment (DVP) basis, with the exception of investment pools and mutual funds.

REPORTING

Not less than quarterly, the Investment Officer shall prepare and submit to the City Council, a written, signed, investment report demonstrating a list of investment transactions for the preceding reporting period, in accordance with the Act. Reports will include the following:

1.) For each pooled fund group: a beginning book value and market value, book and market value additions and changes, and ending book and market value.

2.) The book value and market value of each investment at the beginning and end of the period by type of asset and fund type invested.

3.) The maturity date of each investment.

4.) Statement of compliance of the portfolios as it relates to the investment strategy.

Detailed and summary reports will be prepared jointly and presented to the City Council and Mayor not less than quarterly. Reports will comply with Section
of the PFIA at a minimum.

Quarterly reports will be formally reviewed at least annually by an independent auditor and reported to the City Council once the City invests in items other than money market mutual funds, investment pools, or accounts offered by its depository bank in the form of CD's or money market accounts.

MONITORING OF THE MARKET VALUE OF INVESTMENTS AND COLLATERAL

The Investment Officer, with the help of City Council, as needed, shall determine the market value of each investment and of all Collateral pledged to secure deposits of City funds at least quarterly and at a time as close as practicable to the closing of the reporting period for the investments. Such values shall be included on the investment report. The following methods shall be used:

1) Certificates of deposit shall be valued at their face value plus any accrued but unpaid interest.

2) Shares in money market mutual funds and investment pools shall be valued at par plus any accrued but unpaid interest.

3) Other investment securities with a remaining maturity of one year or less may be valued in any of the following ways:
   a. the lower of two bids obtained from securities broker/dealers for such security;
   b. the average of the bid and asked prices for such investment security as published in The Wall Street Journal or The New York Times;
   c. The bid price published by any nationally recognized security pricing service; or the market value quoted by the seller of the security or the owner of such Collateral.

4) Other investment securities with a remaining maturity of greater than one year shall be valued at the lower of two bids obtained from securities broker/dealers for such security, unless two bids are not available, in which case the securities may be valued in any manner provided in this section.

INTERNAL CONTROLS

Investment Officer(s) shall establish a system of internal controls, which shall be designed to prevent losses of public funds arising from fraud, employee error, unanticipated changes in financial markets, or imprudent actions by employees. Pertinent controls include custodian safekeeping receipts records management, documentation of investment bidding activities, written confirmations of oral transactions, reconciliation records, training requirement documentation, and compliance with investment policies. Where practical, the City should emphasize control of collusion, separation of duties, clear delegation of duties, accurate and timely reports, and staying informed about market conditions, changes and trends. In conjunction with the City's annual financial audit, the independent external auditor will assure compliance with the management controls on investments and adherence to investment policies.

PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of ensuring the safety of the City's assets and minimizing interest rate risk. In addition, it will remain sufficiently liquid to meet cash flow needs, while protecting the interests of the public, all while obtaining a rate of return throughout budgetary and economic cycles.

The City's overall investment strategy is conservative. Given this strategy, the basis used by the Treasury to determine whether market yields are being achieved shall be the six month U.S. Treasury bill.

INVESTMENT POLICY ADOPTION

The City's investment policy, which includes strategies for each fund, shall be adopted by resolution of the City Council. The policy shall be reviewed annually and any modifications thereto must be approved by the City Council. This adoption by resolution is required even if there are no changes within the policy.

APPENDIX "A"

I hereby certify that I have personally read and understand the investment policy and master repurchase agreement (if applicable), conditions of the City of Elgin, Texas. I further acknowledge that reasonable procedures and controls designed to fulfill those objectives and conditions have been implemented. Therefore, this firm will preclude investment transactions between itself and the City of Elgin that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup the City's entire portfolio or requires an interpretation of subjective investment standards, thus protecting the City's credit or market risk.

All sales personnel of this firm dealing with the City of Elgin's account(s) have been informed and will be routinely informed of the City's investment horizons, limitations, strategy and risk constraints, whenever we are so informed by the City.

This firm pledges due diligence in informing the City of foreseeable risks associated with financial transactions connected to this firm.

I further acknowledge that no investment transaction shall occur between this firm and the City, until the City of Elgin receives this consent form, completed by the firm's qualified representative.

FIRM _____

SIGNATURE OF QUALIFIED FIRM REPRESENTATIVE _____

PRIMARY REPRESENTATIVE: NAME/TITLE _____
(Please print)

DATE _____

GLOSSARY

AGENCIES: Federal agency securities.

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specified maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refer to securities pledged by a bank to secure deposits of public moneys.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official Annual report for the City of Elgin. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY-VERSES- PAYMENT (DVP): There are two methods of delivery of securities: delivery-verses-payment and delivery-verses-receipt. Delivery-verses- payment is delivery of securities with an exchange of money for the securities.
Delivery-versus-receipt is delivery of securities with an exchange of a signed receipt for the securities.

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to $250,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed Funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks with member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable rate mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Bank Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven-member Board of Governors in Washington, DC regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA, or FMHM mortgages. The term "pass-through" is often used to describe "Ginnie Mae".

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and a reasonable trade size can be done at the quoted prices.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase – reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MONEY MARKET: The date upon which the principal or stated value of an investment becomes due and payable.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight.
Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody sate—the so—called legal list. In other states the trustee may invest in security if it is one that would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized-yield-to-maturity on a bond or the current income return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RFPs extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES AND EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY NOTES: A non-interest bearing security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms, as well as nonmember broker-dealers in securities, maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) **Income Yield** is obtained by dividing the current dollar income by the current market price for the security. (b) **Net Yield to Yield to Maturity** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

COUNCIL MEETING: March 3, 2015

ITEM: _____ Discussion and action to consider approving an extension of the Depository Contract with Prosperity Bank for one year.

RESOURCE PERSON(S): **Buck LaQuey, Finance Director**
Laura Schwartz, Purchasing Agent and Finance Assistant

SUMMARY:

RECOMMENDATION(S): **Staff recommends to extend the contract for one more year.**

We intend to go out for bids in December 2015 for another five year contract. This will give us plenty of time for the RFP and to consider the bids.

ATTACHMENT: **1-Extension Contract April 30, 2015 to April 30, 2016**

PROSPERITY BANK®

February 19, 2015

City of Elgin
Buck Laquey
Finance Director
310 N Main Street
Elgin, Texas 78621

RE: City of Elgin's Depository 1 Year Extension (April 30, 2015 to April 30, 2016)

Dear Mr. Laquey:

The depository contract for the City of Elgin with Prosperity Bank will be expiring on April 30, 2015. The purpose of this letter is to offer a depository extension in accordance of the original agreement with the City of Elgin's requirements within Texas Local Government Code, Chapter 105. According to this agreement, these parties may extend this contract by three-one year extension(s) under the same terms and conditions of the contact at the option of the City to expire on April 30, 2016. This would be considered the second extension, leaving one remaining extension.

The current rates to be extended are as follows:

- NOW Accounts: Sheet Rates +.15% with a floor of .25%
- Prosperfect MMA: Sheet Rates + .05% with a floor of .35%

We appreciate our business relationship with the City of Elgin. Please contact us at any time if you should have any questions regarding this extension.

Jeff Carter – Prosperity Bank
Central Texas Area President

AGREED AND ACCEPTED ON BEHALF OF THE CITY OF ELGIN:

City of Elgin	Title	Date

AGREED AND ACCEPTED ON BEHALF OF PROSPERITY BANK:

Jeff Carter	Central Tx Area President	2-20-2015 Date

COUNCIL MEETING: March 3, 2015

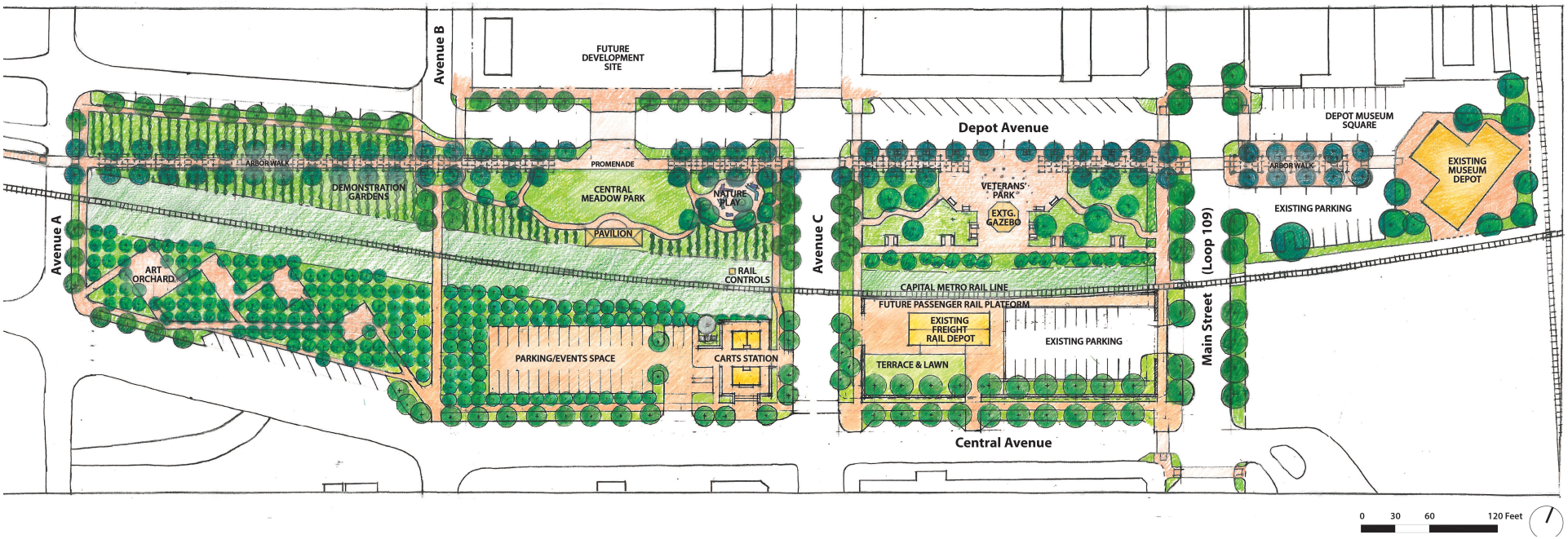
ITEM: _____ Discussion and action to consider accepting Master Plan for Union Pacific property in Downtown Elgin from McCann Adams Studio.

RESOURCE PERSON(S): **Amy Miller, Community Development Director**

SUMMARY: **McCann Adams Studio completed a master plan for the Union Pacific property downtown. It was presented to the Parks Board, Historic Review Board and Main Street Board the week of February 23. The plan includes a number of phases that could be implemented over a period of years as funding through grants, partnerships, annual budgets, and fundraising becomes available.**

RECOMMENDATION(S): **Accept as presented.**

ATTACHMENT: **1-Map of Project Area**



ELGIN'S CENTRAL PARK - ILLUSTRATIVE MASTER PLAN