



**ELGIN CITY COUNCIL AGENDA
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
August 6, 2024
6:30 PM**

Members of the public may watch the meeting at:

https://www.youtube.com/channel/UC3OGBV_loV0Nr3AqM1jJTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING

- 1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS**
- 2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP AND MAKING CERTAIN FINDINGS RELATED THERETO**

VI. PUBLIC COMMENT

The "PUBLIC COMMENT" item posted on the agenda is reserved for members of the public who would like to address the City Council regarding posted agenda items or non-agenda items. Individuals requesting to speak or address the City Council during the meeting shall do so under the "PUBLIC COMMENT" agenda item. Speakers shall 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. **As of May 1, 2022, all such public comments will be done IN PERSON. You may email public comments and they will be distributed to each of the Council Members but not read out loud.**

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 a "PUBLIC COMMENT FORM".

Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or Staff Member. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from any personal attacks or derogatory comments directed at any Council Member, Staff Member, other individual, or group.

VII. CITY MANAGERS REPORT

- 1. Review and Discussion of a City Charter Review Process**
- 2. General Activity Report and/or Project Update**

VIII. CONSENT AGENDA

The Consent Agenda includes non-controversial and routine items that are considered to be self-explanatory by the City Council and will be enacted with one motion, one second, and one vote. Any member of the City Council may pull any item from the Consent Agenda in order that the City Council discuss and act upon it individually as a part of the Regular Agenda.

- 1. City Council Regular Meeting Minutes-July 16, 2024**
- 2. City Council Work Session Meeting Minutes-July 27, 2024**
- 3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #6 AND #7 FOR VETERANS MEMORIAL PARK EXPANSION, AND MAKING CERTAIN FINDINGS RELATED THERETO.**
- 4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO USE SPECIFIC FUNDING, FOR REPAIRS TO THE HVAC SYSTEM AT 114 CENTRAL AVE, THE HISTORIC FREIGHT DEPOT AND MAKING CERTAIN FINDINGS RELATED THERETO.**
- 5. A RESOLUTION OF THE CITY OF ELGIN ADOPTING A DROUGHT CONTINGENCY PLAN AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND MAKING CERTAIN FINDINGS RELATED THERETO.**
- 6. CONSIDERATION OF A REQUEST BY ST. PETERS LUTHERAN CHURCH TO WAIVE THE FEES ASSOCIATED WITH RESERVING VETERANS MEMORIAL PARK FOR A NATIVITY SCENE DISPLAY December 1, 2024 THROUGH DECEMBER 29, 2024.**
- 7. CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE ON MAIN STREET FROM LEXINGTON ROAD TO BRENHAM STREET; AND ON 2ND STREET, FIRST STREET, DEPOT STREET, CENTRAL AVENUE, AUSTIN STREET, BRENHAM STREET FROM MAIN STREET TO AVENUE B; AND ON AVENUE C FROM BRENHAM STREET TO 2ND STREET ON FRIDAY NOVEMBER 1, 2024 FROM 5:00 PM TO 9:00 PM FOR DIA DE LOS MUERTOS.**
- 8. REQUEST TO CLOSE DEPOT STREET FROM MAIN STREET TO AVENUE B 2 PM TO 10 PM ON FRIDAY NOVEMBER 1, 2024 FOR DIA DE LOS MUERTOS AND TO CLOSE MAIN STREET FROM LEXINGTON TO DEPOT STREET FOR DIA DE LOS MUERTOS PARADE FROM 6:00 PM TO 7:00 PM ON FRIDAY, NOVEMBER 1.**

9. **REQUEST FROM SACRED HEART CATHOLIC CHURCH TO WAIVE OPEN CONTAINER ORDINANCE FOR SATURDAY, AUGUST 31 from 2:00 PM TO MIDNIGHT AND SUNDAY, SEPTEMBER 1, 2024 10:00 AM TO 10:00 PM IN ELGIN MEMORIAL PARK AND TO WAIVE NOISE ORDINANCE FOR SUNDAY, SEPTEMBER 1, 2024 UNTIL 10:00 PM IN ELGIN MEMORIAL PARK.**

IX. NEW BUSINESS

1. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS**
2. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP AND MAKING CERTAIN FINDINGS RELATED THERETO**
3. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING AND ADOPTING THE 2024-25 FIVE-YEAR CAPITAL IMPROVEMENT PLAN, A REPORT ON ANTICIPATED CAPITAL EXPENDITURES AND PROJECTS FOR ALL MUNICIPAL OPERATIONS; AND PROVIDING FOR RELATED MATTERS**
4. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS PLACING A PROPOSAL ON THE SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 COUNCIL MEETING TO ADOPT A 2024 TAX YEAR PROPOSED PROPERTY TAX RATE THAT WILL NOT EXCEED THE NO NEW REVENUE TAX RATE OR THE VOTER APPROVAL TAX RATE NOR THE DE MINIMIS RATE FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; CALLING A PUBLIC HEARING ON THE PROPOSED PROPERTY TAX RATE TO BE HELD ON SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 AT 6:30 PM**

X. 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.

1. **Adjourn into Executive Session pursuant to Section §551.071 Consultations with Attorney; to deliberate with legal counsel regarding pending or contemplated litigation: Citation Cause #2621-21 State of Texas vs. City of Elgin**

XI. RECONVENE

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

XII. ANNOUNCEMENTS

XIII. ADJOURNMENT

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas

Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3223. Please provide forty-eight hours notice when feasible.

I, Esmeralda Rangel, Assistant 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 Friday, August 2, 2024, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in dark ink, reading "Esmeralda Rangel". The signature is fluid and cursive, with the first name "Esmeralda" written in a larger, more prominent script than the last name "Rangel".

Esmeralda Rangel, Assistant City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

DEPARTMENT: Executive

PROPOSED ACTION: No Council action proposed or requested on this particular agenda item; This item is to allow for public comments on the proposed Resolution.

BACKGROUND:

See corresponding action item under New Business.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

1. ResESD3824
2. Bastrop County ESD #3 Info. Flyer

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

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

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
GRANTING CONSENT TO THE CREATION OF BASTROP
COUNTY EMERGENCY SERVICES DISTRICT NO. 3;
MAKING FINDINGS OF FACT; AND PROVIDING FOR
RELATED MATTERS.**

WHEREAS, the Bastrop County Judge has received a qualifying initiative petition to place before county voters the creation on an emergency services district to be known as Bastrop County Emergency Service District No. 3; and,

WHEREAS, the petitioners proposing the creation of an emergency services district have also proposed inclusion of the City of Elgin in the Bastrop County Emergency Service District No. 3, including all land within the City's extraterritorial jurisdiction within Bastrop County; and,

WHEREAS, the petitioners have asked the Elgin City Council to grant its written consent to the creation of Bastrop County Emergency Service District No. 3.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS, THAT:

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

Section 2. Consent. The Mayor and City Council do hereby grant its written consent to the creation of Bastrop County Emergency Service District No. 3, to include all land within the City's extraterritorial jurisdiction within Bastrop County.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August, 2024

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

ESMERALDA RANGEL, Assistant City Secretary

Bastrop County Emergency Service District #3

Rapid Response, Real Results



We are calling for community action in the upcoming elections. We're proposing a dedicated Emergency Service District for EMS in the upcoming election, aiming to significantly improve our emergency response capabilities for EMS. **Recent reports reveal a rise in emergency calls and response times that far exceed National benchmarks.** This ESD is our response to these growing challenges as we seek to enhance ambulance services with additional ambulances, advanced medical capabilities, and reduced response times.



\$200 per year in property taxes on a \$200,000 Assessed value home gets you:
(Proposed Tax Rate of \$0.10 per every \$100 valuation)

Additional Ambulances
Starting with 11 – 911 Dedicated 24/7 Ambulances

Increased medical capabilities
Advanced protocols for better medical care
State of the art life sustaining equipment

Reduced Response Times
Ambulances closer to your home
More available ambulances

Local EMS Leadership
2 Local Roaming Supervisors
Dedicated Chief and Asst. Chief
Bastrop County Focused

Current State of EMS
4 – 911 Dedicated Ambulances
0 – Bastrop County Supervisors
Frequently NO ambulances available
Response times up to 45-60 minutes
Outdated and limited equipment
Limited lifesaving medical protocols and medications



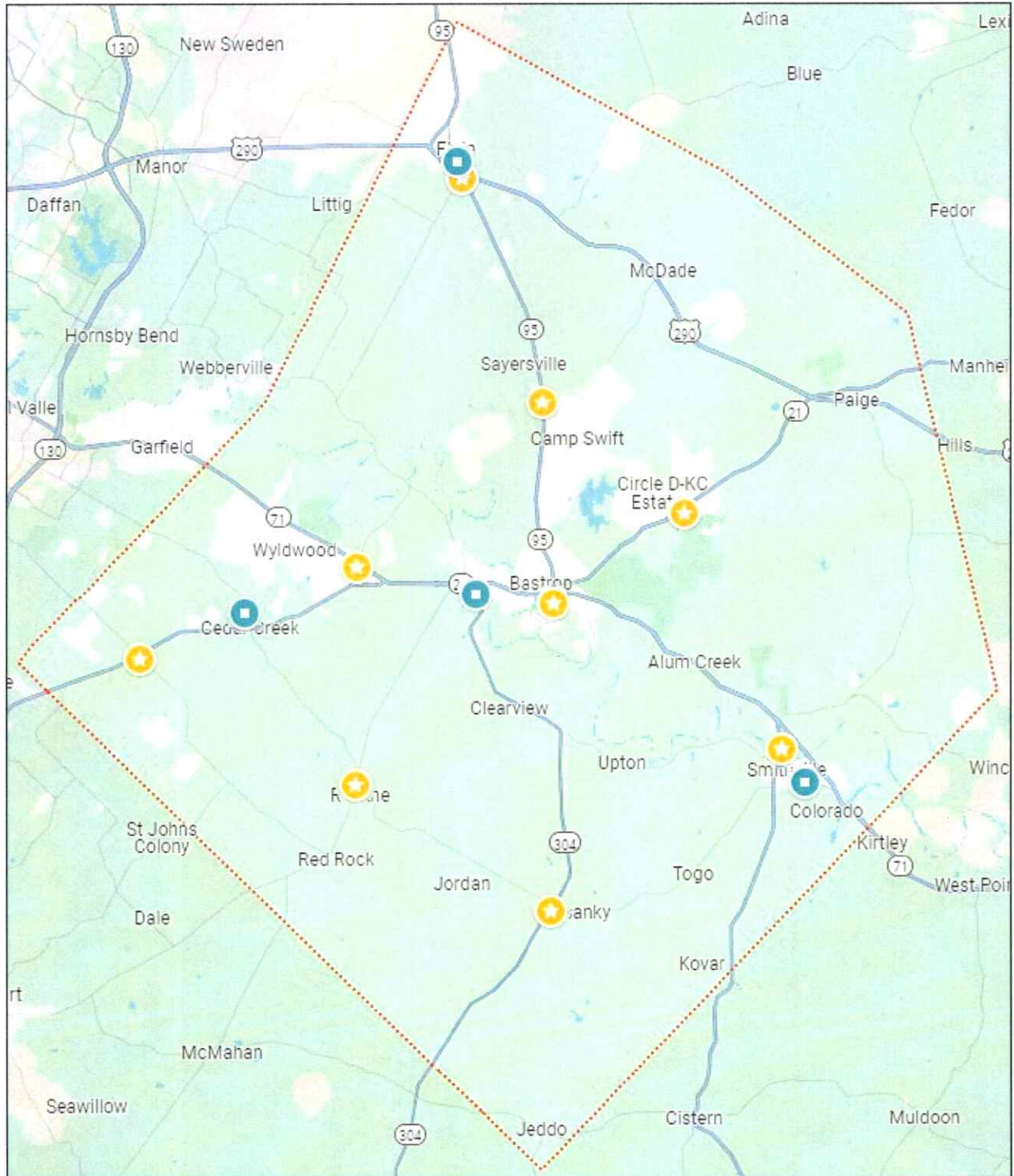
Visit our website
to learn more!



Follow us on
Facebook!



Proposed Stations for ESD 3



 Proposed ESD3 Stations
  Current Acadian Stations

Updated 5.27.24

Bastrop County Emergency Services District #3



- **ESD#3-** A county-wide overlay to provide EMS services to the residents of Bastrop County.
- **How & Why-** Forming an ESD provides consistent funding and stability to provide medical services to the residents of Bastrop County, with an expectation of receiving quality medical care within a reasonable response time.
- **Bastrop County Projected Growth-** The County's population is projected to grow to 220,000 by 2030 and to 330,000 by 2040. The County's population is predicted to double in the next 6 years.
- **Bastrop County's current EMS system-** The County currently contracts with a for-profit ambulance service, that provides 4 ambulances to the county at their fullest staffing levels.
- **Response Time to Emergencies-** Under our current EMS system, residents of Bastrop County may wait 30 or more minutes for an ambulance to arrive, even when all ambulances are at their stations. When multiple units are already on emergency calls or interfacility transfers, the response time can be upwards of 45 minutes to an hour in some parts of the county.
- **Additional EMS Resources in Bastrop County-** Currently, Bastrop County relies on non-transporting EMS responders to help respond to calls when ambulances have extended response times or need more resources. Currently, Bastrop County relies on First Responders and County Fire agencies, to help support the residents of Bastrop County. In the long-term outlook, this solution is unsustainable without increasing the number of ambulances in Bastrop County.
- **The Plan-** The forming of ESD#3 will provide a long-term solution for EMS services to the Residents of Bastrop County. ESD #3 will provide the funding to increase the number of ambulances to 11 and room for more, as growth continues. This will allow for much shorter response times even in the more remote regions of the county.
- **Quality of EMS services in Bastrop County-** In anticipation of Bastrop County's growth, having more ambulances will reduce the crew's downtime and response readiness. Fatigue created by an overstressed EMS system can lead to poor quality of patient care & poor patient outcomes.
- **Having an ESD-run EMS System-** Having a county-run EMS system will allow us to create protocols fitted to the needs of Bastrop County instead of a one-size-fits-all approach that is currently in place. The current approach deprives medical providers of equipment and protocols that are considered standard practice in all the surrounding county EMS systems. This approach deprives the residents of Bastrop County of what is commonly considered standard care, and this is unacceptable.
- **Conclusion-** Having a good quality EMS service for our friends and families, is what Bastrop County deserves. ESD #3 provides us the funding and authority to create a modern EMS system that will provide us shorter response times, proper staffing & training with reliable equipment & vehicles, to serve all residents of Bastrop County.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: Executive

PROPOSED ACTION: No Council action proposed or requested on this particular agenda item; This item is to allow for public comments on the proposed Resolution.

BACKGROUND:

See corresponding action item under New Business.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

1. RESOkatyDA824
2. Development Agreement

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

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

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
AUTHORIZING THE MAYOR TO EXECUTE A
DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP
AND MAKING CERTAIN FINDINGS RELATED THERETO**

WHEREAS, city staff has reviewed and negotiated a conceptual plan with The Katy Elgin, LP, a Texas limited partnership for the development of certain real property on Weast Second Street within the city limits; and,

WHEREAS, The Katy Elgin, LP, a Texas limited partnership, has proposed a development of affordable rental housing including approximately one hundred fifty (150) units to be located at 602 West 2nd Street in the City of Elgin, Texas, which development is named The Katy; and,

WHEREAS, the city staff is now recommending a Development Agreement with The Katy Elgin, LP, to memorialize for the record terms and conditions for development of said property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

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

Section 2. Authorization. The Mayor is hereby authorized to execute the *Development Agreement* with The Katy Elgin, LP, a copy of said agreement being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August, 2024

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

ESMERALDA RANGEL, Assistant City Secretary

**DEVELOPMENT AGREEMENT AMONG
CITY OF ELGIN, TEXAS AND THE KATY ELGIN, LP**

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This Development Agreement (“Agreement”) is entered into by and between the **City of Elgin, Texas**, a home-rule city located in Bastrop and Travis County, Texas, (the “City”) and **The Katy Elgin, LP**, a Texas limited partnership (together with its affiliates, collectively, the “Developer”) to construct a development for affordable rental housing named **The Katy** (the “Project”)

INTRODUCTION

The Developer currently owns 2.8802 acres of currently undeveloped land labeled as Tract 1 in **Exhibit A**, attached hereto and made a part hereof.

The Developer intends to construct a multi-family development consisting of one hundred fifty (150) units of affordable rental housing, which once completed will operate under the name *The Katy* at 601 West Second Street. Various private amenities and facilities will also be constructed and/or developed to serve the residents of the Project.

Because the Project, as hereinafter defined, constitutes an affordable housing development that the City Council supports, the Developer and the City wish to enter into this Agreement which provides an alternative to the City’s typical regulatory process for development, as well as the comprehensive planning of the entire Property for the benefit of the present and future residents of the City and the Project.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, including the agreements set forth below, the parties’ contract as follows.

ARTICLE I - DEFINITIONS

Section 1.01 Definitions. In addition to the terms defined elsewhere in this Agreement or in the City’s ordinances, the following terms and phrases used in this Agreement will have the meanings set out below:

Agreement: This Development Agreement between the City and Developer.

City: The City of Elgin, Texas, a home-rule city located in both Bastrop County and Travis County, Texas.

Development: The concept plan for the Property shown in **Exhibit B**, attached hereto and made a part hereof.

Developer: The Katy Elgin, LP, or its affiliates, successors and assigns under this Agreement.

Project: A multi-family development consisting of approximately one hundred fifty (150) units of affordable rental housing at 601 West Second Street, Elgin, Texas.

Property: Approximately 2.8802 acres of undeveloped land described in **Exhibit A**, being wholly located within the corporate limits of the City.

ARTICLE II - PROJECT DESCRIPTION AND CONCEPT PLAN

Section 2.01 Project Description. The Developer proposes to construct an affordable rental housing development (the "Project") on the Property that is projected to include approximately one hundred fifty (150) residential rental units with amenities, as depicted on the Concept Plan as Exhibit B.

Section 2.02 Concept Plan. The City hereby confirms that the Concept Plan complies with the City's Planning & Zoning Code, as amended. The City confirms that the Concept Plan has been determined to meet the minimum development standards for land use, densities, private roadway alignments and widths and other matters shown on the Concept Plan and required by the City Code.

Section 2.03 Amendments. Any changes to the Concept Plan must be consistent with the terms of this Agreement and will be subject to review and approval by the City Council, which will not be unreasonably withheld.

ARTICLE III - DEVELOPMENT MATTERS

Section 3.01 Permitted Variances to City Development Standards. In order to facilitate the construction of the Project, the City agrees to provide variances to certain development standards set forth by City ordinance, which in relevant part are set forth in the attached Exhibit C and made part hereof. No other action will be required on the part of the Developer to obtain such variances to the extent any variance is in conformity with this Agreement, attached hereto and made a part hereof.

Section 3.02 Public Sidewalks, Drainage, and Rights-of-Way. At issuance of the applicable construction permit, the Developer shall pay the City a one-time permit fee of \$200,000 for sidewalks, drainage improvements, or other City projects at the City's election in any location as deemed by the City.

Further, The Parties agree that Developer shall be required to construct (a) a pedestrian crossing with signalized beacons on Second Street. The Developer will design, permit and construct the immediately preceding improvements referenced in (a), as well as sidewalks and drainage facilities located within the Project that are necessary to serve the Project. The City will accept the dedication of public rights-of-way, public sidewalks, and public drainage improvements located therein for operation and maintenance, after construction and acceptance of same. All such facilities located outside of the right-of-way shall be maintained and operated by the Developer.

Section 3.03 Off-Street Parking. The City's Code of Ordinances stipulates that adequate parking and loading facilities must be provided off the street right of way for each use of land within the City. Specific requirements are based on the demand created by each land use. The Concept Plan for the Project as described in Article II, Section 2.02 does not meet City Code requirements as it relates to minimum requirements for off-street parking. The Concept Plan for the Project includes two hundred fifty-two (252) off-street vehicle parking spaces, which is fifty-four (54) parking spaces (17.5%) less than the three hundred six (306) off-street vehicle parking spaces required for the Project per Code.

Section 3.04 Rights-of-Way and/or Easements Acquisition. The Developer shall be required to obtain any and all easements and/or rights-of-way associated with the Project as required by the City and necessary to serve the Project. The Developer shall convey all such easements and/or rights-of-way to the City at no cost to the City.

ARTICLE IV – DEVELOPMENT STANDARDS

Section 4.01 Underground Utility Service. The Parties agree that all utility lines must be underground to connection points provided by the utility service provider. All transformers must

be visually screened.

Section 4.02 Water Utility Provider. The City shall be the retail water service provider to the Development.

Section 4.03 Wastewater Service. The City shall be the retail wastewater service provider to the Development.

ARTICLE V - PRIVATE PROJECT AMENITIES

Section 5.01 Project Amenities. Exclusively for the benefit and enjoyment of the residents of the Project, the Developer shall provide various amenities to enhance the overall living experience of the Project residents.

Section 5.02 Swimming Pool. The Developer shall construct a swimming pool as shown on the Concept Plan for the benefit of the resident community.

Section 5.03 Work-from-Home Space. The Developer shall construct a work- from-home space as shown on the Concept Plan for the benefit of the resident community.

Section 5.04 Electric Vehicle Charging Stations. The Developer shall install electric vehicle charging stations as shown on the Concept Plan for the benefit of the resident community.

Section 5.05 After-School Learning Center. For the benefit of the resident community, the Developer shall operate, or retain a qualified third-party to operate, an onsite after-school learning center for a minimum fifteen (15) hours per week, providing, at a minimum, homework assistance, tutoring, test preparation, assessments and remediation of skill deficiencies.

Section 5.06 Ownership and Maintenance of Amenities. Ownership and maintenance of all amenities, open space, associated improvements, private drainage and detention facilities shall be the responsibility of the Developer, who will have the right to impose restrictions and enforce proper use of such improvements, including the right to add security measures (fences, cameras, or related), if necessary to prevent the misuse, abuse, vandalism, or any other nuisance activities.

ARTICLE VI - PROJECT COMPLETION

Section 6.01 Certificate of Occupancy. The Developer expressly agrees that the Project will not receive a Certificate of Occupancy until it is in full compliance with all requirements of the Project as described herein and all applicable City Code requirements. The Developer also expressly agrees that the Project will not receive a Certificate of Occupancy until all "Private Project Amenities" as described in Article V above are constructed, installed, and fully operational.

ARTICLE VII - AUTHORITY AND VESTING OF RIGHTS

Section 7.01 Vesting of Rights. The Concept Plan submitted by the Developer as an exhibit to this Agreement constitutes an application by the Developer for the development of the Property, and initiates development permit process for the Project. The City acknowledges that the Developer has vested authority to develop the Property in accordance with this Agreement subject to any limitations contained in Chapter 245, Texas Local Government Code.

ARTICLE VIII - TERM, ASSIGNMENT AND REMEDIES

Section 8.01 Termination and Amendment by Agreement. This Agreement may be terminated or amended at any time by mutual written consent of the City and Developer.

Section 8.02 Assignment. This Agreement may not be assigned by the Developer, without the City's consent. Any proposed assignment will be in writing, specifically setting forth the assigned rights and obligations and be executed by the proposed assignee.

Section 8.03 Remedies. If Developer defaults under this Agreement, the City shall provide Developer written notice of such default. If such default remains uncured by Developer for a period of fourteen (14) days after written notice, the City may enforce this Agreement by seeking specific performance from any court of appropriate jurisdiction, or, in lieu thereof, the City may give Notice to Developer. If the Developer defaults, the City will be entitled to recover its reasonable attorney's fees, expenses and court costs from the non-prevailing party.

ARTICLE IX - MISCELLANEOUS PROVISIONS

Section 9.01 Severability; Waiver. If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

Any failure by a party to insist upon strict performance by the other party of any material provision of this Agreement will not be deemed a waiver thereof or of any other provision, and such party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

Section 9.02 Applicable Law and Venue. The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Bastrop County, Texas.

Section 9.03 Entire Agreement. This Agreement contains the entire agreement of the parties. There are no other agreements or promises, oral or written, between the parties regarding the subject matter of this Agreement. This Agreement supersedes all other agreements between the parties concerning the subject matter.

Section 9.04 Exhibits, Headings, Construction and Counterparts. All schedules and exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes.

Section 9.05 Force Majeure. If, by reason of force majeure, either party is rendered unable, in whole or in part, to carry out its obligations under this Agreement, the party whose performance is so affected must give notice and the full particulars of such force majeure to the other party within a reasonable time after the occurrence of the event or cause relied upon, and the obligation of the party giving such notice, will, to the extent it is affected by such force majeure, be suspended during the continuance of the inability but for no longer period. The party claiming force majeure must endeavor to remove or overcome such inability with all reasonable dispatch.

The term "force majeure" means Acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas, or of any court or agency of competent jurisdiction or any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, vandalism, explosions, breakage or accidents to machinery, pipelines or canals.

Section 9.06 Exhibits. The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

- Exhibit A - Depiction of the Property and Boundary Survey
- Exhibit B - Concept Plan
- Exhibit C - Code Text

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the dates indicated below.

CITY OF ELGIN, TEXAS

By: _____

Name: _____

Title: _____

Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me on _____, 2024, by
_____, _____ of the City of Elgin, Texas, a home-rule city
on behalf of said City.

Notary Public Signature

(Seal)

THE KATY ELGIN, LP

By: ITEX Advisors, General Partner

By: The ITEX Group Management, LLC

By: _____

Name: Christopher A. Akbari

Title: Manager

Date: 8/1/2024

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on August 1,, 2024, by
Christopher A. Akbari on behalf of The Katy Elgin, LP.

Cheryl A. Reed
Notary Public Signature

(Seal)

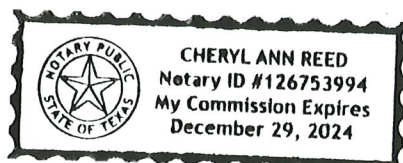


EXHIBIT "A"

DEPICTION OF THE PROPERTY & BOUNDARY SURVEY

EXHIBIT A

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 2.8802 ACRES (125,460 SQUARE FEET) OF LAND, MORE OR LESS, BEING OUT OF THE JONATHAN BURLESON SURVEY NO. 25, ABSTRACT NO. 18 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 2.879 ACRE TRACT CONVEYED TO GINTX VILLAGE, LLC IN DOCUMENT NO. 201415287 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (O.P.R.B.C.T.), SAID 2.8802 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
sduarte@4wardls.com
www.4wardls.com

BEGINNING, at a 1/2-inch iron rod found in the south right-of-way line of West 2nd Street (Right-of-way varies), being the northeast corner of Lot 3, Boettcher Addition, a subdivision in Bastrop County, Texas according to the map or plat thereof recorded in Cabinet 2, Page 312B of the Plat Records of Bastrop County, Texas (P.R.B.C.T.), and being the northwest corner of said GinTx Village tract for the northwest corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found for the northwest corner of Lot 1 of said Boettcher Addition, and being in the south right-of-way line of said West 2nd Street bears, N69°11'36"W, passing at a distance of 35.07 feet a 1/2-inch iron rod found (leaning) for the common north corner of Lot 2 of said Boettcher Addition and said Lot 3, and continuing for a total distance of 287.01 feet;

THENCE, with the south right-of-way line of said West 2nd Street and the north line of said GinTx Village tract, the following two (2) courses and distances:

- 1) S77°31'49"E, a distance of **54.31** feet to a 5/8-inch iron rod found for an angle point hereof, and
- 2) N69°28'01"E, a distance of **197.97** feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being the northwest corner of a called 6.055 acre tract conveyed to Jorge Gonzales in Document No. 201717044 (O.P.R.B.C.T.), and being the northeast corner of said GinTx Village tract, from which a 1/2-inch iron rod found for the northeast corner of said Gonzales tract, and being in the south right-of-way line of said West 2nd Street bears, N65°58'01"E, a distance of 518.70 feet;

THENCE, leaving the south right-of-way line of said West 2nd Street, with the east line of said GinTx Village tract and the west line of said Gonzales tract, S07°37'39"E, a distance of **237.30** feet to an iron rod with "RPLS 1753" cap found for an angle point hereof, said point being the southwest corner of said Gonzales tract, and being the northwest corner of a called 0.967 acre tract conveyed to Tonya Marie Hanson-Clemons & Darien Everett Clemons in Document No. 201207847 (O.P.R.B.C.T.);

THENCE, continuing with the east line of said GinTx Village tract, and with the west line of said Clemons tract, S08°26'31"E, a distance of **175.71** feet to a calculated point for the southeast corner hereof (from which an iron rod with "J.E. Garon" cap found bears, S08°26'31"E, a distance of 0.38 feet), said point being the southeast corner of said GinTx Village tract, being the southwest corner of said Clemons tract, and being in the north right-of-way line of Capital Metropolitan Transportation Authority Railroad (Right-of-way varies), from which a chiseled "X" in concrete found for an angle point in the north right-of-way line of said Capital Metro Railroad, and being an angle point in the south line of said Clemons tract bears, N77°56'23"E, a distance of 266.94 feet;

THENCE, with the north right-of-way line of said Capital Metro Railroad and the south line of said GinTx Village tract, S78°00'46"W, a distance of **386.49** feet to a 1/2-inch iron rod found for the southwest corner hereof, said point being the southeast corner of said Lot 2, and being the southwest corner of said GinTx Village tract;

EXHIBIT A

THENCE, leaving the north right-of-way line of said Capital Metro Railroad, with the west line of said GinTx Village tract, and with the east line of said Lot 2 and said Lot 3, **N10°48'09"E**, passing at a distance of 259.36 feet a 1/2-inch iron rod found for the common east corner of said Lot 2 and said Lot 3, and continuing for a total distance of **439.35** feet to the **POINT OF BEGINNING** and containing 2.8802 Acres (125,460 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000080248526. See attached sketch (reference drawing: 00530.dwg).

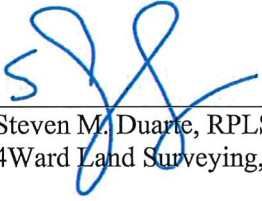

8/26/2022
Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC



EXHIBIT "B"
CONCEPT PLAN

DEVELOPER'S AGREEMENT EXHIBIT

FOR
THE KATY AT ELGIN
ELGIN, TEXAS

PRESENTED BY:
THE KATY ELGIN, LP



**Know what's below.
Call before you dig.**

==CONSULTANT CONTACT LIST:

OWNER
GINTX VILLAGE, LLC
1701 EVERGREEN AVE., SUITE 2
AUSTIN, TX 78704

CIVIL ENGINEER
SAMBATEK
13355 NOEL RD, SUITE 1100
DALLAS, TX 75240
TEL 972-830-3190
EMAIL: TMONDOK@SAMBATEK.COM
CONTACT: TRAVIS MONDOK PE, CFM

DEVELOPER
THE KATY PLAZA, LP
9 GREENWAY PLAZA, SUITE 1250
HOUSTON, TX 77046
TEL: 516-805-4696
EMAIL: KT@VVCOS.COM
CONTACT: KEVIN TISED

GEOTECHNICAL
SCIENCE ENGINEERING, LTD.
P.O. BOX 2048
NEDERLAND, TX 77527
TEL: 409-982-0686
EMAIL: YOUSEF@SCIENCE-EN
CONTACT: YOUSEF@SCIENCE-EN

**SURVEYOR
SAMBATEK**
13355 NOEL RD, SUITE 1100
DALLAS, TX 75240
TEL 972-532-9170
EMAIL: LRYON@SAMBATEK.COM
CONTACT: LONDON RYON, RPLS

**GEOTECHNICAL
SCIENCE ENGINEERING, LTD.**
P.O. BOX 2048
NEDERLAND, TX 77527
TEL: 409-982-0686
EMAIL: YOUSEF.RAHMANI@SCIENCEE
CONTACT: YOUSEF@SCIENCEE

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GOVERNING SPECIFICATIONS

CITY OF ELGIN, TX SPECIFICATIONS (2019)

ALL CONSTRUCTION ACTIVITIES SHALL MEET THE CITY OF ELGIN CONSTRUCTION STANDARDS

[illegible]

PRELIMINARY FOR REVIEW ONLY Not for construction or permit purposes.	
	Engineer MARK ANDERSON, P.E. P.E. No. 332393 Date 06/11/2013

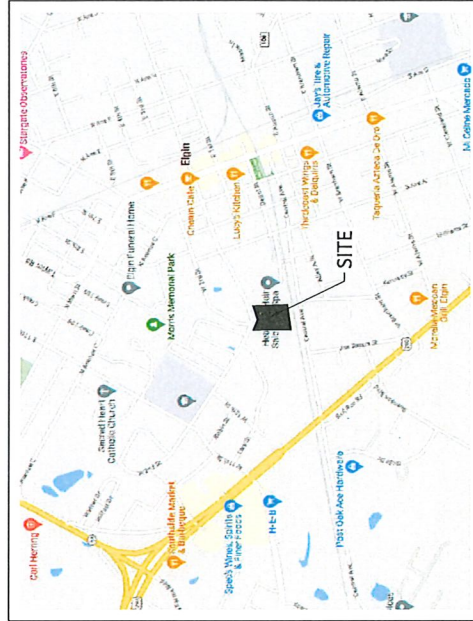
PRELIMINARY 04/15/2024
DESIGN REVIEW
PERMIT SUBMITTAL 04/17/2024
CONSTRUCTION DOCUMENTS

DRAWN BY MRG
DESIGNED BY MA
CHECKED BY MA
PROJECT NO. 51774

Sambatek
www.sambatek.com
Engineering | Surveying | Planning | Environmental
TEXAS BPELS REG. F-16014 | SURVEY REG. 10164700

TITLE SHEET	SHEET
THE KATY ELGIN, LP THE KATY AT ELGIN ELGIN, TEXAS	C1.01

SHEET	DESCRIPTION
CL 01	TITLE SHEET
AL 01	PROJECT & PARKING SUMMARY
AL 02	SITE PLAN
AL 03	AMENITY CENTER
AL 04	ROOF PLAN
AL 05	BUILDING ELEVATION
AL 06	BUILDING ELEVATION



VICINITY MAP
NO SCALE

BENCHMARKS

BM NO. 1	BM NO. 2	BM NO. 3
X CUT	*X* CUT	*X* CUT
N: 10102468	N: 10102537	N: 10102545
E: 3229011	E: 3229174	E: 3229301
ELEV.=561.239	ELEV.=557.241	ELEV.=556.65

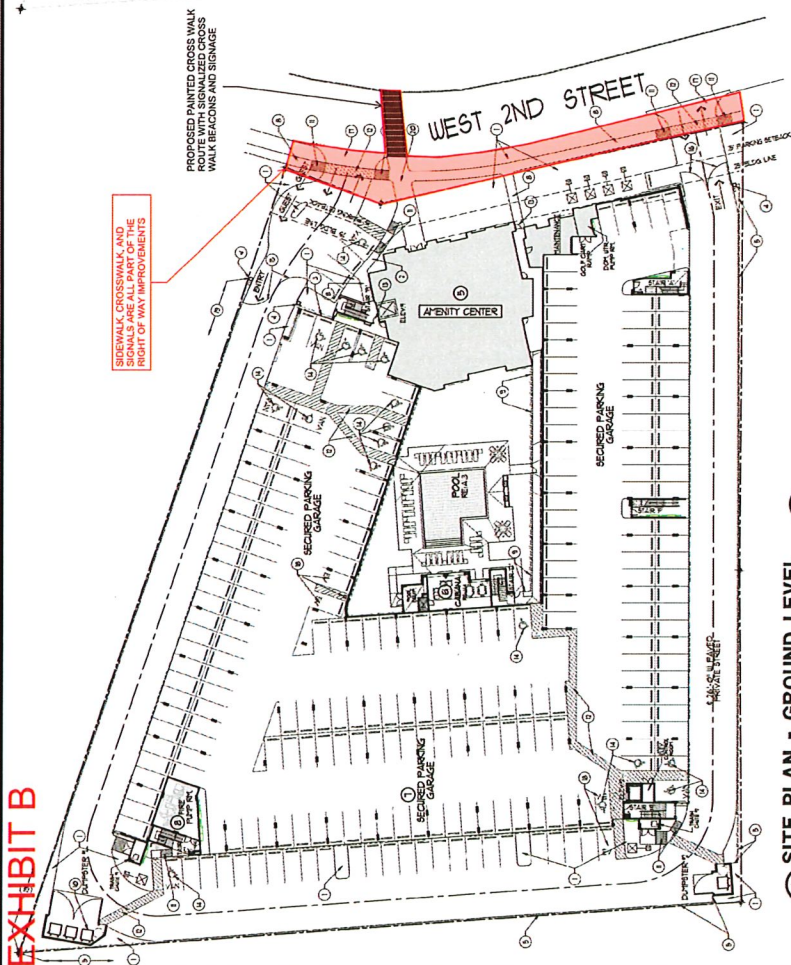
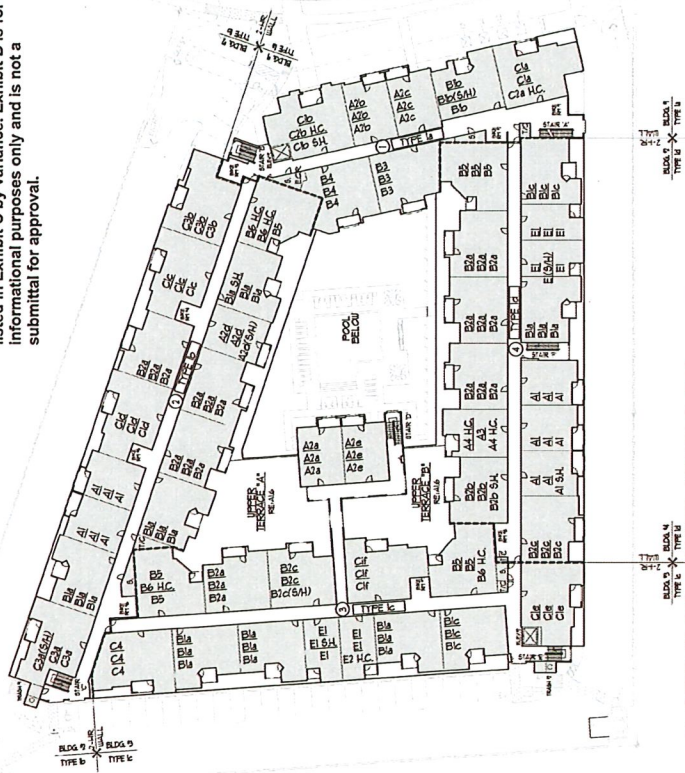
SITE INFORMATION

ZONING: C-2 COMMERCIAL
FEMA MAP ID: 48021C0075E
LOCATED IN "ZONE X" OF MINIMAL FLOOD HAZARD

NOTE:

PROPOSED BUILDING HEIGHT: THE HEIGHT OF THE BUILDING IS 45'-0" TO THE FLAT PORTION OF THE ROOF THAT SUPPORTS THE MECHANICAL EQUIPMENT. THE AVERAGE HEIGHT OF THE DECORATIVE PITCHED MANSARD ROOF, WHICH IS UTILIZED PRIMARILY FOR SCREENING OF THE ROOFTOP MECHANICAL EQUIPMENT, IS APPROXIMATELY 54'-5 13/16".

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SITE PLAN - GROUND LEVEL

7 BALL 7 BALL 7 BALL

SIGHT AND HEARING ADAPTABLE UNITS:
(SEE CAPTION NOTE 2)

- [illegible]

NOTES TO SHEET ALL: (shown with rano targets)

- 4'-0" to 4'-6" concrete stemwall.
- 5'-0" to 6'-0" concrete stemwall.
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GENERAL NOTES:

- [illegible]

MEP NOTES:

1. Locations of all appliances and fixtures to be governed by Architectural drawing.
2. Provide underground electrical & telephone conduits & supplies to all vehicular gates shown on VALL.
3. High drawings to show locations of transformers, electrical meters & panels, water meters, gas meters, cable T.V. & telephone. Electrical meters and Condensers show on Architectural Site Plan are for design purpose only and are subject to coordination with Title Engineer.

PROJECT SUMMARY:

[illegible]

[illegible]

The Katy At Elgin

TDHCA Disclosure: In accordance with the rules of the Texas Department of Housing and Community Affairs, aspects of this development may be subject to change, including but not limited to, changes in the amenities ultimately selected and provided.

N.C. INDICATES MOBILITY IMPAIRED UNIT. SAH INDICATES SIGHTHEARINGS IMPAIRED UNIT. NOTE: STRUCTURE IS COMPOSED OF 1 DISTINCT BLDGS. 1, 2, 3, 4, 5, 6 AND 7 SEPARATED BY TWO-HOUR CONCRETE FOOTING FLOOR AND TWO-HOUR AREA SEPARATION WALLS.

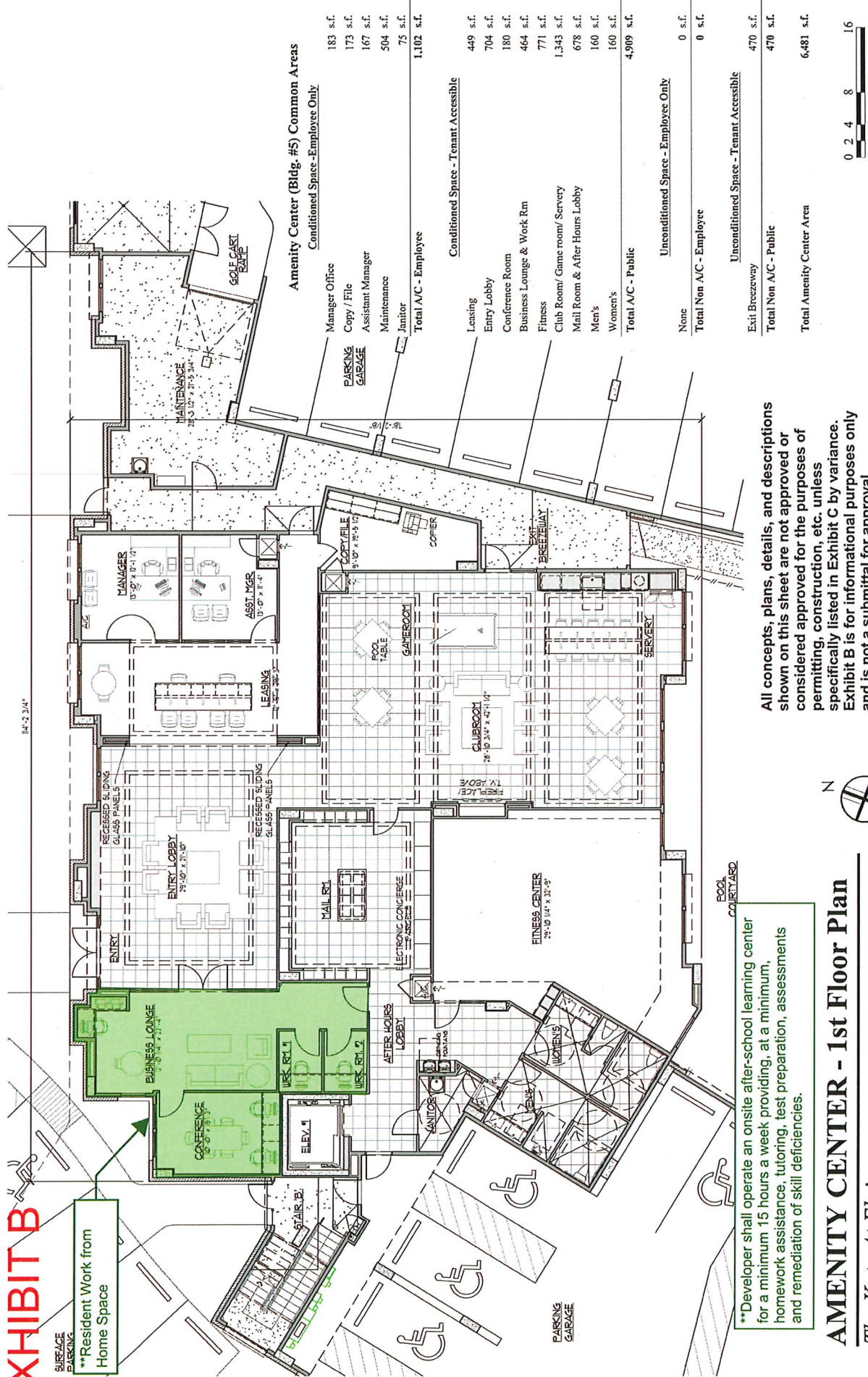
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A1.0;

EXHIBIT B

SURFACE PARKING

**Resident Work from Home Space



**Developer shall operate an onsite after-school learning center for a minimum 15 hours a week providing, at a minimum, homework assistance, tutoring, test preparation, assessments and remediation of skill deficiencies.

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AMENITY CENTER - 1st Floor Plan

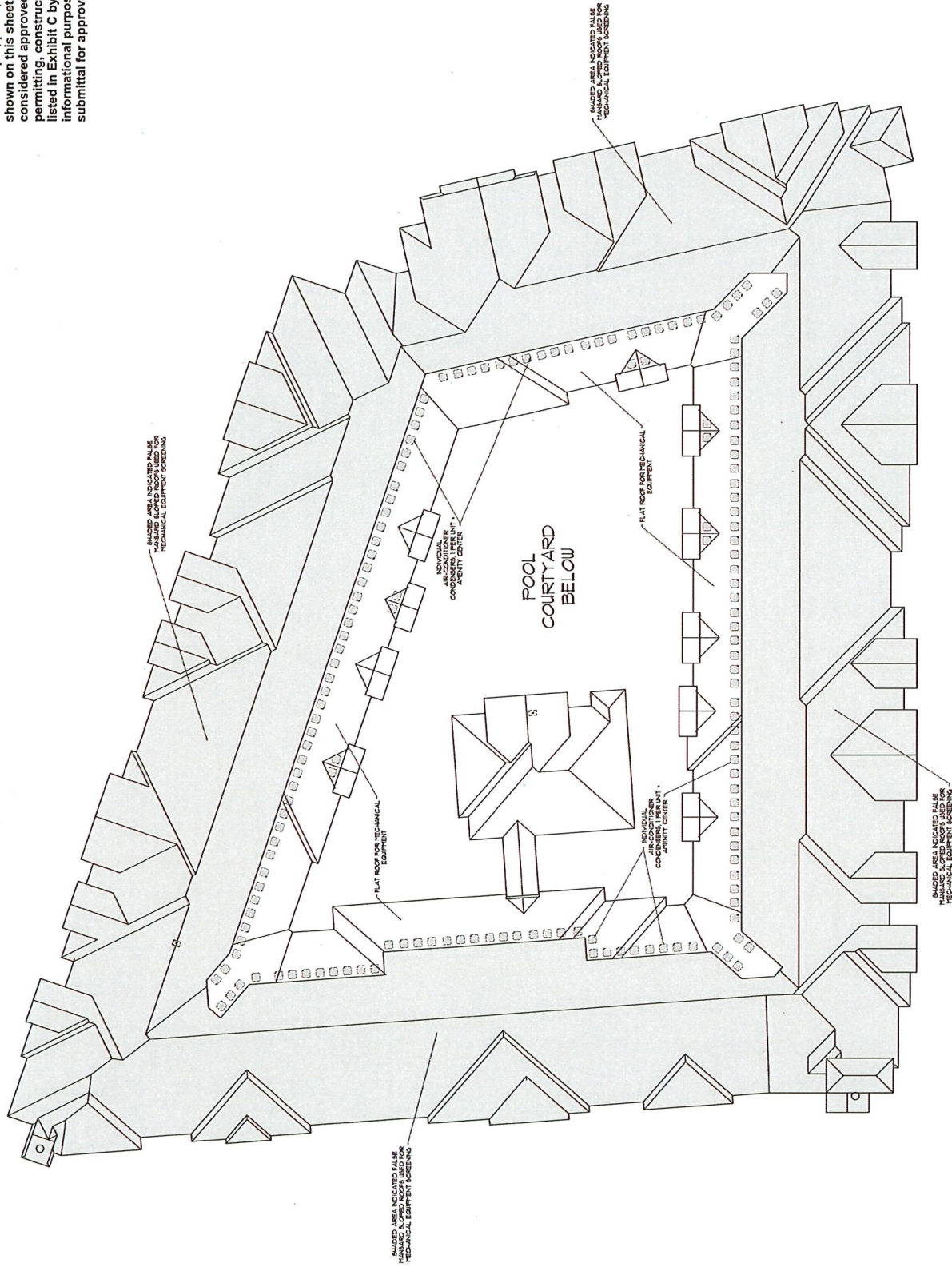
The Katy At Elgin

Mucasey & Associates, Architects

TDHCA Disclosure: In accordance with the rules of the Texas Department of Housing and Community Affairs, aspects of this development may be subject to change, including but not limited to, changes in the amenities ultimately selected and provided

A1.0:

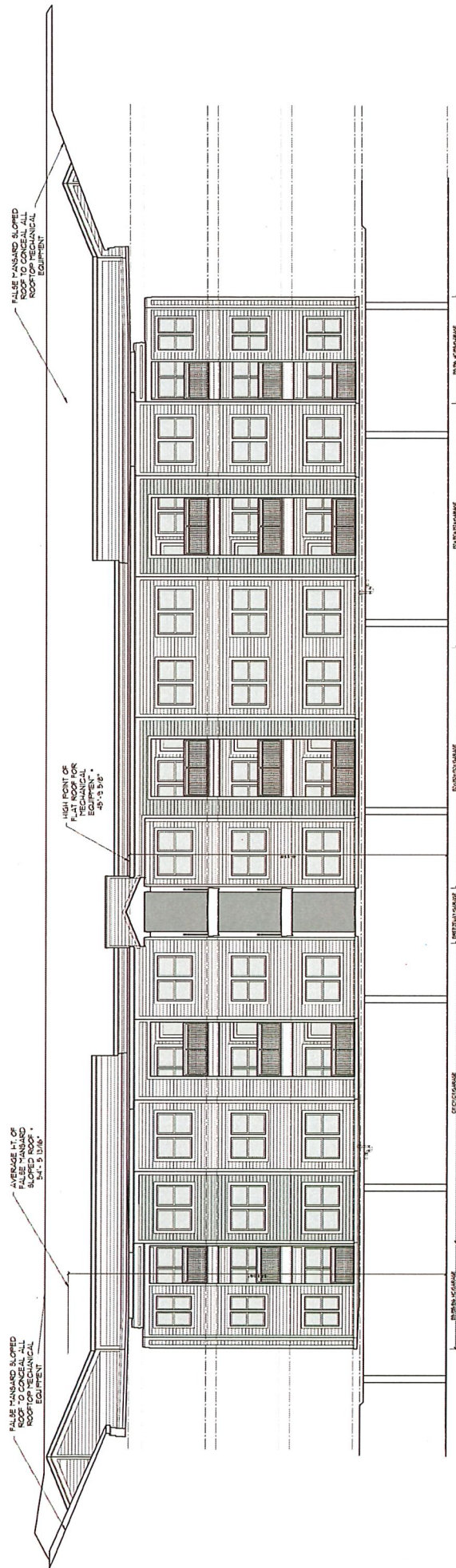
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BUILDING HEIGHT STUDY ROOF PLAN SHOWING FLAT ROOF & FALSE MANSARD SLOPED ROOFS SCREENING MECHANICAL EQUIPMENT

EXHIBIT B

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BUILDING HEIGHT STUDY IN COURTYARD SHOWING FLAT ROOF FOR MECHANICAL EQUIPMENT IN
A SECTION CUT THROUGH THE POOL COURTYARD MIDDLE

EXHIBIT "C"
CODE TEXT

Chapter 46 – ZONING

ARTICLE I. – IN GENERAL

- **Sec. 46-1. – Definitions.**

Building height means the vertical distance from the finished floor to the highest point of coping of a flat roof, or the deck line of the mansard roof or to the average height of the highest gable of a pitch or hip roof.

This will exclude false mansard sloped roofs used for mechanical equipment screening.

- **Sec. 46-334. - Height regulations.**

The following are height regulations for the R-4-Multiple-Family Residential District: no buildings shall exceed 50 feet in height.

(Code 1990, ch. 11, § 2(C)(5)(d); [Ord. No. 2023-03-07-06](#), 3-7-2023)

The average height of all false mansard sloped roofs shall not exceed 55 feet in height.

- **Sec. 46-635. - Amount of off-street parking and loading required.**

a) Off-street parking and loading facilities shall be provided in all zoning districts, except within the Downtown Historic District, in accordance with the following schedule:

- 3) Dwelling, multiple family: 1.5 spaces per one bedroom unit; two spaces per two bedroom unit; 2.5 spaces per three or more bedroom unit; guest parking at a ratio of five percent of the required spaces. At least 25 percent of all overall parking spaces shall be covered parking. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the city's standard specifications.

(Code 1990, ch. 11, § 2(D)(5)(f); Ord. No. 96-03-19-09, 3-19-1996; Ord. No. 97-12-02-31, 12-2-1997; Ord. No. 2001-09-11-21, 9-11-2001; Ord. No. 98-11-03-54, 11-3-1998; Ord. No. 2001-04-03-10, 4-3-2001; Ord. No. 2002-02-05-06, 2-5-2002; Ord. No. 2011-07-05-37, §§ I—XXV, 7-5-2011; [Ord. No. 2020-02-04-09](#), § I, 2-4-2020; [Ord. No. 2021-01-05-01](#), § VI, 1-5-2021; [Ord. No. 2022-02-01-04](#), § I, 2-1-2022; [Ord. No. 2023-03-07-06](#), 3-7-2023; [Ord. No. 2023-05-16-15](#), § IX, 5-16-2023)



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and Discussion of a City Charter Review Process

DEPARTMENT: Executive

PROPOSED ACTION: Consideration of information provided relating to the Elgin City Charter and a potential City Charter Review process

BACKGROUND:

Discussed at previous meetings; A City Charter is typically known as "the constitution" of the applicable city, as it provides the most basic framework for the city government and is established by city electors (and can only be changed by city electors).

Typically, City Charters also include provisions stipulating how said Charter is to be reviewed periodically and considered for amendment. The Elgin City Charter was adopted nearly 40 years ago, but did not include a requirement for Charter Review. As such, it appears that a comprehensive review of the Elgin City Charter has not occurred.

The current City Council is now in agreement that a formal, comprehensive review of the City Charter should be considered. This item is for further discussion of how such a review would be accomplished.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consideration of information provided relating to the Elgin City Charter and a potential City Charter Review process; and direction to staff, if any, regarding same.

ATTACHMENTS:

None

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: Executive

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

BACKGROUND:

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

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

None

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes-July 16, 2024

DEPARTMENT: Executive

PROPOSED ACTION: Approval of Regular Meeting Minutes.

BACKGROUND:

N/A

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the July 16, 2024 Regular Meeting Minutes.

ATTACHMENTS:

1. 7-16-2024 City Council Regular Meeting Minutes

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

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

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

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



ELGIN CITY CITY COUNCIL MINUTES

July 16, 2024

6:30 PM

CALL TO ORDER

Mayor McShan called the meeting to order at 6:33 p.m.

ROLL CALL

Mayor McShan announced there was a quorum. She stated that Mr. Rodriguez would not be in attendance. Mayor Pro Tem Brashar made a motion to excuse Mr. Rodriguez. Mr. Swain seconded the motion. All voted in favor. The motion carried.

Present:

Theresa Y. McShan, Mayor
Arthur Gibson III, Council Member
Joy Casnovsky, Council Member
YaLecia Love, Council Member
Chuck Swain, Council Member
Matthew Callahan, Council Member
Forest Dennis, Council Member
Sue Brashar, Mayor Pro Tem

Staff:

Thomas L. Mattis, City Manager
Michael Gonzalez, Public Works Director
Chris Noble, Chief of Police
Amy Miller, Community Services Director
Beau Perry, City Engineer/Development Services Director
Pam Sanders, HR Director
Sonia Browder, Media Specialist
Kristina Alvarez, Main Street Manager
Esmeralda Rangel, Assistant City Secretary
Aldo Gomez, Patrol Sergeant
Dillon Scherr, Patrol Officer

INVOCATION

Mr. Callahan provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor McShan led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America and Pledge of Allegiance to the Texas Flag.

PUBLIC HEARING

1. **Public Hearing On An Ordinance Of The City Of Elgin Texas, Adopting Chapter 214, Subchapter A, Of The Texas Local Government Code, Repealing Chapter 6, Article III. Unsafe Building Abatement Of The Elgin City Code And Repealing All Other Ordinances And Parts Of Ordinances In Conflict Herewith; Containing Penalties Not To Exceed Two Thousand Dollars (\$2,000) For Each Offense Except Where A Different Penalty Has Been Established By State Law And Each And Every Day Said Violation Is Continued Shall Constitute A Separate Offense; Providing For A Severability Clause; Providing A Repealer Clause, And Providing For Publication.**
Mayor McShan read the caption to the public hearing. No one wished to speak on the public hearing item.

PUBLIC COMMENT

There were no public comments.

PRESENTATION

CITY MANAGERS REPORT

1. **Review and Discussion of a City Charter Review Process**
Mr. Mattis provided an update on a topic discussed at a previous council meeting. He noted that this review process is unprecedented in Elgin's history, as the current City Charter does not specify when such a review should occur. Discussion continued.
2. **Board of Adjustments Quarterly Report**
3. **Building Standards Commission Quarterly Report**
4. **General Activity Report and/or Project Update**
Mr. Mattis provided comments about a meeting held with the ESD petitioners that took place with the council committee previously assigned by the mayor.

CONSENT AGENDA

1. **City Council Regular Meeting Minutes-July 2, 2024**
The minutes were approved on the consent agenda.
2. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER 16 FOR THE COUNTY LINE ROAD IMPROVEMENT PROJECT PHASE I AND MAKING CERTAIN FINDINGS RELATED THERETO**
The resolution was approved on the consent agenda.
3. **A RESOLUTION TO APPROVE A NEW MUNICIPAL MAINTENANCE AGREEMENT (MMA) BETWEEN THE STATE OF TEXAS AND THE CITY OF ELGIN FOR THE MAINTENANCE, CONTROL, SUPERVISION, AND REGULATION OF CERTAIN STATE HIGHWAYS AND OR PORTIONS OF STATE HIGHWAYS IN THE CITY; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.**
The resolution was approved on the consent agenda.
4. **A RESOLUTION BY THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AND RESTATED INTERLOCAL AGREEMENT WITH THE AUSTIN REGIONAL INTELLIGENCE CENTER (ARIC). THE**

EXISTING INTERLOCAL AGREEMENT AND SUSTAINMENT FUNDING INTERLOCAL AGREEMENT ARE BEING COMBINED INTO ONE AGREEMENT.

The resolution was passed on the consent agenda.

5. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR TEMPORARY CLOSURE OF STATE RIGHT OF WAY.**

The resolution was passed on the consent agenda.

6. **REQUEST TO WAIVE OPEN CONTAINER ORDINANCE OCTOBER 24, 25 AND 26 FOR THE 37TH ANNUAL HOGYE FESTIVAL.**

The requested was passed on the consent agenda.

7. **CONSIDER REQUEST TO CLOSE STREETS FOR THE HOGYE FESTIVAL STREET DANCE FRIDAY OCTOBER 25 FROM 4PM TO MIDNIGHT ON DEPOT STREET FROM MAIN STREET TO AVENUE A FOR THE FREE STREET DANCE, AND ON SATURDAY, OCTOBER 26 FROM 8AM TO 7PM THE FESTIVAL GROUNDS LOOP 109 MAIN STREET FROM THE 400 BLOCK OF NORTH MAIN STREET TO THE 200 BLOCK OF SOUTH MAIN STREET, AUSTIN STREET, 1ST STREET, 2ND STREET, FROM THE UNION PACIFIC RAILROAD TRACKS TO AVENUE A AND CENTRAL AVENUE AND DEPOT STREET FROM MAIN STREET TO AVENUE A.**

The request was passed on the consent agenda.

Mr. Callahan made a motion to approve the consent agenda. Mr. Swain seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. **Board and Commission Appointment**

Mayor McShan provided details about a vacancy on the Historic Review Board and recommended the appointment of Ms. Bernette Reese Smith to fill the vacancy.

Mr. Dennis made a motion to approve the appointment. Ms. Love seconded the motion. All voted in favor. The motion carried.

2. **AN ORDINANCE OF THE CITY OF ELGIN, TEXAS ADOPTING CHAPTER 214, SUBCHAPTER A, OF THE TEXAS LOCAL GOVERNMENT CODE, REPEALING ARTICLE III. UNSAFE BUILDING ABATEMENT OF THE ELGIN CITY CODE AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING PENALTIES NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW AND EACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION.**

Mr. Mattis clarified that this ordinance was created in response to the council's concerns about unsafe building abatements. Mr. Perry detailed the ordinance's provisions, outlined the decision-making process, and addressed questions from the council. Mr. Mattis provided additional comments. Discussion followed.

Mayor Pro Tem Brashar made a motion to approve the ordinance. Ms. Love seconded the motion. All voted in favor. The motion carried.

EXECUTIVE SESSION

The City Council did not adjourn into executive session.

RECONVENE

ANNOUNCEMENTS

Ms. Miller stated there was a Hogeye Festival Committee meeting. She also stated that the bookmobile is wrapping up as well as the summer reading program, and Saturday evenings at the pool have been very successful.

ADJOURNMENT

Mayor McShan adjourned the meeting at 7:40 p.m.

ATTEST:

Esmeralda Rangel, Assistant City Secretary

Theresa Y. McShan, Mayor



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Work Session Meeting Minutes-July 27, 2024

DEPARTMENT: Executive

PROPOSED ACTION: Approval of Work Session Meeting Minutes.

BACKGROUND:

N/A

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the July 27, 2024 Work Session Meeting Minutes.

ATTACHMENTS:

1. 7-27-2024 City Council Work Session Meeting Minutes

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

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

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

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



ELGIN CITY CITY COUNCIL MINUTES

July 27, 2024

9:00 AM

CALL TO ORDER

Mayor McShan called the meeting to order at 9:00 a.m.

ROLL CALL

Mayor McShan announced that there was a quorum.

Present:

Theresa Y. McShan, Mayor
Arthur Gibson III, Council Member
Joy Casnovsky, Council Member
Chuck Swain, Council Member
YaLecia Love, Council Member
Forest Dennis, Council Member
Sue Brashar, Council Member

Absent:

Al Rodriguez, Council Member
Matthew Callahan, Council Member

Staff:

Thomas L. Mattis, City Manager
Esmeralda Rangel, Assistant City Secretary

INVOCATION

Mayor McShan provided the invocation.

GENERAL DISCUSSION

1. **The Mayor, City Council, staff, and attendees engaged in a broad discussion related to policy issues, planning, Council/staff interactions, and other issues related to, operations, functions, personnel, infrastructure, facilities, taxes, long-term and short-term goals, and other miscellaneous items.**

Retired U.S. Navy Commander Dr. Mary C. Kelly provided an engaging presentation to City Council. The session featured interactive activities, including a Leadership Style assessment, a trust-building exercise, a leadership improvement plan, and a vision plan. Additionally, there was a segment on implementing AI. Dr. Kelly also highlighted several of her published works, such as "The Five-Minute Leadership Guide" and mini versions of "52 Leadership Reminders for Today's Leaders," "52 Management Reminders for Today's Leaders," "52 Teamwork Reminders for Today's Leaders," and "52 Business Growth

Questions for Today's Leaders." Attendees were also introduced to a deck of cards with useful information.

There were no votes of the City Council, and no Council action was taken.

ADJOURNMENT

Mayor McShan adjourned the meeting at 6:00 p.m

ATTEST:

Theresa Y. McShan, Mayor

Esmeralda Rangel, Assistant City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #6 AND #7 FOR VETERANS MEMORIAL PARK EXPANSION, AND MAKING CERTAIN FINDINGS RELATED THERETO.

DEPARTMENT: Community Services

PROPOSED ACTION: Change Orders #6 and #7 include a masonry pedestal for the park dedication plaque, remove and repair sidewalk to correct a drainage issue, remove and replace sidewalk on Avenue A damaged during construction, add a french drain to playground to improve drainage and includes several credits associated with miscellaneous site work.

BACKGROUND:

Veterans Memorial Expansion in 200 and 300 blocks of Depot Street is expected to open in September.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approve Resolution.

ATTACHMENTS:

1. ResVeteransExpCO6and7
2. Change Order Request #6 and #7

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

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

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

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

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER #6 AND #7 FOR VETERANS MEMORIAL
PARK EXPANSION, AND MAKING CERTAIN FINDINGS
RELATED THERETO.**

WHEREAS, the Elgin City Council and Parks & Recreation Advisory Board have approved an Open Space, Parks, & Recreation Master Plan for the benefit of residents and to improve local parks and;

WHEREAS, the City Council approved a new playground, outdoor classroom, stage, seating, and nature play area for Veterans Memorial Park Expansion and;

WHEREAS, the Parks & Recreation Advisory Board and Historic Review Board reviewed and approved the park expansion and;

WHEREAS, the staff worked with Studio 1619 to find a qualified contractor and;

WHEREAS, staff recommends approving Change Order #6 and #7 with the details specified in the attached documents.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

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

Section 2. Authorization. The City Manager is hereby authorized to execute Change Order #6 and #7 in the amount of the proposal attached.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August 2024

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ESMERALDA RANGEL, Assistant City Secretary

July 26, 2024

City of Elgin
Ms. Amy Miller
PO Box 591
Elgin, TX 78621

Re: Change Order Request #6

Project Name: Veterans Memorial Park
Project Address: 205 Depot Street, Elgin, TX 78621

Dear Ms. Miller:

This letter is to serve as backup documentation regarding the current construction Change Order #6, which consists of Change Proposals #19, #20, #21, and #22 as issued by G. Hyatt Construction, Inc. on the Veterans Memorial Park project. The Change Order presented was initiated to address changes in the General Contractor's scope of work due to owner requests and unforeseen field conditions. This change has impacted the project schedule and budget, and G. Hyatt has taken the necessary steps to ensure that the project proceeds smoothly after approval.

Change Order Request #6:

G. Hyatt Construction, Inc – Change Proposal #19

- **Masonry Pedestal for Dedication Plaque**
 - Cost – \$1,626.10
 - This Change proposal accounts for the material procurement and installation for the GC to complete the masonry pedestal to house the dedication plaque for the park at the owner's request. This change will add zero (0) days to the project schedule.

G. Hyatt Construction, Inc – Change Proposal #20

- **Removal and Replacement of Concrete Sidewalk at the Stage for Drainage**
 - Cost – \$14,824.51
 - Resulting from unforeseen existing site conditions regarding elevation discrepancies, these modifications include costs associated with adjusting proposed grades to meet existing grades that deviated from the survey and additional labor associated with this effort.
 - This Change proposal accounts for the removal of 565 sf of concrete sidewalk and material procurement and installation of replacement sidewalk with modified grades at the direction of the City Engineer. This change will add twenty-one (21) days to the project schedule.

G. Hyatt Construction, Inc – Change Proposal #21

- **Removal and Replacement of Sidewalk Off Project at Avenue A**
 - Cost – \$2,195.24
 - This Change proposal accounts for the removal, material procurement and installation for the GC to sidewalk improvements of approximately 18' X 5' of sidewalk and 18' of curb and gutter at along Avenue A at the railroad tracks at the Owner's request. This change was not associated with the proposed park improvements and was requested by owner to be performed while the general contractor was in the vicinity and mobilized. This change will add zero (0) days to the project schedule.

G. Hyatt Construction, Inc – Change Proposal #22

- **Credits Associated with Curb, Asphalt, and Misc. Site Work Add**
 - Cost – (\$4,216.03)
 - This Change proposal accounts This proposal is a credit for 3 areas of scope that were requested by the owner to be omitted due to field conditions. It includes the following: Credit for concrete curb not installed, credit for asphalt patching not installed, and added cost for miscellaneous dirt work performed at the dry creek riverbed. This change will add zero (0) days to the project schedule.

Budget Summary:

On August 15th, 2023, the city council approved **\$1,854,611** in total funding for the project with the total over all project cost of **\$1,877,710** with an identified project deficit of \$23,099 that would be absorbed by current funding within the City Budget as explained during the council meeting.

The final conformed Issued For Construction (IFC) set based on contractor negotiations, final contract coordination, final owner purchased/ owner supplied items and previously approved contractor change orders result in a revised project cost of **\$1,986,778** which is an overall increase of the project budget by \$132,167.

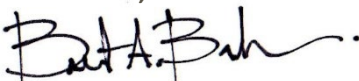
Next Steps:

Our recommendation would be to move forward with G. Hyatt's proposals as attached and construction methodology mentioned within. The City to move forward with items identified here-in for a total cost of **\$14,429.82** as presented by G. Hyatt.

Please feel free to contact me should you have any questions, comments, or require any additional information. You may reach me via e-mail at brent@studio1619.com or by phone at (512) 534.8680.

Respectfully submitted,

studio 16:19, LLC


managing principal + founder



cc : Client

Elizabeth Marzec, Program Manager – Parks and Recreation Department
Beau Perry, PE, City Engineer

Attachments (1):

- 1 - G. Hyatt Construction, Inc – Change Order 6

Change Order

PROJECT: Elgin Veteran's Memorial 305 Depot Street Elgin, Texas 78621	CONTRACT INFORMATION: Contract for general construction 9/6/2023	CHANGE ORDER NUMBER 006 DATE: 24-Jul-24
OWNER: City Of Elgin 310 N Main Street Elgin, Texas 78621	ARCHITECT Studio 16:19, LLC 305 W Liberty Ave Ste 100 Round Rock, TX 78664	CONTRACTOR: G Hyatt Construction 2006 S Bagdad Rd Ste 170 Leander, TX 78641

THE CONTRACT IS CHANGE AS FOLLOWS:

Change Proposal 19	\$ 1,626.10
Change Proposal 20	\$ 14,824.51
Change Proposal 21	\$ 2,195.24
Change Proposal 22	\$ (4,216.03)

Subtotal: \$ 14,429.82

The original Contract Sum was	\$ 967,266.18
Net change by previously authorized Change orders	\$ 88,635.11
The Contract Sum prior to this Change order was	\$ 1,055,901.29
The Contract Sum will be increased by this change order in the amount of	\$ 14,429.82
The new Contract Sum including this Change order will be	\$ 1,070,331.11

The Contract Time will be increased by	33
The date of Substantial Completion as of the date of this Change Order therefore is	7/31/2024

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Studio 16:19, LLC ARCHITECT	G Hyatt Construction, INC CONTRACTOR	City of Elgin OWNER
SIGNATURE Jonathan Wagner, Principal	SIGNATURE Justin Hyatt, President	SIGNATURE
PRINTED NAME/TITLE 7/26/2024	PRINTED NAME/TITLE 7/25/2024	PRINTED NAME/TITLE
DATE Jonathan Wagner, Principal	DATE	DATE

Change Order

PROJECT: Elgin Veteran's Memorial 305 Depot Street Elgin, Texas 78621	CONTRACT INFORMATION: Contract for general construction 9/6/2023	CHANGE ORDER NUMBER 007 DATE: 31-Jul-24
OWNER: City Of Elgin 310 N Main Street Elgin, Texas 78621	ARCHITECT Studio 16:19, LLC 305 W Liberty Ave Ste 100 Round Rock, TX 78664	CONTRACTOR: G Hyatt Construction 2006 S Bagdad Rd Ste 170 Leander, TX 78641

THE CONTRACT IS CHANGE AS FOLLOWS:

Change Proposal 23\$ 769.55

Subtotal: \$ 769.55

The original Contract Sum was	\$ 967,266.18
Net change by previously authorized Change orders	\$ 103,064.93
The Contract Sum prior to this Change order was	\$ 1,070,331.11
The Contract Sum will be increased by this change order in the amount of	\$ 769.55
The new Contract Sum including this Change order will be	\$ 1,071,100.66
The Contract Time will be increased by	0
The date of Substantial Completion as of the date of this Change Order therefore is	7/31/2024

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Studio 16:19, LLC ARCHITECT	G Hyatt Construction, INC CONTRACTOR	City of Elgin OWNER
SIGNATURE	SIGNATURE	SIGNATURE
PRINTED NAME/TITLE	Monica Hyatt, VP PRINTED NAME/TITLE	PRINTED NAME/TITLE
DATE	7/31/2024 DATE	DATE

Project: Elgin Veteran's Memorial
Proposal: 23
Date: 7/31/2024

Description: French drain in playground area

Materials:

1 Total Direct Cost	\$ 185.15
2 Tax	\$ 15.27
3 Overhead and profit	\$ 30.06
	\$ 230.49

Labor

4 Additional super	\$ 225.00
5 Additional labor	\$ 150.00
6 Labor burden 25%	\$ 93.75
7 Overhead and Profit	\$ 70.31
	\$ 539.06

Total of Proposal	\$ 769.55
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Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO USE SPECIFIC FUNDING, FOR REPAIRS TO THE HVAC SYSTEM AT 114 CENTRAL AVE, THE HISTORIC FREIGHT DEPOT AND MAKING CERTAIN FINDINGS RELATED THERETO.

DEPARTMENT: Public Works

PROPOSED ACTION: Consider and approve the resolution as presented.

BACKGROUND:

The Public Works Department has been tasked with making repairs to the HVAC system at the Elgin Chamber of Commerce. This building is owned by the City of Elgin and currently serves as the local Visitors Center as well as the Elgin Chamber of Commerce offices. Given its designation as the Elgin Visitors Center and the ongoing work that happens out of this office to promote visits to Elgin, the staff is proposing using funding from the Hotel Occupancy Tax to fund these repairs.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consider and approve the resolution as presented.

ATTACHMENTS:

1. RESChamberHVAC
2. ACHS Chamber of Commerce Building

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

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

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

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO USE SPECIFIC FUNDING, FOR REPAIRS TO THE HVAC SYSTEM AT 114 CENTRAL AVE, THE HISTORIC FREIGHT DEPOT AND MAKING CERTAIN FINDINGS RELATED THERETO.

WHEREAS, the Elgin Public Works Department has been tasked with leading certain repairs to the HVAC system at historic Freight Depot at 114 Central Ave that serves as the Visitors Center and Elgin Chamber of Commerce, and;

WHEREAS, among other projects strongly supported this building and its occupants are supported by the Hotel Occupancy Tax fund and;

WHEREAS, the staff have sent out request for proposals and met with contractors and have found the proposal from Harkins Mechanical to be of fair value, and;

WHEREAS, staff is now recommending awarding the repair project as proposed to Harkins Mechanical of Elgin, Texas with the details specified in the attached documents.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

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

Section 2. Authorization. The City Manager is hereby authorized to execute an agreement with *Harkins Mechanical of Elgin, Texas* in the amount of the proposal in the attached packet.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August 2024

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ESMERALDA RANGEL, Assistant City Secretary



Prepared For

City Of Elgin
(512) 229-2352

ACHS, Inc.

PO Box 191
Elgin, Texas 78621
Phone: (512) 281-5555
Email: jamesharkins@achstexas.com
Fax: (512) 281-5503
Web: www.achstexas.com

Estimate # 861
Date 07/12/2024
Business / Tax # TACLA27074C

Description	Total
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chamber of Commerce building	\$27,750.00
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ACHS will provide material and labor to remove and replace two existing heat pump systems and refrigerant lines. We will install a 4 ton two stage 16.5 SEER2 Carrier heat pump for the conference room and a 2 1/2 ton 15.2 SEER2 single stage heat pump for the office area. Price includes new condensing units, air handling units, auxiliary heat, auxiliary drain pans, condensation float switches, new refrigerant lines, and Wi-Fi programmable thermostats.

Subtotal	\$27,750.00
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Total	\$27,750.00
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This business is regulated by the Texas Department of Licensing and Regulations, P.O. Box 12157, Austin, Texas 78711. 1-800-803-9202, www.license.state.tx.us This price is good for 15 days.

 7/12/24
City Of Elgin



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN ADOPTING A DROUGHT CONTINGENCY PLAN AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND MAKING CERTAIN FINDINGS RELATED THERETO.

DEPARTMENT: Public Works

PROPOSED ACTION: Review and approve the plan as presented.

BACKGROUND:

A drought contingency plan or DCP is a strategy or combination of strategies that a water supplier, such as a city, develops and implements to monitor and respond to a drought or other temporary water supply shortage that can severely disrupt the supply of water to customers. It is a routine exercise put forth by the water supplier and submitted to the Texas Commission on Environmental Quality Every 5 years.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Review and approve the plan as presented.

ATTACHMENTS:

1. RESdroughtcon24
2. 2024 Drought Contingency

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

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

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

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN ADOPTING A DROUGHT CONTINGENCY PLAN AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND MAKING CERTAIN FINDINGS RELATED THERETO.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires municipal and wholesale water suppliers to submit an updated Drought Contingency Plan approved by the City Council every five years and;

WHEREAS, updates for the Drought Contingency Plan have been completed and meet all of the requirements of the TCEQ and;

WHEREAS, The City Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

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

Section 2. Authorization. The City Manager or his designee is hereby authorized to submit the Drought Contingency Plan to the Texas Commission on Environmental Quality on behalf of the Elgin Municipal Water System.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August 2024

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ESMERALDA RANGEL, Assistant City Secretary

City of Elgin, Texas Bastrop County



Drought Contingency Plan

City of Elgin, Texas
310 N. Main Street
Elgin, TX 78621

Prepared by:



TRC ENGINEERS, INC.

505 E. HUNTLAND DR., SUITE 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION #F-8632
(512) 454-8716

June 2024

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Elgin (City) adopts and reserves in the future the right to amend with appropriate notifications the following Drought Contingency Plan.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

The City will provide opportunity for the public to provide comments on the Plan to the City by means of public notices at Council meetings, on public television and in local newspaper.

Section III: Public Education

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan or periodically including information about the Plan with monthly billings.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City is located within the Region K Lower Colorado Water Planning and the City has provided a copy of the Plan to the Region K Lower Colorado Water Planning Group.

Section V: Authorization

The City Manager or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Triggering Criteria for Initiation and Termination of Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on rainfall, equipment failure, water well levels and system capacity and failures. If the U.S. Drought Monitor website has the City included in the "extreme or exception" drought conditions as posted each Thursday, Stage 3 - Severe Water Shortage Conditions - Mandatory Restrictions, of section VIII Drought Response Stages, will be implemented and remain in effect until conditions change.

Stage 1 - Mild Water Shortage Conditions

Requirements for Initiation - The City will recognize that a mild water shortage condition exists when total daily water demand reaches 80% of production/distribution capacity for 3 consecutive days.

Requirements for Termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. The City will notify the public and the media of the termination of Stage 1.

Stage 2 - Moderate Water Shortage Conditions

Requirements for Initiation - The City will recognize that a moderate water shortage condition exists when total daily water demand reaches 85% of production/distribution capacity for 3 consecutive days.

Requirements for Termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify the public and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 3 - Severe Water Shortage Conditions

Requirements for Initiation – The City will recognize that a severe water shortage condition exists when total daily water demand reaches 90% of production/distribution capacity for 3 consecutive days, and/or the City’s daily water consumption is at a level that prevents water storage levels from being maintained.

Requirements for Termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify the public and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 4 – Critical Water Shortage Conditions

Requirements for Initiation – The City will recognize that a severe water shortage condition exists when total daily water demand reaches 95% of production/distribution capacity for 3 consecutive days, and/or the City’s daily water consumption is at a level that prevents water storage levels from being maintained.

Requirements for Termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative. The City will notify the public and the media of the termination of Stage 4 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 5 - Emergency Water Shortage Conditions

Requirements for Initiation – The City will recognize that an emergency water shortage condition exists when (1) the total daily water demand reaches 100% of production/distribution capacity for 3 consecutive days, (2) and/or when major water main breaks occur, major pump or system failures occur which cause unprecedented loss of capability to provide water service to customers.

Requirements for Termination - Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the repairs or failures that caused the emergency condition are corrected. The City will notify the public and the media of the termination of Stage 5.

Section VIII: Drought Response Stages

The City Manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, shall determine that mild,

moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Notification of the Public:

The City Manager or his/her designee(s), will notify the public by means of the media to discuss water supply and/or demand conditions.

Stage 1- Mild Water Shortage Conditions

1. Goal: Achieve a voluntary 5 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 80% of production/distribution capacity for 3 consecutive days.

Voluntary Water Use Restrictions for Reducing Demand

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the City shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 - Moderate Water Shortage Conditions-Voluntary Restrictions

1. Goal: Achieve a 10 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 85% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending

- in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
 - (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.
 - (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.
 - (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
 - (h) The following uses of water are defined as non-essential and are prohibited:
 - 1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

- 2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- 3) use of water for dust control;
- 4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
- 5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 - Severe Water Shortage Conditions- Mandatory Restrictions

1. Goal: Achieve a 20 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 90% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City.
- c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 - Severe Water Shortage Conditions- Mandatory Restrictions

1. Goal: Achieve a 30 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 95% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and

shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 - Emergency Water Shortage Conditions-Mandatory Measures

- 1. Goal: Achieve a 40 percent reduction in daily water demand.
- 2. Demand Management Measures: Total daily water demand reaches 100% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

All requirements of Stage 2, 3 and 4 shall remain in effect during Stage 5 except:

- a) Irrigation of landscaped areas is absolutely prohibited.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Section IX: ProRataWater Allocation

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the City Manager or his/her designee is hereby

ATTACHMENT A

City of Elgin, Texas

Drought Contingency Plan

June 2024

authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

- (a) A customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's or his/her designee's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each customer shall be limited to the allocation established for each month.
- (b) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each customer. The customer's water usage baseline will be computed on the average water usage by month for the 99-01 period as shown in the following table. If the water customer's billing history is less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

Example Calculation of Monthly Allocation for a Hypothetical Water Customer

	2019	2020	2021	SUM	AVE	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
Jan	45	20	8	73	24	75%	18
Feb	37	14	5	56	19	75%	14
Mar	72	16	1	89	30	75%	22
Apr	52	13	7	72	24	75%	18
May	29	16	1	46	15	75%	11
Jun	31	10	1	42	14	75%	10
Jul	23	27	20	70	23	75%	17
Aug	41	23	25	89	30	75%	22
Sep	71	44	40	155	52	75%	39
Oct	61	26	25	112	37	75%	28
Nov	98	0	1	99	33	75%	25
Dec	17	4	5	26	9	75%	7
Total	577.0	213.0	139.0		309.0		

*Unit of Measure: Thousands of Gallons

- (c) The City Manager or his/her designee shall provide notice, by certified mail, to each customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

- (d) Upon request of the customer or at the initiative of the City Manager or his/her designee the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City of Elgin.

Section X: Enforcement

During any period when pro rata allocation of available water supplies is in effect, customers must comply or be subject to disconnection and shall pay the following surcharges on excess water diversions and/or deliveries based on historical data as described herein:

- (a) 1.5 times the normal water charge per 1,000 gallons of water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 2 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 3 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 4 times the normal water charge per 1,000 gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

Section XI: Variances

The City Manager or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager or his/her designee within 5 days after pro rata allocation has been

invoked. All petitions for variances shall be reviewed by the City Council and shall include the following:

- a) Name and address of the petitioner(s)
- b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- c) Description of the relief requested.
- d) Period of time for which the variance is sought.
- e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- f) Other pertinent information.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or the City Manager or designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XII: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Elgin City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

This plan as adopted herein and as may be amended from time to time by the City Council shall be referenced as Attachment A in the Water Conservation and Emergency Demand Management Plan.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: CONSIDERATION OF A REQUEST BY ST. PETERS LUTHERAN CHURCH TO WAIVE THE FEES ASSOCIATED WITH RESERVING VETERANS MEMORIAL PARK FOR A NATIVITY SCENE DISPLAY December 1, 2024 THROUGH DECEMBER 29, 2024.

DEPARTMENT: Community Services

PROPOSED ACTION: Consider request for fee waiver for rental of park during December.

BACKGROUND:

St Peters Lutheran Church requests to reserve Veterans Memorial Park, the area at Avenue C and Depot Street for a nativity scene display December 2 thru 29 and waive of all fees. Reservation fees total \$9,300.00. The Church is responsible for installation and upkeep of display and display area. Church plans to provide a live nativity scene performance on Saturday, December 7 after the City of Elgin & North Bastrop County Fire Rescue Elgin Lighted Holiday Parade. Existing reservations for Veterans Memorial Park include the weekly Elgin Farmers Market on Thursdays from 3 to 9 pm, which is managed under an annual contract with EFM paying fees, and City of Elgin reservations for Holiday by the Tracks Saturday December 7 and Holiday Concert with EISD Elementary school choirs.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

ATTACHMENTS:

1. StEPtersLutheranRequestFeeWaiverVeteransPark

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

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

July 31, 2024

Mayor McShan and Council
PO Box 591
Elgin, Texas 78621

Dear Mayor and Council,

The people at Saint Peter's Lutheran Church are excited about the upcoming Advent and Christmas Season.

Since 1986, we have set up a Nativity scene in Veterans Park, usually on some date immediately following Thanksgiving. In the past, we have left that scene standing until just after Christmas day. We would like to do it again. St Peter's will ensure that the Nativity scene's sightly upkeep.

Furthermore, St Peter's would like to present a live Nativity scene immediately following the Elgin Lighted Holiday Parade sponsored by City of Elgin, North Bastrop County Fire Rescue, Bastrop/Travis Counties ESD #1, Elgin Volunteer Fire Department.

Dates Requested:

1 December 2024 - Nativity Setup

7 December 2024 - Live Nativity Presentation after

29 December 2024 - Nativity Removal

Since 1986, St Peter's has presented the Nativity scene at no cost to the public and hope that any associated city fees could be waved. We consider it a service to our community as many people visit to take family Christmas photos there and it promotes Elgin's famous "comfy smalltown milieu." We request that park rental fees be waived for utilizing Veterans Memorial Park December 1 to December 29. The Nativity scene will be placed in the west end of the 100 block of Veterans Memorial Park.

We look forward to working with the city council on this matter and our leadership will be available for any questions, should they arise.

Blessings to you all,

Pastor Sam Brannon





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE ON MAIN STREET FROM LEXINGTON ROAD TO BRENHAM STREET; AND ON 2ND STREET, FIRST STREET, DEPOT STREET, CENTRAL AVENUE, AUSTIN STREET, BRENHAM STREET FROM MAIN STREET TO AVENUE B; AND ON AVENUE C FROM BRENHAM STREET TO 2ND STREET ON FRIDAY NOVEMBER 1, 2024 FROM 5:00 PM TO 9:00 PM FOR DIA DE LOS MUERTOS.

DEPARTMENT: Community Services

PROPOSED ACTION:

BACKGROUND:

City of Elgin Community Services Division sponsors Dia De Los Muertos, with Christina Velasquez as chairperson, will be recognized in downtown Elgin on November 1, from 5 pm to 9 pm with family altars, music, food, activities, entertainment, and a walking parade. It is held throughout downtown at the library, Veterans Park, and Depot Street. Dia de los Muertos (Day of the Dead) has gained rapid popularity in the United States over the last several decades. It originated in Mexico and has roots in both Aztec traditions and Catholic holidays (All Saints Day, Nov 1, and All Souls Day, Nov 2). Death is part of the human experience and the festival celebrates the lives of our ancestors. Because it is believed the dead would be offended by grieving and sadness, the festivals are full of color, music, art, food, fragrance, and laughter. It is a time to celebrate the enduring love of family, those here and those before us. Families clean and decorate the graves of loved ones. Altars (ofrendas) are built inside of homes and businesses.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

ATTACHMENTS:

None

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: REQUEST TO CLOSE DEPOT STREET FROM MAIN STREET TO AVENUE B 2 PM TO 10 PM ON FRIDAY NOVEMBER 1, 2024 FOR DIA DE LOS MUERTOS AND TO CLOSE MAIN STREET FROM LEXINGTON TO DEPOT STREET FOR DIA DE LOS MUERTOS PARADE FROM 6:00 PM TO 7:00 PM ON FRIDAY, NOVEMBER 1.

DEPARTMENT: Community Services

PROPOSED ACTION: Consider request for street closure.

BACKGROUND:

City of Elgin Community Services Division sponsors Dia De Los Muertos. The walking parade for Dia De Los Muertos will start at the library utilizing the library parking lot for assembly, will proceed south on Main Street to Depot Street, turn on Depot, and end at Depot Street and Avenue B in the 200 block of Depot Street. Dia De Los Muertos, sponsored by City of Elgin with Christina Velasquez as chairperson, will be recognized in downtown Elgin on November 1, from 5pm to 9pm with family altars, music, food, activities, entertainment, and a walking parade. It is held throughout downtown at the library, Veterans Park, and Depot Street. Dia de los Muertos (Day of the Dead) has gained rapid popularity in the United States over the last several decades. It originated in Mexico and has roots in both Aztec traditions and Catholic holidays (All Saints Day, Nov 1, and All Souls Day, Nov 2). Death is part of the human experience and the festival celebrates the lives of our ancestors. Because it is believed the dead would be offended by grieving and sadness, the festivals are full of color, music, art, food, fragrance, and laughter. It is a time to celebrate the enduring love of family, those here and those before us. Families clean and decorate the graves of loved ones. Altars (ofrendas) are built inside of homes and businesses.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consider request for street closure.

ATTACHMENTS:

None

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: REQUEST FROM SACRED HEART CATHOLIC CHURCH TO WAIVE OPEN CONTAINER ORDINANCE FOR SATURDAY, AUGUST 31 from 2:00 PM TO MIDNIGHT AND SUNDAY, SEPTEMBER 1, 2024 10:00 AM TO 10:00 PM IN ELGIN MEMORIAL PARK AND TO WAIVE NOISE ORDINANCE FOR SUNDAY, SEPTEMBER 1, 2024 UNTIL 10:00 PM IN ELGIN MEMORIAL PARK.

DEPARTMENT: Community Services

PROPOSED ACTION: Consider request for open container and noise ordinance waivers.

BACKGROUND:

Annual request to support the Sacred Heart Fiesta.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

ATTACHMENTS:

1. SacredHeartCatholicChurchFiestaNoise&OpenContainer

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

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

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

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

Sacred heart Catholic Church
302 W. 11th Street, Elgin, TX

RE: Elgin Sacred Heart Catholic Church
Annual Fiesta – August 31 and September 1, 2024

Dear Madam Mayor and Council Members,

Sacred Heart Catholic Church and Reverend John Hudson would like to request your consideration on the following items in reference to our Annual Fiesta on Saturday August 31st and Sunday, September 1, 2024.

- ☐ Request to waive the open container alcohol ordinance for Saturday August 31, 2024 and Sunday September 1, 2024.
- ☐ Request to allow the music to extend until 10:00pm Saturday August 31, 2024 and Sunday September 1, 2024.
- ☐ Request to allow our church members to set up booths on the park grounds on Saturday, August 31st, 2024 and to take down all booths and clean up the park on Monday, September 2, 2024.

Allow us to block the front entrance to the park in front of the ballfield and next to the tennis courts.

Your consideration is greatly appreciated.

Very Respectfully,

Martin Sandoval

Fiesta Chairman



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

DEPARTMENT: Executive

PROPOSED ACTION: Consideration of a request by the petitioners for the City Council to grant its written consent to the creation of the Bastrop County Emergency Service District No. 3.

BACKGROUND:

Discussed at recent meetings; The Bastrop County Judge has received a qualifying initiative petition to place before county voters the creation of an emergency services district to be known as Bastrop County Emergency Service District No. 3.

The petitioners propose the creation of an emergency services district and have also proposed the inclusion of the City of Elgin in the Bastrop County Emergency Service District No. 3, including all land within the City's extraterritorial jurisdiction within Bastrop County.

The petitioners have asked the Elgin City Council to grant its written consent to the creation of their proposed Bastrop County Emergency Service District No. 3.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consideration of a request by the petitioners for the City Council to grant its written consent to the creation of the Bastrop County Emergency Service District No. 3 and further direction to staff, if any.

ATTACHMENTS:

1. ResESD3824
2. Bastrop County ESD #3 Info. Flyer

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
GRANTING CONSENT TO THE CREATION OF BASTROP
COUNTY EMERGENCY SERVICES DISTRICT NO. 3;
MAKING FINDINGS OF FACT; AND PROVIDING FOR
RELATED MATTERS.**

WHEREAS, the Bastrop County Judge has received a qualifying initiative petition to place before county voters the creation on an emergency services district to be known as Bastrop County Emergency Service District No. 3, and;

WHEREAS, the petitioners proposing the creation of an emergency services district have also proposed inclusion of the City of Elgin in the Bastrop County Emergency Service District No. 3, including all land within the City’s extraterritorial jurisdiction within Bastrop County and;

WHEREAS, the petitioners have asked the Elgin City Council to grant its written consent to the creation of Bastrop County Emergency Service District No. 3.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS, THAT:

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

Section 2. Consent. The Mayor and City Council do hereby grant its written consent to the creation of Bastrop County Emergency Service District No. 3, to include all land within the City’s extraterritorial jurisdiction within Bastrop County.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August, 2024

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

ESMERALDA RANGEL, Assistant City Secretary

Bastrop County Emergency Service District #3

Rapid Response, Real Results



We are calling for community action in the upcoming elections. We're proposing a dedicated Emergency Service District for EMS in the upcoming election, aiming to significantly improve our emergency response capabilities for EMS. **Recent reports reveal a rise in emergency calls and response times that far exceed National benchmarks.** This ESD is our response to these growing challenges as we seek to enhance ambulance services with additional ambulances, advanced medical capabilities, and reduced response times.



\$200 per year in property taxes on a \$200,000 Assessed value home gets you:
(Proposed Tax Rate of \$0.10 per every \$100 valuation)

Additional Ambulances
Starting with 11 – 911 Dedicated 24/7 Ambulances

Increased medical capabilities
Advanced protocols for better medical care
State of the art life sustaining equipment

Reduced Response Times
Ambulances closer to your home
More available ambulances

Local EMS Leadership
2 Local Roaming Supervisors
Dedicated Chief and Asst. Chief
Bastrop County Focused

Current State of EMS
4 – 911 Dedicated Ambulances
0 – Bastrop County Supervisors
Frequently NO ambulances available
Response times up to 45-60 minutes
Outdated and limited equipment
Limited lifesaving medical protocols and medications



Visit our website
to learn more!



Follow us on
Facebook!



######

Bastrop County Emergency Services District #3



- **ESD#3-** A county-wide overlay to provide EMS services to the residents of Bastrop County.
- **How & Why-** Forming an ESD provides consistent funding and stability to provide medical services to the residents of Bastrop County, with an expectation of receiving quality medical care within a reasonable response time.
- **Bastrop County Projected Growth-** The County's population is projected to grow to 220,000 by 2030 and to 330,000 by 2040. The County's population is predicted to double in the next 6 years.
- **Bastrop County's current EMS system-** The County currently contracts with a for-profit ambulance service, that provides 4 ambulances to the county at their fullest staffing levels.
- **Response Time to Emergencies-** Under our current EMS system, residents of Bastrop County may wait 30 or more minutes for an ambulance to arrive, even when all ambulances are at their stations. When multiple units are already on emergency calls or interfacility transfers, the response time can be upwards of 45 minutes to an hour in some parts of the county.
- **Additional EMS Resources in Bastrop County-** Currently, Bastrop County relies on non-transporting EMS responders to help respond to calls when ambulances have extended response times or need more resources. Currently, Bastrop County relies on First Responders and County Fire agencies, to help support the residents of Bastrop County. In the long-term outlook, this solution is unsustainable without increasing the number of ambulances in Bastrop County.
- **The Plan-** The forming of ESD#3 will provide a long-term solution for EMS services to the Residents of Bastrop County. ESD #3 will provide the funding to increase the number of ambulances to 11 and room for more, as growth continues. This will allow for much shorter response times even in the more remote regions of the county.
- **Quality of EMS services in Bastrop County-** In anticipation of Bastrop County's growth, having more ambulances will reduce the crew's downtime and response readiness. Fatigue created by an overstressed EMS system can lead to poor quality of patient care & poor patient outcomes.
- **Having an ESD-run EMS System-** Having a county-run EMS system will allow us to create protocols fitted to the needs of Bastrop County instead of a one-size-fits-all approach that is currently in place. The current approach deprives medical providers of equipment and protocols that are considered standard practice in all the surrounding county EMS systems. This approach deprives the residents of Bastrop County of what is commonly considered standard care, and this is unacceptable.
- **Conclusion-** Having a good quality EMS service for our friends and families, is what Bastrop County deserves. ESD #3 provides us the funding and authority to create a modern EMS system that will provide us shorter response times, proper staffing & training with reliable equipment & vehicles, to serve all residents of Bastrop County.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: Executive

PROPOSED ACTION: Consideration of a Resolution approving and authorizing a Development Agreement between the City and The Katy Elgin, LP, a Texas limited partnership, regarding the development of an affordable rental housing project.

BACKGROUND:

Discussed at previous meetings; The Katy Elgin, LP, a Texas limited partnership owns (or has an option on) approximately three (3) acres of land located at 602 West 2nd Street within the city limits and intends to construct a development of affordable rental housing including approximately one hundred fifty (150) units.

Following a comprehensive due diligence process, staff is now recommending a Development Agreement for this project which shall be binding upon both parties.

As the project constitutes a unique in-fill project within an established neighborhood, it is in the mutual interests of The Katy and the City to enter into this Agreement, which will provide an alternative to the typical regulatory process, encourage innovative master-planning, provide certainty of regulatory requirements, and result in a quality development project.

The staff and developer were able to reach an agreement on all but one issue relating to this project: Off-Street Parking. City code requires 306 off-street parking spaces for this project. In this location; while the maximum the developer can provide without compromising their project is 256 - a shortage of 50 off-street parking spaces.

Through this Development Agreement, the developer is requesting a Variance that will allow the project to proceed with the lower number of parking spaces.

Included in the meeting packet is a copy of the Development Agreement fully executed by the developer. The staff cannot recommend granting the requested Variance for this project, but the City Council will make the final decision on this matter.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consideration of a Resolution approving the Development Agreement as presented between the City and The Katy Elgin, LP, approving and authorizing the development

of affordable rental housing including approximately one hundred fifty (150) units at 602 West 2nd Street with the off-street parking variance as requested by the developer; and further direction to staff, if any, regarding same.

ATTACHMENTS:

1. RESOkatyDA824
2. Development Agreement
3. Exhibit B R1
4. 2024.05.30_The Katy @ Elgin Parking Analysis

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

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

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
AUTHORIZING THE MAYOR TO EXECUTE A
DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP
AND MAKING CERTAIN FINDINGS RELATED THERETO**

WHEREAS, city staff has reviewed and negotiated a conceptual plan with The Katy Elgin, LP, a Texas limited partnership for the development of certain real property on Weast Second Street within the city limits; and,

WHEREAS, The Katy Elgin, LP, a Texas limited partnership, has proposed a development of affordable rental housing including approximately one hundred fifty (150) units to be located at 602 West 2nd Street in the City of Elgin, Texas, which development is named The Katy; and,

WHEREAS, the city staff is now recommending a Development Agreement with The Katy Elgin, LP, to memorialize for the record terms and conditions for development of said property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

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

Section 2. Authorization. The Mayor is hereby authorized to execute the *Development Agreement* with The Katy Elgin, LP, a copy of said agreement being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August, 2024

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

ESMERALDA RANGEL, Assistant City Secretary

**DEVELOPMENT AGREEMENT AMONG
CITY OF ELGIN, TEXAS AND THE KATY ELGIN, LP**

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This Development Agreement (“Agreement”) is entered into by and between the **City of Elgin, Texas**, a home-rule city located in Bastrop and Travis County, Texas, (the “City”) and **The Katy Elgin, LP**, a Texas limited partnership (together with its affiliates, collectively, the “Developer”) to construct a development for affordable rental housing named **The Katy** (the “Project”)

INTRODUCTION

The Developer currently owns 2.8802 acres of currently undeveloped land labeled as Tract 1 in **Exhibit A**, attached hereto and made a part hereof.

The Developer intends to construct a multi-family development consisting of one hundred fifty (150) units of affordable rental housing, which once completed will operate under the name *The Katy* at 601 West Second Street. Various private amenities and facilities will also be constructed and/or developed to serve the residents of the Project.

Because the Project, as hereinafter defined, constitutes an affordable housing development that the City Council supports, the Developer and the City wish to enter into this Agreement which provides an alternative to the City’s typical regulatory process for development, as well as the comprehensive planning of the entire Property for the benefit of the present and future residents of the City and the Project.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, including the agreements set forth below, the parties’ contract as follows.

ARTICLE I - DEFINITIONS

Section 1.01 Definitions. In addition to the terms defined elsewhere in this Agreement or in the City’s ordinances, the following terms and phrases used in this Agreement will have the meanings set out below:

Agreement: This Development Agreement between the City and Developer.

City: The City of Elgin, Texas, a home-rule city located in both Bastrop County and Travis County, Texas.

Development: The concept plan for the Property shown in **Exhibit B**, attached hereto and made a part hereof.

Developer: The Katy Elgin, LP, or its affiliates, successors and assigns under this Agreement.

Project: A multi-family development consisting of approximately one hundred fifty (150) units of affordable rental housing at 601 West Second Street, Elgin, Texas.

Property: Approximately 2.8802 acres of undeveloped land described in **Exhibit A**, being wholly located within the corporate limits of the City.

ARTICLE II - PROJECT DESCRIPTION AND CONCEPT PLAN

Section 2.01 Project Description. The Developer proposes to construct an affordable rental housing development (the "Project") on the Property that is projected to include approximately one hundred fifty (150) residential rental units with amenities, as depicted on the Concept Plan as **Exhibit B.**

Section 2.02 Concept Plan. The City hereby confirms that the Concept Plan complies with the City's Planning & Zoning Code, as amended. The City confirms that the Concept Plan has been determined to meet the minimum development standards for land use, densities, private roadway alignments and widths and other matters shown on the Concept Plan and required by the City Code.

Section 2.03 Amendments. Any changes to the Concept Plan must be consistent with the terms of this Agreement and will be subject to review and approval by the City Council, which will not be unreasonably withheld.

ARTICLE III - DEVELOPMENT MATTERS

Section 3.01 Permitted Variances to City Development Standards. In order to facilitate the construction of the Project, the City agrees to provide variances to certain development standards set forth by City ordinance, which in relevant part are set forth in the attached Exhibit C and made part hereof. No other action will be required on the part of the Developer to obtain such variances to the extent any variance is in conformity with this Agreement, attached hereto and made a part hereof.

Section 3.02 Public Sidewalks, Drainage, and Rights-of-Way. At issuance of the applicable construction permit, the Developer shall pay the City a one-time permit fee of \$200,000 for sidewalks, drainage improvements, or other City projects at the City's election in any location as deemed by the City.

Further, The Parties agree that Developer shall be required to construct (a) a pedestrian crossing with signalized beacons on Second Street. The Developer will design, permit and construct the immediately preceding improvements referenced in (a), as well as sidewalks and drainage facilities located within the Project that are necessary to serve the Project. The City will accept the dedication of public rights-of-way, public sidewalks, and public drainage improvements located therein for operation and maintenance, after construction and acceptance of same. All such facilities located outside of the right-of-way shall be maintained and operated by the Developer.

Section 3.03 Off-Street Parking. The City's Code of Ordinances stipulates that adequate parking and loading facilities must be provided off the street right of way for each use of land within the City. Specific requirements are based on the demand created by each land use. The Concept Plan for the Project as described in Article II, Section 2.02 does not meet City Code requirements as it relates to minimum requirements for off-street parking. The Concept Plan for the Project includes two hundred fifty-two (252) off-street vehicle parking spaces, which is fifty-four (54) parking spaces (17.5%) less than the three hundred six (306) off-street vehicle parking spaces required for the Project per Code.

Section 3.04 Rights-of-Way and/or Easements Acquisition. The Developer shall be required to obtain any and all easements and/or rights-of-way associated with the Project as required by the City and necessary to serve the Project. The Developer shall convey all such easements and/or rights-of-way to the City at no cost to the City.

ARTICLE IV – DEVELOPMENT STANDARDS

Section 4.01 Underground Utility Service. The Parties agree that all utility lines must be underground to connection points provided by the utility service provider. All transformers must

be visually screened.

Section 4.02 Water Utility Provider. The City shall be the retail water service provider to the Development.

Section 4.03 Wastewater Service. The City shall be the retail wastewater service provider to the Development.

ARTICLE V - PRIVATE PROJECT AMENITIES

Section 5.01 Project Amenities. Exclusively for the benefit and enjoyment of the residents of the Project, the Developer shall provide various amenities to enhance the overall living experience of the Project residents.

Section 5.02 Swimming Pool. The Developer shall construct a swimming pool as shown on the Concept Plan for the benefit of the resident community.

Section 5.03 Work-from-Home Space. The Developer shall construct a work- from-home space as shown on the Concept Plan for the benefit of the resident community.

Section 5.04 Electric Vehicle Charging Stations. The Developer shall install electric vehicle charging stations as shown on the Concept Plan for the benefit of the resident community.

Section 5.05 After-School Learning Center. For the benefit of the resident community, the Developer shall operate, or retain a qualified third-party to operate, an onsite after-school learning center for a minimum fifteen (15) hours per week, providing, at a minimum, homework assistance, tutoring, test preparation, assessments and remediation of skill deficiencies.

Section 5.06 Ownership and Maintenance of Amenities. Ownership and maintenance of all amenities, open space, associated improvements, private drainage and detention facilities shall be the responsibility of the Developer, who will have the right to impose restrictions and enforce proper use of such improvements, including the right to add security measures (fences, cameras, or related), if necessary to prevent the misuse, abuse, vandalism, or any other nuisance activities.

ARTICLE VI - PROJECT COMPLETION

Section 6.01 Certificate of Occupancy. The Developer expressly agrees that the Project will not receive a Certificate of Occupancy until it is in full compliance with all requirements of the Project as described herein and all applicable City Code requirements. The Developer also expressly agrees that the Project will not receive a Certificate of Occupancy until all "Private Project Amenities" as described in Article V above are constructed, installed, and fully operational.

ARTICLE VII - AUTHORITY AND VESTING OF RIGHTS

Section 7.01 Vesting of Rights. The Concept Plan submitted by the Developer as an exhibit to this Agreement constitutes an application by the Developer for the development of the Property, and initiates development permit process for the Project. The City acknowledges that the Developer has vested authority to develop the Property in accordance with this Agreement subject to any limitations contained in Chapter 245, Texas Local Government Code.

ARTICLE VIII - TERM, ASSIGNMENT AND REMEDIES

Section 8.01 Termination and Amendment by Agreement. This Agreement may be terminated or amended at any time by mutual written consent of the City and Developer.

Section 8.02 Assignment. This Agreement may not be assigned by the Developer, without the City's consent. Any proposed assignment will be in writing, specifically setting forth the assigned rights and obligations and be executed by the proposed assignee.

Section 8.03 Remedies. If Developer defaults under this Agreement, the City shall provide Developer written notice of such default. If such default remains uncured by Developer for a period of fourteen (14) days after written notice, the City may enforce this Agreement by seeking specific performance from any court of appropriate jurisdiction, or, in lieu thereof, the City may give Notice to Developer. If the Developer defaults, the City will be entitled to recover its reasonable attorney's fees, expenses and court costs from the non-prevailing party.

ARTICLE IX - MISCELLANEOUS PROVISIONS

Section 9.01 Severability; Waiver. If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

Any failure by a party to insist upon strict performance by the other party of any material provision of this Agreement will not be deemed a waiver thereof or of any other provision, and such party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

Section 9.02 Applicable Law and Venue. The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Bastrop County, Texas.

Section 9.03 Entire Agreement. This Agreement contains the entire agreement of the parties. There are no other agreements or promises, oral or written, between the parties regarding the subject matter of this Agreement. This Agreement supersedes all other agreements between the parties concerning the subject matter.

Section 9.04 Exhibits, Headings, Construction and Counterparts. All schedules and exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes.

Section 9.05 Force Majeure. If, by reason of force majeure, either party is rendered unable, in whole or in part, to carry out its obligations under this Agreement, the party whose performance is so affected must give notice and the full particulars of such force majeure to the other party within a reasonable time after the occurrence of the event or cause relied upon, and the obligation of the party giving such notice, will, to the extent it is affected by such force majeure, be suspended during the continuance of the inability but for no longer period. The party claiming force majeure must endeavor to remove or overcome such inability with all reasonable dispatch.

The term "force majeure" means Acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas, or of any court or agency of competent jurisdiction or any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, vandalism, explosions, breakage or accidents to machinery, pipelines or canals.

Section 9.06 Exhibits. The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

- Exhibit A - Depiction of the Property and Boundary Survey
- Exhibit B - Concept Plan
- Exhibit C - Code Text

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the dates indicated below.

CITY OF ELGIN, TEXAS

By: _____

Name: _____

Title: _____

Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me on _____, 2024, by
_____, _____ of the City of Elgin, Texas, a home-rule city
on behalf of said City.

Notary Public Signature

(Seal)

THE KATY ELGIN, LP

By: ITEX Advisors, General Partner

By: The ITEX Group Management, LLC

By: _____

Name: Christopher A. Akbari

Title: Manager

Date: 8/1/2024

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on August 1, 2024, by
Christopher A. Akbari on behalf of The Katy Elgin, LP.

Cheryl A. Reed
Notary Public Signature

(Seal)

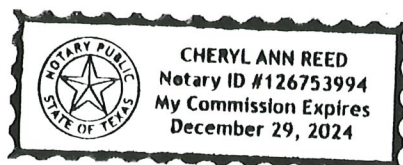
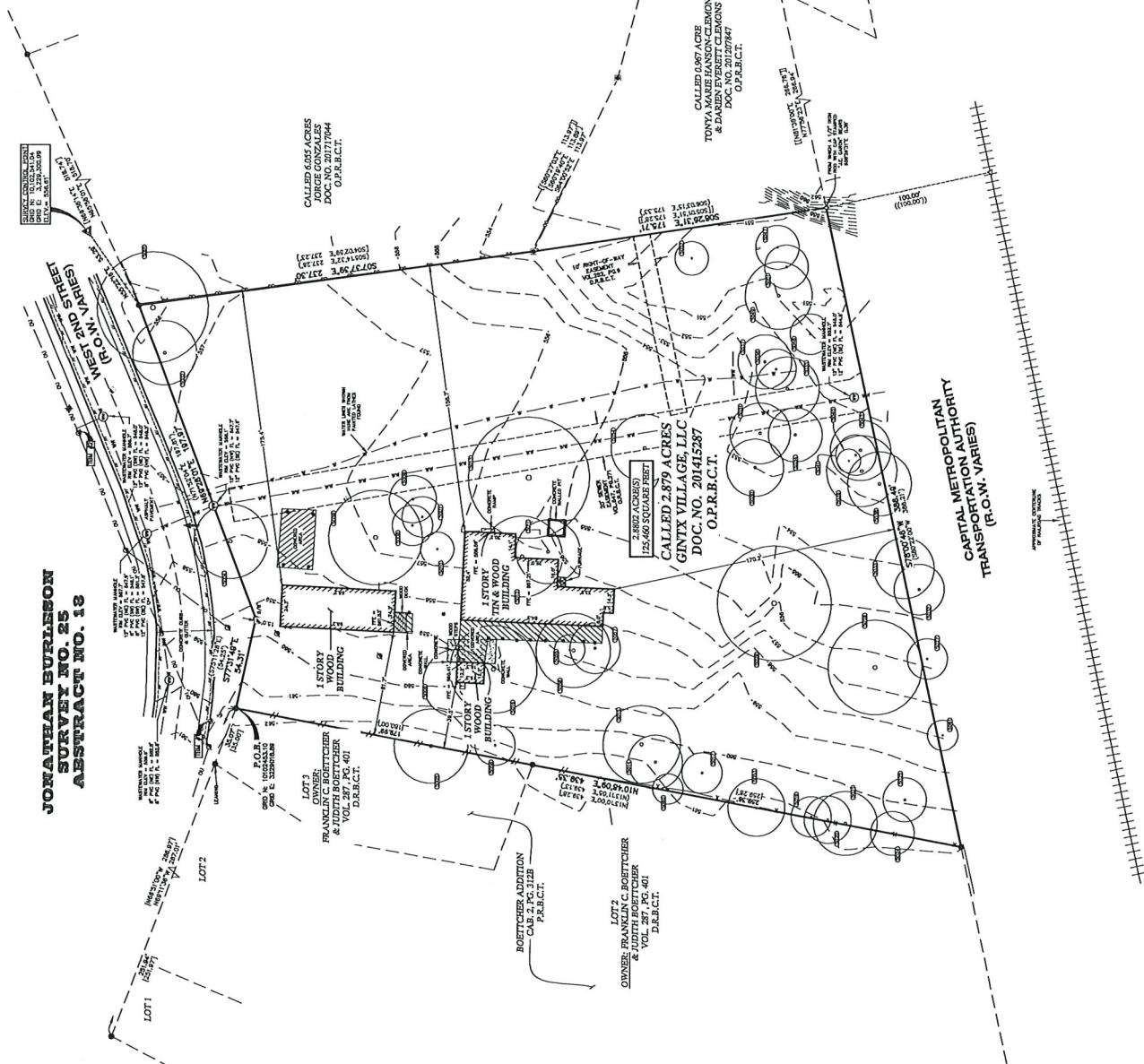
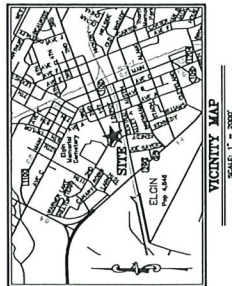


EXHIBIT "A"

DEPICTION OF THE PROPERTY & BOUNDARY SURVEY

EXHIBIT A



**JONATHAN BURLINSON
SURVEY NO. 25
ABSTRACT NO. 18**

SURVEY CONTROL:

CONTROL FOR THIS SURVEY IS BASED ON A 1/7" HIGH ROD WITH "WARD CONTROL" CAP (TYPE 6003) AND "WARD CONTROL" TAP (TYPE 6004). THE SURVEYING STATION WAS LOCATED IN THE CENTER OF THE SURFACE. THE SURVEYING STATION WAS LOCATED IN THE CENTER OF THE SURFACE. THE SURVEYING STATION WAS LOCATED IN THE CENTER OF THE SURFACE.

UTILITY NOTE:
THE SALVATOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR UNMAINTAINED. THE SALVATOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED THEREON. THE SALVATOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ARE ACCURATE, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SALVATOR WAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

CENTRAL NOTES:

- (F) THE LOCATION OF FORCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES. (IF SHOWN), MAY BE CATEGORIZED FOR GEOTECHNICAL CLUST.
- (G) ADDITIONAL NUMBERS (IF SHOWN) IN THE LIST AT THE END OF THE TREE DESCRIPTION, REPRESENT THE SIZE AND NUMBER OF MULTI-TREE TRIPLES.
- (H) THIS SERVICE WAS DONE WITHOUT THE BENEFIT OF A TREND REPORT/LETTER AND THEREFORE, THE TREE WAS NOT EVALUATED FOR ANY OF THE CONDITIONS OR RESTRICTIONS THAT A CURRENT TREND REPORT/LETTER MAY EXHIBIT.
- (I) THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- (J) SEE ATTACHED METES AND SURVEYS DESCRIPTION.

7) THE PROPERTY IS NOT LOCATED WITHIN ANY WETLAND AREAS FOR THE DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE NATIONAL WETLAND INVENTORY MAP.

8) THERE WERE NO STRIPPED PARKING SPACES ON THIS SITE AT THE TIME OF SURVEY.

9) AT THE TIME OF THIS SURVEY, NO INFORMATION WAS AVAILABLE FROM THE CITY OF CLARK REGARDING FUTURE PORT-OF-ENTRY PLANS FOR WEST AND STREET.

10) COOPERMAN NOTE:

THESE FLOOD STATUTORY DOES NOT MEAN THAT THE PROPERTY AND/OR THE STRUCTURES THEREON ARE INSURED AGAINST FLOOD DAMAGE. THE FLOOD STATUTORY SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVIVOR.

BENCHMARK NOTE: ON TOP OF CONCRETE CURB ON THE SOUTH SIDE OF WEST 2ND STREET AT INTERSECTION WITH THE WESTERN WATERWAY MANHOLE ON WEST AND 2ND ST. ELEVATION = 561.04.

NEW 2-COTTON SPINDLE SET IN A UTILITY POLE ON THE NORTH SIDE OF WEST 2ND STREET, 414' FROM A FIRE HYDRANT IN THE NORTH SIDE OF WEST 2ND STREET, ELEVATION = 558.15'

LOCAL DESCRIPTION:
TRACT OF LAND CONTAINING 2,279 ACRES, MORE OR LESS, SITUATED IN THE JOHANN BAILESON TRACT, DISTRICT NO. 14, BAYTOWN COUNTY, TEXAS.

TITLE COMMENT: NOTES.

COMMITMENT FOR TITLE INSURANCE PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY
POLICY NUMBER: 202202311
EFFECTIVE DATE: MAY 15, 2022
EXPIRES: JUNE 7, 2022

10. THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

ALTANA'SES CERTIFICATION:
I, MY ASSET MANAGEMENT LLC OR ITS FIRST AMERICAN TITLE INSURANCE COMPANY, HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.
COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

18 OF TABLE "BUREAU". THE FIELD WORK WAS COMPLETED ON AUGUST 22, 2022.

4/29/2024
DATE

STEVON M. DUARTE, RPL-2
TEXAS REGISTRATION NO. 9940

OF TEXAS
STEVON M. DUARTE
RPL-2
9940

**ALTA/NSPS LAND TITLE,
TOPOGRAPHIC & TREE SURVEY
OF 2.8802 ACRES OUT OF THE
JONATHAN BURLESON SURVEY
NO. 25, ABSTRACT NO. 18
City of Elgin,
Bastrop County, Texas**

4WARD
Land Surveying
A Limited Liability Company

P.O. Box 90878, Austin Texas 78709
WWW.WARDL3.COM (512) 537-2384
TELEPHONE 512-714-3000

Journal of Management Education 34(1)

EXHIBIT A

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 2.8802 ACRES (125,460 SQUARE FEET) OF LAND, MORE OR LESS, BEING OUT OF THE JONATHAN BURLESON SURVEY NO. 25, ABSTRACT NO. 18 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 2.879 ACRE TRACT CONVEYED TO GINTX VILLAGE, LLC IN DOCUMENT NO. 201415287 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (O.P.R.B.C.T.), SAID 2.8802 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
sduarte@4wardls.com
www.4wardls.com

BEGINNING, at a 1/2-inch iron rod found in the south right-of-way line of West 2nd Street (Right-of-way varies), being the northeast corner of Lot 3, Boettcher Addition, a subdivision in Bastrop County, Texas according to the map or plat thereof recorded in Cabinet 2, Page 312B of the Plat Records of Bastrop County, Texas (P.R.B.C.T.), and being the northwest corner of said GinTx Village tract for the northwest corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found for the northwest corner of Lot 1 of said Boettcher Addition, and being in the south right-of-way line of said West 2nd Street bears, N69°11'36"W, passing at a distance of 35.07 feet a 1/2-inch iron rod found (leaning) for the common north corner of Lot 2 of said Boettcher Addition and said Lot 3, and continuing for a total distance of 287.01 feet;

THENCE, with the south right-of-way line of said West 2nd Street and the north line of said GinTx Village tract, the following two (2) courses and distances:

- 1) S77°31'49"E, a distance of **54.31** feet to a 5/8-inch iron rod found for an angle point hereof, and
- 2) N69°28'01"E, a distance of **197.97** feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being the northwest corner of a called 6.055 acre tract conveyed to Jorge Gonzales in Document No. 201717044 (O.P.R.B.C.T.), and being the northeast corner of said GinTx Village tract, from which a 1/2-inch iron rod found for the northeast corner of said Gonzales tract, and being in the south right-of-way line of said West 2nd Street bears, N65°58'01"E, a distance of 518.70 feet;

THENCE, leaving the south right-of-way line of said West 2nd Street, with the east line of said GinTx Village tract and the west line of said Gonzales tract, S07°37'39"E, a distance of **237.30** feet to an iron rod with "RPLS 1753" cap found for an angle point hereof, said point being the southwest corner of said Gonzales tract, and being the northwest corner of a called 0.967 acre tract conveyed to Tonya Marie Hanson-Clemons & Darien Everett Clemons in Document No. 201207847 (O.P.R.B.C.T.);

THENCE, continuing with the east line of said GinTx Village tract, and with the west line of said Clemons tract, S08°26'31"E, a distance of **175.71** feet to a calculated point for the southeast corner hereof (from which an iron rod with "J.E. Garon" cap found bears, S08°26'31"E, a distance of 0.38 feet), said point being the southeast corner of said GinTx Village tract, being the southwest corner of said Clemons tract, and being in the north right-of-way line of Capital Metropolitan Transportation Authority Railroad (Right-of-way varies), from which a chiseled "X" in concrete found for an angle point in the north right-of-way line of said Capital Metro Railroad, and being an angle point in the south line of said Clemons tract bears, N77°56'23"E, a distance of 266.94 feet;

THENCE, with the north right-of-way line of said Capital Metro Railroad and the south line of said GinTx Village tract, S78°00'46"W, a distance of **386.49** feet to a 1/2-inch iron rod found for the southwest corner hereof, said point being the southeast corner of said Lot 2, and being the southwest corner of said GinTx Village tract;

EXHIBIT A

THENCE, leaving the north right-of-way line of said Capital Metro Railroad, with the west line of said GinTx Village tract, and with the east line of said Lot 2 and said Lot 3, **N10°48'09"E**, passing at a distance of 259.36 feet a 1/2-inch iron rod found for the common east corner of said Lot 2 and said Lot 3, and continuing for a total distance of **439.35** feet to the **POINT OF BEGINNING** and containing 2.8802 Acres (125,460 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000080248526. See attached sketch (reference drawing: 00530.dwg).

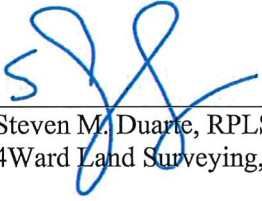
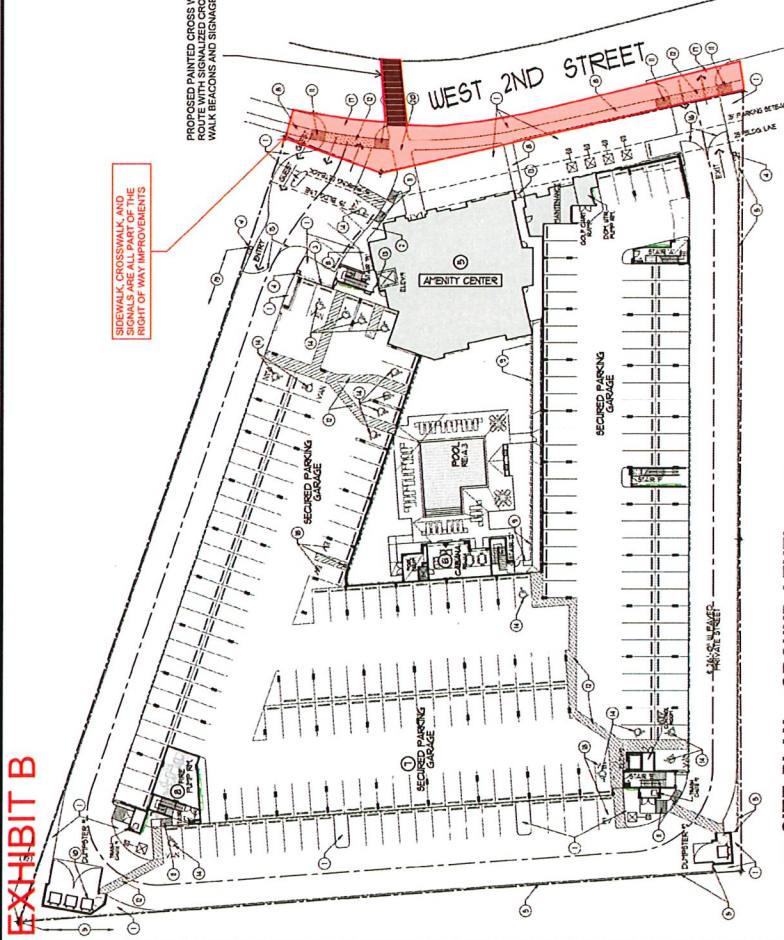

8/26/2022
Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC

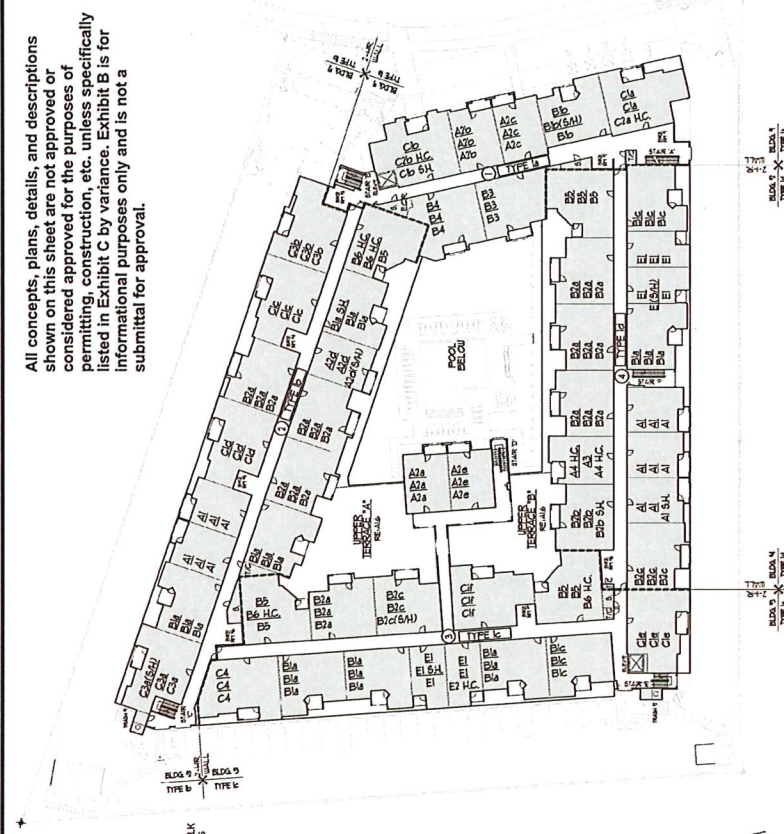


EXHIBIT "B"
CONCEPT PLAN

EXHIBIT B



1 SITE PLAN - GROUND LEVEL



2 SITE PLAN - UPPER LEVELS 2-4

PROJECT SUMMARY:

Area Summary	Area	Count	Area
1.3 Net Rentable Area	48,712 sq. ft.	1,150 Units	1,150 Units
1.4 Net Rentable Area	48,712 sq. ft.	1,150 Units	1,150 Units
1.5 Net Rentable Area	48,712 sq. ft.	1,150 Units	1,150 Units
Total Net Rentable Area	147,136 sq. ft.	3,450 Units	3,450 Units
1.1 Gross Building Area	64,824 sq. ft.		
1.2 Gross Building Area	64,824 sq. ft.		
1.3 Gross Building Area	64,824 sq. ft.		
1.4 Gross Building Area	64,824 sq. ft.		
Total Gross Building Area	253,272 sq. ft.		
Pool Area	44,338 sq. ft.		
Total Pool Area	44,338 sq. ft.		
1.1 Net Rentable Area	48,712 sq. ft.	1,150 Units	1,150 Units
1.2 Net Rentable Area	48,712 sq. ft.	1,150 Units	1,150 Units
1.3 Net Rentable Area	48,712 sq. ft.	1,150 Units	1,150 Units
Total Net Rentable Area	147,136 sq. ft.	3,450 Units	3,450 Units
1.1 Gross Building Area	64,824 sq. ft.		
1.2 Gross Building Area	64,824 sq. ft.		
1.3 Gross Building Area	64,824 sq. ft.		
1.4 Gross Building Area	64,824 sq. ft.		
Total Gross Building Area	253,272 sq. ft.		
Pool Area	44,338 sq. ft.		
Total Pool Area	44,338 sq. ft.		

ADJUSTMENTS:

Adjustment	Description	Area
1.1	One Bedroom, Bath	1,150 sq. ft.
1.2	One Bedroom, Bath	1,150 sq. ft.
1.3	One Bedroom, Bath	1,150 sq. ft.
1.4	One Bedroom, Bath	1,150 sq. ft.
1.5	One Bedroom, Bath	1,150 sq. ft.
1.6	One Bedroom, Bath	1,150 sq. ft.
1.7	One Bedroom, Bath	1,150 sq. ft.
1.8	One Bedroom, Bath	1,150 sq. ft.
1.9	One Bedroom, Bath	1,150 sq. ft.
1.10	One Bedroom, Bath	1,150 sq. ft.
1.11	One Bedroom, Bath	1,150 sq. ft.
1.12	One Bedroom, Bath	1,150 sq. ft.
1.13	One Bedroom, Bath	1,150 sq. ft.
1.14	One Bedroom, Bath	1,150 sq. ft.
1.15	One Bedroom, Bath	1,150 sq. ft.
1.16	One Bedroom, Bath	1,150 sq. ft.
1.17	One Bedroom, Bath	1,150 sq. ft.
1.18	One Bedroom, Bath	1,150 sq. ft.
1.19	One Bedroom, Bath	1,150 sq. ft.
1.20	One Bedroom, Bath	1,150 sq. ft.
1.21	One Bedroom, Bath	1,150 sq. ft.
1.22	One Bedroom, Bath	1,150 sq. ft.
1.23	One Bedroom, Bath	1,150 sq. ft.
1.24	One Bedroom, Bath	1,150 sq. ft.
1.25	One Bedroom, Bath	1,150 sq. ft.
1.26	One Bedroom, Bath	1,150 sq. ft.
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1.31	One Bedroom, Bath	1,150 sq. ft.
1.32	One Bedroom, Bath	1,150 sq. ft.
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1.43	One Bedroom, Bath	1,150 sq. ft.
1.44	One Bedroom, Bath	1,150 sq. ft.
1.45	One Bedroom, Bath	1,150 sq. ft.
1.46	One Bedroom, Bath	1,150 sq. ft.
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1.63	One Bedroom, Bath	1,150 sq. ft.
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1.91	One Bedroom, Bath	1,150 sq. ft.
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1.93	One Bedroom, Bath	1,150 sq. ft.
1.94	One Bedroom, Bath	1,150 sq. ft.
1.95	One Bedroom, Bath	1,150 sq. ft.
1.96	One Bedroom, Bath	1,150 sq. ft.
1.97	One Bedroom, Bath	1,150 sq. ft.
1.98	One Bedroom, Bath	1,150 sq. ft.
1.99	One Bedroom, Bath	1,150 sq. ft.
2.00	One Bedroom, Bath	1,150 sq. ft.

The Katy At Elgin

TDHCA Disclosure: In accordance with the rules of the Texas Department of Housing and Community Affairs, aspects of this development may be subject to change, including but not limited to, changes in the amenities ultimately selected and provided.

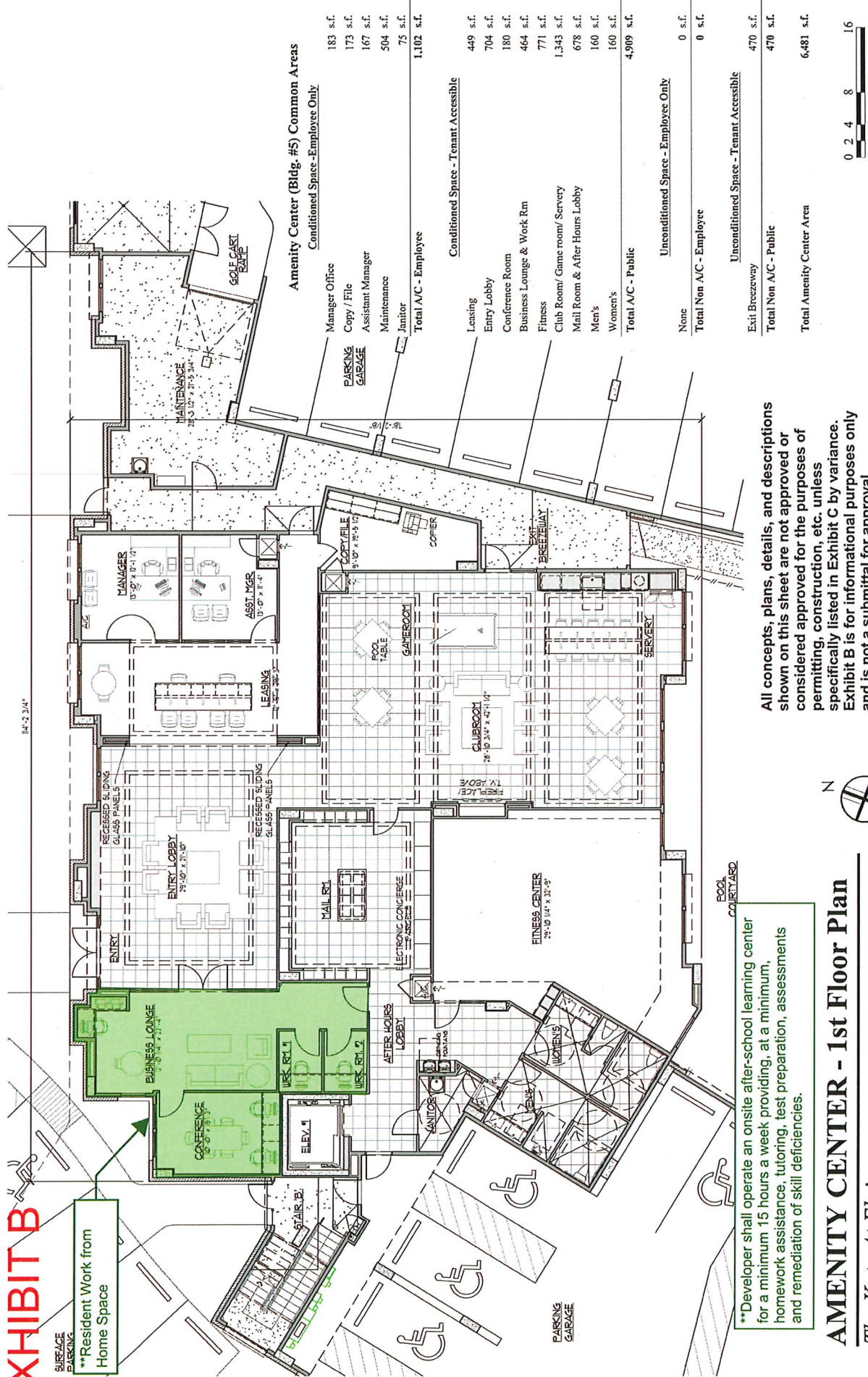
H.C. INDICATES MOBILITY IMPAIRED UNIT. 3H INDICATES SIGHTHEARING IMPAIRED UNIT
NOTE: STRUCTURE IS COMPOSED OF 1 DISTINCT SEGMENT. 1', 2', 3', 4', 5' AND 7' SEPARATED BY TWO-HOUR
CONCRETE POOL FLOOR AND TWO-HOUR AREA SEPARATION WALLS.
PROPERTY AREA: 2.8802 ACRES
FLOOD MITIGATION WILL NOT BE REQUIRED FOR THIS SITE
NOTE: PROPERTY WITHIN UNSHADED ZONE "X" (CATS OF 01% ANNUAL CHANCE FLOOD PLAN)
STORMWATER DETENTION TO BE UNDERGROUND WITH IN-PARKING AREA

A1.0:

EXHIBIT B

SURFACE PARKING

**Resident Work from Home Space



**Developer shall operate an onsite after-school learning center for a minimum 15 hours a week providing, at a minimum, homework assistance, tutoring, test preparation, assessments and remediation of skill deficiencies.

AMENITY CENTER - 1st Floor Plan

The Katy At Elgin

Mucasey & Associates, Architects

TDHCA Disclosure: In accordance with the rules of the Texas Department of Housing and Community Affairs, aspects of this development may be subject to change, including but not limited to, changes in the amenities ultimately selected and provided

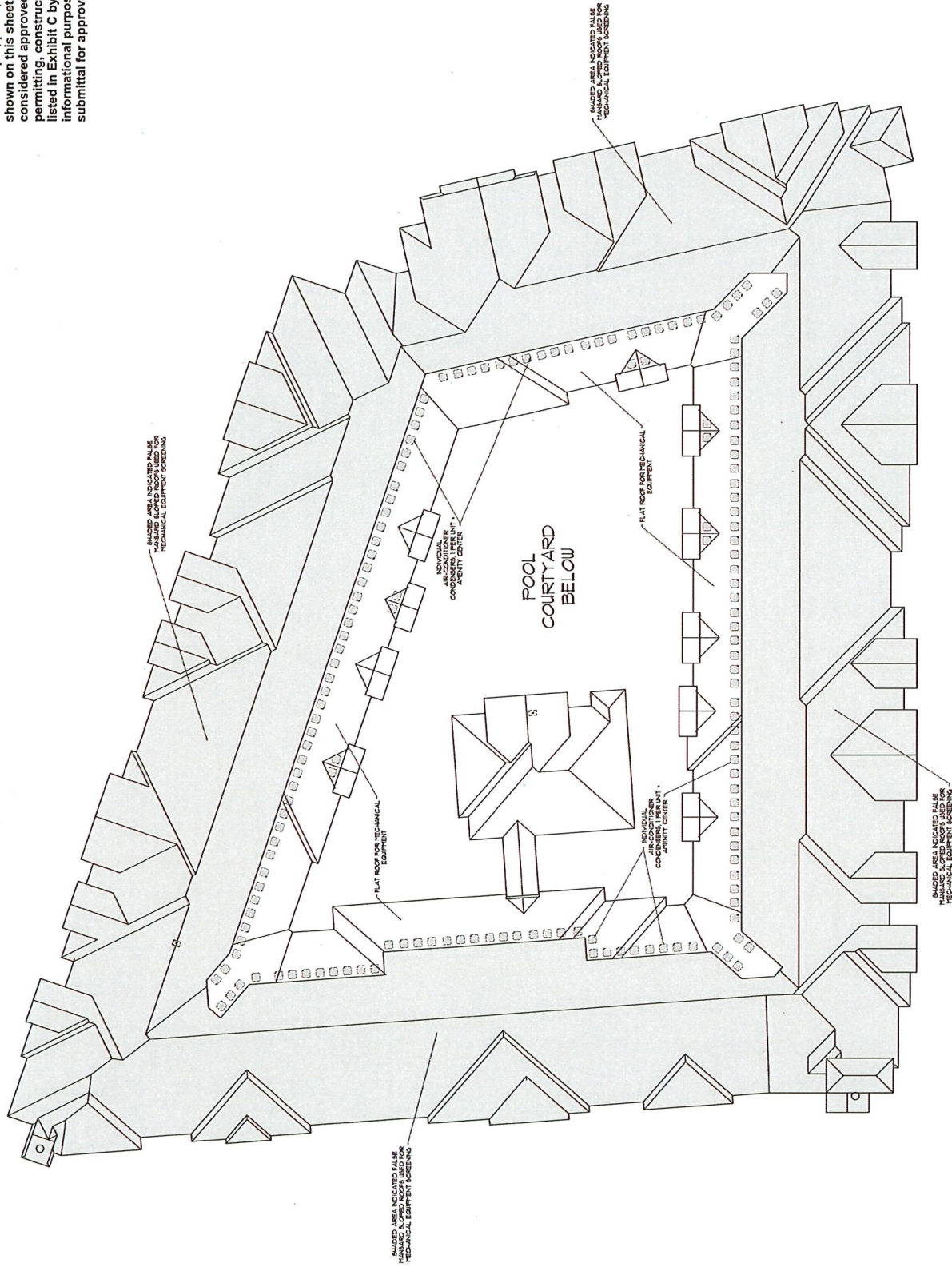


Amenity Center (Bldg. #5) Common Areas	
Conditioned Space - Employee Only	
Manager Office	183 s.f.
Copy / File	173 s.f.
Assistant Manager	167 s.f.
Maintenance	504 s.f.
Janitor	75 s.f.
Total A/C - Employee	1,102 s.f.
Conditioned Space - Tenant Accessible	
Lensing	449 s.f.
Entry Lobby	704 s.f.
Conference Room	180 s.f.
Business Lounge & Work Rm	464 s.f.
Fitness	771 s.f.
Club Room/ Game room/ Servery	1,343 s.f.
Mail Room & After Hours Lobby	678 s.f.
Men's	160 s.f.
Women's	160 s.f.
Total A/C - Public	4,909 s.f.
Unconditioned Space - Employee Only	
None	0 s.f.
Total Non A/C - Employee	0 s.f.
Unconditioned Space - Tenant Accessible	
Exit Brezeway	470 s.f.
Total Non A/C - Public	470 s.f.
Total Amenity Center Area	6,481 s.f.

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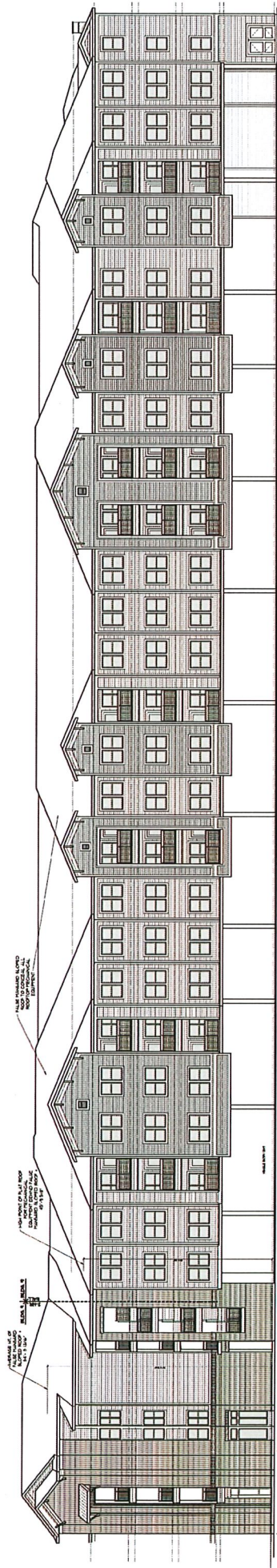
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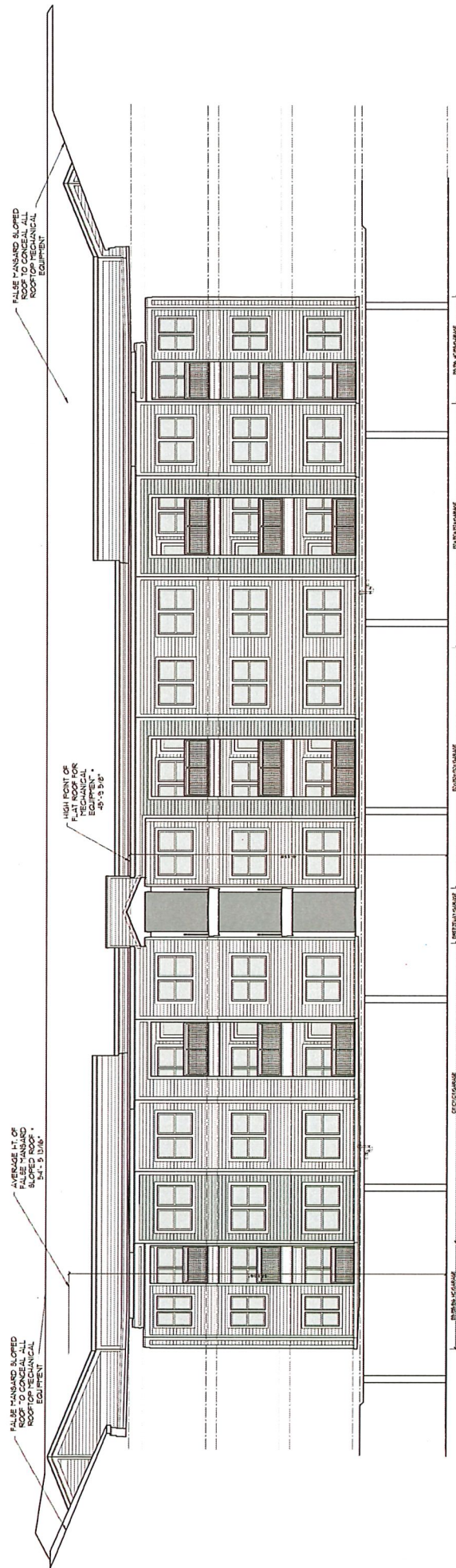
BUILDING HEIGHT STUDY ROOF PLAN SHOWING FLAT ROOF & FALSE MANSARD SLOPED ROOFS SCREENING MECHANICAL EQUIPMENT

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BUILDING HEIGHT STUDY FROM NORTHWEST EXTERIOR CORNER OF BUILDING

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BUILDING HEIGHT STUDY IN COURTYARD SHOWING FLAT ROOF FOR MECHANICAL EQUIPMENT IN
A SECTION CUT THROUGH THE POOL COURTYARD MIDDLE

EXHIBIT "C"
CODE TEXT

Chapter 46 – ZONING

ARTICLE I. – IN GENERAL

- **Sec. 46-1. – Definitions.**

Building height means the vertical distance from the finished floor to the highest point of coping of a flat roof, or the deck line of the mansard roof or to the average height of the highest gable of a pitch or hip roof.

This will exclude false mansard sloped roofs used for mechanical equipment screening.

- **Sec. 46-334. - Height regulations.**

The following are height regulations for the R-4-Multiple-Family Residential District: no buildings shall exceed 50 feet in height.

(Code 1990, ch. 11, § 2(C)(5)(d); [Ord. No. 2023-03-07-06](#), 3-7-2023)

The average height of all false mansard sloped roofs shall not exceed 55 feet in height.

- **Sec. 46-635. - Amount of off-street parking and loading required.**

a) Off-street parking and loading facilities shall be provided in all zoning districts, except within the Downtown Historic District, in accordance with the following schedule:

- 3) Dwelling, multiple family: 1.5 spaces per one bedroom unit; two spaces per two bedroom unit; 2.5 spaces per three or more bedroom unit; guest parking at a ratio of five percent of the required spaces. At least 25 percent of all overall parking spaces shall be covered parking. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the city's standard specifications.

(Code 1990, ch. 11, § 2(D)(5)(f); Ord. No. 96-03-19-09, 3-19-1996; Ord. No. 97-12-02-31, 12-2-1997; Ord. No. 2001-09-11-21, 9-11-2001; Ord. No. 98-11-03-54, 11-3-1998; Ord. No. 2001-04-03-10, 4-3-2001; Ord. No. 2002-02-05-06, 2-5-2002; Ord. No. 2011-07-05-37, §§ I—XXV, 7-5-2011; [Ord. No. 2020-02-04-09](#), § I, 2-4-2020; [Ord. No. 2021-01-05-01](#), § VI, 1-5-2021; [Ord. No. 2022-02-01-04](#), § I, 2-1-2022; [Ord. No. 2023-03-07-06](#), 3-7-2023; [Ord. No. 2023-05-16-15](#), § IX, 5-16-2023)

DEVELOPER'S AGREEMENT EXHIBT

FOR

THE KATY AT ELGIN

ELGIN, TEXAS

PRESENTED BY:

THE KATY ELGIN, LP



BENCHMARKS	
BM NO. 1	"X" CUT
N: 10102468	E: 3229011
ELEV.=561.239	
BM NO. 2	"X" CUT
N: 10102537	E: 3229174
ELEV.=557.241	
BM NO. 3	"X" CUT
N: 10102541	E: 3229301
ELEV.=556.65	
SITE INFORMATION	
ZONING: C-2 COMMERCIAL	
FEMA MAP ID: 48021C0075E	
LOCATED IN "ZONE X" OF MINIMAL FLOOD HAZARD	
NOTE: PER C-2 ZONING, THE MAXIMUM BUILDING HEIGHT IS 50'.	
PROPOSED BUILDING HEIGHT: THE HEIGHT OF THE BUILDING IS 45'-9 5/8" TO THE FLAT PORTION OF THE ROOF THAT SUPPORTS THE MECHANICAL EQUIPMENT. THE AVERAGE HEIGHT OF THE DECORATIVE PITCHED MANSARD ROOF, WHICH IS UTILIZED PRIMARILY FOR SCREENING OF THE ROOFTOP MECHANICAL EQUIPMENT, IS APPROXIMATELY 54'- 5 13/16".	

CONSULTANT CONTACT LIST:

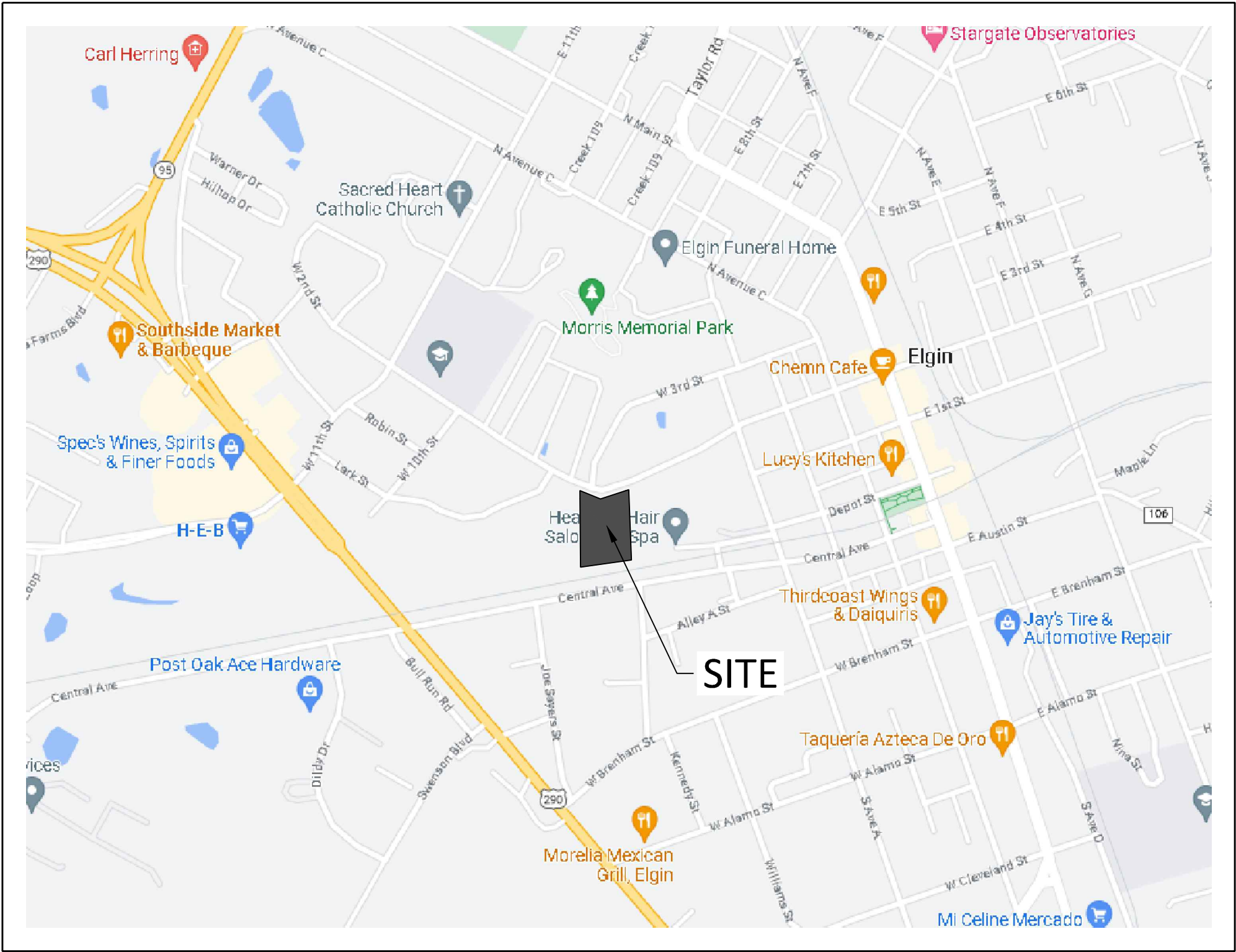
OWNER
GINTX VILLAGE, LLC
1701 EVERGREEN AVE., SUITE 2
AUSTIN, TX 78704

CIVIL ENGINEER
SAMBATEK
13355 NOEL RD, SUITE 1100
DALLAS, TX 75240
TEL 972-830-3190
EMAIL: TMONDOK@SAMBATEK.COM
CONTACT: TRAVIS MONDOK PE, CFM

DEVELOPER
THE KATY ELGIN, LP
9 GREENWAY PLAZA, SUITE 1250
HOUSTON, TX 77046
TEL: 516-805-4696
EMAIL: KT@IVYCOS.COM
CONTACT: KEVIN TISEO

SURVEYOR
SAMBATEK
13355 NOEL RD, SUITE 1100
DALLAS, TX 75240
TEL 972-532-9170
EMAIL: LRYON@SAMBATEK.COM
CONTACT: LONDON RYON, RPLS

GEOTECHNICAL
SCIENCE ENGINEERING, LTD.
P.O. BOX 2048
NEDERLAND, TX 77627
TEL:409-982-0686
EMAIL: YOUSEF RAHMANI
CONTACT: YOUSEF@SCIENCE-ENGINEER.COM



VICINITY MAP

NO SCALE

SHEET INDEX

SHEET	DESCRIPTION
C1.01	TITLE SHEET
A1.01	PROJECT & PARKING SUMMARY
A1.02	SITE PLAN
A1.03	AMENITY CENTER
A1.04	ROOF PLAN
A1.05	BUILDING ELEVATION
A1.06	BUILDING ELEVATION

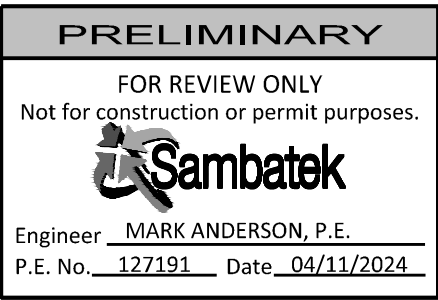
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GOVERNING SPECIFICATIONS

CITY OF ELGIN, TX SPECIFICATIONS (2019)

ALL CONSTRUCTION ACTIVITIES SHALL MEET THE CITY OF ELGIN CONSTRUCTION STANDARDS

NO	DATE	BY	CKD	APPR	COMMENT



PRELIMINARY 04/11/2024 DESIGN REVIEW
PERMIT SUBMITTAL 04/17/2024 CONSTRUCTION DOCUMENTS

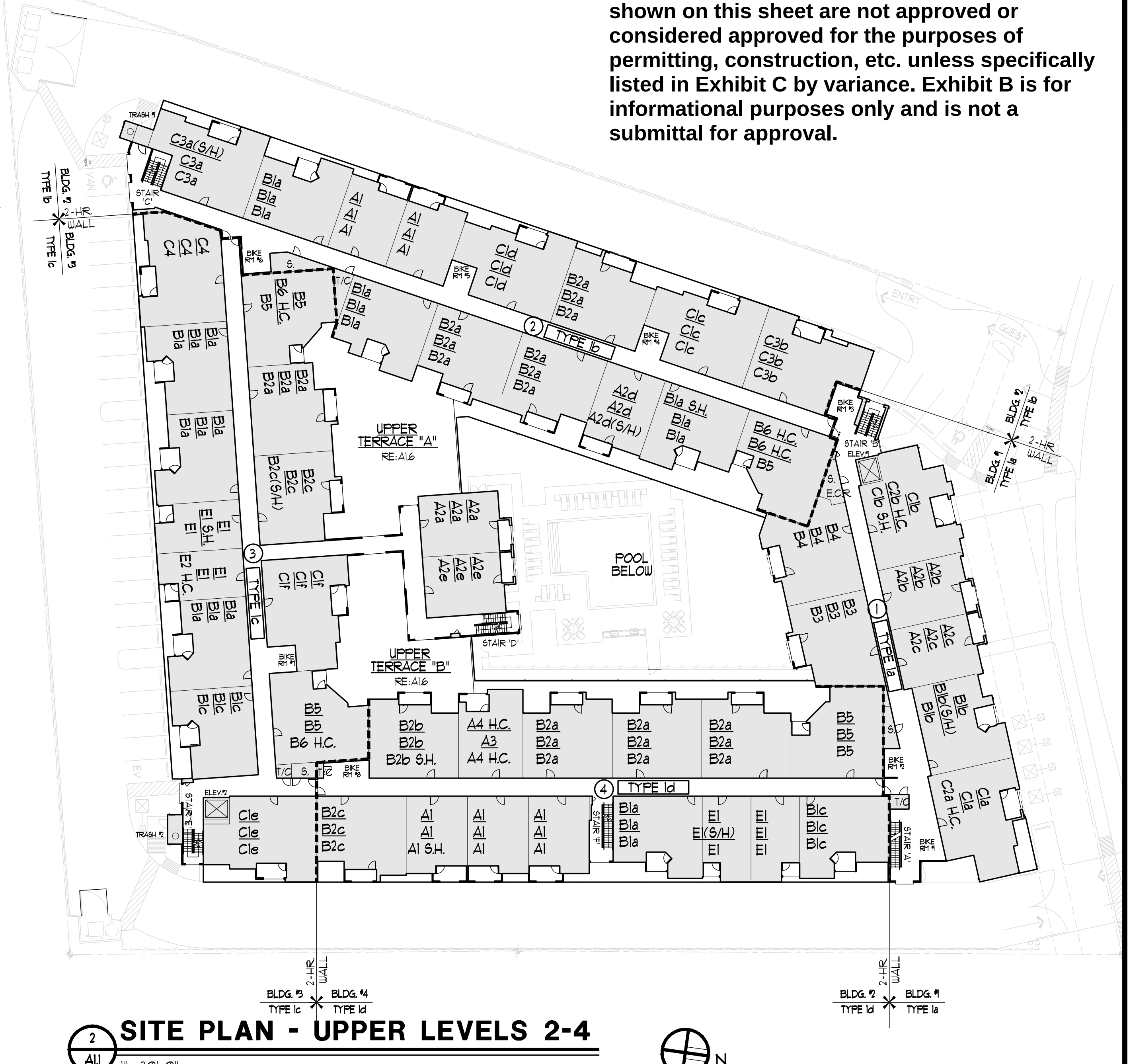
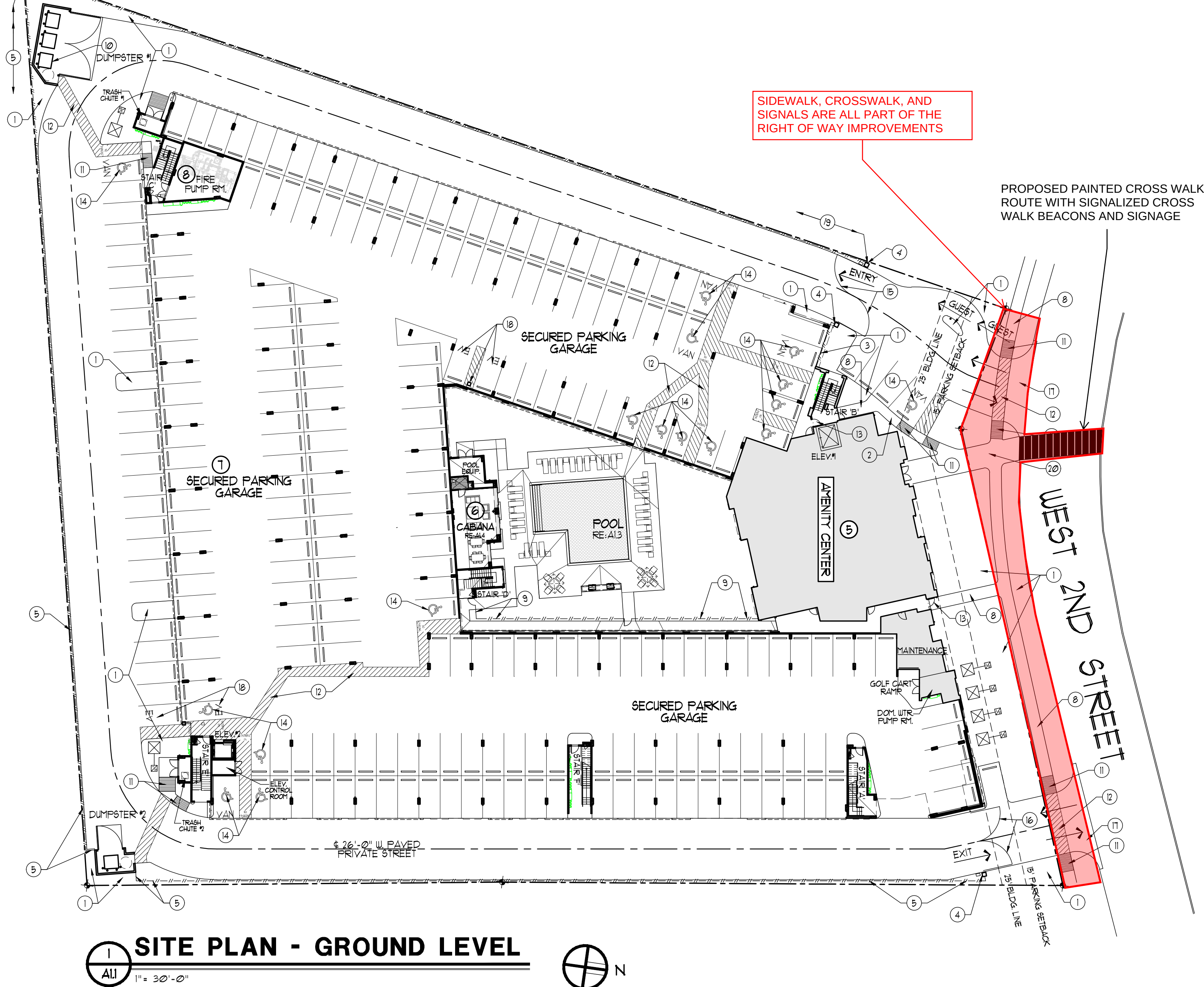
DRAWN BY MRG
DESIGNED BY MA
CHECKED BY MA
PROJECT NO. 51774



TITLE SHEET
THE KATY ELGIN, LP THE KATY AT ELGIN
ELGIN, TEXAS

SHEET
C1.01

EXHIBIT B



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MUCASEY & Associates
Architects
4808 Gibson, Suite 200
Houston, Texas 77007
Tel. (713) 521-1233
Fax (713) 520-1904
Email: office@mucaseyarchitects.com

THE KATY AT ELGIN

A Multi-Family Community
Elgin, TX
Job No. 2315

Area Summary:

L2 Net Rentable Area	46,742 s.f.
L3 Net Rentable Area	46,742 s.f.
L4 Net Rentable Area	46,742 s.f.
Total Net Rentable Area	140,226 s.f.
L1 Gross Building Area	68,834 s.f.
L2 Gross Building Area	61,636 s.f.
L3 Gross Building Area	61,636 s.f.
L4 Gross Building Area	61,636 s.f.
Total Gross Building Area	253,722 s.f.
Podium Area	68,335 s.f.

Parking Summary:

Parking Required:			
45 Efficiency/One Bedroom Units @ 150 cars/unit =	6750 cars		
18 Two Bedroom Units @ 200 cars/unit =	3600 cars		
21 Three Bedroom Units @ 250 cars/unit =	5250 cars		
Total	15600 cars		
Guest Parking @ 5% =	1455 cars		
Total Parking Required	17055 cars		
Parking Provided:			
Garage Covered Parking	4	10	219 cars
Garage Covered EV Parking	0	1	3 cars
Open EV Parking (secured)	0	23	24 cars
Open EV Parking (unsecured)	0	1	1 cars
Open Parking (non-secured)	1	0	5 cars
Total Parking Spaces	6	11	235
Bicycle Parking in Building:			
9-Bikes per Room x 8 Rooms per floor =	12 bikes		
12 Bikes per floor x 3 floors =	36 bikes		
Car Parking equivalent @ 4 bikes/car			54 cars
Total Parking Spaces Provided			306 cars

PROJECT SUMMARY:

Apartments:			
Type	Description	Qty.	Area
E1	Efficiency	11	588 s.f.
E2	Efficiency H.C.	1	588 s.f.
Total One Bedroom Units		12 Units	1056 s.f.
A1	One Bedroom, 1 Bath	15	689 s.f.
A2	One Bedroom, 1 Bath	15	731 s.f.
A3	One Bedroom, 1 Bath	1	781 s.f.
A4	One Bedroom, 1 Bath H.C.	2	181 s.f.
Total One Bedroom Units		33 Units	23,751 s.f.
B1	Two Bedroom, 2 Bath	30	959 s.f.
B2	Two Bedroom, 2 Bath	30	1,201 s.f.
B3	Two Bedroom, 2 Bath	3	1,275 s.f.
B4	Two Bedroom, 2 Bath	3	1,281 s.f.
B5	Two Bedroom, 2 Bath	8	1,281 s.f.
B6	Two Bedroom, 2 Bath H.C.	4	1,281 s.f.
Total Two Bedroom Units		78 Units	10,180 s.f.
C1	Three Bedroom, 2 Bath	16	1,173 s.f.
C2	Three Bedroom, 2 Bath H.C.	2	1,173 s.f.
C3	Three Bedroom, 2 Bath	6	1,174 s.f.
C4	Three Bedroom, 2 Bath	3	1,222 s.f.
Total Three Bedroom Units		27 Units	31,824 s.f.
Apartments Total		150 Units	140,211 s.f.
Maintenance			490 s.f.
Amenity Center			6,016 s.f.
Project Total			147,523 s.f.

- SIGHT AND HEARING ADAPTABLE UNITS:**
(RE: GENERAL NOTE #2)
- Visual smoke alarm. A hardwired smoke alarm system consisting of interconnected signaling devices with an audible and visual alarm signal in each sleeping room, and an audible and visual alarm signal outside of the sleeping rooms. Locations of other audible alarms comply with Texas Property Code (see Section 3A). If a door separates an interior living space (not including bathrooms) from the visual signal source, an additional visual signal device serves that area. Multiple visual signal ranges do not overlap. Local or state fire code requirements are observed regarding visual alarm height from floor, distance from the ceiling, light pulse characteristics, and alarm locations.
 - Telephone. A telephone jack with system interface wiring capable of supporting voice and TTY communication with public use system, electric outlet next to the telephone jack as needed to power messaging devices.
 - Doorbell. A hardwired electric doorbell system with an activation button at the primary entrance, initiating a strobe light & an audible signal centrally located within the living space, approximately 80" above the floor. If strobes are located in a bedroom, provide a deactivation switch.
 - Switch and outlet cover plates. Electric switch, receptacle and cover plate color and shade for contrast to stand out from the color and shade of the surrounding wall surfaces.
 - Provide a 180° peephole viewer on the unit entry door, 48" AFF.
- CIVIL NOTES:**
- Civil Engineer to provide electronic drawing file for dimensional control.
 - Refer to Civil sheets for dimension locations, slopes and elevations of all buildings, sidewalks, ramps, driveways, parking spaces, and curbs.
 - Maintain Accessible Route typical throughout as required by Fair Housing and The Texas Accessibility Standards. Handicapped Parking stalls and access aisles to have maximum 1:50 slope. Provide flush transition from parking to sidewalks to entry porch slabs, maximum 1:20 slope in direction of travel along accessible route (max. 1:50 cross-slope). Maximum 1:50 slope within 60" of entry doors. Provide accessible level change at thresholds. Provide striped crosswalks at driveways as shown.
 - All curbs shown to face of curb.

- NOTES TO SHEET ALL:** (Shown with round targets)
- Landscaping with 6" concrete curbing @ all edges.
 - 4'-0" W. concrete sidewalk.
 - 6'-0" H. metal painted picket fence per 2/A12, with 3'-0" W. pedestrian gate per 3/A12.
 - 1'-6" x 1'-6" x T-3" H. brick column per 1/A12.
 - 1'-0" H. wood fence, 1x6 cedar pickets, 2x6 treated cap, 4x4 treated posts set in concrete, 2x10 treated rot board at base. (RE: 6/A12). Fence on top of Retaining wall where occurs. Re: Civil. Re: Structural for Details.
 - Guest telephone (with voice & TTY communication) at island to operate entry gate.
 - Not Used.
 - 5'-0" W. concrete sidewalk.
 - Painted metal picket fence: 4'-1" at Pool with 3'-0" W. gate per 4/A12.
 - Dumpster enclosure per 8/A12.
 - 6'-0" L. 1:12 slope handicap access curb-ramp with Pea gravel topping at entire surface. 1:50 max. side slope (typ). Public curb ramps to be T-6" L. 1:15 slope with truncated domes for 24" in the direction of travel.
 - Handicap access crosswalk, 1:20 max. slope, 1:50 max. side slope.
 - 3'-0" W. x 6'-0" H. pedestrian gate with call box for guests, per 3/A12.
 - Handicap accessible parking space 8'-0" W. with 5'-0" W. access aisle, 11'-0" W. space at Van Accessible cars, provide signage on pole at head of stall per T.A.S. details.
 - Painted metal picket limited access ENTRY swing gate, 13'-0" W. x 6'-0" H. with adjacent swing panel; 13'-0" W. x 6'-0" H. operated by remote control or guest tel. Provide 911 Fire Department knock box. RE: 1/A12.
 - Painted metal picket limited access EXIT swing gate, 13'-0" W. x 6'-0" H. with adjacent swing panel; 13'-0" W. x 6'-0" H. operated by exit loop under pavement. Provide 911 Fire Department knock box. RE: 1/A12.
 - New Concrete curb out per City of Elgin standards, RE: Civil.
 - Electric vehicle charging pedestal & parking stalls.
 - 6'-0" H. brick screening wall on retaining wall. Re: Civil for retaining wall locations. Re: Structural for details.
 - 10'-0" W. concrete sidewalk.
- # Indicates fire rated assembly. Refer to Assembly Legend on Sheet A102.

- GENERAL NOTES:**
- "H.C." indicates an ADA/UFAS fully accessible apartment or garage.
 - "S/H" indicates a Sight & Hearing impaired apartment with visual and audible devices per ADA requirements. (4 units required and provided at Units #108, #206, #240 & #313. Coordinate locations of transformers, electrical meters & panels, water meters, gas meters, cable T.V. & telephone with MEP drawings.
 - Address numbers at least 8" high must be visible from the street or Fire Dept. access lanes.
 - Exterior louvers, fans, exhaust vents & downspouts etc. for roof and wall shall be painted to match adjacent surface.
 - Exterior electrical panels, switchgear, gutters, conduit, etc. shall be painted to match the building.
 - All Project Entry gates to have 911 Knox box for emergency vehicle access.
- MEP NOTES:**
- Locations of all appliances and fixtures to be governed by Architectural drawings.
 - Provide underground electrical & telephone conduits & supplies to all vehicular gates shown on 1/A11.
 - MEP drawings to show locations of transformers, electrical meters & panels, water meters, gas meters, cable T.V., & telephone. Electrical meters and Condensers shown on Architectural Site Plan are for design purpose only and are subject to coordination with MEP Engineer.

CLIENT REVIEW

Date: 05-12-23	05-13-23	05-14-23
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SITE REVISIONS

Date: 05-17-23	05-25-23
----------------	----------

PARKING & AREA REVISIONS

Date: 05-29-23	06-02-23	1-04-24
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ISSUE TO ENGINEERS

Date: 01-19-24

SITE REVISIONS

Date: 02-06-24

PRICING ISSUE

Date: 03-01-24

VALUE ENGINEERING REV.

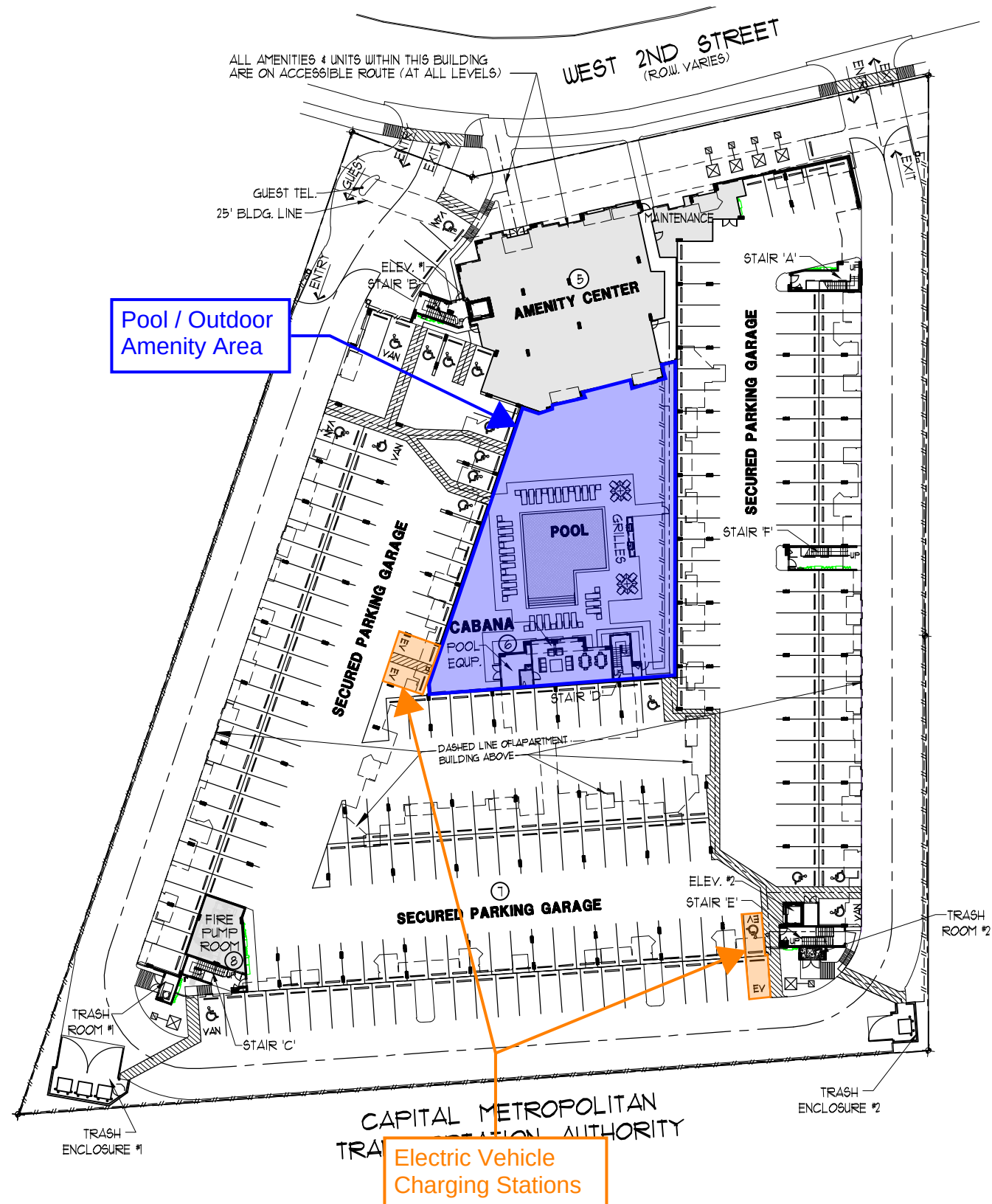
Date: 04-04-24

ISSUE FOR PERMIT

Date: 04-17-24

SHEET
A1.01

EXHIBIT B



SITE PLAN - LEVEL 1

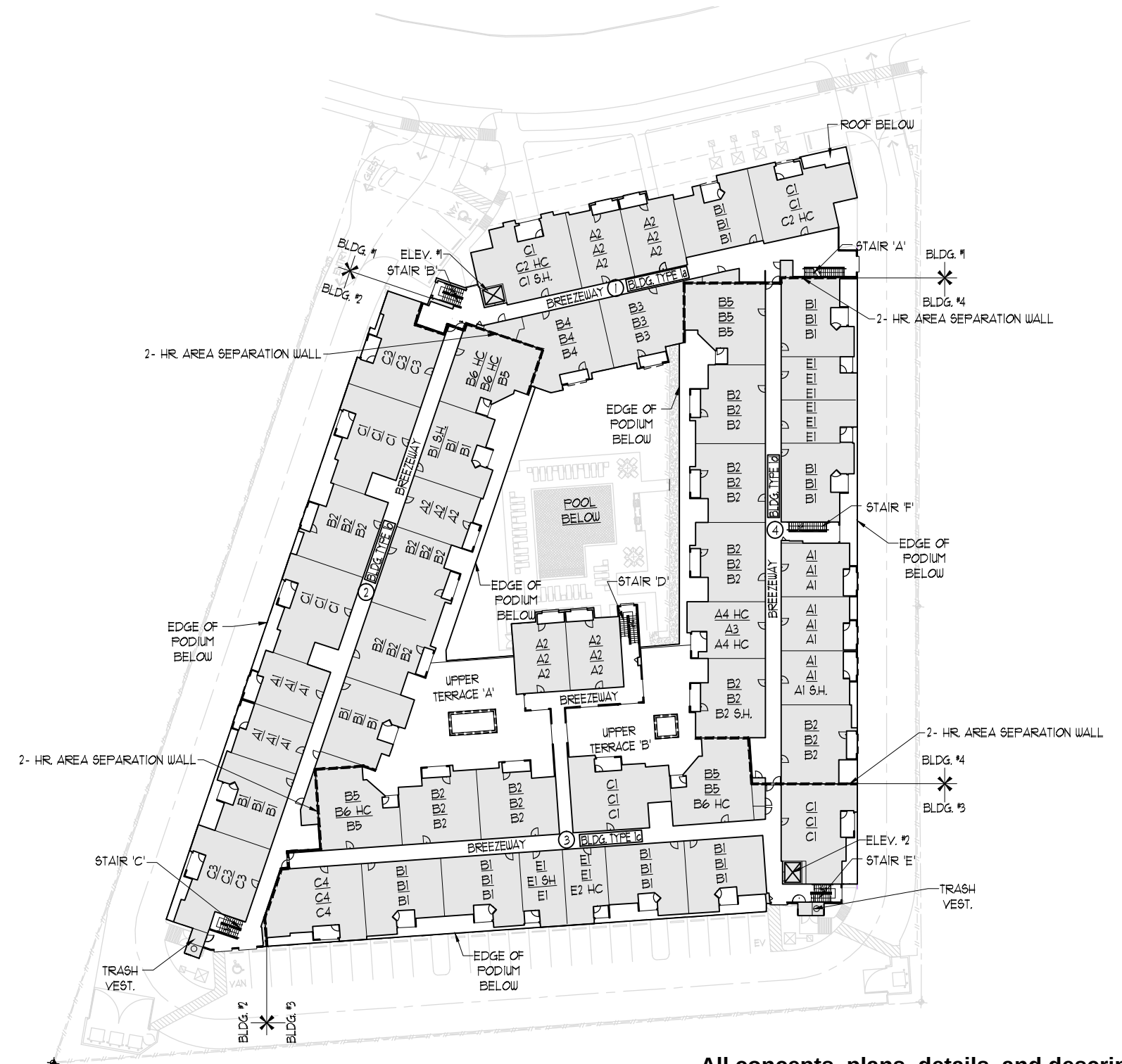
The Katy At Elgin

Mucasey & Associates, Architects



H.C. INDICATES MOBILITY IMPAIRED UNIT, S/H INDICATES SIGHT/HEARING IMPAIRED UNIT
NOTE: STRUCTURE IS COMPRISED OF 1 DISTINCT BLDGS, #1, #2, #3, #4, #5, #6 AND #7 SEPARATED BY TWO-HOUR
CONCRETE PODIUM FLOOR AND TWO-HOUR AREA SEPARATION WALLS.
PROPERTY AREA: 2.8802 ACRES
FLOOD MITIGATION WILL NOT BE REQUIRED FOR THIS SITE
NOTE: PROPERTY WITHIN UNSHADED ZONE "X" (OUTSIDE 0.2% ANNUAL CHANCE FLOOD PLAIN)
STORMWATER DETENTION TO BE UNDERGROUND WITHIN PARKING AREA

TDHCA Disclosure: In accordance with the rules of the Texas Department of Housing and Community Affairs, aspects of this development may be subject to change, including but not limited to, changes in the amenities ultimately selected and provided.



SITE PLAN - LEVELS 2-4

All concepts, plans, details, and descriptions shown on this sheet are not approved or considered approved for the purposes of permitting, construction, etc. unless specifically listed in Exhibit C by variance. Exhibit B is for informational purposes only and is not a submittal for approval.

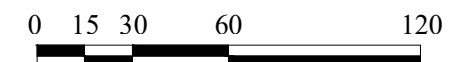
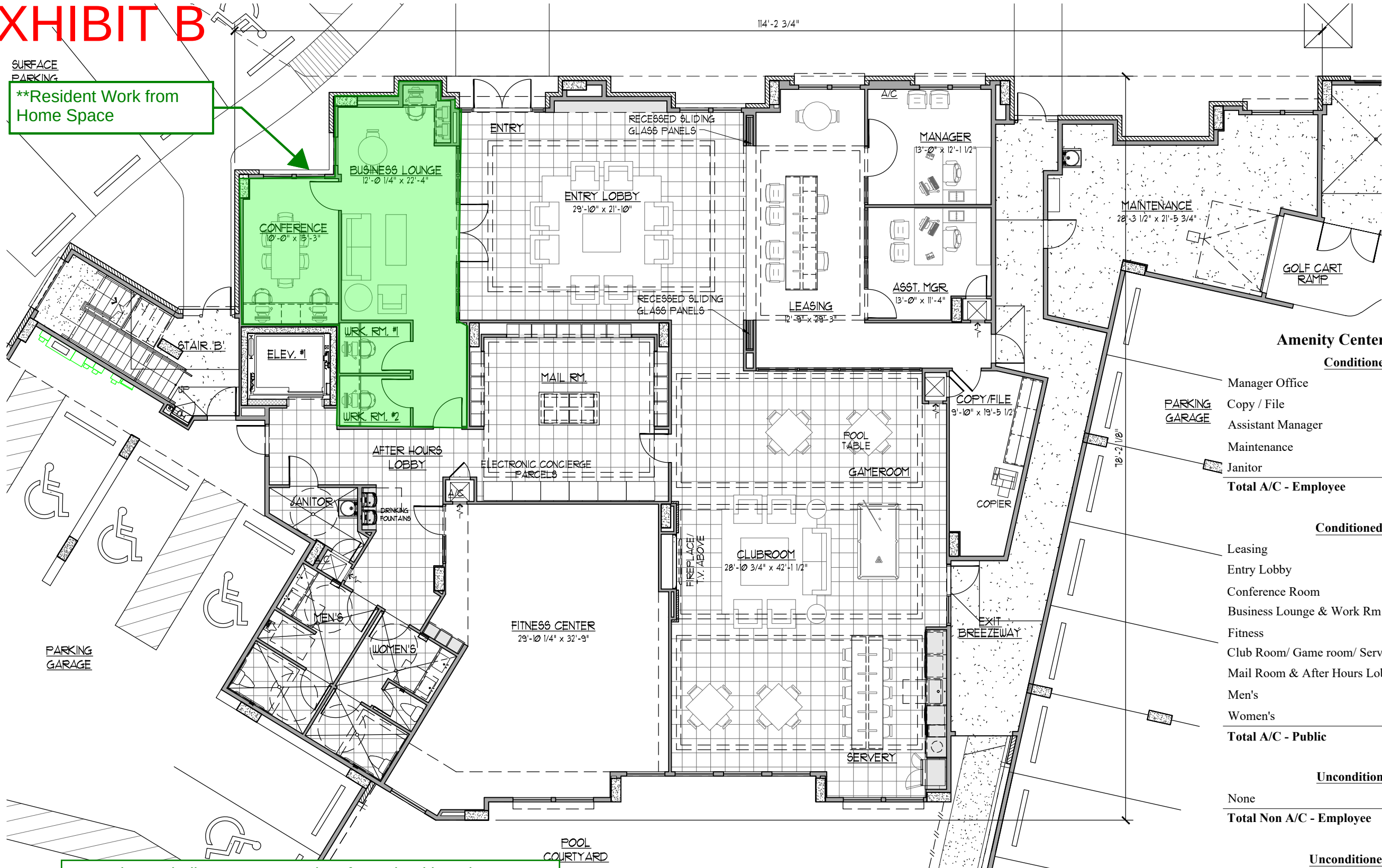


EXHIBIT B



Amenity Center (Bldg. #5) Common Areas

Conditioned Space -Employee Only

Manager Office	183 s.f.
Copy / File	173 s.f.
Assistant Manager	167 s.f.
Maintenance	504 s.f.
Janitor	75 s.f.
Total A/C - Employee	1,102 s.f.

Conditioned Space - Tenant Accessible

Leasing	449 s.f.
Entry Lobby	704 s.f.
Conference Room	180 s.f.
Business Lounge & Work Rm	464 s.f.
Fitness	771 s.f.
Club Room/ Game room/ Servery	1,343 s.f.
Mail Room & After Hours Lobby	678 s.f.
Men's	160 s.f.
Women's	160 s.f.
Total A/C - Public	4,909 s.f.

Unconditioned Space - Employee Only

None	0 s.f.
Total Non A/C - Employee	0 s.f.

Unconditioned Space - Tenant Accessible

Exit Breezeway	470 s.f.
Total Non A/C - Public	470 s.f.

Total Amenity Center Area 6,481 s.f.

**Developer shall operate an onsite after-school learning center for a minimum 15 hours a week providing, at a minimum, homework assistance, tutoring, test preparation, assessments and remediation of skill deficiencies.

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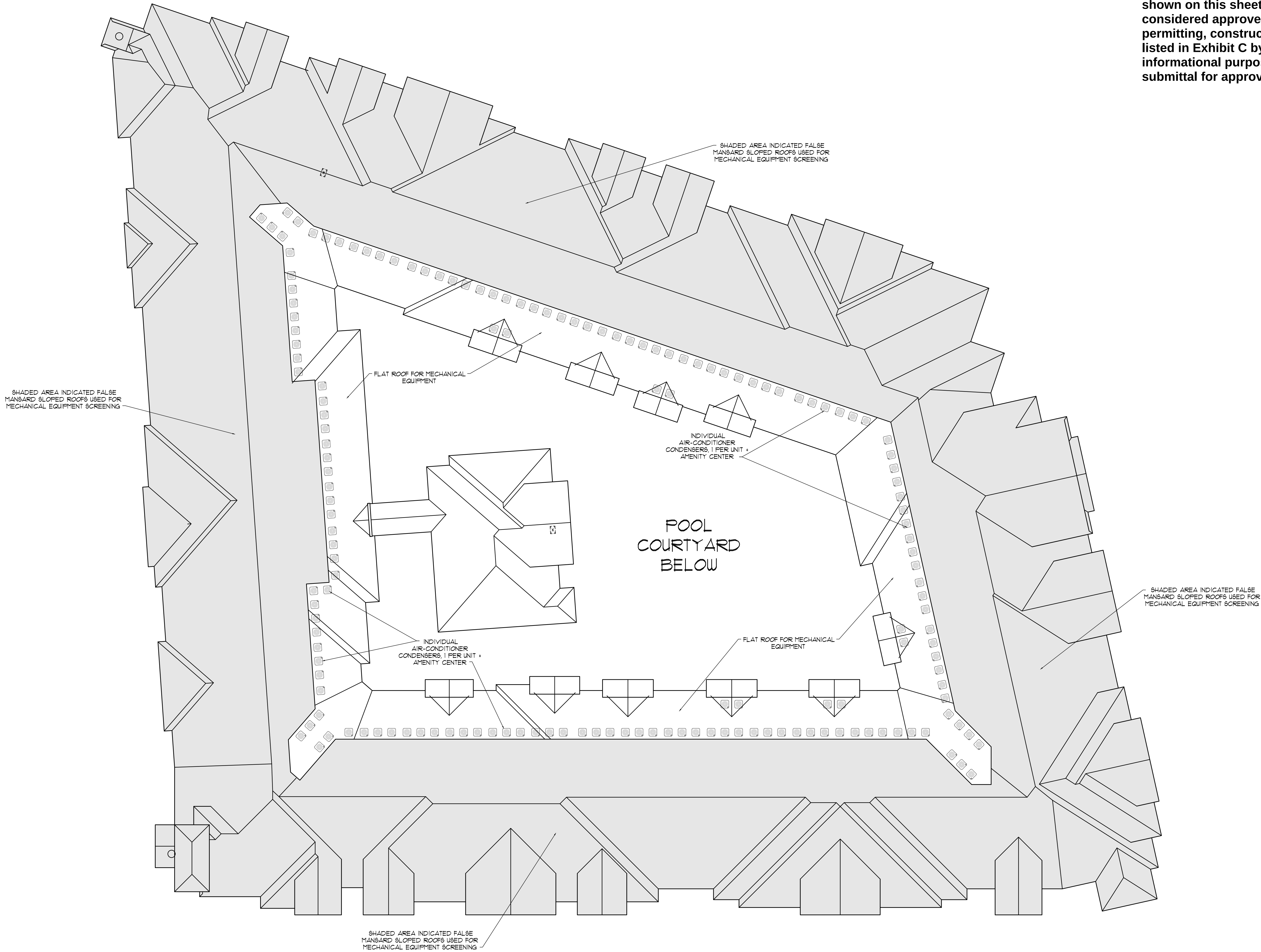
AMENITY CENTER - 1st Floor Plan

The Katy At Elgin

Mucasey & Associates, Architects

TDHCA Disclosure: In accordance with the rules of the Texas Department of Housing and Community Affairs, aspects of this development may be subject to change, including but not limited to, changes in the amenities ultimately selected and provided.

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BUILDING HEIGHT STUDY ROOF PLAN SHOWING FLAT ROOF & FALSE MANSARD SLOPED ROOFS SCREENING MECHANICAL EQUIPMENT

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BUILDING HEIGHT STUDY FROM NORTHWEST EXTERIOR CORNER OF BUILDING

All concepts, plans, details, and descriptions shown on this sheet are not approved or considered approved for the purposes of permitting, construction, etc. unless specifically listed in Exhibit C by variance. Exhibit B is for informational purposes only and is not a submittal for approval.



BUILDING HEIGHT STUDY IN COURTYARD SHOWING FLAT ROOF FOR MECHANICAL EQUIPMENT IN
A SECTION CUT THROUGH THE POOL COURTYARD MIDDLE

May 30, 2024

Re: The Katy at Elgin Residential Development – Parking Demand Analysis
Elgin, Texas

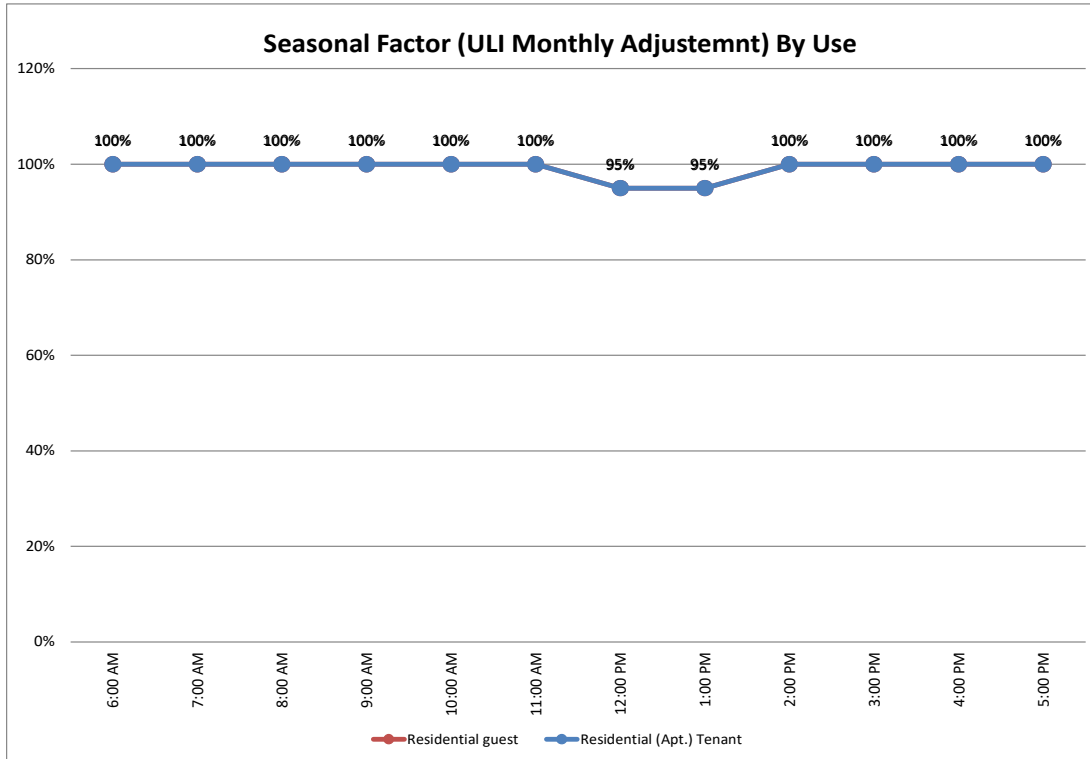
WEEKDAY DEMAND										
Peak Weekday Demand - MIDNIGHT										
Land Use	Units	Base Ratio	Drive Ratio	Captive Market	Seasonal Factor	Hourly Factor		Shared Demand	Stand Alone Demand	% of Non-Shared
Apartment	282 beds	x 0.90 /beds	x 0.92	x 1.00	x 100%	x 100%	=	233	254	92%
Apartment Guest	150 units	x 0.10 /units	x 0.95	x 1.00	x 100%	x 50%	=	7	15	48%
TOTAL DEMAND								241	269	90%
Demand With Recommended 5% Buffer								252		
Number of parking spaces provided								252		
Parking Surplus (Deficit)								0		

WEEKEND DEMAND										
Peak Weekend Demand - MIDNIGHT										
Land Use	Units	Base Ratio	Drive Ratio	Captive Market	Seasonal Factor	Hourly Factor		Shared Demand	Stand Alone Demand	% of Non-Shared
Apartment	282 beds	x 0.90 /beds	x 0.90	x 1.00	x 100%	x 100%	=	228	254	90%
Apartment Guest	150 units	x 0.10 /units	x 0.90	x 1.00	x 100%	x 50%	=	7	15	45%
TOTAL DEMAND								235	304	77%
Demand With Recommended 5% Buffer								247		
Number of parking spaces provided								252		
Parking Surplus (Deficit)								5		

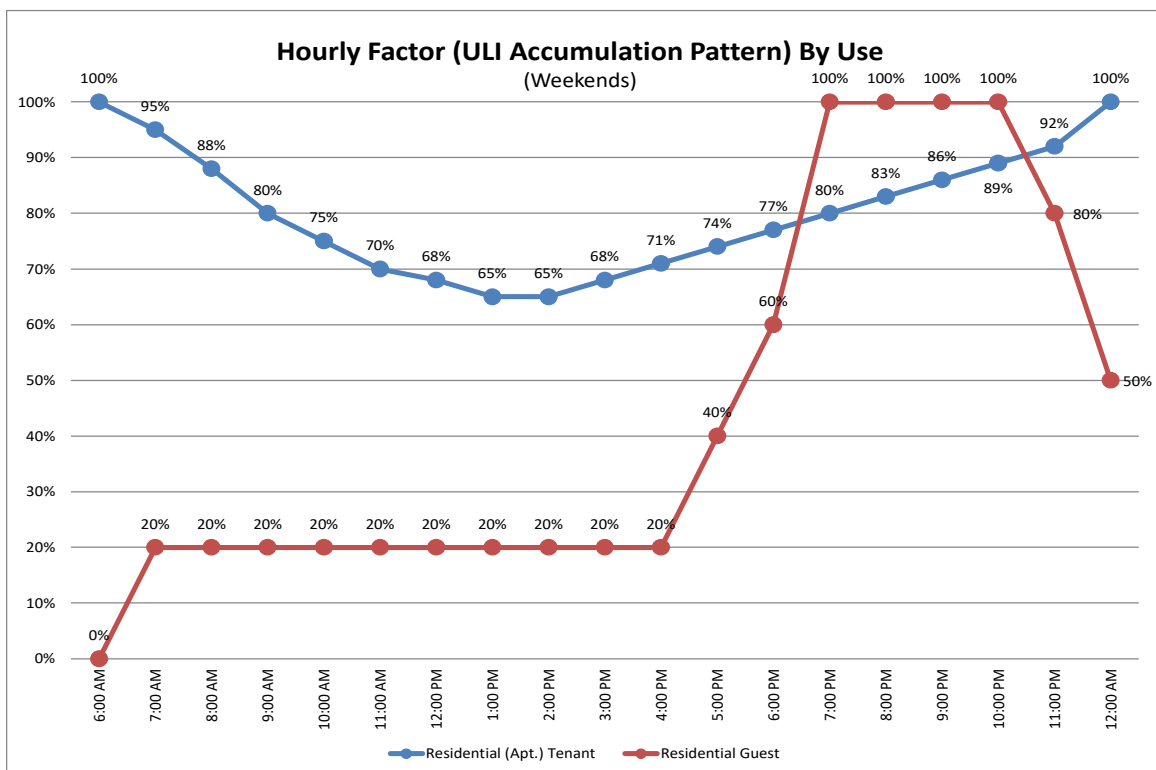
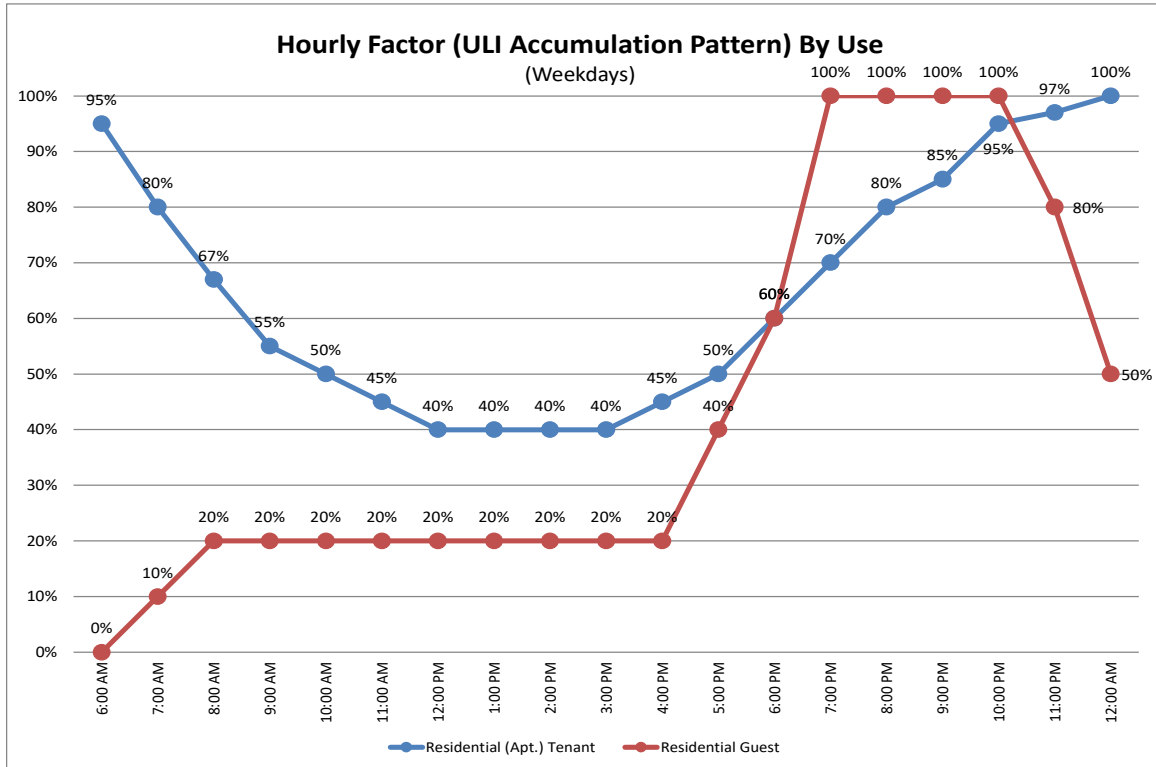
The following report summarizes shared parking analysis for The Katy at Elgin residential development in Elgin, Texas. The analysis is based on methodologies established in the Urban Land Institute's 2020 Shared Parking study. As published in the ULI's report, "...combinations of land uses require less parking than the same land uses in freestanding locations". Shared parking analysis adjusts typical free-standing parking generation rates (expressed as the number of spaces required per unit of land use) for four factors that influence accumulation patterns:

1. **DRIVE RATIO** (mode split) factors adjust parking requirements to reflect various modes of transportation to/from the site, such as walk up, bike, bus, rubber tire shuttle, and ridesharing. A factor of 85% indicates 85 of 100 trips to the site occurred in a vehicle that will park on site. The drive ratio factor is adjusted for each individual use during the weekday and weekend. HWA Parking used data generated by the U.S. Census Bureau to make adjustments to the drive ratio.
2. **CAPTIVE MARKET** factors adjust gross parking requirements to recognize that patrons are frequently parked for more than one land use, and do not require a space. (i.e. the office worker who is going to lunch down stairs does not simultaneously require a space at his office and restaurant).

3. **SEASONAL FACTORS** adjust generation rates to reflect seasonal variation in land uses, and therefore parking patterns (i.e. retail patronage does not peak in the summer time, but movie attendance does). The chart (right) represents the ULI seasonal factors by use. ULI season factors were used in this analysis.

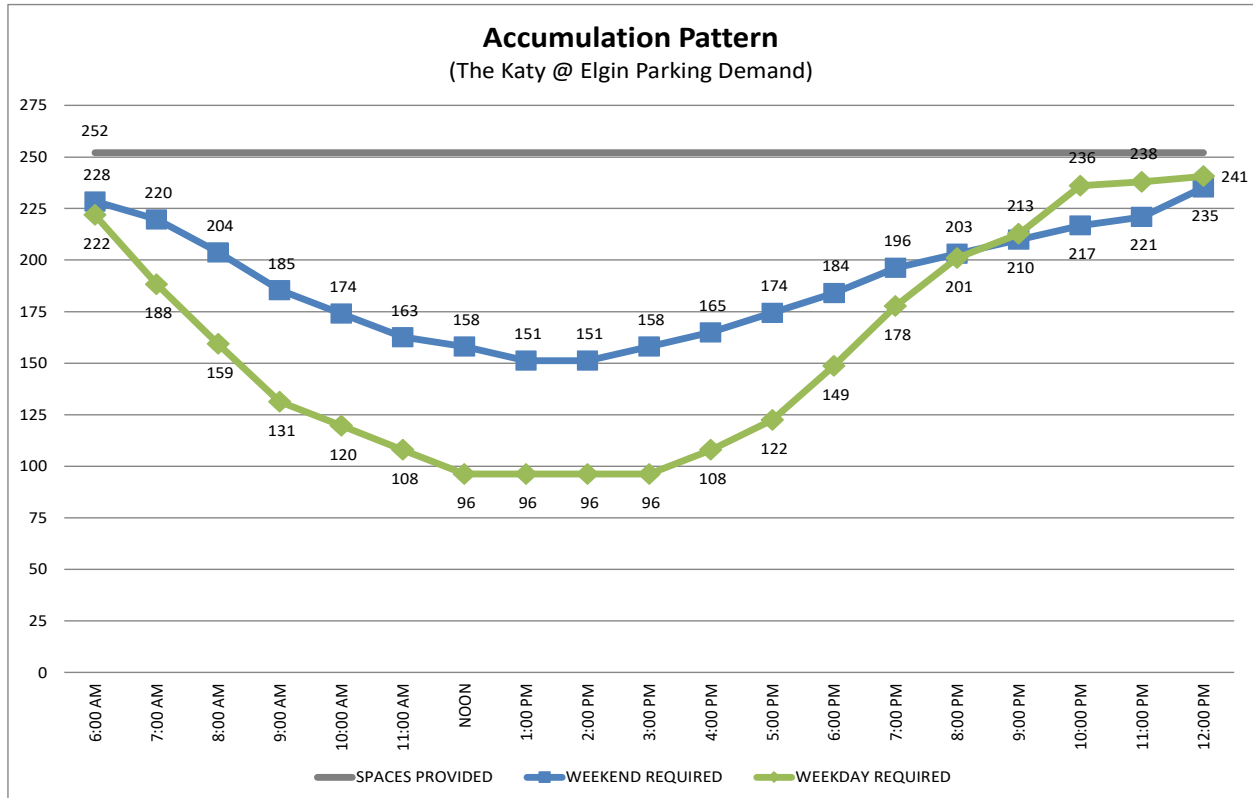


4. **HOURLY FACTORS** adjust parking rates to reflect accumulation patterns throughout the day to recognize that land uses do not simultaneously generate demand for parking at the same time (i.e. residential parking requirements peak at night when offices need very few, if any, spaces). The charts below represent the hourly factors, by use, for weekday and weekends.



Shared parking methodology multiplies free-standing generation rates by the previous adjustment factors to identify the number of spaces required at each hour of the day, for each month of the year on weekdays and weekends.

The chart below represents The Katy @ Elgin hourly accumulation demand for weekday (green) and weekend (blue). The dark grey line represents the current parking supply for the residential development.



Based on the development program for The Katy at Elgin, the anticipated mix of land uses will peak at 241 vehicles at MIDNIGHT on weekdays. The table on the summary page identifies the number of vehicles generated by each use that will be on-site at the peak time.

We recommend providing at least 5% more spaces than required for the design day. The buffer will help people find a space, enhance the perception of adequate parking for 50 weeks of the year, and help accommodate higher demand on peak days. The anticipated parking demand numbers above do not include the recommended 5% buffer. Total parking demand, with buffer included, is 252 spaces needed to satisfy the development program. The development has a parking supply of 252 spaces to meet the parking analysis recommendation at the peak demand time.

Please feel free to let us know if you have any questions or require any additional information.

Sincerely,

HWA PARKING
strickland | jamail

Troy Jamail | Principal

The Katy @ Elgin Residential Development (Elgin, TX)

Shared Parking Calculations - ULI Generation Rates with Market Adjustments

May 30, 2024

WEEKDAY DEMAND

Peak Weekday Demand - MIDNIGHT

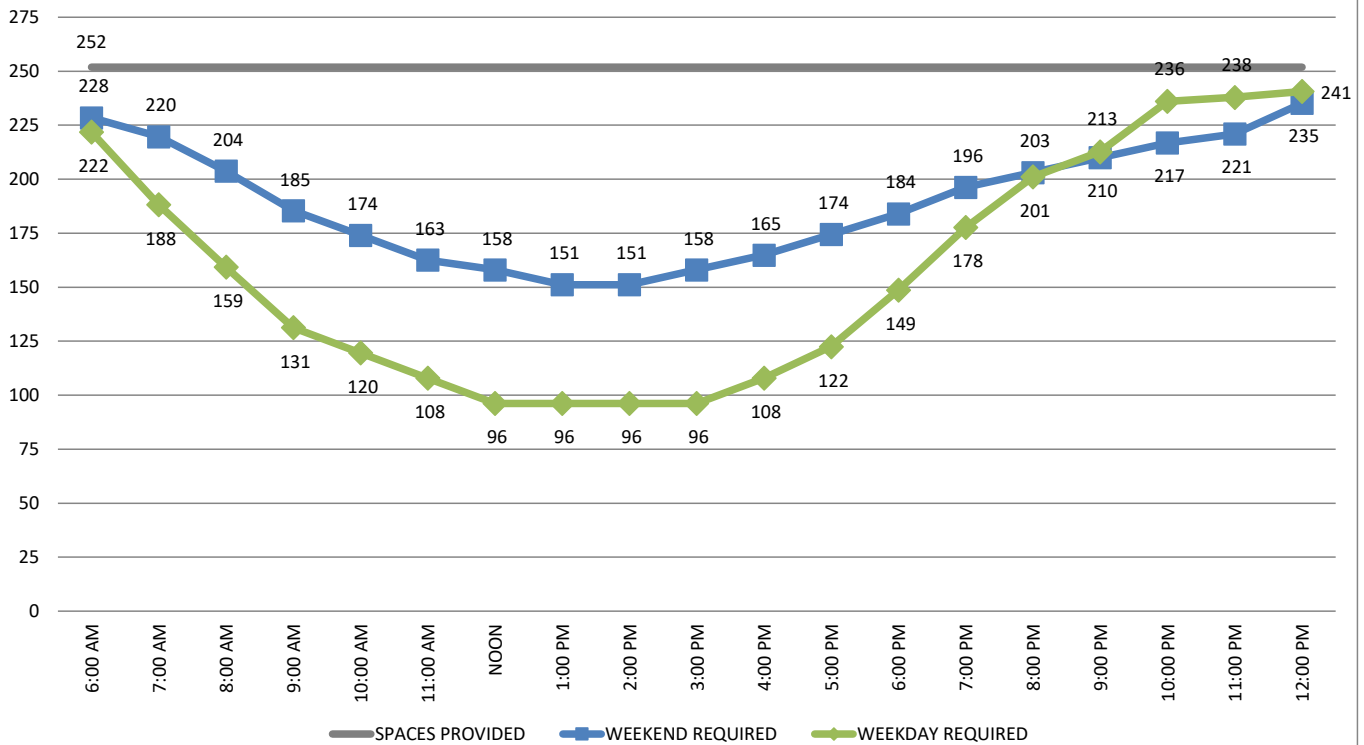
Land Use	Units	Base Ratio	Drive Ratio	Captive Market	Seasonal Factor	Hourly Factor	Shared Demand	Stand Alone Demand	% of Non-Shared
Apartment	282 beds	x 0.90 /beds	x 0.92	x 1.00	x 100%	x 100% =	233	254	92%
Apartment Guest	150 units	x 0.10 /units	x 0.95	x 1.00	x 100%	x 50% =	7	15	48%
TOTAL DEMAND							241	269	90%
Demand With Recommended 5% Buffer							252		
Number of parking spaces provided							252		
Parking Surplus (Deficit)							0		

WEEKEND DEMAND

Peak Weekend Demand - MIDNIGHT

Land Use	Units	Base Ratio	Drive Ratio	Captive Market	Seasonal Factor	Hourly Factor	Shared Demand	Stand Alone Demand	% of Non-Shared
Apartment	282 beds	x 0.90 /beds	x 0.90	x 1.00	x 100%	x 100% =	228	254	90%
Apartment Guest	150 units	x 0.10 /units	x 0.90	x 1.00	x 100%	x 50% =	7	15	45%
TOTAL DEMAND							235	304	77%
Demand With Recommended 5% Buffer							247		
Number of parking spaces provided							252		
Parking Surplus (Deficit)							5		

Accumulation Pattern
(The Katy @ Elgin Parking Demand)





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING AND ADOPTING THE 2024-25 FIVE-YEAR CAPITAL IMPROVEMENT PLAN, A REPORT ON ANTICIPATED CAPITAL EXPENDITURES AND PROJECTS FOR ALL MUNICIPAL OPERATIONS; AND PROVIDING FOR RELATED MATTERS

DEPARTMENT: Executive

PROPOSED ACTION: Consideration and adoption of a Resolution approving the 2024-25 Five-Year Capital Improvement Plan (5YRCP).

BACKGROUND:

Discussed at previous meetings; This action was scheduled as part of the Budget Development Calendar and represents a formative step in the final development of the FY2024-25 Annual Budget. The 5YRCP is a comprehensive financial planning document describing all currently proposed capital expenditures within all city departments and operations for each of the next five years. The 5YRCP is designed to provide operations managers with the opportunity to look beyond the standard 12-month governmental funding cycle; while also providing Council and the administration with information necessary to achieve effective long-term financial planning. The City Council held a Work Session to review the proposed 5YRCP on June 25. The Council also conducted a Public Hearing to receive general feedback on the proposed 5YRCP on July 2.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Adoption of the Resolution approving 2024-25 Five-Year Capital Improvement Plan (5YRCP), as may or may not be amended.

ATTACHMENTS:

1. RESO5yrpc824

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
APPROVING AND ADOPTING THE 2024-25 FIVE-YEAR
CAPITAL IMPROVEMENT PLAN, A REPORT ON
ANTICIPATED CAPITAL EXPENDITURES AND PROJECTS
FOR ALL MUNICIPAL OPERATIONS; AND PROVIDING
FOR RELATED MATTERS**

WHEREAS, the City Manager has prepared and submitted the proposed *City of Elgin 2024-25 Five-Year Capital Improvement Plan* describing projected capital improvement expenditures and/or projects for all municipal operations the next five years ensuing; and,

WHEREAS, the Mayor and City Council has considered and reviewed this proposal, and conducted a Public Hearing to review the plan; and,

WHEREAS, the Mayor and City Council has amended the program as deemed appropriate and has now determined same to be an effective and accurate current projection of anticipated capital expenditures for the next five years.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:**

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

Section 2. Adoption. The *City of Elgin 2024-25 Five-Year Capital Improvement Plan* is hereby approved and adopted, a copy of which is to be attached hereto marked “Exhibit A” and made part of this Resolution as if copied verbatim herein.

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

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 6th day of August, 2024

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

ESMERALDA RANGEL, Assistant City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS PLACING A PROPOSAL ON THE SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 COUNCIL MEETING TO ADOPT A 2024 TAX YEAR PROPOSED PROPERTY TAX RATE THAT WILL NOT EXCEED THE NO NEW REVENUE TAX RATE OR THE VOTER APPROVAL TAX RATE NOR THE DE MINIMIS RATE FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; CALLING A PUBLIC HEARING ON THE PROPOSED PROPERTY TAX RATE TO BE HELD ON SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 AT 6:30 PM

DEPARTMENT: Executive

PROPOSED ACTION: Approval of Resolution

BACKGROUND:

This item is for the City Council to officially set the tax rate by a roll call vote and to set the dates of the public hearings. Final adoption of the Tax Rate will take place on September 26th and the deadline according to the Tax Code is September 29th. Failure to adopt a tax rate before statutory deadlines is limited to the lower of the voter-approval tax rate or the no-new-revenue tax rate. § TEX.TAX CODE 26.05 (c).

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of Resolution

ATTACHMENTS:

1. Resolution Setting Tax Rate and Calling For a Public Hearing

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

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS PLACING A PROPOSAL ON THE SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 COUNCIL MEETING TO ADOPT A 2024 TAX YEAR PROPOSED PROPERTY TAX RATE THAT WILL NOT EXCEED THE NO NEW REVENUE TAX RATE OR THE VOTER APPROVAL TAX RATE NOR THE DE MINIMIS RATE FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; CALLING A PUBLIC HEARING ON THE PROPOSED PROPERTY TAX RATE TO BE HELD ON SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 AT 6:30 PM;

WHEREAS, the City of Elgin met and determined the necessary appropriations required for Fiscal Year 2024-2025 and have determined it to be in the best interest of the citizens of Elgin to propose a tax rate that will not exceed the Voter Approval Tax Rate, the No New Revenue Tax Rate, or the De Minimis Tax Rate.

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

Section 1. Findings. That the City Council hereby approves consideration of proposed property tax rate for the fiscal year beginning October 1, 2024, and ending September 30, 2025, of \$0.626825 per \$100 of valuation. The members of the governmental body voted on this proposal to consider the proposed property tax rate as follows:

FOR:

AGAINST:

PRESENT and not voting:

ABSENT:

Section 2. Actions Required. The City Manager is hereby directed to place consideration and adoption of the 2024-25 Tax Year Proposed Property Tax Rate for the City of Elgin, Texas on the City Council meeting agenda for September 3, 2024, and September 17, 2024, at 6:30 PM at the Elgin Council Chambers, 404 N. Main St, Elgin, Texas 78621

Section 3. Actions Required. The City Manager is hereby directed to place a public hearing on the 2024-25 TAX YEAR PROPOSED PROPERTY TAX RATE FOR THE CITY OF ELGIN, TEXAS on the City Council meeting agenda for September 3, 2024, and September 17, 2024, at 6:30 PM at the Elgin Council Chambers, 404 N. Main St, Elgin, Texas 78621

Section 4. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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

PASSED AND ADOPTED this 6th day of August 2024.

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

Esmerelda Rangel, Assistant City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Adjourn into Executive Session pursuant to Section §551.071 Consultations with Attorney; to deliberate with legal counsel regarding pending or contemplated litigation: Citation Cause #2621-21 State of Texas vs. City of Elgin

DEPARTMENT: Executive

PROPOSED ACTION:

BACKGROUND:

BUDGET/FINANCIAL IMPACT:

RECOMMENDATION:

ATTACHMENTS:

None

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