



**AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 6, 2017
ELGIN PUBLIC LIBRARY, CIVIC CENTER, 404 N MAIN STREET
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Recess REGULAR MEETING and call to order PUBLIC HEARING

V. PUBLIC HEARING

None

Close PUBLIC HEARING and Reconvene REGULAR MEETING

VI. PUBLIC COMMENT

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

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

VII. PRESENTATIONS

1. Introduction of New City Employee: Administration Department

- Renee Anderson - Executive Assistant

2. Introduction of New City Employees: Public Works Joe Parten

- Jack Hall - Equipment Operator
- Jose Jimenez - Equipment Operator

VIII. CITY MANAGER'S REPORT

1. Discussion and possible action on rescheduling the July 4 Regular City Council meeting
2. Monthly Departmental Activity Reports - April

IX. CONSENT AGENDA

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

1. City Council Meeting Minutes - May 2, 2017
2. City Council Special Meeting Minutes - May 16, 2017
3. Approval of Street Closures on Main Street from 11th Street to Brenham Street, Saturday, November 4, 2017 from 9:00 AM to 11:00 AM for The Veterans Appreciation Parade.
4. (*Second Reading*) A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING THE EXPENDITURE OF \$900,000 MORE OR LESS BY THE ELGIN ECONOMIC DEVELOPMENT CORPORATION FOR THE PARTIAL PAYMENT TO PURCHASE 60.803 ACRES LOCATED ON HIGHWAY 290 AND ROY RIVERS ROAD, AND MAKING CERTAIN FINDINGS RELATED THERETO

X. NEW BUSINESS

1. Discussion and possible action regarding the election of the Mayor Pro Tem
2. Consideration of possible temporary appointment to the City Council Ward 3 vacancy
3. Discussion of possible changes to appointment schedules and terms for all City Boards, Commissions, and Standing Committees; and related matters
4. Discussion and action to appoint/re-appoint members to the Library Board to expiring terms.
 - Lois Horstman - Incumbent
 - Patsy Hoffman - Incumbent
 - Kay Silkenson - Incumbent
 - Sandy Smith - Incumbent
5. Discussion and action to appoint/re-appoint members to the Parks & Recreation Advisory Board to expiring terms.
 - Emily Brown - Incumbent
 - Tara Minor - Incumbent
 - Erin Flores - Incumbent
 - James Sides - Incumbent
6. A RESOLUTION AMENDING THE CITY OF ELGIN DESIGN GUIDELINES FOR THE DOWNTOWN HISTORIC DISTRICT TO INCLUDE PAVING MATERIALS GUIDELINES

7. AN ORDINANCE AMENDING THE CODE OF ORDINANCES (2013 edition) CITY OF ELGIN , TEXAS, CHAPTER 46, ARTICLE IV, DIVISION 7, SECTION 46-394; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.
8. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH TEXAS DEPARTMENT OF PUBLIC SAFETY FOR HMGP GRANT, DR-4245-015 TO ELEVATE THE PUCKETT WATER TREATMENT PLANT PUMP STATION.

XI. 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.

Recess the Regular Council meeting and call to order Executive Session in a closed session.

None

Adjourn Executive Session and call public back in to Reconvene Regular Council meeting.

RECONVENE

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

XIII. ANNOUNCEMENTS

XIV. UNFINISHED BUSINESS

1. Review and Discussion of Proposed 2017 City of Elgin Five-Year Capital Improvement Plan

XV. ADJOURNMENT

NOTICE

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

I, Amelia Sanchez, 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 June 2, 2017 prior to 7:00 p.m. in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez

Amelia Sanchez, City Secretary



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Introduction of New City Employee: Administration Department

- Renee Anderson - Executive Assistant

DEPARTMENT: Administration

PROPOSED ACTION:

Introduce and welcome new city employee Renee Anderson, Executive Assistant.

BACKGROUND:

Renee Anderson was hired in the Administration Department and will be an assistant to the City Manager, EDC Director and the City Secretary.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Welcome Renee as new city employee.

ATTACHMENTS:

- ☐ 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.



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Introduction of New City Employees: Public Works Joe Parten

- Jack Hall - Equipment Operator
- Jose Jimenez - Equipment Operator

DEPARTMENT: Public Works

PROPOSED ACTION:

Introduce 2 new Public Works employees - Joe Parten, Public Works Director

- Jack Hall - Equipment Operator
- Jose Jimenez - Equipment Operator

BACKGROUND:

Public Works is happy to announce we have filled our two (2) Equipment Operators position which have been open since January and March 2017.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Please help us welcome them to the City of Elgin.

ATTACHMENTS:

- ☐ Staff will be making a detailed presentation on this agenda item at the meeting.
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meeting.

🗳️ **This is a routine procedural item and no presentation is planned for the meeting.**

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ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Discussion and possible action on rescheduling the July 4 Regular City Council meeting

DEPARTMENT: Administration

PROPOSED ACTION:

Consideration of rescheduling the July 4 regular City Council meeting

BACKGROUND:

Under the routine monthly schedule, the July Regular Council Meeting this year falls on July 4th, a national and city holiday. It is recommended the Council reschedule said meeting to a different date to avoid any conflicts.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐included ☐not included in the current-year budget ☒N/A

RECOMMENDATION:

Consider moving the July 4 regular City Council Meeting to Tuesday, July 11

ATTACHMENTS:

- ☐ 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.

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**ELGIN CITY COUNCIL MEETING
AGENDA ITEM EXECUTIVE SUMMARY**

ITEM:

Monthly Departmental Activity Reports - April

DEPARTMENT: Administration

PROPOSED ACTION:

Department reports are informational only for City Council and no action is required.

BACKGROUND:

Routine monthly reports.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

RECOMMENDATION:

No action is required.

ATTACHMENTS:

Parks Report - April

Public Works - April

Building Report - April

Municipal Court - April

Police Department Memo

Police Department - April

Utility Billing - April

Library Report - April

Community Development Report - April

Mainstreet Report - April

- ☒ **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.**

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



April 2017 Parks Report.

Earth Day Event:

We had some great earth day event this past month. The parks board and volunteers planted 5 trees and spread close to 30 tons of decomposed granite on the Shenandoah walking trail. There is still some areas of the trail that will need to be graded and filled, much of the path has been resurfaced with the help of a really helpful volunteer crew. These improvements made a significant difference to the look park and we are proud to have such a great volunteer base to help us with these projects.

Elgin Recreation Center:

We are continuing to work with the construction firm FT Woods on this project. The dirt work and select fill have been finished and the company is drilling piers for the foundation. Framing for the project should start very soon and you will be able to see the outline of the building and the parking lot by the end of May. We are glad to have a professional company to work with on this project and their responses to request for information have been timely and informative. We are glad to work with them.

Gazebo Repairs

Repairs have been scheduled for the gazebo at Veterans Memorial Park. Repairs include removing old wooden shingles and weathered decking and replacing them with asphalt shingles, weather proofing material and new decking. The electric at this gazebo will also be updated with new flag light and new LED dome lights as well as some protected GFI outlets for our special events that happen year round at the gazebo.

Goals for May 2017

- Take lifeguards to the Aquatics Management Academy in Austin.
- Continue to work on logistics for Western days/Juneteenth
- Open the Pool

Park Activity Summary		April 2017
Facility		Number of uses
Park/ Pavilion Rental		15
Ball Field Rental		36
Fleming Community Center		34
Deposits		\$1,589.25

Public Works – April - 2017

Right of Way and Easement mowing and maintenance:

Right of way shredding, mowing, weed eating and maintenance is ongoing

Sign replacement:

Repaired school sign West 11th Street and West 2nd Street

Permanent Street, utility cut repairs, pot hole repairs:

East Austin Street

Joe Sayers Street

East 10th Street

East 1st Street

West 3rd Street

East 4th Street

(3) locations on Monterrey street

Began reconstruction of off street parking at U. S. Post Office

Began reconstruction of off street parking at Elgin Masonic Lodge building

Excavated and added base to failure on West 1st Street

North Avenue F

Savanah Cove

West Cleveland Street

West 1st Street

Numerous pot hole patches around town

Saw cut utility cuts numerous locations

Excavated and added base to 4 utility cuts on Warner Street

Level-up North Avenue F

Level-up Monterrey Street

Added cold mix to city right of way/drive way West 10th Street

Dumped Debris Removal:

Ramirez Street

South Avenue B

Trees and Brush:

Trimmed low hanging limbs Wildcat Drive

Removed fallen tree and broken limb Canada Street

Removed fallen tree Van Buren Street

Removed fallen limb West 3rd Street

Trimmed low hanging limbs West 2nd Street and North Avenue C

Removed tree in right of way North Avenue C blocking view

Trimmed low hanging limbs and brush East 5th Street between North Avenue E and North Avenue F

Removed fallen tree on 1704 City lot

Trimmed tree bus stop on Depot Street

Litter Control

Downtown area continues weekly

Miscellaneous:

Filled ruts made by vehicle Martin Luther King Boulevard

Hauled off spoils

Picked up dead cat Old McDade Road

Watered Planters

Equipment Preventive Maintenance Performed:

John Deere 310 D

John Deere 310 G

John Deere 670 B

Water Truck

Dump Truck 3

F250

F150

Events:

❖ Added base and bladed Elgin Memorial Park Road

2015-2016 Drainage Project – Phase 1:

West Brenham Street Box Culvert

Work substantially complete with the exception of down stream

TxDOT S.H.-95 North Project:

Work continues.

TxDOT U.S. 290 Illumination Project:

Project continues with light pole and light installation

Public Work openings/vacancies

Equipment Operator I – vacated end of March 2017

Equipment Operator II - vacated end of January 2017

Advertised in Elgin Courier, TML, and City of Elgin Websites.

Joe Parten

Director, Public Works

City of Elgin

Monthly Report to Administrative Manager
Building Department
For the Month of April 2017

Type of Inspections	Apr-16	Apr-17	Fiscal Yr. To Date	Calendar Yr. To Date
Building	40	23	248	81
Electrical	24	20	186	85
Plumbing	31	19	202	87
Gas	20	0	78	16
Mechanical	12	9	96	32
TOTAL	127	71	810	301
Building				
Permits	15	21	127	77
Value	\$ 253,627.00	\$ 520,076.00	\$ 7,195,494.14	\$ 6,055,842.15
Fees	\$ 2,306.95	\$ 4,753.76	\$ 49,765.91	\$ 39,029.86
Electrical				
Permits	12	10	81	52
Fees	\$ 1,702.50	\$ 1,010.00	\$ 10,807.50	\$ 6,050.00
Plumbing				
Permits	12	10	54	29
Fees	\$ 1,805.00	\$ 1,630.00	\$ 7,937.50	\$ 3,920.00
Gas				
Permits	7	1	22	7
Fees	\$ 1,015.00	\$ 180.00	\$ 2,740.00	\$ 770.00
Mechanical				
Permits	6	5	48	16
Fees	\$ 975.00	\$ 470.00	\$ 7,275.00	\$ 2,050.00
Total All Fees	\$ 7,804.45	\$ 8,043.76	\$ 78,525.91	\$ 51,819.86

**April 2017
Building Permits**

Number of Permits		Type/Classification	Permit Fees		Valuation	
Apr-16	Apr-17		Apr-16	Apr-17	Apr-16	Apr-17
	2	New Single Family		\$ 1,781.00		\$ 220,000.00
		New Duplex				
		New Manufactured				
		New Multi-Family				
2	3	New Commercial	\$ 1,170.20	\$ 1,178.32	\$ 146,940.00	\$ 131,590.00
		New Industrial				
		New Swimming Pools				
		Moving Permit				
3		New Signs	\$ 621.50		\$ 63,900.00	
4	11	Residential	\$ 108.25	\$ 906.92	\$ 3,287.00	\$ 60,486.00
3	3	Non-Residential	\$ 407.00	\$ 887.52	\$ 39,500.00	\$ 108,000.00
3	2	Demolitions		\$ -		\$ -
15	21		\$ 2,306.95	\$ 4,753.76	\$ 253,627.00	\$ 520,076.00
*BOA Request		None				
P & Z Request		Approved Concept Plan for "The Homestead Subdivision"				
Code Enforcement	Active Apr 2016	Active Apr 2017	Closed Apr 2016	Closed Apr 2017	Calendar YTD	
Abandoned/Junked				2	52	
Animal Control					0	
Beer Permits					0	
Environmental			9	2	4	
Fire Code					0	
Health and Sanitation					2	
Illegal Signs			45	38	137	
Property Maintenance	11		5	12	12	
Unsafe Structures		1			0	
Water/Sewer			1		0	
Zoning	2		2	1	3	
Total	13	1	62	55	210	

*Board of Adjustments

Submitted By: Carlos Navejas
Date: May 16, 2017

OFFICE OF COURT ADMINISTRATION

TEXAS JUDICIAL COUNCIL



OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Month April

Year 2017

Municipal Court for the City CITY OF ELGIN

Presiding Judge Amanda Carter

If new, date assumed office

Court Mailing Address P.O. BOX 591

City ELGIN

, TX Zip 7-8621

Phone Number (512) 281-0318

Fax Number

Courts Public Email

Court's Website

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

Prepared by Yadira Duque

Date May 15, 2017

Phone Number (512) 281-0318

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

OFFICE OF COURT ADMINISTRATION

P O BOX 12066

AUSTIN, TX

78711-2066

PHONE: (512) 463-1625

FAX: (512) 936-2423

CRIMINAL SECTION

City of CITY OF ELGIN

Month April Year 2017

	Traffic Misdemeanors			Non-Traffic Misdemeanors		
	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
1. Total Cases Pending First of Month:	13,058	13	0	0	2,582	22
a. Active Cases	8,989	11	0	0	1,230	6
b. Inactive Cases	4,069	2	0	0	1,352	16
2. New Cases Filed	178	0	0	0	49	0
3. Cases Reactivated	36	0	0	0	28	0
4. All Other Cases Added	0	0	0	0	0	0
5. Total Cases on Docket	9,203	11	0	0	1,307	6
6. Dispositions Prior to Court Appearance or Trial						
a. Uncontested Dispositions	97	0	0	0	26	0
b. Dismissed by Prosecution	8	0	0	0	2	0
7. Dispositions at Trial:						
a: Convictions						
1) Guilty Plea or Nolo Contendere	21	0	0	0	17	1
2) By the Court	0	0	0	0	0	0
3) By the Jury	0	0	0	0	0	0
b: Acquittals:						
1) By the Court	0	0	0	0	0	0
2) By the Jury	0	0	0	0	0	0
c. Dismissed by Prosecution	0	0	0	0	0	0
8. Compliance Dismissals:						
a: After Driver Safety Course	18					
b: After Deferred Disposition	2	0	0	0	0	0
c: After Teen Court	0	0	0	0	0	0
d: After Tobacco Awareness Course					0	
e: After Treatment for Chemical Dependency				0	0	
f: After Proof of Financial Responsibility	0					
g: All Other Transportation Code Dismissals	0	0	0	0	0	0
9. All Other Dispositions	11	0	0	0	1	0
10. Total Cases Disposed	157	0	0	0	46	1
11. Cases Placed On Inactive Status	66	0	0	0	27	0
12. Total Cases Pending End of Month:	13,079	13	0	0	2,585	21
a: Active Cases	8,980	11	0	0	1,234	5
b: Inactive Cases	4,099	2	0	0	1,351	16
13. Show Cause Hearings Held	7	0	0	0	2	0
14. Cases Appealed:						
a: After Trial	0	0	0	0	0	0
b: Without Trial	0	0	0	0	0	0

JUVENILE / MINOR ACTIVITY

Court CITY OF ELGIN	TOTAL
Month April Year 2017	
1. Transportation Code Cases Filed	3
2. Non-Driving Alcoholic Beverage Code Cases Filed	0
3. Driving Under the Influence of Alcohol Cases Filed	0
4. Drug Paraphernalia Cases Filed	1
5. Tobacco Cases Filed	0
6. Failure to Attend School Cases Filed	0
7. Education Code (Except Failure to Attend) Cases Filed	0
8. Violation of Local Daytime Curfew Ordinance Cases Filed	0
9. All Other Non-Traffic Fine-Only Filed	0
10. Transfer to Juvenile Court:	0
a. Mandatory Transfer	0
b. Discretionary Transfer	0
11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct)	0
12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges)	0
13. Juvenile Statement Magistrate Warning:	0
a. Warnings Administered	0
b. Statements Certified	0
14. Detention Hearings Held	0
15. Orders for Non-Secure Custody Issued	0
16. Parent Contributing to Nonattendance Cases Filed	0

ADDITIONAL ACTIVITY

Court CITY OF ELGIN		Number Given	Number Requests For Counsel
Month April	Year 2017		
1. Magistrate Warnings:		31	
a. Class C Misdemeanors			
b. Class A and B Misdemeanors		25	10
c. Felonies		13	5
			TOTAL
2. Arrest Warrants Issued:			93
a. Class C Misdemeanors			
b. Class A and B Misdemeanors			2
c. Felonies			4
3. Capiases Pro Fine Issued			59
4. Search Warrants Issued			0
5. Warrants for Fire, Health and Code Inspections Filed			0
6. Examining Trials Conducted			0
7. Emergency Mental Health Hearings Held			1
8. Magistrate's Orders for Emergency Protection Issued			2
9. Magistrate's Orders for Ignition Interlock Device Issued			3
10. All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond			0
11. Driver's License Denial, Revocation or Suspension Hearings Held			0
12. Disposition of Stolen Property Hearings Held			0
13. Peace Bond Hearings Held			0
14. Cases in Which Fine and Court Costs Satisfied by Community Service:			0
a. Partial Satisfaction			
b. Full Satisfaction			1
15. Cases in Which Fine and Court Costs Satisfied by Jail Credit			10
16. Cases in Which Fine and Court Costs Waived for Indigency			0
17. Amount of Fines and Court Costs Waived for Indigency			\$0.00
18. Fines, Court Costs and Other Amounts Collected:			\$22,728.45
a. Kept by City			
b. Remitted to State			\$11,940.77
c. Total			\$34,669.22



Elgin Police Department

Office of the Chief

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



April 2017 Monthly Report Summary

The month of April was again fairly routine for the department. We did see increases in Citations, Collisions, and Arrests over last year indicating an increase in traffic issues and criminal activity that would be consistent with the growth of the City over the last 12 months.

We were also able to fill one of our vacant positions in the patrol ranks and Officer Paul Williams is progressing well in his training. Our open Dispatch position was also filled and Alena Benner is training and hopefully will be ready to work on her own by June. We also began staffing and operations preparation for our festival season which swings into full gear with Juneteenth and Western Days.

"Community First"

Elgin Police Department
Monthly Report April 2017

CATEGORY	Apr-17	Apr-16	15-Apr	14-Apr	13-Apr	12-Apr
Calls for Service						
Total Calls for Service	1191	1276	915	881	686	584
Police calls	971	1024	625	677	614	477
Fire calls	47	46	40	34	16	32
Animal calls	71	90	104	131	48	2
Activity logs	97	111	118	188	176	61
City calls	5	5	28	9	3	11
Offense Reports						
Total Offense Reports	78	63	54	70	86	70
Active (Open) cases	19	17	19	20	29	20
Cases Inactivated	10	14	6	14	18	11
Cases Closed	2	3	1	6	2	8
Documentation (no crime)	1	0	0	2	4	1
Other	0	0	0	1	1	2
Unfounded	1	3	0	0	1	2
Referred to other agency	4	1	1	0	1	2
Citations						
Total Citations	355	311	322	426	357	284
Citations for violations	197	157	203	165	181	144
Warnings	158	154	119	261	176	140
Collisions						
Total Accidents	41	28	34	26	35	34
Major accidents (with injury)	8	7	4	3	3	2
Minor accidents (no injury)	27	18	26	16	27	25
Leaving the scene accidents	6	3	4	7	5	7
Alarms						
Business alarms	10	17	12	8	8	5
Residential alarms	7	15	15	6	8	6
Fire alarms	7	3	5	4	0	1
Arrests						
Felony arrests	9	6	2	9	4	5
Misdemeanor arrests	27	21	24	17	21	19
Other arrests	5	4	2	3	8	0
Animal Control						
Total Animal Control calls	71	90	104	149	47	2
Animal Cruelty calls	0	0	0	0	0	0
Canine Impounds	2	3	8	18	19	0
Feline Impounds	3	4	7	14	0	0
Citations issued	5	8	8	1	1	0
Bite Cases	3	0	4	2	2	0
Dead animal calls	6	4	4	16	1	0
Wildlife calls	8	8	6	10	2	0
Rabies cases	1	0	1	0	0	0

Elgin Police Department
Monthly Report April 2017

Additionally, we have been keeping traffic counts on the four intersections where we have red light cameras installed. We saw a lower count this month in relation to last year this time but feel that was due to the count at WB TX 290 @ W 11th street. That camera was out of commission for two and a half weeks after the construction crew working on installing the new traffic signals at that location cut all of the lines to that camera rendering it inoperable for that time. Notice the counts for the other three intersections were significantly higher at each intersection.						
2016 - April						
Row Labels		Sum of Vehicle Count				
EB TX 290 @ TX LOOP 109 / HARRIS ST		337703				
EB TX 290 @ US 95 NORTH / SARATOGA FARM		409461				
WB TX 290 @ COUNTY LINE RD		413663				
WB TX 290 @ W 11TH ST		420673				
Grand Total		1581500				
2017 - April						
Row Labels		Sum of Vehicle Count				
EB TX 290 @ TX LOOP 109 / HARRIS ST		423902				
EB TX 290 @ US 95 NORTH / SARATOGA FARM		432456				
WB TX 290 @ COUNTY LINE RD		433914				
WB TX 290 @ W 11TH ST		174874				
Grand Total		1466146				

Elgin Police Department
Monthly Report April 2017

[illegible]

Elgin Police Department
Monthly Report April 2017

[illegible]

UTILITY BILLING REPORT		APRIL 2017
Billed out	\$386,219.89	
Past due notices	596	\$70,853.72
Work orders-Cut offs	73	
Disconnected for non pmt	62	
Extension to pay 1st	60	
Extension due for disconnect	12	
Meter tamper fee	0	
After Hour turn on	3	
Accounts set to final	3	for non pmt

METER REPORT		
WORK ORDERS	COMPLETED	INCOMPLETE
START READ	36	4
FINAL READ	28	0
TRANSFERS / IN AND OUT	9	0
CTO'S / DISCONNECT NON-PMT	69	0
SET METER	5	2
ERT REPLACEMENTS	6	17
METER REPLACEMENTS	41	20
VISUAL READS	18	0
FAILURE TO READ (MOBILE MISS)	68	0
RE READS	41	0
WL / CHECK FOR WATER LEAK	9	3
METERS DATA LOGGED	2	0
MISCELLANEOUS	16	0
TOTAL NUMBER OF WORK ORDERS	348	46
CURB STOPS		
BROKEN CURB STOPS	0	31
TOTAL NUMBER OF WORK ORDER	0	31
BULK WATER		
PURCHASES	9	
TRIPS/GALLONS	11/12,000	
TOTAL COLLECTED	\$58.68	

Dodie Navejas, Utility Billing Supervisor
Customer Service/A/R Supervisor

310 N. Main Street
512-229-3220 office

Library Report to the City of Elgin for April 2017

Circulation was down 12% from the previous year. Our gate count was comparable to the previous year. It will be interesting to have more than a year's worth of wi-fi information.

Collection size is almost 40,000 items.

Friends of the Elgin Library plan their membership drive and a Literary Event with Michael Dolan' Trumpet of Jericho May 21st.

Staff is planning for the Summer Reading Program. We have sent out the funding letter. I learned at the library conference a better way to do the young adult programs.

Three staff members went to a very good library conference in San Antonio April 19-22. I took a "market your library" pathway plus some young adult programming information.

We have a "temporary" copier replacement. I have asked for a simpler machine as the public needs to be able to use the machine as do we.

Volunteers continue to keep the phones answered, circulation desk covered, and work on the shelves.

Categories	Units	Apr. '16	Apr. '17	Fiscal YTD '16	Fiscal YTD '17
Total Circulation		6,976	6,102	48,260	43,433
+ or - Same month previous year	Percent		12%-		
Additions					
Interlibrary Loans	Each	1	19	6	157
New Patrons	Each	63	54	506	147
Collection					
Items Added	Each	217	208	3,047	1,729
Items Withdrawn	Each	336	171	1,565	1,384
Total Collection	Each	39,492	39,822	39,492	39,822
General Statistics					
Gate Count	Each	3,753	3,708	27,465	27,406
Hours Open	Hours	174	152	1,147	1,123
Library Tours	Each	0	0	2	2
Program Visitors	Each	304	257	3,305	2,850
Public Computer Use	Hours	729	450	4,456	2,943
Patrons using computers	Each	1,198	647	6,683	4512
Wifi Patron Use		N/A	1,383	N/A	10,148
Volunteer Hours	Each	109	125	827	1,087
Receipts					
		\$10,179	\$1,072	\$20,189	\$6,945
Civic Center Use					
City	Each	7	13	22	37
Library	Each	6	15	72	136
Public Rental	Each	3	2	23	14
Other - not for profit	Each	8	3	68	34
Total Civic Center Use		24	33	185	221



MEMORANDUM

To: Tom Mattis, City Manager
From: Amy Miller, Community Development Director
Date: May, 2017
RE: Community Development Department Report April, 2017

Local Lore, an Elgin History Adventure, April 1 was a cooperative event with the Depot Museum and was very well attended. The Historic Review Board approved a sign application for Gypsy Blue at 101 North Main Street and the façade application for 111 South Avenue C. This is a major renovation that will result in commercial and loft apartment space. The HRB recommended paving material options for consideration by City Council. The Main Street Board approved a 30th anniversary graphic for Hogeye, planned a Friday night street dance for Hogeye, and finalized the Art Studio Tour for May 20-21. Closeout paperwork for the CDBG utility line grant was in process. The FM 1100 TAP Grant sidewalk project plans are moving forward on schedule.

Projects

- Implemented Local Lore, and Elgin history Adventure event.
- Finalized the Elgin Art Studio Tour May 20-21 with Barry Perez and Molly Alexander.
- The business training classes sponsored with EDC and Chamber were well attended. April 5 Instagram for businesses and April 12 Guerrilla marketing class with Google Business pages, Yelp and creative marketing.
- TAP FM 1100 & County Line Road Sidewalk project, under design with TRC.
- Safe Routes Walk or Bike to school days for April 7 had good participation, next one is May 5.
- Working with American Legion and VFW on Veterans Appreciation parade set for November 4.
- Completed annual CAPCOG Air Quality Report.
- Met with potential buyers and realtors for properties downtown.
- Met with property owners about renovation plans and possible tenants.
- Met with business owners seeking lease space.

- Working on music, graphic design, and vendor applications for Hogeye Festival.
- City of Elgin E-News
- Facebook Pages: City of Elgin, Visit Elgin, Envision Elgin
- Instagram – visitelgintx
- City website – updates and training.

Boards & Committees, Seminars

CAMPO, Transportation Advisory Committee

School Health Advisory Committee for Elgin ISD

Main Street Board

Historic Review Board

Promotion Tourism Committee

Organization Committee

Clean Air Coalition Advisory Committee, CAPCOG

Upcoming Events

Sip Shop & Stroll May 11

Elgin Art Studio Tour May 20-21

Sip Shop & Stroll June 8

Juneteenth Festival June 9-10

Western Days Festival June 20-24



MONTHLY ACTIVITY REPORT

For the local program, monthly reports are a way to track and document progress of both the program and the downtown revitalization effort. It is also an effective tool to use for updating the board on the program's overall activities and for communicating your progress to stakeholders, such as City Council and other funding entities. For the state office, monthly reports help us provide more direct and effective services by giving us a way to spot trends, challenges, issues etc. The report should reflect BOTH the work of staff and volunteers. While not all programs use the traditional four-committee structure any longer, the work of all programs should still be able to be reflected in the four-point categories below.

The Monthly Report is **due by the 10th of each month**. Please use electronic version, type or print legibly. Please use this electronic version and email to mainstreet-reports@thc.state.tx.us.

CITY: ELGIN

MONTH/YEAR: April 2017

DATE SUBMITTED: 5-10-2017

1. Updates on Projects, Activities for the month.

MAIN STREET BOARD: *(After typing, TAB to the next cell)*

Meeting Dates:	Update on projects or activities
April 20, 2017	Strategic Plan to be reviewed and finalized in May. Plans for art studio tour continuing, business training classes set for May – Facebook, Instagram. sip shop and stroll planning monthly for this continuing event. Planning for Hogeys Festival, 30 th year.

ORGANIZATION: *(After typing, TAB to the next cell)*

Meeting Dates:	Update on projects or activities
April 21, 2017	Worked on strategic plan with Ed and Renee. Meet your neighbor / networking event April at Elgin Courier – this is it until the fall, when a new networking event and schedule will be released. Started editorial for the summer issue of Downtown 78621. Completed Quarterly reinvestment report. Arranged to attend National Town Meeting on Main Street.

PROMOTION:

Meeting Dates:	
April 13, 2017	Elgin Art studio tour set for May 20-21 15 locations and 30 artists participating. Continuing sip shop and stroll every 2nd Thursday. Organizing a full page Elgin ad in Antiquing weekly for with local businesses.

DESIGN:

April 29	Visited Lockhart and Buda, Buda to see the Gin redevelopment that's open. Worked with Historic Review Board, THC Main Street office, and Planning Department to develop alternative paving options for private
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Email to: mainstreet-reports@thc.state.tx.us

	property downtown. Submitted several projects for downtown to be included in the Elgin five year Capital Improvement Plan.

ECONOMIC RESTRUCTURING:

Meeting Dates:	Update on projects or activities
, 2017	Planned training classes for May - with consultant Katy Gassaway. – Instagram 2.0 and Facebook 2.0 103 North Main finished its renovation work and opened as Luigi's Italian Restaurant. Contract pending for 112 East 2 nd Street. 30 North Main A leased to Double R Hat House. lease space available at 116 Depot Street, and one space at 30 North Main. Properties for sale: 14 N Main, 113 Central Avenue, 109 North Main and 112 East 2 nd Street, 110 South Main Street. Working with owners on renovation plans, reviews, and lease recruitment.

2. Program Commentary *(list critical issues, problems, and successes/ completed projects of the past month):*
103 North Main Street is OPEN Great Italian food at Luigi's Italian Restaurant.
Renovation plans submitted to HRB and approved for 111 South Avenue C. 109 South Avenue C has a permit but work has not begun. 30 North Main to finish in May with two commercial lease spaces and two aloft apartments.
3. Outlook. *Goals and challenges; plans for upcoming major projects such as public improvements etc.:*
Continuing work on the strategic plan.
4. Suggestions for Texas Main Street Center *(list suggestions on services or training topics; new resources; questions):*
5. Main Street in the News. *If your programs or its activities have been spotlighted in press coverage during the month, please provide a link here. If there is a newsworthy event or announcement that would be appropriate for the Main Street Matters e-newsletter, please email mainstreet-reports@thc.state.tx.us with the information. Please provide event information as many months in advance as possible.*

Elgin Art Studio Tour

Enjoy two days visiting with artists, seeing their work, and finding out about the creative process, production, and the methods behind their beautiful works. The Elgin Art Studio Tour will be Saturday, May 20 and Sunday, May 21 at artists' studios and locations throughout downtown Elgin. Featuring the work of more than 30 artists and 15 locations, the studio tour provides the unique opportunity to see artists at work and to visit working studios.

Sip Shop and Stroll May 11

Elgin Art Studio Tour May 20-21

Juneteenth Festival June 9-10

Western days Festival June 19-24

Email to: mainstreet-reports@thc.state.tx.us



**ELGIN CITY COUNCIL MEETING
AGENDA ITEM EXECUTIVE SUMMARY**

ITEM:

City Council Meeting Minutes - May 2, 2017

DEPARTMENT: Administration

PROPOSED ACTION:

Approval of May 2, 2017 meeting minutes.

BACKGROUND:

Minutes taken of the City Council meeting.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

ATTACHMENTS:

City Council Regular Meeting Minutes May 2, 2017

- ☐ 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.

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, May 2, 2017
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET**

CALL TO ORDER

Mayor Chris Cannon called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Chris Cannon, Mayor
Juan Gonzalez, Mayor Pro Tem
Mary Penson, Council Member
Susie Arreaga, Council Member
Craig Fromme, Council Member
Phillip Thomas, Council Member
Jessica Bega, Council Member
Neil Beyer, Council Member

Mayor Cannon stated Council Member Brashar was not in attendance as she had informed the Council at the April meeting that she would be out of state. Council Member Thomas moved to excuse Council Member Brashar's absence. Council Member Bega seconds the motion. All vote yes. Motion carried unanimously 8-0.

Staff: Thomas L. Mattis, City Manager
Chris Bratton, Police Chief
Buck LaQuey, Finance Director
Michael Gonzalez, Parks Director
Owen Rock, EDC Director
Sandy Ott, Library Director
Gary Cooke, Planning Director

INVOCATION

Council Member Thomas gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Chris Cannon led the Pledge of Allegiance to the United States and Texas Flags.

CITY COUNCIL MEETING MINUTES

May 2, 2017 – Page 2

City Annex Council Chambers

PRESENTATIONS

1. A Proclamation declaring June 10, 2017 as Juneteenth day in the City of Elgin.
2. Proclamation declaring the week of May 1-5, 2017 as Air Quality Awareness Week in Elgin.
3. A Proclamation declaring May as National Historic Preservation Awareness Month in Elgin.
4. A Proclamation recognizing Camp Swift for 75 years of service to our community.
5. Employee of the Second Quarter 2017.
6. Introduction of new City Employees – Elgin Police Department: Alana Benner and Paul Williams.
7. Official swearing in of new EPD Patrol Officer Paul Williams.

Mayor Cannon presented a Proclamation declaring June 10, 2017 as Juneteenth day in the City of Elgin to representatives in attendance. Bishop Mayes spoke and thanked the Council for their continued support and mentioned all of the upcoming activities for the Juneteenth celebration on June 10th.

Mayor Cannon presented a Proclamation declaring the week of May 1-5, 2017 as Air Quality Awareness Week in Elgin.

Mayor Cannon presented a Proclamation declaring May as National Historic Preservation Awareness Month in Elgin and thanked members in attendance for their dedication and work for the community. Ed Rivers spoke and thanked the Council, City Manager and staff for supporting the downtown preservation and restoration in the past and for their continuing to do so.

Mayor Cannon presented a Proclamation recognizing Camp Swift for 75 years of service to our community.

Sandy Ott, Chair of the Employee of the Quarter committee, announced the Employee of the Second Quarter as Dodie Navejas and was nominated due to her willingness to help customers. Chief Bratton introduced the Communications Officer Alana Benner and a new Police Officer Paul Williams. Mayor Cannon administered the Oath of Office to Officer Williams.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

1. Presentation of Proposed City of Elgin 2017 Five-Year Capital Program
2. FY2017-18 Annual Budget Adoption Calendar
3. Monthly Departmental Activity Reports – March

CITY COUNCIL MEETING MINUTES

May 2, 2017 – Page 3

City Annex Council Chambers

City Manager Tom Mattis spoke about the Five Year Capital Plan and stated it was a first attempt at a comprehensive plan that included all staff with the objective to try to develop a general long term strategic plan towards addressing capital needs. He stated they were presenting a true picture of what the capital needs would be in the next few years and give the Council, staff and general public an idea of all the projects and costs that are out there, with opportunities to reach a prioritization of these projects. He stated that in the end we will have a plan and as money becomes available the Council can provide a message to staff and the public about what their priorities and intentions are. Mr. Mattis stated that what he was looking for Council to do was to agree that staff had a list of all the projects that should be included or any other project Council would like to propose.

Mr. Mattis stated he had sent out a memo to Council with the Annual Budget Adoption calendar and tried to go by that to give everyone time to schedule the meetings, or notify him if they had any conflicts with the dates.

Mr. Mattis mentioned that the July meeting fell on the 4th of July and asked how they wanted to handle that. The Council decided to add this item for discussion at the next agenda in June.

CONSENT AGENDA

1. City Council Meeting Minutes – April 4, 2017
2. Approval of street closure for Juneteenth Festival Street Dance Friday, June 9, 2017 from 4 p.m. to midnight on Depot Street from Main Street to Avenue C.
3. Approval of waiving open container ordinance for the Juneteenth Festival Street Dance on Friday, June 9 from 6 p.m. to midnight and on Saturday, June 10 from 8 a.m. to 6 p.m. for the Juneteenth Festival on Depot Street from Main Street to Avenue C and in Veterans Memorial Park.
4. Approval of street closures for Juneteenth Festival Parade Saturday June 10, 2017 from 9 a.m. to noon.
5. Approval of waiving the open container ordinance for the Western Days Festival on Friday, June 23 from 4 p.m. to 12:15 a.m. and on Saturday June 24 from 8 a.m. to 8 p.m. in Elgin Memorial Park.
6. Approval of street closures for the Western Days Festival Parade on Saturday, June 24, 2017 from 8 a.m. to noon.

Council Member Penson moved to approve the Consent Agenda. Council Member Fromme seconds the motion. Motion carried by unanimous vote 8-0.

UNFINISHED BUSINESS

Consideration of a request by Elgin Masonic Lodge #328 to conduct a cornerstone leveling ceremony at the new City Recreation Center.

CITY COUNCIL MEETING MINUTES

May 2, 2017 – Page 4

City Annex Council Chambers

Council Member Penson moved to approve a request by Elgin Masonic Lodge #328 to conduct a cornerstone leveling ceremony at the new City Recreation Center. Council Member Thomas seconds the motion.

NEW BUSINESS

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 105.254 ACRES OF LAND, SITUATED IN THE HENRY MARTIN SURVEY NO. 65, IN TRAVIS COUNTY; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Council Member Fromme moved to approve An Ordinance annexing adjacent and contiguous territory to the City of Elgin, Texas, to wit: 105.254 acres of land, situated in the Henry Martin Survey No. 65, in Travis County. Council Member Penson seconds the motion. Motion carried by unanimous vote 8-0.

A RESOLUTION BY THE CITY OF ELGIN, TEXAS, RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY ENTEX, SOUTH TEXAS DIVISION TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Council Member Beyer moved to approve A Resolution by the City of Elgin, Texas, responding to the application of Centerpoint Energy Entex, South Texas division to increase rates under the gas reliability infrastructure program. Council Member Penson seconds the motion. Motion carried by unanimous vote 8-0.

ANNOUNCEMENTS

City Manager Tom Mattis informed everyone about the funeral services for Sheri Mac to be held on Friday. Mayor Cannon stated that Sheri had worked for the City for 12 years in various capacities and had passed last week and would be missed.

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CITY COUNCIL MEETING MINUTES
May 2, 2017 – Page 5
City Annex Council Chambers

Council Member Fromme stated that this would be his last meeting due to the fact that he and his family would be moving to Giddings.

EXECUTIVE SESSION

Recess the Regular Council meeting and call to order Executive Session in a closed session

Mayor Cannon recessed the meeting at 8:05 p.m. and called to order the Executive Session at 8:19 p.m.

1. Adjourn into Executive Session pursuant to (1) Section § 551.072 Deliberations about Real Property: to receive a staff briefing and deliberate the purchase, exchange, lease, or value of certain real property located on Highway 290; (2) Section § 551.087 Deliberation Regarding Economic Development Negotiations: to deliberate the offer of a financial or other incentive to a business prospect.

RECONVENE

Mayor Cannon adjourned the Executive Session at 9:09 p.m. and reconvened the Regular Meeting at 9:09 p.m.

ADJOURNMENT

Mayor Cannon adjourned the City Council meeting at 9:09 p.m.

APPROVED

CHRIS CANNON
Mayor, Elgin, Texas

ATTEST:

AMELIA SANCHEZ
City Secretary



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

City Council Special Meeting Minutes - May 16, 2017

DEPARTMENT: Administration

PROPOSED ACTION:

Approval of the May 16, 2017 meeting minutes.

BACKGROUND:

Minutes taken of the City Council meeting.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

RECOMMENDATION:

Approval of the May 16, 2017 meeting minutes.

ATTACHMENTS:

City Council Special Meeting - May 16, 2017

- ☐ 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.

**MINUTES
ELGIN CITY COUNCIL
SPECIAL MEETING
TUESDAY, May 16, 2017
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET**

CALL TO ORDER

Mayor Chris Cannon called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Chris Cannon, Mayor
Juan Gonzalez, Mayor Pro Tem
Mary Penson, Council Member
Susie Arreaga, Council Member
Sue Brashar, Council Member
Phillip Thomas, Council Member
Jessica Bega, Council Member
Neil Beyer, Council Member

Mayor Cannon stated all Council Members were present with the exception of the vacancy.

Staff: Thomas L. Mattis, City Manager
Chris Bratton, Police Chief
Buck LaQuey, Finance Director
Barbara Wilson, Director
Owen Rock, EDC Director

INVOCATION

Council Member Penson gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Chris Cannon led the Pledge of Allegiance to the United States and Texas Flags.

PUBLIC COMMENT

None.

CITY COUNCIL MEETING MINUTES

May 16, 2017 – Page 2

City Annex Council Chambers

PRESENTATIONS

1. Presentation of Certificate of Election to Unopposed Council Members.
2. Swearing in of the General Election Unopposed Council Members.

Mayor Cannon presented the Certificates of Election to the Unopposed Council Members, Juan Gonzalez, Mary Penson, Phillip Thomas and Neil Beyer.

Judge Carter administered the Sworn Statement and the Oath of Office to the Council Members.

CITY MANAGER'S REPORT

1. Request for proposals for Employees' Insurance Benefits.

City Manager Tom Mattis stated he had a couple of things in regard to next year's budget, one was going out for an RFP for the employees' health insurance benefits, and the other was the solid waste recycling contract that is up this year and may need to be updated. He stated that Republic gave him a verbal proposal with a slight increase and that he would like feedback on what the Council's expectations are from staff in regard to renewal or consider a change. He stated this was not on the agenda for action but would be brought back to them at a later date.

CONSENT AGENDA

1. Discussion and action to appoint/re-appoint members to the Economic Development Board to expiring term:
 - Jeff Carter – Incumbent
 - Cody Mauck – Incumbent
 - SH McShan – Incumbent
 - Alan Tolbert

Council Member Bega moved to re-appoint Jeff Carter, Cody Mauck, and SH McShan. Council Member Brashar seconds the motion. Motion carried by unanimous vote 8-0.

NEW BUSINESS

A RESOLUTION APPROVING AN UNIMPROVED PROPERTY CONTRACT BETWEEN ELGIN ECONOMIC DEVELOPMENT CORPORATION AND HIDDEN OAKS, INC. FOR THE PURCHASE OF APPROXIMATELY 60 ACRES OF LAND

Council Member Brashar moved to approve A Resolution approving an unimproved property contract between Elgin EDC and Hidden Oaks, Inc. for the purchase of approximately 60 acres.

CITY COUNCIL MEETING MINUTES

May 16, 2017 – Page 3

City Annex Council Chambers

Council Member Beyer seconds the motion. Motion carried by unanimous vote 8-0.

ANNOUNCEMENTS

Mayor Cannon stated that last week some students from the elementary school came by city hall and he visited with them about what the Council does and the children sat at the dais and also spoke during what would be citizen's comment period.

Council Member Brashar mentioned a fundraiser in the park for a city employee's son battling cancer on Saturday from 11:00 a.m. to 7:00 p.m.

Chief Bratton mentioned this was National Police Memorial Week and appreciated their support as well as the community support they are getting this week. He stated that police deaths are up 35% this year over last year with 3 or 5 deaths in the last few weeks.

Finance Director Buck LaQuey asked that an item be placed on the next agenda to appoint a selection committee for the charities.

EXECUTIVE SESSION

Recess the Regular Council meeting and call to order Executive Session in a closed session

Mayor Cannon recessed the meeting at 7:40 p.m. and called to order the Executive Session at 7:45 p.m.

1. Adjourn into Executive Session pursuant to (1) Section § 551.072 Deliberations about Real Property: to receive a staff briefing and deliberate the purchase, exchange, lease, or value of certain real property located on Highway 290; (2) Section § 551.087 Deliberation Regarding Economic Development Negotiations: to deliberated the offer of a financial or other incentive to a business prospect.

RECONVENE

Mayor Cannon adjourned the Executive Session at 8:58 p.m. and reconvened the Regular Meeting at 8:59 p.m.

ADJOURNMENT

Mayor Cannon adjourned the City Council meeting at 8:59 p.m.

APPROVED

CHRIS CANNON, MAYOR

ATTEST:

AMELIA SANCHEZ
City Secretary



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Approval of Street Closures on Main Street from 11th Street to Brenham Street, Saturday, November 4, 2017 from 9:00 AM to 11:00 AM for The Veterans Appreciation Parade.

DEPARTMENT: Community Development

PROPOSED ACTION:

Approve street closures for Veterans Appreciation Parade.

BACKGROUND:

The American Legion and V.F.W. are planning a Veterans Appreciation Event for Saturday November 4th, 2017. The Event will include a parade through downtown Elgin as well as activities at the VFW hall. This will be a community event.

The parade will start at 10 a.m. and will be based at Elgin Memorial Park and will follow Main Street from 11th to Brenham where it will turn right and disperse.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Review and Approve Street closures for The Veterans Appreciation Parade

ATTACHMENTS:

- ☐ 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.



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

(Second Reading) A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING THE EXPENDITURE OF \$900,000 MORE OR LESS BY THE ELGIN ECONOMIC DEVELOPMENT CORPORATION FOR THE PARTIAL PAYMENT TO PURCHASE 60.803 ACRES LOCATED ON HIGHWAY 290 AND ROY RIVERS ROAD, AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: Administration

PROPOSED ACTION:

Consideration of an Resolution authorizing the Elgin Economic Development Corporation's expenditure of certain funds as described.

BACKGROUND:

In conjunction with the Elgin Economic Development Corporation, city staff has developed a project that would include the acquisition of certain real estate for authorized needs and purposes. This Resolution is a procedural step related to the financing of said project and allows for expanded opportunities for funding at this time.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Approval of the Resolution as presented and as may be warranted

ATTACHMENTS:

Resolution

- ☒ 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 APPROVING
THE EXPENDITURE OF \$900,000 MORE OR LESS BY THE
ELGIN ECONOMIC DEVELOPMENT CORPORATION FOR THE
PARTIAL PAYMENT TO PURCHASE 60.803 ACRES LOCATED
ON HIGHWAY 290 AND ROY RIVERS ROAD, AND MAKING
CERTAIN FINDINGS RELATED THERETO**

WHEREAS, the City of Elgin, Texas (the “City”) has caused to be created the Elgin Economic Development Corporation (the “Corporation”) pursuant to the provisions of Chapter 505 of the Texas Local Government Code, being the (“Act”); and,

WHEREAS, the Corporation desires to expend \$900,000 more or less to pay a partial payment for 60.803 acres located on highway 290 and Roy Rivers Road; and,

WHEREAS, solely for satisfying the requirements of the Act, and for no other purposes whatsoever, the City is willing to approve said expenditures.

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

Section 1. That the above recitals are true and correct; and that the City Council hereby approves the expenditure of \$900,000 more or less for 60.803 acres.

Section 2. That it is officially found and determined that this approval is given solely to satisfy the requirements of the Act and for no other purpose whatsoever. In particular, the City shall have no liability whatsoever in regard to the expenditures, which will be solely the liability of the Corporation.

PASSED AND ADOPTED this 1st day of June, 2017

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



**ELGIN CITY COUNCIL MEETING
AGENDA ITEM EXECUTIVE SUMMARY**

ITEM:

Discussion and possible action regarding the election of the Mayor Pro Tem

DEPARTMENT: Administration

PROPOSED ACTION:

Appoint a Mayor Pro Tem.

BACKGROUND:

As per the Elgin City Charter the Mayor Pro Tem shall be elected by the council at the first regular council meeting following each regular city election.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Appoint a Mayor Pro Tem

ATTACHMENTS:

- ☐ 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.



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Consideration of possible temporary appointment to the City Council Ward 3 vacancy

DEPARTMENT: Administration

PROPOSED ACTION:

Review and consideration of staff recommendation and schedule for addressing the recently-created Ward 3 City Council vacancy; and the possible temporary appointment to the current Ward 3 vacancy

BACKGROUND:

Earlier this month, Craig Fromme resigned his position as one of the Elgin Ward 3 representatives to the City Council due to his family's relocating outside the city limits. Included with the meeting packet is a staff memorandum reviewing the recommended procedure for addressing this vacancy and ordering a Special Election regarding same.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☒ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Confirmation of staff recommendation and schedule for addressing the Ward 3 City Council vacancy; and any direction to staff related to same - and/or the possible temporary appointment to the current Ward 3 vacancy - as deemed appropriate by the City Council.

ATTACHMENTS:

Staff memorandum

- ☐ 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.

Memorandum

Date: June 1, 2017

To: Mayor and City Council

Subject: City Council Vacancy



As you know, Craig Fromme recently resigned his position on the City Council as one of the representatives from Ward 3. Mr. Fromme's separation from the Council was due to his family's relocation to outside the city limits.

This memorandum is provided at this time to confirm our mutual understanding as to how the City will proceed with filling this vacancy in compliance with the applicable rules and procedures.

Simply stated, the Council will need to call for a Special Election on the next uniform election date; and, in the meantime, consider appointing an individual to serve in the vacant position until such election occurs. Accordingly, we would anticipate the schedule to be as follows:

- **June 6 or July 11** (*Regular Council Meetings*) - Council considers appointing an individual to temporarily serve as one of the Ward 3 representatives until the 11/7 election.
- **June 22** – Deadline for City Secretary to post notice regarding candidate filing process candidates relating to the Council vacancy.
- **July 11** (*Regular Council Meeting*) – Council formally orders the Special Election for Tuesday, November 7, 2017.
- **July 22** – First day to file for place on ballot
- **August 21** – Last day to file for place on ballot
- **November 7** (*Uniform Election Date*) – Ward 3 Special Election

It's worth noting that this schedule will create a confusing situation as the Special Election will occur in November to fill the unexpired term – *which ends in May*. Meaning, we will elect a Ward 3 Councilmember in November, who will then have to re-start the election process almost immediately again in 2 months, as filling for the May election starts in January. This is an unfortunate situation created by a combination of timing and the need to comply with the law.

Although it would appear be more cost-effective for the City - and more effective for the electorate - to avoid this Special Election and just wait until the May Regular City Council Election, it is the City Attorney's view that we cannot do so and comply the law.

Please let us know if you have any questions or comments.

Thomas L. Mattis
City Manager

Amelia Sanchez
City Secretary



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Discussion of possible changes to appointment schedules and terms for all City Boards, Commissions, and Standing Committees; and related matters

DEPARTMENT: Administration

PROPOSED ACTION:

Review and discussion of possible changes to appointment schedules and terms for members of all city boards, commissions, and standing committees.

BACKGROUND:

There has been an expressed desire to achieve more uniformity and consistency with the appointment schedules - and possible term limits - for all Council appointees to various boards, commissions, and standing committees. Prior to the staff preparing whatever legislation may be appropriate to address this situation, a general discussion with the Council as a whole on this topic is appropriate.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

RECOMMENDATION:

No Council action requested or recommended at this time; other than possible direction to staff as it relates to this agenda item.

ATTACHMENTS:

- ☐ 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.



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Discussion and action to appoint/re-appoint members to the Library Board to expiring terms.

- Lois Horstman - Incumbent
- Patsy Hoffman - Incumbent
- Kay Silkenson - Incumbent
- Sandy Smith - Incumbent

DEPARTMENT: Administration

PROPOSED ACTION:

Consider and action to re-appoint incumbents.

BACKGROUND:

Re-appointment of members due to expiring terms.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Re-appoint incumbents.

ATTACHMENTS:

- ☐ 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.



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Discussion and action to appoint/re-appoint members to the Parks & Recreation Advisory Board to expiring terms.

- Emily Brown - Incumbent
- Tara Minor - Incumbent
- Erin Flores - Incumbent
- James Sides - Incumbent

DEPARTMENT: Administration

PROPOSED ACTION:

BACKGROUND:

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

ATTACHMENTS:

- ☒ 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.



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

A RESOLUTION AMENDING THE CITY OF ELGIN DESIGN GUIDELINES FOR THE DOWNTOWN HISTORIC DISTRICT TO INCLUDE PAVING MATERIALS GUIDELINES

DEPARTMENT: Community Development

PROPOSED ACTION:

Recommend approval of the design guidelines paving materials addition.

BACKGROUND:

The Historic Review Board considered paving alternatives for the downtown district in order to increase the paving material options for property owners. Today the code allows for concrete or asphalt paving materials. In the areas behind a building before the alley begins or on vacant lots where new paving could be installed, owners have requested to use crushed granite and to have more options for paving materials. This item allows for more options including crushed granite and paver systems. Asphalt and concrete continue to be an option. The Historic Review Board and the Main Street Board join city staff in recommending this addition to the design guidelines.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Approve resolution amending the Design Guidelines for the downtown historic district to include paving materials guidelines.

ATTACHMENTS:

Resolution paving materials

- ☐ 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 AMENDING THE CITY OF ELGIN DESIGN GUIDELINES FOR THE DOWNTOWN HISTORIC DISTRICT TO INCLUDE PAVING MATERIALS GUIDELINES

WHEREAS, the City of Elgin, Texas (the “City”) designated the Downtown Historic District by the City of Elgin Code of Ordinances, Section 46-771; and

WHEREAS, the City of Elgin created the historic review board of the city by the City of Elgin Code of Ordinances, Section 46-800; and

WHEREAS, the Design Guidelines for the Downtown Historic District were created by the City to serve as policy statements for direction in private development of the Downtown Historic District; and

WHEREAS, the Design Guidelines are a guide to help enhance the identity, image and continuity of the Downtown Historic District; and

WHEREAS, the City Council desires to add a new section to the Design Guidelines regarding paving materials in an effort to encourage use of materials that will allow for pervious materials on a load bearing surface, support storm water pollution filtration and treatment, provide for heat energy reflection reduction, and support tree growth;

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

The Design Guidelines are hereby amended to add the following section, the final version of which may include illustrative drawings and photographs:

Paving Materials

In an effort to encourage use of materials that will allow for pervious materials on a load bearing surface, support storm water pollution filtration and treatment, provide for heat energy reflection reduction, and support tree growth. When considering paving materials for parking areas, rear lot space adjacent to an alley,

sidewalks, and driveways consider how the different materials relate to each other and the district. The following paving materials may be used in the historic district and the zoning overlay area:

Crushed granite with a border of concrete to contain it, permeable pavers, brick pavers, paving stones, concrete, cut stone, natural rock, permeable asphalt, permeable gravel grids, permeable grass grids.

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.

RESOLVED this ____ day of _____, 2017.

CHRIS CANNON, MAYOR

ATTEST:

AMELIA SANCHEZ, City Secretary



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (2013 edition) CITY OF ELGIN , TEXAS, CHAPTER 46, ARTICLE IV, DIVISION 7, SECTION 46-394; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

DEPARTMENT: Community Development

PROPOSED ACTION:

Discussion and approval of Ordinance.

BACKGROUND:

The Historic Review Board considered paving material options to include materials such as crushed granite. This ordinance would allow the paving materials options in the Downtown Zoning overlay area. HRB and Main Street Board recommended the paving materials addition.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Recommend approval of Ordinance no. _____

ATTACHMENTS:

Ordinance paving materials

- ☐ 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.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (2013 EDITION), CITY OF ELGIN, TEXAS, CHAPTER 46, ARTICLE IV, DIVISION 7, SECTION 46-394; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

WHEREAS, the City of Elgin City Council previously approved a zoning overlay for the Downtown Historic District;

NOW THEREFORE:

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

I.

That Chapter 46, Article IV, Division 7, Section 46-394, Code of Ordinances (2013 Edition), City of Elgin, Texas, is hereby amended by the addition of the following:

(f) Only the following paving materials may be used in the Downtown Overlay for parking areas, rear lot space adjacent to alleys, sidewalks, and driveways:

- (1) Crushed granite with a border of concrete;
- (2) Permeable pavers;
- (3) Paving stones;
- (4) Concrete;
- (5) Cut stone;
- (6) Natural rock;
- (7) Permeable asphalt;
- (8) Permeable gravel grids;
- (9) Permeable grass grids.

II.

- A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.
- B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.
- C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this

Deleted: ¶

ordinance and the subject matter hereof was discussed, considered and formally acted upon, all as required by the Open Meeting Act, Chapter 551, Texas Government Code, as amended.

PASSED, and APPROVED this ____ day of _____, 2017.

Chris Cannon, Mayor
City of Elgin, Texas

ATTEST:

Amelia Sanchez, City Secretary



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH TEXAS DEPARTMENT OF PUBLIC SAFETY FOR HMGP GRANT, DR-4245-015 TO ELEVATE THE PUCKETT WATER TREATMENT PLANT PUMP STATION.

DEPARTMENT: Utilities

PROPOSED ACTION:

Consideration of the Resolution and associated agreement as proposed.

BACKGROUND:

The City of Elgin Puckett Water Treatment Plant, adjacent ground storage tanks, and pump station are located in Zone A of the FEMA flood insurance rate map. Zone A is defined as an approximate 100-year floodplain with no Base Flood Elevations determined. Since these facilities are located in a floodplain, they are susceptible to overland flooding from the adjacent Little Sandy Creek.

The ground storage pump station consist of two water storage tanks (500,000 and 327,000 gallon tanks), six booster pumps located near the center of the ground storage area, and two small utility buildings. One houses the Elgin Oaks Pump control building with associated electrical panels, the other houses the motor control center and the ground storage SCADA system (Supervisory Control and Data Acquisition), which is a remote monitoring and control system.

The ground storage booster pump area, electronic monitors, and control panel buildings have been frequently inundated during recent flood events. The HMGP Grant would allow the City to raise the six booster pump motors and control valves on the discharge piping 8 feet from the existing ground. The pump columns would be extended at the surface and encased in concrete for structural integrity. Platforms to service the pump motors and control valves would be added. The existing Elgin Oaks boost pump station and the Motor Control building, along with all electronic components will be relocated to higher ground. Additionally, watertight retrofitting will be provided for control panels and valves remaining in the flood

zone.

The total grant awarded is \$1,459,096. The City would be responsible for \$364,774 as well as any project overages if applicable.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☒ included ☐ not included in the current-year budget ☐ N/A

RECOMMENDATION:

Adoption of the Resolution and authorization to execute the agreement as presented.

ATTACHMENTS:

Subaward Letter
Resolution

- ☐ 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.

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
ROBERT J. BODISCH, SR.
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
MANNY FLORES
A. CYNTHIA LEON
RANDY WATSON

April 26, 2017

The Honorable Chris Cannon
Mayor
City of Elgin
310 N. Main St.
Elgin, TX 78621-2623

DUNS Number 006658981
TINS Number 74-6000822
FIPS Number 021-23044-00

RE: HMGP Grant, DR-4245-015, City of Elgin Elevation Project
Catalog of Federal Domestic Assistance (CFDA): 97-039
FEMA Project Number: FEMA-4245-DR-TX, Project # 015
Project Title: Puckett Water Treatment Plant Pump Station Elevation
Period of Performance: April 18, 2017 to April 18, 2019

A Hazard Mitigation Grant Program sub-grant has been awarded by Texas Division of Emergency Management (TDEM).

DR-4245-015						
Amendment	Date	Total Subgrant Amount	Federal Cost Share Percentage	Federal Cost Share Amount	Local Cost Share Percentage	Local Cost Share Amount
0	4/10/2017	\$1,459,096	75%	\$1,094,322.00	25%	\$364,774.00

This award is not for research or development as defined in 2 CFR 200.87.

A copy of the approved scope of work is attached. The terms and conditions of this award are also attached.

Signing and returning this award letter indicates sub-recipient's acceptance of the scope of the sub-award, the ability to pay the state match and all grant terms and conditions outlined in the attached documents.

Acceptance of the sub-award must be returned to TDEM before payment on the sub-award can be processed.

It is important that the sub-recipient read, understand and comply with the scope and all terms and conditions. It is also vital that this information be disseminated to sub-recipient's staff and contractors that are involved in work related to administrative support or administration of the subgrant.

If changes are needed to the scope of the sub-award, period of performance or costs associated to the sub-award, the sub-recipient should immediately contact TDEM. No change will be considered approved to the sub-award until the sub-recipient is notified in writing by TDEM.

Please sign below to acknowledge acceptance of this sub-award and agreement to abide by all terms and conditions.

Designated Sub-recipient Agent

Date

Should you wish to appeal any determination related to this sub-award you must do so within 60 days of receipt of the notice of the action. You will need to provide your appeal with any documentation supporting your position to your assigned TDEM project officer within the allotted time.

If you have any questions please contact Charles Reagan at 512-424-2480 or charles.reagan@dps.texas.gov.

Sincerely,



W. Nim Kidd, CEM®

Chief
Texas Division of Emergency Management
Assistant Director
Texas Homeland Security
Texas Department of Public Safety

WNK/cr

ATTACHMENTS: Grant Terms and Conditions
Scope of Work
Record of Environmental Considerations

GRANT TERMS AND CONDITIONS

This Grant Agreement (consisting of FEMA Disaster Award and these Terms and Conditions) is made and entered into by and between the Department of Public Safety / Texas Division of Emergency Management, an agency of the State of Texas, hereinafter referred to as "DPS/TDEM," and the funds recipient, hereinafter referred to as the "Applicant" or "Subrecipient." Furthermore, DPS/TDEM and the Subrecipient are collectively hereinafter referred to as the "Parties."

Subrecipient may not assign or transfer any interest in this Grant without the express, prior written consent of DPS/TDEM. If Subrecipient issues subawards as part of this Grant project, Subrecipient shall include and require its subawardees to comply with the terms and conditions of this Grant.

The term "Subrecipient agreement funds" as used in this Grant means funds provided by DPS/TDEM under the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) grant programs (also referred to herein as DHS/FEMA). The term "Subrecipient's funds" or match funds as used in this Grant means funds provided by the Subrecipient.

- A. **Standard of Performance.** Subrecipient shall perform all activities as approved by DPS/TDEM. Any change to a project shall receive prior written approval by TDEM and, if required, by FEMA. Subrecipient shall perform all activities in accordance with all terms, provisions and requirements set forth in this Grant, including but not limited to the following Exhibits:
1. Assurances – Non-Construction Programs, hereinafter referred to as "Exhibit A"
 2. Assurances – Construction Programs, hereinafter referred to as "Exhibit B"
 3. Certifications for Grant Agreements, hereinafter referred to as "Exhibit C"
 4. State of Texas Assurances, hereinafter referred to as "Exhibit D"
 5. Environmental Review Certification, hereinafter referred to as "Exhibit E"
 6. Additional Grant Conditions, hereinafter referred to as "Exhibit F"
 7. Additional Grant Certifications, hereinafter referred to as "Exhibit G"
- B. **Failure to Perform.** In the event Subrecipient fails to implement the project(s) entered and approved in the DPS/TDEM web-based grants management system, or comply with any provision of this Grant, Subrecipient shall be liable to DPS/TDEM for an amount not to exceed the award amount of this Grant and may be barred from applying for or receiving additional DHS/FEMA grant program funds or any other grant program funds administered by DPS until repayment to DPS/TDEM is made and any other compliance or audit finding is satisfactorily resolved, in addition to any other remedy specified in this Grant. Failure to timely implement projects may reduce future funding in additional DHS/FEMA and/or other grant programs administered by DPS.
- C. **Funding Obligations.** DPS/TDEM shall not be liable to Subrecipient for any costs incurred by Subrecipient that are not allowable costs.
1. Notwithstanding any other provision of this Grant, the total of all payments and other obligations incurred by DPS/TDEM under this Grant shall not exceed the Total Award Amount listed on the Grant Subrecipient Award.
 2. Subrecipient shall contribute the match funds listed on the Grant Subrecipient Award.
 3. Subrecipient shall refund to DPS/TDEM any sum of these Grant funds that has been determined by DPS/TDEM to be an overpayment to Subrecipient or that DPS/TDEM

determines has not been spent by Subrecipient in accordance with this Grant. No refund payment(s) shall be made from local, state or federal Grant funds unless repayment with Grant funds is specifically permitted by statute or regulation. Subrecipient shall make such refund to DPS/TDEM within thirty (30) calendar days after

4. DPS/TDEM requests such refund.

D. **Performance Period.** The performance period for this Grant is listed on the Grant Subrecipient Award letter. **All projects shall be completed within the performance period AND all reimbursement requests shall be submitted to DPS/TDEM within 60 days for the end of the performance period.** Subrecipient shall have expended all Grant funds and submitted reimbursement requests, invoices and any supporting documentation to DPS/TDEM within 60 days of the end of the performance period. DPS/TDEM shall not be obligated to reimburse expenses incurred after the performance period or submitted after the deadline.

E. **Uniform Administrative Requirements, Cost Principles and Audit Requirements.**

Except as specifically modified by law or this Grant, Subrecipient shall administer this Grant through compliance with the most recent version of all applicable laws and regulations, including but not limited to DHS program legislation, Federal awarding agency regulations, and the terms and conditions of this Grant. A non-exclusive list is provided below [not all may apply in every projects]:

- Public Law 93-288, as amended (Stafford Act)
- 44 CFR, Emergency Management and Assistance
- Disaster Mitigation Act of 2000
- OMB Regulations 2 CFR, Grant and Agreements
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Executive Order 12372, Intergovernmental Review of Programs and Activities
- Executive Order 12549, Debarment and Suspension
- Executive Order 12612, Federalism
- Executive Order 12699, Seismic Design
- Executive Order 12898, Environmental Justice
- Coastal Barrier Resources Act, Public Law 97-348
- Single Audit Act, Public Law 98-502
- Sandy Recovery Improvement Act publications
- 16 U.S.C. § 470, National Historic Preservation Act
- 16 U.S.C. § 1531, Endangered Species Act References
- FEMA program publications, guidance and policies

F. **State Requirements for Grants.** Subrecipient shall comply with all other federal, state, and local laws and regulations applicable to this Grant including but not limited to the laws and the regulations promulgated in Texas Government Code, Chapter 783, Uniform Grant and Contract Management, (UGMS) at:

<http://www.window.state.tx.us/procurement/catrad/ugms.pdf>

and the program State Administrative Plan, available at:

<http://www.txdps.state.tx.us/dem/GrantsResources/index.htm>.

Subrecipient shall, in addition to the assurances and certifications, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable

statutes, regulations, executive orders, OMB circulars, terms and conditions of this Grant and the approved application.

Grant funds may not be awarded to or expended by any entity which performs political polling. This prohibition does not apply to a poll conducted by an academic institution as part of the institution's academic mission that is not conducted for the benefit of a particular candidate or party.

Grant funds may not be expended by a unit of local government unless the following limitations and reporting requirements are satisfied:

1. Texas General Appropriations Act, Art. IX, Parts 2 and 3, except there is no requirement for increased salaries for local government employees;
2. Texas Government Code Sections 556.004, 556.005, and 556.006, which prohibits using any money or vehicle to support the candidacy of any person for office, influencing positively or negatively the payment, loan, or gift to a person or political organization for a political purpose, and using Grant funds to influence the passage or defeat of legislation including not assisting with the funding of a lobbyist, or using Grant funds to pay dues to an organization with a registered lobbyist;
3. Texas Government Code Sections 2113.012 and 2113.101, which prohibits using Grant funds to compensate any employee who uses alcoholic beverages on active duty and Subrecipient may not use Grant funds to purchase an alcoholic beverage and may not pay or reimburse any travel expense for an alcoholic beverage;
4. Texas General Appropriations Act, Art. IX, Section 6.13, which requires Subrecipient to make every effort to attain key performance target levels associated with this Grant, including performance milestones, milestone time frames, and related performance reporting requirements; and
5. General Appropriations Act, Art. IX, Sections 7.01 and 7.02, and Texas Government Code §2102.0091, which requires that this Grant may only be expended if Subrecipient timely completes and files its reports.

G. Restrictions and General Conditions.

1. Use of Funds. DHS/FEMA Grant funds may only be used for the purposes set forth in this Grant, and shall be consistent with the statutory authority for this Grant. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.
2. Federal Employee Prohibition. Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this Grant. Federal employees may not receive funds under this Grant.
3. Points of Contacts. Within 30 calendar days of any change, Subrecipient shall notify DPS/TDEM of any change or correction to the Designation of Applicant's Agent, chief elected official, program, and/or financial points of contact in the DPS/TDEM grant management system.
4. DUNS Number. Subrecipient confirms its Data Universal Numbering Systems (DUNS) Number is the number listed on this Grant. The DUNS Number is the nine digit number established and assigned by Dun and Bradstreet, Inc., at 866/705-5711 or <http://fedgov.dnb.com/webform>
5. Central Contractor Registration and Universal Identifier Requirements. Subrecipient maintains that it has registered on the System for Award Management (SAM) at

www.sam.gov or other federally established site for contractor registration, and entered DPS/TDEM-required information. Subrecipient shall keep current, and then review and update the information at least annually. Subrecipient shall keep information current in the SAM database until the later of when it submits this Grant's final financial report or receives final Grant award payment. Subrecipient agrees that it shall not make any subaward agreement or contract related to this Grant without first obtaining the vendor/subawardee's mandatory DUNS number. See Section §200.32 of OMB 2 C.F.R.

6. Reporting Total Compensation of Subrecipient Executives. 2 C.F.R. §200.331; see FEMA Information Bulletin 350.
 - a. Applicability and what to report: Subrecipient shall report whether Subrecipient received \$25 million or more in Federal procurement contracts or financial assistance subject to the Transparency Act per 2 C.F.R. §200.331. Subrecipient shall report whether 80% or more of Subrecipient's annual gross revenues were from Federal procurement contracts or Federal financial assistance. If Subrecipient answers "yes" to both questions, Subrecipient shall report, along with Subrecipient's DUNS number, the names and total compensation (see 17 C.F.R. §229.402(c)(2)) for each of Subrecipient's five most highly compensated executives for the preceding completed fiscal year.
 - b. Where and when to report: Subrecipient shall report executive total compensation at www.sam.gov or other federally established replacement site. By signing this Grant, Subrecipient certifies that, if required, Subrecipient's jurisdiction has already registered, entered the required information, and shall keep information in the SAM database current, and update the information at least annually for each year until the later of when the jurisdiction submits its final financial report or receives final payment. Subrecipient agrees that it shall not make any subaward agreement or contract without first obtaining the subawardee's mandatory DUNS number.
7. Debarment and Suspension. Subrecipient shall comply with Executive Order 12549 and 12689, which provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.
8. Direct Deposit. If Subrecipient has not received reimbursements from DPS/TDEM within the past eleven (11) months (prior to date of award), it shall forward a new/updated direct deposit form to DPS/TDEM. Completed direct deposit forms from Subrecipient shall be emailed to TDEM project officer. The email subject line and attachment name shall include the subrecipient name and identify the document attached (i.e. "*Sample County DD form*"). The direct deposit form is currently available at <http://www.window.state.tx.us/taxinfo/taxforms/74-176.pdf>.
9. Property Management and Inventory. Subrecipient shall maintain property/inventory records which, at minimum, shall include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, the cost of the property, the percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property. Subrecipient shall develop and implement a control system to prevent loss, damage or theft of property and Subrecipient shall investigate and document any loss, damage or theft of property funded under this Grant.
10. Site Visits. DHS and/or DPS/TDEM, through its authorized representatives, have the right at all reasonable times to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by DHS on the premises of Subrecipient or a contractor under this Grant, Subrecipient shall provide and shall require its contractors to provide

all reasonable facilities and assistance for the safety and convenience of the government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.

H. **Procurement and Contracting.**

1. **Procurements.** Subrecipient shall comply with all applicable federal, state, and local laws and requirements, including but not limited to proper competitive solicitation processes where required, for any procurement which utilizes federal funds awarded under this Grant in accordance with 2 C.F.R. 200.318
2. **Contract Provisions.** All contracts executed using funds awarded under this Grant shall contain the contract provisions listed under 2 C.F.R. 200.326 and Appendix II (A), Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
3. Procurement activities must follow the most restrictive of Federal, State and Local procurement regulations:
 - a. Procurement by micro purchase
 - b. Procurement by small purchase
 - c. Procurement by sealed bid
 - d. Procurement by competitive proposal
 - e. Procurement by non-competitive proposal, solely when the award of a contract is unfeasible under the other methods

The State must be contacted for approval to use a noncompetitive procurement method. Failure to follow eligible procurement methods will result in ineligible costs. Other types of agreements for services must have State approval prior to use or execution. A copy of the local procurement policy must be provided to the State before initial payment.

The **cost plus a percentage of cost** and **percentage of construction** cost methods of contracting are **ineligible**.

Must perform **cost/price analysis** for purchases over \$3000.

Must negotiate profit as a separate element where required.

4. Evidence of non-debarment for vendors must be documented through <http://www.sam.gov/portal/public/SAM> and http://www.window.state.tx.us/procurement/prog/vendor_performance/debarred/ and submitted for review.
5. Comply with rules related to underutilized businesses (small and minority businesses, women's enterprises and labor surplus firms) at 2 CFR 200.321

I. **Monitoring.** Subrecipient will be monitored periodically by federal, state or local entities, both programmatically and financially, to ensure that project goals, objectives, performance requirements, timelines, milestone completion, budget, and other program-related criteria are met.

DPS/TDEM, or its authorized representative, reserves the right to perform periodic desk/office-based and/or on-site monitoring of Subrecipient's compliance with this Grant and of the adequacy and timeliness of Subrecipient's performance pursuant to this Grant. After each monitoring visit, DPS/TDEM shall provide Subrecipient with a written report of the monitor's findings. If the monitoring report notes deficiencies in Subrecipient's performance

under this Grant, the monitoring report shall include requirements for the timely correction of such deficiencies by Subrecipient. Failure by Subrecipient to take action specified in the monitoring report may be cause for suspension or termination of this Grant pursuant to the Suspension and/or Termination Section herein.

J. **Audit.**

1. **Audit of Federal and State Funds.** Subrecipient shall arrange for the performance of an annual financial and compliance audit of funds received and performances rendered under this Grant as required by the Single Audit Act (OMB 2 C.F.R. 200.501, formerly A-133). Subrecipient shall comply, as applicable, with Texas Government Code, Chapter 783, the Uniform Grant Management Standards (UGMS), the State Uniform Administrative Requirements for Grants and Cooperative Agreements.
2. **Right to Audit.** Subrecipient shall give the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), the Comptroller General of the United States, the Texas State Auditor, DPS/TDEM, or any of their duly authorized representatives, access to and the right to conduct a financial or compliance audit of Grant funds received and performances rendered under this Grant. Subrecipient shall permit DPS/TDEM or its authorized representative to audit Subrecipient's records. Subrecipient shall provide any documents, materials or information necessary to facilitate such audit.
3. **Subrecipient's Liability for Disallowed Costs.** Subrecipient understands and agrees that it shall be liable to DPS/TDEM for any costs disallowed pursuant to any financial or compliance audit(s) of these funds. Subrecipient further understands and agrees that reimbursement to DPS/TDEM of such disallowed costs shall be paid by Subrecipient from funds that were not provided or otherwise made available to Subrecipient pursuant to this Grant or any other federal contract.
4. **Subrecipient's Facilitation of Audit.** Subrecipient shall take such action to facilitate the performance of such audit(s) conducted pursuant to this Section as DPS/TDEM may require of Subrecipient. Subrecipient shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Subrecipient and the requirement to cooperate is included in any subcontract it awards.
5. **State Auditor's Clause.** Subrecipient understands that acceptance of funds under this Grant acts as acceptance of the authority of the State Auditor's Office to conduct an audit or investigation in connection with those funds. Subrecipient further agrees to cooperate fully with the State Auditor's Office in the conduct of the audit or investigation, including providing all records requested. Subrecipient shall ensure that this clause concerning the State Auditor's Office's authority to audit funds and the requirement to cooperate fully with the State Auditor's Office is included in any subgrants or subcontracts it awards. Additionally, the State Auditor's Office shall at any time have access to and the rights to examine, audit, excerpt, and transcribe any pertinent books, documents, working papers, and records of Subrecipient relating to this Grant.

K. Retention and Accessibility of Records.

1. Retention of Records. Subrecipient shall maintain fiscal records and supporting documentation for all expenditures of this Grant's funds pursuant to the applicable OMB 2 C.F.R. Subpart D – Post Federal Award Requirements, of Part 200 UGMS § .42, and this Grant. Subrecipient shall retain these records and any supporting documentation for a minimum of three (3) years from the later of the completion of this project's public objective, submission of the final expenditure report, any litigation, dispute, or audit. Records shall be retained for three (3) years after any real estate or equipment final disposition. The DHS or DPS/TDEM may direct Subrecipient to retain documents or to transfer certain records to DHS custody when DHS determines that the records possess long term retention value.
2. Access to Records. Subrecipient shall give the United States Department of Homeland Security, the Comptroller General of the United States, the Texas State Auditor, DPS/TDEM, or any of its duly authorized representatives, access to and the right to examine all books, accounts, records, reports, files, other papers, things or property belonging to or in use by Subrecipient pertaining to this Grant including records concerning the past use of DHS/FEMA funds. Such rights to access shall continue as long as the records are retained by Subrecipient.

L. Changes, Amendments, Suspension or Termination

1. Modification. FEMA or DPS/TDEM may modify this Grant after an award has been made. Once notification has been made in writing, any subsequent request for funds indicates Subrecipient's acceptance of the changes to this Grant. Any alteration, addition, or deletion to this Grant by Subrecipient is not valid.
2. Effect of Changes in Federal and State Laws. Any alterations, additions, or deletions to this Grant that are required by changes in federal and state laws, regulations or policy are automatically incorporated into this Grant without written amendment to this Grant and shall become effective upon the date designated by such law or regulation. In the event FEMA or DPS/TDEM determines that changes are necessary to this Grant after an award has been made, including changes to the period of performance or terms and conditions, Subrecipient shall be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient's acceptance of the changes to this Grant.
3. Suspension. In the event Subrecipient fails to comply with any term of this Grant, DPS/TDEM may, upon written notification to Subrecipient, suspend this Grant, in whole or in part, withhold payments to Subrecipient and prohibit Subrecipient from incurring additional obligations of this Grant's funds.
4. Termination. DPS/TDEM shall have the right to terminate this Grant, in whole or in part, at any time before the end of the Performance Period, if DPS/TDEM determines that Subrecipient has failed to comply with any term of this Grant. DPS/TDEM shall provide written notice of the termination and include:
 - a. The reason(s) for such termination;
 - b. The effective date of such termination; and
 - c. In the case of partial termination, the portion of this Grant to be terminated.
 - d. Appeal may be made to the Deputy Assistant Director of Texas Division of Emergency Management- Recovery Mitigation and Standards, Texas Department of Public Safety.

- M. Enforcement.** If Subrecipient materially fails to comply with any term of this Grant, whether stated in a federal or state statute or regulation, an assurance, in a state plan or application,

a notice of award, or elsewhere, DPS/TDEM or DHS may take one or more of the following actions, as appropriate in the circumstances:

1. Increased monitoring of projects and require additional financial and performance reports
2. Require payments as reimbursements rather than advance payments
3. Temporarily withhold payments pending correction of the deficiency
4. Disallow or deny use of funds and matching credit for all or part of the cost of the activity or action not in compliance;
5. Request FEMA to wholly or partially de-obligate funding for a project
6. Temporarily withhold cash payments pending correction of the deficiency by subrecipient or more severe enforcement action by DPS/TDEM or DHS;
7. Withhold further awards for the grant program
8. Take other remedies that may be legally available

In taking an enforcement action, DPS/TDEM will provide Subrecipient an opportunity for a hearing, appeal, or other administrative proceeding to which Subrecipient is entitled under any statute or regulation applicable to the action involved.

The costs of Subrecipient resulting from obligations incurred by Subrecipient during a suspension or after termination of this Grant are not allowable unless DPS/TDEM or DHS expressly authorizes them in the notice of suspension or termination or subsequently.

Other Subrecipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

- The costs result from obligations which were properly incurred by Subrecipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are non-cancellable; and
- The costs would be allowable if this Grant were not suspended or expired normally at the end of the funding period in which the termination takes effects.

The enforcement remedies identified in this section, including suspension and termination, do not preclude Subrecipient from being subject to "Debarment and Suspension" under E.O. 12549. 2 C.F.R., Appendix II to Part 200, (I).

- N. **Conflicts of Interest**. The subrecipient will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts and will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
- O. **Closing of this Grant**. DPS/TDEM will close a subaward after receiving all required final documentation from the Subrecipient. If the close out review and reconciliation indicates that Subrecipient is owed additional funds, DPS/TDEM will send the final payment automatically to Subrecipient. If Subrecipient did not use all the funds received, DPS/TDEM will recover the unused funds.

At the completion of Subrecipient's performance period, DPS/TDEM will de-obligate all uncommitted funds and de-obligate all unexpended funds if final documentation is not received by the deadline.

The closeout of this Grant does not affect:

1. DHS or DPS/TDEM's right to disallow costs and recover funds on the basis of a later audit or other review;
2. Subrecipient's obligation to return any funds due as a result of later refunds, corrections, or other transactions;
3. Records retention requirements, property management requirements, and audit requirements, as set forth herein; and
4. Any other provisions of this Grant that impose continuing obligations on Subrecipient or that govern the rights and limitations of the parties to this Grant after the expiration or termination of this Grant.

EXHIBIT A

ASSURANCES - NON-CONSTRUCTION PROGRAMS See Standard Form 424B

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this Grant.
2. Will give the Department of Homeland Security, the Department of Public Safety, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this Grant and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686 and 44 C.F.R. Part 19), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which agreement for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply or has already complied with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction sub-agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190 as amended by 42 U.S.C. 4311 et seq. and Executive Order (EO) 11514) which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for DHS grant-supported activities, DHS-FEMA requires the environmental aspects to be reviewed and evaluated before final action on the application; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) comply with the Clean Air Act of 1977, (42 U.S.C. §§7401 et seq. and Executive Order 11738) providing for the protection of and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters; (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348, 45 C.F.R. 46, and DHS Management Directive 026-044 (Directive) regarding the protection of human subjects involved in research, development, and related activities supported by this Grant. "Research" means a systematic investigation, including research, development, testing, and evaluation designed to develop or contribute to general knowledge. See Directive for additional provisions for including humans in the womb, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). See also state and local law for research using autopsy materials.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) which requires the minimum standards of care and treatment for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public according to the Guide for Care and Use of Laboratory Animals and Public Health Service Policy and Government Principals Regarding the Care and Use of Animals.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133 (now OMB 2 C.F.R. 200.500), "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, grant guidance, and policies governing this Grant.

EXHIBIT B

ASSURANCES - CONSTRUCTION PROGRAMS See Standard Form 424D

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this Grant.
2. Will give the Department of Homeland Security, the Department of Public Safety, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to this Grant and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of this Grant.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686 and 44 C.F.R. Part 19), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which agreement for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the agreement.
11. Will comply or has already complied with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333) regarding labor standards for federally-assisted construction sub-agreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91- 190) as amended by 42 U.S.C. 4311 et seq. and Executive Order (EO) 11514 which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) comply with the Clean Air Act of 1977, (42 U.S.C. §§7401 et seq. and Executive Order 11738) providing for the protection of and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters; (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133 (now OMB 2 C.F.R. 200.500), "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, grant guidance and policies governing this Grant.

Exhibit C

Certifications for Grant Agreements

The undersigned, as the authorized official, certifies the following to the best of his/her knowledge and belief.

- A. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee or a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee or a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL Disclosure of Lobbying Activities, in accordance with its instructions.
- C. The undersigned shall require that the language of this certification prohibiting lobbying be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- D. As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 C.F.R. Part 67, for prospective participants in primary covered transactions, as defined at 28 C.F.R. Part 67, Section 67.510. (Federal Certification), the Subrecipient certifies that it and its principals and vendors:
 1. Are not debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency. Subrecipient can access debarment information by going to www.sam.gov and the State Debarred Vendor List at: www.window.state.tx.us/procurement/prog/vendor_performance/debarred.
 2. Have not within a three-year period preceding this Grant been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (D)(2) of this certification;
 4. Have not within a three-year period preceding this Grant had one or more public transactions (Federal, State, or local) terminated for cause or default; or
 5. Where Subrecipient is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this Grant. (Federal Certification).
- E. Federal funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Subrecipient may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- F. Subrecipient will comply with 2 C.F.R. Part 180, Subpart C as a condition of receiving grant funds and Subrecipient will require such compliance in any subgrants or contract at the next tier.
- G. Subrecipient will comply with the Drug-free Workplace Act, as amended, 412 U.S.C. §701 et seq., which requires Subrecipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, places where work is being performed under the award (i.e., street address, city, state, and zip code) must be maintained on file. Subrecipient will notify the Grants Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 C.F.R. Part 17. Subrecipient shall comply with the requirements of the Drug-Free Workplace Act of 1988, which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace.
- H. Subrecipient is not delinquent on any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424, item number 17 for additional information and guidance.
- I. Subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Grant.
- J. Subrecipient understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of funds in this Grant.

EXHIBIT D

State of Texas Assurances

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

1. Shall comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the Subrecipient's governing body or of the Subrecipient's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
2. Shall insure that all information collected, assembled, or maintained by the Subrecipient relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.
3. Shall comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.
4. Shall comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.
5. Shall not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the Subrecipient is a health, human services, public safety, or law enforcement agency and the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.
6. Shall comply with all rules adopted by the Texas Commission on Law Enforcement pursuant to Chapter 1701, Texas Occupations Code, or shall provide the grantor agency with a certification from the Texas Commission on Law Enforcement that the agency is in the process of achieving compliance with such rules if the Subrecipient is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701.
7. Shall follow all assurances. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and subrecipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See UGMS Section _36 for additional guidance on contract provisions).
8. Shall comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Subrecipient shall also ensure that all program personnel are properly trained and aware of this requirement.
9. Shall comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act of 1990 including Titles I, II, and III of the Americans with Disability Act which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities, 44 U.S.C. §§ 12101-12213; (d) the Age Discrimination Act of 1974, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to this Grant.
10. Shall comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.
11. Shall comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Shall comply with the provisions of the Hatch Political Activity Act (5 U.S.C. §§7321-29), which limit the political activity of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Shall comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as applicable.
14. Shall insure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA (EO 11738).

15. Shall comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition proposed for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
16. Shall comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
17. Shall comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
18. Shall assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
19. Shall comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) which requires the minimum standards of care and treatment for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public according to the Guide for Care and Use of Laboratory Animals and Public Health Service Policy and Government Principals Regarding the Care and Use of Animals.
20. Shall comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residential structures.
21. Shall comply with the Pro-Children Act of 1994 (Public Law 103-277), which prohibits smoking within any portion of any indoor facility used for the provision of services for children.
22. Shall comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.
23. Shall comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.
24. And its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement have Exclusions listed at <https://www.sam.gov/portal/public/SAM/>.
25. Shall adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, et seq.

EXHIBIT E

Environmental Review

As the duly authorized representative of Subrecipient, I certify that Subrecipient:

1. shall assess its federally funded projects for potential impact to environmental resources and historic properties.
2. shall submit any required screening form(s) as soon as possible and shall comply with deadlines established by DPS/TDEM. Timelines for the Environmental Planning and Historic Preservation (EHP) review process will vary based upon the complexity of the project and the potential for environmental or historical impact.
3. shall include sufficient review time within its project management plan to comply with EHP requirements. Initiation of any activity prior to completion of FEMA's EHP review will result in a non-compliance finding and DPS/TDEM will not authorize or release Grant funds for non-compliant projects.
4. as soon as possible upon receiving this Grant, shall provide information to DPS/TDEM to assist with the legally-required EHP review and to ensure compliance with applicable EHP laws and Executive Orders (EO) currently using the FEMA EHP Screening Form OMB Number 1660-0115/FEMA Form 024-0-01 and submitting it, with all supporting documentation, to DPS/TDEM for review. These EHP requirements include but are not limited to the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, EO 11988 – Floodplain Management, EO 11990 – Protection of Wetlands, and EO 12898 – Environmental Justice. Subrecipient shall comply with all Federal, State, and local EHP requirements and shall obtain applicable permits and clearances.
5. shall not undertake any activity from the project that would result in ground disturbance, facility modification, or purchase and use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings.
6. shall comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. Any changes to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed.
7. if ground disturbing activities occur during project implementation, Subrecipient shall ensure monitoring of ground disturbance and if any potential archeological resources are discovered, Subrecipient shall immediately cease construction in that area and notify FEMA and the appropriate State Historical Preservation Office.

EXHIBIT F

Additional Grant Conditions

1. FEMA has performed an environmental review resulting in the findings and conditions identified in the Environmental Considerations enclosure and consisting of:
 - a. CATEX (Categorical Exclusion) or FONSI (Finding of No Significant Impact)
 - b. Record of Environmental Consideration (REC) with Environmental Review Project Conditions
2. All work must be done prior to the approved project completion deadline assigned to each Project. Should additional time be required, a time extension request must be submitted which:
 - a.) Identifies the projects requiring an extension.
 - b.) Explains the reason for an extension.
 - c.) Indicates the percentage of work that has been completed.
 - d.) Provides an anticipated completion date.The reason for an extension must be based on extenuating circumstances or unusual project requirements that are beyond the control of your jurisdiction/organization. **Failure to submit a time extension request may result in reduction or withdrawal of federal funds for approved work.**
3. Any significant change to a project's approved Scope of Work must be reported and approved through TDEM and FEMA before starting the project. Failure to do so will jeopardize grant funding.
4. The Project Completion and Certification Report must be returned to TDEM once all the approved work has been completed for each project. If any project requires the purchase of insurance as a condition of receiving federal funds, a copy of the current policy must be attached to this report.
5. The Period of Performance (POP) represents the period during which eligible reimbursable cost for this project can be incurred. If, due to extenuating circumstances, a project cannot be completed within the approved POP, an extension must be requested in writing and submitted to the State 90 days prior to the expiration of the currently approved POP.
6. Appeals may be filed on any determination made by FEMA or TDEM. All appeals must be submitted to TDEM within 60 days from receiving written notice of the action you wish to appeal. Should you wish to appeal a determination contained in the project application, the 60 days will start the day the application is signed.
7. You may request a payment of funds on projects by completing a request for reimbursement and including your supporting documentation. In the event that an audit results in a reduction of the awarded amount of a project, the subrecipient is responsible for returning the identified overage within 30 days of notification of the overpayment.
8. Projects that have not received final payment will be reviewed quarterly by TDEM representatives upon receipt of the Quarterly Review form from the subrecipient. Quarterly reports will be due on the following dates: **April 15th, July 15th, October 15th & January 15th**. Public Assistance program small projects are exempted.
9. Subrecipient with must submit a project cost summary to TDEM following the completion of each project, except Public Assistance program small projects. The project cost summary must list all labor, equipment, materials and contract costs associated with making needed repairs.
10. Subrecipients expending \$750,000 or more in total Federal financial assistance in a fiscal year will be required to provide an audit made in accordance with OMB Uniform Guidance; Cost Principles, Audit, and Administrative Requirements for Federal Awards, Subpart F. A copy of the Single Audit must be submitted to your cognizant State agency or TDEM within nine months of the end of the subrecipient's fiscal year.

Consult with your financial officer regarding this requirement. If not required to submit a single audit, a letter must be sent to TDEM certifying to this.

11. Completed record and cost documents for all approved work must be kept for a minimum of three (3) years from the later of the completion of this project's public objective, submission of the final expenditure report, any litigation, dispute, or audit. Records shall be retained for three (3) years after any real estate or equipment final disposition. The DHS or DPS/TDEM may direct Subrecipient to retain documents or to transfer certain records to DHS custody when DHS determines that the records possess long term retention value. During this time, all approved projects are subject to State and Federal audit/review.
12. Subrecipients will not make any award to any party which is debarred or suspended, or is otherwise excluded from participation in the Federal assistance programs (EO 12549, Debarment and Suspension). Subrecipient must maintain documentation validating review of debarment list of eligible contractors.
13. Subrecipients must keep record of equipment acquired by federal funds for the life cycle of the equipment. A life cycle for most equipment will be three years, but could be longer. If the fair market value of a piece of equipment is valued over \$5,000, FEMA will have the right to a portion of proceeds if equipment is sold. If the fair market value of a piece of equipment is less than \$5,000, the property can either be retained, sold or designated as surplus with no further obligation to FEMA.
14. Eligible cost reimbursement requests may be submitted as needed, but not less than once a quarter without project officer concurrence. The minimum request for reimbursement will be \$2,500 , unless it is the final reimbursement request. All submitted invoices must be:
 - a. Identified by a unique number
 - b. Related to an identified Scope of Work (SOW) line item
 - c. Accompanied by proof of payment (ex: copies of the cancelled checks showing payments for the invoices)
 - d. Signed by your Chief Financial Officer or designated authorized representative

Reimbursement amounts are based on the total request for eligible documented expenditures of the eligible federal share and local match.

EXHIBIT G

Additional Grant Certifications

Match Certification

Applicant certifies that they have the ability to meet or exceed the cost share required of this project.

Duplication of Program Statement

Applicant certifies there has not been, nor will there be, a duplication of benefits for this project.

For Hazard Mitigation Projects Only:

Maintenance Agreement

Applicant certifies that if there is a Maintenance Agreement needed for this facility copy of that agreement will be provided to TDEM.

Environmental Justice Statement

Federal Executive Order 12898 compliance requirements – If there are any concentrations of low income or minority populations in or near the HMGP project:

1. Applicant certifies that the HMGP project result will not result in a disproportionately high or adverse effect on low income or minority populations.

OR

2. Applicant certifies that action will be taken to ensure achievement of environmental justice for low income and minority populations related to this HMGP project.

SCOPE OF WORK – ELGIN BOOSTER PUMP AND CONTROL BUILDING FLOOD MITIGATION PROJECT

Existing Conditions: The City of Elgin Puckett Water Treatment Plant and adjacent ground storage tanks and pump station are located in Zone A of the FEMA flood insurance rate map. Zone A is defined as an approximate 100-year floodplain with no Base Flood Elevations determined. Since these facilities are located in a floodplain, they are susceptible to overland flooding from the adjacent Little Sandy Creek.

The ground storage pump station consist of two water storage tanks (500,000 and 327,000 gallon tanks), six booster pumps located near the center of the ground storage area, and two small utility buildings. One houses the Elgin Oaks Pump control building with associated electrical panels, the other houses the motor control center and the ground storage SCADA system (Supervisory Control and Data Acquisition), which is a remote monitoring and control system.

Given the essential nature of water services, the City of Elgin is applying to the Hazard Mitigation Grant Program to raise and/or move some of these facilities out of the flood zone.

Water treatment facilities are defined as Category III in FEMA publication 543, Category III includes buildings and other structures that represent a substantial hazard to human life in the event of failure.

Problem description and proposed solution: The ground storage booster pump area, electronic monitors, and control panel buildings have been frequently inundated during recent flood events. Two events are being submitted for the Damage Frequency Assessment Module:

The October 22, 2015 to October 31, 2015 flood event: during this event, the water ground storage area was covered with approximately 8 feet of overflow water from Little Sandy Creek. Five of the six booster pump motors were submerged approximately 3 to 5 feet and non-operational. The electrical panels and electronic components inside the Elgin Oaks booster pump station were submerged 5 feet and damaged. This flood event caused a power outage at the ground storage tank pump stations and damage to the pumps. Emergency repairs were performed on the pump stations to return them to service.

The May 26, 2015 flood event: during this event the water treatment plant and adjacent water storage area experienced high velocity overland flooding due to excessive rainfall. Four to five feet of floodwater inundated the area.

Two alternatives to the submerged pumps during flood events were evaluated. The do nothing alternative puts public health and safety at risk during a flood event. The second alternative is to raise the existing pumps and control buildings above the flood zone. Demolition of existing facilities was not considered given the large footprint and prohibitive cost of relocating the entire water treatment plant and adjacent booster pump area. The engineering firm performed a BCA analysis, the results of which are included in this HMGP Application.

The proposed solution is to raise the six booster pump motors and control valves on the discharge piping 8 feet from the existing ground. The pump columns would be extended at the surface and encased in concrete for structural integrity. Platforms to service the pump motors and control valves would be added. The existing Elgin Oaks booster pump station and the Motor Control Building, along

with all electronic components will be relocated to higher ground. Additionally, watertight retrofitting will be provided for control panels and valves remaining in the flood zone.

The flood hazard has been identified in the Hazard Mitigation Plan, Bastrop County, October 2016 in chapter 12 FLOOD, section 12.2, page 12-9. The Hazard Mitigation Plan update is currently in review at TDEM/FEMA.

Level of protection: The proposed Ground Storage Area improvements will provide protection up to the 100-yr event.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH TEXAS DEPARTMENT OF PUBLIC SAFETY FOR HMGP GRANT, DR-4245-015 TO ELEVATE THE PUCKETT WATER TREATMENT PLANT PUMP STATION.

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

The following officers, have been duly elected or appointed to hold office of this City is authorized for and on behalf of this City, to authorize the City Manager to enter into an agreement with the Department of Public Safety to participate in Puckett Water Treatment Plant Pump Station Elevation in the approximate amount of \$1,459,096.

Passed and approved this 6th day of June, 2017.

Chris Cannon, Mayor

Amelia Sanchez, City Secretary



ELGIN CITY COUNCIL MEETING AGENDA ITEM EXECUTIVE SUMMARY

ITEM:

Review and Discussion of Proposed 2017 City of Elgin Five-Year Capital Improvement Plan

DEPARTMENT: Administration

PROPOSED ACTION:

(This item is for discussion only) Review, discussion, and consideration of the proposed 2017 City of Elgin Five-Year Capital Improvement Plan

BACKGROUND:

At last month's Regular Council Meeting, the City Manager presented the 2017 City of Elgin Five-Year Capital Improvement Plan (5YRCP) as proposed by staff for all city departments and operations. The 5YRCP is a comprehensive document describing all currently proposed capital projects for all city departments for each of the next five years ensuing. The goal of the 5YRCP is to not only provide staff with the opportunity to look beyond the standard 12-month governmental funding cycle, it will provide the City Council/administration with information necessary to achieve effective long-term financial planning – while also providing the general public with an outlook on plans for future investment in city facilities and services.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐included ☐not included in the current-year budget ☒N/A

RECOMMENDATION:

No Council action requested or recommended at this time; however, this discussion is intended to provide staff with effective feedback so that the 5YRCP can be modified - if deemed necessary and/or appropriate - to properly reflect Council's goals, objectives, and priorities as it relates to future capital projects.

ATTACHMENTS:

- ☒ 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.