



**ELGIN CITY COUNCIL AGENDA
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
May 5, 2026
6:30 PM**

Members of the public may watch the meeting at:

https://www.youtube.com/channel/UC3OGBV_loV0Nr3AqM1jTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT

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

Speaker comments are limited to three (3) minutes. No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a PUBLIC HEARING will allow a member of the public an opportunity to speak during the Public Hearing and does not require a "PUBLIC COMMENT FORM".

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

VI. ANNOUNCEMENTS

1. **Steve Schroeder's Guide to Financial Planning — Life Insurance 101 Saturday, May 2nd at Elgin Public Library 11am-12pm.**
2. **Friends of Elgin Library Presents Meet the Authors Event on Saturday, May 2nd, at Elgin Public Library 2pm-4pm.**
3. **Elgin Community Health Fair on Saturday, May 23rd, at Elgin Public Library 10am-1pm.**
4. **Elgin Music in the Park - Thomas Family, May 8th at Veteran's Memorial Park Expansion 7pm**
5. **Shop Local Buisnesses - Mother's Day Weekend, Downtown Elgin**

VII. PRESENTATION

1. **National Historic Preservation Month 2026 Proclamation**
2. **57th Annual Municipal Clerks Week 2026 Proclamation**
3. **Public Service Recognition Week 2026 Proclamation**

VIII. CITY MANAGERS REPORT

1. **Board of Adjustment Quarterly Report**
2. **Planning and Zoning Commission Quarterly Report**
3. **Public Safety Advisory Committee Quarterly Report**
4. **Economic Development Corporation Quarterly Report**
5. **Main Street Board Quarterly Report**
6. **Updated Budget Calendar**

IX. NEW BUSINESS

1. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPOSAL FROM KIMLEY-HORN ENGINEERS FOR GRANT WRITING SERVICES FOR 2026 SAFE STREETS AND ROADS FOR AII (SS4A) GRANT FOR THE CITY OF ELGIN, TEXAS, AND MAKING CERTAIN FINDINGS RELATED THERETO. (MICHAEL GONZALEZ - DIRECTER OF PUBLIC WORKS)**

X. EXECUTIVE SESSION

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

1. **The City Council will convene in Executive Session pursuant to Section 551.074 (Personnel Matters) for consultation and deliberation regarding the evaluation, duties, and performance of the City Manager.**

2. The City Council will convene in Executive Session pursuant to Section 551.071 (Consultation with Attorney) for consultation with attorney regarding legal issues and potential agreements involving Emergency Services District No. 3.

XI. RECONVENE

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

XII. ADJOURNMENT

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

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

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

I, Esmeralda Rangel, Assistant City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Wednesday, April 29, 2026, in accordance with Chapter 551 of the Texas Government Code.



Esmeralda Rangel, Assistant City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: National Historic Preservation Month 2026 Proclamation

DEPARTMENT: Executive

PROPOSED ACTION: None.

BACKGROUND:

Proclamation declaring May as National Historic Preservation Month.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

None.

ATTACHMENTS:

1. ITEM 8.2 Proclamation National Historic Preservation Month 2026

- 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.

A PROCLAMATION DECLARING MAY AS NATIONAL HISTORIC PRESERVATION MONTH

WHEREAS, Historic preservation serves as an invaluable tool for communities across the nation. Effectively managing growth and promoting sustainable development while revitalizing neighborhoods and fostering local pride. Safeguarding our historic landmarks and embracing our cultural heritage ensures we maintain the unique character of our communities but also enhances livability for both current and future generations; and,

WHEREAS, the City of Elgin was established in 1872 on the Houston and Texas Central Railroad as a one square mile area around the H&TC Depot and named after Robert Morriss Elgin, the railroad's land commissioner; and,

WHEREAS, Elgin celebrated its Sesquicentennial in 2022 with a year-long series of events and projects, including the creation of Time Capsule Plaza at the library, which serves as a lasting tribute to our city's rich history; and,

WHEREAS, downtown Elgin has a historic district with 14 city blocks of commercial buildings constructed from locally produced brick from 1872 to 1947 which is listed on the National Register of Historic Places; and

WHEREAS, "All People are Created Equal" is the theme for 2026 that celebrates the historic sites, neighborhoods, and landmarks that tell the full American story—places that remind us of how far we've come and how far we still have to go.

NOW, THEREFORE, I, THERESA Y. MCSHAN, Mayor of the City of Elgin, proclaim May 2026 as 'Historic Preservation Awareness Month' and call upon the people of Elgin to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Elgin to be affixed this 5th day of May 2026.

Theresa Y. McShan, Mayor
City of Elgin, Texas



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: 57th Annual Municipal Clerks Week 2026 Proclamation

DEPARTMENT: Executive

PROPOSED ACTION: None.

BACKGROUND:

Proclamation for the 57th Annual Municipal Clerks Week on May 3–9, 2026.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

None.

ATTACHMENTS:

1. ITEM 8.1 Proclamation 57th Annual Municipal Clerks Week May 3-9, 2026

- 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.

**PROCLAMATION FOR THE 57th ANNUAL MUNICIPAL CLERKS WEEK
ON May 3 - 9, 2026**

WHEREAS, the profession of municipal clerks is essential to the effective functioning of local government in Texas, ensuring transparency, accountability, and the smooth operation of municipal services; and,

WHEREAS, the office of municipal clerks is the oldest among public servants; and,

WHEREAS, Texas Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality while serving as the professional link between the citizens, the local governing bodies and agencies of government at other levels; and,

WHEREAS, Texas municipal clerks serve as the official record-keepers, managing vital documents, conducting municipal elections, providing legislative support, and ensuring compliance with laws and regulations in cities across Texas; and,

WHEREAS, municipal clerks demonstrate exceptional dedication, professionalism, and integrity in their work, often going above and beyond to serve their communities and facilitate the effective governance of local governments; and,

WHEREAS, the Texas Municipal Clerks Association (TMCA) represents more than 1,100 municipal clerks who contribute significantly to the success and efficiency of local government throughout the state of Texas; and,

WHEREAS, Municipal Clerks Week provides an opportunity to recognize and celebrate the invaluable work of municipal clerks, acknowledge their vital contributions to public service, and highlight the important role they play in the day-to-day operations of our cities.

NOW, THEREFORE, I, THERESA Y. MCSHAN, proclaim the week of May 3, 2026, as Municipal Clerks Week in the City of Elgin and encourage all residents to recognize the important work of Municipal Clerks and join in celebrating their contributions to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Elgin to be affixed this 5th day of May 2026.

Theresa Y. McShan, Mayor
City of Elgin, Texas



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public Service Recognition Week 2026 Proclamation

DEPARTMENT: Executive

PROPOSED ACTION: None.

BACKGROUND:

Proclamation for Public Service Recognition Week on May 3–9, 2026.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

None.

ATTACHMENTS:

1. Proclamation Public Service Recognition Week 3-9, 2026

- 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.

PROCLAMATION RECOGNIZING MAY 3 – 9, 2026 AS PUBLIC SERVICE RECOGNITION WEEK

WHEREAS, the week of May 3 through May 9, 2026 has been designated as “Public Service Recognition Week” to honor employees of the Federal, State, local governments and members of the uniformed services; and,

WHEREAS, the citizens of Elgin are served each day by public servants at the federal, state, county and city levels; and,

WHEREAS, 133 hard-working, talented people with a variety of certifications, specialty trade backgrounds, training and education are employed by the City of Elgin, Texas; and,

WHEREAS, these individuals provide our community with safe drinking water, wastewater services, police services, utilities, streets, drainage, facilities and grounds maintenance, municipal court, economic development, development services, library, parks and recreation, downtown development, finance, human resources, management, and administration; and,

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and,

WHEREAS, Public Service Recognition Week has been celebrated since 1985 to honor the men and women who serve our nation as government employees.

NOW, THEREFORE, I, THERESA Y. MCSHAN, proclaim the week of May 3 – 9, 2026 as Public Service Recognition Week in the City of Elgin and encourage all residents to commend, recognize, and honor the important work of all public servants during this time and join in celebrating their contributions to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Elgin to be affixed this 5th day of May 2026.

Theresa Y. McShan, Mayor
City of Elgin, Texas



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Board of Adjustment Quarterly Report

DEPARTMENT: Development Services

PROPOSED ACTION: No action is required at this time.

BACKGROUND:

This quarterly report covers February - April 2026 for the Board of Adjustment.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

None.

ATTACHMENTS:

1. BOA Quarterly Report Feb 2026 - April 2026

- 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.



BOARD OF ADJUSTMENT QUARTERLY REPORT

DATE: APRIL 23, 2026

SUMMARY OF ACTIVITIES FROM FEBRUARY 2026 – APRIL 2026

Board Members:

Regan Dumbeck – Chairman, Darren Mogonye – Vice Chairman, Stephen Kylberg, Stephen Finley, Suzannah Desroches, Christina Cotton – Sr. Alternate, Jessica Bega – Jr. Alternate

February 2026

- Activity: No meeting held this month due to no applications being received.
- Attendance: N/A

March 2026

- Activity: No meeting held this month due to no applications being received.
- Attendance: N/A

April 2026

- Activity Report:
 - 1. Induction of Jessica Bega as Junior Alternate.
 - 2. Project #202600019 – a Zoning Variance from Sec. 46-233(3) to reduce rear setbacks to zero feet at 807 N Ave C. Board approved 5-0.
 - 3. Project 202600020 – a Zoning Variance from Sec. 46-265(4) to reduce the minimum lot width to 55' at 409 E 8th St. Board approved 5-0.
- Attendance: Stephen Kylberg and Suzannah DesRoches were absent.

PROPOSED ACTIVITIES FROM MAY 2026 – JULY 2026 MEETINGS

Continue to perform their function as allowed by State law and City Code including items such as appeals, special exceptions, & zoning variances per Chapter 46 of our Code of Ordinances.

RECOMMENDED COUNCIL ACTION

None.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Planning and Zoning Commission Quarterly Report

DEPARTMENT: Development Services

PROPOSED ACTION: No action is required at this time.

BACKGROUND:

This quarterly report covers February–April 2026 for the Planning & Zoning Commission.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

None.

ATTACHMENTS:

1. PZC Quarterly Report Feb 2026 - April 2026

- 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.



PLANNING & ZONING COMMISSION QUARTERLY REPORT

DATE: April 23, 2026

SUMMARY OF ACTIVITIES FROM FEBRUARY 2026 – APRIL 2026

Board Members:

Antonio Prete (Chair), Scott Mackay (Vice-Chair), Danica Morgan, Jennifer Wissmann, Berney Williams, Dorothy McCarther, Taylor Christian

February 2026

- Activity Report:
 - 1. Project #202600003 – Rezoning from R-1 to C-2 at 1512 N Ave C – PZC recommended approval 5-2.
 - 2. Project #202600004 – Rezoning from C-1 to C-2 at 13919 County Line Road – PZC recommended denial 4-3.
 - 3. Project #202500080 – Rezoning from R-1 to C-3 of Silo Ranch at 800 N SH 95 – PZC recommended approval 6-0 (Chair Prete recused.)
- Attendance: All present.

March 2026

- Activity Report:
 - 1. Project #202500104 – Preliminary Plat of Silo Ranch – PZC approved 4-0.
 - 2. Project #202500105 – Final Plat of Silo Ranch Phase 1 – PZC approved 4-0.
- Attendance: Antonio Prete, Berney Williams, and Taylor Christian were absent.

April 2026

- Activity Report:
 - 1. Project #202600013 – Specific Use Permit for a gym at E 1st St and N Ave G – PZC recommended approval 5-0.
 - 2. Project #202600023 – Rezoning from R-2 to C-2 at N MLK Blvd and E 1st St – PZC recommended approval 5-0.
 - 3. Project #202600024 – Specific Use Permit for a skating rink at N MLK Blvd and E 1st St – PZC recommended approval 5-0.
 - 4. Project #202600025 – Rezoning from R-1 to C-3 of back of Silo Ranch at 800 N SH 95 – PZC recommended approval 4-0 (Chair Prete recused.)
- Attendance: Berney Williams and Jennifer Wissmann were absent.



PLANNING & ZONING COMMISSION QUARTERLY REPORT

PROPOSED ACTIVITIES FROM MAY 2026 – JULY 2026 MEETINGS

Continue to perform their function as allowed by State law and City Code including items such as subdivision of land, zoning changes, specific use permits and reviewing amendments to the subdivision, zoning and site development ordinances.

RECOMMENDED COUNCIL ACTION

None.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public Safety Advisory Committee Quarterly Report

DEPARTMENT: Police

PROPOSED ACTION: No action is required at this time.

BACKGROUND:

This quarterly report covers January-April 2026 for the Public Safety Advisory Committee.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. PSAC Quarterly Report Jan-Apr 2026

- 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.



PUBLIC SAFETY ADVISORY COMMITTEE QUARTERLY REPORT

DATE: April 22, 2026

SUMMARY OF ACTIVITIES FROM January 2026 – April 2026

Board Members:

Tim Brooks	Chairperson
Bo Godfrey	VP
Bryce Hatley	
Bradford Holman	
Kayla Petsche	
Susie Rowe	Secretary
Mike Walterscheidt	

January – April 2026 (Committee meets quarterly)

- Meeting: January 22, 2026
- All members present
- Discussion Topics:
 - EPD CALEA Accreditation
 - FY '27 MVCPA Grant Application
 - application process opens March 16th
 - will request personnel, equipment, vehicle, AI software
- New Business:
 - Tim Brooks was nominated as Chairperson
 - Bo Dodfrey nominated as VP
 - Susie Rowe nominated as Secretary
 - Meeting time changed from 6:00pm to 6:30pm
- “Ride-Outs” to be scheduled for members

PROPOSED ACTIVITIES FROM January – April 2026 MEETING

- Community Service Projects: Petsche, Hatley, Brooks: breaking up into different neighborhood patrol group projects.
- Autism month (April): Social Media awareness- FB, Instagram
- Bicycle serial number etching (pending)
- Westwind Neighborhood Watch – EPD can assist but residents must have ownership of the project to be effective.

April 23, 2026 quarterly meeting to be pushed to May 7 due to committee member scheduling difficulties.

RECOMMENDED COUNCIL ACTION - None currently



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Economic Development Corporation Quarterly Report

DEPARTMENT: EDC

PROPOSED ACTION: No action is required at this time.

BACKGROUND:

This quarterly report covers February-April 2026 for the Elgin Economic Development Corporation.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

None.

ATTACHMENTS:

1. EDC Quarterly report 2026

- 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 ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT

DATE: 05/01/2026

SUMMARY OF ACTIVITIES FROM February 2026 – April 2026

Board Members:

Bryan Bracewell, President
Cody Mauck, Vice President
Vicki Dumbeck, Secretary
Sue Brashar, Member
Irina Cortinas, Member
Steven Cutbirth, Member
Chuck Swain, Member

February (Board Retreat) - 2026

- Review of the Elgin 2026 Annual work plan – no action taken.

5 Board Members present, 2 Board Members absent: Bracewell – present, Mauck – present, Dumbeck – absent, Brashar – absent, Cortinas – present, Cutbirth – present, Swain – present.

February (Regular Meeting) - 2026

- Financial Report & Monthly Activity Report provided by EDC Director
- Approval of 2026 slate of officers: Bryan Bracewell as Board President, Cody Mauck as Board Vice President, and Vicki Dumbeck as Board Secretary.
- Discussion to approve a resolution for a real estate contract with Headwater Capital Partners – this item was tabled until the next EDC Board meeting.
- Discussion to approve a Master Lease Agreement with Headwater Capital Partners – this item was tabled until the next EDC Board meeting.
- Approval of an LOI for Elgin Crossing Ventures, LLC.
- Discussion to consider a partnership with Bastrop County Economic Development Partnership – no action taken.

5 Board Members present, 2 Board Members absent: Bracewell – present, Mauck – present, Dumbeck – absent, Brashar – absent, Cortinas – present, Cutbirth – present, Swain – present.



ELGIN ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT

March - 2026

- No Board meeting was held in March 2026.

April – 2026

- Financial Report & Monthly Activity Report provided by EDC Director
- Reviewed the 2026 EDC Board goals from the Board Retreat.
- Approval of a Business Enhancement Grant in the amount of \$19,675 for Jackson Soul.
- Approval of a Business Enhancement Grant in the amount of \$20,000 for CureFast Urgent Care.
- Approval of a Business Enhancement Grant in the amount of \$20,000 for Sykes Industries, LLC.
- Discussion to amend the Business Enhancement Grant guidelines – no action taken.
- Discussion regarding potential acquisition of property interests – no action taken.
- Approval of a Resolution for a Purchase and Sale Agreement with Downstream Interests, LLC, for the purchase of property located at Elgin Business Park III, LOT 13 & 14.
- Approval of a Master Lease Agreement with Downstream Interests, LLC, for the construction of a speculative building on approximately 11 acres in Elgin Business Park III.

6 Board Members present, 1 Board Members absent: Bracewell – present, Mauck – present, Dumbeck – present, Brashar – absent, Cortinas – present, Cutbirth – present, Swain – present

PROPOSED ACTIVITIES FROM MAY 2026 - JULY 2026 MEETINGS

- Business Retention software implementation.
- Marketing videos completed and distributed.
- Finalize agreement for 10-Acres in Elgin Business Park.
- Infrastructure expansion to assist projects that will benefit the community.
- Continued negotiations and support for upcoming healthcare projects



**ELGIN ECONOMIC DEVELOPMENT CORPORATION
QUARTERLY REPORT**

BUDGET UPDATE (only for EDC)

Sales Tax Revenue		
February	\$ 141,829.00	
March	\$ 107,257.00	
April	\$ 109,258.00	

Notable Expenses		
		Notes
CARTS	\$10,000.00	Workforce transportation- non-profit request
City of Elgin	\$7,500.00	Downtown 78621 Magazine Sponsorship
Linden Welsch - 107 N Main	\$20,000.00	City Wide Business Enhancement Grant
Margarito Palacios	\$600.00	Landscaping in Elgin Business Park
SHE Women in Business	\$2,500.00	International Women’s Day Table Sponsorship
BGE, Inc.	\$13,125.00	Wastewater Utility Improvements
HEJL & Schroeder, P.C.	\$500.00	Legal Services
Films from the Range, Inc.	\$5,665.00	Marketing videos production
Elgin Chamber of Commerce	\$2,000.00	2026 Western Days Sponsorship
Nichols, Jackson, Dillard, Hager	\$1,210.00	PSA Legal Services

RECOMMENDED COUNCIL ACTION

No action is recommended at this time. We look forward to collaborating during upcoming strategic planning sessions with the EDC and City Council to ensure our economic development visions remain aligned.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Main Street Board Quarterly Report

DEPARTMENT: Community Services

PROPOSED ACTION: No action is required at this time.

BACKGROUND:

This quarterly report covers October-December 2025 for the Main Street Board.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

None.

ATTACHMENTS:

1. MSB Quarterly Reports Jan 2026-Mar 2026

- 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.

MAIN STREET BOARD QUARTERLY REPORT

DATE: April 21, 2026

SUMMARY OF ACTIVITIES FROM October 2025 – December 2025

The January through March 2026 reporting period reflects continued momentum in downtown revitalization through public art initiatives, expanded tourism programming, and strong volunteer engagement. Key efforts included advancement of the Crosswalk of Unity and Art Alley projects, development of a five-year strategic vision plan, and continued growth of Explore Elgin programming, including Farm Tours and the MLK Walk.

Elgin also gained increased visibility through multiple film productions, reinforcing its position as a film-friendly community. Ongoing planning for major events and continued volunteer support position downtown Elgin for sustained economic and cultural growth.

Board Members:

Krista Marx, Sarah Gudenkauf, Jake Carter, Ashley Dahlke, Skie O’Mahoney, Michelle Nicholson, Erin Riley, Amber de la Rosa, Mercathea Hughes

January 2026

Activity Report:

- Finalization of end-of-year reporting, including investment metrics and volunteer hours (1,318 total volunteer hours = to \$45k, recorded for the Main Street program in 2025) representing a significant contribution to downtown revitalization efforts.
- Finalization of materials and data collection for state quarterly reporting and national Main Street accreditation submission.
- Hosted the MLK Walk, bringing the community together for a meaningful annual rotating event that promotes civic engagement and cultural reflection. The next scheduled walk in Elgin will occur in January 2029.
- Continued progress on the Crosswalk of Unity project, including crosswalk signage and initiation of sidewalk stencil elements.
- Ongoing planning for 2026 downtown programming, including Music in the Park and Hogeys Festival.

Attendance by Board Members at Meeting(s): Ashley Dahlke, Jake Carter, Erin Riley, Amber de la Rosa, and Krista Marx



MAIN STREET BOARD QUARTERLY REPORT

February 2026

Activity Report:

- Design Committee coordination on public art initiatives, including Art Alley planning and mural development.
- Future public art projects, including a mural near US 290 and FM 1704, and painting the cistern at US 290 and Highway 95 toward Bastrop.
- Continued implementation of the Crosswalk of Unity, including installation of crosswalk signage and initiation of sidewalk stencil elements.
- Began coordination with Jackson Soul regarding a new downtown location.
- Discussion of needed restoration work for the Black Icons mural.
- Attended the Texas Historical Commission “Spark” Workshop hosted by Taylor Main Street.
- Promotion of Explore Elgin events and coordination of arts and culture activities.
- Conducted Main Street Board Retreat, resulting in a five-year vision plan prioritizing key community enhancements, including:
 - Completion of the Dog Park, Pavilion, and Skate Park at Veterans’ Memorial Park
 - Development of a walking trail along Central Avenue to H-E-B
 - Creation of a safe pedestrian crossing at Avenue C & Highway 95 toward Taylor to better connect new development to downtown

Attendance by Board Members at Meeting(s): Sarah Gudenkauf, Jake Carter, Erin Riley, Krista Marx, and Mercathea Hughes.

March 2026

Activity Report:

- Advancement of state designations, including efforts to obtain Texas Music Friendly and Tourism Friendly designation through the Governor’s Office.
- Support of multiple film productions, including a commercial and feature film shoot, reinforcing Elgin’s designation as a film-friendly community.



MAIN STREET BOARD QUARTERLY REPORT

- Implementation of Explore Elgin Farm Tours as part of the year-long Explore Elgin celebration, highlighting local agriculture and rural tourism assets.
- Preparation for presentation at the Real Places Conference, with staff and volunteer coordinator developing a session focused on volunteer recruitment and retention.
- Participation in Y Texas, partnering with the EDC to promote Elgin and support economic development outreach.
- Promotion and Tourism Committee meeting to coordinate marketing efforts, including Explore Elgin events and arts programming.
- Development of funding priorities and proposal concepts for EDC support related to promotion and tourism initiatives.
- Continued advancement of the Art Alley project, including site preparation, materials procurement, and installation coordination.
- Ongoing design work for downtown murals and public art installations.
- Planning and coordination for the Music in the Park concert series launching in April.

Attendance by Board Members at Meeting(s): No meeting - staff missed posting deadline.

PROPOSED ACTIVITIES FROM APRIL 2026 – JUNE 2026 MEETINGS

- Continue implementation of public art initiatives, including Art Alley installation and approved mural projects.
- Participation in the Real Places Conference, including presentation on volunteer coordination and program capacity.
- Attendance at the Main Street Now Conference to support national program engagement, training, and best practice implementation.
- Continue planning and execution of downtown promotions and events, including preparation for Art Studio Tours, Dinner on Depot, and the Hogeye Festival.
- Provide City Council with information to consider expansion of the no-parking waiver within the Downtown Overlay District and evaluate potential expansion of the Main Street district boundary into areas identified for future commercial growth, (excluding the Historic District), as part of their upcoming strategic planning discussions.

RECOMMENDED COUNCIL ACTION

No action requested at this time.





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Updated Budget Calendar

DEPARTMENT: Finance

PROPOSED ACTION: This item is for review and discussion only; no formal action is necessary.

BACKGROUND:

The FY2027 Budget Calendar outlines the timeline and key milestones for developing, reviewing, and approving the annual operating and capital budgets. It guides departments through budget preparation and submission, followed by finance review, leadership discussions, and revisions to align with organizational priorities. The process concludes with executive review and final approval to ensure the budget is in place before the start of the fiscal year.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

This item is for review and discussion only; no formal action is necessary.

ATTACHMENTS:

1. FY 2027 Budget Calendar Council (v2) 05-05-2027

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

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

Month/Dates	Event	Action
April		
April 27th	Finance	Begin preparing budgetary fund schedules and revenue forecasts
(Beginning) April 27th - mid May	Finance & Dept Heads	Budget work sessions with dept heads to discuss policy direction, operations, program changes and personnel requests
	CM/Finance/Dept Heads	CIP discussions begin with staff
May		
May 1st	City Staff	Kickoff to Public Service Appreciation Week (May 4th - 8th)
May 4th	Finance/HR	Personnel budget and forecasting process initiated
May 5th	City Council Regular Meeting	
May 11th - May 22nd	Finance & Dept Heads	Finalize departmental requests for program and personnel changes, and CIP inclusion
May 12th	City Council Special Meeting	Canvas Elections
May 19th	City Council Regular Meeting	TBD - FY 2026 Budget Ammendment - Mid Year
		Introduction of New Employees
May 25th - 29th	Robert, Beau, Michael and Pam	Review and consider departmental 5YR CIP requests
		Review and consider program change requests and straight-line budget projections
		Discussion of proposed document layout
June		
June 1st	City Council Regular Meeting	Presentation of potential CIP, Discussion of city council ranking and goals (Beau to lead discussion)
June 16th	City Council Regular Meeting	Discussion of CIP needs/wants (Beau to lead discussion)
		Final Budget Calendar presented and workshop goals for city council members
July		
TBD	City Council & Staff	Strategic Planning Meetings
July 6th - 31st	CM & Finance	Budget balancing sessions
July 7th	City Council Regular Meeting	Set Budget Workshop Dates (Finance)
		Service Awards (HR)
July 14th	City Council Budget Workshop	City Council CIP Discussions
July 7th - 21st	CM & HR & Finance	Present draft budget to staff and discussion of upcoming changes and expectations for FY 2027
July 21st	City Council Regular Meeting	CM and Public Works Director: Presentation of Proposed CIP Plan
		Finance Dept: Qtr 3 Reports
July 25th	Finance	Truth in Taxation: Property tax values and potential tax rates
July 28th	City Council Budget Workshop	Discussions on budget and tax rate, review tax rolls received

August

August 4th	City Council Regular Meeting	Present, review and discuss Proposed FY 2027 Budget
		City Council to set dates for public hearing on Tax Rate
August 5th	City Secretary & Finance	Publish Notices of: General Budget Summary, No-new-revenue Property Tax Rate & Voter-approval Calculation & 1st Public Hearing on Tax Rate and Budget
August 11th	City Council Budget Workshop	Work Session on Proposed Budget and discussion
August 18th	City Council Regular Meeting	Present final budget revisions based on discussions
August 25th (TBD)	City Council Budget Workshop	Work Session on Proposed Budget and discussion
August 26th	City Secretary & Finance	Agenda posting for Budget and Tax Rate Hearings

September

September 1st	City Council Regular Meeting	Resolution adopting CIP
		1st Public Hearing on Proposed Tax Rate and Budget
		1st Reading of Appropriations Ordinance Adopting Annual Budget and Tax rate
September 8th (TBD)	City Council Budget Workshop	Work Session on Proposed Budget and discussion
September 15th	City Council Regular Meeting	2nd Public Hearing on Proposed Tax Rate and Budget
		2nd Reading of Appropriations Ordinance Adopting Annual Budget and Tax rate
		Final Adoption of FY 2027 Annual Budget (Deadline established by Charter is at least 3 days before fiscal year end)
September 30th	Finance	Begin preparing final adopted budget document



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPOSAL FROM KIMLEY-HORN ENGINEERS FOR GRANT WRITING SERVICES FOR 2026 SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT FOR THE CITY OF ELGIN, TEXAS, AND MAKING CERTAIN FINDINGS RELATED THERETO. (MICHAEL GONZALEZ - DIRECTOR OF PUBLIC WORKS)

DEPARTMENT: Public Works

PROPOSED ACTION: Review the proposal and consider approval.

BACKGROUND:

The Safe Streets and Roads for All (SS4A) Program is a major federal grant initiative aimed at reducing traffic fatalities and serious injuries—part of the broader Vision Zero approach. There are two main ways to apply for funding. A planning grant or a implementation grant. Through this process we are proposing doing both studies at the same time. This effort would be focused on County Line Road Phase III and its connection to FM1100. This grant opportunity is meant in part to demonstrate that the staff is exploring every opportunity to address a serious concern about the middle section of County Line Rd. as it connects with FM1100.

SS4A in 2025, Texas was mostly used for three things:

1. Safety planning (most common) – counties like Travis built formal “Vision Zero” plans about \$2M
2. Targeted engineering upgrades – Williamson County got major infrastructure improvements about \$20M
3. Early-stage redesign projects – cities like Houston used related funding to begin fixing dangerous corridors

Staff is presenting this opportunity as a means for County Line Rd. Phase III. It is important to note that City staff have coordinated with The Texas Department of Transportation and we are aware of TxDOTs intention to have this portion funded as a CAMPO grant. In talks with TxDOT they have advised the City to explore all means of funding and any supporting documentation for the project would be appreciated.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {X} not included in the current-year budget {} N/A
As stated in the letter of agreement, this would be an investment of \$40,000 refunded only if the grant is successful.

RECOMMENDATION:

Staff believes this is a viable option to seek funding for County Line Road Phase III, but we also want to be sure the council is fully advised of the risk within this grant.

ATTACHMENTS:

1. RESOLUTION Kimly Horn Grant writingl 2025-02-18-XX
2. CityofElgin_SS4A_LetterAgreement

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

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

RESOLUTION NO. 2026-05-05-XX

A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPOSAL FROM KIMLEY HORN ENGINEERS FOR GRANT WRITING SERVICES FOR 2026 SAFE STREETS AND ROADS FOR All (SS4A) GRANT FOR THE CITY OF ELGIN, TEXAS, AND MAKING CERTAIN FINDINGS RELATED THERETO.

WHEREAS, the Safe Streets and Roads for All (SS4A) Grant Program established under the Infrastructure Investment and Jobs Act provides funding to support initiatives to prevent roadway deaths and serious injuries; and,

WHEREAS, The City of Elgin is committed to improving roadway safety for all users, including motorists, pedestrians, bicyclists, and transit users; and,

WHEREAS, The City of Elgin leadership seek to develop and/or implement a comprehensive Safety Action Plan consistent with the SS4A program requirements; and,

WHEREAS, City of Elgin Staff are considering all opportunities and funding possibilities for improvements on certain roadways and streets in Elgin; and,

WHEREAS, this proposal for grant writing services is now presented to the council for consideration.

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

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

Section 2. Authorization. The City Manager or Mayor is hereby authorized to execute a proposal for grant writing services in the amount of the proposal attached and identified as Exhibit A. “**2026 Safe Streets and Roads for All (SS4A) Application for City of Elgin, Texas**” copied verbatim herein.

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

Section 4. Funding for this item is included in Developer contributions to the County Line Road Fund.

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

PASSED AND ADOPTED this 5th day of May 2026.

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ESMERALDA RANGEL, Assistant City Secretary



April 22, 2026

Michael Gonzales
Public Works Director
City of Elgin
310 North Main Street
Elgin, TX 78621
Michael.Gonzalez@elgintexas.gov

Re: Letter Agreement for Professional Services for
2026 Safe Streets and Roads for All (SS4A) Application for City of Elgin, Texas

Dear Mr. Michael Gonzales,

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) submits this Letter Agreement (“Agreement”) to City of Elgin (“City” or “Client”) for providing services related to the application preparation for the 2026 Safe Streets and Roads for All (SS4A) for the City of Elgin, Texas. This proposal is to support the City to prepare one application package for the 2026 SS4A (“Project”). Our scope of services, schedule, and fee are presented below.

Project Understanding

Kimley-Horn will provide grant writing services to assist the City with preparation for the upcoming U.S. Department of Transportation (USDOT) – 2026 Safe Streets and Roads for All (SS4A) Application package for a planning and/or implementation project identified by the City. The application has already opened with specific details and will be due May 26, 2026.

Scope of Services

Kimley-Horn will provide the services specifically set forth below.

Task 1 – Preparation of 2026 Safe Streets and Roads for All Implementation Grant Application (Hourly, Not to Exceed)

Kimley Horn will assist the client in the preparation of the SS4A Implementation Grant application for submission to the USDOT.

The following project management tasks will be performed:

- Schedule and Coordination: KH will develop a project schedule focused on the grant submittal deadline (May 26th) and coordinate with the Client to ensure that important milestones are met.
- Meetings: KH will facilitate and attend a virtual kickoff meeting with the Client to discuss priorities, data needs, and overall grant application strategy. KH will coordinate and attend up to two (2) virtual meetings after the kickoff meeting with the Client leading up to the application deadline, if needed.

The following subtasks will be performed:

- Evaluate available crash data from TxDOT.
- Evaluate applicable data from the 2020 Census for the City of Elgin and the priority County

Line Road corridor

- Evaluate count of motor vehicle involved roadway fatalities and the average annual fatality rate from the Fatality and Injury Reporting System Tool
- Evaluate available data from the Underserved Communities portal.
- Prepare and submit draft application (up to 12 pages) for the client to review.
- Address client's comments and submit application to City of Elgin.
- Address USDOT comments (if any) and resubmit to City of Elgin.

The following items will be included in the grant application to City of Elgin:

- Completed SF Forms (424, 424C, 424D, LLL)
- Key Information Table highlighting population, applicable crash data, fatality rate, underserved communities' population, and estimated project cost.
- Project Narrative including the elements listed below:
 - Overview
 - Location
 - Response to Merit Criteria (Safety Need, Safety Impact, Implementation Costs, and Engagement and Collaboration)
 - Project Readiness
- Map and spatial file highlighting the boundaries and roadway network within the subject area.
- Budget summary and high-level overview estimating planning, design, and development activity costs associated with the improvements.
- Self Certification Eligibility worksheet
- Appendix (as needed) to show provided letters of support or any other miscellaneous supporting documentation.

Task 2 – Preparation of 2026 Safe Streets and Roads for All Planning Grant Application (Hourly, Not to Exceed)

Kimley Horn will assist the client in the preparation of the SS4A Planning Grant application for submission to the USDOT.

Associated planning project management tasks are completed as part of task 1.

The following subtasks will be performed:

- Prepare and submit draft application (up to 2 pages) for the client to review.
- Address client's comments and submit application to City of Elgin.
- Address USDOT comments (if any) and resubmit to City of Elgin.

Additional data evaluation pertaining to the 2020 Census, roadway fatalities and annual fatality rate, and underserved communities is completed as part of task 1.

The following items will be included in the grant application to City of Elgin:

- Completed SF Forms (424A, 424B)
 - Forms 424 and LLL are completed as part of task 1
- Key Information Table is completed as part of task 1
- Project Narrative including the elements listed below:
 - Description of proposed activities
 - Response to Merit Criteria (Safety Context, Safety Impact, and Underserved Communities)

- Map and spatial file highlighting the boundaries and roadway network within the subject area is completed as part of task 1.
- Budget summary and high-level overview summarizing funding sources and amount towards each eligible activity
- Self Certification Eligibility worksheet is completed as part of task 1

Notes and Assumptions

KH scope and fee are based on the following:

1. The City of Elgin shall support KH in a timely manner to collect any necessary data to support the successful submission of the application. These requested items can include but not limited to crash reports, GIS maps, crash heat maps, setup of federal unique entity identifier, coordination with USDOT not permitted by consultant, and requested letters of support.
2. Fees are to perform each task one time with one round of comment resolutions. Additional revisions to address Jurisdictional review comments will be made on an hourly basis.
3. KH services do not include site observations or traffic counts, site investigation, survey, or additional meetings; however, these services can be provided as an Additional Service.
4. Services that are not specified under Scope of Services, including any additional meetings requested by the Client, will be provided as additional services when requested and authorized in writing by the Client. Compensation for additional services will be on a time and materials basis and billed according to KH's latest standard rate schedule.
5. Submission of this application does not guarantee acceptance of application from USDOT.
6. KH services do not include coordination with any other outside agencies, other than City of Elgin and USDOT.

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at Kimley-Horn's then-current hourly rates.

Information Provided By Client

Kimley-Horn shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following: water master plan, capital improvement maps, GIS of water system, and project priority lists.

Schedule

Kimley-Horn will perform the services with the goal of meeting a mutually agreed schedule and plan for submission on or prior to the USDOT submittal deadline date set for May 26, 2026. To meet this schedule, the City shall provide Kimley-Horn the Notice to Proceed (NTP) no later than May 6, 2026. Kimley-Horn shall not have liability for or deemed in breach because of delays caused by any factors outside of its reasonable control, consisting of but not limited to acts of the City, natural disasters, adverse weather, third parties, or governmental agencies. Kimley-Horn will perform the services as expeditiously as practicable with the goal of meeting a mutually agreed upon schedule.

Fee and Expenses

Kimley-Horn will perform the services in Task 1 and 2 for the total lump sum labor fee below. Individual task amounts are informational only. In addition to the lump sum labor fee, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.15 times cost. All permitting, application, and similar project fees will be paid directly by the Client.

Task Number & Name		Fee	Type
1	2026 SS4A Implementation Application Preparation	\$37,000.00	Lump Sum
2	2026 SS4A Planning Application Preparation	\$3,000.00	Lump Sum
Total		\$40,000.00	

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Kimley-Horn" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to City of Elgin.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in a PDF. We can also provide a paper copy via regular mail if requested. Please include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

_____ Please email all invoices to _____

_____ Please copy _____

To proceed with the services, please have an authorized person sign this Agreement below. We will commence services only after we have received a fully-executed agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

To ensure proper set up of your projects so that we can get started, please complete and return with the signed copy of this Agreement the attached Request for Information. Failure to supply this information could result in delay in starting work on this project.

We appreciate the opportunity to provide these services. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

KIMLEY-HORN AND ASSOCIATES, INC.

Signed: 

Signed: 

Printed Name: Trey Neal, PE

Printed Name: Elizabeth Wagner, PE

Title: Senior Vice President

Title: Project Manager

CITY OF ELGIN

SIGNED: _____

PRINTED NAME: _____

TITLE: _____

DATE: _____

Client's Federal Tax ID: _____

Client's Business License No.: _____

Client's Street Address: _____

Attachment – Standard Provisions

KIMLEY-HORN AND ASSOCIATES, INC.
STANDARD PROVISIONS

- 1) **Kimley-Horn's Scope of Services and Additional Services.** Kimley-Horn will perform only the services specifically described in this Agreement ("Services"). Any services that are not set forth in the scope of Services described herein will constitute additional services ("Additional Services"). If requested by the Client and agreed to by Kimley-Horn, Kimley-Horn will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay Kimley-Horn for any Additional Services an amount based upon Kimley-Horn's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.
- 2) **Client's Responsibilities.** In addition to other responsibilities herein or imposed by law, the Client shall:
 - a. Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.
 - b. Provide all information and criteria as to the Client's requirements, objectives, and expectations for the project and all standards of development, design, or construction.
 - c. Provide Kimley-Horn all available studies, plans, or other documents pertaining to the project, such as surveys, engineering data, environmental information, etc., all of which Kimley-Horn may rely upon.
 - d. Arrange for access to the site and other property as required for Kimley-Horn to provide its services.
 - e. Review all documents or reports presented by Kimley-Horn and communicate decisions pertaining thereto within a reasonable time so as not to delay Kimley-Horn.
 - f. Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary.
 - g. Obtain any independent accounting, legal, insurance, cost estimating, and feasibility services required by Client.
 - h. Give prompt written notice to Kimley-Horn whenever the Client becomes aware of any development that affects Kimley-Horn's services or any defect or noncompliance in any aspect of the project.
- 3) **Period of Services.** Unless otherwise stated herein, Kimley-Horn will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that Kimley-Horn does not control. If such delay or suspension extends for more than six months, Kimley-Horn's compensation shall be renegotiated.
- 4) **Method of Payment.** Client shall pay Kimley-Horn as follows:
 - a. Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by Kimley-Horn and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the maximum rate allowed by law. If the Client fails to make any payment due under this or any other agreement within 30 days after Kimley-Horn's transmittal of its invoice, Kimley-Horn may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid.
 - b. The Client will remit all payments electronically to:
 - Account Name: KIMLEY-HORN AND ASSOCIATES, INC.
 - Bank Name and Address: WELLS FARGO BANK, N.A., SAN FRANCISCO, CA 94104
 - Account Number: 2073089159554
 - ABA#: 121000248
 - c. The Client will send the project number, invoice number and other remittance information by e-mail to payments@kimley-horn.com at the time of payment.
 - d. If the Client relies on payment or proceeds from a third party to pay Kimley-Horn and Client does not pay Kimley-Horn's invoice within 60 days of receipt, Kimley-Horn may communicate directly with such third party to secure payment.
 - e. If the Client objects to an invoice, it must advise Kimley-Horn in writing giving its reasons within 14 days of receipt of the invoice or the Client's objections will be waived, and the invoice shall conclusively be deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due.

- f. If Kimley-Horn initiates legal proceedings to collect payment, it shall recover, in addition to all amounts due, its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at Kimley-Horn's normal hourly billing rates, of the time devoted to such proceedings by its employees.
 - g. The Client agrees that the payment to Kimley-Horn is not subject to any contingency or condition. Kimley-Horn may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of Kimley-Horn to collect additional amounts from the Client.
- 5) **Use of Deliverables.** All documents, data, and other deliverables prepared by Kimley-Horn are related exclusively to the services described in this Agreement and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of this project or on any other project. Any modifications by the Client to any of Kimley-Horn's deliverables, or any reuse of the deliverables without written authorization by Kimley-Horn will be at the Client's sole risk and without liability to Kimley-Horn, and the Client shall indemnify, defend and hold Kimley-Horn harmless from all claims, damages, losses and expenses, including but not limited to attorneys' fees, resulting therefrom. Kimley-Horn's electronic files and source code remain the property of Kimley-Horn and shall be provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the deliverables prepared by Kimley-Horn, the hardcopy shall govern.
- 6) **Intellectual Property.** Kimley-Horn may use or develop its proprietary software, patents, copyrights, trademarks, trade secrets, and other intellectual property owned by Kimley-Horn or its affiliates ("Intellectual Property") in the performance of this Agreement. Intellectual Property, for purposes of this section, does not include deliverables specifically created for Client pursuant to the Agreement and use of such deliverables is governed by section 5 of this Agreement. Unless explicitly agreed to in writing by both parties to the contrary, Kimley-Horn maintains all interest in and ownership of its Intellectual Property and conveys no interest, ownership, license to use, or any other rights in the Intellectual Property to Client. Any enhancements of Intellectual Property made during the performance of this Agreement are solely owned by Kimley-Horn and its affiliates. If Kimley-Horn's services include providing Client with access to or a license for Kimley-Horn's (or its affiliates') proprietary software or technology, Client agrees to the terms of the Software License Agreement set forth at <https://www.kimley-horn.com/khts-software-license-agreement> ("the License Agreement") which terms are incorporated herein by reference.
- 7) **Opinions of Cost.** Because Kimley-Horn does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. Kimley-Horn cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Kimley-Horn's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.
- 8) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days' written notice for the convenience of the terminating party. Kimley-Horn shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by Kimley-Horn as a result of such termination.
- 9) **Standard of Care.** The standard of care applicable to Kimley-Horn's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by Kimley-Horn's performance of services, and it is agreed that Kimley-Horn is not a fiduciary with respect to the Client.
- 10) **LIMITATION OF LIABILITY.** IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO THE CLIENT AND KIMLEY-HORN, THE RISKS ARE ALLOCATED SUCH THAT, TO THE FULLEST EXTENT ALLOWED BY LAW, AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS

AGREEMENT OR THE EXISTENCE OF APPLICABLE INSURANCE COVERAGE, THAT THE TOTAL LIABILITY, IN THE AGGREGATE, OF KIMLEY-HORN AND KIMLEY-HORN'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS TO THE CLIENT OR TO ANYONE CLAIMING BY, THROUGH OR UNDER THE CLIENT, FOR ANY AND ALL CLAIMS, LOSSES, COSTS, ATTORNEYS' FEES (INCLUDING ATTORNEYS' FEES OTHERWISE RECOVERABLE UNDER TEX. CIV. PRAC. & REM. CODE § 38.001), OR DAMAGES WHATSOEVER ARISING OUT OF OR IN ANY WAY RELATED TO THE SERVICES UNDER THIS AGREEMENT FROM ANY CAUSES, INCLUDING BUT NOT LIMITED TO, THE NEGLIGENCE, PROFESSIONAL ERRORS OR OMISSIONS, STRICT LIABILITY OR BREACH OF CONTRACT OR ANY WARRANTY, EXPRESS OR IMPLIED, OF KIMLEY-HORN OR KIMLEY-HORN'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS, SHALL NOT EXCEED TWICE THE TOTAL COMPENSATION RECEIVED BY KIMLEY-HORN UNDER THIS AGREEMENT OR \$50,000, WHICHEVER IS GREATER. HIGHER LIMITS OF LIABILITY MAY BE NEGOTIATED FOR ADDITIONAL FEE. THIS SECTION IS INTENDED SOLELY TO LIMIT THE REMEDIES AVAILABLE TO THE CLIENT OR THOSE CLAIMING BY OR THROUGH THE CLIENT, AND NOTHING IN THIS SECTION SHALL REQUIRE THE CLIENT TO INDEMNIFY KIMLEY-HORN.

- 11) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.
- 12) **Construction Costs.** Under no circumstances shall Kimley-Horn be liable for extra costs or other consequences due to changed or unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Kimley-Horn shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before Kimley-Horn has issued final, fully approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.
- 13) **Certifications.** All requests for Kimley-Horn to execute certificates, lender consents, or other third-party reliance letters must be submitted to Kimley-Horn at least 14 days prior to the requested date of execution. Kimley-Horn shall not be required to execute certificates, consents, or third-party reliance letters that are inaccurate, that relate to facts of which Kimley-Horn does not have actual knowledge, or that would cause Kimley-Horn to violate applicable rules of professional responsibility.
- 14) **Dispute Resolution.** All claims arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action by Client must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.
- 15) **Hazardous Substances and Conditions.** Kimley-Horn shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Kimley-Horn's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. Kimley-Horn will notify the Client of unanticipated hazardous substances or conditions of which Kimley-Horn actually becomes aware. Kimley-Horn may stop affected portions of its services until the hazardous substance or condition is eliminated.
- 16) **Construction Phase Services.**
 - a. If Kimley-Horn prepares construction documents and Kimley-Horn is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against Kimley-Horn in any way connected thereto.
 - b. Kimley-Horn shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, equipment maintenance and inspection, sequence, schedule, safety programs, or safety practices, nor shall Kimley-Horn have any authority or responsibility to stop or direct the work of any contractor. Kimley-Horn's visits will be for the purpose of observing construction and reporting to the Client whether the contractors' work generally conforms to the construction documents prepared by Kimley-Horn. Kimley-Horn neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.
 - c. Kimley-Horn is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and Kimley-Horn for all claims and liability arising out of job site accidents; and that the

Client and Kimley-Horn shall be made additional insureds under the contractor's general liability insurance policy.

- 17) **No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and Kimley-Horn, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and Kimley-Horn. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Kimley-Horn, without the written consent of Kimley-Horn. Kimley-Horn reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If Kimley-Horn exercises this right, Kimley-Horn will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.
- 18) **Confidentiality.** The Client consents to the use and dissemination by Kimley-Horn of photographs of the project and to the use by Kimley-Horn of facts, data and information obtained by Kimley-Horn in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, Kimley-Horn shall use reasonable care to maintain the confidentiality of that material.
- 19) **Miscellaneous Provisions.** This Agreement is to be governed by the law of the State of Texas. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements, or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by Kimley-Horn. If Client requires Kimley-Horn to register with or use an online vendor portal for payment or any other purpose, any terms included in the registration or use of the online vendor portal that are inconsistent or in addition to these terms shall be void and shall have no effect on Kimley-Horn or this Agreement. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.