



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 20, 2018
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING

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. PRESENTATION

1. Introduction Of New City Employees - Elgin Police Department

- Chris Noble
- Jason Hetrick

Documents:

[NEW EMPLOYEES FOR EPD.DOC](#)

VIII. CITY MANAGERS REPORT

1. Review And Discussion Of Determining City Policy And/Or Response To Requests For Traffic Calming Devices And/Or Efforts In Residential Areas

Documents:

[EXSUMMARY - SPEED HUMPS.PDF](#)

2. General Activity Report And/Or Project Update

Update on code enforcement status - 215 Central Avenue

Documents:

[EXSUMMARY - GENERAL ACTIVITY REPORT.PDF](#)

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.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

- 1. An Ordinance Of The City Council Of The City Of Elgin, Texas, Amending Chapter 26, Revised Code Of Ordinances Of The City Of Elgin, Texas (2013 Edition); Creating The Office Of The City Marshal; Repealing Conflicting Ordinances And Resolutions; Including A Severability Clause; And Establishing An Effective Date.**

Documents:

[EXECUTIVE SUMMARY AGENDA ITEM MARSHALS.PDF](#)
[ORD CITY MARSHAL \(03.15.2018\) \(002\).PDF](#)
[MOU.PDF](#)
[MARSHAL JOB DESCRIPTION.PDF](#)

- 2. Consideration Of Establishing A Municipal Court Security Committee And Possible Appointments Thereto**

Documents:

[EXSUMMARY - COURT COMMITTEE.PDF](#)

- 3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ELGIN ECONOMIC DEVELOPMENT CORPORATION MEMORIALIZING THE FINANCING PLAN FOR ACQUISITION AND POSSIBLE DISBURSEMENT OF THE HIDDEN OAKS HIGHWAY 290 PROPERTY AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EXSUMMARY - EDC MOU.PDF](#)
[RESOEDCMOU318.PDF](#)
[EDCMOU31218.PDF](#)

XII. 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.

XIII. RECONVENE

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

XIV. ANNOUNCEMENTS

XV. ADJOURMENT

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)229-3222. 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 Friday, March 16, 2018, in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Introduction of new City employees

DEPARTMENT: Police Department

PROPOSED ACTION: None

BACKGROUND: Chris Noble, hired as the Lieutenant for the PD. Jason Hetrick, hired as new Officer for the PD.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: None

ATTACHMENTS: None

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and discussion of determining city policy and/or response to requests for traffic calming devices and/or efforts in residential areas

DEPARTMENT: City Manager/Mayor Pro-Tem Gonzalez

PROPOSED ACTION:

No Council action proposed or requested; This item is to allow for a general and broadly-based policy discussion of the appropriate response to requests by citizens and/or property owners for traffic calming devices in residential areas.

BACKGROUND:

This item is to provide an opportunity for City Council discussion as to the desired overall policy regarding requests for traffic calming devices in residential areas (aka “speed humps”) – and related matters. This general topic has come up periodically since the City installed its first speed humps in 2016. Since that time, however, it has been unclear to staff exactly how requests for additional speed humps in other areas/neighborhoods are to be handled – How should such a request be made? Is a petition required? Who should be signing the petition? Are we even interested in building more speed bumps? How will they be paid for? Are the requesting property owners expected to contribute financially? What review/analysis of such requests is expected of the staff? – etc.

After our recent discussion on this matter, Mayor Pro-Tem Gonzalez asked that this discussion-only item be placed on the agenda to hopefully gain mutual clarity on these issues amongst Council and staff.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Review and discussion as described above; and direction to staff, if any, as appropriate.

ATTACHMENTS:

None.

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

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

BACKGROUND:

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

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: An Ordinance of the City Council of the City of Elgin, Texas, amending Chapter 26, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition); creating the Office of the City Marshal; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date.

DEPARTMENT: Municipal Court

PROPOSED ACTION:

Consideration, discussion and possible action on approving the creation of the position of City Marshal under the direction of the Municipal Court.

BACKGROUND: In numerous cities in the State of Texas, a City Marshal program exists to provide greater, more efficient security for the court and assist the police in getting warrants and subpoenas served. Difficulties in recent years of the Elgin Police Department to maintain a full complement of Officers has resulted in a reduced number of manhours available to work warrants. This lack of manpower has contributed to a backlog of outstanding warrants that needs to be addressed. With additional manpower provided by a Marshal program, an accelerated level of serving warrants should generate sufficient revenue for the program to become self-sufficient. Efficiency of police work would also be enhanced by reducing reliance on Police Officers to perform routine tasks that the Marshal's would perform. A focused and more comprehensive effort on clearing outstanding warrants by the Marshal's should, in the long run, improve compliance with traffic laws by lowering the possibility of offenders being able to avoid prosecution due to inaction on pending warrants.

BUDGET/FINANCIAL IMPACT:

Funding for this program nor an authorized position was included in the current-year budget, however, revenue generated through this program should more than offset the cost. An adjustment to the appropriate line items in the budget will be included in the budget amendment expected to be proposed in May.

RECOMMENDATION: Staff recommends the Council adopt the Ordinance as presented.

ATTACHMENTS: 1. Ordinance to authorize establishment of the Marshall program and create the position of City Marshall. 2. A copy of an MOU to formalize the distribution of shared resources and reporting relationships between the Court and Police Department and 3. A Job Description of the position of City Marshall.

Staff will provide brief comments and answer questions on this item at 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 of the City Council of the City of Elgin, Texas, amending Chapter 26, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition); creating the Office of the City Marshal; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date.

Whereas, the City of Elgin ("City") has determined that a need exists to create a City Marshal position within the structure of the Municipal Court of Elgin to assist the Municipal Court in its operations; and

Whereas, State law requires that the office of City Marshal be created by ordinance; and

Whereas, public notice of such hearing was accomplished in accordance with State Law.

Now, therefore, be it ordained by the City Council of the City of Elgin, Texas, that:

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2. That Chapter 26, Article I, Section 1, Revised Code of Ordinances of the City of Elgin, Texas (2013 Edition), is hereby amended by adding the following Section 26-1:

Sec. 26-1. City Marshals.

(a) Creation and qualifications.

- (1) The positions of city marshal and deputy city marshal for the Municipal Court of Elgin, Texas are hereby created. Hereafter within this section 26-1, the term "city marshal" or "city marshals" shall mean the city marshal and deputy city marshals. The city marshal shall be certified as a Licensed Peace Officer by the Texas Commission on Law Enforcement Officer Standards and Education. The city marshal shall not be a "police officer" as that term is defined in Chapter 143 or Chapter 174, Texas Local Government Code. There may be more than one city marshal employed at any time.
- (2) The position of deputy city marshal trainee for the Municipal Court of Elgin, Texas is hereby created. There may be more than one deputy city marshal trainee employed at any time. The deputy city marshal trainee shall not be a "police officer" as that term is defined in Chapter 143 or Chapter 174, Texas Local Government Code. Hereafter within this section 26-1, the term "trainee" shall mean the deputy city marshal trainee. The trainee will have one year from employment as trainee to obtain certification as a Licensed Peace Officer by the Texas Commission on Law Enforcement Officer Standards and Education. Upon such certification within one year, the trainee will be classified as a

deputy city marshal. If the trainee does not obtain such certification within the one-year period because the certification classes were not offered within the city limits within the one-year period, then such individual may, at the discretion of the municipal court administrator, be granted an extension to enroll in classes necessary to obtain such certification. The length of the extension shall be determined by the municipal court administrator. A trainee who does not obtain such certification within the one-year period will cease to be employed as a trainee unless an extension has been granted in accordance with this section. A trainee who does not obtain such certification within an extension period will cease to be employed as a trainee.

- (b) *Supervision.* The municipal court administrator shall supervise the city marshals and trainees.
- (c) *Duties and jurisdiction of city marshals.* The duties of the city marshals are strictly limited as follows:
 - (1) To execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court, within the city limits;
 - (2) To execute other warrants of arrest, subpoenas and legal process as determined by the municipal court clerk or deputy court clerk;
 - (3) To serve as court bailiffs in the municipal court; and
 - (4) To perform such duties as assigned by the municipal court administrator.

The city marshals shall perform all assigned duties acting under the direction of the municipal court administrator and in accordance with written guidelines developed by the municipal court administrator. However, the city marshals shall perform court bailiff duties acting under the direction of the municipal court judges. The city marshals shall not be assigned the duties which are presently assigned to the police department of the city.

- (d) *Duties of trainees.* The duties of the trainees are strictly limited as follows:
 - (1) To serve as court bailiffs in the municipal court; and
 - (2) To perform such duties as assigned by the municipal court administrator.

The trainees shall perform all assigned duties acting under the direction of the municipal court administrator and in accordance with written guidelines developed by the municipal court administrator. However, the trainees shall perform court bailiff duties acting under the direction of the municipal court judges. The trainees shall not wear the trainee uniform off-duty. The trainees shall not be assigned the duties which are presently assigned to the police department of the city.

- (e) *Authority.* The city marshals shall be certified by the State of Texas as peace officers. The city marshals shall have police authority only when exercising their assigned duties within the city limits. The city marshals shall have no off-duty police authority. The trainees shall have no police authority.

- (f) *Civil service status.* The city marshals and trainees are not members of the police department of the city and shall not be subject to the provisions of Chapter 143 or Chapter 174 of the Texas Local Government Code. If any court of competent jurisdiction should determine that the position of city marshal or trainee is subject to Chapter 143 or Chapter 174 of the Texas Local Government Code or to any other statute governing civil service or collective bargaining, then such position is automatically abolished on the date any such opinion becomes final and non-appealable, and this section shall automatically be null and void on said date.

Section 3. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect.

Section 4. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective in accordance with the provisions of state law and the City Charter of the City of Elgin.

APPROVED and ADOPTED on First Reading on the ____ day of _____, 2018.

THE CITY OF ELGIN:

ATTEST:

Chris Cannon
Mayor

Amelia Sanchez
City Secretary

APPROVED AS TO FORM:

Charlie Crossfield
City Attorney

CITY OF ELGIN, TEXAS

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding

Between

Elgin Police Department

&

Elgin Municipal Court

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the Elgin Police Department and the Elgin Municipal Court to provide assistance from the Elgin Police Department to the Elgin Municipal Court as it relates to the Elgin City Marshals Office.

Background

The Elgin City Marshals Office shall require assistance from the Elgin Police Department for the use of the County Jail, the Elgin Police Department's Evidence Room and the Elgin Police Department's Communication Facility.

Purpose

This MOU will affirm our mutual understanding, agreement, cooperation and support of both the Elgin City Marshals Office and The Elgin Police Department.

As the chief administrators of both the Elgin Municipal Court and the Elgin Police Department, we understand the mutual benefit of the existing facilities at 202 Depot St., Elgin, Bastrop County, Texas which are mission critical in law enforcement operations utilizing best practices and procedures identified as:

County Jail. The Elgin City Marshals office will utilize the Bastrop County Jail for those persons that are placed under arrest. City Marshals will follow all procedures as set forth by the Chief Administrator of the Elgin City Police Department.

City of Elgin Police Department Evidence Room. The City of Elgin Police Department agrees that the Elgin City Marshals Office may utilize the evidence room for the purpose of storing evidence collected from any criminal investigations that are conducted by the city Marshals. The City Marshals agree to be responsible for the packaging and labeling of all evidence collected. All property and evidence that is found by, seized by, or relinquished to the City Marshals in the course of their duties shall follow all procedures as set forth by the Chief Administrator of the Elgin City Police department.

City of Elgin Police Department Communications Facility. It is further agreed that the Elgin City Marshals Office shall direct all communications through the Elgin City Police Department Communications Facility. Such communications include, but are not limited to, the ability to confirm warrants through the Elgin City Police Department Communications facility. All communications through radios and MDT's shall comply with procedures set forth by the chief Administrator of the Elgin City Police Department.

Funding

This MOU is not a commitment of funds by either the Elgin City Police Department or the Elgin City Marshals Office.

Duration

This MOU is at-will and may be modified by mutual consent of the Chief Administrators from the City of Elgin Police department and the City of Elgin Municipal Court. This MOU shall become Effective upon signature by the chief administrators from the Elgin City Police Department and the Elgin City Municipal Court and will remain in effect until modified or terminated by any one of the partners by mutual consent.

Patrick South, City of Elgin Police Department, Chief of Police

Date

Yadira Duque, City of Elgin Municipal Court Administrator

Date

Reports to: **Court Administrator**

Department: **Municipal Court**

Department Head Approval: **Yadira Duque**

Date:

JOB SUMMARY:

Executes warrants of arrest, subpoenas and other legal process issuing out of the Municipal Court at the direction of the Municipal Court Administrator.

ESSENTIAL FUNCTIONS:

1. Apprehend, arrest and maintain the safety, security and custody of offenders and individuals sought on arrest warrants and other court orders issued by the City of Elgin.
2. Researches names, addresses and places of work for wanted persons to locate them for arrest.
3. Transport offenders to jail, court, medical facilities, and other designated locations as required by law.
4. Assists with court operations as needed (act as bailiff, etc.)
5. Files arrest, incident and other reports as required.
6. Remains current with all training and licenses required by the State or City for the position
7. Become familiar with and serves civil process as required by Municipal Court.
8. Uses problem solving skills, creativity, and innovative approaches to identify concerns, present options for courses of action, identify resources, plan for implementation of desired changes and evaluate success.
9. Coordinates information and resources among other department employees, public and private agencies and citizens regarding problems and solutions.
10. Demonstrates and maintain the ability to communicate effectively, both orally and in writing.
11. Demonstrates and maintains the ability to analyze situations and adopt a quick, effective and reasonable course of action. This includes the ability to remain calm, composed, undistracted and in full control of cognitive abilities while functioning appropriately in hostile, dangerous or fearful situations that require force, up to and including deadly force.
12. Maintains rational, cognitive decision-making abilities and self-control in situations or environments that may be personally offensive or which involve considerable stress, danger, personally risk, violence or hostility. This includes the ability to exercise restraint when verbally or physically provoked.
13. Demonstrates and maintains the ability to lift, drag, push or pull people or objects, and the ability to use restraining devices and hands/feet for self-defense.
14. Maintains state required proficiency with a firearm and all other T.C.O.L.E. mandated annual training.
15. Demonstrates and maintains the ability to walk, run, jump or dodge obstacles, climb stairs, fences and ladders in pursuit of fleeing suspects.
16. Conducts him/herself in accordance with high ethical standards, both on and off duty.
17. Maintains and acceptable level of competence, professionalism, and ability to ensure duties are performed as outlined in this job description.
18. Efficiently manages work time to accomplish assigned goals.
19. Performs other related duties as directed by competent authority.
20. Prepares statistical reports as required by the Court Administrator.

QUALIFICATIONS:

1. Must be a US Citizen

2. Must be a licensed peace officer in the State of Texas and hold a Master or Advanced Peace officer proficiency certification.
3. Must be current with all state required training.
4. Must have high school diploma or GED.
5. No pending disciplinary actions or open investigations.
6. Must have never been convicted OR have been on court-related community supervision or probation for any offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years.
7. Must have never have been convicted of or given deferred judgement for any family violence offense.
8. Must have a valid and current Class "C" driver's license.
9. Must be able to pass physical, literacy and psychological examinations
10. Must be able to work efficiently in the field without direct supervision.
11. Vision must be at least 20/100 in each eye correctable to 20/20. Normal color and peripheral vision.
12. Must be able to successfully pass a hearing test.
13. If applicant has military service, discharge must be listed as honorable.

PHYSICAL REQUIREMENTS:

1. Must be able to lift, drag, push, pull or carry people or objects in excess of 200 pounds.
2. Must be able to walk, run, jump or dodge obstacles, climb stairs, fences and ladders in pursuit of fleeing suspects.

NOTE: the above statements are intended to describe the general nature and level of work being performed by the person assigned to this job, they are not intended to be an exhaustive list of all responsibilities, duties, skills and physical demands required of personnel classified.

APPLICANT: Are you capable of performing in a reasonable manner the activities involved in the job or application for which you have applied? Yes / No _____

Signature

Date



Elgin City Council Meeting Agenda Item Executive Summary

ITEM:

Consideration of establishing a Municipal Court Security Committee and possible appointments thereto

DEPARTMENT: Municipal Court

PROPOSED ACTION:

Consider creation of a Municipal Court Security Committee as mandated by la S.B. 42.

BACKGROUND:

Proper security and decorum in the Municipal Court are necessary for the administration of justice and for the protection of Court personnel and the public. Regardless of the level of offense, hearings can be emotionally charged, and decorum must be maintained.

SB42, which became effective last September, requires the Municipal Court to create and maintain a Security Committee chaired by the Presiding Judge. The Committee is meant to establish policies and procedures necessary to provide adequate court security. In addition to the Presiding Judge, the committee is required to include a representative of the of the agency or entity that provides primary security for the court, a representative of the city, and any other person that the committee determines will be of assistance.

The Court Security committee may include (but is not necessarily limited to): The Presiding Judge, Court Administrator, Bailiff, Chief, Mayor, City Manager and Councilmembers.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consider establishing a Municipal Court Security Committee and possible appointments thereto; and other direction to staff, if any, regarding same

ATTACHMENTS:

None

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ELGIN ECONOMIC DEVELOPMENT CORPORATION MEMORIALIZING THE FINANCING PLAN FOR ACQUISITION AND POSSIBLE DISBURSEMENT OF THE HIDDEN OAKS HIGHWAY 290 PROPERTY AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION:

Approval of the Memorandum of Understanding with the City of Elgin the City of Elgin Economic Development Corporation (EDC).

BACKGROUND:

The City and EDC previously agreed upon a partnership to acquire a certain a tract of land containing 60+/- acres also known as the *Hidden Oaks Highway 290 Property*, to enhance and support general economic development and growth opportunities. Some of this property has already been designated for the new Seton Project. To memorialize for the record the primary elements of the previously agreed-upon financing plan and working agreement between the City and the EDC as it relates to such property, the City Manager has now proposed a Memorandum of Understanding ("MOU").

As part of their meeting on March 6, the City of Elgin Economic Development Corporation Board of Directors reviewed the proposed MOU and has now unanimously endorsed it as presented.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Resolution and Memorandum of Understanding as presented.

ATTACHMENTS:

Resolution

Memorandum of Understanding

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
AUTHORIZING THE MAYOR AND CITY MANAGER TO
EXECUTE A MEMORANDUM OF UNDERSTANDING WITH
THE CITY OF ELGIN ECONOMIC DEVELOPMENT
CORPORATION MEMORIALIZING THE FINANCING PLAN
FOR ACQUISITION AND POSSIBLE DISBURSEMENT OF THE
HIDDEN OAKS HIGHWAY 290 PROPERTY AND MAKING
CERTAIN FINDINGS RELATED THERETO**

WHEREAS, the City of Elgin and the City of Elgin Economic Development Corporation (the “EDC”) are committed to working together to foster economic growth within the city and support the development of projects and services that best serve the interests of Elgin residents and property owners; and,

WHEREAS, the City of Elgin and the EDC previously agreed upon a partnership to acquire a certain tract of land containing 60+/- acres also known as the *Hidden Oaks Highway 290 Property* for authorized purposes; and,

WHEREAS, the City Manager has now proposed a Memorandum of Understanding (“MOU”) to memorialize the primary elements of the previously agreed-upon financing plan and working agreement between the City and the EDC regarding said property; and,

WHEREAS, the City of Elgin Economic Development Corporation Board of Directors has unanimously agreed upon and recommended the MOU as presented.

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

Section 1. The above recitals are true and correct; and that the City Council does hereby authorize and approve the Memorandum of Understanding as presented by the City Manager, a copy of said MOU being attached hereto and made part of this Resolution as if copied verbatim therein.

Section 2. Future Budget Amendment. Through the approval of this Resolution, the City Council does hereby acknowledge and agree that this item was not specifically included or approved within the *FY2017-18 City of Elgin Annual Operating Budget*; and that, if necessary, said budget will be amended at a future date to formally appropriate funds for this item.

Section 3. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 20th day of March, 2018

CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



City of Elgin Office of the City Manager

City Hall • 310 North Main Street • P.O. Box 591
Elgin, Texas 78621

MEMORANDUM OF UNDERSTANDING

by and between

THE CITY OF ELGIN

and

THE CITY OF ELGIN ECONOMIC DEVELOPMENT CORPORATION

March 15, 2018

The purpose of this Memorandum of Understanding (“MOU”) is to memorialize the primary elements of a working agreement between the City of Elgin (the “City”) and the City of Elgin Economic Development Corporation (the “EDC”), a non-profit corporation created by the City and organized pursuant to Section 4A of the Development Corporation Act of 1979, in furtherance of the acquisition, development, and/or sale of certain real property as described herein and in support of general economic development within the Elgin community.

This MOU is provided to formally clarify for the record the general terms of a financing partnership and on-going working relationship between the City and the EDC.

Background

Last year, the City and EDC approved a partnership agreement to purchase a tract of land containing 60+/- acres also known as the *Hidden Oaks Highway 290 Property* (Exhibit A) for a total purchase price of approximately \$3.997M.

The acquisition of this property demonstrates the City and EDC’s commitment to foster economic growth within the city and to support the development of projects and services that best serve the interests of Elgin residents and property owners. The acquisition of the *Hidden Oaks Highway 290 Property* also created contiguity with an additional 80+/- acre tract acquired by the City many years prior - creating 140-acre tract of land with frontage on Hwy290 and a rail line that will be attractive to a variety of private development opportunities (the “Property”).

Simultaneous to this acquisition, city staff initiated negotiations with the Seton Healthcare Family/Ascension Texas (“Seton”) on a project to construct and operate a health care facility in exchange for the City and EDC providing land and certain public infrastructure improvements.

Development Agreement – Seton/Ascension

City staff and Seton representatives have now approved a Development Agreement defining certain terms, conditions, and economic development incentives that will be provided by the City and EDC in exchange for the construction of a multi-faceted medical services facility that will be located on the Property; and owned and operated by the Seton Healthcare Network. One of the primary incentives being provided to Seton under this agreement is the conveyance of approximately thirty-five (35) acres of land within the Property, initially free of charge.

Both the Elgin City Council and the EDC Board of Directors voted their unanimous support for this Project and the Development Agreement as presented.

Financing

The mutually agreed-upon financing plan for acquisition of the *Hidden Oaks Highway 290 Property* contemplated the possible combination of various city resources including, but not limited to long-term and short-term financing, bond proceeds, EDC funds, and/or cash reserves.

To complete this acquisition, the City and EDC ultimately utilized a combination of available cash reserves and the partial funding of eligible expenditures from the City's 2016 Certificates of Obligation. It was the intent of both the City and EDC, however, that such funding was to be temporary; and that anticipated proceeds from future land sales from the Property in the near future will be utilized to fully reimburse both the City and EDC for these costs.

Of the total \$3.997M purchase price, approximately \$2.997M was provided by the City and \$1.0M by the EDC. As proceeds are realized from future land sales within the Property as described above, the City shall be reimbursed first, the entire amount of its investment, with the EDC being reimbursed only after the City has been reimbursed the total amount of its initial investment.

Proceeds from Future Land Sales

In any and all circumstances (unless expressly agreed to otherwise by the City Council), all proceeds from the sale or lease of any and all property by the EDC within the entire 140 acres as described herein shall be first utilized to repay all costs associated with the purchase of the *Hidden Oaks Highway 290 Property*. Only at such time as the entire \$3.997M is repaid to the City and EDC respectively shall any proceeds from future land sales within the Property be eligible for other use.

After all proper reimbursements associated with the original purchase of the Property are made, proceeds from all subsequent land sales and/or leases from the Property will be retained and utilized by the EDC for authorized purposes.

Future Development Projects

One of the primary objectives for this investment in the Property is to create opportunities for the City and EDC to exercise greater control over the future development of said land. It is the expressed desire of both the City and EDC to encourage and/or secure private development projects within the Property that will (a) create enhanced resources supporting local government, (b) provide jobs and services desired by the Elgin community and (c) develop the property in a way that is aesthetically pleasing and a quality addition to the City of Elgin.

To that end, the EDC will not sell, lease, or complete any transaction affecting use of the land without the EDC Board of Directors first reviewing and approving a development plan for any such property. Said development plan shall include, but not be limited to, a site plan and elevation drawings clearly depicting construction plans for the property.

Subsequent to review and approval of any development plan associated with the proposed sale or lease of land within the Property, such plan will then be submitted to the City Council for their consideration. The EDC will not sell, lease, or complete any transaction affecting land within the Property without first receiving approval of such development plan by the City Council.

Timely Development

It is also the expressed desire of both the City and EDC to support active development of the Property as soon as practicable. As such, all land sold or leased within the Property shall be subject to a claw back provision, requiring the new owner or lessee to commence construction on the approved development plan within six (6) months of closing; and to be open to the public for business no later than eighteen (18) months after closing (unless otherwise expressly agreed to by the City Council and EDC Board of Directors) or be subject to return of the land to the City/EDC for the original purchase price.

This MOU shall take effect upon the execution of all parties hereto, as evidenced by the date of execution set forth below under each signature.

CITY OF ELGIN:

Chris Cannon
Mayor
Date:

Thomas L. Mattis
City Manager
Date:

CITY OF ELGIN ECONOMIC DEVELOPMENT CORPORATION:

Jeff Carter
President
Date:

Owen Rock
Director, Elgin Economic
Development Corporation
Date: