



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, DECEMBER 4, 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

1. **Public Hearing - AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO**

Receive and consider comments from the public regarding the proposed Ordinance listed above

Documents:

[EXSUMMARY - PUBLIC HEARING COUNCIL COMPENSATION.PDF](#)
[ORD COUNCILPAY103118.PDF](#)

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. **Presentation Of New Parks And Recreation Employees**

- Elizabeth Marzec
- Rodney Jarmon

Documents:

[EXSUMMARY - NEW PARK EMPLOYEES.PDF](#)

2. **Award Presentation For The Elgin Downtown Zoning Overlay From The Texas Downtown Association.**

Documents:

[EXECUTIVE SUMMARY TDA AWARD.PDF](#)
[2018 TDA AWARD WINNERSELGIN.PDF](#)

VIII. CITY MANAGERS REPORT

1. **(Discussion Only) Appointment/Re-Appointment Of Members To Committees/Commissions With Expiring Terms.**

- Board of Adjustments
- Building Standards Commission
- Economic Development Corporation
- Historic Review Board
- Library Advisory Board
- Elgin Main Street Board
- Planning and Zoning Commission
- Parks and Recreation Advisory Board
- Public Safety Advisory Committee

Documents:

[EXSUMMARY APPOINTMENTS.PDF](#)
[MEMO BOARDS AND COMMISSIONS LIST TO COUNCIL.PDF](#)

ORD2017-10-10-19 RULES AND PROCEDURES FOR BOARDS AND COMMISSIONS.PDF
MICA ERWIN.PDF
JEFFREY SCHOBEE APPLICATION FOR COMMUNITY BOARDS.PDF
KRISTA MARX.PDF
CYNTHIA BURCHFIELD.PDF
DEBORAH WRIGHT.PDF

2. Review And Discussion Of City Council Meeting Schedule Through January

Documents:

[EXSUMMARY - MEETING SCHEDULE.PDF](#)

3. Consider Appointing A Steering Committee To Develop A Historic Preservation Strategic Plan.

Documents:

[EXECUTIVE SUMMARY HISTORIC PRESERVATION STRATEGIC PLAN STEERING COMMITTEE.PDF](#)
[HISTORIC PRESERVATION STRATEGIC PLAN - PLAN 11-20-18.PDF](#)

4. Departmental Monthly Reports - October

Documents:

[EXSUMMARY SUMMARY REPORTS - OCTOBER.PDF](#)
[COMMUNITY DEVELOPMENT NOVEMBER 2018.PDF](#)
[LIBRARY REPORT-OCTOBER 2018.PDF](#)
[MAIN STREET REPORT - NOVEMBER.PDF](#)
[OCA REPORT OCT 2018.PDF](#)
[OCTOBER 2018 PLANNING MONTHLY REPORT.PDF](#)
[PARKS REPORT OCTOBER 2018.PDF](#)
[PUBLIC WORKS OCTOBER 2018 REPORT.PDF](#)
[UTILITY BILLING OCTOBER 2018.PDF](#)
[WATER UTILITIES REPORT - OCTOBER.PDF](#)
[POLICE MONTHLY REPORT - OCT 2018.PDF](#)

5. General Activity Report And/Or Project Update

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.

1. Consider Waiving The Open Container Ordinance On Main Street From Lexington Road To Brenham Street; And On 2nd Street, First Street, Depot Street, Central Avenue, Austin Street, Brenham Street From Main Street To Avenue C; And On Avenue C From Brenham Street To 2nd Street On 2nd Thursdays January 10, February 14, March 14, April 11, May 9, June 13, July 11, August 8, September 12, October 10, November 14, December 12 From 5pm To 8pm For Sip Shop And Stroll.

Documents:

[EXECUTIVE SUMMARY SIP SHOP STROLL.PDF](#)
[BUSINESS PARTICIPATING 11-08-18.PDF](#)

2. City Council Meeting Minutes - November 6, 2018

Documents:

[EXSUMMARY SHEET MINUTES.PDF](#)
[CITY COUNCIL MEETING 11-6-18.PDF](#)

X. NEW BUSINESS

1. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO

Documents:

[EXSUMMARY - COUNCIL COMPENSATION.PDF](#)
[ORD COUNCILPAY103118.PDF](#)

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS EVIDENCING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF DEBT, AND MAKING CERTAIN FINDINGS RELATED THERETO

Documents:

[EXSUMMARY - DEBT REIMBURSEMENT.PDF](#)
[RESOREIMBURSE1218.PDF](#)

3. (Discussion Only) AN ORDINANCE ESTABLISHING AND REGULATING A TRUCK TRAFFIC ROUTE WITHIN THE CITY OF ELGIN, TEXAS; PROHIBITING TRUCK TRAFFIC ON LOOP 109/MAIN STREET; PROVIDING PENALTIES FOR THE VIOLATION THEREOF BY A FINE OF NOT

MORE THAN \$500; AND PROVIDING FINDINGS OF FACT; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

Documents:

[EX SUMMARY - OVERSIZED TRUCKS2.PDF](#)
[MEMOVERSIZEDTRUCKS102518.PDF](#)

4. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS RESCINDING ANY PREVIOUS ORDINANCE, RESOLUTION, ORDER, OR DECREE THAT AUTHORIZED THE TAXATION OF FREEPORT GOODS AND GRANTING A FREEPORT TAX EXEMPTION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

Documents:

[EXSUMMARY FOR COUNCIL.PDF](#)
[FREEPORT ORDINANCE FOR CITY.PDF](#)

5. **A Resolution Of The City Council Of The City Of Elgin, Texas, Authorizing The Selection And Award Of A Contract For The Construction Of The 2018 Utility Improvements Project (TxCDBG Contract No. 7218012) To Blackrock Construction Texas, LLC Dba BRCT, LLC; And Authorizing The City Manager And/Or The Mayor To Act As The City's Executive Officer And Authorized Representative To Execute The Contract.**

Documents:

[2018 UTILITY IMPROVEMENTS PROJECT EXECUTIVE SUMMARY.PDF](#)
[RESOLUTION 2018 UTILITY IMPROVEMENTS PROJECT.PDF](#)
[UTILITIESFORNURSINGHOME - MAP.PDF](#)
[BID AWARD RECOMMENDATION.PDF](#)

6. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH LLOYD GOSSELINK ROCHELLE & TOWNSEND OF AUSTIN, TEXAS FOR LEGAL SERVICES RELATING TO THE CITY'S PROTEST OF THE LOWER COLORADO RIVER AUTHORITY PUMPING PERMIT APPLICATION BEFORE THE LOST PINES GROUNDWATER CONSERVATION DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS**

Documents:

[EXSUMMARY - LLOYD GOSS.PDF](#)
[RESAUTHLGRT1218.PDF](#)
[LG ENGAGEMENT LETTER -.PDF](#)

XI. EXECUTIVE SESSION

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

XII. RECONVENE

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

XIII. ANNOUNCEMENTS

XIV. ADJOURNMENT

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, November 30, 2018, in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public Hearing on the proposed ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Council

PROPOSED ACTION:

No Council action related to this specific agenda item; This item is to allow for public comments on the proposed Ordinance adjusting compensation levels for the Mayor and City Councilmembers.

BACKGROUND:

Discussed at previous meetings; As part of the recent deliberations related to the FY18-19 Annual Budget, a question was raised as to whether consideration should be given to the possible adjustment of the compensation levels provided to the City's elected officials.

Currently, the Mayor receives a monthly stipend of \$75 per month or \$900 per year; while each City Councilmember receives \$50 per month/\$600 per year. The proposal being discussed would increase the monthly stipend for Mayor to \$250 per month or \$3,000 per year; and the Councilmember monthly stipend would increase to \$150 per month/\$1,800 per year.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: N/A

ATTACHMENTS:

Ordinance

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

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

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO

WHEREAS, the Elgin City Charter, Article IV, Section 6 provides for “Expense Reimbursement” for the Mayor and members of City Council as follows: “Members of the council shall receive per diem for each month they serve on the council as established by ordinance. The council shall, as well, be entitled to reimbursement for all other expenses incurred in the performance of their official duties upon approval of the mayor.”; and,

WHEREAS, Texas Local Government Code, V.T.C.S.A., Section 141.004 also provides that: “The governing body of a Home Rule municipality may set the amount of compensation for each officer of the municipality.”; and,

WHEREAS, the Mayor and City Council have sufficiently reviewed and considered the terms and conditions under which they receive compensation, and have determined that compensation for the Mayor and members of Council should be adjusted to be more in line with the increased scope of duties and responsibilities of a legislative body working in a dynamic and increasingly complex environment.

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

Section 1. Findings. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

Section 2. Expense Reimbursement Per Diem. The City Council hereby establishes the expense reimbursement per diem for Mayor and City Council Members as follows:

- (1) a monthly stipend for the Mayor is set at \$250.00 (Two Hundred Fifty Dollars) per month
- (2) a monthly stipend for the members of City Council is set at \$150.00 (One Hundred Fifty Dollars) per month

Section 3. Additional Expense Reimbursement. The Mayor and members of the City Council may also be reimbursed for all other direct expenses incurred in performance of their official duties consistent with policies and procedures as established for all city employees.

Section 4. Implementation Schedule. The City Manager is hereby directed to take necessary administrative actions to initiate the expense reimbursement monthly stipend as described herein as of the first pay period in June, 2019.

Section 5. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 6. Severability. The provisions of this Ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable, and that all said remaining provisions shall continue in full force and effect.

Section 7. 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 Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance 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 8. Effective Date. This Ordinance shall take effect immediately from and after its passage.

PASSED AND ADOPTED this ____th day of _____ 2018

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Introduction of New Employees for the Parks and Recreation Department

DEPARTMENT: Parks and Recreation Department

PROPOSED ACTION: None

BACKGROUND:

The Parks Department has onboarded two employees in October to fill existing positions. Elizabeth Marzec is the new Program Manager; her duties include scheduling and staffing park programs for the community and overseeing pool operations. Rodney Jarmon is our new Facilities Maintenance Technician; his responsibilities include maintenance of all City buildings both routine and repairs.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { X } 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: Award presentation for the Elgin Downtown Zoning Overlay from the Texas Downtown Association.

DEPARTMENT: Community Development

PROPOSED ACTION: Accept award for the Elgin Downtown Zoning Overlay from the Texas Downtown Association.

BACKGROUND: The Elgin Downtown Zoning Overlay was named winner of the **Best Economic Game Changer category in the Annual TDA Presidents Awards**. The Texas Downtown Association (TDA) sponsors the annual program to recognize outstanding projects, places, and people of Texas. The Elgin Downtown Zoning Overlay allows for greater mixed-use activity in the downtown district. A targeted walkable zone on Main Street from 2nd to Central Avenue and associated side streets Depot Street and Central Avenue can have 50 percent commercial use in the front and 50 percent residential use in the rear. The surrounding area can have 100% residential. The overall area allows uses such as food processing, brewery, winery, cabinet making, metal smithing, and other light manufacturing/industrial uses. From July 1, 2016 to June 30, 2018 five buildings were fully restored placing 18,600 sq. ft in full occupancy with businesses such as Hatcreek Provisions, a pickle food processing company, two restaurants, Double R Hat House, a hat shaper, The Clever Tiger Art Studio and Gallery and three loft apartments. The value of the buildings restorations is approximately \$1,500,000. In addition, nineteen businesses opened in the district in previously underutilized or vacant space. One hundred and eleven entries were submitted in eleven different categories from communities across the state

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Accept award.

ATTACHMENTS:

- { } 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.



Winners announced for the 2018 Texas Downtown Association President's Awards Program

The Elgin Downtown Zoning Overlay was named winner of the **Best Economic Game Changer category**. The Texas Downtown Association (TDA) sponsors the annual program to recognize outstanding projects, places, and people of Texas.

The Elgin Downtown Zoning Overlay allows for greater mixed-use activity in the downtown district. A targeted walkable zone on Main Street from 2nd to Central Avenue and associated side streets Depot Street and Central Avenue can have 50 percent commercial use in the front and 50 percent residential use in the rear. The surrounding area can have 100% residential. The overall area allows uses such as food processing, brewery, winery, cabinet making, metal smithing, and other light manufacturing/industrial uses.

From July 1, 2016 to June 30, 2018 five buildings were fully restored placing 18,600 sq. ft in full occupancy with businesses such as Hatcreek Provisions, a pickle food processing company, two restaurants, Double R Hat House, a hat shaper, The Clever Tiger Art Studio and Gallery and three loft apartments. The value of the buildings restorations is approximately \$1,500,000. In addition, nineteen businesses opened in the district in previously underutilized or vacant space. One a fabric screen printing company from Austin benefitted from the zoning overlay and purchased two buildings totaling 5,000 sq ft. This is an investment that most likely would not have occurred without the overlay due to the uncertainty of the special use permit. Other new businesses included a statewide business association previously located in Austin, businesses that were on Hwy 290, other commercial areas of the community, and in Manor.

TDA was established in 1985 to connect and serve communities that are committed to downtown vitality. The organization is an independent, statewide nonprofit that represents cities and towns of all sizes, economic development corporations, chambers of commerce, local organizations, small businesses, and individuals.

Ed Rivers, Main Street Board President and a lifelong Elgin resident said "The zoning overlay increased the options for property owners and businesses to invest in downtown. I am very proud of the fashion in which downtown Elgin is evolving."

One hundred and eleven entries were submitted in eleven different categories from communities across the state. Judges reviewed entries online and then met in person to make their final selection of award finalists and winners. The panel included: Britin Bostick, Stewardship Strategies; Ken Johnson, Michael Hsu Office of Architecture; Julie Kunkle, Austin Monthly; Lisa O'Neill, Breakaway Public Relations; and David Teel, Texas Tourism Industry Association.

Winners were announced on November 7 at the Awards Gala held in conjunction with the 2018 Texas Downtown Conference in Corpus Christi. For more information about the President's Awards or other



programs of the Texas Downtown Association, please visit www.texasdowntown.org. Applications for the 2019 awards program will open in the spring.

For more information contact:

Amy Miller
City of Elgin, Elgin Main Street Program
amiller@ci.elgin.tx.us
512-801-5748

Catherine Sak
Texas Downtown Association
catherine@texasdowntown.org
512-472-7832



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Discussion and possible action to appoint/re-appoint members to Committees/Commissions/Boards with expiring terms.

DEPARTMENT: Administration

PROPOSED ACTION: Consideration of possible appointments or re-appointments to the Board of Adjustments, Building Standards Commission, Economic Development Corporation, Historic Review Board, Library Advisory Board, Main Street Board, Planning & Zoning Commission, and the Parks and Recreation Advisory Board.

BACKGROUND: As per Ordinance 2017-10-10-19 establishing new policies and procedures regarding appointments and appointees to the various City commissions, boards, and committees, the City Secretary has sent out a memo on November 27, 2018 to Council with a list of all upcoming vacancies/appointments to such commissions, boards and committees (30) days prior to the January Regular Meeting.

Included with the packet are copies of all applications for consideration to such commission, boards, and committees received by the City Secretary to date.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Appointments and/or re-appointments to the Board of Adjustments, Building Standards Commission, Economic Development Corporation, Historic Review Board, Library Advisory Board, Main Street Board, Planning & Zoning Commission, Parks and Rec Advisory Board and the Public Safety Advisory Committee.

ATTACHMENTS:

City Secretary Memo
Applications

{ } 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.



MEMORANDUM

Date: November 27, 2018

To: Mayor, Mayor Pro Tem and Council

From: Amelia Sanchez, City Secretary

Re: Appointments/Re-Appointments to Boards and Commissions

Pursuant to Ordinance No. 2017-10-10-19, Section 9, I have attached a list of Board and Commissions upcoming vacancies, expiration dates and applications received to date. Included are names of current members wishing to be re-appointed.

BOARD OF ADJUSTMENTS

Terms expiring 12-31-18

Brenda Pina

Regan Dumbleck

Both would like to be re-appointed. No new applications for this Board have been submitted.

BUILDING STANDARDS COMMISSION

Terms expiring 12-31-18:

Candido Carranza

Patrick Dudley

Both would like to be re-appointed. No new applications for this Commission have been submitted.

ECONOMIC DEVELOPMENT CORPORATION

Terms expiring 12-31-18:

Molly Alexander

Bryan Bracewell

Sue Brashar (Council Member)

Jessica Bega (Council Member)

All four members would like to be re-appointed. No new applications for this Commission have been submitted.

HISTORIC REVIEW BOARD

Terms expiring 12-31-18

Molly Alexander

Ed Rivers

Allan Tolbert

Sonya Rangel

Molly Alexander, Ed Rivers, and Allan Tolbert would like to be re-appointed. Sonya Rangel will not be available to serve, leaving one vacancy. Attached is one application (Micah Erwin)

LIBRARY ADVIORY BOARD

Terms expiring 12-31-18

Kay Silkenson

Patsy Hoffman

Sandy Smith

All 3 would like to be re-appointed. Two new applications were submitted for this Board (Jeffrey Schobey and Micah Erwin, applications attached)

MAIN STREET BOARD

Terms expiring 12-31-18:

Theresa McShan

Stacey Gruetzner Wilhite

Renee Girling

Renee Girling cannot continue to serve and Jamie Hausladen resigned in late summer, leaving 2 vacancies. One application was received and is attached. (Krista Marx)

PLANNING & ZONING COMMISSION

Terms expiring 12-31-18:

Ronald Creppon

Brian Lundgren

Rudy L. Ramirez

All 3 have expressed a desire to be re-appointed. No new applications for this Commission have been submitted.

PARKS AND RECREATION ADVISORY BOARD

Terms expiring 12-31-18:

James Sides

Erin Flores

Rara Minor

All 3 have expressed a desire to be re-appointed. There is one vacancy for this Board. One application was submitted for this Board as one of the choices. Jeffrey Schobey. (Application attached)

PUBLIC SAFETY ADVISORY COMMITTEE

Terms expiring 12-31-18:

All 3 have expressed a desire to be re-appointed. We have received 3 applications for this committee. (Jeffery Schobey applied for 8 committees, Public Safety was 1st, P&Z 2nd and Library was 3rd choice, Cynthia Burchfield, and Deborah Wright). Applications attached.

Randy Starr

Bettye Lofton

Vince Dungan

ORDINANCE NO. 2017-10-10-19

AN ORDINANCE ESTABLISHING GENERAL RULES AND PROCEDURES, INCLUDING APPOINTMENTS, TERM LIMITS, AND RELATED MATTERS FOR ALL BOARDS AND COMMISSIONS OF THE CITY OF ELGIN, TEXAS; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

WHEREAS, Article XI of the Home Rule Charter of the City of Elgin provide the City Council with exclusive authority to establish “boards and commissions as it may deem necessary conduct of city business and management of municipal affairs”; and,

WHEREAS, Article XI of the Home Rule Charter of the City of Elgin further provides the City Council with authority to establish “authority, functions, and responsibilities of such boards and commissions”; and,

WHEREAS, the City Council is now desirous of establishing, among other items, procedural consistency regarding the appointment schedules for all such boards and commissions as well as term limits regarding same.

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

I.

Sec. 1 - Purpose.

The purpose of this Ordinance is to establish clarity as to general rules and procedures for all City of Elgin Boards and Commissions.

Sec. 2 – City Charter Authority

Article XI of the Home Rule Charter of the City of Elgin, states “The city council shall have the authority to establish by ordinance for the such boards and commissions as it may deem necessary conduct of city business and management of municipal affairs. The authority, functions, and responsibilities of such boards and commissions shall be such as is spelled out in the ordinance establishing them. All existing boards and commissions

heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the city council shall by ordinance abolish, modify, or alter the ordinances or acts under which they exist. Notwithstanding, any other provision of this Charter the elected city council shall have paramount authority over all matters affecting the budgets, appropriation of funds expenditures, purchases, and sale of properties and procedures for accounting therefore consistent with the express provisions of this Charter and applicable provisions of the State Constitution and law of this State.”

Sec. 3 – Boards and Commissions

(1) As of the date of this Ordinance, the following Boards and/or Commissions have been authorized and or duly recognized by the City Council:

- Planning & Zoning Commission
- Board of Adjustment
- Library Advisory Board
- Parks & Recreation Advisory Board
- Economic Development Corporation Board of Directors
- Tax Increment Reinvestment Zone Board of Directors
- Public Safety Advisory Committee
- Historic Review Board
- Main Street Board of Directors
- Building Standards Commission

- (2) Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

Sec. 4 – Meeting Times and Agenda

Boards, commissions, and committees shall set their own meeting times. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Texas Open Meetings Act.

Sec. 5 – Regulatory Authority

The Board of Adjustments, Economic Development Corporation, and Planning and Zoning Commission, are the only boards and commissions that have regulatory authority.

Sec. 6 – Appointments

The City Council will review applications and may, at their discretion, interview eligible applicants for open positions on boards and commissions. Applications are accepted year-round and will be kept on file in the City Secretary's Office until the next appointment process.

Sec. 7 – Board and/or Commission Members

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth by the City Council.

Sec. 8 – Qualifications of Board and/or Commission Appointees

- (1) Members appointed to boards and commissions, for at least twelve (12) months preceding their appointment, must be
 - a. registered voters of the city who have resided within the corporate limits of the City of Elgin, or within territory annexed prior to the appointment; or
 - b. an owner of real property within the corporate limits of the City; or,
 - c. an owner of a business located within the corporate limits of the City.
- (2) Members appointed to boards and commissions should not have any delinquent City taxes, City utilities, or other City assessments; and must not have any pending claim against the City.
- (3) Members appointed to boards and commissions serve without compensation and must not be employed by or hold any other position in city government.
- (4) No member of a board or commission may remain in his/her position after being elected or appointed to City Council.
- (5) In addition to any other requirements prescribed by the City Council, members must maintain the qualifications established while in office.

Sec. 9 – Uniform Appointment Schedule for Board and/or Commission Members

All board and/or commission appointments shall be made at the Regular Meeting of the City Council in January of each year. The City Secretary shall establish deadlines and procedures for providing all applications to the City Council relating to upcoming board and commission appointments at least thirty (30) days prior to the January Regular City Council Meeting each year.

Sec. 10 – Open Government Training

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the City Secretary.

Sec. 11 –Waiver of Qualifications Requirements

Solely at its discretion, the City Council may consider on a case-by-case basis the waiver of any and all such qualification requirements and/or rules for individual appointments to any board or commission as they may be deemed warranted in serving the best interest of the City.

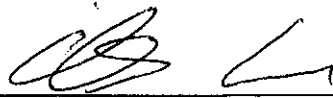
II.

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

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

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

READ, PASSED, and ADOPTED on first reading this 10th day of October 2017.



CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:



Amelia Sanchez, City Secretary

From: noreply@civicplus.com
To: [Amelia Sanchez](#)
Subject: Online Form Submittal: Application for Community Boards
Date: Thursday, September 6, 2018 11:59:29 AM

Application for Community Boards

Step 1

First Name	Micah
Last Name	Erwin
Telephone	501-269-1538
Telephone	<i>Field not completed.</i>
Telephone	<i>Field not completed.</i>
Address	414 East 8th St
City	Elgin
State	TX
Zip Code	78621
Mailing Address	414 East 8th ST
City	Elgin
State	TX
Zip Code	78621
Email Address	micahaerwin@gmail.com
Is email a way of contacting you promptly?	Yes
If not, how?	<i>Field not completed.</i>
Which of the Following Boards or Commissions Would You Like to Serve On	Envision Elgin, Historic Review Board, Library Advisory Board
If you apply for multiple boards/commissions, please rank your preferences as 1st, 2nd, 3rd, etc.	1. Envision Elgin 2. Library Advisory Board 3. Historic Review Board

Reference 1	Sue Beckwith
Email Address	sueb@texaslocalfood.org
Address	408 East 8th St
City	Elgin
State	TX
Zip Code	78621
Phone Number	512-496-1244
Fax Number	<i>Field not completed.</i>
Reference 2	Jules Assata
Email Address	<i>Field not completed.</i>
Address	408 East 8th St
City	Elgin
State	TX
Zip Code	78621
Phone Number	512-466-0315
Fax Number	<i>Field not completed.</i>
Reference 3	Bailey Braden
Email Address	Bailey.Braden@elginisd.net
Address	110 East 8th St
City	Elgin
State	TX
Zip Code	78621
Phone Number	512-609-9529
Fax Number	<i>Field not completed.</i>
Occupation and/or Area(s) of Expertise	Archivist with the University of Texas, 2011-2015 Quality Analyst with the Health and Human Services

	Commission, 2015-2018 Current Owner, Elgin Meadery
Education	Master of Science in Information Studies, University of Texas at Austin
Additional Pertinent Information	
Do you reside within the City Limits of Elgin?	Yes
If yes, how long?	4 years
What Ward?	4
Do you reside within the Elgin Independent School District?	Yes
Do you own property or a business in the Elgin Area?	Yes
If yes, please specify business name and/or property location	Elgin Mead Co., LLC, 806 N Ave H
Are you a registered voter?	Yes
Are you currently serving on any other City of Elgin Board/Commission/Committee?	No
If yes, please indicate name	<i>Field not completed.</i>
Recognizing that serving on a Board or Commission is often time consuming, are you committed to attending all regularly scheduled meetings?	Yes
If not, why?	<i>Field not completed.</i>
Why would you like to serve on the selected Board or Commission?	As a small business owner I have a major stake in the success and the positive and healthy growth of Elgin. I want to take a hand in ensuring that Elgin maintains healthy economic development while preserving its small town charm.
Do you or your employer have any business dealings with the City of Elgin that might present a conflict of interest?	No

Do you have your employer's support to serve on a Board or Commission? Yes

Board members are required to participate in training and obtain a certificate of completion for the Texas Open Meetings Act and Public Information Act within 90 days after date of appointment.

Do you agree to complete any training necessary for the Board or Commission? Yes

How did you hear of the available position(s)? I do not know if there are any available positions. I am submitting this application in the hopes that if a position becomes available, I will be considered as a candidate.

Completing and submitting this application does not guarantee your placement on a city board. Your application will be reviewed and kept on file for 2 years for possible placement of an opening on a Board or Commission.

Signature of Applicant Micah A Erwin

Date 9/6/2018

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Amelia Sanchez](#)
Subject: Online Form Submittal: Application for Community Boards
Date: Tuesday, November 13, 2018 2:07:59 PM

Application for Community Boards

Step 1

First Name	Jeffery
Last Name	Schobey
Telephone	512-703-7284
Telephone	<i>Field not completed.</i>
Telephone	<i>Field not completed.</i>
Address	13817 county line road apt 102
City	Elgin
State	Texas
Zip Code	78621
Mailing Address	Same
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Email Address	jpschobey@outlook.com
Is email a way of contacting you promptly?	Yes
If not, how?	<i>Field not completed.</i>
Which of the Following Boards or Commissions Would You Like to Serve On	Board of Adjustment, Planning and Zoning Commission, Building Standards Commission, Public Safety Advisory Committee, Envision Elgin, Main Street Board, Parks and Recreation Board, Library Advisory Board
If you apply for multiple boards/commissions, please	Public safety board, planning zoning, library advisory

rank your preferences as 1st,
2nd, 3rd, etc.

Reference 1	Field not completed.
Email Address	Field not completed.
Address	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Phone Number	Field not completed.
Fax Number	Field not completed.
Reference 2	Field not completed.
Email Address	Field not completed.
Address	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Phone Number	Field not completed.
Fax Number	Field not completed.
Reference 3	Field not completed.
Email Address	Field not completed.
Address	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Phone Number	Field not completed.
Fax Number	Field not completed.

Occupation and/or Area(s) of Expertise	Retired. Areas of law enforcement/ corrections and military affairs
Education	Bachelors in psychology and associates in Criminal Justice.
Additional Pertinent Information	
Do you reside within the City Limits of Elgin?	Yes
If yes, how long?	13 years
What Ward?	<i>Field not completed.</i>
Do you reside within the Elgin Independent School District?	Yes
Do you own property or a business in the Elgin Area?	No
If yes, please specify business name and/or property location	<i>Field not completed.</i>
Are you a registered voter?	Yes
Are you currently serving on any other City of Elgin Board/Commission/Committee?	No
If yes, please indicate name	<i>Field not completed.</i>
Recognizing that serving on a Board or Commission is often time consuming, are you committed to attending all regularly scheduled meetings?	Yes
If not, why?	<i>Field not completed.</i>
Why would you like to serve on the selected Board or Commission?	To help better my community
Do you or your employer have any business dealings with the City of Elgin that might present a conflict of interest?	No
Do you have your employer's	No

support to serve on a Board or
Commission?

Board members are required to participate in training and obtain a certificate of completion for the Texas Open Meetings Act and Public Information Act within 90 days after date of appointment.

Do you agree to complete any training necessary for the Board or Commission? Yes

How did you hear of the available position(s)? Elgin's Website

Completing and submitting this application does not guarantee your placement on a city board. Your application will be reviewed and kept on file for 2 years for possible placement of an opening on a Board or Commission.

Signature of Applicant Jeffery P. Schobey

Date 11/13/2018

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Amelia Sanchez](#)
Subject: Online Form Submittal: Application for Community Boards
Date: Friday, November 16, 2018 9:55:54 AM

Application for Community Boards

Step 1

First Name	Krista
Last Name	Marx
Telephone	<i>Field not completed.</i>
Telephone	5122859214
Telephone	5126322342
Address	103 West 2nd Street, Apt. 201
City	ELGIN
State	TX
Zip Code	78621-2631
Mailing Address	103 West 2nd Street
City	ELGIN
State	TX
Zip Code	78621-2631
Email Address	kristalee316@gmail.com
Is email a way of contacting you promptly?	Yes
If not, how?	<i>Field not completed.</i>
Which of the Following Boards or Commissions Would You Like to Serve On	Main Street Board
If you apply for multiple boards/commissions, please rank your preferences as 1st, 2nd, 3rd, etc.	<i>Field not completed.</i>

Reference 1	Stacey Wilhite
Email Address	swilhite@brick.com
Address	5738 West FM 696
City	McDade
State	TX
Zip Code	78650
Phone Number	5127317872
Fax Number	<i>Field not completed.</i>
Reference 2	Valerie Navejas
Email Address	val@raineyteam.net
Address	PO Box 788
City	Elgin
State	TX
Zip Code	78621
Phone Number	5124263101
Fax Number	<i>Field not completed.</i>
Reference 3	Denise Meyer
Email Address	denise.meyer78621@gmail.com
Address	115 Wedgewood Lane
City	Elgin
State	TX
Zip Code	78621
Phone Number	5126638279
Fax Number	<i>Field not completed.</i>
Occupation and/or Area(s) of Expertise	Human Capital Coordinator, former teacher, etc with Elgin ISD Downtown resident Elginite (or at least

roundabouts) since 1972

Education	Elgin High School, Trinity University (San Antonio), Texas State University
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Additional Pertinent Information

Do you reside within the City Limits of Elgin?	Yes
--	-----

If yes, how long?	1 year
-------------------	--------

What Ward?	4
------------	---

Do you reside within the Elgin Independent School District?	Yes
---	-----

Do you own property or a business in the Elgin Area?	No
--	----

If yes, please specify business name and/or property location	<i>Field not completed.</i>
---	-----------------------------

Are you a registered voter?	Yes
-----------------------------	-----

Are you currently serving on any other City of Elgin Board/Commission/Committee?	No
--	----

If yes, please indicate name	<i>Field not completed.</i>
------------------------------	-----------------------------

Recognizing that serving on a Board or Commission is often time consuming, are you committed to attending all regularly scheduled meetings?	Yes
---	-----

If not, why?	<i>Field not completed.</i>
--------------	-----------------------------

Why would you like to serve on the selected Board or Commission?	I've been an Elginite through and through as long as I can remember. I grew up here. Graduated from here. Raised my children here. And now I live downtown!! Above Tattered Shutter! I go to bed each night to the glow of the Dollar General! Seems it's time to be active in a new role - as we honor our community's past while working for our future.
--	--

Do you or your employer have any business dealings with the City of Elgin that might present a conflict of interest?	No
--	----

Do you have your employer's support to serve on a Board or Commission?	Yes
--	-----

Board members are required to participate in training and obtain a certificate of completion for the Texas Open Meetings Act and Public Information Act within 90 days after date of appointment.

Do you agree to complete any training necessary for the Board or Commission?	Yes
--	-----

How did you hear of the available position(s)?	Amy and Stacey took me to lunch....
--	-------------------------------------

Completing and submitting this application does not guarantee your placement on a city board. Your application will be reviewed and kept on file for 2 years for possible placement of an opening on a Board or Commission.

Signature of Applicant	Krista Lee Marx
------------------------	-----------------

Date	11/16/2018
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Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Amelia Sanchez](#)
Subject: Online Form Submittal: Application for Community Boards
Date: Friday, March 16, 2018 1:51:45 PM

Application for Community Boards

Step 1

City Logo.jpg



First Name	Cynthia
Last Name	Burchfield
Telephone	5128049419
Telephone	<i>Field not completed.</i>
Telephone	<i>Field not completed.</i>
Address	319 Gettysburg Loop
City	Elgin
State	TX
Zip Code	78621
Mailing Address	319 Gettysburg Loop
City	Elgin
State	TX

Zip Code	78621
Email Address	cynthiaburchfield@gmail.com
Is email a way of contacting you promptly?	Yes
If not, how?	<i>Field not completed.</i>
Which of the Following Boards or Commissions Would You Like to Serve On	Public Safety Advisory Committee
If you apply for multiple boards/commissions, please rank your preferences as 1st, 2nd, 3rd, etc.	<i>Field not completed.</i>
Reference 1	Mike Robertson
Email Address	mikerobertson@sanctuaryaustin.com
Address	1507 Newfield Lane
City	Austin
State	Texas
Zip Code	78703
Phone Number	512-497-5109
Fax Number	<i>Field not completed.</i>
Reference 2	Susan Marshall-Winslow
Email Address	swinslow@austin.rr.com
Address	411 W. Saint Elmo Rd., #3
City	Austin
State	Texas
Zip Code	78745
Phone Number	512-940-0380
Fax Number	<i>Field not completed.</i>

Reference 3	Brandi Valentine
Email Address	bvalentine18@yahoo.com
Address	9301 Spectrum Dr. #1321
City	Austin
State	Texas
Zip Code	78717
Phone Number	512-293-6157
Fax Number	<i>Field not completed.</i>
Occupation and/or Area(s) of Expertise	Teambuilding Supervised 25+ Staff Texas Labor Laws Accounting Payroll Personnel Files Bookkeeping Director Certified- Texas Child Care Licensing Notary Public Microsoft Office Strategic Marketing Quickbooks
Education	Some College
Additional Pertinent Information	
Do you reside within the City Limits of Elgin?	Yes
If yes, how long?	6 years
What Ward?	<i>Field not completed.</i>
Do you reside within the Elgin Independent School District?	Yes
Do you own property or a business in the Elgin Area?	Yes
If yes, please specify business name and/or property location	319 Gettysburg Loop
Are you a registered voter?	Yes
Are you currently serving on any other City of Elgin Board/Commission/Committee?	Yes
If yes, please indicate name	ECPAAA
Recognizing that serving on a	Yes

Board or Commission is often time consuming, are you committed to attending all regularly scheduled meetings?

If not, why?

Field not completed.

Why would you like to serve on the selected Board or Commission?

My mother was on of the first women on patrol in Travis County and lost a battle of brain cancer at 36 years of age back in 1977. Her career was just beginning and giving back in the capacity is my way of honoring her. My family roots run deep in law-enforcement. It's in my blood.

Do you or your employer have any business dealings with the City of Elgin that might present a conflict of interest?

No

Do you have your employer's support to serve on a Board or Commission?

Yes

Board members are required to participate in training and obtain a certificate of completion for the Texas Open Meetings Act and Public Information Act within 90 days after date of appointment.

Do you agree to complete any training necessary for the Board or Commission?

Yes

How did you hear of the available position(s)?

Website

Completing and submitting this application does not guarantee your placement on a city board. Your application will be reviewed and kept on file for 2 years for possible placement of an opening on a Board or Commission.

Signature of Applicant

Cynthia A. Burchfield

Date

3/16/2018

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Amelia Sanchez](#)
Subject: Online Form Submittal: Application for Community Boards
Date: Friday, November 16, 2018 10:50:43 AM

Application for Community Boards

Step 1

First Name	Deborah
Last Name	Wright
Telephone	5122732450
Telephone	5123438389
Telephone	5124233215
Address	100 N. Ave B
City	Elgin
State	TX
Zip Code	78621
Mailing Address	PO BOX 648
City	Elgin
State	TX
Zip Code	78621
Email Address	deborah.wright@phoenixtranslations.com
Is email a way of contacting you promptly?	No
If not, how?	text my cell phone
Which of the Following Boards or Commissions Would You Like to Serve On	Public Safety Advisory Committee, Envision Elgin
If you apply for multiple boards/commissions, please rank your preferences as 1st, 2nd, 3rd, etc.	#1 Public Safety, #2 Envision Elgin

Reference 1	Jeanette Shelby
Email Address	jeanetteshelby@yahoo.com
Address	<i>Field not completed.</i>
City	Elgin
State	TX
Zip Code	78621
Phone Number	512 281 3412
Fax Number	<i>Field not completed.</i>
Reference 2	Jody Krankel
Email Address	jk@krankel.com
Address	<i>Field not completed.</i>
City	Elgin
State	TX
Zip Code	78621
Phone Number	512 281 2803
Fax Number	n/a
Reference 3	Bonnie Carter, DVM
Email Address	manorvet@aol.com
Address	Hwy 290
City	Manor
State	TX
Zip Code	<i>Field not completed.</i>
Phone Number	512 272 4151
Fax Number	<i>Field not completed.</i>
Occupation and/or Area(s) of Expertise	CEO and Founder of Phoenix Translations

Education	2015 Graduate of The University of Texas - Austin, BA in Government
Additional Pertinent Information	
Do you reside within the City Limits of Elgin?	No
If yes, how long?	<i>Field not completed.</i>
What Ward?	<i>Field not completed.</i>
Do you reside within the Elgin Independent School District?	No
Do you own property or a business in the Elgin Area?	Yes
If yes, please specify business name and/or property location	100 N. Ave. B, 116 Blue Ridge Tr, 132 Blue Ridge Tr, 17906 Prairie Verbena
Are you a registered voter?	No
Are you currently serving on any other City of Elgin Board/Commission/Committee?	No
If yes, please indicate name	<i>Field not completed.</i>
Recognizing that serving on a Board or Commission is often time consuming, are you committed to attending all regularly scheduled meetings?	Yes
If not, why?	<i>Field not completed.</i>
Why would you like to serve on the selected Board or Commission?	I have a vested interest in the community of Elgin as I consider Elgin as my community. I work in Elgin and shop in Elgin and pay taxes in Elgin. I have 35+ years of management experience and a degree in Government. I feel that I have a lot to offer the growing City of Elgin and want to be involved in helping steer it to be the City that I know it can become. A complete resume is available upon request.
Do you or your employer have any business dealings with the City of Elgin that might present a conflict of interest?	No

Do you have your employer's support to serve on a Board or Commission?	Yes
--	-----

Board members are required to participate in training and obtain a certificate of completion for the Texas Open Meetings Act and Public Information Act within 90 days after date of appointment.

Do you agree to complete any training necessary for the Board or Commission?	Yes
--	-----

How did you hear of the available position(s)?	Newspaper
--	-----------

Completing and submitting this application does not guarantee your placement on a city board. Your application will be reviewed and kept on file for 2 years for possible placement of an opening on a Board or Commission.

Signature of Applicant	Deborah K. Wright
------------------------	-------------------

Date	11/16/2018
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Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and discussion of City Council Meeting Schedule through January

DEPARTMENT: City Manager

PROPOSED ACTION:

Review and discussion of Regular City Council Meeting schedule; and direction to staff regarding same.

BACKGROUND:

Based on the routine schedule, the January (2019) Regular City Council Meeting will fall on January 1 – New Year’s Day; an official city holiday. It is presumed the consensus view will be to reschedule this meeting for a later date.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Direction to staff regarding the Regular City Council Meeting schedule through January.

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: Consider appointing a steering committee to develop a Historic Preservation Strategic plan.

DEPARTMENT: Community Development

PROPOSED ACTION: Consider appointing a steering committee to develop a Historic Preservation Strategic plan.

BACKGROUND: Developing a Historic Preservation Strategic plan focuses on preserving the places and stories of our community, the unique history of Elgin. These groups were contacted about the plan and asked to provide a representative. These are the individuals that they submitted. The following individuals are willing to serve: the Elgin Historical Association, John Smith; Historic Review Board, Rob Ryland, and Emily Koller; Main Street Board Theresa McShan; Mary Christian Burleson Foundation, John Stabile; Bastrop County Historical Commission, Cindye Ginsel.

The plan is an inclusive way to share all the histories of the community and determine future needs. It is a tool for economic development and a tool to maintain our community's identity as we grow and change over the coming decades. It will help determine the historic preservation needs and opportunities in the community and provide the framework for Elgin to address those needs and continue to support a strong preservation program. as well as individuals from throughout the community.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consider appointing the steering committee.

ATTACHMENTS:

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

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

Historic Preservation Strategic Plan

Developing a Historic Preservation Strategic plan focuses on preserving the places and stories of our community, the unique history of Elgin. The plan is an inclusive way to share all the histories of the community and determine future needs. It is a tool for economic development. For example, the Main Street program targets historic preservation in the context of Economic Development and has over the last 28 years resulted in a revitalized historic district with 80% occupancy, and Fifteen new apartments. The plan is a tool to maintain our community's identity as we grow and change over the coming decades. It will help determine the historic preservation needs and opportunities in the community and provide the framework for Elgin to address those needs and continue to support a strong preservation program. The plan should address aspects such as the existing historic district and National Register District, historic cemeteries, historic churches, built historic preservation opportunities and cultural influences.

Participants

City Council representative(s)
Historic Review Board
Main Street Board
Elgin Historical Association
Bastrop County Historical Society
Mary Christian Burleson Foundation
Property owners in the historic district & surrounding area
General citizens

Resources

Comprehensive plan
Historic District ordinance
City's current Historic review process
Downtown Zoning Overlay
National Register Historic District
Design guidelines
Existing Historic preservation program / efforts in the City
Status and or projects of existing groups such as Elgin Historical Association and Mary Christian Burleson Foundation
Historic Cemeteries
historic churches

Activities to consider

Resources assessment
Interview and or focus group sessions with key stakeholders groups (like the EHA)
Community workshop(s)

Online survey through a service like Survey monkey

Social media as a source to solicit input and or comments

City Council appointed steering committee that is reflective of the ethnic, cultural diversity of the community.

Timeline

September – meet with participant groups determine who from their groups may be willing to serve on the steering committee, review overall effort and why the strategic plan needs to be developed.

December 4 - City Council appoint a steering committee –

December – January Assess existing resources

Week of January 15 first steering committee meeting review existing resources with committee and survey questions

Week of January 22 launch an Online survey

Week of January 29 hold a community workshop

February 12 week of review results of community workshop and online survey, start draft of preservation strategic plan

Week of March 12 steering committee meeting to work on draft strategic plan

April – review draft at board meetings with MSB, HRB and EHA

May – finalize draft for public comment

May - draft strategic plan available for review and comment

June 4 – draft presented to city council for comments

June 20 MSB review and recommend

June 25 HRB Review and recommend

June - EHA review and recommend

July 2 – Plan reviewed and approved by City Council



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Monthly Departmental Activity Reports -October

DEPARTMENT: Administration

PROPOSED ACTION:

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

BACKGROUND:

Routine monthly reports submitted by departments.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

No action is required.

ATTACHMENTS:

Community Development, Library, Main Street, Parks and Rec, Planning Dept., Police Department, Public Works, Utility Billing, and Water Department October reports.

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

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

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

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



MEMORANDUM

To: Tom Mattis, City Manager
From: Amy Miller, Community Development Director
Date: November 10, 2018
RE: Community Development Department Report October, 2018

The Imagine the possibilities tour showcased eight properties in the district that are for sale or for lease during Sip Shop and Stroll on October 11. Properties were also showcased during the Hogeye Festival with signage and property information flyers at the City information booth at Hogeye. Renovation work continues at 19 North Main Street – Joseph's Steak House which announced they will open in early 2019; and work continues at 109 N Main and 111 S. Avenue C. New construction plans are under development for 207 Central Avenue. The Hogeye Festival, Hogeye Stroll, and Free Street dance October 25 through the 27 were well attended – setting new records for participation especially on Saturday at Hogeye. The Thursday and Friday events brought large crowds downtown. Saturday was estimated at 30,000 for attendance.

Projects

- Hosted National Night out with the Chamber of Commerce for downtown business owners and residents.
- Organized, marketed and implemented the Imagine the Possibilities property tour.
- Organizing and developing Shop Small Saturday and Home for the Holidays events including marketing materials and promotion.
- Hogeye Festival social media, marketing, vendors, souvenirs, logistics, planning & implementation. Festival committee meetings, planning for overall events.
- Sip Shop & Stroll marketing and coordination with businesses.
- Provided support for the Lee Dildy Boulevard dedication.
- Organized Walk and Bike to School for fall.
- Provided support for and a booth at Safe Trick or Treat
- Met with potential buyers and realtors for properties downtown.
- Met with property owners about renovation plans and possible tenants.
- Met with business owners seeking lease space.
- Providing support for Website updates
- City of Elgin E-News
- Social Media: Visit Elgin, Envision Elgin Instagram – visitelgintx

Boards & Committees, Seminars

CAMPO, Regional Arterial Steering Committee
CAMPO Sub regional MOKAN study committee
Main Street Board
Historic Review Board
Promotion Tourism Committee
Design Committee
Business Retention Recruitment Committee
District Advisory Committee EISD
School Health Advisory Committee
Bastrop County Cares Workforce housing committee
Clean Air Coalition Advisory Committee meeting

Upcoming Events

Sip Shop Stroll November 8
November 3 Veterans Appreciation Parade
November 24 Shop Small Saturday Where's Priscilla?
November 30, Holiday Concert with Elgin ISD
December 1 Hot Cocoa Stroll, Holiday by the Tracks & Lighted Christmas Parade
December 8 – Holiday Sweater weekend
December 13 Sip Shop & Stroll
December 15 The Art of Giving
December 22 Stocking Stuffer Saturday
Santa sightings throughout the month –Selfies with Santa at various locations

Library Report to Elgin City Council for October 2018

Circulation was up 4% and the collection size down 3% in October 2018 from the previous year.

Grant report for Texas Book Festival grant for young adult books and graphic novels was completed.

Programs were well attended and new programs were added in September and October. We showed a 75% increase in program attendance in October. The Family Movie Night with crafts, meal and the video Coco was very well attended.

Staff has increased programs and is planning, promoting, shopping for, and implementing those.

Technology: Our server is at the end of its life and will be replaced with a slightly used one from another department. We are scheduled to replace 2 laptops and 2 desktop in the public computer area and 2 staff computers this year.

Volunteer hours have increased. We have a retired English teacher volunteering 2 days a week who is doing a book club with 2 of the Bluebonnet books each month for homeschoolers. Another volunteer with previous library experience will start volunteering 2 afternoons a week. Two Friends of the Elgin library members and the library director attended the Texas Book Festival on Sunday, October 28th.

Categories	Units	Oct. '18	Oct. '19	Fiscal YTD '18	Fiscal YTD '19
Total Circulation		7,572	7,872	7,572	7,872
+ or - Same month previous year	Percent	16%+	4%+		
Additions					
Interlibrary Loans / rec. & send	Each	12	7	12	7
New Patrons	Each	91	63	91	63
Collection					
Items Added	Each	176	242	176	242
Items Withdrawn	Each	361	434	361	434
Total Collection	Each	37,774	36,709	37,774	36,709
General Statistics					
Gate Count	Each	4,208	4,053	4,208	4,053
Hours Open	Hours	163	171	163	171
Library Tours	Each	0	15	0	15
Program Visitors	Each	436	763	436	763
Public Computer Use	Hours	401	393	401	393
Patrons using computers	Each	709	583	709	583
Patrons using WiFi	Each	387	1,026	387	1,026
Volunteer Hours	Each	177	218	177	218
Receipts					
		\$1,291	\$1,165	\$1,291	\$1,165
Civic Center Use					
City	Each	15	3	15	3
Library	Each	13	23	13	23
Public Rental	Each	1	1	1	1
Other - not for profit	Each	4	4	4	4
Total Civic Center Use		33	31	33	31



MONTHLY ACTIVITY REPORT

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

The Monthly Report is **due by the 10th of each month**. Please use this electronic version and email to mainstreet-reports@thc.texas.gov

CITY: _____Elgin_____

MONTH/YEAR: ____October 2018_____

DATE SUBMITTED: ____11-6-2018_____

1. Updates on Projects, Activities for the month.

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

Meeting Dates:	Update on projects or activities
	Board did not meet in October. Had final Hogeye Festival planning meeting
	Hogeye had outstanding attendance with crowds estimated at 30,000 for Saturday. Three days of events were all successful

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

Meeting Dates:	Update on projects or activities
	Secured volunteers for Hogeye festival and new events- Hogeye Stroll, Kendra Scott Pop up, Free Friday Night street Dance, Saturday Cow Patty Bingo and Rockwall.
	<u>Updated peropty owner information for property data base.</u>

PROMOTION:

Meeting Dates:	Planning for Shop Small Saturday and Home of the Holidays – events every Saturday in Elgin from Nov 24 to December 22.
October 11	Volunteers for Hot Cocoa Stroll Dec 1
	Volunteers for Shop Small Saturday
	Volunteers to help post flyer etc. for Home for the Holidays.

DESIGN:

Meeting Dates:	Update on projects or activities
	Remaining benches and trash cans were installed throughout the district.
	Colorful squares were implemented.

Email to: Mainstreet-reports@thc.texas.gov

ECONOMIC VITALITY/DOWNTOWN ECONOMIC DEVELOPMENT:

Meeting Dates:	Update on projects or activities
October 17	Worked with Downtown property owners and realtors to showcase properties Held the Imagine the possibilities' tour on October 10 which was well attended. Properties were featured with signage and flyers at a City Information booth one Sat Oct. 27 at Hogeye.

2. Program Commentary *(list critical issues, problems, and successes/ completed projects of the past month):*

3. Outlook. *Goals and challenges; plans for upcoming major projects such as public improvements etc.:*

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

5. Main Street in the News. *We would love to spotlight your upcoming events in our Main Street Matters e-newsletter, please email Mainstreet-reports@thc.texas.gov with the information. We ask that you do not send in events that have already taken place, send in future events for as many months as possible.*

Sip Shop Stroll November 8

November 3 Veterans Appreciation Parade

November 24 Shop Small Saturday Where's Priscilla?

November 30, Holiday Concert with Elgin ISD

December 1 Hot Cocoa Stroll, Holiday by the Tracks & Lighted Christmas Parade

December 8 – Holiday Sweater weekend

December 13 Sip Shop & Stroll

December 15 The Art of Giving

December 22 Stocking Stuffer Saturday

Selfies with Santa

Email to: Mainstreet-reports@thc.texas.gov

OFFICE OF COURT ADMINISTRATION

TEXAS JUDICIAL COUNCIL



OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Month October

Year 2018

Municipal Court for the City CITY OF ELGIN

Presiding Judge Amanda Carter

If new, date assumed office

Court Mailing Address P.O. BOX 591

City ELGIN

,TX Zip 7-8621

Phone Number (512) 281-0318

Fax Number

Courts Public Email

Court's Website

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

Prepared by Yadira Duque

Date Nov. 16, 2018

Phone Number (512) 281-0318

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

OFFICE OF COURT ADMINISTRATION

P O BOX 12066

AUSTIN, TX

78711-2066

PHONE: (512) 463-1625

FAX: (512) 936-2423

CRIMINAL SECTION

City of CITY OF ELGIN Month October Year 2018	Traffic Misdemeanors			Non-Traffic Misdemeanors		
	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
1. Total Cases Pending First of Month:	13,001	13	0	1	2,547	20
a. Active Cases	8,825	11	0	1	1,162	4
b. Inactive Cases	4,176	2	0	0	1,385	16
2. New Cases Filed	153	0	0	0	40	3
3. Cases Reactivated	39	0	0	0	10	0
4. All Other Cases Added	0	0	0	0	0	0
5. Total Cases on Docket	9,017	11	0	1	1,212	7
6. Dispositions Prior to Court Appearance or Trial						
a. Uncontested Dispositions	74	0	0	0	5	0
b. Dismissed by Prosecution	5	0	0	0	4	0
7. Dispositions at Trial:						
a. Convictions						
1) Guilty Plea or Nolo Contendere	17	0	0	0	14	4
2) By the Court	0	0	0	0	0	0
3) By the Jury	0	0	0	0	0	0
b. Acquittals:						
1) By the Court	0	0	0	0	0	0
2) By the Jury	0	0	0	0	0	0
c. Dismissed by Prosecution	0	0	0	0	1	0
8. Compliance Dismissals:						
a. After Driver Safety Course	13					
b. After Deferred Disposition	5	0	0	0	2	0
c. After Teen Court	0	0	0	0	0	0
d. After Tobacco Awareness Course					0	
e. After Treatment for Chemical Dependency				0	0	
f. After Proof of Financial Responsibility	0					
g. All Other Transportation Code Dismissals	0	0	0	0	0	0
9. All Other Dispositions	4	0	0	0	0	0
10. Total Cases Disposed	118	0	0	0	26	4
11. Cases Placed On Inactive Status	19	0	0	0	12	0
12. Total Cases Pending End of Month:	13,036	13	0	1	2,561	19
a. Active Cases	8,880	11	0	1	1,174	3
b. Inactive Cases	4,156	2	0	0	1,387	16
13. Show Cause Hearings Held	20	0	0	0	21	1
14. Cases Appealed:						
a. After Trial	0	0	0	0	0	0
b. Without Trial	0	0	0	0	0	0

JUVENILE / MINOR ACTIVITY

Court CITY OF ELGIN	TOTAL
Month October Year 2018	
1. Transportation Code Cases Filed	5
2. Non-Driving Alcoholic Beverage Code Cases Filed	2
3. Driving Under the Influence of Alcohol Cases Filed	0
4. Drug Paraphernalia Cases Filed	1
5. Tobacco Cases Filed	0
6. Failure to Attend School Cases Filed	0
7. Education Code (Except Failure to Attend) Cases Filed	0
8. Violation of Local Daytime Curfew Ordinance Cases Filed	0
9. All Other Non-Traffic Fine-Only Filed	2
10. Transfer to Juvenile Court:	0
a. Mandatory Transfer	
b. Discretionary Transfer	0
11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct)	0
12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges)	0
13. Juvenile Statement Magistrate Warning:	0
a. Warnings Administered	
b. Statements Certified	0
14. Detention Hearings Held	0
15. Orders for Non-Secure Custody Issued	0
16. Parent Contributing to Nonattendance Cases Filed	0

ADDITIONAL ACTIVITY

Court CITY OF ELGIN		Number Given	Number Requests For Counsel
Month October	Year 2018		
1. Magistrate Warnings:		25	
a. Class C Misdemeanors			
b. Class A and B Misdemeanors		13	8
c. Felonies		6	2
			TOTAL
2. Arrest Warrants Issued:			31
a. Class C Misdemeanors			
b. Class A and B Misdemeanors			2
c. Felonies			1
3. Capiases Pro Fine Issued			28
4. Search Warrants Issued			0
5. Warrants for Fire, Health and Code Inspections Filed			0
6. Examining Trials Conducted			0
7. Emergency Mental Health Hearings Held			0
8. Magistrate's Orders for Emergency Protection Issued			1
9. Magistrate's Orders for Ignition Interlock Device Issued			0
10. All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond			0
11. Driver's License Denial, Revocation or Suspension Hearings Held			0
12. Disposition of Stolen Property Hearings Held			0
13. Peace Bond Hearings Held			0
14. Cases in Which Fine and Court Costs Satisfied by Community Service:			0
a. Partial Satisfaction			
b. Full Satisfaction			2
15. Cases in Which Fine and Court Costs Satisfied by Jail Credit			8
16. Cases in Which Fine and Court Costs Waived for Indigency			4
17. Amount of Fines and Court Costs Waived for Indigency			\$2,540.20
18. Fines, Court Costs and Other Amounts Collected:			\$13,616.01
a. Kept by City			
b. Remitted to State			\$8,115.92
c. Total			\$21,731.93

Monthly Report to Administrative Manager
Building Department
For the Month of October 2018

Type of Inspections	Oct-17	Oct-18	Fiscal Yr. To Date	Calendar Yr. To Date
Building	49	90	90	772
Electrical	26	50	50	459
Plumbing	47	56	56	598
Gas	4	6	6	64
Mechanical	9	30	30	299
TOTAL	135	232	232	2192
Building Permits	25	12	12	223
Value	\$ 3,026,781.27	\$ 385,210.00	\$ 385,210.00	\$ 14,727,018.62
Fees	\$ 8,571.99	\$ 3,455.36	\$ 3,455.36	\$ 104,358.62
Electrical Permits	8	9	9	141
Fees	\$ 1,050.00	\$ 1,300.00	\$ 1,300.00	\$ 22,470.00
Plumbing Permits	10	6	6	118
Fees	\$ 1,300.00	\$ 1,080.00	\$ 1,080.00	\$ 21,100.00
Gas Permits	5	3	3	45
Fees	\$ 590.00	\$ 240.00	\$ 240.00	\$ 6,100.00
Mechanical Permits	6	6	6	101
Fees	\$ 910.00	\$ 910.00	\$ 910.00	\$ 13,730.00
Total All Fees	\$ 12,421.99	\$ 6,985.36	\$ 6,985.36	\$ 167,758.62

**October 2018
Building Permits**

Number of Permits		Type/Classification	Permit Fees		Valuation	
Oct-17	Oct-18		Oct-17	Oct-18	Oct-17	Oct-18
2	3	New Single Family	\$ 1,917.25	\$ 2,653.36	\$ 245,000.00	\$ 325,710.00
		New Duplex				
		New Manufactured				
		New Multi-Family				
3		New Commercial	\$ 4,595.00		\$ 2,643,750.00	
		New Industrial				
	1	New Swimming Pools		\$ 460.02		\$ 45,000
		Moving Permit				
1	4	New Signs	\$ -	\$ 87.84	\$ 2,200.00	\$ 4,000.00
13	3	Residential	\$ 1,633.08	\$ 254.14	\$ 106,431.27	\$ 10,500.00
3		Non-Residential	\$ 426.66		\$ 29,400.00	
3	1	Demolitions	WAIVED	WAIVED	\$ -	\$ -
25	12		\$ 8,571.99	\$ 3,455.36	\$ 3,026,781.27	\$ 385,210.00
*BOA Request		None				
**BSC Requests		None				
P & Z Request		G&R Subdivision Re-pat of lots 2 & 3 approved, Final Plat of Old McDade Subdivision withdrawn.				
Code Enforcement	Active October 2017	Active October 2018	Closed October 2017	Closed October 2018	Calendar YTD	
Vehicles	3		2		97	
Recreational Vehicle					11	
Fences		1		1	10	
Environmental			32	2	20	
Fire Code					1	
Illegal Signs			32	35	561	
Property Maintenance	1	8	6	35	117	
Unsafe Structures		1			16	
Zoning					5	
Total	4	10	72	73	838	

*Board of Adjustments

**Building Standards Commission

Submitted By:

Carlos Navejas

Date:

November 21, 2018

Michael Gonzalez
Parks and Recreation Director
mgonzalez@ci.elgin.tx.us 512-285-6434



October 2018 Parks Report

Michael Gonzalez

Both our programming and our maintenance divisions are doing very well this season. Our New Program Manager is putting together some great activities in November and December, check out latest issue of our Program guide for all activities offered. Our maintenance staff has kept up the difficult task of grooming our baseball fields with overseeing, installing new bases and leveling the infield skin. Our baseball field rentals have been at an all time high this year and I attribute that to the field conditions improving, and we still have more work to do there. Along with the field rentals our indoor facilities rentals are up as well. We are working on providing great customers service to groups that rent with us and in October the Fleming Community Center had a cost recovery of \$1,109.

Maintenance Report: -Orlando

Rains in October presented some minor flood issues within the park system that we were able to recover from. Mowing in the parks has slowed with the cooler weather, however we are still making rounds every Monday, Wednesday and Friday to clean restrooms and clear trash cans in the parks. Our team assisted in the logistics of the Hogeye festival and from an operations standpoint it went very well with not many issues. We were proud to see our team work well with the festival and get downtown back in shape after the crowds left.

Admin- Kayla

Monthly Recreation Center Memberships have been down slightly this month with most customers opening yearly memberships to save money. Our youth and individual memberships are also down this month and we attribute this to kids going back to school. Rentals of the facilities are steady as we go into the holiday season, below is some info on rentals and cost recovery within the department.

Goals for November 2018

- Decorate with Christmas lights
- Over seed and trim trees in Morris Park
- Hire more part time staff at the Recreation Center

Facility	Number of uses
Park Activity Summary	October 2018
Park/ Pavilion Rental	4
Ball Field Rental	40
Fleming Community Center/ Rec Center rentals	46
Monthly Rec Memberships	117
Yearly Rec Membership	11
Deposits	\$5,899.50

Public Works – October – 2018

Right of Way and Easement mowing and maintenance:

TX DOT Right of Way maintenance, City of Elgin Right of Way shredding, mowing, weed eating and maintenance is ongoing.

Sign replacement:

Repaired speed limit sign on South Avenue D

Repaired stop sign at South Avenue C and West Brenham Street

Permanent Street, utility cut repairs, pot hole repairs:

Added base to driveway on Fisher Street

Added base to edge of pavement Raymond Johnson Road

Pot hole patched throughout town:

Multiple locations

Curb, Gutters, Drains, and Ditch Cleaning

Filled in washout on East 3rd Street and Q.S. Goins Lane

Cleaned curb and gutters:

Lee Dildy Drive

Lee Dildy Boulevard

Saratoga Farms Boulevard

Roy Rivers Boulevard

North Avenue C from West 8th Street to Depot Street/Railroad Track

South Avenue C from Central Avenue/Railroad Track to West Cleveland Street

North Main Street from Library to Depot Street/Railroad Track

South Main Street from Central Avenue/Railroad Track to West Austin Street

Cleaned ditch and culvert on Lexington Road and North Avenue F

Cleaned out culvert on FM 1704 Church Street

Trees and Brush:

Trimmed low limbs blocking stop sign North Avenue C

Trimmed low limbs:

North Avenue F and East 7th Street

South Avenue C

East Brenham Street

Removed fallen limbs:

West 11th Street and North Main Street

East 2nd Street

North Avenue C

North Main Street and Canada Street

Carver Street

North Avenue F

Alley between West 7th Street and West 8th Street

Miscellaneous:

Called out after hours:

Stop sign replaced, cut up, and remove tree hit by car on South Avenue C and West Brenham Street

Blocked off South Main Street from West Cleveland to West Alamo (line hit by truck)

Temporary Stop Sign installed, pending TXDOT installation hit by car on Taylor Road and North Avenue H

Installed banners on Roy Rivers Boulevard, Lee Dildy Boulevard, and Saratoga Farms Boulevard

Removed Construction signs Lee Dildy Boulevard

Removed busted inlet and repaired South Avenue C and W Brenham Street

Repaired manhole North Avenue C

Smooth ruts on South Central near area carnival set up

Events:

Setup/breakdown for Grand Opening/Ribbon Cutting of Lee Dildy Boulevard Hog Eye

Saratoga Farms Subdivision Section 6:

Subgrade preparation

Utility Installation

FM 1100 Sidewalk Project: (TXDOT – TAP. SJ: 0914-00-393)

Forming and concrete installation

Handrail installation

November 2018 contract completion date

Acknowledgments:

We would like to Thank all who assisted Public Works with the preparations, setting up, working booths, and cleaning up for the Grand Opening/Ribbon Cutting ceremony for Lee Dildy Boulevard.

Joe Parten

Director, Public Works

City of Elgin

UTILITY BILLING REPORT			October 2018
Billed out	\$490,073.11		
Past due notices		\$85,614.73	
Work orders-Cut offs	74		
Disconnected for non pmt	70		
Extension to pay 1st	47		
Extension due for disconnect			
Meter tamper fee	0		
After Hour turn on	3		
Accounts set to final		for non pmt	
Leak Adjustments	8	\$298.44	

METER REPORT		
WORK ORDERS	COMPLETED	INCOMPLETE
START READ	21	3
FINAL READ	30	1
TRANSFERS / IN AND OUT		0
CTO'S / DISCONNECT NON-PMT	75	0
SET METER	3	2
ERT REPLACEMENTS	0	16
METER REPLACEMENTS	15	26
VISUAL READS	19	
FAILURE TO READ (MOBILE MISS)	15	0
RE READS	19	0
WL / CHECK FOR WATER LEAK	4	3
METERS DATA LOGGED	18	0
MISCELLANEOUS	9	16
TOTAL NUMBER OF WORK ORDERS	228	67
CURB STOPS - JOHN CALHOUN		
BROKEN CURB STOPS		36
SERVICE LINE REPAIR		
MAIN BREAK		
SEWER LINE REPAIR		
TOTAL NUMBER OF WORK ORDER	0	36
BULK WATER		
PURCHASES	6	
TRIPS/GALLONS	11/5,200	
TOTAL COLLECTED	\$31.31	

Customer Service/A/R Supervisor

512-229-3220 office

Monthly Reports October 2018

Department 023 Water Treatment

Well # 10	0 Gallons
Well # 11	0 Gallons
Well # 14	18,831,000 Gallons
Well # 15	14,792,000 Gallons
Water loss due to leaks or flushing	200,000 Gallons
Total Water Pumped	33,424,000 Gallons

Chemicals Used

Chlorine	896 Pounds
Sequest	150 Gallons

Distribution Samples

Bacteriological Samples Taken	11
Average Chlorine Residual	1.63 mg/l
Violations	0

Department 024 Distribution

Line Repairs/New installations

Main Line Breaks	4
Service Line Breaks	2
Miscellaneous Repairs/Complaint Calls	20
New Connections/Taps	0
Installation of New Water Main	0

Department 026 Wastewater

Collections

Backups

Main Lines	2
Service Lines	7
After Hours Call-Outs	6

Line Repairs/New Installations

Curb Side Cleanout Caps Replaced	10
Curb Side Cleanouts Installed	0
Main Line Repairs	1
New Main Line Installed	0
New Taps Installed	0
Lines TV'd	2
Manholes Installed/Repaired	0

Lift Station Maintenance/Repairs

Hour Meter Reads/Daily Site Checks	9 Daily
Pumps Pulled	0
Pumps Installed	0
Pumps De-raged	4
Motors Pulled	0
Motors Installed	0
Electrical Issues (Repair/Replace Parts)	0
Floats Cleaned/Replaced	0
Grass/Weed Maintenance	9
After Hours Call Outs	3

Wastewater Treatment Plant**Maintenance/Repairs**

Pumps Pulled	1
Pumps Installed	1
Motors Pulled	0
Motors Installed	0
Control System/Electrical Repairs	3
Cleaned Wet Well Floats	1
Miscellaneous Repairs	12
After Hours Call-Outs	2

Chemicals Used

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

Monthly Plant Flows and Test Results

Minimum Daily Flow	565,900 Gallons
Maximum Daily Flow	2,034,10000 Gallons
Average Daily Flow	751,800 Gallons
Total Monthly Flow	23,304,600 Gallons

Effluent DO (Dissolved Oxygen) Average	6.97
Effluent Chlorine Residual Average	2.05 mg/l
Effluent pH Average	7.09
Total Phosphorus Average	0.13
CBOD (Carbonaceous Biochemical Oxygen Demand) Average	2.01
TSS (Total Suspended Solids) Average	2
Ammonia/Nitrates Average	0.68

Remarks :

Elgin Police Department

October – 2018

Monthly Report

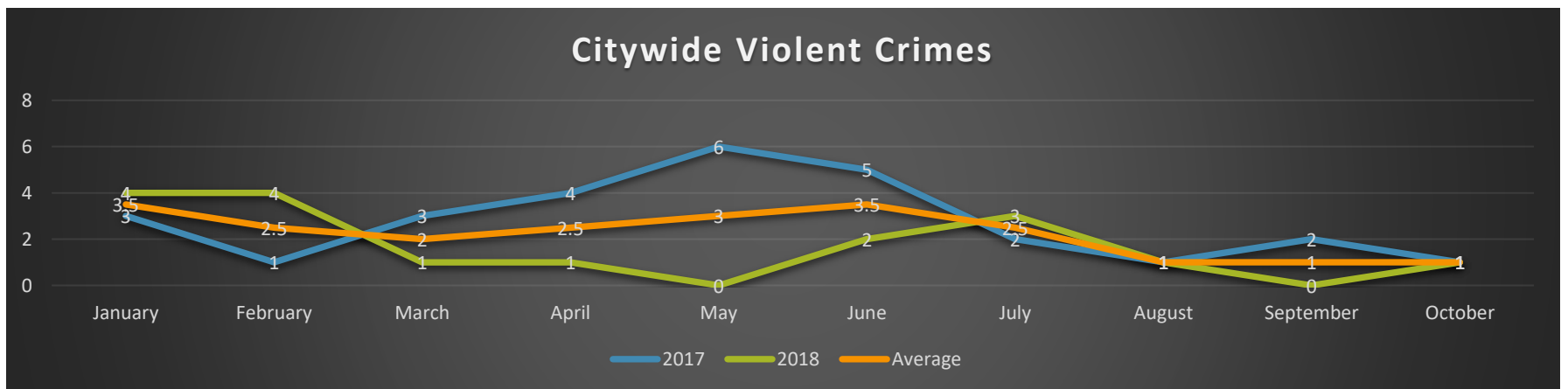


Elgin Police Department

Citywide Monthly Crime Reports - October 2018

Violent Crime

Offense Category	MTD	MTD LM	MTD %	MTD LY	MTD % LY	YTD	YTD LY	YTD % LY	CR YTD	CR YTD%
Homicide	0	0	nc	0	nc	1	0	100%	1	100%
Rape/Sexual Assault	0	0	nc	0	nc	2	2	nc	0	0%
Business Robbery	0	0	nc	0	nc	2	5	-60%	0	0%
Individual Robbery	0	0	nc	0	nc	3	2	50%	1	33%
Agg Assault - No FV	0	0	nc	0	nc	2	7	-71%	0	0%
Agg Assault - FV	1	0	100%	1	nc	7	12	-42%	7	100%
Total	1	0	100%	1	nc	17	28	-39%		



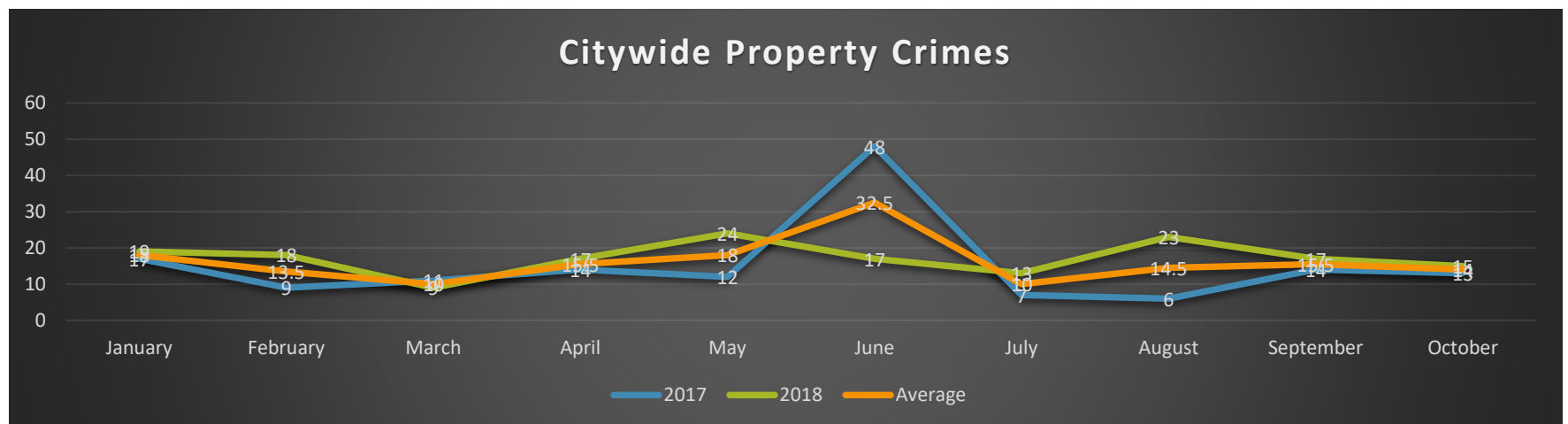


Elgin Police Department

Citywide Monthly Crime Reports - October 2018

Property Crime

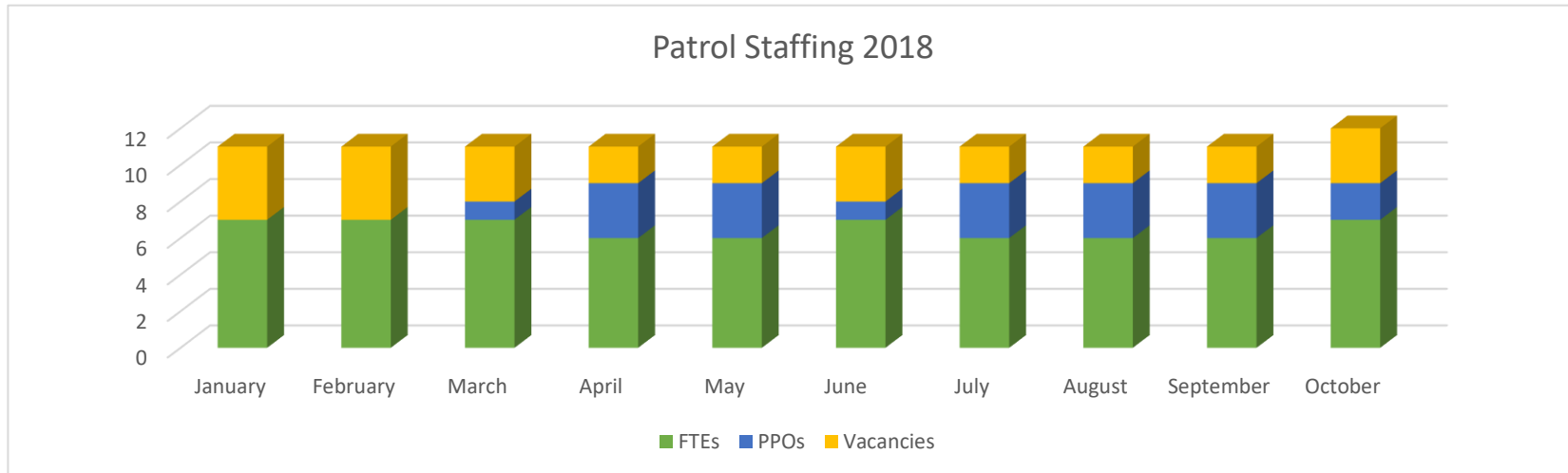
Offense Category	MTD	MTD LM	MTD %	MTD LY	MTD % LY	YTD	YTD LY	YTD % LY	CR YTD	CR YTD%
Burglary Non Residence	1	3	-200%	1	nc	16	12	33%	1	6%
Burglary Residence	1	1	nc	1	nc	23	21	10%	7	30%
Auto Theft	0	0	nc	1	-100%	13	12	8%	11	85%
BOV	0	1	-100%	7	-700%	29	22	32%	3	10%
Other Theft	13	12	8%	3	333%	90	84	7%	20	22%
Total	15	17	-12%	13	15%	171	151	13%		





Elgin Police Department

Patrol Staffing - September 2018

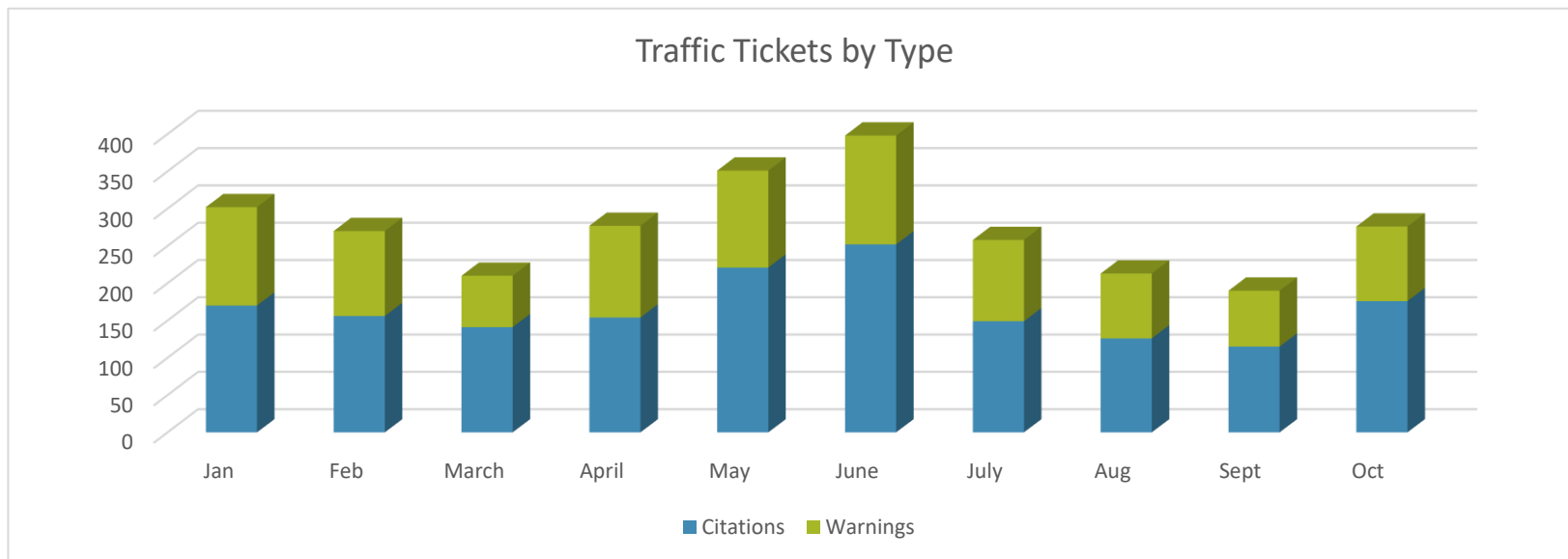


	Authorized	Open (Vacant)	Current	Actual % Vacant
October	12	3	9	25%
September	11	2	9	18%
August	11	2	9	18%
July	11	2	9	18%
June	11	3	8	27%
May	11	2	9	18%
April	11	2	9	18%



Elgin Police Department

Citywide Monthly Traffic Tickets – Year to Date 2018 (Violations)



	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	2018	2017
Citations	170	156	141	154	221	252	149	126	115	176	1660	2301
Warnings	132	114	69	123	130	146	109	87	75	100	1085	979
Total	302	270	210	277	351	398	258	213	190	276	2745	3280

Note: 19% decrease from 2017 during the same period.



Elgin Police Department

Call Analysis - October 2018

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Ave
Dispatched calls	426	392	505	461	524	422	432	453	423	438	448
Self-Initiated calls	442	458	453	485	503	508	528	522	367	494	476
Total Calls	868	850	958	946	1027	930	960	975	790	932	924

											Ave
Total Time on Calls	18,024	30,488	20,620	40,537	22,844	18,068	22,182	27,004	22,151	32,908	25,483
Committed Time	40%	76%	46%	94%	51%	42%	50%	60%	51%	74%	58%

Goal for committed time = no more than 60%



Elgin Police Department

Arrest Data for 2018 (October)

Race/Sex (2018):	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total Arrests	%	Individuals	% of TA	Repeat Off	% of TA
W/M	4	4	5	7	0	2	4	7	4	2			39	15%	32	13%	7	3%
H/M	6	7	12	15	13	8	12	11	9	12			105	41%	87	34%	18	7%
B/M	3	6	2	7	4	2	6	5	6	6			47	18%	43	17%	4	2%
O/M	0	0	0	2	0	0	0	1	0	0			3	1%	2	1%	1	0%
W/F	2	1	0	5	0	3	3	4	1	1			20	8%	15	6%	5	2%
H/F	1	1	2	3	3	3	2	2	1	3			21	8%	19	7%	2	1%
B/F	2	2	3	5	2	1	0	3	0	2			20	8%	17	7%	3	1%
O/F	0	0	0	1	0	0	0	0	0	0			1	0%	1	0%	0	0%
Total	18	21	24	45	22	19	27	33	21	26			256		216	84%	40	16%
Charges:																		
Mis	15	22	15	41	19	13	25	34	21	31			236	75%				
Fel	4	4	13	9	6	8	7	17	3	6			77	25%				
Total	19	26	15	50	25	21	32	51	24	37			313					
Ofc Int																		
	7	11	7	14	7	8	5	12	9	8			88	34%				
Race Totals:																		
White	6	5	5	12	0	5	7	11	5	3			59	23%	47	19%	12	5%
Hispanic/Latino	7	8	14	18	16	11	14	13	10	15			126	49%	106	41%	20	8%
Black	5	8	5	12	6	3	6	8	6	8			67	26%	60	23%	7	3%
Other	0	0	0	3	0	0	0	1	0	0			4	2%	3	1%	1	0%
Total	18	21	24	45	22	19	27	33	21	26			256		216	84%	40	16%

- The above chart shows all arrest data for 2018. This differs from racial profiling data collection and reporting which is based on traffic stops and only includes arrests that were made subsequent to a traffic stop.
- Year to date there have been a total of **256 arrests** made involving **216 individuals** (40 arrests were individuals arrested more than once)
 - Example: Tommy Martinez has been arrested 9 times in 2018
- W/M were arrested 39 times out of 256 total arrests or 15% of total arrests. However, of the 39 arrests only 32 individuals were involved which is 13% of the total arrests. 7 or 3% of these arrests were repeat offenders.
- Total arrest are approximately 1% of the population of Elgin.
- Of the 256 arrests 88 (34%) were officer initiated incidents. 66% of the above arrests were a result of calls for service. Breakdown shown in chart below.

Ofc Int	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct					
	7	11	7	14	7	8	5	12	9	8			88	34%	
H - Officer Initiated Arrests															
											Totals				
warrant	3	1	3	7	3	3	2	3	2	2	29				
dwi		2	1			1			1	1	6				
drugs		1	1	1	1	1		2	1	3	11				
tamp gov record									1		1				
doc fight	2										2				
evading					1	1					2				
DWLS multi					1						1				
PI										1	1				
											53				
B - Officer Initiated Arrests															
warrant	1	6	1	1		1	2	3	2		17				
dwi					1			1			2				
drugs	1							1			2				
ucw				1							1				
											22				
W - Officer Initiated Arrests															
warrant		1	1	2		1	1	1	2		9				
dwi				1				1		1	3				
drugs				1							1				
											13				



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



Sip, Shop & Stroll
Thursday, November 8th 5pm to 8pm

ATX Jerky -. Samples of a variety of market products.

Rainey Real Estate- Out of Space Scavenger Hunt and bake sale.

Tattered Shutter- Wine samples.

Martha's Market- Refreshments and wine samples.

The Lion Club- Refreshments and in store discounts.

The Owl Wine Bar & Home Goods Store- Live music, wine and beer tastings.

Color Works Salon- Refreshments, Chair Massage \$1per minute by 12 Star Massage,
BOGO 50% off Beauty Products of equal or lesser value.

Cannon Insurance- Live music and refreshments.

The Clever Tiger-. Sip N Sketch event! Sketching supplies will be available to all along with libations, live music.

Double R Hathouse- Refreshments.

A Flower Connection- Hosting Nancy Lou Webster- Treenware maker & Refreshments.

Independence Title- Refreshments.

G&M Drygoods– Samples of our Oliver Pecan Products, free wine and beer.

State Farm- Refreshments.

Dorothy's Fine Jewelry- Sale on all Hogeye Polo's & T-Shirts and refreshments.

Lindy's Treasures- In store discounts and refreshments.

All City Real Estate- Free hot dogs.

Subscribe to the *Community Calendar* at www.elgintx.com

to be notified of future Sip, Shop & Stroll dates and other events in Elgin.

Visit www.elgintx.com or Facebook VisitElginTx for additional information





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes – November 6, 2018

DEPARTMENT: Administration

PROPOSED ACTION:

Review and approve the November 6, 2018 Meeting Minutes.

BACKGROUND:

N/A

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the November 6, 2018 Meeting Minutes.

ATTACHMENTS: November 6, 2018 Meeting Minutes.

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

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

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

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

**MINUTES
ELGIN CITY COUNCIL
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, NOVEMBER 6, 2018**

CALL TO ORDER

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

ROLL CALL

Present: Mayor Chris Cannon

Jessica Bega, Mayor Pro Tem

Juan Gonzalez, Council Member

Susie Arreaga, Council Member

Mary Penson, Council Member

Daniel Lopez, Council Member

Phillip Thomas, Council Member

Sue Brashar, Council Member

Mayor Cannon certified there was a quorum. Council Member Brashar notified Mayor Cannon that Council Member Beyer would not be attending.

Council Member Brashar moved to excuse Council Member Beyer. Council Member Gonzalez seconds the motion. Motion carried 8-0.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Patrick South, Police Chief
Sandy Ott, Library Director

INVOCATION

Council Member Penson gave the invocation.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Mayor Cannon opened Public Comment. There was no one wishing to speak.

PRESENTATION

1. Employee of the Fourth Quarter 2018.

Sandy Ott announced that Gary Olivas had been chosen as the Employee of the Fourth Quarter and presented him with a certificate.

2. Consideration of a request from Elgin ISD Superintendent Jodi Duron to adopt a set of Core Values for the community as established by the Elgin ISD.

Council Member Penson moved to adopt the Core Values for the community as established by the Elgin ISD. Council Member Brashar seconds the motion. Motion carried 8-0.

CITY MANAGER'S REPORT

1. Review and Discussion of Staff Report regarding Oversized/Overweight Vehicles utilizing Main Street or Loop 109.

City Manager Thomas Mattis stated that this staff report assesses the city's situation and is an attempt to address issues with oversized and overweight trucks that has been a problem for some time. He stated that TxDot has issued a temporary "no permits" restriction on Loop 109, which means trucks will only be routed on Loop 109 if the origin or destination is on that road and only with TxDot approval. He stated that in the last few months the city had experienced a significant increase in large trucks carrying oversized loads through downtown Elgin on Main Street or Loop 109 causing traffic disruption and damage to public facilities and private property. He stated that in response to the city's request TxDOT had issued a temporary "no permits" restriction on Loop 109, which meant for the time being that trucks would be routed on Loop 109 if their origin or destination is on that road and only with TxDOT approval. He stated it would be the City's responsibility to develop a compliant Truck Route plan. The City would prepare a preliminary Truck plan for TxDot review, they would coordinate with their Traffic Operations Division and after approval by TRF the Council would then adopt an Ordinance designating the Truck Route. He stated that the City would be responsible for purchasing and installing all necessary signage or other costs involved. Mr. Mattis stated that creating a new law was a very deliberate process and would take some analysis on the City's part but thought it is a fairly obvious choice as a first step in trying to address this issue. He stated that all that was needed tonight was an endorsement to move forward with the process.

Forest Dennis spoke and pointed out that on Taylor Road two thirds of the trucks that come through town go there too. He stated he moved here from Dallas twelve years ago and soon after realized they were on a designated route for eighteen wheelers and the trucks would come barreling down to the stop and at the island in front of their house.

CITY COUNCIL MEETING MINUTES

November 6, 2018 – Page 3

City Annex Council

He stated they had always feared that the trucks would be unable to stop and wind up in their house. He stated that as the years have gone by the number of trucks has greatly increased, with rock haulers and flatbed loaders and that he has seen large permitted loads pass by. He stated they put together a group to approach city leadership and had many signatures, and that they had met with Council Member Brasher who then went to the Council. He stated that the eighteen wheelers need to be stopped as soon as possible to keep them out of the residential areas, Main Street and the Historic District.

Council Member Brasher moved to make a recommendation that staff continue to work on the No Truck Zone with TxDOT. Council Member Penson seconds the motion. Motion carried 8-0.

2. Review and Discussion of Staff Report regarding various issues associated with the Extension of Services to an area in the Southeast Quadrant of the City Annexed in 2015.

City Manager Thomas Mattis spoke and stated that in December of 2015 the City had annexed property on the southeast side of town consisting of 131 acres with a variety of land uses. He stated that there are substantial capital costs with the extension of sewer lines pending in that area and before the investment is made that everyone is on the same side. He stated the objectives tonight were to put the issue on the table for Council to begin the process of considering the various issues and that he did not expect a decision tonight. He stated that annexation laws had changed substantially since the time of annexation of this property. He stated at that time the City had a stronger controlling position and that is not the case anymore. Mr. Mattis stated that several things needed to be considered such as the costs for extending sewer services, and establishing standards such as Code Enforcement, since residents or properties have been subject to county/rural standards, as well as development standards such as platting, subdividing, setbacks, road construction, storm water drainage, and mandatory ROW donations, which are higher for projects within the city. He stated that a full review and discussion by the City Council of this annexation is recommended in order to provide clear direction to staff on how to proceed.

Mayor Cannon opened Citizen's Comments for this item at 8:15 p.m.

Ethan Machu spoke and stated there would be a problem with providing sewer to the area and that he was asking to be de-annexed. He stated it would save the city money, the residents would save on taxes for city services, and he would also ask that if they are de-annexed the taxes that they paid be refunded and a reasonable interest be paid.

Bill Carlson spoke and stated he worked in Code Enforcement, and worked with many developers and that there were a few things that came up that the Council may not be aware of in what they are trying to do. He stated that force mains and lift stations may have to be put in with high costs. He stated he was sharing information he gets from working with many different people and shared a flood plain map and spoke about increased rain fall rates. He stated that the 500 year flood plain would become a 100 year flood plain and would affect the property on 1704.

CITY COUNCIL MEETING MINTES

November 6, 2018 – Page 4

City Annex Council

He stated that people were discussing a memo sent by the City Manager and that he had not heard of anyone that did not want to be de-annexed. He stated the costs to develop this area would be at the Elgin resident's expense and they would never get this money back. He stated he did not want to be annexed and asked the Council to consider de-annexing and speak to more of the residents.

3. Consider appointing a Steering Committee to Develop a Historic Preservation Strategic Plan.

Mr. Mattis suggested skipping this item until the next meeting due to Amy Miller being out of town.

4. Quarterly Financial Reports – Fourth Fiscal Year Quarter 2018.

Mr. Mattis stated that the quarterly financial reports were included in the packet if anyone had any questions.

5. Departmental Monthly Reports - September

There were no questions or discussion on the monthly reports.

CONSENT AGENDA

1. City Council Regular Meeting Minutes – October 2, 2018 and October 16, 2018.

Council Member Brashar moved to approve the Minutes on the Consent Agenda. Council Member Thomas seconds the motion. Motion carried 8-0.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING ASSIGNMENT OF THE CONTRACT FOR SOLID WASTE DISPOSAL AND COLLECTION SERVICES WITH REPUBLIC SERVICES TO WASTE MANAGEMENT OF TEXAS INC. AND MAKING CERTAIN FINDINGS RELATED THERETO.

Council Member Penson moved to approve the Resolution as presented. Council Member Lopez seconds the motion. Motion carried 8-0.

2. (Draft) AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO.

CITY COUNCIL MEETING MINTES

November 6, 2018 – Page 5

City Annex Council

Council Member Brashar moved to make the per diem rate of \$250 and \$150 flat with the pay rates taking effect for all positions after the May election and to table the Ordinance. Council Member Penson seconds the motion. Motion carried 8-0.

Mayor Cannon stated this Ordinance would be brought back at the next meeting with a Public Hearing scheduled at that time.

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

Council Member Penson moved to approve the Ordinance as presented. Council Member Lopez seconds the motion. Motion carried 8-0.

A RESOLUTION OF THE CITY OF ELGIN, TEXAS STATING THE CITY'S INTENT TO CONTINUE PARTICIPATION IN THE CAPITAL AREA COUNCIL OF GOVERNMENTS REGIONAL AIR QUALITY PLAN AND SUPPORTING COMPLIANCE WITH FEDERAL AIR QUALITY STANDARDS.

Council Member Penson moved to approve the Resolution as presented. Council Member Thomas seconds the motion. Motion carried 8-0.

ANNOUNCEMENTS

Mr. Mattis mentioned that the Christmas party was on the 7th at the Rec Center.

Mayor Cannon stated that this year Hogeye was a huge success, and the city booth provided lots of information and a great presentation. He thanked the Police Department for helping people get around and staff for all the participation.

Council Member Penson mentioned that the First Baptist Church would be sponsoring Byron Mitchell and would be live in concert on November 17th which would be next Saturday at 6:00 pm and that she would like to see people attend.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 9:20 p.m.

Chris Cannon, Mayor

ATTEST:

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION:

Review and consideration of an Ordinance adjusting compensation levels for the Mayor and City Councilmembers; and possible direction to staff regarding same.

BACKGROUND:

Discussed at previous meetings; As part of the recent deliberations related to the FY18-19 Annual Budget, a question was raised as to whether consideration should be given to the possible adjustment of the compensation levels provided to the City's elected officials.

Currently, the Mayor receives a monthly stipend of \$75 per month or \$900 per year; while each City Councilmember receives \$50 per month/\$600 per year. The proposal being discussed would increase the monthly stipend for Mayor to \$250 per month or \$3,000 per year; and the Councilmember monthly stipend would increase to \$150 per month/\$1,800 per year.

The elected officials receive no other compensation; although they are eligible to receive reimbursement for direct costs or travel expenses related to their roles as Councilmembers. These compensation levels/practices were established long ago and pre-date all current elected officials/staff.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consideration of the Ordinance and discussion of compensation levels for the Mayor and City Councilmembers; and direction to staff, if any, as deemed appropriate.

ATTACHMENTS: Ordinance

- { } 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

ORDINANCE NO. 2018-_____

**AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING
THE PER DIEM AND RELATED COMPENSATION FOR THE
MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING
ALL CONFLICTING ORDINANCES; CONTAINING A
SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE
AND MAKING CERTAIN FINDINGS RELATED THERETO**

WHEREAS, the Elgin City Charter, Article IV, Section 6 provides for “Expense Reimbursement” for the Mayor and members of City Council as follows: “Members of the council shall receive per diem for each month they serve on the council as established by ordinance. The council shall, as well, be entitled to reimbursement for all other expenses incurred in the performance of their official duties upon approval of the mayor.”; and,

WHEREAS, Texas Local Government Code, V.T.C.S.A., Section 141.004 also provides that: “The governing body of a Home Rule municipality may set the amount of compensation for each officer of the municipality.”; and,

WHEREAS, the Mayor and City Council have sufficiently reviewed and considered the terms and conditions under which they receive compensation, and have determined that compensation for the Mayor and members of Council should be adjusted to be more in line with the increased scope of duties and responsibilities of a legislative body working in a dynamic and increasingly complex environment.

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

Section 1. Findings. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

Section 2. Expense Reimbursement Per Diem. The City Council hereby establishes the expense reimbursement per diem for Mayor and City Council Members as follows:

- (1) a monthly stipend for the Mayor is set at \$250.00 (Two Hundred Fifty Dollars) per month
- (2) a monthly stipend for the members of City Council is set at \$150.00 (One Hundred Fifty Dollars) per month

Section 3. Additional Expense Reimbursement. The Mayor and members of the City Council may also be reimbursed for all other direct expenses incurred in performance of their official duties consistent with policies and procedures as established for all city employees.

Section 4. Implementation Schedule. The City Manager is hereby directed to take necessary administrative actions to initiate the expense reimbursement monthly stipend as described herein as of the first pay period in June, 2019.

Section 5. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 6. Severability. The provisions of this Ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable, and that all said remaining provisions shall continue in full force and effect.

Section 7. 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 Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance 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 8. Effective Date. This Ordinance shall take effect immediately from and after its passage.

PASSED AND ADOPTED this ____th day of _____ 2018

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS EVIDENCING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF DEBT, AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: Finance/City Manager

PROPOSED ACTION:

Approval of the Resolution acknowledging the City's intent to reimburse its operating funds from future debt proceeds in support of various capital improvement projects.

BACKGROUND:

The City is presently engaged in the planning and design of various capital improvement projects including, but not limited to, the further extension of roadways and infrastructure supporting economic development adjacent to Lee Dildy Blvd., expansion of the wastewater treatment plant, construction of a main transmission line to the water treatment plant, and additional expansion/upgrades to the wastewater collection system. Due to their size and scope, the future funding source for all such projects will be some kind of debt instrument. Although final plans for all such project are still to be determined, the City is nonetheless incurring costs associated with these projects at this time. Passage of this Resolution provides legal authority for the City to retroactively reimburse itself for all such costs subsequent to the debt issuance.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Resolution as presented.

ATTACHMENTS:

Resolution

{ } 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 EVIDENCING
INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS
OF DEBT, AND MAKING CERTAIN FINDINGS RELATED
THERE TO**

WHEREAS, the City of Elgin (the “Issuer”) intends to issue either tax-advantaged or taxable obligations (the “Obligations”) to finance certain capital improvement projects for authorized needs and purposes including, but not limited to, construction of supporting infrastructure for city-owned property, acquisition of land and the general upgrade/expansion of the water and wastewater systems (collectively, the “Projects”); and,

WHEREAS, the Issuer desires to pay capital expenditures for acquiring and/or constructing the Projects from its General Fund and reimburse itself with the proceeds of the Obligations to be issued subsequent to the payment of such capital expenditures.

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

Section 1. The Issuer hereby expresses its intent to reimburse itself for all expenditures paid and to be paid in connection with the acquisition and/or construction of the Projects from the proceeds of the Obligations to be issued subsequent to the payment of all or a portion of such expenditures.

Section 2. In lieu of incurring debt at this time, the Issuer expects to pay a portion of the capital expenditures associated with the acquisition and construction of the Projects from the Issuer’s General Fund and/or unencumbered cash reserves.

Section 3. The Issuer expects that debt service on the Obligations to be issued to reimburse the Issuer for expenditures paid in connection with the acquisition and construction of the Projects will be paid from the Issuer’s revenues; and said expenditures will not necessarily be made directly out of the General Fund but from capital projects funds that may or may not have originated from the General Fund.

Section 4. The maximum principal amount of the Obligations to be issued to finance the acquisition and construction of the Projects will be no more than \$8,500,000.

PASSED AND ADOPTED this 4th day of December, 2018

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: *(Discussion Only)* AN ORDINANCE ESTABLISHING AND REGULATING A TRUCK TRAFFIC ROUTE WITHIN THE CITY OF ELGIN, TEXAS; PROHIBITING TRUCK TRAFFIC ON LOOP 109/MAIN STREET; PROVIDING PENALTIES FOR THE VIOLATION THEREOF BY A FINE OF NOT MORE THAN \$500; AND PROVIDING FINDINGS OF FACT; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

DEPARTMENT: City Manager

PROPOSED ACTION:

Review and discussion of the proposed Ordinance only. No Council action is requested or anticipated.

BACKGROUND:

Discussed at last meeting; Since the beginning of the year, the City has experienced a significant increase in in large trucks with oversized loads, primarily through Downtown Elgin on Main Street or Loop 109; causing a disruption of traffic and extensive damage to both public and private property.

Staff completed its initial analysis and generated a report that was presented to Council at the last Regular Meeting. Its conclusion was to consider establishing a Truck Route, that would require all large trucks carrying oversized loads to utilize US290 – such plan ultimately being endorsed by City Council.

As part of its on-going deliberations relative to the required submittal to TxDOT requesting the establishment of a Truck Route, a first draft of the enabling Ordinance has been prepared and is ready for review with Council to receive guidance on a number of the particulars contained therein.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Review and discussion of the proposed Ordinance only. No Council action is requested or anticipated; other than routine direction to staff, if any.

ATTACHMENTS:

10/25/18 City Manager memorandum

(The proposed Ordinance will be presented to Council at or before the meeting)

{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.

Memorandum

Date: October 25, 2018

To: Mayor and City Council

Subject: Oversized Truck Traffic



Since the beginning of the year, the City has experienced a significant increase in large trucks carrying oversized loads, primarily through Downtown Elgin on Main Street or Loop 109. In even the best of situations, these trucks create a disruption of traffic; and in worse cases, have caused extensive damage to public facilities and private property.

In response to the current environment, the TxDOT (Texas Department of Transportation) - Bastrop Area Office has issued a temporary “no permits” restriction on Loop 109, which means for the time being, trucks will only be routed on Loop 109 if their origin or destination is on that road - and only with TxDOT approval.

Adverse Incidents

As supported by the data provided herein, there has been a steady increase in oversized truck traffic through Elgin in recent years. Within the last two months alone, there have been (4) four significant incidents that generated Elgin Police Department (EPD) response due to oversized trucks pulling down power and/or cable lines (September 11, September 17, October 2 and October 20).

The most recent of these occurred last Saturday morning, when two large trucks with oversized loads were traveling a permitted route down Main Street/Loop 109. The first truck carried a load weighing 33,000 lbs.; the second, a load more than 70,000 lbs. (apparently transporting equipment destined for oil fields near Midland).

Both vehicles were northbound on Main Street, having travelled from Houston via Hwy71, ultimately entering Elgin on FM1704. The trucks were escorted by pilot vehicles with height indicators to show when limbs and/or wires are too low.

As the first truck passed Cleveland Street, it diverted to the wrong side of the road to avoid elevated wires across the road, but unfortunately snagged a different utility line. Then, according to the EPD Report:

“The truck pulled the wire causing five (5) utility poles to be snapped at their bases or broken into multiple pieces. The pieces of poles broken at their mid-point became projectiles as the pieces were catapulted across resident’s properties by the high-tension wires that anchored the poles to the ground. A 6’ piece of utility pole hit (a neighboring) house . . . causing significant damage to the structure’s roof, eaves, and siding. Numerous items of additional residents’ personal property were damaged: fences, trees, garbage carts, lawn ornaments, etc.

In addition, a transformer attached to one of the downed utility poles cracked open when it hit the pavement and spilled its contents across Main Street and into an adjacent parking area. Although the first EPD officer on scene was exposed to the contents, they were later determined to be hazardous, but non-toxic. An Oncor HazMat team ultimately cleaned up the spill; including the excavation of contaminated soil in the parking lot.

Safety issues aside, this incident also resulted in a significant adverse impact on both area residents and businesses, as all were without power or cable services for essentially the entire day. Oncor re-established service to their customers by 6:00PM; Spectrum re-established their services at 8:00PM. Main Street was reopened at 9:00PM when all crews were off the roadway.

General Information

As background for further review of this situation, the following information was developed through research and discussion with various TxDOT representatives:

- The US290 bridge in Elgin (the bridge over the railroad tracks and Central Avenue, located near HEB and the 11th street intersection) does **not** have a load limit, per se.
This is an important clarification in that city staff had been told previously and was under the understanding that there was indeed a load limit on the bridge, which necessitated the re-routing of trucks with oversized loads through downtown.
- The only load limit is that which applies to all traffic traveling US290 and all state highways – **80,000 lbs.** – which means there is a de facto load limit on the bridge, but only in the sense that if a load exceeds 80,000 lbs., it is not allowed to be on the either the highway or bridge.
- Even with this limit, however, a vehicle can still exceed 80,000 lbs., if it obtains the appropriate oversized load permit.
- The Texas Department of Motor Vehicles – Motor Carrier Division (TxDMV) – not TxDOT - issues permits for the purpose of routing trucks with oversize/overweight loads.
- The TxDMV issues approximately 800,000 oversize/overweight load permits statewide per year; and they issued 108,000 more such permits in 2018 than in 2017.
- From 2015 to 2017, the average number of such permits issued to travel over US290 on FM1704 was 148 per year:
 - 2015 – **179**
 - 2016 – **30**
 - 2017 – **133**
 - 2018 – **253** (*90% increase over last year*)
- There is no limit on on the number of such permits issued in any one year or month.
- Oversize/overweight load permits are issued with the general expectation that overhead lines are maintained at required clearance. However, where there are locations when clearance is known to be low and, when TxDMV has been properly notified, height restrictions are implemented to prevent routing under those lines.
- Even with a properly issued permit, however, the truck/truck driver still assumes primary responsibility for traveling the route without causing damage. Every permit issued by TxDMV includes the following statement: “It is the responsibility of the permittee to clear any overhead obstructions or utility lines. In addition, all utility companies or other entities must be contacted in advance, as required by the utility or entity, to assist in clearing the obstruction.”

Truck Route

While the City has taken action to address similar problems with truck traffic in the recent past (most notably on Fisher Street), continuing to consider streets or neighborhoods one at a time based on incidents or complaints from residents is not an effective long-term approach. A more comprehensive method, and the best opportunity for a permanent solution to this problem, is through the formal establishment of a **Truck Route**.

Under current TxDOT guidelines, the City has the ability “to restrict truck traffic on a state highway through the establishment of a Truck Route as described in the *TxDOT Signs Guidelines and Application Manual*”. Through the passage of appropriate legislation, the City “may reroute trucks from a certain highway route within their corporate limits to an alternate highway route within their city limits”.

It would be the City’s responsibility to develop a compliant Truck Route plan, assembling all the necessary data and analysis. Various items must be considered and evaluated through this process, including assessment of the structural adequacy of any roads and bridges within the truck route plan.

Initially, the City would prepare a preliminary Truck Route plan for TxDOT’s review. TxDOT will then coordinate with their Traffic Operations Division (TRF) on the proposed truck route; and after it is approved by TRF, the City Council would then adopt an Ordinance formally designating said Truck Route. The City would be responsible for purchasing and installing all necessary signage designating the route.

As stated in the *TxDOT Signs Guidelines and Application Manual*, the basic guidelines for establishing a truck route are:

- *Weight and size carrying capability of the alternate route should be reasonably comparable*
- *The (new) route should not be unreasonably longer than the original route*
- *The route should not be confusing to follow & should be selected so as not to jeopardize public safety*
- *All truck routes should be on the state highway system*

If the objective is to simply require trucks with oversized loads to stay on US290, establishing a Truck Route would appear to be the easiest and most effective option – particularly in light of the fact that such an alternate route would clearly comply with TxDOT’s guidelines as stated above.

Please let me know if you have any questions or a request for additional information in this regard.



Thomas L. Mattis
City Manager

cc: Patrick South, Chief of Police
Joe Parten, Director of Public Works
Beau Perry, City Engineer



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: An ordinance rescinding the taxation of freeport goods in the City of Elgin

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the ordinance to rescind the taxation of freeport goods in the City of Elgin

BACKGROUND: This ordinance is another tool that the ED department can use in attracting new businesses to Elgin. Surrounding cities such as Taylor, Smithville, Bastrop, Pflugerville, Hutto, Georgetown, all have triple Freeport Exemption. Triple Freeport is when the County, City and School District have approved not to tax Freeport goods. Currently Bastrop County and the Elgin ISD has approved not to tax Freeport goods, however the City of Elgin currently has an ordinance to tax Freeport goods. This ordinance will make Elgin as competitive as the surrounding communities.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approve the ordinance

ATTACHMENTS:

- { } 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.

ORDINANCE NO _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS RESCINDING ANY PREVIOUS ORDINANCE, RESOLUTION, ORDER, OR DECREE THAT AUTHORIZED THE TAXATION OF FREEPORT GOODS AND GRANTING A FREEPORT TAX EXEMPTION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, Texas Tax Code § 11.251 and Texas Constitution Article VIII, Section 1-j provide for the exemption of certain tangible personal property from ad valorem taxation; and

WHEREAS, “Freeport Goods” as referred to herein shall mean that property as defined by Texas Tax Code § 11.251 and Texas Constitution Article VIII, Section 1-j; and

WHEREAS, the City of Elgin adopted Ordinance No. 2011-11-15-45 on November 15, 2011, to deny tax exempt status to Freeport Goods; and

WHEREAS, Texas Constitution Article VIII, Section 1-j(b) provides that (1) the City may subsequently exempt Freeport Goods from taxation by rescinding its action to tax Freeport Goods; (2) the exemption applies to each tax year that begins after the date the action is taken and applies to the tax year in which the action is taken if the governing body so provides; and (3) the City may not take action to tax such Freeport Goods after the rescission; and; and

WHEREAS, the City Council of the City of Elgin, Texas finds that rescinding its prior action to tax Freeport Goods is in the best interest of the City;

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

SECTION 1. The recitals contained in the preamble of this ordinance are determined to be true and correct and are hereby adopted as a part of this ordinance.

SECTION 2. The City of Elgin, Texas hereby rescinds any all prior actions to tax Freeport Goods in accordance with Texas Constitution Article VIII, Section 1-j(b).

SECTION 3. The City of Elgin, Texas does hereby exercise its authority under Texas Constitution Article VIII, Section 1-j(b) and exempts Freeport Goods from ad valorem taxation.

SECTION 4. The City of Elgin, Texas does hereby make the tax-exempt status of qualified Freeport Goods effective as of January 1, 2019.

SECTION 5. Severability. It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this ordinance, because the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6. All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION 7. The City Council hereby directs the City Secretary to publish this ordinance, if necessary, in accordance with the Texas Local Government Code.

SECTION 8. Effective Date. This ordinance shall take effect immediately and it is accordingly so ordained.

Signed this 4th day of December 2018.

Mayor, Chris Cannon

Attest: _____

City Secretary, Amelia Sanchez



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A Resolution of the City Council of the City of Elgin, Texas, authorizing the selection and award of a contract for the construction of the 2018 Utility Improvements Project (TxCDBG Contract No. 7218012) to Blackrock Construction Texas, LLC dba BRCT, LLC; and authorizing the City Manager and/or the Mayor to act as the City's Executive Officer and authorized representative to execute the contract.

DEPARTMENT: Utility Maintenance and Economic Development Corporation

PROPOSED ACTION:

Discussion to consider authorizing the City Manager to enter into an agreement with BRCT, LLC as the selected contractor for the construction of the 2018 Utility Improvements Project (TxCDBG Contract No. 7218012).

BACKGROUND:

The Texas Department of Agriculture will provide \$1 million dollars in grant funds to construct the sewer and water extension along Roy Rivers Road. The City's matching funds will be utilized to construct the extension of Roy Rivers Road. Both the sewer and water will be utilized by a new assisted living facility that will begin construction in the next couple of months. The facility will have 100 beds and will have the capacity to expand up to 120 beds. The facility will be located on 6 acres of property that was recently purchased from the Elgin Economic Development Corporation. The new sewer and water extensions will also assist greatly in attracting new retail and industrial businesses to the City of Elgin.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Adoption of the Resolution and authorization to execute an agreement with BRCT, LLC as contractor for the construction of the 2018 Utility Improvements Project (TxCDBG Contract No. 7218012) as presented; and as may be amended or otherwise directed by Council.

ATTACHMENTS:

Executive Summary and Resolution, Map showing area of Utility Improvements
TRC Bid Tabulation and Recommendation

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

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

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE SELECTION AND AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE 2018 UTILITY IMPROVEMENTS PROJECT –TxCDBG CONTRACT NO. 7218012 TO BLACKROCK CONSTRUCTION TEXAS, LLC; DBA BRCT, LLC AND AUTHORIZING THE CITY MANAGER AND/OR THE MAYOR TO ACT AS THE CITY’S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE TO EXECUTE THE CONTRACT.

WHEREAS, the City of Elgin has completed the appropriate procurement procedures through the competitive bidding process; and

WHEREAS, all bids were received fairly and ranked according to lowest best responsible bid; and

WHEREAS, the City’s contracted engineer for the project, TRC Solutions, Inc., has reviewed all bid documents and recommends the award of the contract to BRCT, LLC;

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

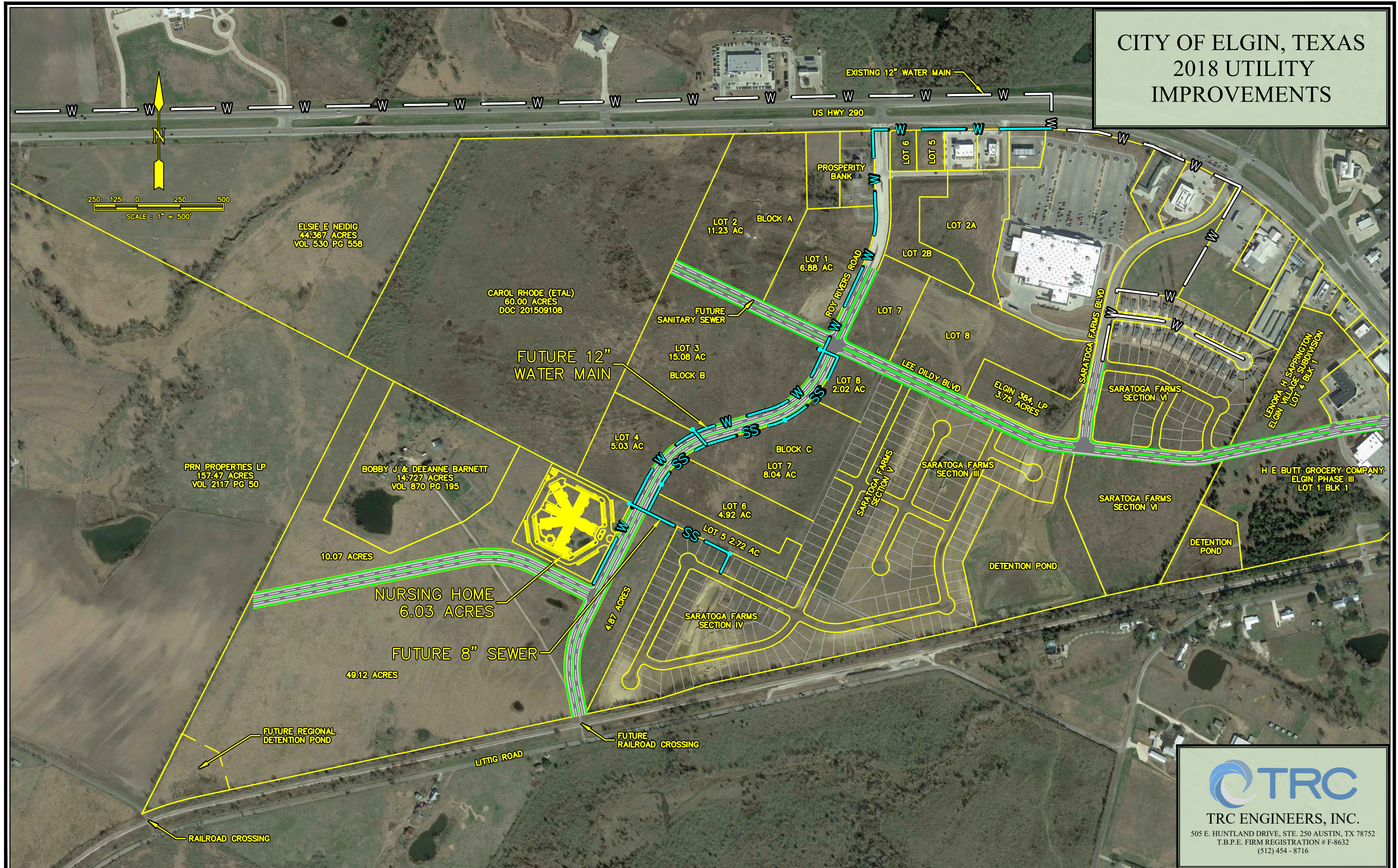
1. That the City award a construction contract to BRCT, LLC for \$1,075,604.95.
2. That the City Council directs and designates the City Manager and/or the Mayor as the City’s Chief Executive Officer and Authorized Representative to act as the City’s executive officer and authorized representative to execute the construction contract for the 2018 Utility Improvements Project TxCDBG Contract No. 7218012.

Passed and approved this _____ day of _____, 2018.

Chris Cannon, Mayor

Amelia Sanchez, City Secretary

CITY OF ELGIN, TEXAS 2018 UTILITY IMPROVEMENTS





T.B.P.E. #F-8632

505 East Huntland Drive
Suite 250
Austin, TX 78752

512.454.8716 PHONE
512.454.2433 FAX

www.TRCSolutions.com

October 29, 2018

Honorable Chris Cannon, Mayor and City Council
City of Elgin
310 North Main
Elgin, Texas 78621

Attn: Mr. Thomas Mattis, City Manager

**RE: 2018 Utility Improvements
TxCDBG Contract No. 7218012
Bid Recommendation**

Dear Mayor Cannon and Council Members:

Eight (8) sealed bids were received at Elgin City Hall on October 16, 2018 at 11:00 A.M. for the above-referenced project. The base bids and deduct alternate items ranged from \$1,075,604.95 from Blackrock Construction Texas, LLC dba BRCT, LLC to \$1,540,926.80 from Underground Water Solutions Co. A detailed bid tabulation is attached for your reference.

TRC conducted background checks and interviews of the recommended Contractor. It is recommended that Blackrock Construction Texas, LLC dba BRCT, LLC be awarded the construction project in the amount of \$1,075,604.95.

The Contractor has a bid bond and will be required to furnish a Standard Form of Agreement, Performance Bond and Payment Bond to the City. The construction completion period is 150 consecutive calendar days.

If you have any other questions or comments, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Beau Perry'.

K. Beau Perry, P.E.
Vice President

cc: Ms. Cindy Metro, Langford Community Management Services

Attachment: Bid Tabulation

CITY OF ELGIN
2018 UTILITY IMPROVEMENTS
TXCDBG CONTRACT NO. 7218012
Bid Tabulation
October 16, 2018 - 11:00 A.M. (CDST)



				BRCT, LLC 1475 Heritage Parkway, Suite 113 Mansfield, Texas 76063		MA Smith Contracting Co., Inc. 15308 Ginger Street Austin, Texas 78728	
Item No.	Item Description	Qty.	Unit	Unit Price	Total	Unit Price	Total
BASE BID PROPOSAL							
P.1.	Sanitary Sewer Cleanout Removal	1	EA.	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
P.2.	Tree Removal (6"-12")	1	EA.	\$1,000.00	\$1,000.00	\$900.00	\$900.00
P.3.	Brush and Bush Removal	1	L.S.	\$4,500.00	\$4,500.00	\$8,000.00	\$8,000.00
P.4.	8" PVC Sewer Pipe (8'-12')	74	L.F.	\$47.00	\$3,478.00	\$35.00	\$2,590.00
P.5.	8" PVC Sewer Pipe (12'-16')	210	L.F.	\$50.00	\$10,500.00	\$38.00	\$7,980.00
P.6.	8" PVC Sewer Pipe (16'-20')	380	L.F.	\$68.00	\$25,840.00	\$50.00	\$19,000.00
P.7.	8" PVC Sewer Pipe (20'-24')	1,757	L.F.	\$74.00	\$130,018.00	\$60.00	\$105,420.00
P.8.	8" PVC Sewer Pipe (24'-28')	601	L.F.	\$82.00	\$49,282.00	\$75.00	\$45,075.00
P.9.	18" O.D. x 1/4" Wall Smooth Steel Casing (by BORE)	390	L.F.	\$280.00	\$109,200.00	\$550.00	\$214,500.00
P.10.	Manholes	14	EA.	\$4,780.00	\$66,920.00	\$4,000.00	\$56,000.00
P.11.	DROP Manholes	1	EA.	\$5,880.00	\$5,880.00	\$4,300.00	\$4,300.00
P.12.	Extra Depth	241	V.F.	\$118.00	\$28,438.00	\$295.00	\$71,095.00
P.13.	Raven Series 405 Lining (regardless of Standard or Drop)	331	V.F.	\$112.00	\$37,072.00	\$90.00	\$29,790.00
P.14.	Sewer Line Connection	1	EA.	\$2,500.00	\$2,500.00	\$1,200.00	\$1,200.00
P.15.	8" Plug	9	EA.	\$1,275.00	\$11,475.00	\$300.00	\$2,700.00
P.16.	OSHA (Sewer Lines)	3,022	L.F.	\$2.00	\$6,044.00	\$1.00	\$3,022.00
P.17.	Video Sanitary Sewer	3,412	L.F.	\$1.25	\$4,265.00	\$1.25	\$4,265.00
P.18.	6" DR 18 C-900 PVC Water Main	180	L.F.	\$35.00	\$6,300.00	\$38.00	\$6,840.00
P.19.	8" DR 18 C-900 PVC Water Main	63	L.F.	\$40.00	\$2,520.00	\$54.00	\$3,402.00
P.20.	8" DR 18 C-900 PVC Water Main (Steel Casing)	90	L.F.	\$55.00	\$4,950.00	\$70.00	\$6,300.00
P.21.	12" DR 18 C-900 PVC Water Main	3,864	L.F.	\$40.00	\$154,560.00	\$42.00	\$162,288.00
P.22.	12" DR 18 C-900 PVC Water Main (Steel Casing)	80	L.F.	\$65.00	\$5,200.00	\$80.00	\$6,400.00
P.23.	24" O.D. x 1/4" Wall Smooth Steel (8" Carrier Pipe)	180	L.F.	\$310.00	\$55,800.00	\$420.00	\$75,600.00
P.24.	24" O.D. x 1/4" Wall Smooth Steel (12" Carrier Pipe)	420	L.F.	\$325.00	\$136,500.00	\$425.00	\$178,500.00
P.25.	6" AWWA C515 Resilient Seat Gate Valves	11	EA.	\$1,100.00	\$12,100.00	\$1,100.00	\$12,100.00
P.26.	8" AWWA C515 Resilient Seat Gate Valves	4	EA.	\$1,400.00	\$5,600.00	\$1,500.00	\$6,000.00
P.27.	12" AWWA C515 Resilient Seat Gate Valves	17	EA.	\$2,375.00	\$40,375.00	\$2,400.00	\$40,800.00
P.28.	Fittings	3.2	TON	\$9,525.00	\$30,480.00	\$2,200.00	\$7,040.00
P.29.	Water Main Connection	1	EA.	\$1,785.00	\$1,785.00	\$1,800.00	\$1,800.00
P.30.	Fire Hydrant Assemblies	11	EA.	\$3,600.00	\$39,600.00	\$2,800.00	\$30,800.00
P.31.	Pavement Repair	29	L.F.	\$75.00	\$2,175.00	\$200.00	\$5,800.00
P.32.	Concrete Meter Vault	1	EA.	\$11,000.00	\$11,000.00	\$19,000.00	\$19,000.00
P.33.	12" Ultrasonic Flow Meter (Octave Master Meter or Equal)	1	EA.	\$15,000.00	\$15,000.00	\$14,000.00	\$14,000.00
P.34.	Inductive Tracer Detection Wire (Water Mains)	4,107	L.F.	\$0.75	\$3,080.25	\$0.20	\$821.40
P.35.	OSHA (Water Lines)	4,107	L.F.	\$0.10	\$410.70	\$1.00	\$4,107.00
P.36.	Power Pole Shoring	1	EA.	\$7,500.00	\$7,500.00	\$5,000.00	\$5,000.00
P.37.	Hydro-Mulching	4,700	S.Y.	\$1.00	\$4,700.00	\$1.75	\$8,225.00
P.38.	Mobilization/Demobilization	1	L.S.	\$90,000.00	\$90,000.00	\$50,000.00	\$50,000.00
P.39.	Storm Water Pollution Prevention Plan (SWP3)	1	L.S.	\$5,000.00	\$5,000.00	\$3,400.00	\$3,400.00
P.40.	Traffic Control Plan	1	L.S.	\$2,000.00	\$2,000.00	\$8,500.00	\$8,500.00
TOTAL BASE BID					\$1,134,047.95		\$1,234,060.40
DEDUCT ALTERNATE ITEMS (Deduct from Base Bid)							
D.A.1.	18" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	201	L.F.	\$143.00	\$28,743.00	\$300.00	\$60,300.00
D.A.2.	24" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	180	L.F.	\$165.00	\$29,700.00	\$200.00	\$36,000.00
TOTAL DEDUCT ALTERNATE ITEMS					\$58,443.00		\$96,300.00
TOTAL BASE BID MINUS DEDUCT ALTERNATE ITEMS					\$1,075,604.95		\$1,137,760.40

				Atlas Construction, Corp. 312 Sunset Drive Granite Shoals, Texas 78654		Bruce Flanigan Construction, Inc. 5114 Lampasas Lane Belton, Texas 76513	
Item No.	Item Description	Qty.	Unit	Unit Price	Total	Unit Price	Total
BASE BID PROPOSAL							
P.1.	Sanitary Sewer Cleanout Removal	1	EA.	\$1,000.00	\$1,000.00	\$764.00	\$764.00
P.2.	Tree Removal (6"-12")	1	EA.	\$1,000.00	\$1,000.00	\$694.00	\$694.00
P.3.	Brush and Bush Removal	1	L.S.	\$1,000.00	\$1,000.00	\$4,682.00	\$4,682.00
P.4.	8" PVC Sewer Pipe (8'-12')	74	L.F.	\$50.00	\$3,700.00	\$41.90	\$3,100.60
P.5.	8" PVC Sewer Pipe (12'-16')	210	L.F.	\$55.00	\$11,550.00	\$54.20	\$11,382.00
P.6.	8" PVC Sewer Pipe (16'-20')	380	L.F.	\$60.00	\$22,800.00	\$72.40	\$27,512.00
P.7.	8" PVC Sewer Pipe (20'-24')	1,757	L.F.	\$65.00	\$114,205.00	\$107.00	\$187,999.00
P.8.	8" PVC Sewer Pipe (24'-28')	601	L.F.	\$70.00	\$42,070.00	\$177.40	\$106,617.40
P.9.	18" O.D. x 1/4" Wall Smooth Steel Casing (by BORE)	390	L.F.	\$350.00	\$136,500.00	\$364.10	\$141,999.00
P.10.	Manholes	14	EA.	\$4,500.00	\$63,000.00	\$4,536.00	\$63,504.00
P.11.	DROP Manholes	1	EA.	\$5,000.00	\$5,000.00	\$5,944.00	\$5,944.00
P.12.	Extra Depth	241	V.F.	\$150.00	\$36,150.00	\$213.00	\$51,333.00
P.13.	Raven Series 405 Lining (regardless of Standard or Drop)	331	V.F.	\$175.00	\$57,925.00	\$104.90	\$34,721.90
P.14.	Sewer Line Connection	1	EA.	\$3,200.00	\$3,200.00	\$2,788.00	\$2,788.00
P.15.	8" Plug	9	EA.	\$500.00	\$4,500.00	\$314.00	\$2,826.00
P.16.	OSHA (Sewer Lines)	3,022	L.F.	\$5.00	\$15,110.00	\$2.40	\$7,252.80
P.17.	Video Sanitary Sewer	3,412	L.F.	\$2.00	\$6,824.00	\$1.80	\$6,141.60
P.18.	6" DR 18 C-900 PVC Water Main	180	L.F.	\$35.00	\$6,300.00	\$34.70	\$6,246.00
P.19.	8" DR 18 C-900 PVC Water Main	63	L.F.	\$40.00	\$2,520.00	\$36.10	\$2,274.30
P.20.	8" DR 18 C-900 PVC Water Main (Steel Casing)	90	L.F.	\$40.00	\$3,600.00	\$40.40	\$3,636.00
P.21.	12" DR 18 C-900 PVC Water Main	3,864	L.F.	\$50.00	\$193,200.00	\$45.70	\$176,584.80
P.22.	12" DR 18 C-900 PVC Water Main (Steel Casing)	80	L.F.	\$70.00	\$5,600.00	\$49.90	\$3,992.00
P.23.	24" O.D. x 1/4" Wall Smooth Steel (8" Carrier Pipe)	180	L.F.	\$400.00	\$72,000.00	\$399.10	\$71,838.00
P.24.	24" O.D. x 1/4" Wall Smooth Steel (12" Carrier Pipe)	420	L.F.	\$400.00	\$168,000.00	\$461.10	\$193,662.00
P.25.	6" AWWA C515 Resilient Seat Gate Valves	11	EA.	\$1,250.00	\$13,750.00	\$1,113.00	\$12,243.00
P.26.	8" AWWA C515 Resilient Seat Gate Valves	4	EA.	\$1,500.00	\$6,000.00	\$1,422.00	\$5,688.00
P.27.	12" AWWA C515 Resilient Seat Gate Valves	17	EA.	\$2,000.00	\$34,000.00	\$1,539.00	\$26,163.00
P.28.	Fittings	3.2	TON	\$6,000.00	\$19,200.00	\$10,229.00	\$32,732.80
P.29.	Water Main Connection	1	EA.	\$3,500.00	\$3,500.00	\$1,946.00	\$1,946.00
P.30.	Fire Hydrant Assemblies	11	EA.	\$3,000.00	\$33,000.00	\$3,580.00	\$39,380.00
P.31.	Pavement Repair	29	L.F.	\$50.00	\$1,450.00	\$69.10	\$2,003.90
P.32.	Concrete Meter Vault	1	EA.	\$7,500.00	\$7,500.00	\$9,104.00	\$9,104.00
P.33.	12" Ultrasonic Flow Meter (Octave Master Meter or Equal)	1	EA.	\$30,000.00	\$30,000.00	\$14,055.00	\$14,055.00
P.34.	Inductive Tracer Detection Wire (Water Mains)	4,107	L.F.	\$1.00	\$4,107.00	\$0.70	\$2,874.90
P.35.	OSHA (Water Lines)	4,107	L.F.	\$5.00	\$20,535.00	\$1.70	\$6,981.90
P.36.	Power Pole Shoring	1	EA.	\$2,000.00	\$2,000.00	\$3,814.00	\$3,814.00
P.37.	Hydro-Mulching	4,700	S.Y.	\$3.00	\$14,100.00	\$1.30	\$6,110.00
P.38.	Mobilization/Demobilization	1	L.S.	\$80,000.00	\$80,000.00	\$57,127.00	\$57,127.00
P.39.	Storm Water Pollution Prevention Plan (SWP3)	1	L.S.	\$3,500.00	\$3,500.00	\$18,525.00	\$18,525.00
P.40.	Traffic Control Plan	1	L.S.	\$14,000.00	\$14,000.00	\$1,115.00	\$1,115.00
TOTAL BASE BID					\$1,263,396.00		\$1,357,357.90
DEDUCT ALTERNATE ITEMS (Deduct from Base Bid)							
D.A.1.	18" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	201	L.F.	\$150.00	\$30,150.00	\$210.00	\$42,210.00
D.A.2.	24" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	180	L.F.	\$200.00	\$36,000.00	\$231.00	\$41,580.00
TOTAL DEDUCT ALTERNATE ITEMS					\$66,150.00		\$83,790.00
TOTAL BASE BID MINUS DEDUCT ALTERNATE ITEMS					\$1,197,246.00		\$1,273,567.90

CITY OF ELGIN
2018 UTILITY IMPROVEMENTS
TXCDBG CONTRACT NO. 7218012
Bid Tabulation
October 16, 2018 - 11:00 A.M. (CDST)



				Bell Contractors, Inc. 3082 W. Hwy. 190 Belton, Texas 76513		Royal Vista, Inc. 350 County Road 260 Liberty Hill, Texas 78642	
Item No.	Item Description	Qty.	Unit	Unit Price	Total	Unit Price	Total
BASE BID PROPOSAL							
P.1.	Sanitary Sewer Cleanout Removal	1	EA.	\$285.60	\$285.60	\$400.00	\$400.00
P.2.	Tree Removal (6"-12")	1	EA.	\$616.00	\$616.00	\$400.00	\$400.00
P.3.	Brush and Bush Removal	1	L.S.	\$6,160.00	\$6,160.00	\$3,000.00	\$3,000.00
P.4.	8" PVC Sewer Pipe (8'-12')	74	L.F.	\$61.62	\$4,559.88	\$45.00	\$3,330.00
P.5.	8" PVC Sewer Pipe (12'-16')	210	L.F.	\$66.60	\$13,986.00	\$55.00	\$11,550.00
P.6.	8" PVC Sewer Pipe (16'-20')	380	L.F.	\$70.10	\$26,638.00	\$70.00	\$26,600.00
P.7.	8" PVC Sewer Pipe (20'-24')	1,757	L.F.	\$72.22	\$126,890.54	\$80.00	\$140,560.00
P.8.	8" PVC Sewer Pipe (24'-28')	601	L.F.	\$74.45	\$44,744.45	\$95.00	\$57,095.00
P.9.	18" O.D. x 1/4" Wall Smooth Steel Casing (by BORE)	390	L.F.	\$944.10	\$368,199.00	\$1,000.00	\$390,000.00
P.10.	Manholes	14	EA.	\$4,904.91	\$68,668.74	\$2,700.00	\$37,800.00
P.11.	DROP Manholes	1	EA.	\$5,464.91	\$5,464.91	\$3,900.00	\$3,900.00
P.12.	Extra Depth	241	V.F.	\$249.95	\$60,237.95	\$200.00	\$48,200.00
P.13.	Raven Series 405 Lining (regardless of Standard or Drop)	331	V.F.	\$105.34	\$34,867.54	\$110.00	\$36,410.00
P.14.	Sewer Line Connection	1	EA.	\$2,800.00	\$2,800.00	\$1,200.00	\$1,200.00
P.15.	8" Plug	9	EA.	\$190.40	\$1,713.60	\$100.00	\$900.00
P.16.	OSHA (Sewer Lines)	3,022	L.F.	\$12.32	\$37,231.04	\$3.00	\$9,066.00
P.17.	Video Sanitary Sewer	3,412	L.F.	\$0.87	\$2,968.44	\$1.50	\$5,118.00
P.18.	6" DR 18 C-900 PVC Water Main	180	L.F.	\$27.02	\$4,863.60	\$45.00	\$8,100.00
P.19.	8" DR 18 C-900 PVC Water Main	63	L.F.	\$33.34	\$2,100.42	\$48.00	\$3,024.00
P.20.	8" DR 18 C-900 PVC Water Main (Steel Casing)	90	L.F.	\$57.12	\$5,140.80	\$100.00	\$9,000.00
P.21.	12" DR 18 C-900 PVC Water Main	3,864	L.F.	\$38.53	\$148,879.92	\$52.00	\$200,928.00
P.22.	12" DR 18 C-900 PVC Water Main (Steel Casing)	80	L.F.	\$67.11	\$5,368.80	\$110.00	\$8,800.00
P.23.	24" O.D. x 1/4" Wall Smooth Steel (8" Carrier Pipe)	180	L.F.	\$412.61	\$74,269.80	\$415.00	\$74,700.00
P.24.	24" O.D. x 1/4" Wall Smooth Steel (12" Carrier Pipe)	420	L.F.	\$417.43	\$175,320.60	\$415.00	\$174,300.00
P.25.	6" AWWA C515 Resilient Seat Gate Valves	11	EA.	\$941.81	\$10,359.91	\$900.00	\$9,900.00
P.26.	8" AWWA C515 Resilient Seat Gate Valves	4	EA.	\$926.26	\$3,705.04	\$1,300.00	\$5,200.00
P.27.	12" AWWA C515 Resilient Seat Gate Valves	17	EA.	\$2,237.76	\$38,041.92	\$2,500.00	\$42,500.00
P.28.	Fittings	3.2	TON	\$6,629.26	\$21,213.63	\$8,200.00	\$26,240.00
P.29.	Water Main Connection	1	EA.	\$3,197.79	\$3,197.79	\$2,500.00	\$2,500.00
P.30.	Fire Hydrant Assemblies	11	EA.	\$2,936.50	\$32,301.50	\$3,500.00	\$38,500.00
P.31.	Pavement Repair	29	L.F.	\$30.36	\$880.44	\$60.00	\$1,740.00
P.32.	Concrete Meter Vault	1	EA.	\$11,416.23	\$11,416.23	\$7,500.00	\$7,500.00
P.33.	12" Ultrasonic Flow Meter (Octave Master Meter or Equal)	1	EA.	\$33,203.74	\$33,203.74	\$16,000.00	\$16,000.00
P.34.	Inductive Tracer Detection Wire (Water Mains)	4,107	L.F.	\$0.57	\$2,340.99	\$1.00	\$4,107.00
P.35.	OSHA (Water Lines)	4,107	L.F.	\$4.48	\$18,399.36	\$1.00	\$4,107.00
P.36.	Power Pole Shoring	1	EA.	\$616.00	\$616.00	\$2,000.00	\$2,000.00
P.37.	Hydro-Mulching	4,700	S.Y.	\$1.68	\$7,896.00	\$1.50	\$7,050.00
P.38.	Mobilization/Demobilization	1	L.S.	\$61,076.71	\$61,076.71	\$40,000.00	\$40,000.00
P.39.	Storm Water Pollution Prevention Plan (SWP3)	1	L.S.	\$22,876.00	\$22,876.00	\$18,000.00	\$18,000.00
P.40.	Traffic Control Plan	1	L.S.	\$12,656.00	\$12,656.00	\$5,000.00	\$5,000.00
TOTAL BASE BID					\$1,502,156.89		\$1,484,725.00
DEDUCT ALTERNATE ITEMS (Deduct from Base Bid)							
D.A.1.	18" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	201	L.F.	\$785.68	\$157,921.68	\$525.00	\$105,525.00
D.A.2.	24" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	180	L.F.	\$231.61	\$41,689.80	\$175.00	\$31,500.00
TOTAL DEDUCT ALTERNATE ITEMS					\$199,611.48		\$137,025.00
TOTAL BASE BID MINUS DEDUCT ALTERNATE ITEMS					\$1,302,545.41		\$1,347,700.00

				Patin Construction, LLC 3800 West 2nd Street Taylor, Texas 76574		Underground Water Solutions, Co. 601 North Main Street Elgin, Texas 78621	
Item No.	Item Description	Qty.	Unit	Unit Price	Total	Unit Price	Total
BASE BID PROPOSAL							
P.1.	Sanitary Sewer Cleanout Removal	1	EA.	\$800.00	\$800.00	\$2,625.00	\$2,625.00
P.2.	Tree Removal (6"-12")	1	EA.	\$500.00	\$500.00	\$1,100.00	\$1,100.00
P.3.	Brush and Bush Removal	1	L.S.	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
P.4.	8" PVC Sewer Pipe (8'-12')	74	L.F.	\$50.00	\$3,700.00	\$65.00	\$4,810.00
P.5.	8" PVC Sewer Pipe (12'-16')	210	L.F.	\$70.00	\$14,700.00	\$105.00	\$22,050.00
P.6.	8" PVC Sewer Pipe (16'-20')	380	L.F.	\$80.00	\$30,400.00	\$145.00	\$55,100.00
P.7.	8" PVC Sewer Pipe (20'-24')	1,757	L.F.	\$90.00	\$158,130.00	\$98.00	\$172,186.00
P.8.	8" PVC Sewer Pipe (24'-28')	601	L.F.	\$100.00	\$60,100.00	\$135.00	\$81,135.00
P.9.	18" O.D. x 1/4" Wall Smooth Steel Casing (by BORE)	390	L.F.	\$1,200.00	\$468,000.00	\$645.00	\$251,550.00
P.10.	Manholes	14	EA.	\$5,000.00	\$70,000.00	\$5,000.00	\$70,000.00
P.11.	DROP Manholes	1	EA.	\$5,500.00	\$5,500.00	\$9,300.00	\$9,300.00
P.12.	Extra Depth	241	V.F.	\$250.00	\$60,250.00	\$345.00	\$83,145.00
P.13.	Raven Series 405 Lining (regardless of Standard or Drop)	331	V.F.	\$110.00	\$36,410.00	\$140.00	\$46,340.00
P.14.	Sewer Line Connection	1	EA.	\$2,500.00	\$2,500.00	\$725.00	\$725.00
P.15.	8" Plug	9	EA.	\$100.00	\$900.00	\$660.00	\$5,940.00
P.16.	OSHA (Sewer Lines)	3,022	L.F.	\$1.15	\$3,475.30	\$4.00	\$12,088.00
P.17.	Video Sanitary Sewer	3,412	L.F.	\$1.05	\$3,582.60	\$3.00	\$10,236.00
P.18.	6" DR 18 C-900 PVC Water Main	180	L.F.	\$33.00	\$5,940.00	\$100.00	\$18,000.00
P.19.	8" DR 18 C-900 PVC Water Main	63	L.F.	\$35.00	\$2,205.00	\$100.00	\$6,300.00
P.20.	8" DR 18 C-900 PVC Water Main (Steel Casing)	90	L.F.	\$50.00	\$4,500.00	\$75.00	\$6,750.00
P.21.	12" DR 18 C-900 PVC Water Main	3,864	L.F.	\$37.00	\$142,968.00	\$68.00	\$262,752.00
P.22.	12" DR 18 C-900 PVC Water Main (Steel Casing)	80	L.F.	\$55.00	\$4,400.00	\$65.00	\$5,200.00
P.23.	24" O.D. x 1/4" Wall Smooth Steel (8" Carrier Pipe)	180	L.F.	\$400.00	\$72,000.00	\$490.00	\$88,200.00
P.24.	24" O.D. x 1/4" Wall Smooth Steel (12" Carrier Pipe)	420	L.F.	\$400.00	\$168,000.00	\$380.00	\$159,600.00
P.25.	6" AWWA C515 Resilient Seat Gate Valves	11	EA.	\$850.00	\$9,350.00	\$1,100.00	\$12,100.00
P.26.	8" AWWA C515 Resilient Seat Gate Valves	4	EA.	\$900.00	\$3,600.00	\$1,650.00	\$6,600.00
P.27.	12" AWWA C515 Resilient Seat Gate Valves	17	EA.	\$2,375.00	\$40,375.00	\$2,900.00	\$49,300.00
P.28.	Fittings	3.2	TON	\$4,400.00	\$14,080.00	\$6,100.00	\$19,520.00
P.29.	Water Main Connection	1	EA.	\$2,500.00	\$2,500.00	\$800.00	\$800.00
P.30.	Fire Hydrant Assemblies	11	EA.	\$2,500.00	\$27,500.00	\$4,100.00	\$45,100.00
P.31.	Pavement Repair	29	L.F.	\$300.00	\$8,700.00	\$185.00	\$5,365.00
P.32.	Concrete Meter Vault	1	EA.	\$6,000.00	\$6,000.00	\$7,690.00	\$7,690.00
P.33.	12" Ultrasonic Flow Meter (Octave Master Meter or Equal)	1	EA.	\$30,000.00	\$30,000.00	\$29,890.00	\$29,890.00
P.34.	Inductive Tracer Detection Wire (Water Mains)	4,107	L.F.	\$0.50	\$2,053.50	\$0.40	\$1,642.80
P.35.	OSHA (Water Lines)	4,107	L.F.	\$1.15	\$4,723.05	\$4.00	\$16,428.00
P.36.	Power Pole Shoring	1	EA.	\$2,500.00	\$2,500.00	\$4,800.00	\$4,800.00
P.37.	Hydro-Mulching	4,700	S.Y.	\$0.50	\$2,350.00	\$2.67	\$12,549.00
P.38.	Mobilization/Demobilization	1	L.S.	\$68,000.00	\$68,000.00	\$35,000.00	\$35,000.00
P.39.	Storm Water Pollution Prevention Plan (SWP3)	1	L.S.	\$3,000.00	\$3,000.00	\$3,963.00	\$3,963.00
P.40.	Traffic Control Plan	1	L.S.	\$5,500.00	\$5,500.00	\$6,000.00	\$6,000.00
TOTAL BASE BID					\$1,553,192.45		\$1,635,879.80
DEDUCT ALTERNATE ITEMS (Deduct from Base Bid)							
D.A.1.	18" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	201	L.F.	\$160.00	\$32,160.00	\$253.00	\$50,853.00
D.A.2.	24" O.D. x 1/4" Wall Smooth Steel (OPEN CUT)	180	L.F.	\$185.00	\$33,300.00	\$245.00	\$44,100.00
TOTAL DEDUCT ALTERNATE ITEMS					\$65,460.00		\$94,953.00
TOTAL BASE BID MINUS DEDUCT ALTERNATE ITEMS					\$1,487,732.45		\$1,540,926.80

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
BLACKROCK CONSTRUCTION, LLC

Reference from Shawn Shorn, P.E., City of New Braunfels, (830) 608-8874 on 10/24/18

1. Project Time:

- a. Was the construction started and completed on time?

Yes

- b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?

Typical delays that extended construction period otherwise, no.

- c. Were there any significant delays or work stoppages?

No, there were minor delays but nothing significant.

- d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?

No, they didn't request any time extensions.

- e. Other?

2. Was the projects that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.)?

City of New Braunfels FM 306 Waterline – Yes, these projects were similar in that it included street construction and installing drainage utilities.

3. Safety:

- a. Were there any safety issues for the contractor's employees or safety issues with the public?

No

4. General Problems/Issues:

- a. Did the contractor work well with the City/Engineer staffs?

Yes, the contractor worked well with the Engineers and staff.

- b. Were there any significant issues with the contractor's employees dealing with the public?

No, there were no issues with dealing with the public.

- c. Were there many complaints from the residents regarding the contractor?

No

- d. Did the contractor cleanup his work site sufficiently?

Yes

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
BLACKROCK CONSTRUCTION, LLC

- e. Was there excessive personnel turnover for the contractor's field workers?
Didn't think so, but unsure.
 - f. Were there any communication issues with the contractor's employees (ie. unable to speak English)?
No, they did not have any communication issues with the contractor.
5. Would you hire this contractor again?
"Yes"

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
BLACKROCK CONSTRUCTION, LLC

Reference from Kevin Neal, Public Works Director, City of New Lorena (254) 857-4641 on 10/25/18

1. Project Time:
 - a. Was the construction started and completed on time?
Yes
 - b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?
No.
 - c. Were there any significant delays or work stoppages?
Minor construction delays but still completed on time.
 - d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?
No, they did not request any time extensions.
 - e. Other?
2. Was the projects that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.)?
Yes, EPA Stag Wastewater Project
3. Safety:
 - a. Were there any safety issues for the contractor's employees or safety issues with the public?
Yes. Trench and fall protection were a big concern. Kevin suggested having them provide more oversight from management in the field in regard to safety.
4. General Problems/Issues:
 - a. Did the contractor work well with the City/Engineer staffs?
Yes
 - b. Were there any significant issues with the contractor's employees dealing with the public?
No, there were no issues with dealing with the public.
 - c. Were there many complaints from the residents regarding the contractor?
No
 - d. Did the contractor cleanup his work site sufficiently?
Yes

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
BLACKROCK CONSTRUCTION, LLC

- e. Was there excessive personnel turnover for the contractor's field workers?

Unsure

- f. Were there any communication issues with the contractor's employees (ie. unable to speak English)?

No, they did not have any communication issues with the contractor.

5. Would you hire this contractor again?

Yes however, more managerial oversight in the field would be the only request in regard to safety. (Reference 3. Safety question)

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
BLACKROCK CONSTRUCTION, LLC

Reference from Charles Scheler, P.E., with TRC, 512-454-8716 on 10/24/18

1. Project Time:
 - a. Was the construction started and completed on time?
The project started on time and is still ongoing.
 - b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?
Refer to above.
 - c. Were there any significant delays or work stoppages?
Typical construction/change order delays. Nothing significant.
 - d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?
No
 - e. Other?
2. Project Budget:
 - a. Were there excessive change orders unrelated to engineering design errors or additional work requests from the Owner?
No
 - b. Were there any issues with payment quantities on monthly pay requests that did not match actual field conditions?
None to date
 - c. Other?
3. Was the project that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.)?
Lockhart MLK 18in Water Main– The project was slightly similar in that it included road work by widening this particular intersection. It also included redoing business driveways and minor utility modifications.
4. Safety:
 - a. Were there any safety issues for the contractor's employees or safety issues with the public?
No, not that he is aware of.

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
BLACKROCK CONSTRUCTION, LLC

5. General Problems/Issues:

- a. Did the contractor work well with the City/Engineer staffs?

Yes

- b. Were there any significant issues with the contractor's employees dealing with the public?

No

- c. Were there many complaints from the residents regarding the contractor?

No, there are no complaints from the businesses.

- d. Did the contractor cleanup his work site sufficiently?

N/A. Work has not been completed.

- e. Was there excessive personnel turnover for the contractor's field workers?

Not that he is aware of.

- f. Were there any communication issues with the contractor's employees (ie. unable to speak English)?

No.

6. Would you hire this contractor again? **Thus far, yes.**

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

Reference from Doug with CBD Inc., (512) 280-5160 on 10/25/18

1. Project Time:
 - a. Was the construction started and completed on time?
Some of the projects they worked on were finished on time and others dragged on.
 - b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?
Yes, there was delays to reach final completion on the jobs that ran long.
 - c. Were there any significant delays or work stoppages?
No, there were minor delays but nothing significant.
 - d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?
No, they didn't request any time extensions.
 - e. Other?
He mentioned that on one of the projects that went poorly, they had lost MA Smith lost a manager midway through the project and that the project had some odd things that contributed to the delays.
2. Was the projects that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.)?
Lakeway Highlands – Yes, these projects were similar in that it included street construction in a residential area and installing drainage utilities.
3. Safety:
 - a. Were there any safety issues for the contractor's employees or safety issues with the public?
No, there was no safety issues that they knew of.
4. General Problems/Issues:
 - a. Did the contractor work well with the City/Engineer staffs?
Yes, the contractor worked well with the Engineer some of the time while other projects there were issues.
 - b. Were there any significant issues with the contractor's employees dealing with the public?
No, there were no issues with dealing with the public.

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

- c. Were there many complaints from the residents regarding the contractor?
No, the area was undeveloped so there were no residents or businesses nearby.

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

Reference from William Ball with CMA Engineering, (512) 432-1000 on 11/08/17

1. Project Time:

- a. Was the construction started and completed on time?
Yes, the project started on time but ran slightly longer than planned.
- b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?
No, there was no delay to reach final completion.
- c. Were there any significant delays or work stoppages?
No, there were minor delays but nothing significant.
- d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?
No, they didn't request any time extensions.
- e. Other?
He mentioned that there is a dispute between MA Smith, the County and the Developer on the two year road maintenance for the project.

2. Project Budget:

- a. Were there excessive change orders unrelated to engineering design errors or additional work requests from the Owner?
No, there were a few change orders made by MA Smith due to site conditions but nothing excessive.
- b. Were there any issues with payment quantities on monthly pay requests that did not match actual field conditions?
No, they didn't have any issues with pay quantities not matching field conditions.
- c. Did the contractor pay his sub-contractors timely?
He thinks they were but wasn't certain.
- d. Were there any liens placed on the project from vendors or sub-contractors?
No, there were not liens placed on the project.
- e. Other?

3. Was the project that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.)?

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

Beltera Street Improvements – Yes, this project was similar in that it included construction a street in a residential area and installing water, wastewater and drainage utilities.

4. Safety:

- a. Were there any safety issues for the contractor's employees or safety issues with the public?
No, there was no safety issues that they knew of.

5. General Problems/Issues:

- a. Did the contractor work well with the City/Engineer staffs?
Yes, the contractor worked well with the Engineer.
- b. Were there any significant issues with the contractor's employees dealing with the public?
No, there were no issues with dealing with the public.
- c. Were there many complaints from the residents regarding the contractor?
No, the area was undeveloped so there were no residents or businesses nearby.
- d. Did the contractor cleanup his work site sufficiently?
Yes, they did a sufficient job in site cleanup.
- e. Was there excessive personnel turnover for the contractor's field workers?
He didn't think there was an excessive personnel turnover but wasn't sure.
- f. Were there any communication issues with the contractor's employees (ie. unable to speak English)?
No, they did not have any communication issues with the contractor.

6. Would you hire this contractor again?

He said probably, was reluctant because of the dispute with the developer.

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

Reference from Allen Green with City of Cedar Park, 512-401-5000 on 11/08/17

1. Project Time:

- a. Was the construction started and completed on time?
The project started on time but it ran long due to design issues.
- b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?
There was no delay to reach final completion.
- c. Were there any significant delays or work stoppages?
Yes, there was significant delays due to design issues and changes.
- d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?
No, the only extensions requested was for the design changes.
- e. Other?
Allen said they had a lot of issues with the design on this project and that is why there were delays and safety issues. He said that the contractor worked well with the city to get through all the design changes.

2. Project Budget:

- a. Were there excessive change orders unrelated to engineering design errors or additional work requests from the Owner?
No, there were no change orders from the contractor that were unrelated to the design errors.
- b. Were there any issues with payment quantities on monthly pay requests that did not match actual field conditions?
No, they did not have any issues with pay quantities matching field conditions.
- c. Did the contractor pay his sub-contractors timely?
Yes, the contractor paid the sub-contractor in a time manner.
- d. Were there any liens placed on the project from vendors or sub-contractors?
No, there were no liens placed on the project.
- e. Other?

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

3. Was the project that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.)?
Lakeline Blvd and Cypress Creek Rd Intersection Improvements – The project was slightly similar in that it included road work by widening this particular intersection. It also included redoing business driveways and minor utility modifications.
4. Safety:
- a. Were there any safety issues for the contractor's employees or safety issues with the public?
Yes, there were some public safety issues but they were with the traffic control design. Allen stressed that the contractor did a great job implementing the design but there was issues with them so that was what caused the problem.
5. General Problems/Issues:
- a. Did the contractor work well with the City/Engineer staffs?
Yes, the contractor worked well with the City.
- b. Were there any significant issues with the contractor's employees dealing with the public?
No, he mentioned that they did a good job with dealing with the businesses they were working in front of.
- c. Were there many complaints from the residents regarding the contractor?
No, there were no complaints from the businesses.
- d. Did the contractor cleanup his work site sufficiently?
Yes, the contractor did a sufficient job with site cleanup.
- e. Was there excessive personnel turnover for the contractor's field workers?
No, there was no excessive personnel turnover during the project.
- f. Were there any communication issues with the contractor's employees (ie. unable to speak English)?
No, they did not have any issues in communicating with the contractor.
6. Would you hire this contractor again?
Yes, they just hired MA Smith for another project in September.

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

Reference from Tim Sanders with BEFCO Engineering, 979-968-6474 on 11/08/17

1. Project Time:

- a. Was the construction started and completed on time?
Yes, the construction started and was completed on time.
- b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?
No, there was no significant delay to reach final completion.
- c. Were there any significant delays or work stoppages?
No, there were no work stoppages or significant delays.
- d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?
No they did not ask for any time extensions.
- e. Other?

2. Project Budget:

- a. Were there excessive change orders unrelated to engineering design errors or additional work requests from the Owner?
No, there were no change orders on the project.
- b. Were there any issues with payment quantities on monthly pay requests that did not match actual field conditions?
No, there were no issues with pay quantities matching field conditions.
- c. Did the contractor pay his sub-contractors timely?
There were no sub-contractors on the project.
- d. Were there any liens placed on the project from vendors or sub-contractors?
No, there were no liens on the project.
- e. Other?

3. Was the project that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.)? Farm Street in Bastrop.
Yes, the project was similar in that it included construction of a roadway with sidewalks and installing drainage.

CONTRACTOR REFERENCE QUESTIONS
STREET/UTILITY CONTRACTOR
MA SMITH CONTRACTING CO., INC.

4. Safety:

- a. Were there any safety issues for the contractor's employees or safety issues with the public?
No, there were no safety issues with the contractor's employees or the public.

5. General Problems/Issues:

- a. Did the contractor work well with the City/Engineer staffs?
Yes, the contractor worked well with the engineer.
- b. Were there any significant issues with the contractor's employees dealing with the public?
No, there were no issues with them dealing with the public.
- c. Were there many complaints from the residents regarding the contractor?
No, there were no complaints from nearby residents.
- d. Did the contractor cleanup his work site sufficiently?
Yes, they did a sufficient job with site cleanup.
- e. Was there excessive personnel turnover for the contractor's field workers?
No, they don't recall having excessive personnel turnover.
- f. Were there any communication issues with the contractor's employees (ie. unable to speak English)?
No, they didn't have any issues with communicating with the contractor.

6. Would you hire this contractor again?
Yes, they would hire this contractor again.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH LLOYD GOSSELINK ROCHELLE & TOWNSEND OF AUSTIN, TEXAS FOR LEGAL SERVICES RELATING TO THE CITY'S PROTEST OF THE LOWER COLORADO RIVER AUTHORITY PUMPING PERMIT APPLICATION BEFORE THE LOST PINES GROUNDWATER CONSERVATION DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

DEPARTMENT: City Manager

PROPOSED ACTION:

Approval of the Resolution authorizing the City Manager to execute an Engagement Letter with Lloyd Gosselink Rochelle & Townsend for legal services related to the City's protest of the Lower Colorado River Authority's permit applications pending at the Lost Pines Groundwater Conservation District.

BACKGROUND:

The Lower Colorado River Authority (LCRA) recently submitted permit applications to the Lost Pines Groundwater Conservation District proposing to dramatically increase its groundwater pumping from the Simsboro Aquifer in Bastrop County – the same aquifer and general area from which the City pumps its water supply.

Increased pumping such as that requested by the LCRA, if approved, is projected have an adverse impact on the City's ability to continue to access necessary water supply from the Simsboro Aquifer. As such, the City has determined it to be in our best interest to protest said LCRA permit application; and that legal counsel should be engaged to assist the City in that effort.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Resolution as presented.

ATTACHMENTS:

Resolution

{ } 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 CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH LLOYD GOSSELINK ROCHELLE & TOWNSEND OF AUSTIN, TEXAS FOR LEGAL SERVICES RELATING TO THE CITY'S PROTEST OF THE LOWER COLORADO RIVER AUTHORITY PUMPING PERMIT APPLICATION BEFORE THE LOST PINES GROUNDWATER CONSERVATION DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Elgin ("City") provides potable water services to all of its residents from the Simsboro Aquifer in Bastrop County through groundwater pumping permits issued by the Lost Pines Groundwater Conservation District ("LPGCD"); and,

WHEREAS, the Lower Colorado River Authority's ("LCRA") has recently submitted eight permit applications to the Lost Pines Groundwater Conservation District proposing to dramatically increase its groundwater pumping; and,

WHEREAS, such increased pumping as requested by the LCRA, if approved, is projected have an adverse impact on the City's ability to continue to access necessary water supply from the Simsboro Aquifer; and,

WHEREAS, the City Council and City Manager have determined it to be in the interests of the City to engage legal representation through Lloyd Gosselink Rochelle & Townsend to represent the City as the LPGCD considers the LCRA's permit application.

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

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

Section 2. Authorization. The City Manager is hereby authorized to execute an Engagement Letter with *Lloyd Gosselink Rochelle & Townsend* of Austin, Texas for legal services related to the City's protest of the Lower Colorado River Authority's permit applications pending at the Lost Pines Groundwater Conservation District, including related negotiation and possible resolution with LCRA; a copy of said Engagement Letter being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. 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 *FY2018-19 City of Elgin Annual Operating Budget*; and that said budget will be amended at a future date to formally appropriate funds for this item. It is anticipated that said funding will come through the current year budget from operating surplus funds generated within the *Utility Fund*.

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

PASSED AND ADOPTED this 4th day of December, 2018

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary

October 19, 2018

Mr. Thomas L. Mattis, City Manager
City of Elgin
P.O. Box 591
Elgin, Texas 78621

Re: Engagement Letter – City of Elgin (Protest-LCRA Application);
Billing File Number: 4021-00

Dear Mr. Mattis:

We want to express our appreciation for the opportunity you have given our firm to work with you. The purpose of this letter is to set forth our understanding of the legal services to be performed by us for this engagement and the basis upon which we will be paid for those services. This letter confirms that Lloyd Gosselink Rochelle & Townsend, P.C. ("Lloyd Gosselink") will represent the City of Elgin ("City" or "Client") in its protest of the Lower Colorado River Authority's ("LCRA's") eight permit applications pending at the Lost Pines Groundwater Conservation District and related negotiation and possible resolution with LCRA (the "Matter"). Our acceptance of this representation (the "Representation") is effective September 16, 2018, upon our receipt of an executed copy of this agreement.

Terms of Engagement

This letter sets out the terms of our engagement in the Representation. Certain of those terms are included in the body of this letter, and additional terms are contained in the attached document, entitled *Additional Terms of Engagement*, dated August 27, 2013. That document is expressly incorporated into this letter, and it should be read carefully. The execution and return of the enclosed copy of this letter constitutes an agreement to all the terms set forth in this letter and in the attached *Additional Terms of Engagement*.

It is understood and agreed that our engagement is limited to the Representation, and our acceptance of this engagement does not imply any undertaking to provide legal services other than those set forth in this letter.

Personnel Who Will Be Working on the Matter

I will be the attorney in charge of the Representation, and I will be working on the Matter. You may call, write, or email me whenever you have any questions about the Representation. Other firm personnel, including firm lawyers and paralegals, will participate in the Representation if, in our judgment, their participation is necessary or appropriate.

Legal Fees and Other Charges

Our fees in the Matter will be based on the time spent by firm personnel, primarily firm lawyers or paralegals, who participate in the Representation. We will charge for all time spent by such personnel in the Representation in increments of tenths of an hour. We charge for time spent in activities including but not limited to the following: telephone and office conferences with clients, representatives of clients, opposing counsel, and others; conferences among our attorneys and paralegals; factual investigation, if needed; legal research; file management; responding to requests from you that we provide information to you or your auditors; drafting letters and other documents; and travel, if needed.

Legal fees and costs are difficult to estimate. Accordingly, we have made no commitment concerning the fees and charges that will be necessary to resolve or complete the Representation, although we will make every effort to manage fees and costs by working efficiently and cost effectively and in coordination with you. My time is billed at the rate of \$300 per hour. My associate, Troupe Brewer, and paralegal, Hannah Ging, will be working with me and their time will be billed at the rate of \$265 and \$135 per hour respectively. Other lawyers, paralegals and other personnel may be assigned as necessary to achieve proper staffing. We utilize briefing clerks, paralegals, file clerks and other support personnel to perform those tasks not requiring the time of any attorney. Their time is billed at an amount determined by the experience of the individual. The foregoing rates may be adjusted annually and, if so, will be noted on your bill. We will submit all out-of-pocket expenses incurred for reimbursement. Usually we ask the client to pay directly all filing fees, charges for consultants, etc. due to the size of such fees. We endeavor to have a statement of services rendered and expenses incurred by the 15th of the following month. Full payment is due on receipt of the statement.

Conflicts of Interest

Before accepting the Representation, we have undertaken reasonable and customary efforts to determine whether there are any potential conflicts of interest that would bar our firm from representing you in the Matter. We have reviewed this conflict issue in accordance with the rules of professional responsibility adopted in Texas. Based on the information available to us, including information related to our firm's current and ongoing representation of Aqua Water Supply Corporation, we are not aware of any direct legal conflict at this time. Although there does not appear to be a direct legal conflict, our law firm's relationship with this long-time client is important. In the event the Matter evolves in a manner that directly and adversely implicates this client's respective interest, or if this client believes there to be any type of conflict with this Representation, it is understood and agreed to by the City that the firm may withdraw from Representation and that the City will not object to or pursue disqualification of our firm's representation of this client. To the extent that any conflict may exist, the City by signing this letter waives that conflict. In the event of a conflict, the City certainly has the right to terminate this engagement agreement. We take this issue seriously and encourage you to call if you would like to review the issue in further detail at any time.

Document Retention

We may choose to keep records pertaining to this Matter in partially or exclusively electronic format, and we will bear ordinary costs relating to the treatment and storage of such records as part of the cost of providing legal services to you. Upon completion of our work on this Matter, your file, in the form in which it was maintained, will be made available for transfer to you at our office. As a general rule, we keep client files for five years. If your file has not previously been returned to you before the end of the retention period, our document retention policy directs us to offer the file to you at that time. Original documents (e.g., permits, licenses, deeds, wills and the like), or material that has unique or significant value in the form we originally acquired it, will be returned to you in that original form. We may, however, require you to pay any delivery or shipping expenses associated with delivering your client file and other client property to you at a location other than our office. If you do not indicate a desire to have the file returned to you, the file (both electronic and written) will be destroyed.

Conclusion

This letter and the attached *Additional Terms of Engagement* constitute the entire terms of the engagement of Lloyd Gosselink Rochelle & Townsend, P.C. in the Representation. These written terms of engagement are not subject to any oral agreements or understandings, and they can be modified only by further written agreement signed both by the City and Lloyd Gosselink Rochelle & Townsend, P.C. Unless expressly stated in these terms of engagement, no obligation or undertaking shall be implied on the part of either the City or Lloyd Gosselink Rochelle & Townsend, P.C.

Please carefully review this document, which includes this letter and the attached *Additional Terms of Engagement*. If there are any questions about these terms of engagement, or if these terms are inaccurate in any way, please let me know immediately. If acceptable, we would appreciate you signing and sending a signed copy of this document to my above-stated email address.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Gershon", with a stylized flourish at the end.

Michael A. Gershon

MAG/dsr

Enclosures

7735949

Mr. Thomas L. Mattis
October 19, 2018
Page 4

AGREED AND ACCEPTED:

CITY OF ELGIN

Thomas L. Mattis, City Manager

Date

Additional Terms of Engagement

This supplement to our engagement letter sets out additional terms of our agreement to provide the representation described in our engagement. Because these additional terms of engagement are a part of our agreement to provide legal services, you should review them carefully and should promptly communicate to us any questions concerning this document. We suggest that you retain this statement of additional terms along with our engagement letter and any related documents.

The Scope of the Representation

As lawyers, we undertake to provide representation and advice on the legal matters for which we are engaged. It is important for our clients to have a clear understanding of the legal services that we have agreed to provide. Thus, if there are any questions about the scope of the Representation that we are to provide in the Matter, please raise those questions promptly, so that we may resolve them at the outset of the Representation.

Any expressions on our part concerning the outcome of the Representation, or any other legal matters, are based on our professional judgment and are not guarantees. Such expressions, even when described as opinions, are necessarily limited by our knowledge of the facts and are based on our views of the state of the law at the time they are expressed.

Upon accepting this engagement on your behalf, Lloyd Gosselink Rochelle & Townsend, P.C. agrees to do the following: (1) provide legal counsel in accordance with these terms of engagement and the related engagement letter, and in reliance upon information and guidance provided by you; and (2) keep you reasonably informed about the status and progress of the Representation.

To enable us to provide effective representation, you agree to do the following: (1) disclose to us, fully and accurately and on a timely basis, all facts and documents that are or might be material or that we may request, (2) keep us apprised on a timely basis of all developments relating to the Representation that are or might be material, (3) attend meetings, conferences, and other proceedings when it is reasonable to do so, and (4) otherwise cooperate fully with us.

Our firm has been engaged to provide legal services in connection with the Representation in the Matter, as specifically defined in our engagement letter. After completion of the Representation in the Matter, changes may occur in the applicable laws or regulations that could affect your future rights and liabilities in regard to the Matter. Unless we are actually engaged after the completion of the Representation to provide additional advice on such issues, the firm has no continuing obligation to give advice with respect to any future legal developments that may pertain to the Matter.

It is our policy and your agreement that the person or entity that we represent is the one identified in our engagement letter, and that our attorney-client relationship does not include any related persons, employees of the client, or related entities.

Who Will Provide the Legal Services

As our engagement letter confirms, Lloyd Gosselink Rochelle & Townsend, P.C. will represent you in the Matter. Lloyd Gosselink Rochelle & Townsend, P.C. is a Texas professional corporation.

Although our firm will be providing legal services, each client of the firm customarily has a relationship principally with one attorney, or perhaps a few attorneys. At the same time, however, the work required in the Representation, or parts of it, may be performed by other firm personnel, including lawyers and paralegals. Such delegation may be for the purpose of involving other firm personnel with experience in a given area or for the purpose of providing services on an efficient and timely basis.

Communication and Confidentiality

In keeping with technological advancements and the corresponding demands of clients, it is the practice of the firm to use electronic (email) correspondence from time to time to communicate and to transmit documents. As such, the possibility exists that electronic transmissions could be intercepted or otherwise received by third parties and lose their privileged nature if the method of communication is ruled to lack sufficient confidentiality. As with any correspondence regarding legal representation, regardless of the manner of transmission, we urge you to use caution in its dissemination in order to protect its confidentiality. By signing below, you agree that we may use email in the scope of the Representation.

We recognize our obligation to preserve the confidentiality of attorney-client communications as well as the client confidences, as required by the governing rules of professional responsibility. If the Matter involves transactions, litigation or administrative proceedings or like proceedings in which our firm appears as counsel of record for you in publicly available records, we reserve the right to inform others of the fact of our representation of you in the Matter and (if likewise reflected or record in publicly available records) the results obtained unless you specifically direct otherwise.

Periodically, the firm is asked to provide a Representative Client List to prospective clients and in various legal directories (e.g., Martindale-Hubbell and the Texas Legal Directory). Unless you advise us to the contrary, we may disclose to third parties the fact that our firm represents you. Lloyd Gosselink is not requesting authorization to disclose any privileged information obtained during its representation.

Disclaimer

Lloyd Gosselink Rochelle & Townsend, P.C. has made no promises or guarantees to you about the outcome of the Representation of the Matter, and nothing in our engagement letter or these terms of engagement shall be construed as such a promise or guarantee.

Termination

At any time, you may, with or without cause, terminate the Representation by notifying us in writing of your intention to do so. Any such termination of services will not affect the obligation to pay for legal services rendered and expenses and charges incurred before termination, as well as additional services and charges incurred in connection with an orderly transition of the Matter.

We are subject to the codes or rules of professional responsibility for the jurisdictions in which we practice. There are several types of conduct or circumstances that could result in our withdrawing from representing a client, including, for example, the following: non-payment of fees or charges; misrepresentation or failure to disclose material facts; fraudulent or criminal conduct; action contrary to our advice; and conflict of interest with another client. We try to identify in advance and discuss with our clients any situation that may lead to our withdrawal.

A failure by you to meet any obligations under these terms of engagement shall entitle Lloyd Gosselink Rochelle & Townsend, P.C. to terminate the Representation. In that event, you will take all steps necessary to release Lloyd Gosselink Rochelle & Townsend, P.C. of any further obligations in the Representation or the Matter, including without limitation the execution of any documents necessary to effectuate our withdrawal from the Representation or the Matter. The right of Lloyd Gosselink Rochelle & Townsend, P.C. to withdraw in such circumstances is in addition to any rights created by statute or recognized by the governing rules of professional conduct.

Our engagement letter specifically explains our fees for services in the Matter. We will bill on a regular basis, normally each month, for fees and expenses and charges. It is agreed that you will make full payment within thirty (30) days of receiving our statement. We may give notice if an account becomes delinquent, and it is further agreed that any delinquent account must be paid upon the giving of such notice. If the delinquency continues and

you do not arrange satisfactory payment terms, we may withdraw from the Representation. However, any termination by either party may be subject to, or controlled by, orders of a court.

Document Retention

Upon completion of our work on this matter, it is our firm's policy that your original documents (e.g., permits, licenses, deeds, wills, etc.) and other client property be returned within a reasonable period of time. As to any documents so returned, we may elect to keep a copy of the documents in our stored files. Our own files, including lawyer work product pertaining to the matter, will be retained by the firm. These firm files include firm administrative records, time and expense reports, billing and accounting records, and internal work product. Internal work product includes drafts, notes, internal communications (in both paper and electronic mediums), and legal and factual research prepared for the internal use of our firm's lawyers. All documents retained by the firm will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us after the completion of our work without additional notice.

Charges for Expenses and Services

Our invoices will include amounts for legal services rendered and for other expenses and services. Examples of other expenses and services include charges for photocopying, travel and conference expenses, messenger deliveries, computerized research, and other electronic transmissions or filings. In addition, we reserve the right to send to you for direct payment any invoices delivered to us by others, including experts and any vendors.

Rates for our legal services, expenses and charges are subject to change from time to time and will be noted on your bill. In some situations, we can arrange for such services and expenses to be provided by third parties billed through our billings or by direct billing to the client.

Standards of Professionalism and Attorney Complaint Information

Pursuant to rules promulgated by the Texas Supreme Court and the State Bar of Texas, we are to advise our clients to the contents of the Texas Lawyer's Creed, a copy of which is attached. In addition, we are to advise clients that the State Bar of Texas investigates and prosecutes complaints of professional misconduct against attorneys licensed in Texas. A brochure entitled *Attorney Complaint Information* is available in our office in Austin and is likewise available upon request. A client that has any questions about the State Bar's disciplinary process should call the Office of the General Counsel of the State Bar of Texas at 1-800-932-1900 toll free.

Additional Terms of Engagement 1.7 .doc

THE TEXAS LAWYER'S CREED

A Mandate for Professionalism

Promulgated by The Supreme Court of Texas and the Court of Criminal Appeals November 7, 1989

I am a lawyer; I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that Professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this Creed for no other reason than it is right.

I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

II. LAWYER TO CLIENT

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.
5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.
9. I will advise my client that we will not pursue any course of action which is without merit.
10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.
11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.
5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are cancelled.
6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.
7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.
8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.
9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.
10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.
11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.
12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.
13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.
14. I will not arbitrarily schedule a deposition, Court appearance, or hearing until a good faith effort has been made to schedule it by agreement.
15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.
17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.
18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.
19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

IV. LAWYER AND JUDGE

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.
2. I will conduct myself in court in a professional manner and demonstrate my respect for the Court and the law.
3. I will treat counsel, opposing parties, witnesses, the Court, and members of the Court staff with courtesy and civility and will not manifest by words or conduct bias or prejudice based on race, color, national origin, religion, disability, age, sex, or sexual orientation.
4. I will be punctual.
5. I will not engage in any conduct which offends the dignity and decorum of proceedings.
6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.
7. I will respect the rulings of the Court.
8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.
9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

Order of the Supreme Court of Texas and the Court of Criminal Appeals

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics, instead of being part of the solution, have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of ethical and professional conduct.

These rules are primarily aspirational. Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon reenforcement by peer pressure and public opinion, and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals hereby promulgate and adopt **"The Texas Lawyer's Creed -- A Mandate for Professionalism"** described above.

In Chambers, this 7th day of November, 1989.

The Supreme Court of Texas

Thomas R. Phillips, Chief Justice
Franklin S. Spears, Justice
C. L. Ray, Justice
Raul A. Gonzalez, Justice
Oscar H. Mauzy, Justice
Eugene A. Cook, Justice
Jack Hightower, Justice
Nathan L. Hecht, Justice
Lloyd A. Doggett, Justice

The Court of Criminal Appeals

Michael J. McCormick, Presiding Judge
W. C. Davis, Judge
Sam Houston Clinton, Judge
Marvin O. Teague, Judge
Chuck Miller, Judge
Charles F. (Chuck) Campbell, Judge
Bill White, Judge
M. P. Duncan, III, Judge
David A. Berchermann, Jr., Judge