AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 2, 2019
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 On An Zoning Change Request Submitted By Martha Flores For Her Property At 700 Bull Run, Elgin, Bastrop County, Texas.**

Documents:

700 BULL RUN PUBLIC HEARING EXSUMMARY COVER SHEET.PDF
MARCH 25, 2019 AGENDA.PDF
700 BULL RUN MAP.PDF

VI. **APPEAL HEARING**

1. **Hearing On An Appeal Filed On Behalf Of Building Owner Jose M. Arreola To Reconsider A Decision By The Building Official To Uphold The Historic Review Board's Decision To Disapprove Window Replacement Plans For 19 North Main Street**

Documents:

EX SUMMARY - 19 N. MAIN APPEAL.PDF
19 N MAIN - PACKET4219.PDF

VII. **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.

VIII. **PRESENTATION**

1. **Introduction Of Police Sergeants - Chief Patrick South**

- Sgt. Gerloff
- Sgt. Deal
- Sgt. Wall
- Sgt. Pollard
- Sgt. Leal

IX. **CITY MANAGERS REPORT**

1. **Departmental Monthly Reports - February**

Documents:

EXSUMMARY SUMMARY REPORTS - FEBRUARY.PDF
COMMUNITY DEVELOPMENT - FEBRUARY.PDF
LIBRARY REPORT - FEBRUARY.PDF
MAIN STREET REPORT - FEBRUARY.PDF
OCA REPORT - FEBRUARY.PDF
PARKS REPORT - FEBRUARY.PDF
PLANNING REPORT - FEBRUARY.PDF
POLICE MONTHLY REPORT - FEB 2019.PDF
PW REPORT - FEBRUARY.PDF
UTILITY BILLING - FEBRUARY.PDF

2. **General Activity Report And/Or Project Update**

Documents:

EXSUMMARY - GENERAL ACTIVITY REPORT.PDF

## X. 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 theses 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 Request To Waive Open Container Ordinance For Juneteenth Festival June 7 From 6pm To 12:15am And On June 8th From 8am To 6pm.**

   Documents:

   JUNETEENTH REQUEST LETTER (2).PDF
   EXECUTIVE SUMMARY JUNETEENTH FESTIVAL PARADE FEES19.PDF

2. **Consider The Request To Waive Open Container Ordinance For Western Days Festival June 21 From 6pm To 12:15am And On June 22 From 8am To 8pm In Elgin Memorial Park.**

   Documents:

   EXECUTIVE SUMMARY WESTERN DAYS FESTIVAL OPEN CONTAINER19.PDF

3. **Consider Application To Texas Department Of Transportation For A Transportation Alternatives And Safe Routes To School Grant.**

   Documents:

   EXECUTIVE SUMMARY TXDOT GRANT APPLICATION.PDF

4. **City Council Meeting Minutes - March 5, 2019**

   Documents:

   EXSUMMARY SHEET MINUTES.PDF
   CITY COUNCIL MINUTES 3-5-19.PDF

5. **Consider Authorizing The City Manager To Negotiate A Lease With The Capital Area Rural Transit Authority (CARTS) For A Bus Terminal At Avenue C And Central Avenue.**

   Documents:

   EXECUTIVE SUMMARY CARTS LEASE.PDF
   CARTS LEASE ELGIN STATION PROJECT.PDF
   CARTS SITE PLAN.PDF

## XI. NEW BUSINESS

1. **AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR A CHILD CARE CENTER AT THE PROPERTY LOCATED AT 700 BULL RUN ROAD IN SOPKO & KEELING SUBDIVISION, LOT 1, BEING APPROXIMATELY 0.5510 ACRES AND LOT 2 BEING APPROXIMATELY 0.5510 ACRES, CITY OF ELGIN, BASTROP COUNTY, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

   Documents:

   700 BULL RUN RD EXSUMMARY COVER SHEET.PDF
   MARCH 25, 2019 AGENDA.PDF
   700 BULL RUN MAP.PDF
   MIN 03-25-19.PDF
   ORDINANCE 700 BULL RUN.PDF
   700 BULL RUN EXHIBIT A.PDF
   700 BULL RUN EXHIBIT B.PDF

2. **RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF THE ELGIN AND SOUTHSIDE MARKET AND B-B-Q, INC AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

   Documents:

   EXSUMMARY EDC.PDF
   RESOLUTION FOR 380 AGREEMENT SOUTHSIDE MARKET.PDF

3. **Consider Request To Waive Or Reduce Fees For The Juneteenth Festival And Parade.**

   Documents:

   EXECUTIVE SUMMARY JUNETEENTH FESTIVAL PARADE FEES19.PDF
   JUNETEENTH REQUEST LETTER (2).PDF

4. **Consider Request To Waive Or Reduce Fees For Western Days Festival.**

   Documents:

   EXECUTIVE SUMMARY WESTERN DAYS FESTIVAL PARADE FEES (2).PDF
   WESTERNS DAYS FESTIVAL REQUEST 19 .PDF

**XII. EXECUTIVE SESSION**

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

1. **Adjourn Into Executive Session Pursuant To (A) Section §551.071 Consultations With Attorney; To Deliberate With Legal Counsel Regarding Pending Or Contemplated Litigation: Bonnie Crankshaw V. City Of Elgin And Thomas Mattis, City Manager, In His Individual Capacity And (B) Pursuant To Section §551.074 Personnel Matters: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee**

Documents:

EXSUMMARY - EXECUTIVE SESSION3.PDF

**XIII. RECONVENE**

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

**XIV. ANNOUNCEMENTS**

**XV. ADJOURMENT**

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3222. Please provide forty-eight hours notice when feasible.

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, March 29, 2019, 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 a Specific Use Permit request submitted by Martha Flores for her property at 700 Bull Run, Elgin, Bastrop County, Texas.

**DEPARTMENT:** Planning and Development

## PROPOSED ACTION:
No Council action proposed or requested at this time; this item is to allow for public comments on the requested Specific Use Permit at 700 Bull Run so a child care center can operate there.

## BACKGROUND:
The Planning & Zoning Commission held the first of two public hearings on the requested Specific Use Permit on March 25, 2019. This is the second of the required public hearings.

## BUDGET/FINANCIAL IMPACT:
**Funding for this item was { } included { } not included in the current-year budget {X} N/A**

## RECOMMENDATION:
Receive public comments regarding this issue.

## ATTACHMENTS:
Executive Summary
March 25, 2019 Planning & Zoning Commission Agenda
Map of area requesting Specific Use Permit

**{ } 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.*

AGENDA
ELGIN PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MONDAY, MARCH 25, 2019, 6:30 P.M.
CITY HALL ANNEX COUNCIL CHAMBERS
310 NORTH MAIN STREET

**CALL TO ORDER**

**PUBLIC COMMENT:**

Individuals may request to speak on items on the agenda, and items not on the agenda. Speaker comments are limited to three (3) minutes. No formal action can be taken on items not posted on the agenda. 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 Commission Member, member of Staff, other individual or group.

**CONSENT:**
1. Approval of minutes, February 25, 2019 meeting.

**UNFINISHED BUSINESS:**

1. REVIEW AND MAKE POSSIBLE RECOMMENDATIONS TO THE ELGIN CITY COUNCIL ON A ZONING CHANGE REQUEST SUBMITTED BY MARTHA FLORES, OWNER OF THE PROPERTY LOCATED AT 700 BULL RUN ROAD IN SOPKO & KEELING SUBDIVISION, LOT 1, BEING APPROXIMATELY 0.5510 ACRES AND LOT 2 BEING APPROXIMATELY 0.5510 ACRES, CITY OF ELGIN, COUNTY OF BASTROP, TEXAS, TO CHANGE THE ZONING FROM C-3 HIGHWAY COMMERCIAL DISTRICT TO S-P SPECIFIC USE PERMIT TO OPERATE A CHILD CARE FACILITY THERE.

**NEW BUSINESS:** NONE.

**EXECUTIVE SESSION**
The board may 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.

**RECONVENE**
The board returns to open session for possible discussion and action as a result of the Executive Session.

**ANNOUNCEMENTS**

**ADJOURNMENT**

**NOTICE**

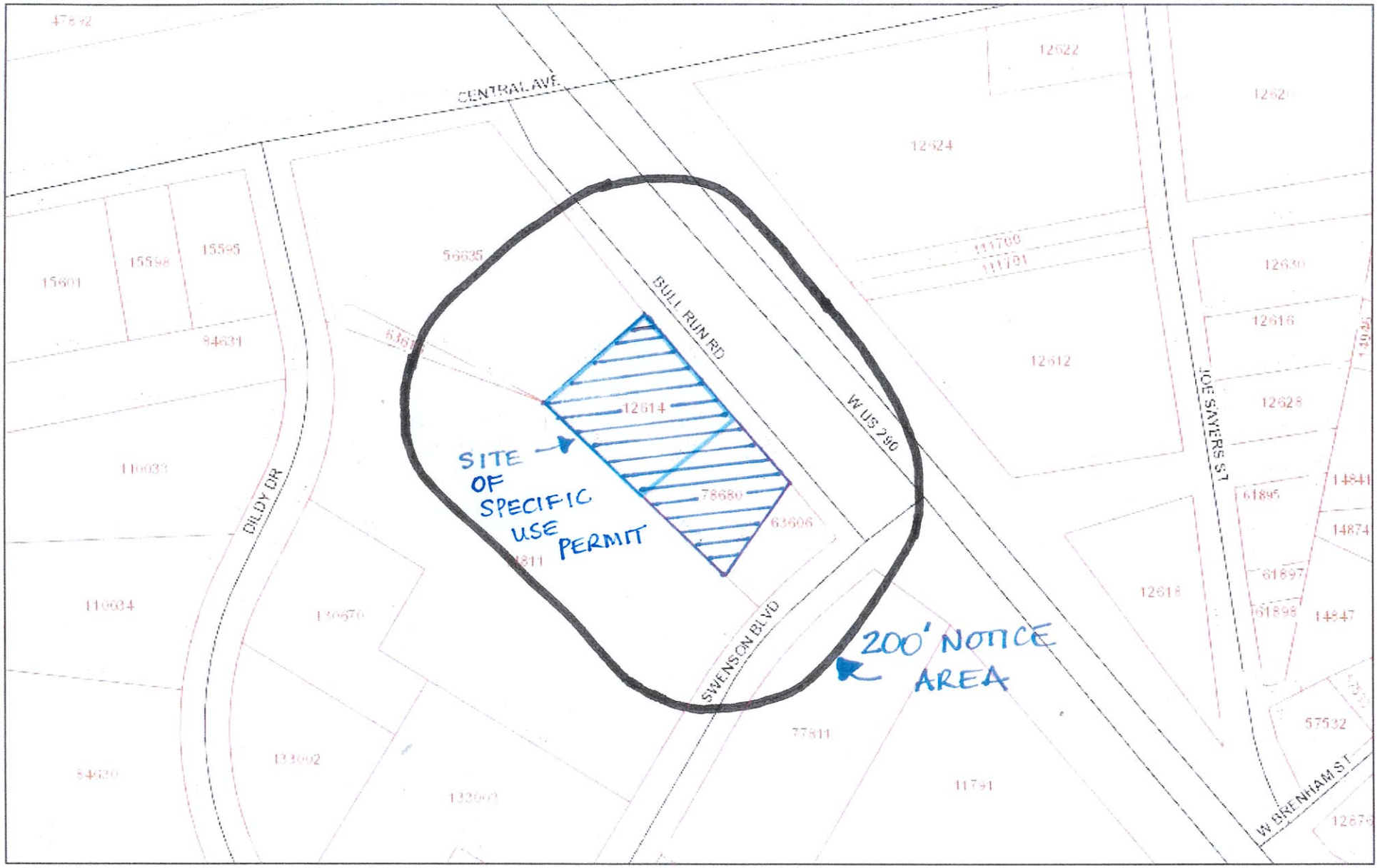
I, the undersigned authority, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before the 8th day of March, 2019 before 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code. The Elgin City Council will hold a public hearing on Zoning for Items #1 in the City Council Chambers, Elgin City Hall Annex, 310 North Main Street, Elgin, Texas, on Tuesday, April 2, 2019 at 7:00 pm.

_____Melissa Lipiec_____
Melissa Lipiec, Planning and Development Admin.

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

Para informacion en espanol favor de llamar 512-281-0119. Servicios de traduccion disponible en la reunion.

# 701 Bull Run




February 12, 2019

1:2,402

Parcels Lot Lines Roads

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

# Elgin City Council Meeting
# Agenda Item Executive Summary

**ITEM:** Hearing on an appeal filed on behalf of building owner Jose M. Arreola to reconsider a decision by the Building Official to uphold the Historic Review Board's decision to disapprove window replacement plans for 19 North Main Street

**DEPARTMENT:** City Manager/Building Official

**PROPOSED ACTION:** Consideration of the appeal as described

## BACKGROUND:

Representatives of the building owner at 19 N. Main St. previously submitted plans for an extensive demolition and remodeling project for which a building permit was subsequently approved. The plans as submitted by the owner did not include any mention of window replacement, which therefore was not included in the authorized scope of work.

Subsequently, the owner did, however, begin to replace all the building windows. In response, the City issued a stop work order. The owners then submitted revised plans that included window replacement. As per city code, such replacement of windows in the downtown area must be reviewed by the Historic Review Board (HRB)

The HRB met to consider the proposed window replacement plan and unanimously denied the application for the windows, determining they were not architecturally compatible and do not meet the requirements of the Historic District Ordinance.

The owner has now submitted a Notice of Appeal as per city code, which states: "*Any person aggrieved by an action of the historic review board or building official relative to the acceptance or denial of an application shall have the right to appeal to the city council . . . The council shall sit as a review board. . . . The council ruling may uphold, overrule or modify the building official's decision*."

## BUDGET/FINANCIAL IMPACT:

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

## RECOMMENDATION:

Review and consideration of the appeal regarding the window replacement plan at 19 N. Main St. as described above; and direction to staff, if any, as deemed appropriate by the City Council

**ATTACHMENTS:** Information packet

**{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.*

# NOTICE OF APPEAL

March 14, 2019

To: **City Council**
**For the City of Elgin TX.**

Honorable Members of the City Council, I Would like to express my right an use this as a Notice of Appeal for the Decision of the Historic Review Board and request the Council to hold a hearing with regard our desire to appeal the Building Official's decision not to approve our plans for the window replacement for the building located on 19 N main St. Elgin TX.

The building know as Joseph's steak house that we purchase last year to relocate our current location to this building, making it more appealing for our customers and also providing apartments on the upstairs of the building.

As you might know when you invest in a building, you make a long lasting investment, especially when you plan to keep the building for years to come and to make it a nice place for Elgin residents to frequent as well as visitors must visit place.

As we started working on the inside of the building at the end of the 2018 year, trying to open first quarter of 2019 we move pretty fast as and had several crew people working to meet our goal to open on time, unfortunately we came across a very disturbing sign( Please See Pictures Attach) to see that the windows that where in place, had a huge gap in between them and that water was affecting the inside of the structure of the building having many bricks already fracture and not able to be fixed. We notice that the windows were not the Original building windows and that the material used where Vinyl and metal and that the window was not a cost effective window. As everyone in the historical committee where enjoying end of year vacation we did some research, and we looked at the Building across the Street from us as it was convenient across the street, and we went to the city website and found a disclosure on page20 and 21 that state Storefront Windows improvements recommendations.

#1 When Possible, maintain original glass pane size and transom window dimensions. (We couldn't because we did not have the original windows. So this was out of the question

#2 when replacing windows, also use the same dimensions and locations as original windows. ( when windows where replace in 1960's they made the size of the window frame very odd in fact they change a door frame to a window also the amount of deterioration from the inside made it almost impossible to get the original size window.

#4 that states “When **replacing windows, it is *PREFERRED*, that the wood frame windows de used. Wood frame metal clad windows are also acceptable.”** In our case there was no wood frame left in fact (please look at attachments.) the quality of material used and the gap inside where so bad we went for the best more efficient option available, creating on the inside a cost effective good material window. But in the outside still a nice age appropriate wood frame window that will resemble the age of the building, so a win win situation for everyone. We invested on 13 windows to make them cost effective environment friendly window on the inside, and on the outside wood frame structure to comply with city requirements. But when it was time to start doing the Frame we were approach by city and requested to get more information on the project. We never intended to disregard any rules or regulations, our only intend was to invest in a better and more efficient windows, and as far for the looks on the outside recreate as close as possible the wood frame to comply with city requirements for the project.

Our only intention was to move as fast as possible on the project and to invest in something that would stand in time for a longer period of time. Inviting people to try our restaurant and accommodate people in a nice apartment to enjoy what downtown Elgin has to offer for our residents.

If you ask me why to make this exception to us when you have said no to other people. I will say. Because what make us different from the rest of the buildings is that **our windows where Not the originals, The Damage caused by windows installed in 1960 did irreparable Damage to the structure and Original Opening of the windows, making it IMPOSSIBLE to bring back to Original state.**

we bought a building to make something beautiful to attract people to eat and to live in our community, we did not wanted to make a building to just renovate an make a quick dollar when turn around, we invested in this property with the thought of mine to keep it for years and years to come. Our building had been abused by prior owners, and maintenance ignored. We would have love to preserved the original windows of the building but as I mention the windows where change in the 1960’s for a cheap material that instead of preserving the building affected the integrity of this. To the point of almost falling apart if left unattended for a period longer.

I want to thank the Honorable City Council for making the time to listen to this Appeal for the Decision made by the Historical Review Board and getting this in the City Council Agenda.

I will attach the pictures where you can see the level of deterioration the building had, making it impossible for us to keep the windows installed in the 1960’s that where made of a cheap material and caused so much damage to the structure of the building.

**Submitted by Yamil Hernandez on behalf of Jose M. Arreola via e-mail on March 14, 2019**
**Received by Melissa Lipiec, City of Elgin Planning Department**

# 19 N MAIN

## BUILD 1891

## HISTORIC NAME

## CITY CAFE

**Submitted by Yamil Hernandez on behalf of Jose M. Arreola via e-mail on March 14, 2019 Received by Melissa Lipiec, City of Elgin Planning Department**

1

## LEARNING ABOUT THE BUILDING

2

## CHANGES FROM THE 60'S TO PRESENT

3

## GETTING TO KNOW THE CHANGES

4

# GETTING TO KNOW THE CHANGES

5

# 2018 WINDOW SIDE TO SIDE

**Side to Side Building compare The 2 buildings that once where The same.**

**Difference on Windows shape, Size, Style and frames**

6

# Problem on the Inside

***As we where remodeling the inside we encounter***
***A heavy presence of water coming from the inside***
***Window frame.***
***Also realized that the wall was Fracture and had been tried to fixed with different***
***Color shape and quality of brick***

***Wall was in bad shape and Not Original on repairs***.

7

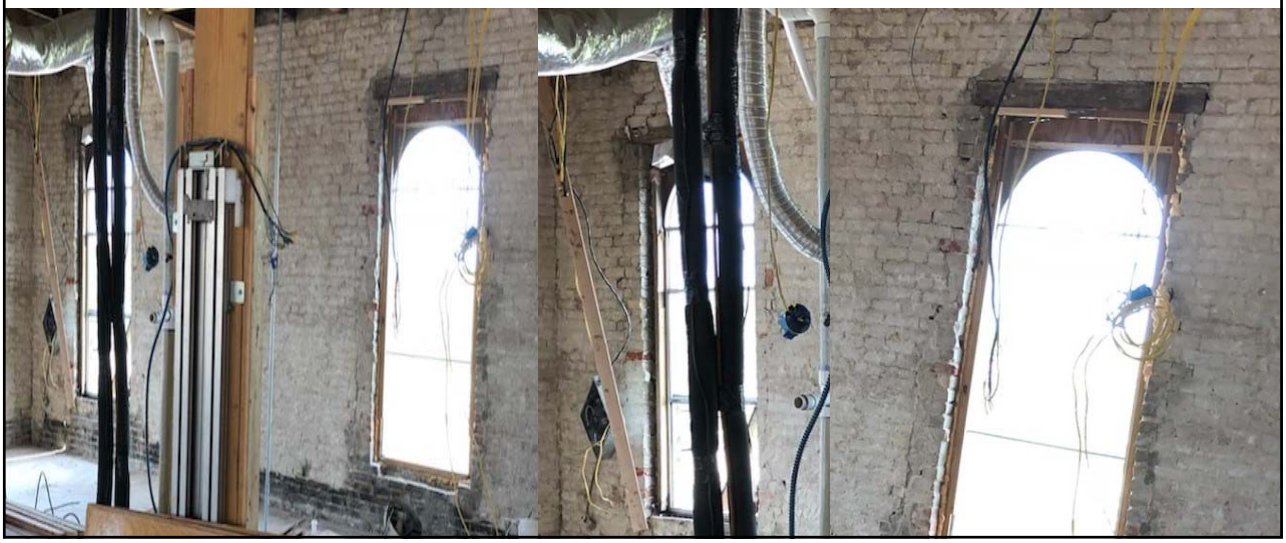
# Inside of the Frame and main Issue

**As the wooden frame was removed We realized the severity of the situation**

**As we realized the openings, water damage caused due to the big holes left**
**In the frame causing the wall to break and practically dissolved the original**
**Opening of the windows.**

8

## Integrity of the Building was at risk



9

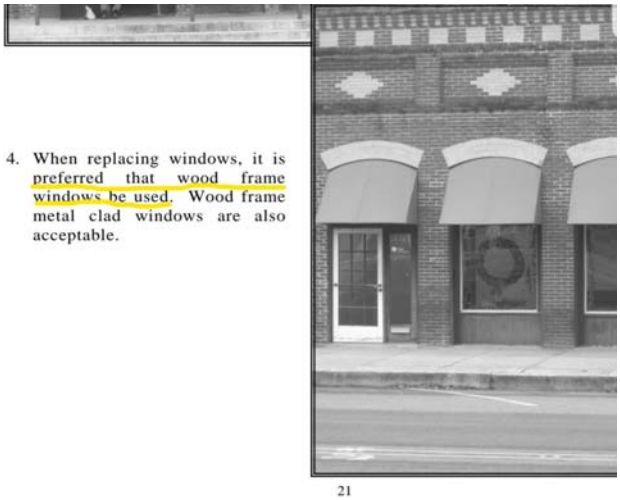
## Getting The Best Lasting Solution. Insulation and no Gaps for water.

10

# No more temporary fixes.
# A Perfect lasting fix

11

# Complying According to Regulations.



4. When replacing windows, it is preferred that wood frame windows be used. Wood frame metal clad windows are also acceptable.

21

**To Comply with City**
**We used a Wood Frame.**

**We can make this frame to Comply with city regulations and Codes.**

**As interpretation of recommendation by the City Historical review board.**

**According with Publication States the preferred use of wood frame be used**

12

# This is The Point of Appeal.

2. When replacing windows, also use the same dimensions and locatio

Yes! Window pane is original size.

Also retained the 2 over 2 windows.

Used metal clad wood frame windows

20

Our Windows where Never the Original Dimensions or Locations Due to a Door Being there, and shape of Original window alter and modified. Window Pane as you can see was Not the Original Size or windows Where Original materials, as they where change for Vinyl windows in The 1960's, shape was change to a more arch window loosing the Authentic size of the frame.

There was no more 2 over 2 windows.

So as far as retaining the integrity, size and shape of Original Windows. It was impossible. Due to the past improvements done to this building. they have distorted the Original shapes and where not able to be set Back to Original size, shape or Location of windows.

13

# 19 N Main Street Changes in Time

14

# 1960 Vinyl and arch shaped windows

1960's windows that where in place of the
Original windows.
As you can see the vinyl
Material and the more arch shape of them.
Causing distortion To Original Shape and size of original and
Historical windows.

15

# Memorandum

**Date:** March 25, 2019

**To:** City Manager

**Subject:** Construction/Renovation Timeline – 19 North Main Street

19 North Main Street is a 2-part commercial block circa 1890 contributing structure located in the Elgin Historic District which is listed on the National Register of Historic Places.

- Renovated in 1990 by Owen Andy Norton – removed exterior white stone additions, interior kitchen work.
- Purchased and renovated in 2017 by David and Cathe Koslosky, who completed a full renovation of the first floor including a new commercial kitchen, restored dining room area. Restored 2nd floor for group dining and office space. Renovation included exposing and retaining the original longleaf pine floors on first and second floors, original brick walls, original hallway with bead board on 2nd floor. Project was nominated for Best Adaptive reuse in the 2017 Texas Downtown Association Presidents Awards. All plans were submitted to the city for review and were reviewed by the Historic Review Board (HRB) and the city staff before implementation. The Koslosky's participated in the State Franchise Tax credit and national preservation tax credit programs. These programs require review of both interior and exterior proposed work and the completed work by the Texas Historic Commission. The Koslosky's did not do work on the 2nd floor windows. Before and after photos provided of the exterior in 2016 and 2017.
- Purchased by Jose M. Arreola in 2018. Yamil Hernandez, building owner's representative, submitted plans to the City of Elgin for a demolition permit in summer 2018. Said permit was approved to include: dish washing room and stairs at first-floor for new steel stairs to be added for second-floor, walls and section of roof, window, stairs, walls, doors, fixtures, and electrical.
    - Yamil Hernandez submitted plans in August 2018 scope of work included: structural column footings and 4x4" steel columns, steel stairs, wood frame ceiling joists, wood frame Fire Barrier and partition walls, interior finishes, millwork, and MEP's. A building permit for same was approved at that time.
    - The approved building permit and authorized scope of work did not include any information about the removal and replacement of the thirteen (13) second story windows.
    - On Sunday, December 30, the Director of Community Development (DCD) was contacted about the window work at 19 North Main by the HRB chair. At that time, it was observed that windows had been replaced; and it was determined that such work was not authorized, nor had it been properly reviewed by either staff or the HRB.
    - DCD called Mr. Hernandez and let him know that the window work was outside the scope of his building permit, had not been reviewed by the HRB, and construction

regarding same could not proceed. DCD requested at that time that the widows removed from the building be kept on site.

- Hernandez submitted complete plans for the windows February 25.
- As per city code, the HRB met to consider Hernandez's proposed window installation at 19 North Main St. (the minutes of said meeting are attached hereto). At this meeting the Board unanimously denied the application for the windows as being not architecturally compatible and do not meet the requirements of the Historic District Ordinance.

*Additional information responsive to comments made by Mr. Hernandez as part of his written submission providing notice of appeal of the HRB decision:*

- The Historic Review Board has received and acted on nearly identical requests from numerous downtown building owners in the past - and has consistently denied all such requests.
- Over the past few years, second story windows have been replaced at numerous buildings in Downtown Elgin in a manner that is architecturally compatible and compliant with the requirements of the Historic District Ordinance:
  - 119 Central Avenue
  - 200 Central Avenue
  - 101 North Main Street
  - 114-116 North Main Street.
  - 28 North Main, 26 North Main, and 24 North Main Street (1st floor rear windows)
  - 109 and 111 South Avenue C (1st floor rear windows)
- All window replacements listed above submitted accurate plans in a timely manner and were appropriately reviewed and approved by city staff and the Historic Review Board.
- The City of Elgin maintains staffing in all departments during holidays. The Planning & Development Department and the Community Development Department were open, and staff were available during the timeframe mentioned by Mr. Hernandez. Had accurate construction plans been submitted appropriately, they would have been processed and reviews conducted in a timely manner.
- The City of Elgin website provides information about the Historic District and provides Technical resources such as Preservation Briefs. Pages 20 and 21 from the Design guidelines discuss 2nd floor windows and are attached. The Historic District Ordinance states that the Secretary of the Interiors Standards are to be used for review of applications. https://www.elgintx.com/208/Do-Business-Downtown

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

Amy S Miller

Amy Miller
Director of Community Development
Elgin Main Street Manager

# 19 North Main Street

2-part commercial block circa 1890 contributing structure in the Elgin Historic District which is listed on the National Register of Historic Places.

1

## 19 North Main Street circa 1890

2

# Historic District

Established by City Council Ordinance in 1990.
Listed on the National Register of Historic Places 1991

3

## Building Rehabilitations 19 North Main

- 2016 owners, David & Cathe Koslosky
- Early 1990's owner Owen Andy Norton
- Both owners submitted plans for review, complied with Historic District ordinance.

4

**2016 Coslosky acquisition**

**2017 Colosky Rehabilitation complete**

5

## Best Rehabilitation nomination in the 2017 Texas Downtown Association Presidents Awards

- Annual program to recognize outstanding projects, places, and people of Texas.

6

## Timeline 19 North Main Street

- July 16 Demolition permit for interior first floor issued by City of Elgin.
- July 24 plans submitted for scope of work: for interior remodel of second floor only. The scope of work submitted with these plans did not include removal and replacement of thirteen (13) windows.
- August 30 building permit issued for scope of work – removal and replacement of 13 windows was Not included in the scope of work.
- December 30 – Community Development Director and Code Enforcement officer notified of window removal and replacement.
- December 30 owners representative verbally agrees to stop work on windows.

7

## Timeline 19 North Main Street Continued

- January 22 HRB meets, reviews modification request , approval of one window as a sample of the proposed work.
- February 5 COE stop work order issued b/c work conducted was outside the scope of work (removal and replacement of 13 windows plans were not submitted to the City).
- February 26 HRB meeting, HRB denies window replacement submittal.
- March 7 Stop Work order lifted by City of Elgin.
- March 14 incomplete Notice of Appeal submitted to City of Elgin.
- March 26 complete Notice of Appeal submitted to City of Elgin.
- April 2 City Council appeal hearing.

8

# 19 North Main Street

Original windows circled in green – proper size & shape. Information provided to the Owner representative.

9

# 19 North Main Street

- One opening on the 2nd floor front façade has been a door or a window at different times in the buildings history.
- Historic photo shows shape and size of original windows.
- Nine other buildings downtown have replaced windows – and offer examples of compliant window replacement in the district.
- Removal and replacement of 13 windows was not included in the scope of work submitted to the City of Elgin.

10

## Window plans submitted, reviewed, compliant with historic district ordinance

11

## Window plans submitted, reviewed, compliant with historic district ordinance

12

## Window plans submitted, reviewed, compliant with historic district ordinance

- 24 North Main Street
- 25 North Main Street
- 32-30 North Main Street
- 109 South Avenue C
- 111 South Avenue C

13

## Technical Resources

- Technical Design services are provided through the Texas Historic Commission Main Street Program.
  - Plans were not submitted for review to the city, these services were not utilized by the owner prior to removing and installing windows that do not meet the requirements of the Historic District Ordinance.
- Historic District Ordinance requires that reviews be conducted following with US Secretary of the Interior's Standards for the Treatment of Historic Properties.
- Preservation Briefs are available online for windows.
- The Elgin Historic District guidelines have a section about windows.

14

# City of Elgin

- Hours of operation available
- Plans for the removal and replacement of 13 windows were not submitted to the City of Elgin.

15

# Historic Review Board

- **<u>January 22 meeting</u>**: board approved a sample installation of the modified wood frame covering for further review.
- **<u>February 26 meeting</u>**: the board unanimously denied the application for the windows with the modified wood frame covering. The windows are not architecturally compatible and do not meet the requirements of the Historic District Ordinance.
- **<u>February 26 meeting:</u>** board offered that half the windows could be replaced this year and the remaining side and rear windows could be replaced next year with windows that meet the requirements.

16

# 19 North Main Street windows

Existing windows

Replaced windows

Modified with wood cover windows

17

# Why did HRB deny this application ?

- Plans for the windows were not submitted for review by the City of Elgin.
- The replacements are half-circle arch windows that are too small for the existing opening.
- The characteristics do not match the historic design.
- The proposed replacement windows do not meet the Secretary of the Interior's Standards or the Elgin Downtown Historic District Guidelines.
- The windows are improper repairs that are incompatible.
- At least nine other properties have replaced windows following the requirements of the historic district ordinance.

18

21 March 2019

Amy Miller
Community Development Director
City of Elgin
PO Box 591 Elgin, TX 78621

Re: Windows at 19 N Main Street, Elgin, TX

Ms. Miller,

Thank you for getting in contact with our office regarding the window replacement at 19 N Main Street. I recognize and appreciate that you and the City of Elgin are vitally interested in the preservation of the character and intrinsic value of your nationally recognized and valued downtown historic district and such individual important structures in your town. I am also impressed by the knowledge and efforts you all have displayed with regards to the building and this issue in particular. Situations like these can have cumulative long-lasting effects on the economic and cultural health of a community, and a proper resolution is vital to maintaining the best possible condition of these community resources.

I applaud the owner for the desire to contribute to the collective value of downtown Elgin by investing time and finances towards being a good steward to this property while it is in their possession. It is important, however, to do so in a way that doesn't diminish the value of the existing historic fabric and the overall quality of the streetscape by performing improper repairs that are inconsistent with the quality and standards put forth by the local historical commission and the US Secretary of the Interior's Standards for the Treatment of Historic Properties.

As seen in the progress photos of the window replacement at 19 Main St, it is obvious that the windows and construction methods on the exterior as well as the interior employed on the project are inappropriate. Having a radiused top that does not match the radius of the opening is not only historically inaccurate, but it is also an inappropriate aesthetic decision. The result is the appearance of a cheaply and poorly executed project that affects the value of the building, neighboring buildings, and ultimately the entire historic district. Allowing such seemingly minor degradations of the downtown fabric will set dangerous precedents that could ultimately diminish the attractive historic character and sense of place of downtown Elgin. The standards for windows should be followed as set for in the Secretary of the Interior's Standards.

Moreover, the work arounds and patchwork solutions necessary to make this inappropriate window work can, in themselves, worsen the situation overall as they are potential dangers to the health of the building. Because the windows are the wrong size and shape, superfluous material is being employed around the window to fill the abnormally large gaps, which create increased leaking hazards and potential material incompatibility problems.

The appropriate solution is to install custom double or single hung windows that follow the size and shape of the masonry opening. It is preferable that these be wood or wood clad in order to stay in keeping with the character of the building and downtown overall. Individual divided glass lights like those of the connected building at 11-17 N Main St. are appropriate for this building. Our office remains at your disposal to continue to assist in designing and executing a more appropriate solution to this situation.

Thank you for including me in the conversation, and please do not hesitate to contact us with any further questions or concerns on this matter.

Sincerely,

Riley Triggs

Riley Triggs, A.I.A.
Texas Main Street Architect
512.463.7462

HISTORIC REVIEW BOARD MINUTES
TUESDAY, JANUARY 22, 2019
CITY HALL ANNEX, 310 NORTH MAIN STREET ELGIN TEXAS 78621

Attending: Molly Alexander, Melissa Cole, Skie O'Mahoney, Ed Rivers, Allan Tolbert, Robert Ryland, Micah Erwin and Emily Koller
Absent: Phillip Garwood out sick
Staff: Amy Miller, Community Development Director
Called at 7:33 am by Molly Alexander
Public Comment- none

Molly Alexander welcomed new board member Micah Erwin who was recently appointed by City Council.

Minutes- Minutes for October 16, 2018 were presented. Melissa Cole moves to approve. Robert Ryland 2nd. Passed unanimously.

**Parking-** General discussion on parking requirements. Wayfinding to direct people to public parking needs to be added. General agreement for no minimums. Staff to continue research and work with Design committee for Main Street Board on recommendations.

**110 S. Main Street-** Presented by Jerry Garcia, Full renovation of 10,000 sq.ft. building interior and exterior elevations. Applying for State and Federal tax credits. For the storefront area, removing existing new brick that was added in mid-1990's, glazing on front will have a kickplate. Adding rolled tin canopy. Replacing new windows that were installed in 1990's; that do not fit the window openings with new wood clad windows that fit the size and shape of the original window openings, one over one with wood framing. There is a ghost mural on the south facing side. Part says Rivers Brothers Mercantile and another part says sells shoes, not sure yet to what degree this would be repaired. To be provided in future application.

Rear façade two new door openings where there would have been doors. Full light with transom windows. Three single frame windows in existing openings, Adding two windows and one door at rear first floor, planning to have small courtyard area at the rear for the two apartments. Paint colors under discussion.

Timeline: General planning to start work in February. interior demo, frame walls and then move to the exterior work. The project is under review with the Texas Historic Commission for State Franchise Tax credits and with the National Park Service for federal historic preservation incentives. Additional information to be provided and the review to be continued at next meeting.

**19 N. Main Street**- Presented by Yamil Hernandez, owner's representative for Jose Arreola. Future home of Joseph's Steakhouse, which would move from Hwy. 290. Adding 5 one-bedroom apartments on second floor. Aluminum frame windows that were not original to the building were removed on approximately December 30. Yamil reported that there was some deterioration of brick around windows due to water penetration. The windows installed on or about December 30 are smaller than the original window opening and have an arched top. There is an open area around the window between it and the brick. Yamil provided a sample to show two styles of molding that can be made to cover the gap between the window frame and the brick. This is made from Styrofoam and plaster to create a seal and insulation around the windows. This is not structural. It is light weight. Owner could do one as a sample on back of the building. Other items – the existing cast iron transition plates between building and sidewalk have deterioration. Rusted through in many areas with visible holes. Could these plates be replaced with concrete? Board noted that the plates may need to be cast iron to allow more wicking so moisture can escape more easily and preserve the overall integrity of the brick and the structure as a whole. This application will be reviewed after the sample. Are these metal or vinyl windows? The guidelines require wood frame or metal clad wood frame windows.

**112 S. Ave. C-** Application was presented for exterior façade. A 10x10 wooden gazebo in the rear of the building to provide an area for patrons to smoke. The facility is now a no smoking one. All wood to be treated no exposed wood. Ed Rivers moves to approve wooden gazebo. 2nd by Rob Ryland. Passed unanimously.

**119 Central Ave.-** Repointing brick, touch up ghost mural, repaint existing wood storefront windows, The mortar mix is to match color of existing and have a higher sand content; this is not a concrete material. Emily Koller moves to approve maintenance as listed with repointing where mortar will match. 2nd by Melissa Cole. Passed unanimously.

**Announcements-**

Sip, Shop & Stroll on second Thursdays of the month from 5-8pm in Downtown
January 31st- Community Blood Drive

**Adjourned** 8:45 am

APPROVED: ATTEST:

_____ _____

HISTORIC REVIEW BOARD MINUTES
TUESDAY, FEBRUARY 26, 2019
CITY HALL ANNEX, 310 NORTH MAIN STREET ELGIN TEXAS 78621

Attending: Molly Alexander, Melissa Cole, Skie O'Mahoney, Robert Ryland, and Emily Koller
Absent: Ed Rivers, Phillip Garwood, Allan Tolbert, Micah Erwin
Staff: Amy Miller, Community Development Director
Called at 7:36 am by Molly Alexander
**Public Comment**- none

**Minutes**- Minutes for January 22 were presented. Robert Ryland moves to approve. Melissa Cole 2nd. Passed unanimously.

**26 N. Main Street-** Projection sign application was presented to the board. Sign meets requirements- 3'x3' ft MDO projection sign total 18sq.ft. Building is 25 linear ft. sign be MDO Sign material – to be professionally produced by Sign & Banner, white background with logo A Flower Connection. Melissa Cole moves to approve. Emily Koller 2nd. Passed unanimously.

**28 N. Main Street-** Sign application was presented to the board. Flat mount 4.5 sq. ft. 3x1.5 wood sign with hand painted lettering to be hung above the entrance. The building has decorative brick work – using this location for the sign does not obscure the brick architectural features. Sign would have 7 ft clearance from the base of the sign to the sidewalk. Emily Koller moves to approve. 2nd by Melissa Cole. Passed unanimously.

**28 N. Main Street**- Storefront window sign application- Frosted vinyl with black lettering placed at base of the two windows. To be produced by Banner Buzz, Sign meets requirements - 4.25 sq. ft. 1x4.25. Window dimensions 19.13 sq. ft. with 22% coverage. Robert Ryland moves to approve. 2nd by Skie O'Mahoney. Passed unanimously.

**115 Central Ave.-** Application presented to board to review replacing roof coping flashing while replacing overall roof. See example 28N. Main the flashing for the roof covers the top of the cornice and may be visible, if visible the metal can be same color as brick. Direction traditional metal color or metal that matches brick. Robert Ryland motions to allow administration to review and permit metal flashing as metal color or match brick if visible. 2nd. By Emily Koller. Passed unanimously.

**117 Central Ave-** Amy presented application for replacement of broken glass. During repair work the wood storefront, the glass broke diagonally. There was concern that it could fall into the street or into the building. Glass was removed and replaced with plexiglass while the new glass pane was manufactured. This was a large piece of glass and was not available in stock.

Glass has now been installed. The original storefront infrastructure was maintained, new glass fits the original opening. Work meets the requirements of the district. Application was approved Administratively due to the safety concerns and because it as compliant with the district guidelines. No action taken by board**.**

**19 N. Main Street**- Presented by Yamil Hernandez, Representative for the property owner, Jose M. Arreola. The original windows had been removed previously and replaced with windows that may have been vinyl. Hernandez stated he removed the windows and chose to replace with new windows on or around December 30, 2018. He made the decision on the job site and the original plan submittal to the city had not included plans to replace the windows for this project. Hernandez stated that he decided to replace the windows based on windows across the street at 18 N. Main Street.

Hernandez acknowledged that the windows are smaller than the window opening. He proposed adding a wood frame made of redwood over the window to fill in the open area between window and brick for the thirteen windows in the building. The application asks for an additional stairwell on the rear structure to provide 2nd means of egress over the existing canopy and to descend parallel to the canopy and connect to the public right-of-way. Staircase on rear is proposed to have a black metal railing with concrete treads to match the existing staircase on the north facing side of the building. The application asks to replace the rear south window with a door that leads to the staircase landing. Currently this window has been replaced with 3 -O door with transom window above- the door in place is for construction purposes only. Finally, the application proposes replacing rusting cast iron metal plates with new cast iron metal places.

1- Metal plates to be replaced with new cast iron metal plates. Under the windows these metal plates are rusted through. Melissa Cole moves to approve. 2nd by Robert Ryland. Question- quality of what's there can any be salvaged or is there a maker name? If so should be salvaged and documented – Emily Koller provided this as a friendly amendment. Investigate the plates and document preserve if possible. Robert Ryland and Melissa Cole both agreed to the friendly amendment. Passed unanimously.
2- Rear door replaced window to provide second means of egress for 2nd floor. The transom window is to be a single pane of glass to fit the size of the opening and be wood framed. Flat metal door without decoration or full light glass. Robert Ryland moves to approve a non-decorative metal door or a full light door. 2nd by Melissa Cole. Passed unanimously. The window is to be considered with the other windows in the application.
3- Stairwell add to rear to provide access from 2nd floor to ground level. Landings and treads concrete, railings black metal area from landing to public alley to be paved per code. There is a 750-gallon grease trap in this rear area to that must be accessed. The historic district allows paving options decomposed granite, concrete or pavers. Emily

Koller moves to approve staircase as presented with decomposed granite, pavers or concrete to public right away. 2nd by Skie O'Mahoney. Passed unanimously.

Windows on the 2nd floor façade – staff noted: Property owner submitted plans to the City of Elgin for improvements to the property in 2018. These plans did not include specifications for removal and replacement of the 13 windows at 19 North Main Street and therefore were not submitted to the Historic Review board for review. On approximately December 30 the windows were removed and replaced. Subsequent to the replacement the owner provided plans for the windows to the City of Elgin on February 22, 2019.

Staff noted that the windows at 18 North Main Street are not compliant with the historic district guidelines and were installed prior to the historic district ordinance in the 1980s. The Historic district was established in 1990. The historic district ordinance requires new windows fit the original openings, either wood frame or metal clad wood frame window and be architecturally compatible with original windows. Historic photos and other similar building styles are used to determine architecturally compatible windows. The windows installed do not fit the original window openings and are not architecturally compatible. The plans include information about the windows and detail a redwood cover and frame that would go over the window and fill the area around the window to the brick. The wood cover will not be architecturally compatible and does not meet the guidelines for window replacement in the district. Windows are to be wood or metal clad wood frame windows and are to be the size and shape of the window opening and be based on historic photos as available. The metal operable windows the owner installed are not compliant with the historic guidelines because the window is smaller than the window openings, it is not the size and shape of an architecturally compatible window. Windows at these locations have compliant windows that meet the district guidelines: 114-116 N. Main, 101 N. Main, 119 Central Ave., 201 Central Ave., and 119 N. Main. Photos were provided for each location. Other locations have chosen to not replace windows and thus have not come under review by the Historic Review Board to date.

Hernandez expressed concern at the cost for replacing the windows citing it could be an additional $20,000 for compliant windows. Alexander noted that the Elgin Economic Development Corporation (EDC)offers a maintenance grant of $5000 towards façade projects in the historic district if the project complies with district guidelines. This project may be eligible for funding if it meets the Historic district requirements.

Robert Ryland asked, - Could street facing side be replaced with appropriate windows and the remaining ones be replaced over a period of time, a specific time frame of 12 months for example? This could allow the owner to spread out the cost of complaint windows over a period time. Hernandez indicated that the cost of replacing some

windows after the building is occupied would increase replacement expenses and could be more costly than replacing all of them at one time.

Emily Koller moves to not approve the application for windows with wood framing cover as submitted. 2nd by Robert Ryland. Passed unanimously.

Board chair noted these options for applicant:

1. Submit application for compliant windows
2. Submit compromise of 2/3 facing Main Street and parking lot then later replace the remaining windows on rear façade and the rear of the north facing facade.
3. Appeal the decision to City Council

**Temporary signs**- Staff reviewed the sign ordinance with the board related to Feather signs, noting that these are a portable sign see section 11 and are therefore not allowed in the historic district. Business owners can use an A-frame sign and the current open banner signs– these both meet the sign ordinance requirements. No action taken by the board. Code enforcement is the department to address non-compliant signs like the feather signs etc.

**Announcements-**

Sip, Shop & Stroll on second Thursdays of the month from 5-8pm in Downtown

**Adjourned** 8:45 am

APPROVED: ATTEST:

_____ _____

# 19 North Main Street Timeline

| | |
|---|---|
| July 16, 2018 | Demolition Permit #5658 issued to remove dish washing room and stairs on fist floor and one window on second floor to install new doorway at rear of building as well as partition walls and fixtures on second floor. |
| July 24, 2018 | Plans submitted for interior remodel of second floor only and sent to ATS for review. The scope of work submitted with these plans did not include removal and replacement of thirteen (13) windows. |
| July 30. 2018 | First submittal was disapproved by ATS and required a re-submittal. |
| August 24, 2018 | Comment response to ATS plan review was received and forwarded to ATS for review. The responses included a request for a waiver from the required ResCheck due to the historic nature of the building. It was the owner's intent to keep the existing windows to avoid costly replacement. |
| August 30, 2018 | Building Permit #5687 issued for second floor remodel to build five (5) apartments and install a second stairway at the rear of the building. |
| December 12, 2018 | ATS performed plumbing rough-in inspection (first of many required inspections) at this location. |
| December 30, 2019 | (SUNDAY) Amy Miller contacted Code Enforcement Officer Carlos Navejas to notify him that all second floor windows had been removed and replaced at 19 N Main Street. |
| December 30, 2019 | Amy Miller provided update to Code Enforcement and Building Official that she had made communication with Yamil Hernandez and he indicated that he would stop exterior work. |
| January 22, 2019 | Historic Review Board met regarding window replacement at 19 North Main Street and approved a sample installation of the modified wood frame |
| February 5, 2019 | Code Official posted Stop Work order at 19 N Main after it was determined that the contractor was working outside the scope of the approved permits. |
| February 6, 2019 | Melissa Lipiec sent letter to Jose M. Arreola and Yamil Hernandez detailing the decision for the Stop Work order and providing direction on the conditions required to lift said Stop Work Order. |
| February 14, 2019 | Amy Miller, Melissa Lipiec and Carlos Navejas met with Yamil Hernandez to discuss the February 6th letter and what needed to be done to lift the Stop Work order. |
| February 26, 2019 | Historic Review Board met to consider exterior alterations/repairs at 19 N Main. Amy Miller provided Melissa Lipiec with the HRB recommendation as a result of that meeting. |
| March 5, 2019 | Melissa Lipiec sent Notice of Building Official's Determination to Jose M. Arreola and Yamil Hernandez informing them that portions of their proposed alterations/repairs to the exterior of 19 N Main have been approved but the window replacement has been denied. |

| | |
|---|---|
| March 7, 2019 | Melissa Lipiec received an administratively complete submittal for the window replacement and informed Yamil Hernandez that he could resume work on only the items included in the original scope of work which was permitted since he complied with the Stop Work Order requirements. Yamil Hernandez informed Melissa at that time that Mr. Arreola had chosen to halt work on the building until the window issue was resolved. Submitted plans were sent to ATS for review. |
| March 14, 2019 | Melissa Lipiec received an incomplete Notice of Appeal from Yamil Hernandez in response to March 5th determination letter. |
| March 15, 2019 | Melissa Lipiec ordered Orlando Rodriguez to remove the Stop Work Order at 19 N Main Street after Yamil Hernandez informed her that Mr. Arreola wished to continue work on the project. |
| March 18, 2019 | Melissa Lipiec contacted Yamil Hernandez and informed him of what was still lacking on his Notice of Appeal. |
| March 26, 2019 | Melissa Lipiec received an administratively complete Notice of Appeal from Yamil Hernandez along with a PowerPoint presentation. |
| April 2, 2019 | City Council holds appeal hearing regarding denial of proposed window replacement. |

February 6, 2019

Mr. Jose M. Arreola
1572 Old McDade Road
Elgin, TX 78621

Re: 19 N Main Street, Elgin City, Block 18, Lot 7, 8, 9 & 10 (FR's) aka Joseph's Apartments

Dear Mr. Arreola:

Under authority of the Code Official and per Chapter 6, Section 6-19 of the City of Elgin Code of Ordinances, a Stop Work Order was issued at your jobsite as referenced above due to the fact that work had been performed that was **outside of the scope of work** that was reviewed and permitted. Specifically the windows had been removed and replaced without notifying City staff and without plans or specifications being submitted and reviewed by the proper authority.

The Stop Work Order shall remain in place until the City receives complete submittals including the following:

1. Completed application form showing cost of window replacement.
2. Revised scope of work.
3. Revised drawings. (detailing window demolition and proposed window replacement and any framing associated with proposed windows)
4. Window schedule
5. ResCheck.
6. Historic Review Board Application*

*Since this project is in the Historic District of the City of Elgin and the changes you are proposing are to the exterior of the building, you will be required to submit a completed application for review of modifications to historically designated properties. Please include the proposed back door and additional exterior stair case on that application. The application form is enclosed.

Once submitted, the complete documents will be forwarded to ATS Engineers and the Historic Review Board who may take up to ten (10) business days to review the plans for code compliance as well as compliance with our historic ordinance requirements. Keep in mind that if either review finds the proposed windows to be in violation of code; the windows will be required to be replaced with ones that do meet code.

Once the Stop Work Order is removed you will be allowed to perform work on the items covered under the previously reviewed and approved scope of work. DO NOT DO WORK ON ANY WINDOW OR WINOW FRAME AREA UNTIL THE WINDOW PLANS ARE APPROVED BY BOTH ATS AND HISTORIC REVIEW BOARD.

If you have any questions or need additional information regarding this matter, please call our office at 512-281-0119.

Sincerely,

Melissa Lipiec
Administrative Assistant
Planning and Community Development

Enclosure

Cc: Amy Miller- Community Development Director/Historic Review Board Liaison
Carlos Navejas – Code Enforcement Officer
Tom Mattis – City Manager

COPY

# NOTICE OF BUILDING OFFICIAL'S DETERMINATION

March 5, 2019

Jose M. Arreola
1572 Old McDade Road
Elgin, TX 78621

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
CMRR7017 1070 0001 1553 1074
REGULAR MAIL AND E-MAIL TO YAMIL HERNANDEZ

Re: Elgin City, Block 18, Lots 7, 8, 9 & 10 (FR'S)
Street Address: 19 North Main Street ("Property")

Dear Mr. Arreola:

As you know, the Historic Review Board ("HRB") met on Tuesday, February 26th to review your application for exterior changes to the above referenced Property. HRB made four recommendations the City of Elgin Building Official as follows:

| Portion of Property Under HRB Review | HRB Recommendation |
|---|---|
| Item 1<br><br>Cast iron metal transition plates below storefront windows between the building and the sidewalk | APPROVAL to replace with same material |
| Item 2<br><br>Replacing a window with a door on the rear façade | APPROVAL, provided the door is a non-decorative metal door or a full light glass door |
| Item 3<br><br>Stairwell on rear façade | APPROVAL, of plans as presented, including the black metal stair railing with concrete treads and landings with decomposed granite, pavers or concrete from the stairwell to the public right of way |
| Item 4<br><br>Replacement of Windows on second story façade | DENIAL of this portion of the application as submitted with the wood framing cover |

After review of the HRB's recommendations per Section 46-833(e) of the Elgin Code of Ordinances ("Code"), your Application is hereby approved in part and denied in part. The Application is APPROVED with regard to Items 1, 2 and 3 above and DENIED with regard to item 4 above.

Regarding the portion of the Application being denied, the HRB provided several alternatives you may wish to consider:

1. You may submit an application for architecturally compatible windows; or
2. You may submit an application to replace the incompatible windows with architecturally compatible windows in the near term on the façade facing Main Street and the parking lot, and replace the remaining windows on the rear façade by a later date certain; or
3. You may exercise your right to appeal the decision to the City Council.

With regard to appeal rights, Section 46-749 of the Elgin City Code provides as follows:

> *Any person aggrieved by an action of the historic review board or building official relative to the acceptance or denial of an application shall have the right to appeal to the city council by giving notice of appeal* ***within 15 days*** *of such action. The council shall sit as a review board. An appeal hearing shall be set within 30 days of notice. The council ruling may uphold, overrule or modify the building official's decision.*

Thank you for your time and attention to this matter. I look forward to working with you as you move through the rest of this process.

Respectfully,

Melissa Lipiec

Melissa Lipiec
Building Official
City of Elgin

Cc: Tom Mattis, City Manager
Amelia Sanchez, City Secretary
Amy Miller – Secretary, Historic Review Board
Yamil Hernandez – agent for Jose M. Arreola, P O Box 999, Hutto, TX 78634
CMRR # 7017 1070 0001 1553 1098

# Elgin City Council Meeting
# Agenda Item Executive Summary

**ITEM:** Monthly Departmental Activity Reports - February

**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 February 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: March 8, 2019
RE: Community Development Department Report February 2019

Affected property owner meetings were held for owners on FM 1100 with Texas Department of Transportation . Planning for website redesign with city departments. Held training for Civic Plus with city Departments. The Historic preservation strategic plan committee met to review local resources and developed a community survey to be implemented in the spring. The Main Street Board is planning Local Lore, Elgin's History Adventure, and the Elgin Art Studio Tour as well as entertainment and marketing for Sip Shop and Stroll. Historic Review board reviewed sign applications for 28 North Main Body and Shine Wellness, 26 North Main A Flower Connection And facade work for 19 North Main Street. The sign applications were compliant and were approved. The facade application for 19 north Main had three items approved that were compliant and one item the second floor replacement windows was denied because they are not architecturally compatible windows and they do not meet the design guidelines.

## Projects

- Developed editorial plan for spring edition of Downtown 78621 with Chamber. Write associated articles and coordinates editing.
- Annual report for Certified Local Government program
- Black History month event, Hatitude was well attended.
- Planned Community Clean up Day for March.
- Attended Bastrop county day at the Texas legislature.
- Met with TxDOT regarding pedestrian safety on Main Street.
- Film Location scouting with Austin film commission and Bastrop county.
- Working with CARTs on downtown transit stop, lease agreement.
- Finalized plans for Local Lore Elgin's History Adventure.
- Review of the City website and plans for makeover in early 2019.
- Walk and Bike to School February – was extremely cold, volunteers and students came out anyway!
- Continued work on a CDBG Utility grant with the Utilities Department
- Investigated Transportation Alternatives and Safe routes to school grant funding call.

- 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 TAC , Advisory Committee
Main Street Board
Historic Review Board
Promotion Tourism Committee
Design Committee
Business Retention Recruitment Committee
District Advisory Committee EISD
School Health Advisory Committee
Clean Air Coalition Advisory Committee meeting
Regional Arterials Steering committee for CAMPO

**Upcoming Events**

Sip Shop & Stroll every 2nd Thursday
March 2nd Community Clean-up Day
Fridays in April -Music in the Park
April 13th- Local Lore
April 13th-14th Pearls of Youth Art Show
April 20th- Community Easter Egg Hunt

Elgin Main Street Program
**VISION STATEMENT:** We envision a revitalized and active historic downtown destination with warm hearted friendly people and vital businesses, where ethnic and cultural diversity are celebrated.
**MISSION STATEMENT:** We will enhance downtown vibrancy through historic preservation and mixed use and pedestrian friendly development, by strategically implementing the National Main Street Four Point Approach of: Design, Organization, Promotion and Economic Restructuring
**CORE VALUES** (if you have done this): Through a strong belief that historic preservation of our irreplaceable cultural resources in the historic downtown district is vital to the revitalization and economic success of our community, we are committed to supporting responsible repurposing of historic structures and new construction that supports mixed use development through partnerships and a persistent effort to support community focused development and promotions.

# Elgin Public Library Report for City Council February 2019

* Circulation was down 14% with collection size down 551 items to 36,334 items from the previous February.
* Friends of the Elgin Library met on February 21 and they are planning a Literacy Event on Sunday, March 3, and a Grown-Up Games Gala on Friday, March 29. Games are from 6 until the chips and dip are gone.
* Happy Kitchen and La Cocina Alegre (Happy Kitchen in Spanish language) classes were well attended. The Powerful Tools for Caregivers class has 10 participants, the minimum requirement. Four patrons attended the Crafterwork program with one using the space to spread out a quilt in progress. Program visitors, Wi-Fi use and volunteer hours were increased from the previous February.
* We are at full staff and patrons complement on how energetic and friendly the staff is.
* Three staff members took training classes and learned how to use the city website.

| Categories | Units | Feb. '18 | Feb. '19 | Fiscal YTD '18 | Fiscal YTD '19 |
|---|---|---|---|---|---|
| **Total Circulation** | | 6,935 | 5,997 | 36,449 | 31,767 |
| + or - Same month previous year | Percent | 25%+ | 14%- | | |
| | | | | | |
| **Additions** | | | | | |
| Interlibrary Loans | Each | 13 | 13 | 70 | 50 |
| New Patrons | Each | 79 | 66 | 387 | 309 |
| | | | | | |
| **Collection** | | | | | |
| Items Added | Each | 223 | 243 | 989 | 1,222 |
| Items Withdrawn | Each | 406 | 572 | 1,799 | 3,260 |
| Total Collection | Each | 36,885 | 36,334 | 36,885 | 36,334 |
| | | | | | |
| **General Statistics** | | | | | |
| Gate Count | Each | 293 | 3,676 | 14,128 | 18,605 |
| Hours Open | Hours | 154 | 154 | 788 | 787 |
| Library Tours | Each | 0 | 52 | 0 | 105 |
| Program Visitors | Each | 237 | 326 | 1,314 | 2,222 |
| Public Computer Use | Hours | 391 | 385 | 2,016 | 1,738 |
| Patrons using computers | Each | 587 | 545 | 3,177 | 2,643 |
| Wifi Patron Use | | 368 | 982 | 2,040 | 4,410 |
| Volunteer Hours | Each | 94 | 156 | 754 | 818 |
| | | | | | |
| **Receipts** | | | | | |
| | | $1,129 | $1,253 | $6,800 | $7,597 |
| | | | | | |
| **Civic Center Use** | | | | | |
| City | Each | 17 | 7 | 55 | 22 |
| Library | Each | 26 | 19 | 100 | 120 |
| Public Rental | Each | 3 | 14 | 13 | 28 |
| Other - not for profit | Each | 1 | 2 | 12 | 22 |
| Total Civic Center Use | | 47 | 42 | 180 | 192 |
| | | | | | |

# 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:** ___January 2019 _____
**DATE SUBMITTED:** ___3-10-2019 _____

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

| Meeting Dates: | Update on projects or activities |
|---|---|
| February 21, 2019 | Parking downtown – fines to be reviewed by the City and possibly reduced.<br>The Main Street Board is planning Local Lore, Elgin's History Adventure and the Elgin Art Studio Tour as well as entertainment and marketing for Sip Shop and Stroll. Follow up on pedestrian safety in the downtown area – Business survey under development |
| | |

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

| Meeting Dates: | Update on projects or activities |
|---|---|
| February 6 | Annual report for Certified Local Government program<br>Developed editorial plan for spring edition Downtown 78621 with Chamber. Write associated articles and coordinate editing.<br>Started work drafting new volunteer and main street program recruitment Awareness rack cards.<br>Overall project Historic Preservation Plan Theresa McShan is serving on this committee. The Historic preservation strategic plan committee met to reviewed local resources and developed a community survey to be implemented in the spring. |
| | |

***PROMOTION:***

| Meeting Dates: | |
|---|---|
| February 6, 2019 | Sip Shop and Stroll All things Irish for March booking an Irish band.<br>Local Lore for April 13 – committee meets at the Depot Museum.<br>Organized a new walking tour that will be available on display boards at the various locations on the tour in addition to being led by Debbie Cartwright on April 13. Boards to be made by the Elgin High School ACE program. Vintage cars and farm equipment scheduled, live music being planned by Bridget Bosier and Patty Finney.<br>planning the Elgin Art Studio Tour for May 18 -19 . Developed an artists |

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

| | |
|---|---|
| | call request, and a list for business host locations with promotional plans. Committee meets at The Clever Tiger |
| | Hogeye festival planning underway. |

***DESIGN:***

| Meeting Dates: | Update on projects or activities |
|---|---|
| February , 2019 | Design<br>Mural plans for possible mural downtown. Possibly a photography based installation for the art studio tour.<br>Determined not to pursue the pop up park for this May. Will consider it for 2020<br>Music in the Park Series organized by FOEP to be Friday night sin April<br>Discussed working with the event to add a dinner downtown component. Possibly food trucks and or to go specials with downtown restaurants.<br>Water bowls for dogs and bike racks are a special design studio project with one of Margo Sawyers classes at UT. |
| | |

***ECONOMIC VITALITY/DOWNTOWN ECONOMIC DEVELOPMENT:***

| Meeting Dates: | Update on projects or activities |
|---|---|
| February 20, 2019 | Business recruitment and Retention welcomed New members Mathew frontier bank and Cecilia Whitley realtor<br>Reviewed Business survey – concerns that is really long. Expect best participation through one on one meetings rather than an online version. Several members willing to make one on one meetings. Staff to format and see how parts could be consolidated. Parking options for shared parking downtown. Amy to Meet with First State bank, TDHS, First Baptist sand First Presbyterian about possible shared use. |
| | |

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

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

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

4. 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.*

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

March 14 – Sip Shop and Stroll  All things Irish
Fridays in April – Music Series at Veterans Memorial Park
April 11 Sip Shop and Stroll  Easter theme
April 13 – Local Lore Elgin's History Adventure
May 9-  Sip Shop and Stroll  Imagine the Possibilities tour
May 18-19 – Elgin Art Studio Tour

**Elgin Main Street**

**VISION STATEMENT:** We envision a revitalized and active historic downtown destination with warm hearted friendly people and vital businesses, where ethnic and cultural diversity are celebrated.

**MISSION STATEMENT:** We will enhance downtown vibrancy through historic preservation and mixed use and pedestrian friendly development, by strategically implementing the National Main Street Four Point Approach of: Design, Organization, Promotion and Economic Restructuring

**CORE VALUES** (if you have done this): Through a strong belief that historic preservation of our irreplaceable cultural resources in the historic downtown district is vital to the revitalization and economic success of our community, we are committed to supporting responsible repurposing of historic structures and new construction that supports mixed use development through partnerships and a persistent effort to support community focused development and promotions.

OFFICE OF COURT ADMINISTRATION

TEXAS JUDICIAL COUNCIL

# OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Month February Year 2019

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 Mar 7, 2019 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 February Year 2019

| | Traffic Misdemeanors | | | Non-Traffic Misdemeanors | | |
|---|---|---|---|---|---|---|
| | Non-Parking | Parking | City Ordinance | Penal Code | Other State Law | City Ordinance |
| **1. Total Cases Pending First of Month:** | 13,210 | 14 | 0 | 0 | 2,584 | 17 |
| a. Active Cases | 9,051 | 12 | 0 | 0 | 1,197 | 0 |
| b. Inactive Cases | 4,159 | 2 | 0 | 0 | 1,387 | 17 |
| **2. New Cases Filed** | 139 | 0 | 0 | 0 | 36 | 0 |
| **3. Cases Reactivated** | 83 | 0 | 0 | 0 | 42 | 3 |
| **4. All Other Cases Added** | 0 | 0 | 0 | 0 | 0 | 0 |
| **5. Total Cases on Docket** | 9,273 | 12 | 0 | 0 | 1,275 | 3 |
| **6. Dispositions Prior to Court Appearance or Trial** | | | | | | |
| a. Uncontested Dispositions | 142 | 0 | 0 | 0 | 24 | 0 |
| b. Dismissed by Prosecution | 4 | 0 | 0 | 0 | 7 | 0 |
| **7. Dispositions at Trial:** | | | | | | |
| **a: Convictions** | | | | | | |
| *1) Guilty Plea or Nolo Contendere* | 4 | 0 | 0 | 0 | 4 | 0 |
| *2) By the Court* | 1 | 0 | 0 | 0 | 0 | 0 |
| *3) By the Jury* | 0 | 0 | 0 | 0 | 0 | 0 |
| **b: Acquittals:** | | | | | | |
| *1) By the Court* | 0 | 0 | 0 | 0 | 0 | 0 |
| *2) By the Jury* | 0 | 0 | 0 | 0 | 0 | 0 |
| c. Dismissed by Prosecution | 0 | 0 | 0 | 0 | 0 | 0 |
| **8. Compliance Dismissals:** | | | | | | |
| a: After Driver Safety Course | 23 | | | | | |
| b: After Deferred Disposition | 9 | 0 | 0 | 0 | 1 | 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** | 15 | 0 | 0 | 0 | 2 | 0 |
| **10. Total Cases Disposed** | 198 | 0 | 0 | 0 | 38 | 0 |
| **11. Cases Placed On Inactive Status** | 38 | 0 | 0 | 0 | 19 | 3 |
| **12. Total Cases Pending End of Month:** | 13,151 | 14 | 0 | 0 | 2,582 | 17 |
| a: Active Cases | 9,037 | 12 | 0 | 0 | 1,218 | 0 |
| b: Inactive Cases | 4,114 | 2 | 0 | 0 | 1,364 | 17 |
| **13. Show Cause Hearings Held** | 14 | 0 | 0 | 0 | 6 | 0 |
| 14. Cases Appealed: | | | | | | |
| a: After Trial | 0 | 0 | 0 | 0 | 0 | 0 |
| b: Without Trial | 0 | 0 | 0 | 0 | 0 | 0 |

# JUVENILE / MINOR ACTIVITY

| Court CITY OF ELGIN<br>Month February Year 2019 | TOTAL |
|---|---|
| 1. Transportation Code Cases Filed | 1 |
| 2. Non-Driving Alcoholic Beverage Code Cases Filed | 0 |
| 3. Driving Under the Influence of Alcohol Cases Filed | 0 |
| 4. Drug Paraphernalia Cases Filed | 0 |
| 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:<br>a. Mandatory Transfer | 0 |
| b. Discretionary Transfer | 0 |
| 11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct) | 0 |
| 12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges) | 0 |
| 13. Juvenile Statement Magistrate Warning:<br>a. Warnings Administered | 0 |
| b. Statements Certified | 0 |
| 14. Detention Hearings Held | 0 |
| 15. Orders for Non-Secure Custody Issued | 0 |
| 16. Parent Contributing to Nonattendance Cases Filed | 0 |

# ADDITIONAL ACTIVITY

| Court CITY OF ELGIN<br>Month February Year 2019 | Number Given | Number Requests For Counsel |
|---|---|---|
| 1. Magistrate Warnings:<br>a. Class C Misdemeanors | 21 | |
| b. Class A and B Misdemeanors | 8 | 3 |
| c. Felonies | 0 | 2 |
| | | TOTAL |
| 2. Arrest Warrants Issued:<br>a. Class C Misdemeanors | | 60 |
| b. Class A and B Misdemeanors | | 2 |
| c. Felonies | | 0 |
| 3. Capiases Pro Fine Issued | | 14 |
| 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:<br>a. Partial Satisfaction | | 0 |
| b. Full Satisfaction | | 2 |
| 15. Cases in Which Fine and Court Costs Satisfied by Jail Credit | | 18 |
| 16. Cases in Which Fine and Court Costs Waived for Indigency | | 2 |
| 17. Amount of Fines and Court Costs Waived for Indigency | | $542.10 |
| 18. Fines, Court Costs and Other Amounts Collected:<br>a. Kept by City | | $28,068.25 |
| b. Remitted to State | | $15,702.68 |
| c. Total | | $43,770.93 |

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

**February 2019 Parks Report**
**Michael Gonzalez**

The Parks Department is gearing up for our Ppring events and getting the parks in shape as well. Our mowing schedule is starting to take off and the team is ready for the challenge. We are also excited about involving the community with our park's beautification efforts. Elizabeth has set up a volunteer opportunity for the public to work alongside the Parks Department at Morris park. We anticipate this to be a time when the staff can interact with the folks that use and enjoy the park daily.

**Programs -Elizabeth**
February brought the love and began with our *Valentine's Cards for Kids in the Hospital* event where 8 members of our community came together to craft unique and uplifting cards for hospitalized kids spending Valentine's day away from their loved ones. It set the tone of volunteerism for the month where our *Teen Council* took off and boasts 9 members total who will work to create content for teens and young adults in our community. They are learning real world experiences where they will plan and execute events using a real budget and resources provided by the Park's Dept. We then hosted two revenue generating events where participants bought tickets for the event, Ballroom Dancing and our Cooking Class. Ballroom Dancing hosted 8 participants, that paid $15 each, who were enthusiastic about the concept of a series of dance classes in the future, and the cooking class had 6 participants, that paid $20 each, who asked for additional, more advanced classes in the future.

**Admin and operations- Kayla**
Memberships have continued to increase even more this month than January. Most families and couples have opted for the yearly membership after trying it out for the month in January. February 2019 has been the highest for sales since the grand opening month, June 2018. The following information shows how we have been doing in the last month, and the rest of the department during that same time:

**Goals for <u>March 2019</u>**

- plan and implement Spring Break activities

| Facility | Number of uses |
|---|---|
| **Park Activity Summary** | January 2019 |
| **Park/ Pavilion Rental** | 21 |
| **Ball Field Rental** | 35 |
| **Fleming Community Center/ Rec Center rentals** | 62 |
| **Monthly Rec Memberships** | 181 |
| **Yearly Rec Membership** | 33 |
| **Deposits** | $16,264.25 |
| | |

**Monthly Report to Administrative Manager**
**Building Department**
**For the Month of February 2019**

| Type of Inspections | Feb-18 | Feb-19 | Fiscal Yr. To Date | Calendar Yr. To Date |
|---|---|---|---|---|
| Building | 99 | 47 | 343 | 97 |
| Electrical | 43 | 31 | 207 | 60 |
| Plumbing | 56 | 38 | 222 | 75 |
| Gas | 8 | 18 | 35 | 21 |
| Mechanical | 32 | 7 | 111 | 31 |
| **TOTAL** | 238 | 141 | 918 | 284 |
| | | | | |
| **Building** | | | | |
| Permits | 18 | 15 | 71 | 35 |
| Value | $ 547,550.63 | $ 398,755.00 | $ 5,243,048.45 | $ 631,100.00 |
| Fees | $ 4,292.05 | $ 3,491.39 | $ 33,640.09 | $ 15,890.14 |
| | | | | |
| **Electrical** | | | | |
| Permits | 15 | 6 | 42 | 17 |
| Fees | $ 2,320.00 | $ 970.00 | $ 7,300.00 | $ 3,430.00 |
| | | | | |
| **Plumbing** | | | | |
| Permits | 10 | 7 | 32 | 11 |
| Fees | $ 1,800.00 | $ 1,970.00 | $ 7,310.00 | $ 2,690.00 |
| | | | | |
| **Gas** | | | | |
| Permits | 7 | 3 | 16 | 7 |
| Fees | $ 1,210.00 | $ 290.00 | $ 1,620.00 | $ 700.00 |
| | | | | |
| **Mechanical** | | | | |
| Permits | 12 | 7 | 31 | 14 |
| Fees | $ 1,690.00 | $ 1,590.00 | $ 9,530.00 | $ 3,310.00 |
| | | | | |
| **Total All Fees** | $ 11,312.05 | $ 8,311.39 | $ 59,400.09 | $ 26,020.14 |

# Elgin Police Department

# February – 2019

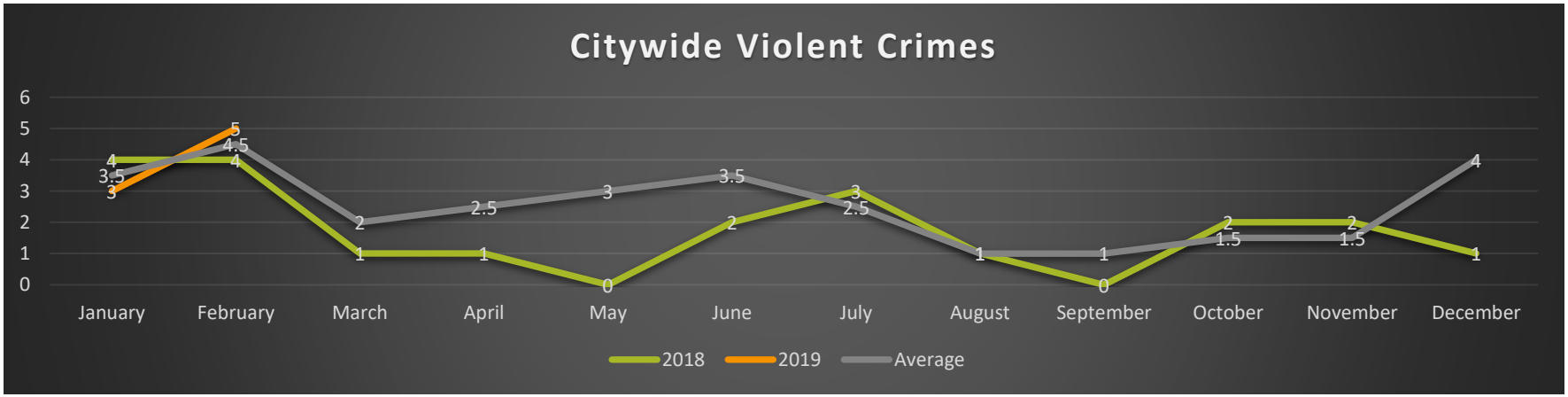
# Monthly Report

# Elgin Police Department

## Citywide Monthly Crime Reports - February 2019

**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 | 0 | 0 | nc | 0 | 0% |
| Rape/Sexual Assault | 2 | 1 | nc | 1 | 100% | 3 | 1 | 200% | 0 | 0% |
| Business Robbery | 0 | 1 | -100% | 1 | nc | 1 | 2 | -50% | 1 | 100% |
| Individual Robbery | 2 | 1 | 100% | 0 | 200% | 3 | 0 | 300% | 3 | 100% |
| Agg Assault - No FV | 1 | 0 | nc | 0 | 100% | 1 | 1 | 0% | 1 | 100% |
| Agg Assault - FV | 0 | 0 | nc | 2 | -200% | 0 | 4 | -400% | 0 | 100% |
| **Total** | **5** | **3** | **67%** | **4** | **25%** | **8** | **8** | **0%** | **5** | **63%** |

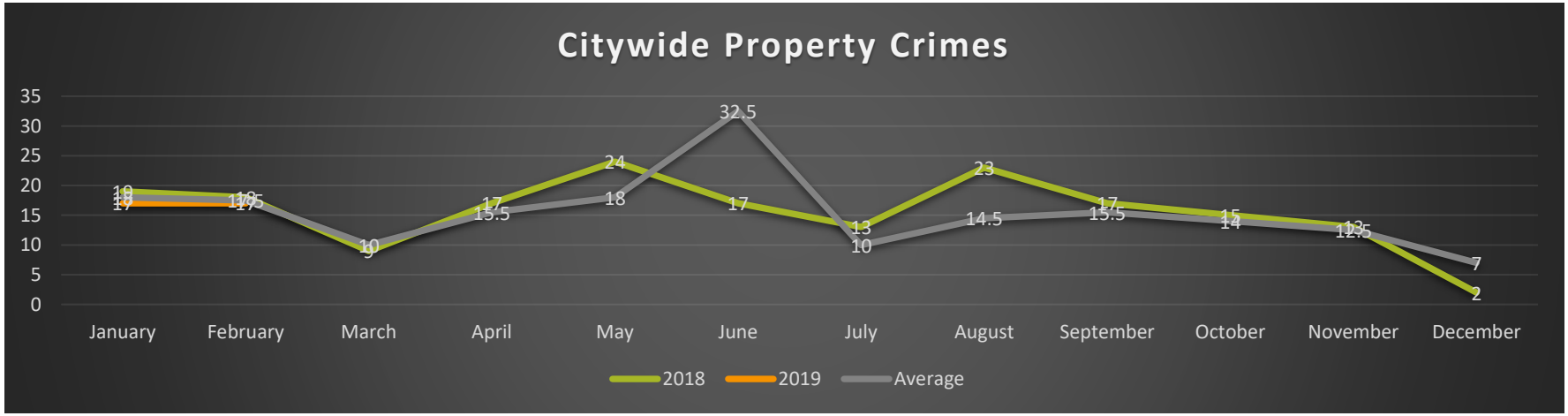


# Elgin Police Department

## Citywide Monthly Crime Reports - February 2019

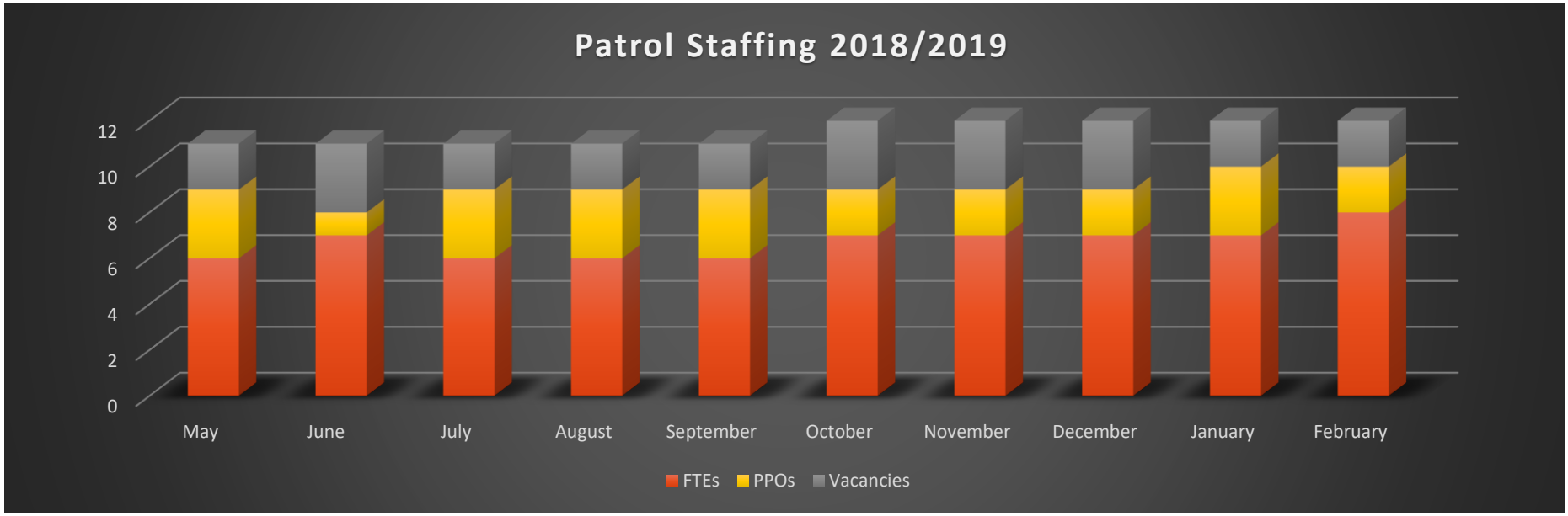
**Property Crime**

| Offense Category | MTD | MTD LM | MTD % | MTD LY | MTD % LY | YTD | YTD LY | YTD % LY | CR YTD | CR YTD% |
|---|---|---|---|---|---|---|---|---|---|---|
| Burglary Non-Residence | 1 | 1 | nc | 4 | -75% | 2 | 9 | -78% | 0 | 0% |
| Burglary Residence | 3 | 3 | nc | 0 | 300% | 6 | 2 | 200% | 0 | 0% |
| Auto Theft | 0 | 1 | -100% | 1 | -100% | 1 | 2 | nc | 0 | 0% |
| BOV | 1 | 2 | -100% | 5 | -80% | 3 | 7 | nc | 0 | 0% |
| Other Theft | 12 | 10 | 20% | 7 | 71% | 22 | 16 | 38% | 0 | 0% |
| **Total** | **17** | **17** | **0%** | **17** | **0%** | **34** | **36** | **-6%** | **0** | **0%** |



# Elgin Police Department

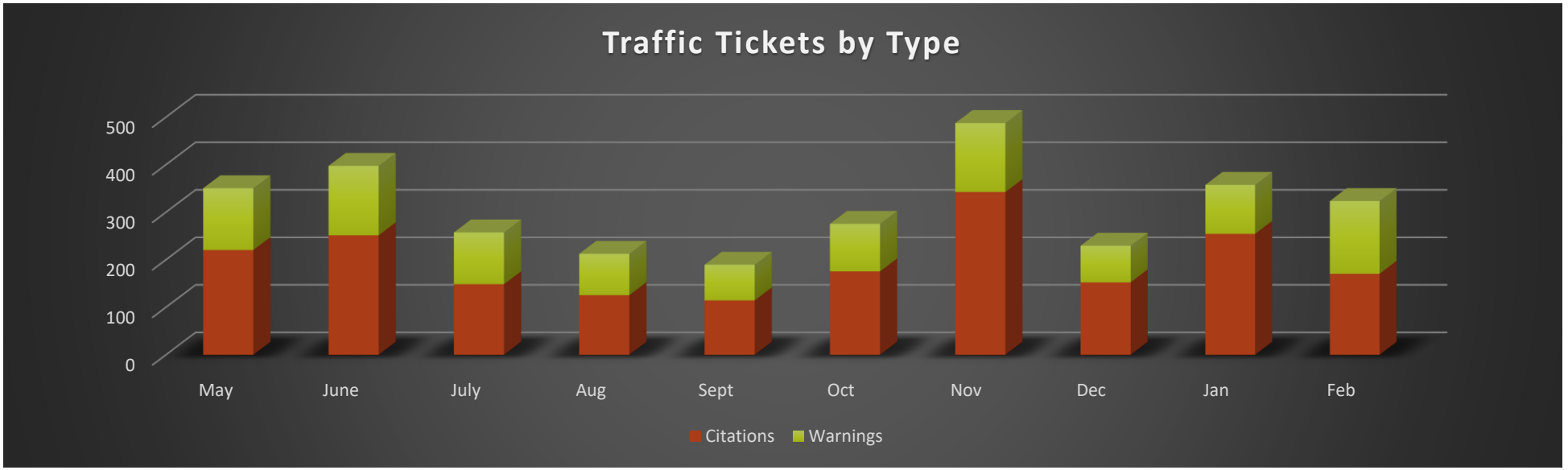
**Patrol Staffing – 2018/2019**




| | Authorized | Open (Vacant) | Current | Actual % Vacant |
|---|---|---|---|---|
| February | 12 | 2 | 10 | 17% |
| January | 12 | 2 | 10 | 17% |
| December | 12 | 3 | 9 | 25% |
| November | 12 | 3 | 9 | 25% |
| October | 12 | 3 | 9 | 25% |
| September | 11 | 2 | 9 | 18% |

# Elgin Police Department

## Citywide Monthly Traffic Tickets – Year to Date 2019 (Violations)




| | Jan | Feb | March | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Citations | 170 | 156 | 141 | 154 | 221 | 252 | 149 | 126 | 115 | 176 | 343 | 153 | 255 | 171 |
| Warnings | 132 | 114 | 69 | 123 | 130 | 146 | 109 | 87 | 75 | 100 | 145 | 77 | 103 | 153 |
| Total | 302 | 270 | 210 | 277 | 351 | 398 | 258 | 213 | 190 | 276 | 488 | 230 | 358 | 324 |

Note: 20% increase from 2018 during the same period. This data will differ from Racial Profiling Data (includes traffic stops and all other citations).

# Elgin Police Department

## Call Analysis – 2018/2019

| | March | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | **Ave** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Dispatched calls | 505 | 461 | 524 | 422 | 432 | 453 | 423 | 438 | 344 | 455 | 382 | 305 | **429** |
| Self-Initiated | 453 | 485 | 503 | 508 | 528 | 522 | 367 | 494 | 674 | 330 | 874 | 594 | **528** |
| **Total Calls** | **958** | **946** | **1027** | **930** | **960** | **975** | **790** | **932** | **1018** | **785** | **1256** | **899** | **956** |

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Time | 20,620 | 40,537 | 22,844 | 18,068 | 22,182 | 27,004 | 22,151 | 32,908 | 37,485 | 28,124 | 30,908 | 19,060 | **26,824** |
| Committed Time | 46% | 94% | 51% | 42% | 50% | 60% | 51% | 74% | 87% | 63% | 69% | 47% | 61% |

Goal for committed time = no more than 60%

**Public Works – February – 2019**

**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 or repaired:**

Replaced:

- Stop sign – Martin Luther King Boulevard at Church Street
- 30 Mile per Hour sign - North Avenue H
- North Avenue A and West 3rd Street
- FM 1704 and Monterrey Street
- West 11th Street and Robin Street
- Wind Tree Lane
- Stop Sign – North Avenue A at West 2nd Street
- Stop sign – Robin Street at West 11th Street Robin & W 11th

Repaired:

- Repaired No truck – Fisher Street
- Repaired 6 banners - Lee Dildy Boulevard

**Permanent Street, utility cut repairs, pot hole repairs:**

Excavated and added base:

- Anderson Lane (4 locations)

Patches:

- North Avenue C

Added cold mix to edge of pavement:

- Fisher Street
- West Cleveland

Excavated and added cold mix – Canary Street (4 locations)

Pothole patched throughout town:

- Multiple locations

Saw cut utility cuts to prep for permanent repair

**Crack Seal**

- Spotted Eagle Lane
- Big Eagle Cove
- Martial Eagle Drive
- Imperial Eagle Lane

**Curb, Gutters, Drains, and Ditch Cleaning**

Curb and Gutter cleaning:

- Ball Park Road
- Louise Street
- West Brenham Street
- Monterrey Street
- South Avenue A
- North Avenue C

North Avenue A
West Cleveland Street
Cleaned ditch:
West Cleveland Street
Cleaned ribbon curb:
South Avenue D

**Trees and Brush:**
Removed fallen tree - Lexington Road
Trimmed low limbs - El Paso Street

**Debris removal:**
West Cleveland (Bridge)

**Maintenance:**
Completed preventive maintenance:
Preventative maintenance on 2 lawn mowers
Completed minor repairs on equipment:
Replaced brakes on mower #2
Replaced starter on JD 5200 – shredder tractor
Repaired cylinder on 310G - backhoe

**Events:**
Set out and remove barricades for filming downtown

**Saratoga Farms Subdivision Section 6:**
Roadway – Flex base installation
Concrete curb and gutter installation
Asphalt paving scheduled early March

**Training/Certificates:**
Public Works hosted combined training with Elgin Parks Department, Elgin Independent School District, and Bastrop County Pct 4 Road & Bridge Department – lawn mower maintenance and safety training
Public Works Road Crew attended a Texas Municipal League safety training in Giddings, Texas
Karol Jarmon attended Civic Plus Training

**Joe Parten**
Director, Public Works
City of Elgin

| UTILITY BILLING REPORT | February 2019 | |
|---|---|---|
| Billed out | $473,022.94 | |
| Past due notices | 571 | |
| Work orders-Cut offs | 89 | |
| Disconnected for non pmt | 83 | |
| Extension to pay 1st | 67 | |
| Extension due for disconnect | 4 | |
| Meter tamper fee | 1 | |
| After Hour turn on | 3 | |
| Accounts set to final | 6 | for non pmt |
| Leak Adjustments | 9 | |

| METER REPORT | | |
|---|---|---|
| **WORK ORDERS** | **COMPLETED** | **INCOMPLETE** |
| START READ | 36 | 3 |
| FINAL READ | 32 | 1 |
| TRANSFERS / IN AND OUT | 6 | 0 |
| CTO'S / DISCONNECT NON-PMT | 91 | 0 |
| SET METER | 2 | 2 |
| ERT REPLACEMENTS | 3 | 14 |
| METER REPLACEMENTS | 25 | 29 |
| VISUAL READS | 11 | 0 |
| FAILURE TO READ ( MOBILE MISS) | 100 | 0 |
| RE READS | 29 | 0 |
| WL / CHECK FOR WATER LEAK | 19 | 3 |
| METERS DATA LOGGED | 13 | 5 |
| MISCELLANEOUS | 17 | 20 |
| | | |
| **TOTAL NUMBER OF WORK ORDERS** | **384** | **77** |
| | | |
| **CURB STOPS - JOHN CALHOUN** | | |
| BROKEN CURB STOPS | | 37 |
| SERVICE LINE REPAIR | | 2 |
| MAIN BREAK | | 1 |
| SEWER LINE REPAIR | | 1 |
| | | |
| **TOTAL NUMBER OF WORK ORDER** | **0** | **41** |
| | | |
| **BULK WATER** | | |
| **PURCHASES** | | **8** |
| **TRIPS/GALLONS** | | **13/5,100** |
| **TOTAL COLLECTED** | | **$ 30.70** |

*Dodie Navejas, Utility Billing Supervisor*
*Customer Service/A/R Supervisor*
*310 N. Main Street*
*512-229-3220 office*

# Elgin City Council Meeting
# Agenda Item Executive Summary

**ITEM:** General Activity Report and/or Project Update

**DEPARTMENT:** City Manager/Staff

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

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

## BUDGET/FINANCIAL IMPACT:
**Funding for this item was { } included { } not included in the current-year budget {X} N/A**

## RECOMMENDATION:
N/A

## ATTACHMENTS:
None.

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

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

# *ELGIN JUNETEENTH ORGANIZATION*

**To:** **City Manager** - **City of Elgin**

**From:** **Bettye Lofton, President** - **Elgin Juneteenth Organization**

**Re:** **Juneteenth Celebration (June 6 - 8), 2019**

**Date:** **March 8, 2019**

**Cc:** **Chief Patrick South**

The Elgin Juneteenth Organization has scheduled their 20th year celebration starting with a Pageant on Thursday night , June 6th, 7:00 pm at the Elgin Middle School. This year the Pageant will "showcase young ladies from Elgin and surrounding areas" with the Royal Court ranging from ages 8 to 18 years of age. The pageant has been out of existence for a while but this year we are bringing it back. The first year was a great success and this year is destined to be very enjoyable as well. The annual street dance will be held on Friday, June 7th from 8:00 pm to 12:00 midnight and the grand parade will be held on Saturday June 8th in downtown Elgin beginning at 10:00 am with line-up starting from Booker T. Washington Elementary school on M.L.K. Blvd. The Organization is requesting street closures and assistance in accordance with the parade route.

The Parade route will start from Booker T. Washington Elementary school on M.L.K Blvd, turning left on Alamo and continuing down Alamo to Main Street. At Main Street making a right and travel up North Main to traffic signal at West 2nd , making a left at West 2nd and Main and traveling to stop sign at West 2nd and North Ave. C. The parade will make a left onto North Ave. C. and travel across the tracks to Alamo where the Parade will disperse.

The Veterans Memorial Park has been secured for all day activities following the Grand Parade. No alcoholic beverages will be sold, but the Organization requests that the open container permit be waived during the event from 6:00 pm until 12 mid-night on Friday, June 7th and from 8:00 am until 6:00 pm on Saturday June 8th. No glass containers will be allowed in the area due to the danger of such usage.

The Juneteenth Organization is also requesting that all fees be reduced or waived for this event because we are a very small Cultural Organization trying to keep our Heritage alive in Elgin. We are financially strapped and depend solely on donations. These funds help us to give three (3) $500.00 scholarships to seniors who are earmarked to further their education. Please consider our request.

A complete schedule of activities will be available at the council meeting. Please place this on the City Council agenda for April 2nd.

I, Bettye Lofton, President of the Organization or a designee will attend the Council meeting to answer any questions or concerns. Thanks in advance for your consideration.

# Elgin City Council Meeting
# Agenda Item Executive Summary

## ITEM:

**DEPARTMENT:** Community Development

**PROPOSED ACTION:** Consider reducing or waiving fees for costs associated with Juneteenth Festival and Parade.

## BACKGROUND:

20th Annual Juneteenth Festival and parade will be June 7 and 8 in Veterans Memorial Park and on Depot Street. This free community event includes music, vendors, delicious food, kid's activities, parade and program. The Juneteenth Festival Committee organizes the event and provided the request to waive or reduce fees associated with the Juneteenth Festival and Parade on Friday June 7th from for the street dance and on Saturday June 8 in Veterans Memorial Park and on Depot Street. Saturday June 8, the parade lines up on Martin Luther King Boulevard at Booker T Washington Elementary School. The Route follows MLK to Alamo, to South Main continuing north through downtown turns left at 2nd Street, left onto Avenue C and disperses at Central Avenue. The parade begins at 10:00 am. The parade route requires 18 City of Elgin staff and 5 police officers for traffic control with an approximate cost of $1875.00. 66 barricades are required for the street closures with a rental fee of $198. The Festival requires 2 City of Elgin employees for Saturday litter removal etc. with an approximate cost of $400. **Staff costs associated with the Juneteenth Festival and parade are $2,473.00.**

## BUDGET/FINANCIAL IMPACT:

**Funding for this item was { } included { X } not included in the current-year budget { } N/A** The Police Department has officer time for parades included in the overtime budget. City departments assist with street closures. The public works department has it included in overtime, but those funds are also impacted by weather related events that the crew may respond to throughout the year.

## RECOMMENDATION:

Take action on the reduction or waiver of fees associated with the Juneteenth Festival and Parade.

## ATTACHMENTS: Request letter attached.

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

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

# Elgin City Council Meeting
# Agenda Item Executive Summary

## ITEM:

**DEPARTMENT:** Community Development

**PROPOSED ACTION:** Consider the request to waive Open Container Ordinance for Western Days Festival June 21 from 6pm to 12:15am and on June 22 from 8am to 8pm in Elgin Memorial Park.

## BACKGROUND:

Western Days is a free festival for the community that includes live music, softball, volleyball, washer and horseshoes tournaments, arts & crafts, food, kids activities, carnival, and class reunions. Celebrating its 50th anniversary this year, the festival has added the Purple & White Jubilee to the week long community celebration. The Elgin Chamber of Commerce provided a request to waive Open Container Ordinance for Western Days Festival June 21 from 6pm to 12:15am and on June 22 from 8am to 8pm in Elgin Memorial Park.

## BUDGET/FINANCIAL IMPACT:

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

**RECOMMENDATION:** Approve request to waive Open Container Ordinance for Western Days Festival June 21 from 6pm to 12:15am and on June 22 from 8am to 8pm in Elgin Memorial Park.

## ATTACHMENTS:

Request letter attached

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

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

# Elgin City Council Meeting
# Agenda Item Executive Summary

## ITEM:

## DEPARTMENT: Community Development

## PROPOSED ACTION: Consider application to Texas Department of Transportation for a Transportation Alternatives and Safe Routes to school grant.

## BACKGROUND:

The City of Elgin has an opportunity to apply for funding from Texas Department of Transportation for infrastructure improvements related to sidewalks. The proposed project includes new sidewalk on South Main Street from Brenham Street to Alamo street, on Alamo Street, and Nina Street, on North Main Street from 11th Street to Lexington Road, and associated handicap accessible ramps throughout the project. These sections of sidewalk and associated ramps are part of the Safe Routes o School plan for Booker T Washington Elementary School and the Alternative Transportation and Trails master plan. Completion of these areas that have missing or broken sidewalk would provide a complete accessible route from the Elgin Public Housing Authority, Senior Citizens Aid, Inc. associated neighborhoods and Thomas Memorial Park to Booker T Washington Elementary School and the downtown district, as well as connecting Elgin Memorial Park, Elgin Elementary School, and the Bluebonnet Trails Medical center, to downtown and the Booker T Washington Elementary School neighborhood.

## BUDGET/FINANCIAL IMPACT:

**Funding for this item was { } included { } not included in the current-year budget {X } N/A**
Local Match may be required and would be addressed in the 2019-2020 budget.

## RECOMMENDATION:

Consider approving the project for an application to the Texas Department of Transportation.

## 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.*

# Elgin City Council Meeting
# Agenda Item Executive Summary

**ITEM:** City Council Regular Meeting Minutes –March 5, 2019

**DEPARTMENT:** Administration

## PROPOSED ACTION:

Review and approve the March 5, 2019 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 March 5, 2019- Meeting Minutes.

**ATTACHMENTS:** March 5, 2019 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**
**REGULAR MEETING**
**CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET**
**TUESDAY, MARCH 5, 2019**

## CALL TO ORDER

Mayor Cannon called the meeting to order at 7:02 p.m.

## ROLL CALL

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

Mayor Cannon certified there was a quorum and asked that the record show Council Member Arreaga and Council Member Lopez were absent. He stated he had heard from Council Member Arreaga and Council Member Lopez, and both had asked to be excused. He stated Council Member Arreaga was not in town yet and Council Member Lopez had a commitment at the Fire Station.

Council Member Brashar moved to excuse Council Members Arreaga, Council Member Lopez and Council Member Beyer. Council Member Penson seconds the motion. Motion carried 6-0.

**Staff:** Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Amy Miller, Community Development Director
Michael Gonzalez, Parks Director
Melissa Lipiec, Planning
Chief Patrick South, Police Department

## INVOCATION

Council Member Thomas 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.

Bill Carlson, of 1415 FM 1704, spoke and stated the Council would be discussing the de-annexation and providing services along 1704, McVay, Ella, VFW and Sayers Road that were annexed back in 2015. He stated no one wanted to be annexed and that some persons signed development agreements. He stated that in December no one stated that they wanted to be annexed, and that they had asked for development agreements but had not been offered any. He stated people lost their homes because the Council did not listen to them the last time, and that taxes jumped up and people could not afford to live in Elgin anymore. He stated that the city had been given a chance to fix this and asked if this time they would listen to the people south of town or were they going to move forward on something else.

With no one wishing to speak Mayor Cannon closed Public Comment.

## PRESENTATION

Mayor Cannon presented the Citizens' Spotlight Award for the First Quarter 2019 to Pete Bega.

1. Report by the Sustainable Food Center (Austin) on a Study for Regional Food Hub Issues.

Sue Beckwith and Adrienne Haschke provided a presentation of a Feasibility Study for a Central Texas Food hub. Sue Beckwith stated that the report was available for anyone that was interested.

## CITY MANAGER'S REPORT

1. Presentation of the 2018 Elgin Police Department Racial Profiling Report – EPD Chief Patrick South.

Chief Patrick South provided a City of Elgin Department 2018 Racial Profiling Report and the Elgin Police Department Annual Report 2018 as prepared by Alex De Carmen, Ph.D.

2. Elgin receives National Accreditation for Main Street Program.

Amy Miller, Community Development Director and Ed Rivers spoke about the Elgin Main Street Program receiving the National Accreditation. Ms. Miller stated that Elgin had been a National Accreditation Main Street City since 1998 and spoke about the vision and mission which were on handouts to Council. She stated that the Main Street program is a national program, a national

business model to re-develop and re-revitalize downtown, relies on a huge amount of effort and partnerships and is tied to historic preservation. She stated that national accreditation cannot be achieved unless you are committed to historic preservation in your community. She stated that what you are saying when you participate in the program is that these old buildings have a significance that cannot be replaced, that they provide a level of infrastructure, and if they were renovated, they could become businesses creating jobs, developing sales tax and providing services to the community. Ms. Miller acknowledged volunteers and Ed Rivers, President of the Main Street Board in attendance.
Mr. Rivers spoke and commended the Council for adopting the program years ago and supporting it all these years.

3. Recognition of City Parks & Recreation Department's receipt of the 2019 Lone Star Recreation Programming Achievement Award by the Texas Recreation and Park Society (TRAPS).

Michael Gonzalez, Director of Parks and Recreation spoke about the TRAPS program, (Texas Recreation Parks Society), and stated that the program educates parks departments all across the state with two days of education sessions to help make Parks and Rec departments better. Mr. Gonzalez stated that they were recognized for a Class 4 Lone Star Recreation and Achievement Award.

4. Departmental Monthly Reports – January

There were no questions on the monthly reports.

5. General Activity Report and/or Project Update.

No report.

**CONSENT AGENDA**

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CLOSURE OF CERTAIN BANK ACCOUNTS IN PROSPERITY BANK AND TRANSFERRING ACCOUNT BALANCES TO CORRESPONDING ACCOUNTS IN FIRST NATIONAL BANK AND MAKING CERTAIN FINDINGS THERETO.

2. Request by the Elgin Volunteer Fire Department to waive the Open Container Ordinance and Park Curfew in Elgin Memorial Park for the 31st Annual BBQ Cook-Off.

3. AN ORDINANCE ACKNOWLEDGING RECEIPT OF "CERTIFICATE OF UNOPPOSED STATUS" PURSUANT TO SECTION 2.052 TEXAS ELECTION CODE; DECLARING UNOPPOSED CANDIDATES TO BE ELECTED TO THEIR RESPECTIVE

OFFICES AND CANCELLING THE MAY 4, 2019 GENERAL ELECTION FOR WARDS 1, 2, AND 4; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES.

4. City Council Regular Meeting Minutes - February 5, 2019.

Council Member Brashar moved to approve the Consent Agenda with corrections to the minutes. Mayor Pro Tem Bega seconds the motion. Motion carried 7-0.

Mayor Cannon asked that the record reflect that Council Member Arreaga had arrived at 7:06 pm.

**NEW BUSINESS**

1. DISCUSSION AND CONSIDERATION OF A POLICY TO ESTABLISH AND CODIFY OBJECTIVES AND BEST PRACTICES FOR DETERMINING THE TARGETED-MINIMUM LEVELS OF UNRESTRICTED CASH BALANCES FOR THE CITY AND TO ASSIST ALL CONCERNED PARTIES IN UNDERSTANDING THE CITY'S APPROACH TO FUND BALANCE MAINTENANCE.

Council Member Penson moved to approve the Policy to establish and codify objectives and best practices for determining the targeted minimum levels of unrestricted cash balances for the city and understanding Fund Balance Maintenance. Council Member Thomas seconds the motion. Motion carried 7-0.

2. AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF ELGIN, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019A; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES.

Council Member Brashar moved to approve the Ordinance as written. Council Member Penson seconds the motion. Motion carried 7-0.

3. AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF ELGIN, TEXAS COMBINATION TAX AND TAX INCREMENT REINVESTMENT ZONE NUMBER ONE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019B; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN TAX INCREMENT REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE

SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES.

Council Member Penson moved to approve the Ordinance as written. Council Member Thomas seconds the motion. Motion carried 7-0.

Mayor Cannon stated that he would skip to item number 5.

4. (Discussion Only) Staff Report on various issues associated with an Area in the Southeast Quadrant of the City Annexed in 2015 ("Annexed Area") and Related Matters.

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING A MASTER SIGN PLAN FOR SOUTHSIDE CENTER LOCATED AT SOUTHSIDE MARKET SUBDIVISON, BLOCK A, LOTS 1-4.

Council Member Thomas moved to approve the master site plan with the added variance for sign number four and to approve the addition of the drive thru. Council Member Bega seconds the motion. Motion carried 7-0.

Mayor Cannon moved back to item #4.

4. (Discussion Only) Staff Report on various issues associated with an Area in the Southeast Quadrant of the City Annexed in 2015 ("Annexed Area") and Related Matters.

City Manager Thomas Mattis spoke and stated that this item was something that had been discussed a few times in the last 3 or 4 months and he assumed Council had a chance to review the report he sent the day before. He stated one of the issues in this area was confusion and understanding of what was said before and what is being said now, and he was trying to utilize all of the same exhibits, maps and documents that were used back then. He stated that the new report has tried to provide clarification of items that have come forward in the process since Council has begun discussions and information including feedback from some of the residents. He stated that the main issue was the final extension of all services which would be wastewater. He stated most of the residents wanted to be dis-annexed although some did want to stay in and receive city services. He stated some things that came out in the report were that curbside recycling and trash collection had been confusing and sporadic out there and that the city contributed to that. He stated it was something that started out well intended but created a situation where property owners were told by staff the city would work with them as they changed over the collection of trash. He stated that somewhere it was interpreted that all of the owner s out there would just decide if they wanted trash collection, and that was not the case. He stated he did not think the city had been uniform in how it had done the collection route, or how trash receptacles had been provided to every residential property which the city is required to do. He stated that not every property owner had

been paying for trash collection service out there which they have to do, so moving forward whoever stays in the city will get trash cans and start getting billed. He stated that they are not permitted to have someone else pick up their trash and can only use the trash provider that is franchised with the city. He stated code enforcement was another issue out there that needed to be addressed but that he was satisfied there was not an issue out there any different than any other issue we have in town. He stated land development was another issue, meaning that if individual land owners want to subdivide their property, there were several requirements for submissions for anything in the city. Mr. Mattis spoke about Trinity Ranch with nearly 1600 homes that is a piece of property basically one property away from connecting to 1704. He stated that the recommendation he was going to make would be that the city retain all the areas that were annexed along the lines of the two different annexations, one done in August and one in December, that the city keeps all the areas annexed in December which is labeled as area two on the map and consider de-annexing with certain stipulations all of the property that was annexed in August know as area three. He stated the railroad tracks was a dividing line, and the property east of the railroad tracks is what the city is proposing for this dis-annexation, and the property west of the railroad tracks would stay in the city limits. He stated that in exchange for the dis-annexation all the property owners out there would sign a similar development agreement as the other did, which was in line with the feedback that the city heard back from them. He stated that basically the concept is that as long as they keep doing what they are doing, just living there, not sub-dividing, not developing their property, and not changing it from single family use, they would continue to stay outside the city limits forever, but if they ever change the use of the land that would constitute an automatic petition for annexation back into the city. Mr. Mattis stated the wastewater service would still need to be extended to area two down FM 1704, but it would not be a lot cheaper to extend down there as it would be to extend the entire area, but with the development opportunities that it is thought will exist along 1704 there would be more opportunities for cost sharing. Mr. Mattis stated that what the 2.2 million would contemplate is basically it would be a little cheaper to run the line down and put in a lift station and that would create access for anything else that would happen, and a better investment for the city in the long run. Mr. Mattis stated that no action needed to be taken by Council other than giving direction to staff, if they were ready to say they endorsed the report as no new information would be coming.

Council Member Thomas stated it should be decided when they wanted to bring this to a vote to say this is the path Council wants to go in, say yes or no to this plan and that needed to be done sooner than later. He stated that maybe at the next meeting it be on the agenda to vote on, or the meeting after that.

Council Member Brashar stated she would go with staff's recommendation. Mayor Pro Tem Bega stated if staff was ready that it might as well go on the next agenda for a vote.

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AN ENCROACHMENT AGREEMENT BETWEEN EDDIE AND MARIA RODRIGUEZ AND THE CITY OF ELGIN FOR THE PROPERTY LOCATED AT 405 NORTH AVENUE E AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE TO EXECUTE THE AGREEMENT.

Council Member Brashar moved to approve the Resolution as presented. Council Member Penson seconds the motion. Motion carried 7-0.

**ANNOUNCEMENTS**

Mr. Mattis mentioned the Council Meeting schedule and stated that the next meeting would be on March 19. He stated that the ESD had reached out to him and invited him to come and speak to them about all of the developments that were happening on the sane night. He stated he had agreed to do that, and that he thought this was a rare opportunity, but was concerned about it being on the same night as the Council meeting Mayor Cannon suggested asking if they could postpone it for another time.

Mayor Cannon stated that that he was supposed to have a paper copy of the evaluation form for the City Manager for Council and that he would have it in their mailbox tomorrow as well as an electronic one.

**ADJOURNMENT**

Mayor Cannon adjourned the City Council Meeting at 9:53 p.m.

_____
Chris Cannon, Mayor

**ATTEST:**

_____
Amelia Sanchez, City Secretary

# Elgin City Council Meeting
# Agenda Item Executive Summary

## ITEM:

## DEPARTMENT: Community Development

**PROPOSED ACTION:** Consider authorizing the City Manager to negotiate a lease with the Capital Area Rural Transit Authority (CARTS) for a bus terminal at Avenue C and Central Avenue.

## BACKGROUND:

Located at 201 Central Avenue, the site is currently a vacant lot. CARTS has secured grant funding to build a facility for public transportation that would include permanent public restrooms. The location was a featured element in the Sustainable Places plan competed in 2014 where adding a permanent transit station was recommended for that site. CARTS provides transportation to Austin via the Elgin Manor 990 Express Monday through Friday, and offers a variety of routes through the Interurban program as well as paratransit, and curb to curb programs for medical appointments. The permanent public restrooms would be maintained by the City of Elgin and would be open to the public on a schedule similar to the public restroom facilities at community parks. The City would provide utility infrastructure and extend the parking area related to the site in support of the overall project. The project is estimated at $1.2 million.

## BUDGET/FINANCIAL IMPACT:

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

The project is include in the Five Year Capital Improvements Plan.

## RECOMMENDATION:

Authorize the City Manager to negotiate a lease with CARTS for 201 Central Avenue as a public transit stop.

## 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.*

# LEASE AGREEMENT

Preamble - Persons and Premises

This Lease Agreement is made and entered into this ____ day of _____, 2019, by and between the City of Elgin, a Texas home-rule municipal corporation (referred to in this lease as "Lessor" or "City") and Capital Area Rural Transportation System, a rural transit district created under Chapter 458 of the Texas Transportation Code ("Lessee" or "CARTS"). Lessor leases to Lessee, and Lessee leases from Lessor, the premises, referred to in this lease as the leased premises, situated at 200 Central Avenue, Elgin, Bastrop County, Texas, and more particularly described in Exhibit "A", attached hereto and incorporated herein (the "Premises").

WHEREAS, CARTS is the recipient of Federal Transit Administration funding (the "Grant") from the State of Texas acting through the Texas Department of Transportation ("TxDOT"), which Grant is to be used for the construction of an intermodal transit facility in Elgin, Texas, which facility is to support multimodal services relating to public transportation in nonurbanized areas; and

WHEREAS, the City of Elgin has agreed that in order to promote and advance public transportation purposes and pursuant to proposal dated _____, which was approved by the City Council of the City of Elgin on _____, 2019, the City agrees to lease the Premises to CARTS for the Term of this Lease, for the Rent and for other good and valuable consideration benefiting the citizens of Elgin, and in return CARTS shall construct upon and operate from the Premises an intermodal transit facility, offering the citizens of Elgin various transportation services from the Premises, including but not limited to, regional interurban bus service, Metro-connecting route services, local paratransit, and connections to national intercity services.

## I. Definitions

1.1

(a) "Buildings": All of those certain improvements existing on the Lease Date and hereinafter constructed on the Premises, as modified or improved from time to time.

(b) "Grant Agreement": The State/Local Public Transportation Project Grant, dated January 18, 2019, between

TxDOT and CARTS, evidencing the Grant for the construction of an intermodal transit facility, a copy of which Grant Agreement is attached hereto as Exhibit "B".

(c) "Lease Year": The first Lease Year shall begin on the Commencement Date and end on the expiration of the first full calendar year after the Commencement Date. Each successive Lease Year shall consist of the twelve month period during the Lease Term which immediately follows the preceding Lease Year.

(d) "Permitted Use": The operation of an intermodal transit facility to serve the citizens of Elgin and to support multimodal services related to public transportation, and for no other use without the prior written consent of Lessor.

## II. Term

2.1 Lease Term. The term of this lease shall commence on _____ (the "Commencement Date"), and end on the expiration date of the fortieth ($40^{th}$) full calendar year after the Commencement Date.

2.2 Renewal. Upon receipt of written request from Lessee, delivered to Lessor at least one hundred eighty (180) days prior to the end of the Lease Term or any renewal lease term (but not more than three hundred sixty (360) days prior to the expiration of the Lease Term or any renewal lease term), Lessor agrees to work with Lessee in good faith to attempt to reach mutually acceptable terms for the extension and renewal of the Lease Term, taking in to consideration then existing circumstances and needs of the parties.

## III. Rent

3.1 Base Rent. Lessor agrees to waive any rental assessment in exchange for the public use of the facility and the benefit of those services provided by Lessee to the citizens of the City; it being understood and agreed upon by the Parties that such consideration represents fair market value for the rental of the Premises.

## IV. Permitted Use

4.1 Lessee shall use the Premises only for the Permitted Use and for no other purpose or purposes without Lessor's prior written consent. Other than for temporary periods of no more

than sixty (60) consecutive days, Lessee shall continuously operate the Permitted Use from the Premises, such use to be in accordance with the provisions of the Grant Agreement. Lessee shall not be permitted to service or repair on the Premises any vehicle used by Lessee in connection with the Permitted Use, or to store Hazardous Materials (defined below) on the Premises.

4.2 Lessee shall maintain the Premises in a clean, healthful and safe condition, in compliance with all applicable laws, ordinances, orders, rules and regulations (state, federal, municipal and oilier agencies or bodies having any jurisdiction thereof) with reference to the use, condition or occupancy of the Premises (collectively, the "Laws"), including but not limited to the Code of Ordinances of the City of Elgin and the Unified Development Code of the City of Elgin.

## V. Improvements

5.1 Pursuant to the terms of the Grant and as partial consideration for the Lease, CARTS will construct upon the Premises an intermodal transit terminal and other facilities necessary to service such terminal and necessary for Lessee to utilize the Premises for the Permitted Use (collectively, the "Facilities"). CARTS anticipates substantial completion of the Facilities within 18 months after the Commencement Date. Attached hereto as Exhibit "C" is the current version of the architectural rendering of the proposed improvements. Lessee acknowledges and agrees that Lessor has not made, and will not make any representations or warranties, express or implied (expressly including, without limitation, warranties of habitability or fitness for a particular purpose) as to the condition of the Premises or with respect to the suitability of either for the purpose herein intended. THIS INCLUDES LATENT AND PATENT DEFECTS IN THE PREMISES, WHICH ARE EXPRESSLY WAIVED BY LESSEE. By Lessee's execution of this Lease, Lessee agrees to accept same upon delivery in their "AS IS" condition as of that date, and as suitable for the purpose herein intended. Lessee understands that Lessee may not require Lessor to maintain or repair in any manner the Premises or the Buildings.

5.2 Lessor and Lessee acknowledge and agree that upon expiration of the Lease Term, or upon earlier termination of this Lease Agreement, all improvements made to the Premises by or on behalf of Lessee shall remain a part of the Premises, and shall become the property of Lessor, without the payment of compensation to Lessee, subject to the terms of the contractual obligations to the Federal Transit Administration and the Texas

Department of Transportation, which have continuing control of the federal and state investments through the useful life of the project(40 years) Lessor and Lessee agree that Lessee may execute and record such instruments as are necessary to secure the interests Federal Transit Administration and the Texas Department of Transportation for the useful life of the project (40 years.

## VI. Services, Maintenance, and Surrender

6.1 Lessee shall, throughout the Lease Term, keep and maintain the Buildings and the Premises in a good, clean condition of repair and maintenance and in compliance with all applicable Laws, so that Lessee may operate the Permitted Use from the Premises at all times during the Lease Term (except for temporary periods of repair, alteration or casualty) in accordance with the provisions of this Lease and of the Grant Agreement. This obligation includes, but is not limited to maintaining and repairing all Buildings, driveways, parking areas, landscaping, drainage or filtration facilities or other improvements situated upon the Premises.

## VII. Alterations and Improvements

7.1 All alterations, additions or improvements to the Premises shall be made by Lessee, at Lessee's sole cost and in accordance with the provisions of all applicable Laws. Any construction work done by Lessee upon the Premises shall be performed in a good and workmanlike manner, in compliance with all applicable Laws.

7.2 Save and except as provided in section 5.2 above, Lessee will not permit any mechanic's lien or liens to be placed upon the Premises, or any portion thereof, caused by or resulting from any work performed, materials furnished or obligation incurred by or at the request of Lessee, and in the case of the filing of any such lien, Lessee will within thirty (30) days of notification of the lien, either (i) pay and discharge the same or (ii) bond around same to the reasonable satisfaction of Lessor. If any lien remains against the Premises for more than thirty (30) days after notification of the lien, without settlement thereof or issuance of a bond securing the payment of same reasonably satisfactory to Lessor, Lessor shall have the right and privilege at Lessor's option of paying the same or any portion thereof without inquiry as to the validity thereof, and any amounts so paid, including expenses and interest, shall be so much additional rent hereunder due

from Lessee to Lessor and shall be repaid to Lessor (together with interest at the lesser of (a) twelve percent (12%) per annum or (b) the highest rate permitted by applicable law (the "Past Due Rate"), from the date paid by Lessor), within thirty (30) days after Lessee's receipt of a statement from Lessor therefor.

## VIII. Right of Inspection

8.1 Lessor and Lessor's agents have the right at all reasonable times during the term of this lease to enter the leased premises for the purpose of inspecting them and all buildings and improvements on the leased premises.

## IX. Signs

9.1 All signs erected by Lessee upon the Premises shall be kept in good condition and in proper operating order at all times, and shall comply with all applicable Laws.

9.2 Upon vacation of the Premises, Lessee must remove its signs from the Premises.

## X. Utilities

10.1 Lessee shall timely pay all charges for electricity, water, gas, telephone service, sewer service and other utilities furnished to the Premises for Lessee's use (including without limitation all connection fees) and shall promptly shall pay any maintenance charges therefor.

10.2 Lessor shall not be liable for any interruption or failure whatsoever in utility service.

## XI. Indemnity/Insurance

11.1 Indemnity. Lessor shall not be liable to Lessee or to Lessee's employees, agents or visitors, or to any person or entity whomsoever, for injury to person or damage to or loss of property on or about the Premises or the Common Area caused by the negligence or misconduct of Lessee, its officers, partners, employees, agents, sublessees, licensees, concessionaires, visitors or any other person entering the Shopping Center under the express or implied invitation of Lessee, or arising out of the use of the Premises by Lessee and the conduct of its business therein, or arising out of any breach or default by Lessee in the performance of its obligations hereunder and To

the fullest extent allowed by law, Lessee hereby agrees to indemnify Lessor (including without limitation the trustee and beneficiaries if Lessor is a trust), Lessor's agents and employees and hold them harmless from any loss, expense, claims or actions arising out of such damage or injury (including without limitation any court costs and attorneys' fees). The provisions of this section shall survive the termination of this Lease with respect to any claims or liability occurring prior to such termination. However nothing in this paragraph shall require Lessee to create an interest and sinking fund to cover its indemnified obligations set forth herein.

11.2 Insurance. Lessee shall procure and maintain throughout the term of this Lease, at its sole cost and expense, (i) a policy or policies of workers' compensation, employee liability and comprehensive general liability insurance and property and casualty insurance (with contractual liability endorsement) insuring both Lessor and Lessee against all claims, demands or actions arising out of or in connection with Lessee's use or occupancy of the Premises, or by the condition of the Premises, the limits of such policy or policies to be in an amount not less than $1,000,000 in respect of injuries to, or death of, any one person, and in an amount not less than $2,000,000 in respect of any one occurrence or disaster, and in an amount not less than $1,000,000 in respect of property damaged or destroyed, (ii) fire and extended coverage insurance covering the replacement cost of (a) all Alterations, partitions and improvements installed or placed on the Premises by Lessee and (b) all of Lessee's personal property contained within the Premises, and (c) business interruption, insuring loss of profits in the event of an insured peril damaging the Premises, (iii) insurance covering glass breakage in the Premises. Said policies shall (a) name Lessor as an additional insured, (b) be issued by an insurance company which is acceptable to Lessor and (c) provide that said insurance shall not be cancelled unless thirty (30) days prior written notice shall have been given to Lessor and (d) shall be delivered to Lessor by Lessee upon commencement of the term of the Lease and upon each renewal of said insurance and (e) shall provide primary coverage to Lessor when any policy issued to Lessor is similar or duplicate in coverage, Lessor's policy shall be excess over Lessee's policies.

## XII. Fire or Other Casualty

12.1 Lessee immediately shall deliver written notice to Lessor of any damage caused to the Premises or Buildings by fire or other casualty.

12.2 If the Buildings shall be damaged or destroyed by fire or other casualty, Lessee shall proceed with reasonable diligence and at its sole cost and expense to rebuild and repair the Buildings, and this Lease shall continue in full force and effect. However, if the Buildings are materially damaged or completely destroyed, Lessee may elect by notice in writing to Lessor within ninety (90) days of the damage, to terminate this Lease, in which event Lessee shall concurrently therewith assign to Lessor all proceeds of all property insurance over the Premises carried by Lessee (but expressly excluding such portion of any insurance proceeds that relate to Lessee's personal property, including trade fixtures, within the Premises).

12.3 Lessee agrees that during any period of reconstruction or repair of the Buildings, Lessee will continue the operation of its business within the Buildings to the extent practicable, as determined by Lessee in its sole but reasonable discretion.

## XIII. Condemnation

13.1 If any portion of the Premises shall be taken or condemned in whole or in part for public purposes, or sold in lieu of condemnation, and following such taking the remainder of the Premises shall be unsuitable for the conduct of Lessee's business in Lessee's reasonable opinion, Lessee may elect to terminate this Lease by delivering written notice of termination to Lessor within ninety (90) days after the taking.

## XIV. Assignment and Subletting

14.1 Lessee shall not assign this lease or sublet the leased premises or any interest in the leased premises without first obtaining the written consent of Lessor. Consent by Lessor to one assignment or subletting shall not be deemed to be a consent to any subsequent assignment or subletting. An assignment or subletting without the written consent of Lessor, or an assignment or subletting by operation of law, shall be void and shall, at the option of Lessor, terminate this lease. Lessor shall not assign this lease without first obtaining the written consent of Lessee.

## XV. Property Taxes

15.1 Lessee is a public entity exempt from the payment of real or personal property taxes. Should Lessee's tax exempt status change during the Lease Term, Lessee shall be responsible for the payment prior to delinquency and to the extent applicable of the following (collectively, Taxes"):

a. All taxes, if any, levied or assessed against all personal property, furniture, fixtures or equipment placed by Lessee upon the Premises; and

b. All real property taxes, general and special assessments, license fees and other charges of every description, if any, which during the Lease Term may be levied upon or assessed against the Premises and all interests therein and all improvements and other property thereon., whether belonging to Lessor or Lessee, or to which either of them may become liable.

15.2 If requested by Lessor and if applicable, Lessee shall furnish Lessor with copies of paid invoices for Taxes, within ten (10) days following Lessor's request for same.

## XVI. Default by Lessee

16.1 The following events shall be deemed to be events of default by Lessee under this Lease:

a. Lessee shall fail to pay when due any sums payable by Lessee hereunder such failure shall continue for thirty (30) days after written notice by Lessor to Lessee.

b. Lessee shall fail to comply with or observe any other provision of this Lease within thirty (30) days after written notice by Lessor to Lessee specifying wherein Lessee has failed to comply with or observe such provision; provided, however, that if the nature of Lessee's obligation is such that more than thirty (30) days are required for its performance, then Lessee shall not be deemed to be in default if Lessee shall commence such performance within such thirty-day period and thereafter diligently prosecute same to completion.

c. Lessee shall make an assignment for the benefit of creditors.

d. Any petition shall be filed by or against Lessee under any section or chapter of the United States Bankruptcy Code, as amended, or under any similar law or statute of the United States or any State thereof; or Lessee shall be adjudged bankrupt or insolvent in proceedings filed thereunder; or Lessee shall admit that it cannot meet its financial obligations as they become due.

e. A receiver or trustee shall be appointed for all or substantially all of the assets of Lessee.

f. The State of Texas acting through the Texas Department of Transportation shall notify Lessee in writing of a default under the terms, conditions or provisions of the Grant Agreement and Lessee shall fail to cure such default witl1in the period provided for same in such notice.

g. Lessee shall abandon the Premises.

## XVII. Remedies

17.1 Upon the occurrence of any event of default by Lessee, Lessor shall have the option to pursue any and all remedies which Lessor then may have hereunder or at law or in equity, without any additional notice or demand whatsoever, including a suit for specific performance and/or damages; provided however and notwithstanding the foregoing, that prior to the termination of this Lease by Lessor due to a Lessee default, Lessor must provide written notice of the default to The State of Texas, acting through TxDOT, and shall provide TxDOT with a reasonable period of time to cure said default (not to exceed the applicable period of time allowed for Lessee to cure the breach as specified under Article XV above).

## XVIII. Subordination of Lease

18.1 Other than those instruments recorded to secure the interests Federal Transit Administration and the Texas Department of Transportation for the useful life of the project (40 years)as set forth in section 5.2 above, this lease and Lessee's leasehold interest under this lease are and shall be subject, subordinate, and inferior to any lien or encumbrance placed on the leased premises by Lessor now or in the future, to all advances made under any such lien or encumbrance, to the interest payable on any such lien or encumbrance, and to any and all renewals and extensions of such liens or encumbrances.

## IX. Notices

18.1 All notices or other communication required or permitted by this lease to be served on or given to either party to this lease by the other party must be in writing and shall be deemed duly served and given when personally delivered to the party to whom it is directed or, in lieu of such personal service, when deposited in the United States mail, postage prepaid, addressed to Lessee at the address of the leased premises or to Lessor at City Manager, 310 N. Main Street, Elgin, Texas 78624. Either party to this lease may change his or her address for the purpose of this paragraph by giving written notice of the change to the other party in the manner provided in this paragraph.

## XX. Location for Rent Payment

20.1 Unless changed by written notice pursuant to the provisions in Paragraph 15 above, all rent payable under this lease shall be paid to Lessor at 310 N. Main Street, Elgin, Texas 78621.

## XXI. Miscellaneous

21.1 If any litigation is commenced between the parties to this lease concerning the leased premises, this lease, or the rights and duties of either party in relation to this lease, the party prevailing in such litigation will be entitled, in addition to such other relief as may be granted, to a reasonable sum for attorney's fees in that litigation.

21.2 The waiver by Lessor of any breach of any provision of this lease shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or a different provision of this lease.

21.3 Time is expressly declared to be of the essence in this lease.

21.4 Subject to the provisions of this lease against assignment of the Lessee's interest under this lease, all provisions of this lease shall extend to and bind, or inure to the benefits of, the parties to this lease and also to every one of the heirs, executors, representatives, successors, and assigns of Lessor or Lessee.

21.5 The rights and remedies provided by this lease agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive that party's right to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

21.6 This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created under this lease are performable in Bastrop County, Texas.

21.7 In case any one or more of the provisions contained in the agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this lease, and this agreement must be construed as if the invalid, illegal, or unenforceable provision had never been contained in this lease.

21.8 This agreement constitutes the only agreement of the parties to this lease and supersedes any prior understandings or written or oral agreements between the parties respecting this subject matter.

21.9 No amendment, modification, or alteration of the terms of this lease shall be binding unless the same be in writing, dated subsequent to the date of this lease, and duly executed by the parties to this lease.

IN WITNESS OF THIS AGREEMENT, the undersigned Lessor and Lessee execute this agreement as of the day and year first written above.

LESSOR:

**CITY OF ELGIN, TEXAS**

By: _____

LESSEE:

**CAPITAL AREA RURAL TRANSPORTATION SYSTEM**

By: _____

Address: _____
_____

# Exhibit A

Premises

# Exhibit B

PROJECT GRANT AGREEMENT

PGA: Rural Discretionary Application - 2018 Cycle
SUBRECIPIENT: Capital Area Rural Transportation System (CARTS)
FAIN: TX-2018-030
CFDA #:
TXDOT PROJECT #: RD 1803 ( 14) 030_19
PROJECT ID #: 51018031419
MASTER GRANT AGREEMENT #: MGA-2017-2021-CARTS-033

NOT RESEARCH AND DEVELOPMENT

**STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

**RURAL AREA FEDERAL FORMULA PROGRAM**
**FISCAL YEAR 2019**
**PROJECT GRANT AGREEMENT**

**THIS PROJECT GRANT AGREEMENT (PGA)** is made by and between the State of Texas, acting through the Texas Department of Transportation, called the "State" and Capital Area Rural Transportation System (CARTS), called the "Subrecipient".

**WITNESSETH**

**WHEREAS,**

**WHEREAS,** Texas Transportation Code Chapter 455 authorizes the State to assist the Subrecipient in procuring aid for the purpose of establishing and maintaining public and mass transportation projects and to administer funds appropriated for public transportation under Transportation Code Chapter 456; and

**WHEREAS,**

**WHEREAS,** the Governor of the State of Texas has designated the Texas Department of Transportation to funds ; and

**WHEREAS,** the Subrecipient submitted a Fiscal Year 2019 Grant Application (if applicable) for state financial assistance, and the Texas Transportation Commission approved the application by Minute Order Number(s) 115241; and,

**WHEREAS,** the Subrecipient must execute a Grant Application (if applicable) and Fiscal Year Certifications and Assurances each fiscal year grant period for consideration for new state and federal grants; and

**WHEREAS,** a Master Grant Agreement (MGA) between the Subrecipient and the State has been adopted and states the general terms and conditions for grant projects developed through this PGA;

**NOW THEREFORE,** the State and Subrecipient agree as follows:

**AGREEMENT**

**ARTICLE 1. GRANT TIME PERIOD**

This PGA becomes effective when fully executed by both parties or on 09/01/2018, whichever is later. This PGA shall remain in effect until 08/31/2020, unless terminated or otherwise modified in an Amendment. This PGA will not be considered fully executed until both parties have executed a MGA, and the Subrecipient has submitted the Grant Application (if applicable) and Certification and Assurances to the State. The time period of this PGA cannot be extended past the MGA, without exception. Any cost incurred before or after the contract period shall be ineligible for reimbursement.

**ARTICLE 2. PROJECT DESCRIPTION**

**A.** The Subrecipient shall complete the public transportation project described in the Grant Application, the Attachment A - Approved Project Description, and the Attachment B - Project Budget. Attachments A and B are attached to and made a part of this agreement. The Subrecipient shall complete the project in accordance with all of the documents associated with the MGA and with all applicable federal and state laws and regulations.

**B.** If applicable, the Subrecipient shall begin competitive procurement procedures by issuing an invitation for bids or a request for proposals no later than sixty (60) days after the effective date of this grant agreement for the purchase of the approved line items referenced in Attachment A. No later than sixty (60) days after the issuance of public notification, the Subrecipient shall publicly open all bids or privately review proposals. The Subrecipient shall enter into a binding agreement with a supplier no later than thirty (30) days after the opening of an acceptable bid or proposal. The Subrecipient shall notify the department in writing when it is necessary to exceed these deadlines.

**ARTICLE 3. COMPENSATION**

The maximum amount payable under this PGA without modification is $500,000 and 85,000 Transportation Development Credits, provided that expenditures are made in accordance with the amounts and for the purposes authorized in the Grant Application, the Attachment A, and the Attachment B.

Invoices are to be submitted electronically through the eGrants system.

**ARTICLE 4. AMENDMENTS**

Except as noted in the MGA, changes in the scope, objectives, cost, or duration of the project authorized in this agreement shall be enacted by written amendment approved by the parties before additional work may be performed or additional costs incurred. Any amendment must be executed by both parties within the grant period specified in Article 1, Grant Time Period.

**ARTICLE 5. INCORPORATION OF MGA PROVISIONS**

This PGA incorporates all of the governing provisions of the MGA in effect on the date of final execution of this PGA, unless an exception has been made in this agreement.

**ARTICLE 6. SIGNATORY WARRANTY**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

**ARTICLE 7. ACCESS TO INFORMATION**

The Subrecipient is required to make any information created or exchanged with the state pursuant to this contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the state.

**THIS AGREEMENT IS EXECUTED** by the State and the Subrecipient in duplicate.

**THE SUBRECIPIENT**

David Marsh

Signature

General Manager

Title

Jan 18 2019 10:47AM

Date

**THE STATE OF TEXAS**

Vanessa Owens

Signature

Public Transportation Coordinator

Title

Jan 18 2019 10:53AM

Date

**List of Attachments**

A – Approved Project Description
B – Project Budget

**ATTACHMENT A**
**APPROVED PROJECT DESCRIPTION**

The project will establish downtown transit connections as a central element of the public space, along with other civic amenities that will create a downtown destination and civic gathering place for the greater Elgin area of northern Bastrop County.

Location: Elgin Intermodal Station located at 202 Central Avenue Elgin, TX 78621.

The transit provider's response to the 2018 Coordinated Call for Projects is hereby incorporated into the project description except as amended in this attachment.

Transit provider shall comply with Article 12: Project Records and Reports and Article 13 of the Master Grant Agreement requiring procurement and project milestones / quarterly progress reports. Within 30 days of PGA execution, the subrecipient will provide the TxDOT Public Transportation Coordinator with a project milestone plan that delineates fund expenditures throughout the contract period.

Per Texas Administrative Code (TAC) 31.47, Audit and Project Close-Out Standards: The subrecipient shall make every reasonable effort to complete all project activities and request appropriate reimbursements within the time period specified in the project agreement and TAC 9.136, Suspension or Termination for Cause: On termination of a subgrant, the unexpended and unobligated funds awarded to the subgrantee immediately revert to the department (TxDOT).

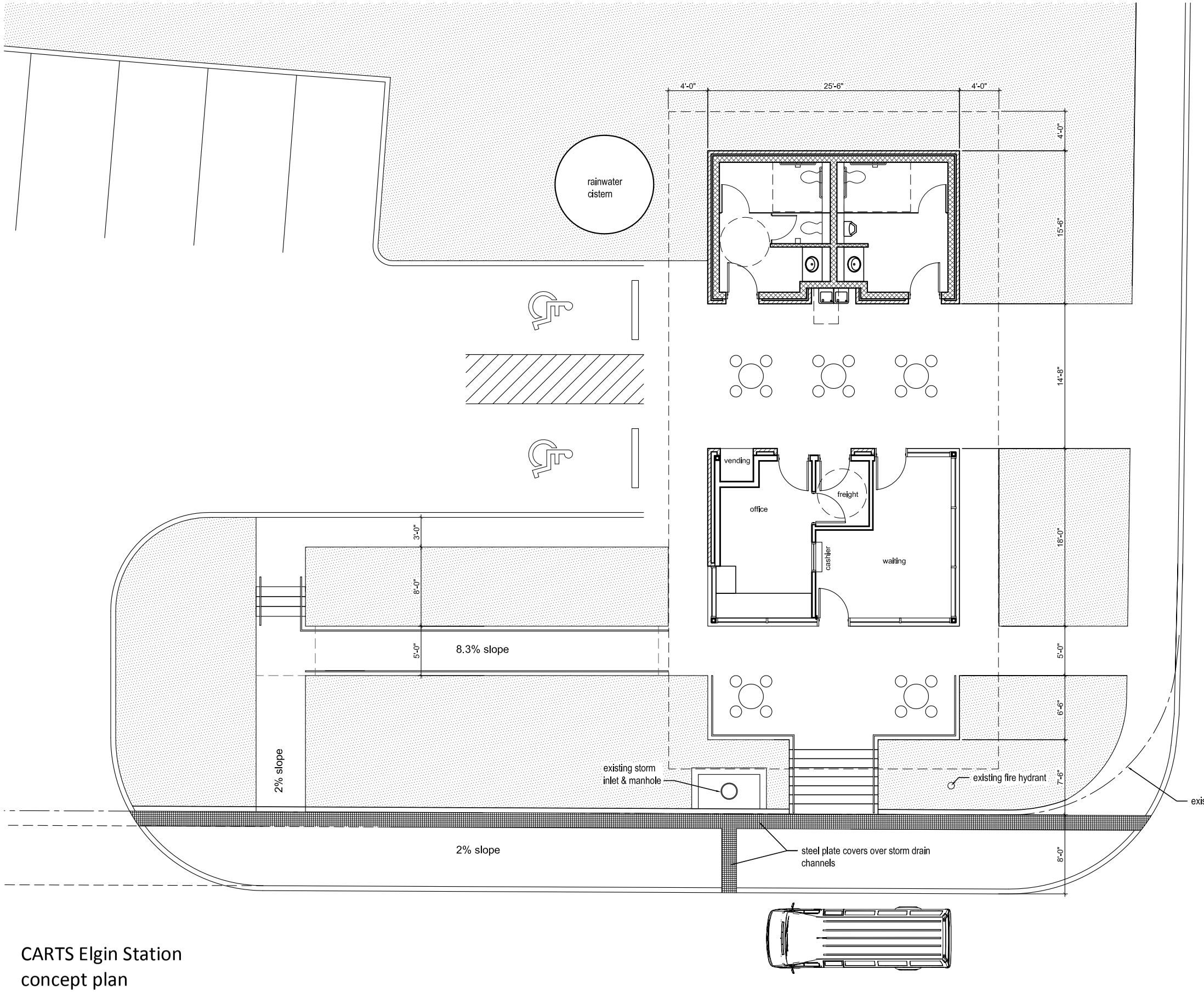
TxDOT's Public Transportation Division's (PTN) Federal Transit Administration overall Disadvantaged Business Enterprise (DBE) goal for fiscal years 2018 - 2020 is 2.9 percent of funds expended by grantees. This is not a contract specific goal but an overall goal for annual DBE participation. PTN grantees should undertake efforts to include DBE businesses in purchasing and contracting opportunities, and are encouraged to utilize DBE business whenever practicable. The full definition of DBE program requirements is found in Article 23 of the Master Grant Agreement.

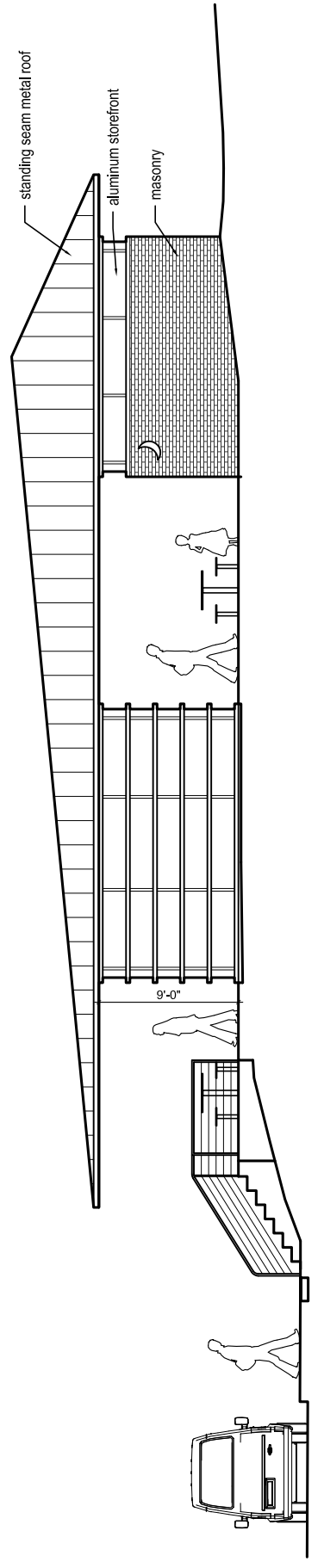
## ATTACHMENT B
## PROJECT BUDGET

| # | Description | Fuel Type | Cost/ Unit | # of Units | Total Cost | Award Amount | State Match | Local Match | In-Kind Match | Total Funds | TDC | Match Ratio | TDC Amount |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Project Administration - 11.79.00 | | | 750000 | | $75,000 | $0 | $0 | $0 | $75,000 | | | 0 |
| 2 | Build Terminal, Bus Station - 11.33.01 | | | 425000 | | $425,000 | $0 | $0 | $0 | $425,000 | X | 80/20 | 85,000 |
| | | | | **Totals:** | | $500,000 | $0 | $0 | $0 | $500,000 | | | 85,000 |

# EXHIBIT C

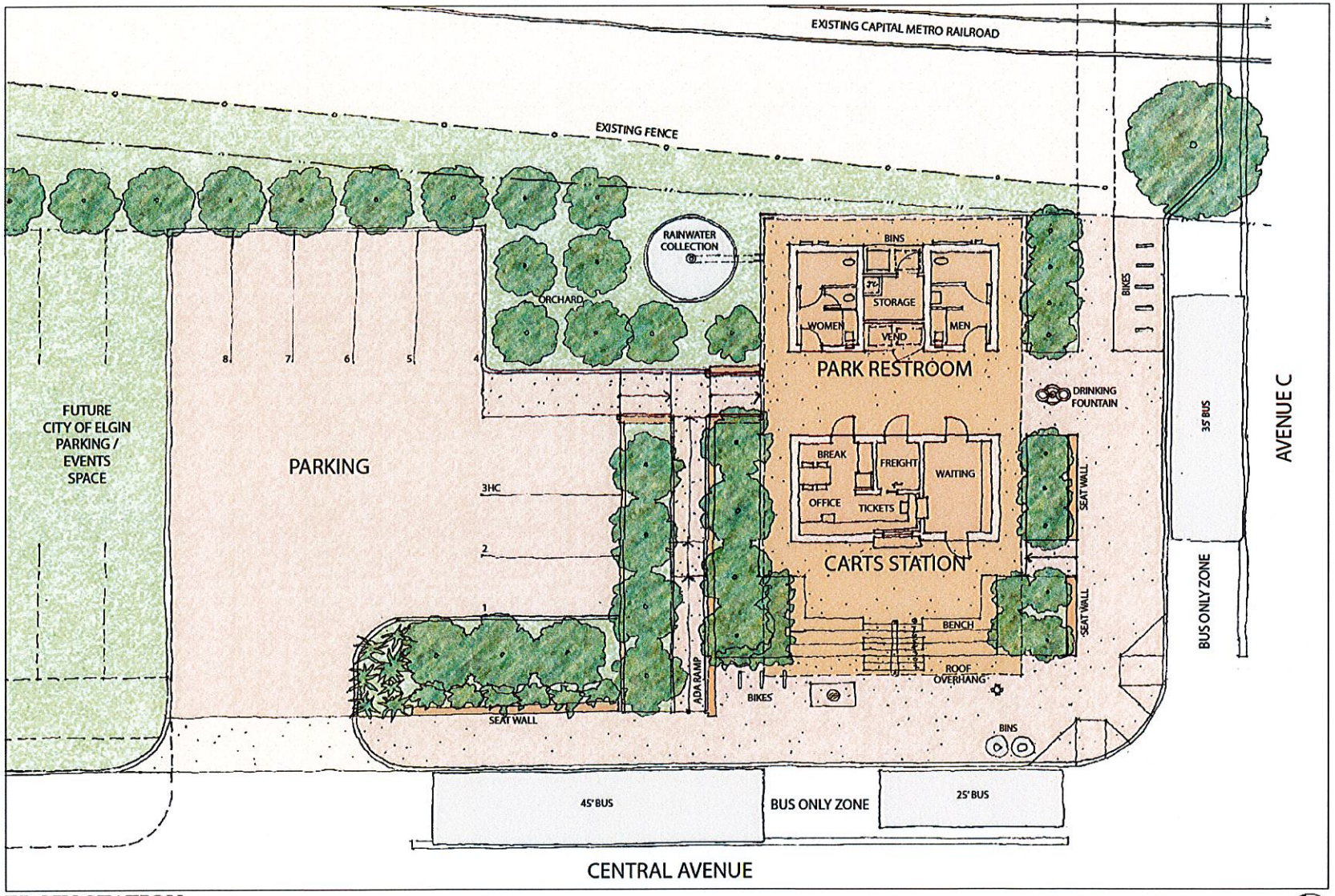
ARCHITECTURAL RENDERING OF THE PROPOSED IMPROVEMENTS




hatch + ulland owen
architects
19 January 2016

CARTS Elgin Station
concept plan
2016-0119




**ELGIN STATION**
SITE AND FLOOR PLAN
*DRAFT - Prepared by MAS and H+UO for CARTS*
February 11, 2016

8' 16' 32'

# CARTS STATION SITE PLAN (FEB 2016)

# Elgin City Council Meeting
# Agenda Item Executive Summary

**ITEM:** An ordinance granting a specific use permit for a child care center at the property located at 700 Bull Run Road in Sopko & Keeling Subdivision, Lot 1, being approximately 0.5510 acres and Lot 2 being approximately 0.5510 acres, City of Elgin, Bastrop County, Texas; and providing for a savings clause and repealing conflicting ordinances and resolutions.

**DEPARTMENT:** Planning and Development

## PROPOSED ACTION:
Discussion, consideration and action on an ordinance to grant a Specific Use Permit at 700 Bull Run for a period of five (5) years so a child care center can operate there.

**BACKGROUND:** After hearing public comment on the proposed Specific Use Permit for the property located at 700 Bull Run, the Planning and Zoning Commission voted to recommend granting the Specific Use Permit to the Elgin City Council. The minutes from that meeting which was held on Monday, March 25th are attached along with the parking recommendations per ordinance.

## BUDGET/FINANCIAL IMPACT:
**Funding for this item was { } included { } not included in the current-year budget {X} N/A**

## RECOMMENDATION:
The Planning and Zoning Commission recommends approval of the Ordinance granting the Specific Use Permit at 700 Bull Run for a period of five (5) years.

## ATTACHMENTS:
Executive Summary, March 25, 2019 Planning & Zoning Commission Agenda, Map of Specific Use Permit Area, March 25, 2019 Meeting Minutes and Proposed Ordinance with Exhibits

**{ } 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.*

AGENDA
ELGIN PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MONDAY, MARCH 25, 2019, 6:30 P.M.
CITY HALL ANNEX COUNCIL CHAMBERS
310 NORTH MAIN STREET

**CALL TO ORDER**

**PUBLIC COMMENT:**

Individuals may request to speak on items on the agenda, and items not on the agenda. Speaker comments are limited to three (3) minutes. No formal action can be taken on items not posted on the agenda. 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 Commission Member, member of Staff, other individual or group.

**CONSENT:**
1. Approval of minutes, February 25, 2019 meeting.

**UNFINISHED BUSINESS:**

1. REVIEW AND MAKE POSSIBLE RECOMMENDATIONS TO THE ELGIN CITY COUNCIL ON A ZONING CHANGE REQUEST SUBMITTED BY MARTHA FLORES, OWNER OF THE PROPERTY LOCATED AT 700 BULL RUN ROAD IN SOPKO & KEELING SUBDIVISION, LOT 1, BEING APPROXIMATELY 0.5510 ACRES AND LOT 2 BEING APPROXIMATELY 0.5510 ACRES, CITY OF ELGIN, COUNTY OF BASTROP, TEXAS, TO CHANGE THE ZONING FROM C-3 HIGHWAY COMMERCIAL DISTRICT TO S-P SPECIFIC USE PERMIT TO OPERATE A CHILD CARE FACILITY THERE.

**NEW BUSINESS:** NONE.

**EXECUTIVE SESSION**
The board may 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.

**RECONVENE**
The board returns to open session for possible discussion and action as a result of the Executive Session.

**ANNOUNCEMENTS**

**ADJOURNMENT**

**NOTICE**

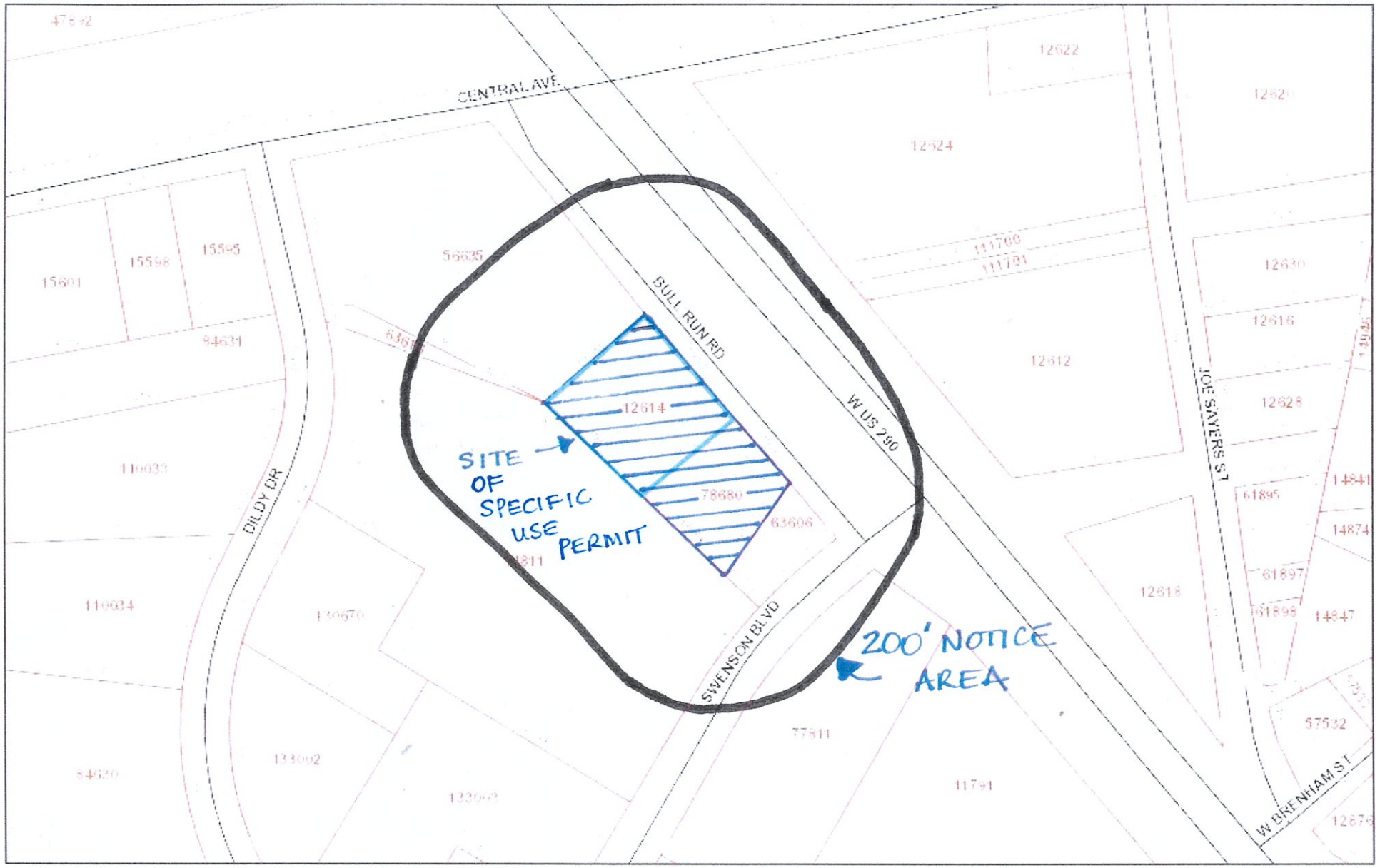
I, the undersigned authority, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before the 8th day of March, 2019 before 5:00 p.m. in accordance with Chapter 551 of the Texas Government Code. The Elgin City Council will hold a public hearing on Zoning for Items #1 in the City Council Chambers, Elgin City Hall Annex, 310 North Main Street, Elgin, Texas, on Tuesday, April 2, 2019 at 7:00 pm.

_____Melissa Lipiec_____
Melissa Lipiec, Planning and Development Admin.

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

Para informacion en espanol favor de llamar 512-281-0119. Servicios de traduccion disponible en la reunion.

# 701 Bull Run




February 12, 2019

1:2,402

Parcels Lot Lines Roads

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

**MINUTES**
**PLANNING AND ZONING COMMISSION**
**PUBLIC HEARING-REGULAR MEETING**
**MONDAY, MARCH 25, 2019 – 6:30 PM**

**CALL TO ORDER:** Vice Chairman Ronnie Creppon called the meeting to order at 6:20 PM.

**PRESENT**: Jason Tatum, Ronnie Creppon, Brian Lundgren, Dorothy McCarther, David Lanford and Gilbert Rangel Staff: Melissa Lipiec, and Carlos Navejas.

**Absent**: Antonio Prete

**Guest:** Martha M. Flores, owner of 700 Bull Run, and Andrea A Navarro

**PUBLIC COMMENT:** None

**MINUTES:** Brian Lundgren made a motion to approve the minutes of the January 25, 2019 meeting as presented. David Lanford seconded the motion and a vote was taken. The motion passed with a vote of five (5) yes and zero (0) no with Dorothy McCarther abstaining from the vote because she did not attend that meeting.

**UNFINISHED BUSINESS:**

1. REVIEW AND MAKE POSSIBLE RECOMMENDATIONS TO THE ELGIN CITY COUNCIL ON A ZONING CHANGE REQUEST SUBMITTED BY MARTHA FLORES, OWNER OF THE PROPERTY LOCATED AT 700 BULL RUN ROAD IN SOPKO & KEELING SUBDIVISION, LOT 1, BEING APPROXIMATELY 0.5510 ACRES AND LOT 2 BEING APPROXIMATELY 0.5510 ACRES, CITY OF ELGIN, COUNTY OF BASTROP, TEXAS, TO CHANGE THE ZONING FROM C-3 HIGHWAY COMMERCIAL DISTRICT TO S-P SPECIFIC USE PERMIT TO OPERATE A CHILD CARE FACILITY THERE. Melissa Lipiec reminded the Commission that this item was on the February agenda but pulled due to the fact that they did not have a proposed parking plan. The property owner has since provided us with the number of employees she will have and a parking plan prepared by Austin Civil Engineering. She further stated that Beau Perry of TRC Solutions has reviewed the parking plan and his letter of recommendation pending Fire Chief's approval of the proposed fire lane is in the agenda packet. Melissa Lipiec further also presented an e-mail that staff received from Fire Chief Randy Reyna approving the proposed fire lane. She completed her statement by saying that staff recommends the zoning change for a period of five (5) years along with the parking plan for thirteen spaces. After a brief discussion David Lanford made a motion to recommend to the Elgin City Council the Specific Use Permit for a period of five (5) years as well as the parking plan as presented. Dorothy McCarther seconded the motion and a vote was taken. The motion passed unanimously with a vote of six (6) yes and zero (0) no.

**NEW BUSINESS: NONE**

**ANNOUNCEMENTS:** Melissa Lipiec announced that Gary N. Cooke's replacement has yet to be hired. She stated that the first round of interviews has been completed but there have been no job offers as of yet. Staff still anticipates having that position filled sometime in April. The next meeting will be April 29th and the Weigle Amending Lot 1 subdivision which was tabled in January will be on that agenda along with possibly Caesar's Crossing Concept Plan. Caesar's Crossing is adjacent to the Westwind Subdivision off of Klaus Lane.

**ADJOURN:** Vice-Chairman Ronnie Creppon adjourned the meeting at 7:02 pm.

_____
Antonio Prete
Chairman, Planning and Zoning Commission

ATTEST:_____
Melissa Lipiec
Acting Secretary, Planning and Zoning Commission

**ORDINANCE NO. _____**

**AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR A CHILD CARE CENTER AT THE PROPERTY LOCATED AT 700 BULL RUN ROAD IN SOPKO & KEELING SUBDIVISION, LOT 1, BEING APPROXIMATELY 0.5510 ACRES AND LOT 2 BEING APPROXIMATELY 0.5510 ACRES, CITY OF ELGIN, BASTROP COUNTY, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

**WHEREAS,** an application has been made to the City Council of Elgin, Texas for a Specific Use Permit to allow a child care center at the property described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

**WHEREAS,** the City Council has submitted the application to the Planning and Zoning Commission for its recommendation and report; and

**WHEREAS,** the Planning and Zoning Commission held a public hearing concerning the requested change on March 25, 2019, following lawful publication of the notice of said public hearing; and

**WHEREAS,** after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended a specific use permit be granted allowing for a child care center use at the Property for a period of five (5) years and that the owner provide thirteen (13) off-street parking spaces as shown in the 700 Bull Run – Site Parking Requirements document attached hereto as Exhibit "B"; and

**WHEREAS,** on the 2nd day of April, 2019, after proper notification, the City Council held a public hearing on the requested application, and

**WHEREAS,** the City Council determines that the Specific Use Permit provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

**WHEREAS,** each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with,

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

**I.**

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this Ordinance implements the vision, goals and policies of the City of Elgin's Comprehensive Plan and further

finds that enactment of this Ordinance is not inconsistent with or in conflict with any other polices or provisions of the Comprehensive Plan and the City's Code of Ordinances.

**II.**

The Zoning District for the Property shall remain C-3 Highway Commercial, and the Ordinance granting a Specific Use Permit for the specific use on the property of Child Care Center is hereby adopted with the conditions that (1) the site provide for thirteen (13) off-street parking spaces as show in Exhibit "B," and (2) that the Specific Use Permit have a term of five (5) years from the date this Ordinance is adopted.

**III.**

**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 were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

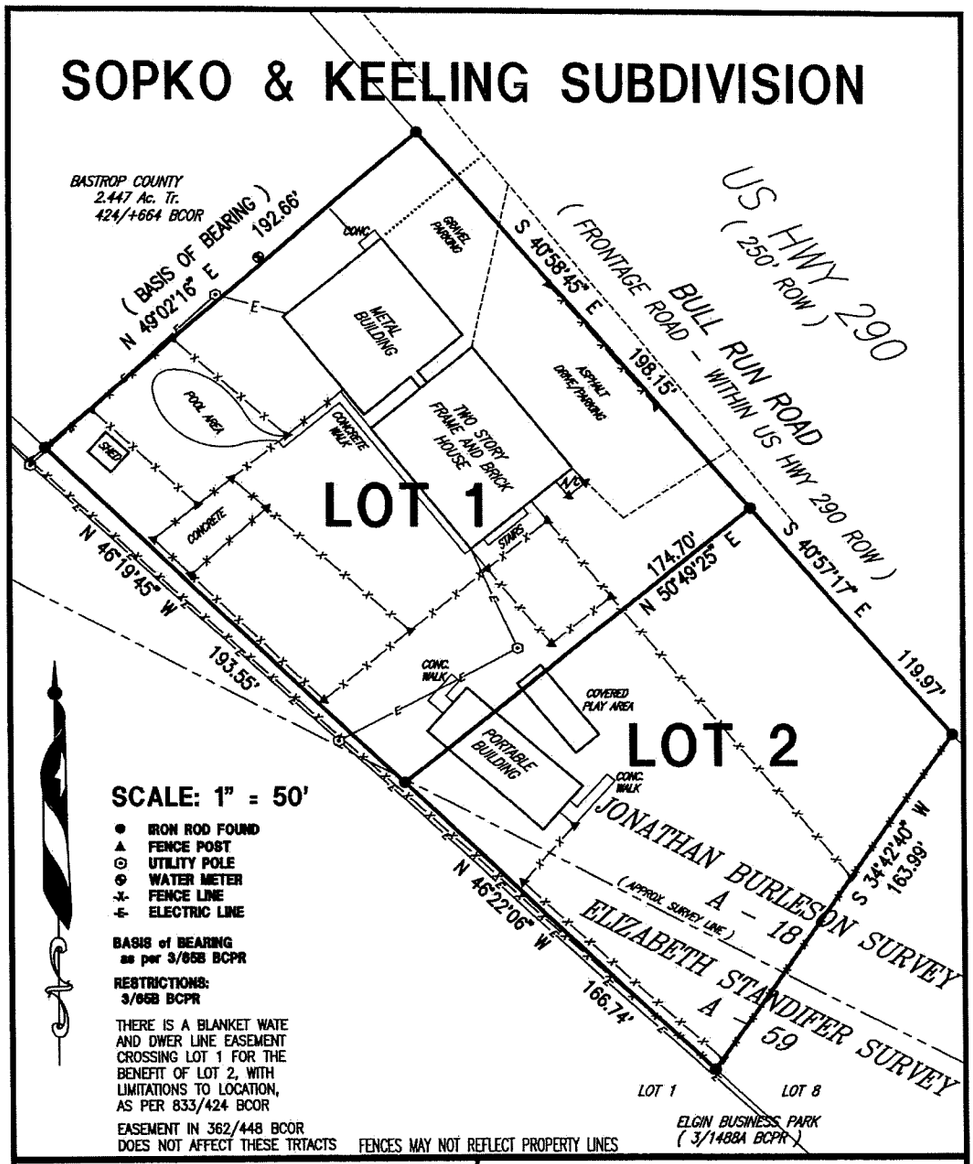
**READ**, **PASSED**, and **ADOPTED** on first reading this the 2nd day of April 2019.

_____
CHRIS CANNON, MAYOR

ATTEST:

_____
Amelia Sanchez, City Secretary

# SOPKO & KEELING SUBDIVISION




**SCALE: 1" = 50'**

- ● IRON ROD FOUND
- ▲ FENCE POST
- ⊙ UTILITY POLE
- ⊕ WATER METER
- -X- FENCE LINE
- -E- ELECTRIC LINE

**BASIS of BEARING**
as per 3/65B BCPR

**RESTRICTIONS:**
3/65B BCPR

THERE IS A BLANKET WATE AND DWER LINE EASEMENT CROSSING LOT 1 FOR THE BENEFIT OF LOT 2, WITH LIMITATIONS TO LOCATION, AS PER 833/424 BCOR

EASEMENT IN 362/448 BCOR DOES NOT AFFECT THESE TRTACTS

FENCES MAY NOT REFLECT PROPERTY LINES

The undersigned does hereby certify to; the Title Agency, Underwriter, Lender, Mortgage Co. and/or Purchaser, that this survey was, this day, made on the ground, on the property legally described hereon, and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has frontage on a dedicated road way, except as shown hereon.

CERTIFIED COPY ONLY
IF YELLOW SEAL IS PRESENT

DALE L. OLSON
REG. NO. 1753

MICHAEL D. OLSON
REG. NO. 5386

DALE L. OLSON SURVEYING COMPANY
DATE: 03/19/05

GF#AUT1500178O — AUSTIN TITLE (BASTROP)


**DALE L. OLSON**
REGISTERED PROFESSIONAL LAND SURVEYOR
711 WATER STREET (512) 321-5476 BASTROP, TEXAS


*SURVEY PLAT*
*of LOTS 1 AND 2, SOPKO & KEELING SUBDIVISION, as recorded in Plat Cabinet 3, Page 65B, of the the Bastrop County Plat Records.*

| | | | | | |
|---|---|---|---|---|---|
| SCALE: | 1" = 50' | *TOM HARING and LORI HARING* | | | |
| DRAFTSMAN: | K. Cochra | | | | |
| DATE: | 03/19/15 | DESK-FILE 97-23b | ORDER 15-97-23b | PLAT FILE -0- | |

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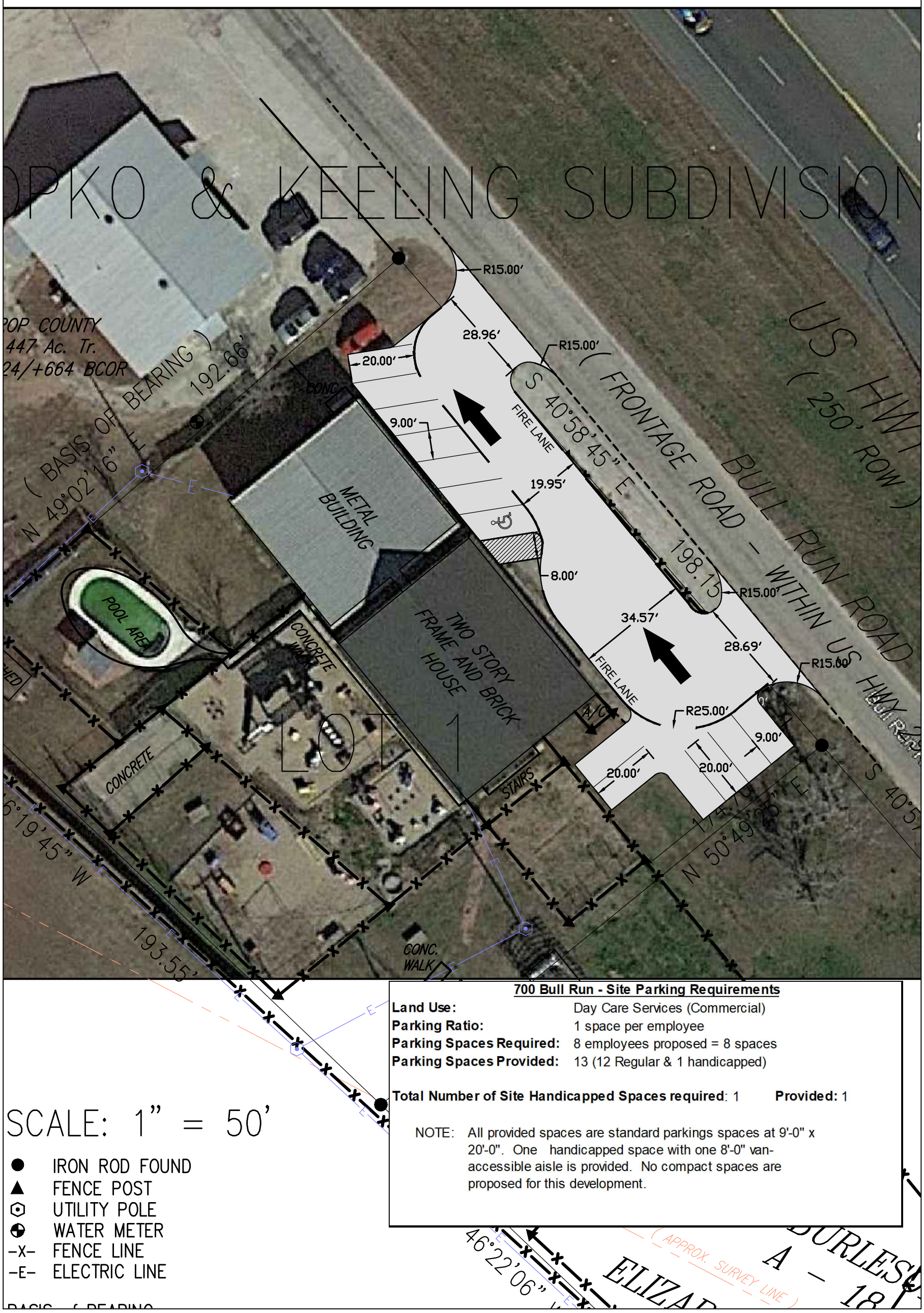
2/6/17




**700 Bull Run - Site Parking Requirements**

| | |
|---|---|
| **Land Use:** | Day Care Services (Commercial) |
| **Parking Ratio:** | 1 space per employee |
| **Parking Spaces Required:** | 8 employees proposed = 8 spaces |
| **Parking Spaces Provided:** | 13 (12 Regular & 1 handicapped) |

**Total Number of Site Handicapped Spaces required**: 1 **Provided:** 1

NOTE: All provided spaces are standard parkings spaces at 9'-0" x 20'-0". One handicapped space with one 8'-0" van-accessible aisle is provided. No compact spaces are proposed for this development.

SCALE: 1" = 50'

- ● IRON ROD FOUND
- ▲ FENCE POST
- ⬡ UTILITY POLE
- ◒ WATER METER
- -X- FENCE LINE
- -E- ELECTRIC LINE

BASIS of BEARING

# 700 BULL RUN RD
# PARKING LAYOUT

**AUSTIN CIVIL ENGINEERING, INC.**
TBPE FIRM # F-001018
9501 B MANCHACA RD., SUITE. 220
AUSTIN, TEXAS 78748
PH: (512) 306-0018

# Elgin City Council Meeting
# Agenda Item Executive Summary

**ITEM:** A Resolution approving a 380 agreement with Southside Market and B-B-Q, Inc

**DEPARTMENT:** Economic Development

**PROPOSED ACTION:** Approve the resolution for a 380 agreement with Southside Market and B-B-Q, Inc

**BACKGROUND:** The 380 agreement will approve reimbursement of up to $115,000 for construction of a new deceleration land westbound on Highway 290. Currently Southside is constructing a new parking lot on the east side of the building as they have sold the parking lot on the west side of the building. Southside will also install a new drive thru in order to increase sales. They are projected to hire at least six new full time employees. The deceleration lane will assist with getting westbound traffic across 290 in order to access the new parking lot. This will ease traffic at the 290/95 intersection and will also make turning into Southside much safer. Southside will pay for the design, engineering and construction of he deceleration lane and will be reimbursed $28,750 a year for four years for a total of $115,000 being reimbursed. This reimbursement assists a local business in expanding and keeping them in their current location.

## BUDGET/FINANCIAL IMPACT:

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

**RECOMMENDATION:** Approve the resolution

## 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.*

**RESOLUTION NO.**

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF THE ELGIN AND SOUTHSIDE MARKET AND B-B-Q, INC AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Elgin, Texas (the "City") desires to grant certain incentives to Southside Market and B-B-Q, Inc (the "Developer") for the primary purpose of constructing a deceleration lane on Highway 290 to access the new parking lot for Southside Market within the City of Elgin, Texas; and

WHEREAS, the City has found and determined that the Chapter 380 Economic Development Agreement will further the public interest and welfare and the potential economic benefits that will accrue to the City are consistent with the City's economic development objectives to increase sales and use tax revenues accruing to the City and attract additional jobs, and is necessary to promote or develop new business enterprises, and

WHEREAS, the Developer has project costs including infrastructure improvements that will be beneficial to the City

WHEREAS, the City is authorized by Article Ill, Section 52-a of the Texas Constitution, Section 380.001 of the Texas Local Government Code, as amended, to establish economic development programs and to provide grants for economic development, and

WHEREAS, the amount of the agreement shall not exceed $115,000;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elgin, Texas:

1. That the above recitals are true and correct.
2. That the City hereby approves the Chapter 380 Agreement between the City of Elgin and Southside Market and B-B-Q, Inc
3. That the Mayor is authorized to execute the Chapter 380 Economic Development Agreement between the City of Elgin and Southside Market and B-B-Q, Inc

Adopted on this 2nd day of April, 2019.

CITY OF ELGIN, TEXAS

_____
Chris Cannon, Mayor

ATTEST:

_____
Amelia Sanchez, City Secretary

# Elgin City Council Meeting
# Agenda Item Executive Summary

## ITEM:

**DEPARTMENT:** Community Development

**PROPOSED ACTION:** Consider waiving fees for costs associated with Juneteenth Festival and Parade.

## BACKGROUND:

20th Annual Juneteenth Festival and parade will be June 7 and 8 in Veterans Memorial Park and on Depot Street. This free community event includes music, vendors, delicious food, kid's activities, parade and program. The Juneteenth Festival Committee organizes the event and provided the request to waive or reduce fees associated with the Juneteenth Festival and Parade on Friday June 7th from for the street dance and on Saturday June 8 in Veterans Memorial Park and on Depot Street. Saturday June 8, the parade lines up on Martin Luther King Boulevard at Booker T Washington Elementary School. The Route follows MLK to Alamo, to South Main continuing north through downtown turns left at 2nd Street, left onto Avenue C and disperses at Central Avenue. The parade begins at 10:00 am. The parade route requires 18 City of Elgin staff and 5 police officers for traffic control with an approximate cost of $1875.00. 66 barricades are required for the street closures with a rental fee of $198. The Festival requires 2 City of Elgin employees for Saturday litter removal etc. with an approximate cost of $400. Costs associated with the Juneteenth Festival and parade are $2,473.00.

## BUDGET/FINANCIAL IMPACT:

**Funding for this item was { X } included { X } not included in the current-year budget { } N/A** The Police Department has officer time for parades included in the overtime budget. City departments assist with street closures. The public works department has it included in overtime, but those funds are also impacted by weather related events that the crew may respond to throughout the year.

## RECOMMENDATION:

Take action on the reduction or waiver of fees associated with the Juneteenth Festival and Parade.

## ATTACHMENTS:

Request letter attached.

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

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

# *ELGIN JUNETEENTH ORGANIZATION*

**To:** **City Manager** - **City of Elgin**

**From:** **Bettye Lofton, President** - **Elgin Juneteenth Organization**

**Re:** **Juneteenth Celebration (June 6 - 8), 2019**

**Date:** **March 8, 2019**

**Cc:** **Chief Patrick South**

The Elgin Juneteenth Organization has scheduled their 20th year celebration starting with a Pageant on Thursday night , June 6th, 7:00 pm at the Elgin Middle School. This year the Pageant will "showcase young ladies from Elgin and surrounding areas" with the Royal Court ranging from ages 8 to 18 years of age. The pageant has been out of existence for a while but this year we are bringing it back. The first year was a great success and this year is destined to be very enjoyable as well. The annual street dance will be held on Friday, June 7th from 8:00 pm to 12:00 midnight and the grand parade will be held on Saturday June 8th in downtown Elgin beginning at 10:00 am with line-up starting from Booker T. Washington Elementary school on M.L.K. Blvd. The Organization is requesting street closures and assistance in accordance with the parade route.

The Parade route will start from Booker T. Washington Elementary school on M.L.K Blvd, turning left on Alamo and continuing down Alamo to Main Street. At Main Street making a right and travel up North Main to traffic signal at West 2nd , making a left at West 2nd and Main and traveling to stop sign at West 2nd and North Ave. C. The parade will make a left onto North Ave. C. and travel across the tracks to Alamo where the Parade will disperse.

The Veterans Memorial Park has been secured for all day activities following the Grand Parade. No alcoholic beverages will be sold, but the Organization requests that the open container permit be waived during the event from 6:00 pm until 12 mid-night on Friday, June 7th and from 8:00 am until 6:00 pm on Saturday June 8th. No glass containers will be allowed in the area due to the danger of such usage.

The Juneteenth Organization is also requesting that all fees be reduced or waived for this event because we are a very small Cultural Organization trying to keep our Heritage alive in Elgin. We are financially strapped and depend solely on donations. These funds help us to give three (3) $500.00 scholarships to seniors who are earmarked to further their education. Please consider our request.

A complete schedule of activities will be available at the council meeting. Please place this on the City Council agenda for April 2nd.

I, Bettye Lofton, President of the Organization or a designee will attend the Council meeting to answer any questions or concerns. Thanks in advance for your consideration.

# Elgin City Council Meeting
# Agenda Item Executive Summary

## ITEM:

## DEPARTMENT: Community Development

## PROPOSED ACTION: Consider waiving fees for costs associated with Western Days Festival and Parade.

## BACKGROUND:

The Elgin Chamber of Commerce organizes the annual Western Days Festival and Parade June . Western Days is a free festival for the community that includes live music, softball, volleyball, washer and horseshoes tournaments, arts & crafts, food, kids activities, carnival, and class reunions. Celebrating its 50th anniversary this year, the festival has added the Purple & White Jubilee to the week long community celebration. Saturday June 22, the parade lines up on 11th street to Main Street, the parade follows the route 11th street, turning south on Main Street, continuing through downtown, and ending at Brenham street, where floats return via Avenue C and Avenue A. The parade begins at 10:00 am. The parade route requires 18 City of Elgin staff and 6 police officers for traffic control with an approximate cost of $2,640.00. 66 barricades are required for the street closures with a rental fee of $198. The Festival requires 4 City of Elgin employees for Saturday litter removal etc. with an approximate cost of $800. **Staff costs associated with the Western Days Festival are $3,638.00**.

## BUDGET/FINANCIAL IMPACT:

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

The Police Department has officer time for parades included in the overtime budget. City departments assist with street closures. The public works department has it included in overtime, but those funds are also impacted by weather related events that the crew may respond to throughout the year.

## RECOMMENDATION:

Take action on the reduction or waiver of fees associated with the Western Days Festival and Parade.

## ATTACHMENTS:

Request letter attached.

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

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

Elgin
CHAMBER OF COMMERCE
& VISITOR'S CENTER

January 28, 2019

Mr. Tom Mattis
City of Elgin
310 N. Main
Elgin, TX 78621

RE: Item for Agenda

The Elgin Chamber of Commerce is excited to announce that Elgin's favorite summer tradition – Western Days will be celebrating 50 years this year. With the partnership of the Elgin ISD and the Purple and White Jubilee Reunion – this year's event is sure to bring many people to Elgin and be a fun event for residents and visitors during the 4th weekend in June.

On Tuesday, June 18, the Miss Western Days & Tiny Tot Pageant starts off the week's activities. On Thursday, the carnival opens with family night. On Friday, the Purple and White Jubilee Reunion will be held in Memorial Park offering a free dance and other activities. The Grand Finale, Saturday the 22rd, is filled with events including a Parade, Carnival, Volleyball, Horseshoe, Washer and Softball Tournaments; Art, Crafts and Food Vendors; and Musical Entertainment throughout the day.

The Elgin Chamber of Commerce respectfully request the Elgin City Council consider the following items:

1. Use of Elgin Memorial Park from June 18, 2019 until June 22, 2019 at the discounted non-profit rate.

2. Waive the open container ordinance at Memorial Park for the following dates along with the stipulation that there will not be glass containers:
   a. June 21, 2019 from 4:00p.m. - 12:15a.m.
   b. June 22, 2019 from 8:00a.m. - 8:00p.m.

3. Request the use and closure of the following streets and related side streets for the parade with a start time of 8:00a.m. and completion by 12:00 noon. The Parade follows 11th street turning south onto Main and ending at Main and Alamo, with the floats returning on Avenue C to the Elementary School campus. .

4. Request the waiver of all fees that may be involved with closing of the streets for the parade.

We are looking forward to a great Western Days! We appreciate the City of Elgin's assistance to make this event our biggest and best ever. Should you have any questions please contact me at 512-285-4515.

Sincerely,

Gena Carter

Gena Carter
President

# Elgin City Council Meeting
# Agenda Item Executive Summary

**ITEM:** Adjourn into Executive Session pursuant to (a) Section §551.071 Consultations with Attorney; to deliberate with legal counsel regarding pending or contemplated litigation: Bonnie Crankshaw v. City of Elgin and Thomas Mattis, City Manager, in his individual capacity and (b) pursuant to Section §551.074 Personnel Matters: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee

## DEPARTMENT:
City Council

## PROPOSED ACTION:
Consider information presented in Executive Session.

## BACKGROUND:
Under Texas Open Meetings law, there are seven exceptions that generally authorize closed meetings, also known as "Executive Sessions." The exceptions include discussions involving: (1) purchase or lease of real property; (2) security measures; (3) receipt of gifts; (4) consultation with attorney; (5) personnel matters; (6) economic development; and (7) certain homeland security matters. However, any and all final actions, decisions, or votes of the Elgin City Council related to such Executive Session items will be made in an open meeting

## BUDGET/FINANCIAL IMPACT:
**Funding for this item was { } included { } not included in the current-year budget {X} N/A**

## RECOMMENDATION:
Consider information presented in Executive Session; and direction to staff, if any, as appropriate.

## ATTACHMENTS:
None.

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

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