



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, April 16, 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 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.

VI. GENERAL DISCUSSION

1. Review And General Discussion Of The Provisions Of City Code Article V – Junk Vehicles And City Policies, Procedures, And/Or Issues Related To The Enforcement Of Same

Documents:

[EXSUMMARY - WS JUNK VEHICLES.PDF](#)
[MEMACTAYLOR41119.PDF](#)

2. Review And General Discussion Of The Provisions Of City Code Article II – Weeds, Wild Growth, And Unsanitary Conditions And City Policies, Procedures, And/Or Issues Related To The Enforcement Of Same

Documents:

[EXSUMMARY - WS CODE ENFORCEMENT.PDF](#)

3. Review And General Discussion Of Recommendations Regarding Management Of Public Parking Spaces Within The Downtown Area And Related Enforcement Actions

Documents:

[EXSUMMARY - WS DTPARKING.PDF](#)
[PARKING MEMO .PDF](#)

4. AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Documents:

[EXECUTIVE SUMMARY PARADE ORDINANCE .PDF](#)
[PARADE ORDINANCE 3-22-19.PDF](#)

VII. NEW BUSINESS

1. Quarterly Financial Report - Second Fiscal Year Quarter 2018-19

Documents:

[EX SUMM 2ND Q FINANCE REPORT.PDF](#)
[2ND QUARTER INVESTMENT REPORT 4-16-2019.PDF](#)

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, CONSENTING TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS BRICKSTON MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO

Documents:

[EX SUMMARY - BRICKSTON MUD CONSENT2.PDF](#)
[RESOBRICKSTONIII419.DOCX.PDF](#)

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS STATING THE CITY'S INTENT TO CONTINUE TO SUPPORT THE CAPITAL AREA COUNCIL OF GOVERNMENTS REGIONAL AIR QUALITY PROGRAM

Documents:

[EXSUMMARY - CAPCOG2.PDF](#)
[RESOCAPCOG41619.PDF](#)
[CAPCOG AIR QUALITY LOCAL FUNDING REQUEST FOR FY 2020.PDF](#)
[FY 2020 AQ FUNDING REQUEST_CITY OF ELGIN.PDF](#)

4. A RESOLUTION OF THE CITY COUNCIL FOR WATER CONSERVATION PLAN AND UTILITY PROFILE

Documents:

[WATER CONSERVATION PLAN FINAL.PDF](#)
[RES. ADOPT WATER CONSERVATION PLAN.PDF](#)

5. AN ORDINANCE AMENDING CHAPTER 42, ARTICLE VII, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING DROUGHT CONTINGENCY PLANNING; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Documents:

[DROUGHT CONTINGENCY EXSUMMARY.PDF](#)
[TCEQ NOTICE.PDF](#)
[DROUGHT CONTINGENCY PLAN FINAL.PDF](#)
[ORD. DROUGHT CONTINGENCY PLAN \(04.11.2019\) \(00421918-2XA08F8\).PDF](#)

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

Documents:

[EXSUMMARY COVER SHEET.PDF](#)
[RES201CENTERPOINT ENGERY RATE CHANGE.PDF](#)

VIII. 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 Section §551.087 Deliberation Regarding Economic Development Negotiations: To Deliberate The Offer Of A Financial Or Other Incentive To A Business Prospect

Documents:

[EXSUMMARY - EXECUTIVE SESSION4.PDF](#)

2. Pursuant To Section §551.074 Personnel Matters: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee

IX. RECONVENE

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

X. ANNOUNCEMENTS

XI. ADJOURNMENT

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

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, April 12, 2019, in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and general discussion of the provisions of City Code Article V – Junk Vehicles and city policies, procedures, and/or issues related to the enforcement of same

DEPARTMENT: Code Enforcement/Police Department

PROPOSED ACTION:

No Council action proposed or requested at this time; This item is for a wide-ranging discussion and Q&A between Council and the staff as it relates to city policies and procedures for the enforcement of code provisions as it relates to junk vehicles on private properties.

BACKGROUND:

Discussed at previous meetings; This item is for a staff presentation and ensuing discussion of general procedures regarding the enforcement of City Code Article V – Junk Vehicles.

In the past, the city has been liberal in its interpretation of the code as it relates to violators; which has resulted in an enforcement effort that is not cost-effective and has appeared at times to be inconsistent.

A related challenge in this regard arises from the fact that an inoperable vehicle in a private driveway is a potential Code Enforcement issue; while the same car, at the same location parked in front of the house on the street is then a potential Police Department issue.

However, staff has now developed a comprehensive approach to addressing this issue throughout the entire town, through a consistent enforcement effort and partnership between the Code Enforcement and Police Departments.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Full discussion and review of City Code Article V – Junk Vehicles and related city policies and procedures; and direction to staff, if any, regarding same.

ATTACHMENTS:

Staff memorandum

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

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

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

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

Memorandum

Date: April 11, 2019

To: Thomas L. Mattis, City Manager

Subject: Junk/Abandoned Vehicle Program



A joint initiative of the Elgin Police Department and City Code Enforcement will soon begin to give attention to areas within the City that have a concentration of junk/abandoned vehicles; sidewalk obstructions; vehicles parked facing the wrong direction; and blocking fire hydrants. Other examples that fall within the area of enforcement are trailers, recreational vehicles, and boats that are in violation and within public view. Some of you may not know that there are many non-profit organizations will gladly accept your donations if you need them removed from your property.

The presence of junk vehicles threatens the character and safety of neighborhoods. They cause deterioration of neighborhoods partly due to visual blight, which affects property values. Junked vehicles can create attractive nuisances for children, and provide harborages for rodents, insects and other pests. As with most municipalities, the City has adopted a junk vehicle nuisance ordinance, which prohibits the storage of junk vehicles in open areas of private property.

When a violation of the Abandoned Vehicle law is determined, a red sticker will be placed on the vehicle giving the owner 48 hours to fix the problem or remove the vehicle from the street. After 48 hours, the vehicle is checked again, and if still in violation the vehicle will be impounded. If a green sticker is placed on a Junked Vehicle/trailer/RV, or boat, the owner has ten days to fix the problem or remove the vehicle from public view. If after ten days the owner has not remedied the situation, impoundment action will be taken.

Specific local and State laws EPD will be enforcing through this effort:

- Parking on or Obstructing Sidewalks
- Parking a Vehicle Facing the Wrong Direction on the Street
- Parking More Than 18 Inches away From the Curb
- Parking Long Vehicles and Trailers on Streets
- Abandoned Motor Vehicles
- Junk Vehicles/Boats/Trailers/Recreational Vehicles or Visible to Public
- Parked within 15 feet of a fire hydrant or within 20 feet of a crosswalk at an intersection"

Prior to its initiation, EPD will make a concentrated effort to distribute notice of this program through local media and all social media outlets, in hopes that property owners address violations on their own without requiring enforcement action by the EPD.

Assistant Chief Phillip Taylor
Elgin Police Department

cc: Patrick South Chief of Police



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and general discussion of the provisions of City Code Article II – Weeds, Wild Growth, and Unsanitary Conditions and city policies, procedures, and/or issues related to the enforcement of same

DEPARTMENT: City Manager/Code Enforcement

PROPOSED ACTION:

No Council action proposed or requested at this time; This item is for a wide-ranging discussion and Q&A between Council and the staff as it relates to city policies and procedures for enforcement of code provisions as it relates to maintenance (and in particular grass mowing) of private properties.

BACKGROUND:

Discussed at previous meetings; This item is for a staff presentation and ensuing discussion of general procedures regarding the enforcement of City Code Article II – Weeds, Wild Growth, and Unsanitary Conditions.

In the past, the city has been liberal and “generous” in its interpretation of the code as it relates to violators; which has resulted in an enforcement effort that is not cost-effective and has appeared at times to be inconsistent. As we enter a new mowing season, however, it is the staff’s goal to be more aggressive and consistent in its enforcement practices; and to do so in a way that is more cost-effective for city operations.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Full discussion and review of City Code Article II – Weeds, Wild Growth, and Unsanitary Conditions and related city policies and procedures; and direction to staff, if any, regarding same.

ATTACHMENTS:

{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.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and general discussion of recommendations regarding management of public parking spaces within the downtown area and related enforcement actions

DEPARTMENT: City Manager/Main Street Program Coordinator

PROPOSED ACTION:

No Council action proposed or requested at this time; This item is for a wide-ranging discussion and Q&A between Council and the staff as it relates to city policies for management of public parking spaces in downtown Elgin; and related enforcement actions against violators of parking rules.

BACKGROUND:

Discussed at previous meetings; This item is for a staff presentation and ensuing discussion of general procedures regarding management of public parking spaces within the downtown area and/or central business district – and related enforcement actions against parking code violations.

As a result of growth and continuing prosperity within the downtown area, assuring uniform use and availability of parking spaces is a growing challenge for the City. It has also become necessary and appropriate for the Elgin Police Department to be more “aggressive” than they have traditionally been to effectively address issues such as proper parking within the marked spaces, vehicles not blocking line of sight for intersecting traffic, not blocking driveways or sidewalks, etc.

As staff continues to address this situation in an appropriate manner, we continue to seek input from residents, downtown businesses and property owners, and the City Council as to the overall topic.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Full discussion and review of the management of public parking spaces within the downtown area, related enforcement actions, and associated policies and procedures; and direction to staff, if any, regarding same.

ATTACHMENTS:

{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.



April 11, 2019

MEMORANDUM

TO: Tom Mattis, City Manager
From: Amy Miller, Community Development Director
RE: Parking fines

The City manager, Police Department, municipal court department and community development department met to discuss these fees and the concern that this is a significantly higher fee than is imposed in other communities. They asked the Main Street Board to review the fees and make a recommendation. The Main Street Design committee and the Main Street Board conducted research about parking fines in Taylor, Bastrop, Hutto, San Marcos, Corpus Christie, and Georgetown. In those communities, similar parking violations generated a ticket fine ranging from \$25 to \$75. Fines in those communities range from \$30 to \$500. The highest fines are used for handicap parking violations.

Parking throughout the community is seeing increased demand due to growth and commercial development. Enforcing parking requirements that meet transportation codes for safety has brought to light that parking tickets in Elgin are typically \$200 for violations such as parking outside the white stripes of a parking space, parking within 15 feet of a crosswalk, or parking more than 18" from the curb.

The Design committee recommended to Main Street Board that the fine structure be adjusted to make the fine for these types of parking violations a maximum of \$50. There is clear agreement among all these entities that parking enforcement needs to occur, that people should park legally, that when they do not park legally they are creating a traffic safety hazard for the general public and that there should be fines for illegal parking. The Main Street Board recommends that City Council consider a parking fine fee structure that makes these type of violations \$50. Illegal parking in a handicap zone would remain at \$298.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, CODE OF ORDINANCES. CITY OF ELGIN, TEXAS, REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Community Development

PROPOSED ACTION: Discussion

BACKGROUND: The existing parade ordinance is very brief and outdated. The proposed ordinance provides a clear framework for how parades would be reviewed and considered for approval by the police chief. All parade organizers would have a consistent protocol to follow in setting up a parade. The ordinance addresses safety issues and organizational concerns such as parking, sanitation, and traffic control. Staff met with parade organizers in the community and reviewed the proposed ordinance. Organizers expressed overall support for the more detailed ordinance and voiced their support for all parades following similar rules. Organizers also requested support from parade entrants and the community in not throwing candy or other items from vehicles. This causes children to run into the vehicle lanes where the parade is traveling and greatly increases the potential for a tragic accident to occur. Participants are invited to walk the parade route and hand items directly to the attendees. Elgin has active parade requests from Juneteenth Festival committee for Juneteenth Festival June 7-8, Elgin Chamber of Commerce, Western Days Festival June 21-22, City of Elgin July 3 parade, American Legion,

Veterans appreciation Parade November 2 and Elgin Volunteer Fire Department Christmas Lighted parade December 7. The current parade ordinance lists permission required for a parade from the City manager or his designee with an appeal to City Council if permit is denied. The proposed ordinance would list the Police Chief or his designee with an appeal to city council if permit is denied. The proposed ordinance lays out clear guidelines for the denial or approval of a parade permit.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Discussion.

ATTACHMENTS:

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

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

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

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

ORDINANCE NO. _____

Formatted: Font: 10 pt

Formatted: Font: 10 pt

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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

I.

That Chapter 34, Article II, Sections 34-19 and 34-20, Code of Ordinances, City of Elgin, Texas are deleted in their entirety and are hereby replaced with the following:

ARTICLE II. – PARADES

Sec34-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person who has filed a written application for a parade permit.

Chief of Police means the Chief of Police or his designated representative.

Free Speech Rights means expressive activity protected by the First Amendment to the Constitution of the United States, provided that such activity is the primary purpose of the parade.

Parade means any assembly, march, demonstration, procession or motorcade upon public streets within the city consisting of three or more persons, animals, or vehicles (or any combination thereof) with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon public streets.

Parade permit means written approval from the chief of police or his designated representative for a parade.

Permittee means the person to whom a parade permit is granted pursuant to this article.

Public street means the entire width of the publicly owned right-of-way.

Sec. 34-2. - Permit required; exceptions.

- (a) *Required.* No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the city.
- (b) *Exceptions.* This section shall not apply to:
 - (1) Funeral processions.
 - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities, and will not interfere with the normal movement of traffic.
 - (3) A government agency acting within the scope of its function.

Sec. 34-3. - Filing period.

- (a) Except as provided below, an application for a parade permit shall be filed with the chief of police not less than 30 days nor more than 90 days before the proposed parade date.
- (b) Late applications, where good cause is shown and subject to the standards promulgated in section 34-96, may be considered when filed after the deadline prescribed herein.
- (c) An application for a parade, the primary purpose of which is to express Free Speech Rights, may be submitted not less than 5 working days not including holidays ~~days~~ before the proposed parade date.

Formatted: Strikethrough

Sec. 34-4 - Application for permit.

- (a) A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by the city, which shall be accompanied with an application fee as currently established or as hereafter adopted by resolution of the city council from time to time. In appropriate circumstances, the City Council shall have the authority to lower or waive the fee.
- (b) The application for a parade permit shall set forth the following information:
 - (1) The name, address, and telephone number of the person seeking to conduct such parade;
 - (2) If the parade is to be held for or by an organization, the name, address, and telephone number of the headquarters of the organization, and the name and address of the authorized representative of such organization;
 - (3) If the parade is to be held by or for any person other than the applicant, the applicant shall file a written statement from that other person showing authority to make the application;
 - (4) If the parade's primary purpose is to express Free Speech Rights, a detail description of the purpose of the parade;
 - (5) The name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
 - (6) The date when the parade is to be conducted;
 - (7) The time when such parade will start and terminate, including the time at which units of the parade will arrive in assembly area. Parades may be conducted only between the hours of 7:00 a.m. and 9:00 p.m. daily;
 - (8) The location by streets of the proposed parade route, the assembly area, the initial starting point and the disbanding area for the parade. If the assembly area, starting point and/or disbanding areas are located on private property, the applicant shall submit written permission for the holding of the activity from the owner or his authorized representative of the property;
 - (9) The proposed location for parking area. If the parking area is located on private property, the applicant shall submit written permission from the owner or his authorized representative for allowing parking on the property;
 - (10) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used;
 - (11) The time at which units of the parade will arrive at the assembly area;

- (12) The interval of space to be maintained between units in the parade;
 - (13) The approximate number of participants in the parade and, if applicable, the number and types of animals and vehicles or floats (including maximum height and length) which will constitute such parade;
 - (14) Any sanitation facilities which may be needed to keep the parade route and assembly areas clean and free from debris and waste;
 - (15) A description of any public facilities or equipment needed for the parade, including first aid stations or portable restrooms;
- Provide a copy of parade entry registration forms including requirements that no candy or other objects may be thrown from parade entries, all vehicles must be in working order and street worthy, all entries must follow traffic laws, and parade participants may walk the parade route and hand candy or other items directly to attendees.
- (16) Copies of permits and agreements ~~with~~ all city departments other than the police department shall be included with the application for the parade permit; and
 - (17) Any other information which the chief of police shall find necessary under the standards for issuance, hereinafter set forth in section 34-96.

Sec. 34-5. - Standards for issuance of permit.

A parade permit will be issued if, upon review of the application, the chief of police finds that:

- (1) The parade will not substantially interrupt the safe and orderly movement of other traffic near its route;
- (2) The parade will not require the diversion of so great a number of police officers of the city to properly police the parade and the adjacent areas, including parking areas, as to prevent normal police protection of the city;
- (3) The parade will not require the diversion of so great a number of fire protection or emergency medical services (EMS) personnel so as to prevent these services to portions of the city other than that to be occupied by the proposed parade route and adjacent areas;
- (4) The concentration of people, animals and vehicles at assembly points of the parade will not unduly interfere with fire and police protection of, or EMS services to, areas near such parade and assembly area;
- (5) The parade will not interfere with the efficient response movement of firefighting equipment and services en route to a fire;
- (6) The parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route;
- (7) The conduct of the parade is not reasonably likely to cause injury to persons or property;
- (8) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
- (9) There are sufficient parking places near the site of the parade to accommodate the number of vehicles reasonably expected to be used in the parade or the applicant has made adequate arrangements for off-site parking and transfer of attendees and participants; and

- (10) The applicant has secured the police services, if any, required under this Chapter.

Sec. 34-6. - Contents of permit.

Each parade permit shall state the following information:

- (1) Starting and ending time, including assembly time and cleanup time;
- (2) Minimum and maximum speed;
- (3) A description of the parade route and any assembly or disbanding areas;
- (4) Maximum and minimum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade; and
- (6) Such other information as the chief of police shall find necessary to the enforcement of this article.

Sec. 34-7. - Applicant parking requirements.

- (a) Applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of participants and attendees with a ten percent surplus. If said parking is to be on private property adjacent to the parade, written evidence that the applicant has a right of possession of said property through ownership, lease, license, or other property interest must be provided. When the location is not an established parking area, a plan shall be submitted which will show how the needed parking will be achieved and arranged. The number of parking spaces and layout of parking area, including aisle widths, size of parking spaces and whether parking attendants will be provided, shall be included in the submittal.
- (b) When adequate parking is not available at or immediately adjacent to the site of the parade route, off-site parking may be used. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished.

Sec. 34-8. - Duties of permittee.

A permittee shall comply with all parade permit directions and conditions and with all applicable laws and ordinances.

Sec. 34-9. - Denial or revocation of permit.

- (a) The chief of police may deny a parade permit if:
 - (1) The parade will conflict in time and location with another parade or other special event for which a permit has already been granted;
 - (2) The applicant fails to comply with or the parade will violate an ordinance of the city or any other applicable law;
 - (3) The applicant makes or permits the making of a false or misleading statement or omission of material fact on an application for a parade permit;
 - (4) The applicant has been convicted of violating this article or has had a parade permit revoked within the preceding 12 months;
 - (5) The applicant has previously failed to pay previous parade fees or police protection

charges;

- (6) The applicant fails to provide proof of a license or permit required by this article or another city ordinance or by state law;
 - (7) The parade, in the opinion of one or more city departmental directors, would severely hinder or compromise the delivery or performance of normal services, including previously scheduled construction or maintenance services, or emergency services or constitutes a public threat;
 - (8) The applicant is unable or unwilling to pay any additional costs as may be required by the chief of police;
 - (9) The applicant fails to submit a complete application or fails to provide any additional information requested by the chief of police; or
 - (10) The proposed date or time for the parade or the location of the parade or parking for such parade would substantially interfere or disrupt the educational activities of a school when such school is in session.
- (b) The chief of police shall have the authority to deny or revoke a parade permit issued hereunder for failure to meet the standards for issuance as set forth in section 34-96.

Sec. 34-10. - Notice of rejection; appeal to city council.

The chief of police shall act upon an application for a parade permit within seven days after the filing thereof. If the chief of police does not approve the application, he shall mail to the applicant a notice of this action stating the reasons for the denial of parade permit within three days after the date of the denial. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The council shall hear the appeal as soon as practicable and its decision shall be final.

Where the primary purpose of the parade is the expression of Free Speech Rights, the application shall be granted or denied by the chief of police within 48 hours of receipt of the application. After a decision, the chief of police shall immediately notify the applicant orally and the city attorney in writing of the decision. If the decision is for denial of the permit, the applicant may, within 24 hours after receipt of said decision, appeal to the city manager, presenting facts why the denial should be reversed. The city manager shall make every effort to hear the appeal as soon as possible, and shall render a written decision to the applicant no more than 24 hours after the time of the appeal hearing.

Sec. 34-102. - Alternative permit.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the parade on a date, time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.

Sec. 34-11. - Tents and temporary structures.

Any parade which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the city's fire code and building code except that a separate permit is not required when a parade permit has been obtained. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the fire chief.

Sec. 34-12. - Sanitary facilities.

Portable type sanitary facilities may be required if determined to be necessary by the chief of police, and an applicant shall be responsible for securing such facilities.

Sec. 34-13. - Animal waste.

Waste from animals used in any such parade shall be removed immediately, by parade organizer or his designee following the completion of such parade. Should animals be kept within the city limits at night, they shall be kept not less than 300 feet from any developed residential or commercial districts.

Sec. 34-14. - Water usage and disposal of wastewater.

- (a) Any parade or related activity desiring use of water from the city water system must coordinate with the utilities department to obtain a temporary meter. Deposit for the meter and payment for water used shall be in accordance with ordinances of the city.
- (b) An applicant shall submit a plan for the disposal of wastewater and the plan shall be approved by the utilities department.

Sec. 34-15. - Waste collection and solid waste dumpster.

An applicant shall be required to make arrangements for the collection of all waste resulting from such parade, and commercial solid waste dumpsters may be required if determined to be necessary by the chief of police. If required, an applicant shall make arrangements for the provision of such dumpsters with a commercial solid waste disposal company currently having a franchise agreement with the city.

Sec. 34-16. - Loudspeakers.

When loudspeakers will be used in conjunction with the parade, the location and orientation of speakers shall be indicated along with the planned hours of use. Speakers which are positioned so as not to adversely affect an adjacent residential district may be used between the hours of 7:00 a.m. and 9:00 p.m. when a parade permit has been obtained. The chief of police may modify the time limit for use of such speakers when good cause is demonstrated by the applicant. Any use of loudspeakers other than described shall first obtain the approval of the city council.

Sec. 34-17. - City authority over parking.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the parade route by posting signs to such effect. It shall be unlawful for any person to park or leave unattended any vehicle in violation of the parking restrictions.

Sec. 34-18. - Police services; costs.

- (a) The chief of police shall determine whether and to what extent police services are reasonably necessary for the parade for traffic control and public safety. The chief of police shall base this decision on the size, location, duration, time and date of the parade, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If additional police services for the parade are deemed necessary by the chief of police, he shall so inform the applicant for the parade permit. The applicant then shall have the duty to secure the police services deemed necessary by the chief of police. All police services shall be provided by the Elgin Police Department unless prior written approval is given by the Chief of Police for the use of outside agencies.
- (b) In the event the chief of police determines, upon a review of the application, that a parade may require the special attention and involvement of city personnel or facilities, the chief of police shall so notify the applicant. In such event, prior to the issuance of a parade permit, the applicant and the chief of police shall agree upon the cost of policing and cleaning and the closure of roads, and the applicant shall pay that amount to the city upon application. Prior to the issuance of a parade permit, the applicant shall agree in writing to pay any additional costs to the city within five days of the date upon which the city informs the applicant of the amount of such additional costs.

Sec. 34-~~1920~~. - Offenses.

- (a) A person commits an offense under this article if he:
- (1) Stages, presents, or conducts any parade without first having obtained a permit as herein provided;
 - (2) Participates in a parade for which the person knows a permit has not been granted;
 - (3) Knowingly fails to comply with any condition of the parade permit;
 - (4) Rides, drives, or causes to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the parade permit;
 - (5) Hampers, obstructs, impedes, or interferes with the parade, except when reasonably required for the safe and orderly conduct of the parade, or for the safety and welfare of the general public; or
 - (6) Drives between the vehicles or persons comprising a parade.
- (b) A culpable mental state is not required for the commission of an offense under this article.

II.

Formatted: Font: 10 pt

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.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on this ____ day of _____, 2019.

CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Quarterly Financial Report – Second Fiscal Year Quarter 2018-19

DEPARTMENT: Finance

PROPOSED ACTION: Review and Accept

BACKGROUND: Section 2256.005 of the Texas Government Code requires that not less than quarterly, the Investment Officer shall prepare and submit to the City Council, a written, signed, investment report demonstrating a list of investment transactions for the preceding reporting period, in accordance with the Act.

The report accompanying this Executive Summary Satisfies this PFIA requirement for the second fiscal year quarter ending March 31st, 2018.

This second quarterly report reflects changes in the number of checking accounts and the omission of bank accounts owned by the Economic Development Corporation that now receives its own Quarterly Investment Report.

The increase of approximately \$10M in the Logic account reflects deposit of the proceeds from sale of the series 2019A&B bonds.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Review and accept the report as presented.

ATTACHMENTS: Quarterly Financial Report – First Fiscal Year Quarter 2018-19

{ } 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.

2nd Quarter Investment Report- Fiscal Year 2018-19

OPERATING ACCOUNTS -

Page 1 of 2

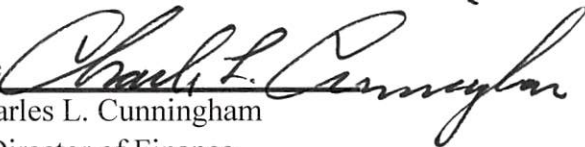
<u>Financial Institution</u>	<u>Fund</u>	<u>Account Name</u>	<u>Ending 1/1/2019</u>	<u>Total Deposits / (Withdrawals)</u>	<u>Total Interest</u>	<u>Ending 3/31/2019</u>
Prosperity Bank						
	99	Clearing Account	69,320.99	(2,187.79)	16.81	67,150.01
	03	General Fund Debt Service	55,406.78	-	13.67	55,420.45
	11	Community Impact Fees-Water	90,677.51	-	22.36	90,699.87
	12	Community Impact Fees-Sewer	30,903.21	-	7.62	30,910.83
		Sub-total	246,308.49	(2,187.79)	60.46	244,181.16
First National Bank						
	99	Main Checking	3,095,096.23	(488,613.83)	20,440.03	2,626,922.43
	001	Court Security	32,758.10	-	218.69	32,976.79
	001	Police Seizure Chapter 59	3,822.13	-	25.52	3,847.65
	001	Court Technology	6,494.30	-	43.35	6,537.65
	002	Community Impact Fees-Water	106,759.54	-	712.72	107,472.26
	002	Community Impact Fees-Sewer	61,021.53	-	407.37	61,428.90
	003	General Fund Debt Service	5,862.74	-	39.14	5,901.88
	072	General - ATS Clearing	1,117,054.01	(43,942.62)	6,906.11	1,080,017.50
	002	USDA Rural Dev	1.02	(0.02)	-	1.00
	001	Money Market General Op.	175.42	-	1.14	176.56
		Sub-toal	4,429,045.02	(532,556.47)	28,794.07	3,925,282.62
TOTAL - DEPOSITS			4,675,353.51	(534,744.26)	28,854.53	4,169,463.78

CAPITAL IMPROVEMENT FUNDS

Page 2 of 2

Financial Institution	Fund	Account Name	Ending 1/1/2019	Total Deposits / (Withdrawals)	Total Interest	Ending 3/31/2019	WAM*
Logic							
		CO Series 2015- Proceeds	1,786,081.89	(258,082.89)	10,589.80	1,538,588.80	2.00
		CO Series 2016 - Proceeds	408,261.65	904,624.11	4,725.80	1,317,611.56	2.00
		CO Series 2019A - Proceeds	-	4,063,450.00	1,161.60	4,064,611.60	2.00
		CO Series 2019B(TIRZ) Proceeds	-	5,687,039.00	1,625.72	5,688,664.72	
		Sub-total	2,194,343.54	10,397,030.22	18,102.92	12,609,476.68	2.00
		TOTAL - INVESTMENTS	2,194,343.54	10,397,030.22	18,102.92	12,609,476.68	
		TOTAL - DEPOSITS AND INVESTMENTS	6,869,697.05	9,862,285.96	46,957.45	16,778,940.46	

* Weighted Average to Maturity (WAM)

Signature 
 Charles L. Cunningham
 Director of Finance



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN CONSENTING TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS BRICKSTON MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION:

Consideration and approval of a Resolution formally reconfirming the City's consent to the creation of a Municipal Utility District as previously contemplated in the Development Agreement between the City and the Brickston Municipal Utility District ("MUD")

BACKGROUND:

Discussed at previous meetings; Previously known as "Heritage Lakes", Texas Bridle Trails ("TBT") intends to develop 650 +/- acres of land within City's ETJ as "Brickston", a master-planned, mixed-use community with park and recreational facilities to serve the community. Brickston will include commercial sites; as well as land sites for public safety and public-school facilities.

The Council previously approved a Development and Consent Agreement, that is binding upon TBT and the associated Brickston MUD. Said Agreement included a commitment on the part of the City to consent to the creation of the MUD in exchange for various commitments made by the developers.

The developers, however, have encountered certain difficulties in obtaining final approval of the MUD through the state legislature. The main issue involves finding the right "political balance" regarding a commitment to affordable housing. The language included in the proposed Resolution is now believed to be acceptable to all concerned – and it has no adverse impact on the City; nor does it add any responsibilities for the City moving forward.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Resolution formally consenting to the creation of the Brickston Municipal Utility District as described; and routine direction to staff, if any.

ATTACHMENTS: Resolution

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

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

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ELGIN, TEXAS, CONSENTING TO THE CREATION OF A
MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS BRICKSTON
MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN
FINDINGS RELATED THERETO**

WHEREAS, the City of Elgin has received a Petition for Consent to Include Land in a Municipal Utility District, dated January 2019 a copy of which is attached hereto and marked as Exhibit “A”; and

WHEREAS, the City wishes to evidence its support for the creation of the Brickston Municipal Utility District (“District”) within its extraterritorial jurisdiction by special act of the 86th Texas Legislature; and

WHEREAS, the creation of the Brickston Municipal Utility District was previously contemplated through a Development Agreement executed by and between the City of Elgin and Texas Bridle Trails, LLC; and

WHEREAS, the City passed Resolution No. 2019-02-05-02 to evidence consent and support of the creation of the Brickston Municipal Utility District; and,

WHEREAS, The City of Elgin and Texas Bridle Trails wish to amend Resolution No. 2019-02-05-02.

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

Section 1. That the above recitals are true and correct; and that the City Council hereby grants its consent to and permission for the creation of the Brickston Municipal Utility District by special act of the 86th Texas Legislature within its extraterritorial jurisdiction, which is described more fully in the field notes attached to the Petition described in Exhibit “B”; a copy of which being attached hereto and made part of this Resolution as if copied verbatim therein.

Section 2. That the Mayor and City Secretary are hereby authorized to execute any documents necessary to effectuate this Resolution.

Section 3. That the City Council further states that it has not relinquished any rights, duties or powers relating to the inclusion of the District in its extraterritorial jurisdiction and that while the City consents to the creation of the District, it does not release the area within the District from its extraterritorial jurisdiction.

Section 4. That the City Council further states that the project will contain, in addition to those matters in the Development Agreement, with the Effective Date of February 6, 2019, the following related to Affordable Housing:

(a) Not less than 7.5 percent of the multifamily residential units developed on the real property in the district must be deed restricted for rent to individuals or families with incomes at or below 30 percent of the area median family income at an annual rent not to exceed 30 percent of the income of the individual or family renting the unit.

(b) Not less than 7.5 percent of the multifamily residential units developed on the real property in the district must be deed restricted for rent to individuals or families with incomes at or below 50 percent of the area median family income at an annual rent not to exceed 30 percent of the income of the individual or family renting the unit.

(c) Multifamily residential units reserved for rent to certain individuals and families under this section must be reserved in the same proportion of the type and size of multifamily residential units that are offered in the residential development as a whole.

(d) The District, once created, will be fully responsible for compliance with the provisions in subsections (a)-(c) above. The District will present an annual report to the City Council on those requirements.

Section 5. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof was discussed, considered and formally acted upon, all as required by the Open Meeting Act, Chapter 551, Texas Government Code, as amended.

Section 6. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 16th day of April, 2019.

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS STATING THE CITY'S INTENT TO CONTINUE TO SUPPORT THE CAPITAL AREA COUNCIL OF GOVERNMENTS REGIONAL AIR QUALITY PROGRAM

DEPARTMENT: Administration

PROPOSED ACTION:

Approval of the Resolution as requested by the Capital Area Council of Governments (CAPCOG) stating the City's intent to continue to support in the region's regional air quality plan.

BACKGROUND:

The City has previously participated in the development/implementation of CAPCOG's Regional Air Quality Plan, who's primary goals are to maximize the region's chances of continued attainment of federal air quality standards and otherwise minimize environmental impacts from regional air pollution. The City's participation and financial support has helped the region as a whole achieve these goals, which is important not only for public health, but also for the region's continued economic growth.

The financial support provided by the City (and all other member cities) has allowed these efforts to proceed in spite of state funding being eliminated. This funding support provided by the City over the last 2 years was essentially defined by Council as being "temporary"; agreeing to support this effort in a limited way until such state funding would return.

CAPCOG tells us that there is now some cause for optimism that some state funding might come back next biennium, which would reduce – but not eliminate – the need for local funding for the program. over the next biennium in order to carry out the scope of work in support of the 2019-2023 Regional Air Quality Plan over the next several years.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Resolution as presented.

ATTACHMENTS: Resolution and supporting documentations from CAPCOG

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS STATING
THE CITY'S INTENT TO CONTINUE TO SUPPORT THE
CAPITAL AREA COUNCIL OF GOVERNMENTS
REGIONAL AIR QUALITY PROGRAM**

WHEREAS, compliance with federal air quality standards is critical to protecting public health, the environment, economic growth, and flexibility in transportation planning in Texas; and

WHEREAS, the Capital Area Council of Governments (CAPCOG) has estimated that violating federal air quality standards could cause Central Texas to lose \$24 - \$42 billion in economic growth over the next three decades; and

WHEREAS, the Austin-Round Rock-Georgetown metro area continues to face challenges with compliance with federal air quality standards, particularly for ground-level ozone (O₃); and

WHEREAS, the City of Elgin is a member of the Central Texas Clean Air Coalition of CAPCOG, an association of local governments and other organizations dedicated to maintaining compliance with federal air quality standards and improving air quality in Bastrop, Caldwell, Hays, Travis, and Williamson Counties; and

WHEREAS, the Clean Air Coalition has adopted a voluntary regional air quality plan for 2019-2023 to help keep the region in compliance with federal air quality standards and otherwise help minimize public health and environmental impacts of regional air pollution; and

WHEREAS, the jurisdictions participating in the Clean Air Coalition, including the City of Elgin, have provided financial support for CAPCOG's regional air quality program in prior years due to the loss of state funding for the program; and

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

Section 1. The City of Elgin expresses its intent to include appropriate funding in its FY2019-20 Annual Budget to support CAPCOG's Air Quality Program as described herein.

Section 2. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 16th day of April, 2019

CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary

Attachment B: CAPCOG Air Quality Local Funding Request for FY 2020

CAPCOG's FY 2020 air quality program funding request is based on a continuation of the local funding requests that CAPCOG made for FY 2018 and FY 2019 to each Clean Air Coalition jurisdiction.

- CAPCOG calculated the total funding needed to maintain the level of services provided in FY 2018 and FY 2019 to be \$430,000, \$7,000 less than the FY 2019 request. While certain costs will increase due to inflation, the monitoring contract for 2019-2021 came in lower than anticipated.
- CAPCOG updated the population basis for the funding requests to be the same as it uses for its dues formula – the most recent population data from the Texas State Demographic Center. It was previously based on July 1, 2016, Census bureau estimates obtained in summer 2017.
- Similar to CAPCOG's dues formula, the per-capita rate for cities (\$0.1625) is twice the rate for counties (\$0.0813) to reflect differences in funding available to each type of local government.

Jurisdiction	January 1, 2018, Population	FY 2019 Funding Request	Change FY 2019 – FY 2020	FY 2020 Funding Request
Bastrop County	89,072	\$7,197	\$42	\$7,239
Caldwell County	42,453	\$3,580	(\$130)	\$3,450
Hays County	218,889	\$17,786	\$3	\$17,789
Travis County	1,244,156	\$104,326	(\$3,215)	\$101,111
Williamson County	562,407	\$45,992	(\$286)	\$45,706
City of Austin	958,698	\$164,909	(\$9,085)	\$155,824
City of Bastrop	8,954	\$1,482	(\$27)	\$1,455
City of Bee Cave	6,389	\$1,137	(\$99)	\$1,038
City of Buda	14,178	\$2,614	(\$310)	\$2,304
Cedar Park	67,836	\$11,990	(\$964)	\$11,026
City of Elgin	10,048	\$1,622	\$11	\$1,633
City of Georgetown	69,597	\$11,681	(\$369)	\$11,312
City of Hutto	24,719	\$4,146	(\$128)	\$4,018
City of Kyle	42,889	n/a	\$6,970	\$6,970
City of Lago Vista	6,587	n/a	\$1,070	\$1,070
City of Lakeway	15,283	\$2,547	(\$63)	\$2,484
City of Leander	52,425	\$7,439	\$1,082	\$8,521
City of Lockhart	13,951	\$2,353	(\$85)	\$2,268
City of Luling	13,951	\$1,023	(\$48)	\$975
City of Pflugerville	64,870	\$10,307	\$237	\$10,544
City of Round Rock	124,738	\$21,032	(\$757)	\$20,275
City of San Marcos	61,486	\$10,783	(\$789)	\$9,994
City of Sunset Valley	731	\$121	(\$2)	\$119
City of Taylor	17,687	\$2,933	(\$58)	\$2,875
MSA TOTAL	2,156,977	\$437,000	(\$7,000)	\$430,000



Capital Area Council of Governments

6800 Burleson Road, Building 310, Suite 165, Austin, Texas 78744

(p) 512-916-6000 (f) 512-916-6001

www.capcog.org

March 15, 2019

The Honorable Jessica Bega

100 E. Alamo St.

Elgin, TX 78621

Subject: CAPCOG FY 2020 Air Quality Program Funding Request

Dear Mayor Pro-Tem Bega,

As a member of the Central Texas Clean Air Coalition of CAPCOG, City of Elgin, along with 23 other local governments and a number of other organizations in Bastrop, Caldwell, Hays, Travis, and Williamson Counties have made a voluntary commitment to support regional air quality. The Austin-Round Rock-Georgetown metro area remains just barely in compliance with federal air quality standards, and **2020 will be a critical year for the region's ability to remain in compliance.**

With high air pollution levels in 2018, the region is at significant risk of violating the current EPA ozone standard by the end of 2019 or 2020. EPA is also set to potentially revise its air quality standards again in 2020, and air pollution levels in 2020 will also be a key factor in any new standards EPA may set. In short, 2020 will be an important year for the region's ability to stay in compliance with federal air quality standards, and thereby protect public health, maintain strong regional economic growth, and retain maximum flexibility in transportation planning and infrastructure development.

In order to meet this important challenge, the Clean Air Coalition adopted the 2019-2023 Regional Air Quality Plan, which outlines strategies and actions the region will employ to improve air quality. In order to continue to carry out the Coalition's approved scope of work for CAPCOG to support implementation of this plan, **we are requesting that each city and county government participating in the Clean Air Coalition continue funding CAPCOG's air quality program in fiscal year 2020, and to adopt a resolution by April 30, 2019, indicating its intent to do so.** While we realize that each jurisdiction's budget won't be approved until later this year, it is important to CAPCOG's own budgeting process to have an idea by May of how much air quality funding for FY 2020 will be available.

We are seeking to raise a total of \$430,000 for FY 2020 to carry out the work plan approved by the Clean Air Coalition in February 2019 (Attachment A). This amount is somewhat less than what was requested for FY 2019 because while some costs are expected to slightly increase, the costs for CAPCOG's air monitoring efforts will be less than previously estimated. Each jurisdiction's requested contribution is based on a formula reflecting jurisdiction type and population the same way the FY 2018 and FY 2019 funding requests were calculated. This ensures that all members of the coalition have ownership over this important regional program and no one jurisdiction bears a proportionate financial burden. We have updated

Chair

Commissioner Gerald Daugherty
Travis County

1st Vice Chair

Council Member Andrea Navarrette
City of Leander

2nd Vice Chair

Judge Paul Pape
Bastrop County

Secretary

Mayor Brandt Rydell
City of Taylor

Parliamentarian

Mayor Jane Hughson
City of San Marcos

Judge Ruben Becerra
Hays County

Commissioner Russ Boles
Williamson County

Judge Brett Bray
Blanco County

Judge Ron Cunningham
Llano County

Representative John Cyrier
Texas House

Commissioner Joe Don Dockery
Burnet County

Council Member Jimmy Flannigan
City of Austin

Council Member William Gordon
City of Smithville

Judge Hoppy Haden
Caldwell County

Mayor George Haehn
City of Buda

Council Member Mike Heath
City of Pflugerville

Commissioner Debbie Ingalsbe
Hays County

Representative Celia Israel
Texas House

Council Member Heather Jefts
City of Cedar Park

Commissioner Cynthia Long
Williamson County

Judge James Oakley
Burnet County

Mayor Monty Parker
City of Bee Cave

Commissioner Maurice Pitts
Lee County

Commissioner Brigid Shea
Travis County

Judge Joe Weber
Fayette County

Mayor Lew White
City of Lockhart

Representative Terry Wilson
Texas House

Council Member Tammy Young
City of Round Rock

the funding formula to reflect the same January 2018 population date that will be used for CAPCOG's FY 2020 membership dues, and to account for the addition of two cities to the Coalition in 2019 (Kyle and Lago Vista). If the final FY 2020-2021 state budget approved by the Governor in June 2019 includes any funding that can be used to carry out the approved scope of work, CAPCOG will reduce the funding request to each jurisdiction proportionately. The following timeline reflects CAPCOG's anticipated process for finalizing its FY 2020 air quality program budget and scope of work:

- By April 30, 2019: Resolutions from CAC jurisdictions regarding FY 2020 funding
- May 8, 2019: Clean Air Coalition reviews funding resolutions
- June 17 – 21, 2019: CAPCOG distributes final FY 2020 funding requests, adjusting for any state funding anticipated following finalization of state budget for 2020-2021
- September 11, 2019: CAPCOG FY 2020 budget adopted
- October 1, 2019: CAPCOG fiscal year begins
- November 13, 2019: Clean Air Coalition approves final 2020 scope of work based on actual funding provided by members

We have enclosed a template for a funding resolution, along with the approved scope of work and details about the FY 2020 funding request as attachment to this letter. Please contact Andrew Hoekzema at ahoekzema@capcog.org if you have any questions about this request. Thank you again for your support for CAPCOG's air quality program.

Sincerely,



Betty Voights
Executive Director

Enclosures:

Attachment A: CAPCOG Scope of Work for Support of the 2019-2023 Regional Air Quality Plan

Attachment B: CAPCOG Air Quality Local Funding Request for FY 2020

Attachment C: CAPCOG Air Quality Program FY 2020 Local Funding Resolution Template

City of Elgin, Texas Bastrop County



Water Conservation Plan & Utility Profile

City of Elgin, Texas
310 N. Main Street
Elgin, TX 78621

Prepared by:



TRC ENGINEERS, INC.
505 E. HUNTLAND DR., SUITE 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION #F-8632
(512) 454-8716

June 2018

Table of Contents

1.0	INTRODUCTION	1
2.0	DESCRIPTION OF SERVICE AREA	1
3.0	GOALS AND IMPLEMENTATION	1
4.0	METERING DEVICES	2
5.0	UNIVERSAL METERING	2
6.0	LEAK DETECTION, REPAIR, AND WATER LOSS	2
7.0	PUBLIC EDUCATION AND INFORMATION	3
8.0	NON-PROMOTIONAL WATER RATE STRUCTURE	3
9.0	ENFORCEMENT PROCEDURE AND PLAN ADOPTION	3
10.0	COORDINATION WITH REGIONAL WATER PLANNING GROUP	4
11.0	RECORD MANAGEMENT SYSTEM	4
12.0	RECYCLING AND REUSE	4
13.0	CONTRACTS	4

List of Attachments

ATTACHMENT A - Water Service Rates	5
ATTACHMENT B - Projected Water Demands	7
ATTACHMENT C - CCN for City of Elgin	9
ATTACHMENT D - Utility Profile	10

1.0 INTRODUCTION

The City of Elgin, Texas has developed this Water Conservation Plan fulfilling the requirements contained in Title 30 of the Texas Administrative Code, Chapter 288.2. The objective of the water conservation plan is to reduce the quantity of water required for day-to-day living and business activities used in the City of Elgin. This will be accomplished through the implementation of efficient water use practices. This report outlines the City's water conservation program.

The City currently has strategies for reducing water consumption. These strategies include, but are not limited to, a rate structure discouraging the excess use of water, metering devices with an accuracy of plus or minus 2%, regular inspections of water lines, and the continued inspection/replacement of meters. The benefits of conserving water are protecting the most valuable resource (water), reducing the amount of water treated by water and wastewater plants therefore reducing operating expenses, and reducing consumer water bills.

2.0 DESCRIPTION OF SERVICE AREA

The City of Elgin is located in central Texas 19 miles east of the City of Austin. The City's water service area (see Attachment C) is approximately 4.79 square miles with a population of 10,460 (according to the Population Demographics).

3.0 GOALS AND IMPLEMENTATION

Over the past four years the city has averaged a water loss of 12 gallons per capita per day (gpcd) (10% per year). The City's goal is to reduce water loss in the service area by 1% over the next five years to achieve 9% water loss by the year 2023 and by an additional 1% by the year 2028 to achieve 8% water loss. The City intends to reduce the water consumption in the service area by 5% from 122 gpcd in 2017 to 116 gpcd by the year 2023 and by 10% to 110 gpcd by 2028. Total and Residential GPCD goals are displayed below comparing to the historic 5-year average.

	Historic 5-year average Baseline	5-year Goal for 2023	10-year Goal for 2023
Total GPCD	122	116	110
Residential GPCD	92	87	82
Water Loss (GPCD)	12	1	1
Water Loss (%)	10	1	1

This will be accomplished by realizing the following water conservation goals:

1. Distribution of water conservation literature to the citizens of Elgin.
2. Continue to replace old meters.
3. Continue to test and calibrate all meters annually.

4. Continue annual inspection of water lines.
5. Maintain the current leak detection and water audit program.
6. Continue a water rate structure discouraging excess water consumption.
7. Using a Water Recycling and Reuse Program.

The progress and effectiveness of this Water Conservation Plan will consist of tracking annual water usage for both residential and commercial to evaluate if the city is meeting the conservation goals set. Customer records will be kept to aid in evaluating overall water consumption from the beginning to the end of the reporting period.

4.0 METERING DEVICES

The City currently acquires its water supply from groundwater treated at the water treatment plant owned and operated by the City. The City has wells in the Carrizo Wilcox Aquifer for the permitted withdrawal of 5,979 acre-feet per year of which they only use 30% on average. The existing water treatment plant has a rated treatment capacity of 3.6 MGD. The inlet meters at the wells and plants are Water Specialties propeller meter made by McCrometer complete with automated monitoring to allow for more precise flow measurements up to 200,000 gpm. This meter has an accuracy of plus or minus 2.0% and is calibrated annually.

5.0 UNIVERSAL METERING

The City currently meters 100% of the water used, both residential and commercial and they only use meters with 2% accuracy. The City currently has a meter replacement and meter repair program and has established a regular schedule for testing meters. All meters are calibrated once per year and replaced on an as-needed basis.

6.0 LEAK DETECTION, REPAIR, AND WATER LOSS

The City of Elgin currently has a leak detection and repair program to minimize unaccounted for water use that includes the following:

1. Monthly water use accounting by the billing computer and master meters identifies high water use and identifies areas with leaks.
2. Constant monitoring of meters and storage tanks which identifies major watermain breaks.
3. Visual inspection by meter readers and system employees who keep a constant watch for abnormal conditions indicating leaks.
4. An adequate maintenance staff which is available to repair any leaks.

7.0 PUBLIC EDUCATION AND INFORMATION

The City will promote water conservation by informing the public of methods to conserve water. This will include an information and education program which incorporates:

1. Distribution of conservation literature obtained by the TWDB to the schools.
2. An annual open house to allow customers to visit the water and wastewater plant and pick up water conservation literature.
3. Water conservation tips made available to customers every month when they pay their bills as well as to new customers who connect to the system.
4. An annual water conservational educational effort targeted to the individual user in the form of mail outs, newspaper advertisements, radio advertisements, and other suitable media sources.
5. All new customers are informed of the water conservation program by a special information packet.

8.0 NON-PROMOTIONAL WATER RATE STRUCTURE

The City uses a non-promotional water rate structure to discourage the use of large quantities of water (see Attachment A). The City will explain the water rate structure to new accounts (customers).

9.0 ENFORCEMENT PROCEDURE AND PLAN ADOPTION

The Director of Utilities for the City is responsible for the implementation and enforcement of this plan. This plan will be enforced voluntarily (though compliance is encouraged) by the following methods:

1. Service tap applicants will be encouraged to utilize water conservation plumbing fixtures. Existing water system staff will be used to encourage that water saving plumbing devices are being installed in new buildings.
2. The water rate structure will encourage retrofitting of old plumbing fixtures which are using large amounts of water.
3. Adoption of new plumbing regulations regarding water conserving plumbing fixtures.
4. Potential city ordinance prohibiting water waste such as time-of-day watering.

10.0 COORDINATION WITH REGIONAL WATER PLANNING GROUP

The water service area of the City of Elgin is located within the Region K Lower Colorado Water Planning Group and the City of Elgin will provide a copy of this water conservation plan to the Region K Lower Colorado Water Planning Group.

11.0 RECORD MANAGEMENT SYSTEM

The City of Elgin computer system records the amount of water pumped and delivered and the amount of sales. The amount of water losses is found by subtracting the amount of water pumped from the amount of water sold. This system records the water sales according to the account: residential, commercial, or other.

12.0 RECYCLING AND REUSE

The City will encourage reuse by all available means whenever it is found to be fiscally, environmentally, and institutionally practical and prudent. The reuse of “gray water”, wastewater that comes from residential, commercial and industrial sinks and drains, can be used for landscape irrigation throughout the city effectively saving overall costs and water.

13.0 CONTRACTS

The City will require any political subdivision or utility contracting with the City in the future for treated water from the water treatment plant to adopt a water conservation plan acceptable to the Texas Water Development Board.

ATTACHMENT A

Water Service Rates

Residential and Commercial Rates Inside City Limits, Minimum charge for the first 2,000 gallons, or fraction thereof used:

Meter Size	Rate
3/4"	\$40.00
1"	\$61.50
1-1/2"	\$95.25
2"	\$136.00
3"	\$231.00
4"	\$362.00

Plus, the following charges for each 1,000 gallons metered water consumption over 2,000 gallons.

Consumption (gallons)	Rate
2001 to 4000	\$4.01
4001 to 8000	\$4.07
8001 to 12000	\$4.26
12001 or more	\$4.44

Outside the City Limit, rates for both residential and commercial shall be 1.5 times the rates for such services inside the City Limits.

ATTACHMENT B

Projected Water Demands

Future Water Use

The future water use projections shown in **Table 1 – Projected Water Usage** were derived from the future populations projections from the Texas Water Development Board and the per capita water demands historical water usage data. These projections are used for making recommendations for future improvements to the water system.

Table 1 Projected Water Usage

Year	Projected Population	Projected Water Demand (MGD)
2023	11,246	550
2028	12,091	622

Water Supply Improvements

Permit withdraw through Lost Pines Groundwater Conservation District for the amount of 5,979 acre-foot per year. Elgin’s water supply is adequate through 2028.

ATTACHMENT C

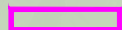
CCN for City of Elgin

ATTACHMENT C WATER SERVICE AREA MAP ELGIN, TEXAS

2500 1250 0 2500 5000
SCALE : 1" = 5000'



LEGEND

-  WATER CCN SERVICE AREA
-  CITY LIMITS



TRC ENGINEERS, INC.

505 E. HUNTLAND DRIVE, STE. 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION # F-8632
(512) 454 - 8716

ATTACHMENT D

Utility Profile

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

CONTACT INFORMATION

Name of Utility: City of Elgin

Public Water Supply Identification Number (PWS ID): TX0110002

Certificate of Convenience and Necessity (CCN) Number: 10311

Surface Water Right ID Number:

Wastewater ID Number: 20120

Contact: First Name: Doug Last Name: Prinz

Title: Utility Director

Address: 1135 Swenson Blvd City: Elgin State: TX

Zip Code: 78621 Zip+4: Email: dprinz@ci.elgin.tx.us

Telephone Number: 5122810119 Date:

Is this person the designated Conservation Coordinator? ☒ Yes ☐ No

Regional Water Planning Group: K

Groundwater Conservation District:

Our records indicate that you:

- ☐ Received financial assistance of \$500,000 or more from TWDB
- ☒ Have 3,300 or more retail connections
- ☐ Have a surface water right with TCEQ

A. Population and Service Area Data

1. Current service area size in square miles: 5

Attached file(s):

File Name	File Description
CCN EXHIBIT.pdf	CCN

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2017	9,005		
2016	8,875		
2015	8,747		
2014	8,622		
2013	8,496		

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2020	9,247		
2030	12,099		
2040	15,806		
2050	20,828		
2060	27,612		

4. Described source(s)/method(s) for estimating current and projected populations.

From TWDB website and United States Census Bureau.

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. System Input

System input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2017	413,425,000			413,425,000	125
2016	398,178,000			398,178,000	122
2015	367,436,000			367,436,000	115
2014	378,752,000			378,752,000	120
2013	394,804,000			394,804,000	127
Historic 5-year Average	390,519,000	0	0	390,519,000	122

C. Water Supply System

1. Designed daily capacity of system in gallons

3,600,000

2. Storage Capacity

2a. Elevated storage in gallons:

1,050,000

2b. Ground storage in gallons:

437,327

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2019	10,613	519,081,830
2020	10,768	526,662,880
2021	10,925	534,341,750
2022	11,084	542,118,440
2023	11,246	550,041,860
2024	11,410	558,063,100
2025	11,577	566,231,070
2026	11,746	574,496,860
2027	11,918	582,909,380
2028	12,091	622,263,315

2. Description of source data and how projected water demands were determined.

The future water use projections were derived from the future populations projections from the Texas water development board and the per capita water demands historical water usage date. These projections are used for making recommendations for future improvements to the water system.

E. High Volume Customers

1. The annual water use for the five highest volume
RETAIL customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
Crescent Village Ph 1	Residential	4,876,000	Treated
Regency Nursing	Commercial	4,552,000	Treated
Middle School	Institutional	4,169,000	Treated
Crescent Village Ph 2	Residential	3,953,000	Treated
Village Green Apartments	Residential	2,289,000	Treated

2. The annual water use for the five highest volume
WHOLESALE customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
----------	--------------------	------------------	----------------

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

F. Utility Data Comment Section

Additional comments about utility data.

Obtained from the city of elgin utilities department.

Section II: System Data

A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	3,113	83.24 %
Residential - Multi-Family	287	7.67 %
Industrial	0	0.00 %
Commercial	265	7.09 %
Institutional	75	2.01 %
Agricultural	0	0.00 %
Total	3,740	100.00 %

2. Net number of new retail connections by water use category for the previous five years.

	Net Number of New Retail Connections						
Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2017	565			24			589
2016	645			41			686
2015	737			26			763
2014	621			28			649
2013	604	1		14			619

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2017	177,377,000	6,792,000		58,176,000	17,644,000		259,989,000
2016	212,748,000	11,552,000		63,000,000	22,656,000		309,956,000
2015	119,440,000	11,208,000		49,536,000	25,680,000		205,864,000
2014	177,110,000	9,180,000		39,528,000	18,546,000		244,364,000
2013	223,140,000	15,768,000		52,992,000	42,204,000		334,104,000

C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Residential - Single Family	Residential - Multi-Family	Total Residential
2017			95
2016			92
2015			86
2014			90
2013			95
Historic Average	0	0	92

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2017	2016	2015	2014	2013
January	31,156,000	28,175,000	28,037,000	28,329,000	
February	27,791,000	29,711,000	23,500,000	24,370,000	
March	31,464,000	26,514,000	26,585,000	28,678,000	
April	31,066,000	26,922,000	27,357,000	31,242,000	
May	33,260,000	28,451,000	27,853,000	34,765,000	
June	37,459,000	32,302,000	29,479,000	34,190,000	
July	45,323,000	46,021,000	39,616,000	37,982,000	
August	40,384,000	43,387,000	42,580,000	43,733,000	
September	35,740,000	36,372,000	34,471,000	31,821,000	
October	34,206,000	38,224,000	34,924,000	29,621,000	
November	33,125,000	31,955,000	25,480,000	27,455,000	
December	32,451,000	30,144,000	27,554,000	26,566,000	
Total	413,425,000	398,178,000	367,436,000	378,752,000	

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2017	2016	2015	2014	2013
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
Total					

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2017	123,166,000	413,425,000
2016	121,710,000	398,178,000
2015	111,675,000	367,436,000
2014	115,905,000	378,752,000
2013	0	
Average in Gallons	4,631,921.57	32,453,979.17

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2017	53,925,000	17	14.00 %
2016	36,573,000	11	9.00 %
2015	20,062,250	6	5.00 %
2014	40,815,750	13	11.00 %
2013			0.00 %
Average	37,844,000	12	9.75 %

F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2013	0	0	0.0000
2014	1,037,676	1259836	1.2141
2015	1,006,673	1213858	1.2058
2016	1,090,898	1322934	1.2127
2017	1,132,671	1338760	1.1819

G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
Residential - Single Family	181,963,000	83.24 %	67.18 %
Residential - Multi-Family	10,900,000	7.67 %	4.02 %
Industrial	0	0.00 %	0.00 %
Commercial	52,646,400	7.09 %	19.44 %
Institutional	25,346,000	2.01 %	9.36 %
Agricultural	0	0.00 %	0.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

H. System Data Comment Section

Data was obtained from City of Elgin's Utilities department as well as the City wells and water plant operators.
Data obtained for section B and section D is most accurate data available at this time.

Section III: Wastewater System Data

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 950,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal		2,772	2,772	85.08 %
Industrial			0	0.00 %
Commercial		423	423	12.98 %
Institutional		63	63	1.93 %
Agricultural			0	0.00 %
Total		3,258	3,258	100.00 %

3. Percentage of water serviced by the wastewater system: 100.00 %

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2017	2016	2015	2014	2013
January	21,147,500	20,178,000	25,388,200	21,189,100	20,676,500
February	18,452,400	18,006,900	18,112,100	17,814,700	17,150,000
March	18,903,100	23,877,300	24,529,400	19,488,800	19,167,300
April	20,005,900	28,681,900	20,043,700	18,491,400	19,955,200
May	19,319,100	27,871,700	36,223,000	22,608,000	20,391,500
June	17,156,600	21,130,300	22,004,000	19,540,300	18,538,900
July	16,513,200	18,560,600	19,209,700	18,974,700	19,173,600
August	23,542,800	23,253,900	19,142,400	18,730,200	18,604,400
September	17,598,800	15,516,900	18,375,800	22,034,000	19,772,700
October	18,355,200	16,914,200	25,353,600	19,457,900	23,101,900
November	17,392,700	17,949,300	21,075,400	21,398,400	21,616,200
December	17,943,300	19,740,200	23,421,800	20,492,900	20,536,200
Total	226,330,600	251,681,200	272,879,100	240,220,400	238,684,400

5. Could treated wastewater be substituted for potable water?

☐

Yes

☒

No

B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	
Agricultural	
Discharge to surface water	226,330,600
Evaporation Pond	
Other	
Total	226,330,600

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

Attached file(s):

File Name	File Description
Copy of Elgin Flows 2017.xls	WWTP Stats

RESOLUTION NO. _____

WHEREAS, Title 30 of the Texas Administrative Code, Chapter 288.2 requires supplier of public water to adopt a Water Conservation Plan; and

WHEREAS, a Water Conservation Plan & Utility Profile dated June 2018 has been submitted to the City Council; and

WHEREAS, the City Council desires to adopt the attached Water Conservation Plan & Utility Profile, Now Therefore

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

That the Water Conservation Plan & Utility Profile, attached hereto as Exhibit “A” and incorporated herein, is hereby adopted.

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

RESOLVED this ____ day of April, 2019.

Chris Cannon, Mayor
City of Elgin, Texas

ATTEST:

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 42, ARTICLE VII, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING DROUGHT CONTINGENCY PLANNING; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Utility Director

PROPOSED ACTION:

Consideration and approval of an ordinance amending Chapter 42, Article VII Water Use Management Plan regarding drought contingency planning.

BACKGROUND:

Per Texas Water Code Chapter 11 and Title 30 of the Texas Administrative Code Chapter 288, the City of Elgin is required to submit an updated Drought Contingency Plan to the Texas Commission on Environmental Quality (TCEQ) every five (5) years. Our deadline to submit the updated plan is May 1, 2019 as indicated in the reminder notice received from TCEQ. Our updated plan has been prepared by TRC Solutions and adoption of the plan would require amending Chapter 46, Article VII Water Use Management Plan in our Code of Ordinances.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Staff recommends approval of the ordinance as presented.

ATTACHMENTS:

Executive Summary
TCEQ Reminder Notice
Proposed Drought Contingency Plan
Drought Contingency Plan Ordinance

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

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 20, 2019

Re: May 1, 2019 Deadline to Submit Water Conservation Plan, Water Conservation Implementation Report, and/or Drought Contingency Plan

Under Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288, certain entities are required to submit an updated Water Conservation Plan (WCP), a Water Conservation Implementation Report (WCIR), and/or an updated Drought Contingency Plan (DCP) to the Texas Commission on Environmental Quality (TCEQ) every five years. In addition, TCEQ rules also require some entities to provide a copy of the WCP to the Texas Water Development Board (TWDB) by this deadline.

Entity	Required Documents (due by May 1, 2019)
Surface water rights holder w/ 1,000 acre-feet or more for municipal, industrial, and other non-irrigation uses	Submit a WCP and WCIR to TCEQ Provide a copy of the WCP to the TWDB
Surface water rights holder w/ 10,000 acre-feet or more for irrigation uses	Submit a WCP and WCIR to TCEQ Provide a copy of the WCP to the TWDB
Retail Public Water Supplier w/ 3,300 or more connections	Submit a DCP to TCEQ Submit a WCP to TWDB
Retail Public Water Supplier w/ less than 3,300 connections	Update DCP but not required to submit. Must have adopted DCP available for inspection by TCEQ upon request.
Wholesale Public Water Supplier	Submit a DCP to TCEQ
Irrigation District	Submit a DCP to TCEQ

This letter is a reminder that the deadline to submit WCPs, DCPs, and/or WCIRs to the TCEQ is May 1, 2019. These documents can be submitted via mail or email as follows. Please include "Five Year Plan Submittal" in the subject line of your email or mailed letter.

Texas Commission on Environmental Quality
Resource Protection Team, MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Email: wcp@tceq.texas.gov

Additional information can be found on the TCEQ Water Conservation Plan and Drought Contingency Plan webpages at https://www.tceq.texas.gov/permitting/water_rights/wawr_permits.html. If you have any questions regarding this process, please contact TCEQ Resource Protection staff at (512) 239-4691 or by e-mail at wcp@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Godeaux".

Jason Godeaux, Team Leader
Resource Protection Team
Water Rights Permitting and Availability Section



City of Elgin, Texas Bastrop County



Drought Contingency Plan

City of Elgin, Texas
310 N. Main Street
Elgin, TX 78621

Prepared by:



TRC ENGINEERS, INC.

505 E. HUNTLAND DR., SUITE 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION #F-8632
(512) 454-8716

June 2018

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Elgin (City) adopts and reserves in the future the right to amend with appropriate notifications the following Drought Contingency Plan.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

The City will provide opportunity for the public to provide comments on the Plan to the City by means of public notices at Council meetings, on public television and in local newspaper.

Section III: Public Education

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan or periodically including information about the Plan with monthly billings.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City is located within the Region K Lower Colorado Water Planning and the City has provided a copy of the Plan to the Region K Lower Colorado Water Planning Group.

Section V: Authorization

The City Manager or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Triggering Criteria for Initiation and Termination of Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on rainfall, equipment failure, water well levels and system capacity and failures. If the U.S. Drought Monitor website has the City included in the "extreme or exception" drought conditions as posted each Thursday, Stage 3 - Severe Water Shortage Conditions - Mandatory Restrictions, of section VIII Drought Response Stages, will be implemented and remain in effect until conditions change.

Stage 1 - Mild Water Shortage Conditions

Requirements for Initiation - The City will recognize that a mild water shortage condition exists when total daily water demand reaches 80% of production/distribution capacity for 3 consecutive days.

Requirements for Termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. The City will notify the public and the media of the termination of Stage 1.

Stage 2 - Moderate Water Shortage Conditions

Requirements for Initiation - The City will recognize that a moderate water shortage condition exists when total daily water demand reaches 85% of production/distribution capacity for 3 consecutive days.

Requirements for Termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify the public and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 3 - Severe Water Shortage Conditions

Requirements for Initiation – The City will recognize that a severe water shortage condition exists when total daily water demand reaches 90% of production/distribution capacity for 3 consecutive days, and/or the City’s daily water consumption is at a level that prevents water storage levels from being maintained.

Requirements for Termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify the public and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 4 – Critical Water Shortage Conditions

Requirements for Initiation – The City will recognize that a severe water shortage condition exists when total daily water demand reaches 95% of production/distribution capacity for 3 consecutive days, and/or the City’s daily water consumption is at a level that prevents water storage levels from being maintained.

Requirements for Termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative. The City will notify the public and the media of the termination of Stage 4 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 5 - Emergency Water Shortage Conditions

Requirements for Initiation – The City will recognize that an emergency water shortage condition exists when (1) the total daily water demand reaches 100% of production/distribution capacity for 3 consecutive days, (2) and/or when major water main breaks occur, major pump or system failures occur which cause unprecedented loss of capability to provide water service to customers.

Requirements for Termination - Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the repairs or failures that caused the emergency condition are corrected. The City will notify the public and the media of the termination of Stage 5.

Section VIII: Drought Response Stages

The City Manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VII, shall determine that mild,

moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Notification of the Public:

The City Manager or his/her designee(s), will notify the public by means of the media to discuss water supply and/or demand conditions.

Stage 1- Mild Water Shortage Conditions

1. Goal: Achieve a voluntary 5 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 80% of production/distribution capacity for 3 consecutive days.

Voluntary Water Use Restrictions for Reducing Demand

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the City shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 - Moderate Water Shortage Conditions-Voluntary Restrictions

1. Goal: Achieve a 10 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 85% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending

ATTACHMENT A

City of Elgin, Texas

Drought Contingency Plan

June 2018

- in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
 - (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.
 - (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.
 - (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
 - (h) The following uses of water are defined as non-essential and are prohibited:
 - 1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

- 2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- 3) use of water for dust control;
- 4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
- 5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 - Severe Water Shortage Conditions- Mandatory Restrictions

1. Goal: Achieve a 20 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 90% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City.
- c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 - Severe Water Shortage Conditions- Mandatory Restrictions

1. Goal: Achieve a 30 percent reduction in daily water demand.
2. Demand Management Measures: Total daily water demand reaches 95% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and

shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 - Emergency Water Shortage Conditions-Mandatory Measures

- 1. Goal: Achieve a 40 percent reduction in daily water demand.
- 2. Demand Management Measures: Total daily water demand reaches 100% of production/distribution capacity for 3 consecutive days.

Water Use Restrictions for Demand Reduction

All requirements of Stage 2, 3 and 4 shall remain in effect during Stage 5 except:

- a) Irrigation of landscaped areas is absolutely prohibited.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Section IX: ProRataWater Allocation

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the City Manager or his/her designee is hereby

ATTACHMENT A

City of Elgin, Texas

Drought Contingency Plan

June 2018

authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

- (a) A customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's or his/her designee's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each customer shall be limited to the allocation established for each month.
- (b) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each customer. The customer's water usage baseline will be computed on the average water usage by month for the 99-01 period as shown in the following table. If the water customer's billing history is less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

Example Calculation of Monthly Allocation for a Hypothetical Water Customer

	1999	2000	2001	SUM	AVE	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
Jan	45	20	8	73	24	75%	18
Feb	37	14	5	56	19	75%	14
Mar	72	16	1	89	30	75%	22
Apr	52	13	7	72	24	75%	18
May	29	16	1	46	15	75%	11
Jun	31	10	1	42	14	75%	10
Jul	23	27	20	70	23	75%	17
Aug	41	23	25	89	30	75%	22
Sep	71	44	40	155	52	75%	39
Oct	61	26	25	112	37	75%	28
Nov	98	0	1	99	33	75%	25
Dec	17	4	5	26	9	75%	7
Total	577.0	213.0	139.0		309.0		

*Unit of Measure: Thousands of Gallons

- (c) The City Manager or his/her designee shall provide notice, by certified mail, to each customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

- (d) Upon request of the customer or at the initiative of the City Manager or his/her designee the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City of Elgin.

Section X: Enforcement

During any period when pro rata allocation of available water supplies is in effect, customers must comply or be subject to disconnection and shall pay the following surcharges on excess water diversions and/or deliveries based on historical data as described herein:

- (a) 1.5 times the normal water charge per 1,000 gallons of water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 2 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 3 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 4 times the normal water charge per 1,000 gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

Section XI: Variances

The City Manager or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager or his/her designee within 5 days after pro rata allocation has been

invoked. All petitions for variances shall be reviewed by the City Council and shall include the following:

- a) Name and address of the petitioner(s)
- b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- c) Description of the relief requested.
- d) Period of time for which the variance is sought.
- e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- f) Other pertinent information.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or the City Manager or designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XII: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Elgin City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

This plan as adopted herein and as may be amended from time to time by the City Council shall be referenced as Attachment A in the Water Conservation and Emergency Demand Management Plan.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE VII, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING DROUGHT CONTINGENCY PLANNING; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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

I.

That Chapter 42, Article VII, Sections 42-366 through 42-408, Code of Ordinances, City of Elgin, Texas are deleted in their entirety and are hereby replaced with the following:

ARTICLE VII. – DROUGHT CONTINGENCY PLAN

Sec. 42-366. - Purpose.

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Elgin adopts the following Drought Contingency Plan (“Plan”).

Sec. 42-367. – Public Involvement.

The City will provide the public with information on the Plan and opportunity for the public to provide comments on the Plan. The information will be provided by means of public notices at Council meetings, on public television and in local newspaper.

Sec. 42-368. – Public Education.

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan or periodically including information about the Plan with monthly billings.

Sec. 42-369. – Coordination with Regional Water Planning Groups:

The water service area of the City is located within the Region K Lower Colorado Water Planning and the City has provided a copy of the Plan to the Region K Lower Colorado Water Planning Group.

Sec. 42-370. - Authorization.

The City Manager or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Sec. 42-371. - Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 42-372 - Triggering Criteria for Initiation and Termination of Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on rainfall, equipment failure, water well levels and system capacity and failures. If the U.S. Drought Monitor website has the City included in the "extreme or exception" drought conditions as posted each Thursday, Stage 3 - Severe Water Shortage Conditions - Mandatory Restrictions, of Section 42-372 - Drought Response Stages, will be implemented and remain in effect until conditions change.

(1) Stage 1 - Mild Water Shortage Conditions

- (a) Requirements for Initiation - The City will recognize that a mild water shortage condition exists when total daily water demand reaches 80% of production/distribution capacity for 3 consecutive days.
- (b) Requirements for Termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. The City will notify the public and the media of the termination of Stage 1.

(2) Stage 2 - Moderate Water Shortage Conditions

- (a) Requirements for Initiation – The City will recognize that a moderate water shortage condition exists when total daily water demand reaches 85% of production/distribution capacity for 3 consecutive days.
- (b) Requirements for Termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify the public and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

(3) Stage 3 - Severe Water Shortage Conditions

- (a) Requirements for Initiation – The City will recognize that a severe water shortage condition exists when total daily water demand reaches 90% of production/distribution capacity for 3 consecutive days, and/or the City's daily water consumption is at a level that prevents water storage levels from being maintained.
- (b) Requirements for Termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify the public and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 1 of the Plan.

(4) Stage 4 – Critical Water Shortage Conditions

- (a) Requirements for Initiation – The City will recognize that a severe water shortage condition exists when total daily water demand reaches 95% of production/distribution capacity for 3 consecutive days, and/or the City's daily water consumption is at a level that prevents water storage levels from being maintained.
- (b) Requirements for Termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative. The City will notify the public and the media of the termination of Stage 4 in the same manner as the notification of initiation of Stage 1 of the Plan.

(5) Stage 5 - Emergency Water Shortage Conditions

- (a) Requirements for Initiation – The City will recognize that an emergency water shortage condition exists when (1) the total daily water demand reaches 100% of production/distribution capacity for 3 consecutive days, (2) and/or when major water main breaks occur, major pump or system failures occur which cause unprecedented loss of capability to provide water service to customers.
- (b) Requirements for Termination - Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the repairs or failures that caused the emergency condition are corrected. The City will notify the public and the media of the termination of Stage 5.

Sec. 42-373 - Drought Response Stages

The City Manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 42-372, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Notification of the Public:

The City Manager or his/her designee, will notify the public by means of the media to discuss water supply and/or demand conditions.

Stage 1- Mild Water Shortage Conditions

(1) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(2) All operations of the City shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(3) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 - Moderate Water Shortage Conditions-Voluntary Restrictions

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(3) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare,

except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.

(6) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.

(7) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(8) The following uses of water are defined as non-essential and are prohibited:

- (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (b) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (c) use of water for dust control;
- (d) flushing gutters or permitting water to run or accumulate in any gutter or street; and
- (e) failure to repair a controllable leak within a reasonable period after having been given notice directing the repair of such leak.

Stage 3 - Severe Water Shortage Conditions- Mandatory Restrictions

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (2) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City.
- (3) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 - Severe Water Shortage Conditions- Mandatory Restrictions

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation

only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.

(3) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

(4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 - Emergency Water Shortage Conditions-Mandatory Measures

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

All requirements of Stage 2, 3 and 4 shall remain in effect during Stage 5 except:

(1) Irrigation of landscaped areas is absolutely prohibited.

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Sec. 42-374 ProRata Water Allocation

In the event that the triggering criteria specified for Stage 3 - Severe Water Shortage Conditions have been met, the City Manager or his/her designee is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

(1) A customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's or his/her designee's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each customer shall be limited to the allocation established for each month.

(2) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each customer. The customer's water usage baseline will be computed on the average water usage by month for the 99-01 period as shown in the table on page 9 of the Plan.

If the water customer's billing history is less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

(3) The City Manager or his/her designee shall provide notice, by certified mail, to each customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

(4) Upon request of the customer or at the initiative of the City Manager or his/her designee the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City of Elgin.

Sec. 42-374 Enforcement

During any period when pro rata allocation of available water supplies is in effect, customers must comply or be subject to disconnection and shall pay the following surcharges on excess water diversions and/or deliveries based on historical data as described herein:

(1) 1.5 times the normal water charge per 1,000 gallons of water diversions and/or deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.

(2) 2 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.

(3) 3 times the normal water charge per 1,000 gallons for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.

(4) 4 times the normal water charge per 1,000 gallons for water diversions and/or deliveries more than 15 percent above the monthly allocation.

(5) The above surcharges shall be cumulative.

Sec. 42-375 Variances

The City Manager or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

(1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager or his/her designee within 5 days after pro rata allocation has

been invoked. All petitions for variances shall be reviewed by the City Council and shall include the following:

- a) Name and address of the petitioner(s)
- b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- c) Description of the relief requested.
- d) Period of time for which the variance is sought.
- e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- f) Other pertinent information.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or the City Manager or designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

II.

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

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

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance

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

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on this _____ day of _____, 2019.

CHRIS CANNON, Mayor

City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

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

DEPARTMENT: Administration

PROPOSED ACTION: Approval of proposed rates Resolution.

BACKGROUND: Section 104.301 of the Texas Utilities Code allows municipalities the right to postpone proposed rate increases for 45 days in order that a review of the data and calculations can be made that was the basis for the utility to propose a rate adjustment. This proposed Resolution also allows the City of Elgin to participate in a coalition of other Cities in this particular rate case.

Residential rate \$2.04; general service small \$4.16; general service large volume \$27.20.

Increases will be suspended until July 11, 2019.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

ATTACHMENTS:

Proclamation

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

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

RESOLUTION NO.

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

WHEREAS, on March 28, 2019 CenterPoint Energy Entex, South Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly residential customer charge by \$2.04; general service small \$4.16; and general service large volume \$27.20; and

WHEREAS, there are many customers of limited means who receive gas service from CenterPoint and relatively small increases in rates can have a negative effect on those customers being able to make ends meet; and

WHEREAS, the City has a special responsibility to exercise due diligence before approving rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS, the application to increase rates by CenterPoint is very lengthy and complex; and

WHEREAS, it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done; and

WHEREAS, the effective date proposed by CenterPoint is May 27, 2019 but a suspension by the City will mean that the rate increase cannot go into effect prior to July 11, 2019.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations which provide the basis for the rate increase application.

Section 3. Authorizing in the participation of a coalition with other cities named in the rate case.

Section 4. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. This resolution shall be effective immediately upon passage.

PASSED and APPROVED this the 16th day of April 2017.

ATTEST:

Chris Cannon, Mayor

Amelia Sanchez
City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Adjourn into Executive Session pursuant to Section §551.087 Deliberation Regarding Economic Development Negotiations: to deliberate the offer of a financial or other incentive to a business prospect

DEPARTMENT: City Manager/Economic Development

PROPOSED ACTION:

Consider information presented by staff 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 by staff 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