



AGENDA  
ELGIN CITY COUNCIL  
REGULAR MEETING  
TUESDAY, FEBRUARY 4, 2020  
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET  
7:00 PM

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**V. PUBLIC HEARING**

1. Public Hearing On An Ordinance Amending Chapter 46, Article IV, Division 4 Code Of Ordinances, City Of Elgin, Texas Which Modifies Terminology & Removes A Manufactured Home Park And Industrialized Housing As A Use By Right In The R-3 Single Family, Two-Family, & Industrialized District. Also Amending Chapter 46, Article II, Division 5, Code Of Ordinances, City Of Elgin, Texas Which Modifies Terminology And Removes By Specific Use A HUD Code Manufactured Home Park In The R-1 Single Family District & R-2 Single Family (Two-Family) And Garage Apartment District, And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

2. Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone As R-3 Single Family, Two Family, And Industrialized Housing District, The Property Being Approximately 68.992 Acres Of Land And Being Described In Exhibit "A", Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

3. Public Hearing On An Ordinance Amending Chapter 6, Article III, Unsafe Building Abatement, City Of Elgin, Texas, By Amending Section 6-57, Sections 6-59 Through 6-61, Section 6-63, Section 6-65, Section 6-66, Section 6-68 Through 6-70 And Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; An Providing A Savings Clause.

Documents:

[PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

4. Public Hearing On An Ordinance Amending Chapter 46, Article V, Division 4, Section 46-635 Code Of Ordinances, City Of Elgin, Texas Which Amends The Offsite Minimum Parking And Loading Requirements In The Downtown Historic District To No Minimum And Sets Maximum Parking Standards To Six (6) Parking Spaces, And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

5. Public Hearing On An Ordinance Amending Chapter 32, Article I, Section 32-3; Amending Chapter 32, Article III, Sections 32-103, 321-96, And 32-226; Amending Chapter 46, Article I, Section 46-1; Amending Chapter 46, Article II, Division 5, Section 46-138(A); Amending Chapter 46, Article V, Division 8, Sections 46-718 – 46-747; Adding Chapter 46, Article III, Section 46-183 – 46-184; Adding Chapter 46, Article V, Division 9 Wireless Communication Facilities (WCF); And Providing For A Savings Clause And Repealing Conflicting Ordinances Or Resolutions.

Documents:

[PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

**VI. PUBLIC COMMENT**

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM." Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

**VII. CITY MANAGERS REPORT**

1. General Activity Report And/Or Project Update

Documents:

#### **VIII. CONSENT AGENDA**

All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items unless a council member removes an item from the Consent Agenda and places it on the New Business section for Discussion and action.

##### **1. City Council Meeting Minutes - January 7, 2020 And January 21, 2020.**

Documents:

[EXSUMMARY SHEET MINUTES.PDF](#)  
[CITY COUNCIL MINUTES 01-07-2020.PDF](#)  
[CITY COUNCIL MINUTES, 01-21-20.PDF](#)

#### **IX. NEW BUSINESS**

##### **1. An Ordinance Amending Chapter 46, Article IV, Division 4 Code Of Ordinances, City Of Elgin, Texas Which Modifies Terminology & Removes A Manufactured Home Park And Industrialized Housing As A Use By Right In The R-3 Single Family, Two-Family, & Industrialized District. Also Amending Chapter 46, Article II, Division 5, Code Of Ordinances, City Of Elgin, Texas Which Modifies Terminology And Removes By Specific Use A HUD Code Manufactured Home Park In The R-1 Single Family District & R-2 Single Family (Two-Family) And Garage Apartment District, And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[COUNCIL COVERSHEET.PDF](#)  
[CODE CHANGE ORDINANCE \(MOBILE HOMES IND. HOUS.\).PDF](#)

##### **2. An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone As R-3 Single Family, Two Family, And Industrialized Housing District, The Property Being Approximately 68.992 Acres Of Land And Being Described In Exhibit "A", Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[COUNCIL COVERSHEET.PDF](#)  
[REZONING ORDINANCE ASSEMBLY.PDF](#)

##### **3. An Ordinance Amending Chapter 6, Article III, Unsafe Building Abatement, City Of Elgin, Texas, By Amending Section 6-57, Sections 6-59 Through 6-61, Section 6-63, Section 6-65, Section 6-66, Section 6-68 Through 6-70 And Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; An Providing A Savings Clause.**

Documents:

[COUNCIL COVERSHEET.PDF](#)  
[UNSAFE BUILDING ORDINANCE.PDF](#)  
[EXHIBIT A OF UNSAFE BUILDING ORDINANCE.PDF](#)

##### **4. An Ordinance Amending Chapter 46, Article V, Division 4, Section 46-635 Code Of Ordinances, City Of Elgin, Texas Which Amends The Offsite Minimum Parking And Loading Requirements In The Downtown Historic District To No Minimum And Sets Maximum Parking Standards To Six (6) Parking Spaces, And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[COUNCIL COVERSHEET.PDF](#)  
[DOWNTOWN PARKING ORDINANCE PACKET.PDF](#)

##### **5. An Ordinance Amending Chapter 32, Article I, Section 32-3; Amending Chapter 32, Article III, Sections 32-103, 321-96, And 32-226; Amending Chapter 46, Article I, Section 46-1; Amending Chapter 46, Article II, Division 5, Section 46-138(A); Amending Chapter 46, Article V, Division 8, Sections 46-718 – 46-747; Adding Chapter 46, Article III, Section 46-183 – 46-184; Adding Chapter 46, Article V, Division 9 Wireless Communication Facilities (WCF); And Providing For A Savings Clause And Repealing Conflicting Ordinances Or Resolutions.**

Documents:

[COUNCIL COVERSHEET.PDF](#)  
[CODE CHANGE ORDINANCE \(WCF\).PDF](#)

##### **6. A Resolution Adding An Addendum Between The City Of Elgin And Arch Technical Services LLC, DBA ATS Engineers, Inspectors, & Surveyors For Adding Fire Code Review And Fire Inspections.**

Documents:

[COUNCIL COVERSHEET.PDF](#)  
[RESOLUTION \(ATS ADDENDUM FOR FIRE SERVICES\).PDF](#)  
[EXHIBIT A OF RESOLUTION \(ATS ADDENDUM FOR FIRE SERVICE\).PDF](#)

##### **7. A RESOLUTION OF THE CITY OF ELGIN, SUPPORTING AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2020 HOUSING TAX CREDITS FOR THE PROPOSED COTTAGES OF CEDAR RIDGE PROJECT; AND PROVIDING FOR RELATED MATTERS**

Documents:

EX SUMMARY - COTTAGES CEDAR RIDGE.PDF  
RESOCOTTAGESCRAPP220.PDF  
ELGIN DEV NARRATIVE (1 PAGE)\_1.30.20.PDF  
SITE MAP\_ELGIN.PDF

**X. EXECUTIVE SESSION**

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

**XI. RECONVENE**

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

**XII. ANNOUNCEMENTS**

**XIII. 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, January 31, 2020 in accordance with Chapter 551 of the Texas Government Code.

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Amelia Sanchez, City Secretary



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** Public hearing on an ordinance amending Chapter 46, Article IV, Division 4 Code of Ordinances, City of Elgin, Texas which modifies terminology & removes a manufactured home park and industrialized housing as a use by right in the R-3 Single Family, Two-Family, & Industrialized District. Also amending Chapter 46, Article II, Division 5, Code of Ordinances, City of Elgin, Texas which modifies terminology and removes by specific use a HUD Code Manufactured Home Park in the R-1 Single Family District & R-2 Single Family (Two-Family) and Garage Apartment District, and providing a savings clause and repealing conflicting ordinances and resolutions.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:**

No Council action proposed or requested at this time; this item is to allow for public comments on the requested ordinance amending Chapter 46, Article IV, Division 4 Code of Ordinances, City of Elgin, Texas which modifies terminology & removes a manufactured home park and industrialized housing as a use by right in the R-3 Single Family, Two-Family, & Industrialized District. Also amending Chapter 46, Article II, Division 5, Code of Ordinances, City of Elgin, Texas which modifies terminology and removes by specific use a HUD Code Manufactured Home Park in the R-1 Single Family District & R-2 Single Family (Two-Family) and Garage Apartment District, and providing a savings clause and repealing conflicting ordinances and resolutions.

**BACKGROUND:**

The Planning & Zoning Commission held the first of two public hearings on the requested zoning ordinance change on January 27, 2020. Results will be provided at the Council hearing.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

Receive public comments regarding this issue.

**ATTACHMENTS:**

None

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

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

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

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



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** Public hearing on an ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone as R-3 Single Family, Two Family, and Industrialized Housing District, the property being approximately 68.992 acres of land and being described in Exhibit “A”, attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:**

No Council action proposed or requested at this time; this item is to allow for public comments on the requested ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone as R-3 Single Family, Two Family, and Industrialized Housing District, the property being approximately 68.992 acres of land and being described in Exhibit “A”, attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

**BACKGROUND:**

The Planning & Zoning Commission held the first of two public hearings on the requested rezoning on October 28, 2019. The Council tabled this item at their November 5, 2019 meeting due to concerns that the R-3 zoning category would allow for a manufactured home park.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

Receive public comments regarding this issue.

**ATTACHMENTS:**

None

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

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



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** Public hearing on an ordinance amending Chapter 6, Article III, Unsafe Building Abatement, City of Elgin, Texas, by amending Section 6-57, Sections 6-59 through 6-61, Section 6-63, Section 6-65, Section 6-66, Section 6-68 through 6-70 and repealing all other ordinances and parts of ordinances in conflict therewith; an providing a savings clause.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:**

No Council action proposed or requested at this time; this item is to allow for public comments on the requested ordinance amending Chapter 6, Article III, Unsafe Building Abatement, City of Elgin, Texas, by amending Section 6-57, Sections 6-59 through 6-61, Section 6-63, Section 6-65, Section 6-66, Section 6-68 through 6-70 and repealing all other ordinances and parts of ordinances in conflict therewith; an providing a savings clause.

**BACKGROUND:** N/A

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

Receive public comments regarding this issue.

**ATTACHMENTS:**

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.

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## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** Public hearing on an ordinance amending Chapter 32, Article I, Section 32-3; amending Chapter 32, Article III, Sections 32-103, 321-96, and 32-226; amending Chapter 46, Article I, Section 46-1; amending Chapter 46, Article II, Division 5, Section 46-138(a); amending Chapter 46, Article V, Division 8, Sections 46-718 – 46-747; adding Chapter 46, Article III, Section 46-183 – 46-184; adding Chapter 46, Article V, Division 9 Wireless Communication Facilities (WCF); and providing for a savings clause and repealing conflicting ordinances or resolutions.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:**

No Council action proposed or requested at this time; this item is to allow for public comments on the requested ordinance amending Chapter 32, Article I, Section 32-3; amending Chapter 32, Article III, Sections 32-103, 321-96, and 32-226; amending Chapter 46, Article I, Section 46-1; amending Chapter 46, Article II, Division 5, Section 46-138(a); amending Chapter 46, Article V, Division 8, Sections 46-718 – 46-747; adding Chapter 46, Article III, Section 46-183 – 46-184; adding Chapter 46, Article V, Division 9 Wireless Communication Facilities (WCF); and providing for a savings clause and repealing conflicting ordinances or resolutions

**BACKGROUND:**

The Planning & Zoning Commission held the first of two public hearings on the requested zoning ordinance change at their January 27, 2020. Results of that meeting will be reported at the Council hearing.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

Receive public comments regarding this issue.

**ATTACHMENTS:**

None

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

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



## Elgin City Council Meeting Agenda Item Executive Summary

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

**DEPARTMENT:** City Manager/Staff

**PROPOSED ACTION:**

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

**BACKGROUND:**

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

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

N/A

**ATTACHMENTS:**

None.

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

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

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

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



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** City Council Regular Meeting Minutes –January 07, 2020 and January 21, 2020.

**DEPARTMENT:** Administration

**PROPOSED ACTION:**

Review and approve the January 07, 2020 and January 21, 2020 Meeting Minutes.

**BACKGROUND:**

N/A

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

Approval of the January 07, 2020 and January 21, 2020 Meeting Minutes.

**ATTACHMENTS:** January 07, 2020 and January 21, 2020 Meeting Minutes.

{ } 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.*

**MINUTES  
ELGIN CITY COUNCIL  
REGULAR MEETING  
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAINSTREET  
TUESDAY, JANUARY 7, 2020**

**CALL TO ORDER**

Mayor Cannon called the meeting to order at 7:01 p.m.

**ROLL CALL**

Present: Chris Cannon, Mayor  
Jessica Bega, Mayor Pro Tem  
Mary Penson, Council Member  
Daniel Lopez, Council Member  
Brad Jones, Council Member  
Forest Dennis, Council Member  
Sue Brashar, Council Member  
Susie Arreaga, Council Member  
Juan Gonzalez, Council Member

Mayor Cannon certified there was a quorum and that Council Member Arreaga arrived at 7:01 p.m. Mayor Cannon stated that this was the first official meeting of 2020.

**Staff:** Thomas L. Mattis, City Manager  
Charles Cunningham, Finance Director  
Michael Gonzalez, Asst. Public Works Director  
David Harrell, Planning Director  
Patrick South, Chief of Police  
Amy Miller, Community

**INVOCATION**

Council Member Penson gave the invocation.

**PLEDGE OF ALLEGIANCE**

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

## CITY COUNCIL REGULAR MEETING

January 7, 2020 – Page 2

City Annex Council Chambers

### **PUBLIC HEARING**

Mayor Cannon recessed the Regular Meeting and opened the Public Hearing at 7:04 p.m.

1. Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas, Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone As Planned Development District (PDD), The Property Being Approximately 65.643 Acres Of Land And Being Described In Exhibit “A”, Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

With no one wishing to speak during the Public Hearing, Mayor Cannon closed the Public Hearing at 7:05 p.m. and opened the regular meeting.

### **PUBLIC COMMENT**

Mayor Cannon opened Public Comments.

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

### **PRESENTATION**

1. PROCLAMATION FOR 31st ANNUAL WALK FOR PEACE JUSTICE AND EQUALITY.

Mayor Cannon read the proclamation.

### **CITY MANAGER’S REPORT**

1. REQUEST STREET CLOSURE ON DEPOT STREET FROM AVENUE C TO MAIN STREET, ON SATURDAY APRIL 25 FROM 4 PM TO 1 AM, REQUEST TO WAIVE THE OPEN CONTAINER ORDINANCE FROM 6 PM TO MIDNIGHT IN VETERANS MEMORIAL PARK AND ON DEPOT STREET, AND REQUEST WAIVER OF RENTAL AND ASSOCIATED FEES FOR RELAY FOR LIFE OF ELGIN RELAY FEST.

Council Member Brashar moved to approve the request for street closures on Saturday April 25, waive the open container Ordinance from 6p.m. to midnight Veterans Memorial Park, and waive the rental fees for the Relay for Life. Council Member Penson seconds the motion. Motion carried 9-0.

Shelly Buckman spoke about her personal experience with cancer and the fund raising she had done since she had been involved with Relay for life, and all of the activities planned.

## CITY COUNCIL REGULAR MEETING

January 7, 2020 – Page 3

City Annex Council Chambers

### 2. General Activity Report and/or Project Update.

Mr. Mattis stated that the Personnel Policy would be on the March agenda. He stated they continued to work on the de-annexation project on the Southeast part of town and was waiting of further direction from City Attorney. Mr. Mattis stated that they were having trouble finding a contractor to take on the project for the traffic marker on Main Street, with issues about ownership, liability. He also mentioned that Seton clinic was seeing patients and they were trying to schedule the open house for Monday, January 27<sup>th</sup>.

## **CONSENT AGENDA**

### 1. City Council Meeting Minutes – December 3, 2019.

Council Member Penson moved to approve the Consent Agenda. Council Member Dennis seconds the motion. Motion carried 9-0.

## **NEW BUSINESS**

1. AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 68.992 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE HENRY MARTIN SURVEY, ABSTRACT 518 IN TRAVIS COUNTY TEXAS AND BEING FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS..

Council Member Brashar moved to approve the ordinance as presented. Council Member Penson seconds the motion. Motion carried 9-0.

2. AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 3; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Council Member Penson moved to approve the Ordinance as presented. Mayor Pro Tem Bega seconds the motion. Motion carried 9-0.

3. An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas, Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone As Planned Development District (PDD), The Property Being Approximately 65.643 Acres Of Land And Being Described In Exhibit “A”, Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

CITY COUNCIL REGULAR MEETING

January 7, 2020 – Page 4

City Annex Council Chambers

Council Member Penson moved to approve the ordinance as presented. Council Member Jones seconds the motion. Motion carried 9-0.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO DESIGN OF A VACTOR TRUCK DUMP BASIN AND ENVIRONMENTAL SERVICES IN CONJUNCTION WITH EXPANSION OF THE CITY'S WASTEWATER TREATMENT PLANT AND MAKING CERTAIN FINDINGS RELATED THERETO.

Council Member Brashar moved to approve the ordinance as presented. Council Member Dennis seconds the motion. Motion carried 9-0.

5. A RESOLUTON ENTERING INTO AN AGREEMENT OF SERVICES BETWEEN THE CITY AND NATIONAL SIGN PLAZAS INC. FOR PLACEMENT OF SIGNAGE IN THE RIGHT-OF-WAY WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION FOR PROVIDING DIRECTION TO SUBDIVISIONS, DEVELOPERS, HOMEBUILDERS, AND PUBLIC FACILITIES.

Council Member Penson moved to approve the Resolution as presented. Council Member Lopez seconds the motion. Motion carried 9-0.

6. Discussion and Possible Direction to Staff Regarding the Distribution of Community Non-Profit Support Funding as Included in the FY2019-20 Annual Operating Budget.

Council Member Dennis moved to direct staff to distribute the funds to the Non-Profits. Council Member Brashar seconds the motion. Motion carried 9-0.

7. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY OF ELGIN, TEXAS, AND THE ELGIN CHAMBER OF COMMERCE FOR EXPENDITURE OF HOTEL OCCUPANCY TAX FUNDS; AND PROVIDING FOR RELATED MATTERS.

Council Member Penson moved to approve the Resolution as presented. Mayor Pro Tem Bega seconds the motion. Motion carried 9-0.

8. Appointment/Re-Appointment of Members to Various City Commissions, Boards, and/or Committees Including:

## CITY COUNCIL REGULAR MEETING

January 7, 2020 – Page 5

City Annex Council Chambers

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

Council Member Brashar moved to re-appoint Franklin Boettcher, Ruby Simms, and Shifton McShan to the Board of Adjustments. Council Member Penson seconds the motion. Motion carried 9-0.

Council Member Penson moved to re-appoint W. Ben Scott to the Building Standards Commission. Council Member Lopez seconds the motion. Motion carried 9-0.

Council Member Brahsar moved to appoint Vicki Dumbeck and re-appoint Cody Mauck and S.H. McShan to the Economic Development Board. Council Member Penson seconds the motion. Motion carried 9-0.

Council Member Penson moved to re-appoint Skie O'Mahoney and appoint Cynthia Burchfield and Jake Carter to the Historic Review Board. Council Member Lopez seconds the motion. Motion carried 9-0.

Council Member Brashar moved to re-appoint Micelle Austin, Christy Taylor and appoint Denise Halter to the Library Advisory Board. Council Member Lopez seconds the motion. Motion carried 9-0.

Mayor Cannon moved to re-appoint Ed Rivers and Katy Gassaway and to appoint Marla Jensen and Jake Carter.

Council Member Dennis moved to re-appoint Ed Rivers, Katy Gassaway, Joe Mallon and to appoint Marla Jensen and Jake Carter to the Main Street Board and waive the requirement of owning a business or property for Joe Mallon. Council Member Brashar seconds the motion. Motion carried 9-0.

Council Member Dennis moved to re-appoint Debbie Gaston, Brad Kilgore, and appoint Tiffany Finley to the Parks and Rec Advisory Board. Council Member Brashar seconds the motion. Motion carried 9-0.

## CITY COUNCIL REGULAR MEETING

January 7, 2020 – Page 6

City Annex Council Chambers

Council Member Penson moved to re-appoint Antonio Prete, Dorothy McCarther, Jason Tatum, David Langford to the Planning and Zoning Commission. Council Member Lopez seconds the motion. Motion carried 9-0.

Council Member Dennis moved to re-appoint Mike Waltersheidt, Barbara Tate, Byron Green, and Tim Brooks to the Public Safety Advisory Committee. Council Member Penson seconds the motion. Motion carried 9-0.

Mayor Cannon recessed the meeting at 8:45 p.m.

Mayor Cannon convened into Executive Session at 8:56 p.m.

### **EXECUTIVE SESSION**

1. Adjourn into Executive Session Pursuant to Section §551.087 Deliberation Regarding Economic Development Negotiations and Pursuant to Section §551.072 Deliberations about Real Property: A Real Estate Contract Between the City of Elgin Economic Development Corporation and Elgin Endeavors NH, LLC.

### **2. RECONVENE**

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

Mayor Cannon reconvened the regular meeting at 9:40 p.m.

### **ADJOURNMENT**

Mayor Cannon adjourned the City Council Meeting at 9:40 p.m.

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Chris Cannon, Mayor

**ATTEST:**

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Amelia Sanchez, City Secretary

**ELGIN CITY COUNCIL  
REGULAR MEETING  
CITY ANNEX COUNCIL CHAMBERS 310 N MAINSTREET  
TUESDAY, JANUARY 21, 2020**

**CALL TO ORDER**

Mayor Cannon called the meeting to order at 7:01 p.m.

**ROLL CALL**

Present: Chris Cannon, Mayor  
Jessica Bega, Mayor Pro Tem  
Brad Jones, Council Member  
Forest Dennis, Council Member  
Sue Brashar, Council Member  
Susie Arreaga, Council Member  
Juan Gonzalez, Council Member

Mayor Cannon certified there was a quorum and that Council Members Lopez and Penson were absent. He stated that Council Member Penson's daughter had been in a car accident and Council Member Lopez notified Council Member Jones he would not be attending tonight.

Council Member Dennis moved to excuse Council Members Penson and Lopez. Council Member Brasher seconds the motion. Motion carried 7-0.

**Staff:** Thomas L. Mattis, City Manager  
Charles Cunningham, Finance Director  
Amy Miller, Community

**INVOCATION**

Council Member Brashar gave the invocation.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT**

Mayor Cannon opened Public Comments.

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

## CITY COUNCIL REGULAR MEETING

January 21, 2020 – Page 2

City Annex Council Chambers

### **PRESENTATION**

1. Black History Month Proclamation.

Mayor Cannon presented the Proclamation to Ms. Johnson.

2. Mayoral Proclamation recognizing January 26-February 1, 2020 as City of Elgin School Choice Week.

Mayor Cannon mentioned the Proclamation for School Choice Week.

### **CITY MANAGER'S REPORT**

1. General Activity Report and/or Project Update.

Mr. Mattis stated that he had sent Council a report on the activity going on and that 2020 would be a big year with big projects that had been discussed becoming visible to the public. He stated that as discussed in the past, the space for the Council meetings was getting very crowded with issues such as fire code, and that staff is working on moving the Council meetings to the Library and welcomed thoughts or suggestions from them.

Mr. Mattis stated that a gun shop was coming downtown at 201 Central, and wanted to mention the Elgin Seton Grand Opening Monday, January the 27<sup>th</sup> at 4:30 p.m.

2. Departmental Monthly Reports - November, December.

There were no questions or comments on the reports.

### **NEW BUSINESS**

1. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING AN ELECTION ON MAY 2, 2020 FOR THE PURPOSE OF ELECTING CERTAIN CITY OFFICIALS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATING TO SUCH CITY ELECTION.

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

2. RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2021/2022 TEXAS.

## CITY COUNCIL REGULAR MEETING

January 21, 2020 – Page 3

City Annex Council Chambers

### COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY DEVELOPMENT FUND PROJECT.

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

3. AN ORDINANCE SETTING THE TIME AND PLACE OF THE REGULAR MONTHLY MEETING OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, PROVIDING FINDINGS OF FACT; AND PROVIDING FOR A SAVINGS CLAUSE.

Council Member Brashar moved to approve the schedule as presented and add October 13<sup>th</sup> and November 10<sup>th</sup> to the schedule. Council Member Arreaga seconds the motion. Motion carried 7-0.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, ESTABLISHING OFFICIAL CITY OF ELGIN HOLIDAYS FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2020; AND PROVIDING FOR RELATED MATTERS.

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

5. Appointment of Member to the Library Advisory Board.

Council Member Brashar moved to re-appointment of Katie Clark to the Library Advisory Board. Council Member Jones seconds the motion. Motion carried 7-0.

Mayor Cannon recessed the regular meeting at 7:36 p.m.

Mayor Cannon convened into Executive Session at 7:44 p.m.

### **EXECUTIVE SESSION**

1. 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.

### **2. RECONVENE**

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

CITY COUNCIL REGULAR MEETING  
January 21, 2020 – Page 4  
City Annex Council Chambers

Mayor Cannon reconvened the regular meeting at 8:46 p.m.

No action was taken during Executive Session.

**ADJOURNMENT**

Mayor Cannon adjourned the City Council Meeting at 8:46 p.m.

**ATTEST:**

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Chris Cannon, Mayor

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Amelia Sanchez, City Secretary



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** An ordinance amending Chapter 46, Article IV, Division 4 Code of Ordinances, City of Elgin, Texas which modifies terminology & removes a manufactured home park and industrialized housing as a use by right in the R-3 Single Family, Two-Family, & Industrialized District. Also amending Chapter 46, Article II, Division 5, Code of Ordinances, City of Elgin, Texas which modifies terminology and removes by specific use a HUD Code Manufactured Home Park in the R-1 Single Family District & R-2 Single Family (Two-Family) and Garage Apartment District, and providing a savings clause and repealing conflicting ordinances and resolutions.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:** Discussion, consideration, and action on an ordinance amending Chapter 46, Article IV, Division 4 Code of Ordinances, City of Elgin, Texas which modifies terminology & removes a manufactured home park and industrialized housing as a use by right in the R-3 Single Family, Two-Family, & Industrialized District. Also amending Chapter 46, Article II, Division 5, Code of Ordinances, City of Elgin, Texas which modifies terminology and removes by specific use a HUD Code Manufactured Home Park in the R-1 Single Family District & R-2 Single Family (Two-Family) and Garage Apartment District, and providing a savings clause and repealing conflicting ordinances and resolutions.

**BACKGROUND:** At a December 3, 2019 public hearing concerning the rezoning of the Stone Creek Ranch development, the City Council expressed concerns that the R-3 zoning district allowed for HUD Manufactured Mobile Home Parks and Industrialized Housing as a use by right. The rezoning request was continued by City Council. At the subsequent January 7, 2020 meeting, the City Council requested that City staff institute changes to the R-3 zoning district that removed these two (2) uses as a use by right in that zoning category. The removal of these use categories would apply throughout the City where the zoning category exists.

These proposed code changes will remove the HUD Manufactured Mobile Home Parks and Industrialized Housing as a use by right in R-3 zoning, modify specific use requirements to remove R-1 and R-2 zoning as a use by permission for HUD Manufactured Mobile Home Parks. For industrialized housing this would remove it as a use by right and make it a use by permission through a specific use permit in all residential districts.

If these code changes are approved, the only area where HUD Manufactured Mobile Home Parks would be allowed is in the R-3 zoning category as a use by permission through the specific use permit. Also, industrialized housing would be a use by permission through the specific use permit in all residential districts.

This would be a tightening of the ability to allow for these uses.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

The Planning and Zoning Commission will make a recommendation on this item at their January 27, 2020 meeting. Results will be provided to the Council at the meeting.

**ATTACHMENTS:**

Ordinance

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

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

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

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

ORDINANCE NO. 2020-02-04-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 46, ARTICLE IV, DIVISION 4, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS WHICH MODIFIES TERMINOLOGY & REMOVES A MANUFACTURED HOME PARK AND INDUSTRIALIZED HOUSING AS A USE BY RIGHT IN THE R-3 SINGLE FAMILY, TWO FAMILY, & INDUSTRIALIZED DISTRICT. ALSO AMENDING CHAPTER 46, ARTICLE II, DIVISION 5, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS WHICH MODIFIES TERMINOLOGY AND REMOVES BY SPECIFIC USE A HUD CODE MANUFACTURED HOME PARK IN THE R-1 SINGLE FAMILY DISTRICT & R-2 SINGLE FAMILY (TWO FAMILY) AND GARAGE APARTMENT DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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

I.

That Chapter 46, Article IV, Division 4, Code of Ordinances, City of Elgin, Texas, is hereby amended by amending Section 46-301 et. seq. which shall read as follows:

Sec. 46-301. - Uses permitted.

The following uses are permitted in the R-3 Single-Family, Two-Family Dwelling & Industrialized District:

- (1) Any use permitted in an R-2 Single-Family and Duplex Dwelling District.
- (2) Zero lot line two-family dwelling.

~~(3) Industrialized housing.~~

~~(4) Manufactured home park.~~

II.

That Chapter 46, Article II, Division 5, Code of Ordinances, City of Elgin, Texas, is hereby amended by amending Section 46-138 et. seq. which shall read as follows:

Sec. 46-138. - General description.

- (a) A specific use permit for any of the following uses in any use district may be granted and may contain such requirements, conditions and safeguards as are needed to protect adjacent property, and in any case a site plan may be required by the planning and zoning commission or the city council which may be made a part of the regulations granting such specific use permit:

- (1) College, university or private boarding school.
- (2) Library, museum or art gallery.
- (3) Golf course, driving range or putting course.
- (4) Radio, microwave relay tower or television tower.
- (5) Private aboveground water storage tank.
- (6) Gas or petroleum drilling or storage.
- (7) Rock quarries: sand, gravel or earth excavation for off-site use.

- (8) Airports or landing fields for public or private use. A specific use permit will not become effective until the site is approved by the Civil Aeronautics Administration. When located in the R-1, R-2, R-3 or A residential districts, the site shall contain not less than 20 acres.
- (9) Hospitals intended for the care of insane, liquor or narcotics patients. When located in the R-1, R-2, R-3 or A residential districts, the site shall contain not less than 20 acres.
- (10) ~~Trailer court or mobile home park and individual mobile home sites~~ HUD Code Manufactured Home Park in ~~R-1, R-2 and the~~ R-3 residential zoning districts.
- (11) Dry board storage.
- (12) Dog kennels and veterinary hospitals.
- (13) Greenhouses and nurseries.
- (14) Private club, community or civic club.
- (15) Day nursery or child care center.
- (16) Kindergarten.
- (17) Home beauty shop.
- (18) Institutions of a religious, education, recreation or philanthropic nature which are not listed in this division.
- (19) Sororities, fraternities and lodges.
- (20) Medical facility.
- (21) Off-street parking lot.
- (22) Bait sales.
- (23) Electric transmission station.
- (24) Roller skating rink.
- (25) Temporary structures for religious or public gatherings.
- (26) Carnivals or amusement parks.
- (27) Zoo.
- (28) Temporary produce stand.
- (29) Motor raceways.
- (30) Feed lot.
- (31) Athletic fields or stadiums.
- (32) Christmas tree sales.
- (33) Fireworks sales.
- (34) Sewage collection and/or treatment utility installation, public or private, not listed in this division.
- (35) Animal pound.
- (36) Home tropical fish sales.
- (37) Store selling beer.
- (38) Bed and breakfast.
- (39) Boardinghouse.

- (40) Public stable.
- (41) Private stable.
- (42) Roominghouse.
- (43) Tourist house.
- (44) Industrialized housing.
- (45) Industrialized building.

### III.

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

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

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

Alternative 1.

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 first reading this 4<sup>th</sup> day of February 2020

ATTEST:

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Chris Cannon, Mayor  
City of Elgin, Texas

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Amelia Sanchez, City Secretary



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** An ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone as R-3 Single Family, Two Family, and Industrialized Housing District, the property being approximately 68.992 acres of land and being described in Exhibit “A”, attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:** Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone as R-3 Single Family, Two Family, and Industrialized Housing District, the property being approximately 68.992 acres of land and being described in Exhibit “A”, attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

**BACKGROUND:** When the Council annexed the parcel within the City limits it was assigned an R-1 Single Family District zoning in accordance with the City Code. This a rezoning of land to the R-3 Single Family, Two Family, and Industrialized Housing District. See attached Planning & Zoning Commission staff report for additional information. The Council tabled this item at their November 5, 2019 meeting due to concerns that the R-3 zoning category would allow for a manufactured home park.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of this item on October 28, 2019.

**ATTACHMENTS:**

Planning & Zoning Commission Staff Report, Rezoning Application, Ordinance with Exhibit “A”, Staff Added Comprehensive Plan Exhibit 4.4, Staff Added Zoning Map.

{ } 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. 2020-02-04-??**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS R-3 SINGLE FAMILY, TWO FAMILY, AND INDUSTRIALIZED HOUSING DISTRICT, THE PROPERTY BEING APPROXIMATELY 68.992 ACRES OF LAND AND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

**WHEREAS**, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from R-1 Single Family Dwelling District to R-3 Single Family, Two Family, and Industrialized Housing District, and

**WHEREAS**, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

**WHEREAS**, the Planning and Zoning Commission held a public hearing concerning the requested change on October 28, 2019, following lawful publication of the notice of said public hearing, and

**WHEREAS**, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" is R-3 Single Family, Two Family, and Industrialized Housing District, and

**WHEREAS**, on February 4, 2020, after proper notification, the City Council held a public hearing on the requested zoning, and

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

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

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

**I.**

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is rezoned from R-1 Single Family Dwelling District to R-3 Single Family, Two Family, and Industrialized Housing District with the following conditions:

A. Industrial Housing & Manufactured Home Park will not be permitted uses.

**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.

**READ, PASSED, and ADOPTED** on first reading this the 4<sup>th</sup> day of February 2020.

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CHRIS CANNON, MAYOR

ATTEST:

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Amelia Sanchez, City Secretary

**JAMES E. GARON  
& ASSOCIATES, INC.**  
PROFESSIONAL LAND SURVEYORS

185 McAllister Road  
Bastrop, Texas 78602  
512-303-4185  
Firm Reg. #10058400  
jgaron@austin.rr.com

May 31, 2019

**LEGAL DESCRIPTION:** BEING 68.992 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF THE HENRY MARTIN SURVEY, ABSTRACT 518 IN TRAVIS COUNTY, TEXAS AND BEING THE REMAINDER OF THAT CERTAIN 93.75 ACRE TRACT OF LAND CONVEYED TO NORRIS E. KREIG BY DEED RECORDED IN VOLUME 4211, PAGE 1291 DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 68.992 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN MAY, 2019:

**BEGINNING** at a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set in the southerly line of that certain 92.456 acre tract of land conveyed to the Elgin Independent School District by deed recorded in Volume 9331, Page 902 Real Property Records, Travis County, Texas for the northeast corner hereof and the northwest corner of that certain 18.000 acre tract of land conveyed to First Baptist Church of Elgin, Texas by deed recorded in Document #2013223733 official records, Travis County, Texas;

THENCE S 27°21'05" W a distance of 1200.25 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set in the curving, northerly right-of-way (80') line of FM 1100 for the southwest corner of said First Baptist Church of Elgin, Texas 18.000 acre tract and the southeast corner hereof;

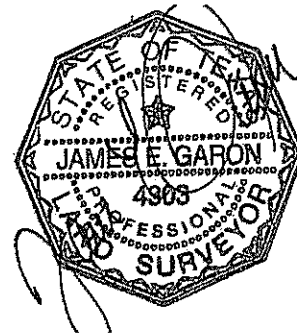
THENCE along said right-of-way line of FM 1100 a distance of 240.57 feet along the arc of said curving line to the right having a radius of 1106.53 feet and a chord bearing N 68°48'55" W a distance of 240.10 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for endpoint of curve and N 62°35'28" W a distance of 2199.38 feet to a 1/2" iron pipe found for the southwesterly corner hereof and said Krieg 93.75 acre tract and the southeasterly corner of that certain 14.795 acre tract of land conveyed to the Ernest W. Bracewell, Sr. Family Trust by deed recorded in Document #2014014538 of said official records;

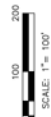
THENCE N 27°18'06" E a distance of 1240.16 feet to a "T" post in concrete found for the northwesterly corner hereof and said Krieg 93.75 acre tract and the southwesterly corner of said Elgin Independent School District 92.456 acre tract;

THENCE S 62°15'55" E a distance of 2439.21 feet to the **POINT OF BEGINNING**, containing 68.992 acres of land, more or less, and as shown on map of survey prepared herewith.

Surveyed by:

James E. Garon  
Registered Professional Land Surveyor  
co\Travis\sur\Henry Martin a518\40719



[illegible]

ON THE CHAIRS: LIFEWAY PAPER AND ASSOCIATED PAPER COMPANY

THE UNDERSIGNED HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE, CONVEYANCES, ENCUMBRANCES, OR EVIDENCE OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT THE UNDERSIGNED HAS ARRIVED AT AND MADE A REASONABLY SATISFACTORY VERIFICATION AS TO THE AREA DESCRIBED.

THE UNDERSIGNED ALSO FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE 2\*, AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 14A03000100E, DATED SEPTEMBER 28, 2008.

FIELD BOOK: B-588/45  
FILE: S:\Counties\Tribes\Surveys\Henry Martin Sur A--S18\402718.dwg



**JAMES E. GARON & ASSOC.**  
PROFESSIONAL | LAND SURVEYORS

185 McAllister Road  
Bastrop, Texas 78602  
(512) 303-4185  
jgaron@qustin.rr.com  
www.lamesaron.com



MAY 18 2000



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** An ordinance amending Chapter 6, Article III, Unsafe Building Abatement, City of Elgin, Texas, by amending Section 6-57, Sections 6-59 through 6-61, Section 6-63, Section 6-65, Section 6-66, Section 6-68 through 6-70 and repealing all other ordinances and parts of ordinances in conflict therewith; an providing a savings clause.

**DEPARTMENT:** Development Services.

**PROPOSED ACTION:** Discussion, consideration, and action on an ordinance amending Chapter 6, Article III, Unsafe Building Abatement, City of Elgin, Texas, by amending Section 6-57, Sections 6-59 through 6-61, Section 6-63, Section 6-65, Section 6-66, Section 6-68 through 6-70 and repealing all other ordinances and parts of ordinances in conflict therewith; an providing a savings clause.

**BACKGROUND:** In consultation with the City Attorney our Code must be changed to be in accordance with the State Supreme Court decision regarding abatement of public nuisances. These changes remove the City Council from the decision process and allow the Building Standards Commission (Commission) to review unsafe buildings. Other changes including definition modification, information to be included with owner's letter, who may administer oaths at hearing, decision of Commission regarding timeframes, increase in timeframe of appeals from Commission, and reduction in Building Official timeframe for extensions before going back to Commission. The original Code was adopted in 1990 and has not been modified since that time.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:** City staff recommends approval of the Ordinance.

**ATTACHMENTS:**

Ordinance

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

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

**ORDINANCE NO. 2020-02-04-??**

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE III, UNSAFE BUILDING ABATEMENT, CITY OF ELGIN TEXAS, BY AMENDING SECTION 6-57, SECTIONS 6-59 THROUGH 6-61, SECTION 6-63, SECTION 6-65, SECTION 6-66, SECTION 6-68 THROUGH 6-70 AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE**

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

**I.**

That Chapter 6, Article III, Section 6-57, Sections 6-59 through 6-61, Section 6-63, Section 6-65, Section 6-66, Section 6-68 through 6-70 is hereby amended as shown in Exhibit "A".

**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.

**READ, PASSED, and ADOPTED** on first reading this the 4<sup>th</sup> day of February 2020.

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CHRIS CANNON, MAYOR

ATTEST:

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Amelia Sanchez, City Secretary

Sec. 6-56. - Statement of purpose.

It is the purpose of this article to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.

Sec. 6-57. - Definitions.

Words not defined herein shall have the meanings stated in the ~~standard building code, standard mechanical code, standard plumbing code, standard gas code, standard housing code or standard fire prevention code, the city adopted international code council codes.~~ Words not defined in the ~~standard codes city adopted international code council codes~~ shall have the meanings stated in the Webster's Eighth ~~eleventh (11<sup>th</sup>) New~~ Collegiate Dictionary, as revised.

~~Applicable governing body of the city means the city council.~~

*Approved* means approved by the building official or other authority having jurisdiction.

*Building* means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this article each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

*Building official* means the officer or other designated authority charged with the administration and enforcement of this article or his duly authorized representative.

~~Chief appointing authority means the person or persons designated by the laws of the local governing body as having authority to appoint persons to various boards.~~

City means the City of Elgin, Texas.

County. Means with respect to land located in Bastrop County, Bastrop County, Texas and, with respect to land located within Travis County, Travis County, Texas.

Commission means the City Building Standards Commission

*Department* means the ~~building development services~~ department or other agency charged with the enforcement of this article.

~~Office of the recorder means that office, in the local governing body, responsible for recording deeds and other legal documents or actions.~~

*Owner* means any person, agent, firm or corporation having a legal or equitable interest in the property.

*Structure* means that which is built or constructed.

*Unsafe building* means any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or the general public are endangered:

- (1) Any means of egress or portion thereof that is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
- (2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire-resistive ratings, that is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- (3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, that exceeds the stresses allowed in the standard building code for new buildings.

- (4) The building, structure or portion thereof that has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the standard-City adopted international building code for new buildings.
- (5) Any exterior appendage or portion of the building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the standard- international building code for new buildings-as adopted by the city.
- (6) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (7) The building, structure or portion thereof as a result of decay, deterioration or dilapidation that is likely to fully or partially collapse.
- (8) The building, structure or portion thereof that has been constructed or maintained in violation of a specific requirement of the codes or of a city, county or state law.
- (9) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
- (10) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

Sec. 6-58. - Scope.

The provisions of this article shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.

Sec. 6-59. - Alterations, repairs or rehabilitation work.

- (a) Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the City adopted international building code provided that the alteration, repair or rehabilitation work conforms to the requirements of the building code for new construction. The building official shall determine, subject to appeal to the city-council commission the extent, if any, to which the existing building shall be made to conform to the requirements of the City adopted international building code for new construction.
- (b) Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in section 6-57.
- (c) If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the City adopted international building code for the new occupancy classification as established by the building official.
- (d) Repairs and alterations, not covered by subsections (a) through (c) of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the City adopted international building code for new buildings.

Sec. 6-60. - Special historic buildings and districts.

The provisions of this article relating to the construction, alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and

welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within ~~fire-historic~~ districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

Sec. 6-61. - Maintenance.

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the City adopted international building code in a building when erected, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

Sec. 6-62. - Organization.

- (a) *Enforcement officer.* The provisions of this article shall be enforced by the building official.
- (b) *Restrictions on employees.* An officer or employee connected with the department shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.
- (c) *Records.* The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

Sec. 6-63. - Powers and duties of the building official.

- (a) *Right of entry.*
  - (1) The building official or his authorized representative may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this article.
  - (2) When entering a building, structure or premises that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and demand entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
  - (3) No person, owner or occupant of any building or premises shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this article. Any person violating this article shall be prosecuted within the limits of the law as established by the proper governing authority.
- (b) *Inspections.* The building official, the fire official and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
- (c) *Requirements not covered by article.* Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this article, shall be determined by the building official.
- (d) *Liability.* Any officer or employee, or member of the ~~city-council~~ Commission, charged with the enforcement of this article, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this article shall be defended by the legal department of the applicable governing body until the final termination of the proceedings.

- (e) *Reports.* The building official shall annually submit a report to the ~~chief administrator~~ City Manager of the decisions rendered by the ~~city council~~ Commission during the preceding year. The report shall include a summary of the decisions of the ~~city council~~ Commission during said year.

Sec. 6-64. - Violations and penalties.

Any person, firm, corporation or agent who shall violate a provision of this article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be prosecuted within the limits provided by state or local law. Each such person shall be deemed guilty of a separate offense for any violation of any of the provisions of this article, and upon conviction of any such violation such person shall be punished within the limits and as provided by state or local laws.

Sec. 6-65. - Inspection and notice of noncompliance.

- (a) *Building official to inspect.* The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination thereof.
- (b) *Notice.* The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information:
- (1) The street address and legal description of the building, structure or premises.
  - (2) ~~A statement indicating the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this article. A statement advising that if the required action as determined by the Building Official is not commenced within thirty (30) days, the Building Official shall request that the Building Standards Commission call for a public hearing to determine whether or not conditions exist which render the building or structure unsafe under the provisions of this article.~~
  - (3) If the building or structure is to be repaired, the notice shall require that all necessary permits must be secured within thirty (30) days after receipt of notice and work commenced within sixty (60) days after receipt of said notice and continued to completion within such time as the building official determines.
  - (4) If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.
  - (5) If the building or structure is to be demolished, the building official shall require that all permits for demolition be secured within thirty (30) days receipt of notice, that the premises be vacated within sixty (60) days after receipt of notice, and that the demolition be completed within such time as deemed reasonable by the building official.
  - (6) A statement advising that if the ~~permits are not secured within 30 days after receipt of notice required action as determined by the Building Official is not commenced within or completed, as required~~, the building official shall request that the ~~city council, by ordinance, commission~~ call for a public hearing to determine whether or not conditions exist which render the building or structure unsafe under the provisions of this article.
  - (7) All notices and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the building official to serve any person herein required to be served

other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him.

- (8) All notices shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this article. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt. Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

#### Sec. 6-66. - Standards for compliance.

The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure:

- (1) The building shall be ordered repaired in accordance with the City adopted international building code or demolished at the option of the owner.
- (2) If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

#### Sec. 6-67. - Posting of notice to vacate.

- (a) Every notice to vacate, in addition to complying with section 6-65(b)(8), shall be posted at each exit and entrance to the building or structure and shall state:

"This Building is Unsafe and its Use or Occupancy Has Been Prohibited by the Building Official"

- (b) Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

#### Sec. 6-68. - Rules of procedure for public hearing.

- (a) *Calling of public hearing.* After the receipt of a written request from the building official, the ~~city council-Commission~~ shall, ~~by ordinance,~~ call a public hearing to determine whether or not conditions exist which render a building or structure unsafe under the provisions of this article such that said building or structure must be demolished in order to protect the public health, safety and welfare. Said ordinance shall state with specificity each violation which renders said building or structure unsafe.
- (b) *Reasonable dispatch.* The ~~city council-Commission~~ shall proceed with reasonable dispatch to conclude said public hearing, with due regard to the convenience and necessity of the parties involved. The hearing notice shall be served personally or posted certified mail at least fifteen (15) days before the hearing date.
- (c) *Subpoenas.* The ~~city council-Commission~~ may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings. ~~Subpoenas may be issued upon the request of any member of the city council, or upon the written request of any party involved in the hearing.~~ The issuance and service of subpoenas shall be in accordance with established law. Any person who refuses, without legal excuse, to respond to any subpoena lawfully issued and served may be prosecuted to the extent established by law.
- (d) *Procedure.*

- (1) Hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony.
- (2) The ~~city council~~ Commission may grant continuance for good cause.
- (3) In any proceedings under this article ~~any member of the city council~~ the Chair of the Commission shall have the power to administer oaths and affirmations and to certify official acts. In the Chair's absence, the acting Chair may administer oaths and compel the attendance of witnesses.
- (4) Oral evidence shall be taken only on oath or affirmation.
- (5) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.
- (6) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil courts.
- (7) The ~~city council~~ Commission may inspect any building, structure or premises during the course of the hearing, provided the following are complied with:
  - a. Notice of such inspection is given to the parties prior to making the inspection;
  - b. The parties are allowed to be present during the inspection; and
  - c. The inspector states for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.
- (e) ~~After hearing. Decision. After completion of the public hearing, if the city council finds that the building or structure is in violation of the provisions of this article, it may order the building or structure repaired or demolished within a reasonable time.~~
  - (1) After completion of the public hearing, if the Commission finds that the building or structure is in violation of the provisions of this article, it may order the owner of the building to, within thirty (30) days, secure the building from unauthorized entry or to repair, remove, or demolish the building, whichever is applicable, unless the owner establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.
  - (2) The Commission may allow the owner more than thirty (30) days to repair, remove, or demolish the building. If the Commission allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove or demolish the building, the Commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
- (f) ~~Recourse. Appeal. If the appellant is aggrieved by the decision of the city council, nothing in this article shall be construed to deprive him of seeking redress in the civil or other applicable court. Said appeal must be filed within 15 days from the effective date of the city council's final decision. If any owner is aggrieved by the decision of the Commission, nothing in this article shall be construed to deprive them of seeking redress in the civil or other applicable court. Said appeal must be filed within thirty (30) days from the date a copy of the final decision of the Commission is delivered as required by the Texas Local Government Code.~~

Sec. 6-69. - Compliance.

- (a) *Failure to respond.* Any person who, after the order of the building official or the decision of the ~~city council~~ Commission becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by law.
- (b) *Failure to commence work.*

- (1) Whenever the required repair, vacation or demolition is not commenced within thirty (30) days after the effective date of any order, the building, structure or premises shall be posted as follows:

|                                                                                                                                                                 |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Unsafe Building Do Not Occupy                                                                                                                                   |  |
| It shall be punishable by law to occupy this building or remove or deface this notice (specify the applicable local law and the penalty for violation thereof). |  |
| Building Official                                                                                                                                               |  |

- (2) Subsequent to posting the building, the building official may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premises. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.
- (3) Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.
- (c) *Extension of time.* The building official may approve one (1) or more extensions of time as he may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing stating the reasons therefor. If the extensions of time, in total, exceed 120-sixty (60) days, they must also be approved by the city council ~~Commission~~ which may act without further public hearing.
- (d) *Interference.* No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the city council ~~Commission~~. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

Sec. 6-70. - Recovery of cost of repair or demolition.

Whenever a building or structure is repaired or demolished in accordance with the provision of this article and cost of such repair or demolition is borne by the city, the city may assess the expenses on the property on which the building is located. The assessment of the reasonable expenses incurred shall be determined by the building official, and a lien shall be placed on the property and recorded in the deed records of the applicable county, based on the property location.

Secs. 6-71—6-98. - Reserved.



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** An ordinance amending Chapter 46, Article V, Division 4, Section 46-635 Code of Ordinances, City of Elgin, Texas which amends the offsite minimum parking and loading requirements in the downtown historic district to no minimum and sets maximum parking standards to six (6) parking spaces, and providing a savings clause and repealing conflicting ordinances and resolutions.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:** Discussion, consideration, and action on an ordinance amending Chapter 46, Article V, Division 4, Section 46-635 Code of Ordinances, City of Elgin, Texas which amends the offsite minimum parking and loading requirements in the downtown historic district to no minimum and sets maximum parking standards to six (6) parking spaces, and providing a savings clause and repealing conflicting ordinances and resolutions.

**BACKGROUND:** The off-street parking standards in Chapter 46 (Zoning) are minimum standards for on-site parking throughout the entire City. This includes areas of the City where it is difficult to place these spaces and is counterintuitive to the development pattern such as in the historic district within the downtown core. These parking standards are indicative to a suburban style layout where vehicles dominate. The parking lot is easily located, and buildings are setback from the roadway. Within the historic district the development pattern consists of an urban style layout where pedestrians dominate. This doesn't favor large onsite parking and the building uses the majority or all of the lot.

Loading zones are also a concern within the historic district as traditionally these are associated with suburban style layout as well. Most suburban style developments have at least one (1) on-site zone. Within the historic district urban core, it is difficult to place a loading zone on-site due to the smaller lot sizes and a development pattern that existed before large vehicles made deliveries. Typically, in an urban core, loading zones are placed on the street and are shared between different businesses.

These proposed code changes will remove the minimum parking requirements associated with the land use and will set a maximum parking requirement of six (6) spaces. This maximum is being placed to stop the placement of large on-site parking if an owner chooses to voluntarily build a parking lot. It will also not allow for on-site loading zones to be built by a property owner. The only exemption to these standards would be any governmental or transit authority created parking lots or loading zones.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

The Planning and Zoning Commission will make a recommendation on this item at their January 27, 2020 meeting. Results will be provided to the Council at the meeting.

**ATTACHMENTS:**

Planning & Zoning Commission Staff Report, Ordinance, Staff Letter

**{ } 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.*

# Attachment 1

## Ordinance

ORDINANCE NO. 2020-02-04-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 46, ARTICLE V, DIVISION 4, SECTION 46-635 CODE OF ORDINANCES, CITY OF ELGIN, TEXAS WHICH AMENDS THE OFFSITE MINIMUM PARKING AND LOADING REQUIREMENTS IN THE DOWNTOWN HISTORIC DISTRICT TO NO MINIMUM AND SETS MAXIMUM PARKING STANDARDS TO SIX (6) PARKING SPACES

AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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

I.

That Chapter 46, Article V, Division 4, Code of Ordinances, City of Elgin, Texas, is hereby amended by amending Section 46-635 et. seq. which shall read as follows:

Sec. 46-635. - Amount of off-street parking and loading required.

- (a) Off-street parking and loading facilities shall be provided in all zoning districts, except within the downtown historic district, in accordance with the following schedule:
- (1) Dwelling, single-family or two-family: Two parking spaces for each separate dwelling unit within the structure and a two-car garage either attached or detached for each unit within the structure.
  - (2) Dwelling, multiple-family: Two parking spaces shall be provided upon the lot for each dwelling unit. No parking shall be permitted in the required front yard. No parking shall be allowed within four feet of any building, nor closer than two feet to the side yard lines. No parking space shall be used for storage of any trucks, truck-trailer or van, except panel and pickup trucks not exceeding one-ton capacity and boat and travel trailers may be parked in a required parking space when the operator or owner of such vehicle resides upon the premises. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the city's standard specifications. Travel trailers, recreational vehicles and other trailers as defined in this section shall not exceed eight feet in width or 40 feet in length. At no time shall any such vehicle, recreational vehicle, motor home or trailer be parked so as to block a sidewalk.
  - (3) Boardinghouse, roominghouse, tourist home, bed and breakfast or hotel: One parking space for each two guests provided overnight accommodations.
  - (4) Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three employees including nurses, plus adequate area for the parking of emergency vehicles.
  - (5) Medical or dental clinics or offices: Six spaces per doctor plus one space for each two employees.
  - (6) Sanatoriums, convalescent or nursing homes: One space for each six patient beds, plus one space for each staff or visiting doctor plus one space for each two employees including nurses.
  - (7) Community center, theater, auditorium, church sanctuary: One parking space for each four seats, based on maximum seating capacity.
  - (8) Convention hall, lodge, club, library, museum, place of amusement or recreations: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.

- (9) Office building: One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.
  - (10) Restaurants, cafes, dinners, clubs, bars and other establishments which provide tables and or bar seating: One parking space for each four seats and one space for each two employees.
  - (11) Commercial establishments not otherwise classified: One parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
  - (12) Industrial establishments: Adequate area to park all employees and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
- (b) For all uses not covered by the uses listed in subsection (a) of this section, the planning and zoning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
- (c) Zoning districts located within the downtown historic district shall not have any minimum parking requirements or loading zone requirements as denoted in subsections (a) or (b). Any off-street parking constructed voluntarily within the downtown historic district shall be limited to a maximum of six (6) parking spaces, this standard shall not be applicable to any government or transit authority created off-street parking spaces. Creation of voluntary on-site loading zones shall also be prohibited within the downtown historic district, however this standard shall not be applicable to any government or transit authority created on site loading zones.

## 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.

Alternative 1.

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 first reading this 4<sup>th</sup> day of February 2020

ATTEST:

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Chris Cannon, Mayor  
City of Elgin, Texas

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Amelia Sanchez, City Secretary

# Attachment 2

## Staff Input

## David Harrell

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**To:** Amy Miller  
**Subject:** RE: Proposed Code Change for parking in historic district

**From:** Amy Miller <amiller@ci.elgin.tx.us>  
**Sent:** Friday, January 3, 2020 11:30 AM  
**To:** David Harrell <dharrell@ci.elgin.tx.us>  
**Subject:** RE: Proposed Code Change for parking in historic district

David

Thank you for addressing the parking requirements in the downtown area. The draft ordinance has been provided to both Historic Review Board and Main Street board by email. Several members responded positively about the adjustment. Both boards will review it at their meetings in January (January 16 for MSB and January 28 for HRB) The Main Street Board and HRB supported two variance requests last year to reduce parking requirements. This ordinance should effectively address parking in the downtown district overall.

Amy Miller  
Director of Community Services  
City of Elgin  
512-229-3213

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**From:** David Harrell <[dharrell@ci.elgin.tx.us](mailto:dharrell@ci.elgin.tx.us)>  
**Sent:** Wednesday, December 18, 2019 10:06 AM  
**To:** Amy Miller <[amiller@ci.elgin.tx.us](mailto:amiller@ci.elgin.tx.us)>  
**Subject:** Proposed Code Change for parking in historic district  
**Importance:** High

Amy,

Per yesterdays phone call, please review and let me know. Thanks.

David Harrell, AICP  
Planning & Community Development Director  
City of Elgin, TX  
Direct: 512-229-3254

**From:** [Amy Miller](#)  
**To:** [David Harrell](#)  
**Subject:** Downtown Parking  
**Date:** Thursday, January 23, 2020 7:47:45 PM

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David

The Elgin Main Street Board met January 16 and reviewed the proposed parking requirements. They voted unanimously to support this proposed change. The Main Street Design Team and the Business Retention and Recruitment committee reviewed the proposed change as well and are also unanimously in favor of the change. This will support the continued development and revitalization of the historic commercial business district. Please let me know if you need any additional information or assistance.

Thank you

Amy

Sip Shop & Stroll - Every 2nd Thursday - Downtown!

Amy Miller

Director of Community Services

City of Elgin

Sausage Capital of Texas

Sip Shop & Stroll every 2nd Thursday from 5pm to 8pm in downtown

PO Box 591 Elgin TX 78621

512-229-3213

Cell 512-801-5748

Texas Main Street City

Brick Capital of the Southwest

Located in Bastrop County the Film Hospitality Capital of Texas

Home of the Hogeye Festival 4th Saturday of October

Social media: VisitElginTx, City of Elgin, Facebook & Instagram VisitElginTx



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** An ordinance amending Chapter 32, Article I, Section 32-3; amending Chapter 32, Article III, Sections 32-103, 321-96, and 32-226; amending Chapter 46, Article I, Section 46-1; amending Chapter 46, Article II, Division 5, Section 46-138(a); amending Chapter 46, Article V, Division 8, Sections 46-718 – 46-747; adding Chapter 46, Article III, Section 46-183 – 46-184; adding Chapter 46, Article V, Division 9 Wireless Communication Facilities (WCF); and providing for a savings clause and repealing conflicting ordinances or resolutions.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:** Discussion, consideration, and action on an ordinance amending Chapter 32, Article I, Section 32-3; amending Chapter 32, Article III, Sections 32-103, 321-96, and 32-226; amending Chapter 46, Article I, Section 46-1; amending Chapter 46, Article II, Division 5, Section 46-138(a); amending Chapter 46, Article V, Division 8, Sections 46-718 – 46-747; adding Chapter 46, Article III, Section 46-183 – 46-184; adding Chapter 46, Article V, Division 9 Wireless Communication Facilities (WCF); and providing for a savings clause and repealing conflicting ordinances or resolutions.

**BACKGROUND:** Currently the City requires all wireless communication facilities (WCF) to be approved through the specific use permit process with no regulatory framework associated with the WCF. This change would allow for WCF's as a use by right (with one exception) within a strong regulatory framework. This regulatory framework would set standards such as location, height, screening, irrigation, types of poles and antenna, colors, setbacks, signage, minimum acreage for placement, and mandatory antenna co-location. These proposed code changes will allow for several changes, in which staff will summarize below:

1. Creates new definitions for WCF's.
2. Exempt government organizations from these standards.
3. Prohibit WCF's within any locally designated historic districts or on signs.
4. Set standards for removal and non-conforming standards.
5. Prescribes only monopoles, self-enclosed monopoles, attached, and stealth as the allowed design of WCF's.
6. On monopoles and self-enclosed monopoles this also includes location, design, maximum height, setbacks, colors, lighting, screening, minimum numbers of antennas, minimum acreage, and mandatory co-location. For self-enclosed monopoles the specific use permit requirements are retained for residential districts which set a lower maximum height and standards for approval of specific use.

7. On attached WCF's and stealth WCF's this also includes location, heights, mounting, setbacks and screening.

8. Sets signage standards for WCF's.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

The Planning & Zoning Commission held the first of two public hearings on the requested zoning ordinance change at their January 27, 2020. Results of that meeting will be reported at the Council hearing.

**ATTACHMENTS:**

Ordinance.

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

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

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

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

ORDINANCE NO. 2020-02-04-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 32, ARTICLE I, SECTION 32-3; AMENDING CHAPTER 32, ARTICLE III, SECTIONS 32-103, 32-196, AND 32-226; AMENDING CHAPTER 46, ARTICLE I, SECTION 46-1; CHAPTER 46, ARTICLE II, DIVISION 5, SECTION 46-138(a); AMENDING CHAPTER 46, ARTICLE V, DIVISION 8, SECTIONS 46-718 – 46-747; ADDING CHAPTER 46, ARTICLE III, SECTION 46-183 – 46-184; ADDING CHAPTER 46, ARTICLE V, DIVISION 9 WIRELESS COMMUNICATION FACILITIES (WCF); AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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

I.

That Chapter 46, Article I, Code of Ordinances, City of Elgin, Texas, is hereby amended by amending Section 46-1, et. seq. to add the following definitions, which shall read as follows:

Wireless communication facility (WCF) means an antenna and associated equipment intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.

Wireless communication facility, attached means a wireless communication facility that is attached to a building or other permanent structure.

Wireless communication facility, co-location means locating of wireless communications equipment from more than one (1) provider on a single mount or support structure.

Wireless communication facility, monopole means a wireless communication facility constructed as a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires, containing one (1) or more antennas and associated equipment at any given point with externally mounted or visible antennae.

Wireless communication facility, self-enclosed monopole means a wireless communication facility constructed as a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires, containing one (1) or more antennas and associated equipment no larger than thirty-six (36) inches in diameter at any given point with no externally mounted or visible antennae.

Wireless communication facility, stealth means a wireless communication facility that is screened, disguised, concealed or otherwise camouflaged as a natural structure, or part of a structure, such that the WCF is indistinguishable from other natural structures, or the structure that it is attached to or within.

II.

That Chapter 46, Article V, Division 8, Code of Ordinances, City of Elgin, Texas, is hereby amended by amending Secs 46-718 – 46-747, which shall read as follows:

Secs. 46-718 – 46.7~~47~~37. – Reserved

III.

That Chapter 46, Article V, Code of Ordinances, City of Elgin, Texas, is hereby amended by adding Division 9 Wireless Communication Facilities (WCF), which shall read as follows:

Sec. 46-738. – General Standards.

- (a) Public government exemption. A public governmental entity shall be exempt from the requirements of this Division.
- (b) Prohibited in historic districts and placement on signs. Any WCF's shall be prohibited in any local designated historic district and on placement of any signs.
- (c) Automation. Except as provided in subsection (d) and during construction or an emergency, a WCF shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance.
- (d) Maintenance and repair. All WCFs and associated equipment shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. Routine testing and maintenance shall be limited to weekdays between sunrise and sunset. Emergency repairs shall be allowed at all times.
- (e) Removal. Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned and shall be removed within sixty (60) days of receipt of notice from the City of such abandonment. Each property owner and person in control of the site is responsible for removal, jointly and severally. If such facility is not removed within said sixty (60) days, the City may remove such facility at their expense. If there are two (2) or more users of a single WCF, then this provision shall not become effective until all users cease operations on the facility housing the users.
- (f) Improvement and replacement. An existing WCF may be improved or replaced with a new WCF provided the improvements or replacement comply with the provisions of this Section.
- (g) Easements and approvals. The applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the WCF and that access is provided to the facility or the owner of the building or structure to which the WCF will be attached has granted permission for the proposed facility to be attached and maintained.
- (h) Engineer's certification for roof-mounted WCF and/or equipment. Any WCF mounted to a roof must receive engineer's certification that the roof will support the proposed WCF and associated roof-mounted equipment.
- (i) Landscaping and irrigation for WCF's. Any required landscaping must be shown on a landscape plan and an irrigation plan must be concurrently provided which shows an underground or above ground drip irrigation system adequate enough to water landscaping. Any irrigation system shall be required to have rain sensor.
- (j) Application. An application packet will need to be completed by an applicant and approved by the City. Information shall be provided as indicated within the application packet and this Division. The applicant is responsible for full completion of the application packet.

- (k) As-built letter. After the WCF has been constructed the project engineer or project architect, as applicable, shall provide a letter certifying that the WCF was constructed in accordance with the approved plans.

Sec. 46-739. – Wireless Communication Facilities (WCF)

- (a) Exemption. WCF's associated with a television or radio stations shall be exempt from this Section.

(b) Monopoles and self-enclosed monopoles.

(1) Permitted locations.

- a. Monopoles may only be in any commercial zoning district, industrial zoning district, or in any Planned Development District (PDD) with commercial or industrial uses unless otherwise prohibited in the PDD provided the location of the monopole is at least 200 feet from any residential zoning district, residential land uses in a PDD, or a residential land use on five (5) acres of land or less for properties without a zoning category, or is at least 200 feet from the edge of the right of way of U.S. Hwy 290 or State Road 95, subject to the following conditions:
  - i. Only one (1) monopole is permitted for every ten (10) acres on the lot. Poles may be clustered together.
- b. Self-enclosed monopoles may be in any commercial zoning district or industrial zoning districts or in any Planned Development District (PDD) with commercial or industrial uses unless otherwise prohibited in the PDD, subject to the following conditions:
  - i. Only one (1) self-enclosed monopole is permitted for every five (5) acres on the lot. Poles may be clustered together.
- c. Self-enclosed monopoles may be in any residential zoning districts, excluding PDD's, in accordance with Sec. 46-138, subject to the following conditions:
  - i. WCF's must be separated by a distance of one-quarter (1/4) of a mile from each other.
  - ii. Documentation from an engineer that an attached WCF or stealth WCF cannot accommodate the proposed improvement.

- (2) Setbacks. The standard setbacks for each zoning district, including setbacks within the Planned Development District (PDD), shall apply to the poles and any associated equipment.

(3) Maximum height.

- a. Commercial zoning districts, industrial zoning districts, or Planned Development Districts (PDD) with commercial or industrial uses. The maximum height of a pole shall be 150 feet.
- b. Residential zoning districts or Planned Development Districts (PDD) with residential uses.. The maximum height of a pole shall be eighty (80) feet.
- c. The maximum height of associated equipment located at the base of a monopole or self-enclosed monopole shall be no more than ten (10) feet.

- (4) *Color.* Monopoles and self-enclosed monopoles shall be painted a non-contrasting gray, beige or similar neutral color minimizing its visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration.
- (5) *Lighting.* No pole shall be artificially lighted except as required by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) or their predecessors. Security lighting around the equipment shelter is permitted provided it is not visible from neighboring properties. Lighting for maintenance purposes is permitted, provided the lights are not used at any other time.
- (6) *Screening.* The equipment shelter at the base of a pole shall be screened from public view by an unpainted split-face decorative masonry wall with a minimum height of one (1) foot greater than the height of the equipment shelter.
- (7) *Collocation requirements.* New monopoles and self-enclosed monopoles shall be designed to accommodate at a minimum three (3) antennae and any associated ground-mounted equipment, unless an engineer demonstrates that such a design is not feasible for technical or physical reasons. Service providers shall allow the collocation of antenna by competing service providers.
- (8) *Mandatory co-location required.* An applicant shall be required to co-locate, as feasible, on an existing tower if it is within one quarter (1/4) mile of the proposed new monopole or self-enclosed monopole tower. The applicant shall inquire about potential collocation opportunities at all technically feasible locations.

(c) *Attached WCF.*

(1) *Permitted locations.*

- a. An attached WCF may be placed on a building or structure in the residential zoning district that only allows for multi-family development, commercial zoning district, or industrial zoning districts
- b. An attached WCF may be placed on a building or structure on a lot that has schools, religious institutions, facilities or buildings or structures owned by a utility, multi-family land uses, commercial land uses, or industrial land uses in a Planned Development District (PDD), unless otherwise prohibited in the PDD.
- c. An attached WCF may also be attached to a building with non-residential uses that is in a residential zoning district. This includes schools, religious institutions, facilities or buildings or structures owned by a utility, subject to the conditions of this Section.

(2) *Mounting and setbacks.*

- a. The support structure or equipment for an attached WCF that is mounted flush with the vertical exterior of the building or structure to which it is attached or shall project no more than twenty (24) inches from the surface of the building or structure to which it is attached, and shall not violate the building setback requirements of the zoning district in which the building or structure is located.
- b. Support structure or equipment for an attached WCF may be placed on the roof of a building in accordance with this Section.

- c. Support structure or equipment for an attached WCF must be placed underground if not located on the side of a building or on the roof. Placement on the ground may be allowed so long as it cannot be visible from the street in accordance with this Section.

(3) Maximum height. An attached WCF shall not extend more than ten (10) feet above the building or structure to which it is attached and shall not violate the maximum height restriction of the zoning district in which the building or structure is located.

(4) Visibility.

- a. Equipment associated with roof-mounted WCFs shall be screened from public view. Screening shall utilize the same or similar materials as the principal structure or building. If roof decks with mechanical equipment are visible from any level of adjacent buildings, the mechanical equipment must be painted to match the finished roof material.
- b. Attached WCFs that are side-mounted shall blend with the existing building's architecture and shall be painted or shielded with material that is consistent with the design features and materials of the building.
- c. All cabinets, boxes, and WCF associated equipment that is not roof-mounted or side-mounted shall be located underground, unless it is so designed and located that it is not visible from a street.

(d) Stealth WCF.

(1) Permitted locations.

- a. A stealth WCF can be located in all zoning districts or all uses in a Planned Development District (PDD), unless otherwise prohibited by the PDD.
- b. A stealth WCF can be attached to any building or structure or be freestanding.

(2) Setbacks. The standard setbacks for each zoning district or Planned Development District (PDD) shall apply to all stealth WCFs. To protect citizens in their homes, freestanding stealth WCFs shall be placed a minimum distance equal to the height of the freestanding stealth WCF away from any residential structure. No guy wires may be used.

(3) Maximum height. The maximum height of a stealth WCF shall be determined by the height limitations for the type of structure the WCF resembles, the zoning district maximum height, or the required setback distance whichever results in less height.

(4) Visibility. The antenna and associated equipment of a stealth WCF shall be screened, disguised, concealed or otherwise camouflaged as part of a structure such that the antenna and associated equipment of the WCF are indistinguishable from the structure that it is attached to or within. If freestanding it shall resemble natural elements such as a flagpole, tree, or shrub, including colors. If the City determines that the associated equipment cannot be feasibly or adequately camouflaged due to the unique circumstances of the proposed location, it shall be placed underground; or it may be screened from view from a street and adjacent properties by an unpainted decorative masonry wall with a minimum height of one (1) foot greater than the height of the equipment shelter. In residential zoning districts the

required masonry wall shall be screened by planting one (1) five-gallon or larger size shrub for every three (3) linear feet around the boundary of the wall.

IV.

That Chapter 46, Article II, Division 5 Code of Ordinances, City of Elgin, Texas, is hereby amended by amending Section 46-138(a), et. seq., to add sub subsection (46) for a specific use permit which shall read as follows:

(46) Wireless Communication Facility, self-enclosed monopole within a residential zoning district.

V.

That Chapter 46, Article III Code of Ordinances, City of Elgin, Texas, is hereby amended by adding Sec. 46-183 and Sec. 46-184, et. seq. which shall read as follows:

Sec. 46-183. – Wireless communication facility (WCF) combination with nonconforming buildings, uses, and land.

A WCF is permitted on a nonconforming building, on a lot with an existing nonconforming use, or in combination with a nonconforming use of land, provided that the WCF shall cease to operate if and when nonconforming building, structure, use or use of land be removed, if the nonconforming use is not able to be brought into compliance with the required provisions of this Section.

Sec. 46-184. – Wireless communication facility (WCF) antenna on nonconforming towers.  
Additional WCF antennas are permitted on a non-conforming tower.

VI.

That Chapter 32, Article I Code of Ordinances, City of Elgin, Texas, is hereby amended by amending Sec. 32-3, et. seq. to add the following definitions, which shall read as follows:

Wireless communication facility (WCF) identification sign. Means a sign identifying each service provider for the operation and maintenance of a WCF placed on-site of the facility and easily read from the outside of the perimeter of the WCF. It only provides the name, address, and emergency telephone number of the responsible service provider. Other signage as required by the Federal Communications Commission (FCC) shall be included in this definition.

VII.

That Chapter 32, Article III Code of Ordinances, City of Elgin, Texas, is hereby amended by adding Sec. 32-196 and Sec. 32-226, et. seq. which shall read as follows:

Sec. 32-196. – Wireless communication facility (WCF) identification sign.  
Required at a WCF and sign shall not larger than two (2) square feet, unless otherwise required by the Federal Communications Commission (FCC) regulations.

Sec. 32-226. – Wireless communication facility (WCF) identification sign.  
Required at a WCF and sign shall not larger than two (2) square feet, unless otherwise required by the Federal Communications Commission (FCC) regulations.

VIII.

That Chapter 32, Article III Code of Ordinances, City of Elgin, Texas, is hereby amended by adding Sec. 32-103, to add sub subsection (12) in order to place a sign without a sign permit which shall read as follows:

(12) Wireless communication facility (WCF) identification sign.

IX.

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.

Alternative 1.

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 first reading this 4<sup>th</sup> day of February, 2020

ATTEST:

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Chris Cannon, Mayor

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Amelia Sanchez, City Secretary



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** A Resolution adding an addendum between the City of Elgin and Arch Technical Services LLC, DBA ATS Engineers, Inspectors, & Surveyors for adding fire code review and fire inspections.

**DEPARTMENT:** Development Services

**PROPOSED ACTION:** Discussion, consideration, and action on a resolution adding an addendum between the City of Elgin and Arch Technical Services LLC, DBA ATS Engineers, Inspectors, & Surveyors for adding fire code review and fire inspections.

**BACKGROUND:** In 2016 the City Council approved a contract with a third party called ATS Engineers, Inspectors, & Surveyors to assist in building plan reviews and building inspections. Due to the closeness in building codes and fire codes, this company also retains the services of third party review for fire plan review and inspections called Arch Technical Services LLC. Our City doesn't currently have anyone on staff certified by the Texas Commission on Fire Protection to review plans or preform inspections through the 2012 International Fire Code as adopted by the City. The contract would be the formalization of using of their services.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:** Staff recommends the City Council approve this item.

**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. 2020-02-18-??**

**A RESOLUTION ADDING AN ADDENDUM BETWEEN THE CITY OF ELGIN AND ARCH TECHNICAL SERVICES LLC., DBA ATS ENGINEERS, INSPECTORS, & SURVEYORS FOR ADDING FIRE CODE PLAN REVIEW AND FIRE INSPECTIONS.**

**WHEREAS**, the City originally signed a contract with ATS Engineers, Inspectors, & Surveyors on September 20, 2016 for Building Plan Review and Inspection Services; and

**WHEREAS**, the City has been without a Fire Marshall on City Staff who could perform the duties of plan reviews and inspections; and

**WHEREAS**, the current contract with ATS Engineers, Inspections, & Surveyors does not formally cover any fire plan reviews and inspections; and

**WHEREAS**, the City continues to experience multi-family and commercial growth which necessitates these types of reviews and inspections on an increasing demand; and

**WHEREAS**, the addendum would address these concerns and continue the working relationship between the City and ATS Engineers, Inspectors, & Surveyors.

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

**PASSED**, and **APPROVED** on this 18<sup>th</sup> day of February, 2020.

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CHRIS CANNON, MAYOR

ATTEST:

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Amelia Sanchez, City Secretary

## **AGREEMENT ADDENDUM**

**THIS AGREEMENT ADDENDUM** dated this \_\_\_1st\_\_\_ day of \_October, 2019\_\_

**BETWEEN:**

City of Elgin

**- AND -**

ARCH Technical Services LLC., dba ATS Engineers, Inspectors & Surveyors

### **Background**

- A. City of Elgin, Texas and ATS Engineers, Inspectors & Surveyors (the "Parties") entered into the Services Agreement (the "Agreement") dated October 1, 2019, for the purpose of The City, in connection with carrying out the duties of its various ordinances and permitting processes regulating the design, construction, materials, use and occupancy, location and maintenance of all building and structures with the City, requires the services of a building inspector and plan reviewer.
- B. The Parties desire to amend the Agreement on the terms and conditions set forth in this Agreement Addendum (the "Addendum").
- C. This Addendum is the first amendment to the Services Agreement.

**IN CONSIDERATION OF** the Parties agreeing to amend their obligations in the existing Services Agreement, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to keep, perform, and fulfill the promises, conditions and agreements below:

### **Amendments**

- 1. The Services Agreement is amended as follows:
  - a. Item 2. c. is hereby amended by adding Fire Code Plan Review and Inspections, See Attachment C.
  - b. Attachment C is added to the Agreement and is included with this Addendum as reference.

**No Other Change**

2. Except as otherwise expressly provided in this Addendum, all of the terms and conditions of the Services Agreement remain unchanged and in full force and effect.

**Miscellaneous Terms**

3. Capitalized terms not otherwise defined in this Addendum will have the meanings ascribed to them in the Services Agreement. Headings are inserted for the convenience of the parties only and are not to be considered when interpreting this Addendum. Words in the singular mean and include the plural and vice versa. Words in the masculine include the feminine and vice versa. No regard for gender is intended by the language in this Addendum.

**Governing Law**

4. Subject to the terms of the Services Agreement, it is the intention of the Parties that this Addendum, and all suits and special proceedings under this Addendum, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of Texas, without regard to the jurisdiction in which any action or special proceeding may be instituted.

**City of Elgin, Texas**

**By:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Arch Technical Services LLC., dba ATS Engineers, Inspectors & Surveyors**

**By:**  \_\_\_\_\_

**Printed Name: Brad Schubert**

**Title: Chief Operating Officer** \_\_\_\_\_

**Date:** 09/23/2019

## Attachment C

### Elgin Fire Code Plan Review and Inspection Fees

**Attached is a list of fees for plan review:**

#### **Fire Protection System Plans Review:**

**Fire Sprinkler Systems \*\*\*Fire Pump and Standpipe Fees Not Included See Below\*\*\***

##### Commercial Fire Sprinkler System (13, 13R)

###### # of Sprinkler Heads

|            |                                                        |
|------------|--------------------------------------------------------|
| 1 to 20    | \$250.00                                               |
| 21 to 100  | \$400.00                                               |
| 101 to 200 | \$400.00                                               |
| 201 to 300 | \$880.00                                               |
| 301 to 500 | \$1120.00                                              |
| Over 500   | \$1120.00 plus \$0.80 for each sprinkler head over 500 |

##### Residential Fire Sprinkler System (13D)

|                         |                                                       |
|-------------------------|-------------------------------------------------------|
| 1 to 25 Sprinkler Heads | \$160.00                                              |
| 26 to 50                | \$320.00                                              |
| 51 to 100               | \$400.00                                              |
| Over 100                | \$400.00 plus \$0.80 for each sprinkler head over 100 |

#### **Fire Service Underground Mains, Standpipe(s) and Fire Pumps**

|                               |          |
|-------------------------------|----------|
| Fire Service Underground Main | \$250.00 |
| Standpipe                     | \$250.00 |
| Fire Pump                     | \$160.00 |

#### **Fire Alarm and Detection Systems**

|                                                      |                                          |
|------------------------------------------------------|------------------------------------------|
| 1 to 25 <u>devices (initiation and notification)</u> | \$250.00                                 |
| 26 to 50                                             | \$400.00                                 |
| 51 to 75                                             | \$560.00                                 |
| 76 to 100                                            | \$720.00                                 |
| Over 100                                             | \$720.00 plus \$2.20 per device over 100 |

#### **Commercial Kitchen Hood Fire Suppression System**

1 to 25 flow points \$250.00

26 to 50 \$400.00

Over 50 \$400.00 plus \$8.00 for each additional flow point over 50

### **Storage Tank Review \$160**

### **Gaseous Suppression/Dry Chemical Systems**

1 to 100 PSI \$320.00

101 to 300 \$400.00

301 to 500 \$480.00

501 to 750 \$560.00

751 to 1,000 \$650.00

Over 1,000 \$650.00 plus \$0.16 per pound over 1,000

### **Site Plan Review \$250**

### **International Fire Code/NFPA 101 Plan Review**

Up to 25,000 Square Feet \$480.00

25,001 to 50,000 \$720.00

50,001 to 75,000 \$960.00

75,001 to 100,000 \$1200.00

Over 100,000 \$1200.00 plus \$160.00 for every additional 50,000 square feet

**Attached is a list of fees for inspection includes travel:**

### **Certificate of Occupancy**

\$320 each up to 5000 sq foot

\$16 for every extra 1000sq foot

### **Commercial Shell**

\$320 inspection fee for the first 6000 sq ft

\$16 for every extra 1500sq foot

### **Commercial Finish-Out (Stand alone)**

\$320 inspection fee for the first 5000 sq ft

\$16 for every extra 1000 sq foot

### **Apartment Complex/Multifamily**

\$320 inspection fee for 1 – 50 units

\$480 for 51 – 150 units

\$650 for 150 – 300 units

### **Fire Sprinkler System (13, 13R)**

1 to 100 Sprinkler heads \$320.00

101 to 300 \$650.00

301 to 500 \$880.00

Over 500 \$1120.00 plus \$0.80 for each sprinkler head over 500

\*\*\*\*Hydro add \$120.00 \*\*\*\*

### **Residential Fire Sprinkler System (13D)**

1 to 100 Sprinkler Heads \$320.00

Over 100 \$320.00 plus \$0.80 for each sprinkler head over 100

### **Fire Service Underground Mains, Standpipe(s) and Fire Pumps**

Fire Service Underground Main \$320.00 with hydro add \$120.00 same day.

Standpipe \$320.00

Fire Pump \$400.00

### **Fire Alarm and Detection Systems**

1 to 50 devices (initiation and notification) \$320.00

51 to 75 \$400.00

76 to 100 \$720.00

Over 100 \$720.00 plus \$3.20 per device over 100

### **Commercial Kitchen Hood Fire Suppression System**

1 to 25 flow points \$320.00

Over 25 \$400.00 plus \$8.00 for each additional flow point over 50

### **Gaseous Suppression/Dry Chemical Systems**

1 to 100 PSI \$320.00

101 to 750 \$480.00

751 to 1,000 \$650.00

Over 1,000 \$650.00 plus \$0.16 per pound over 1,000

### **Specialty Operations (includes inspection):**

Aerosol Products (>500 LBS) \$400

Aviation Facilities \$960

Carnivals/Fairs \$480

Cellulose Nitrate Film \$430  
Combustible Storage \$650  
Compressed Gases \$430  
Cryogenics \$400  
Daycare 9-14 Occupants \$400  
Daycare 15-99 Occupants \$560  
Daycare 100+ Occupants \$720  
Dry Cleaning Plant \$480  
Dust Producing Operations/storage \$480  
Exhibit/Trade Shows \$800  
Explosive Blasting Agent Storage \$650  
Failure to Prepare/Cancel \$320  
Flammable/Combustible Liquids \$400  
Floor Finish \$400  
Fruit Ripening \$400  
Garage Repairs/Motor Vehicle Fuel \$480  
Hazardous Materials \$650  
Hazardous Production Facilities \$960  
Heliport/Helistop \$320  
Helistop (Special Event) \$320  
High Piled Storage \$480  
Hood System \$320  
Hot Works/ Cutting and Welding \$320  
License (Doctor, Dentist, Group Home, Foster/Adoption \$320  
License (Hospital, Nursing Home, School \$560  
Paint Booth \$400  
Storage Tank \$320



## Elgin City Council Meeting Agenda Item Executive Summary

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**ITEM:** A RESOLUTION OF THE CITY OF ELGIN, SUPPORTING AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2020 HOUSING TAX CREDITS FOR THE PROPOSED COTTAGES OF CEDAR RIDGE PROJECT; AND PROVIDING FOR RELATED MATTERS

**DEPARTMENT:** City Manager

**PROPOSED ACTION:**

Consideration and approval of a Resolution formally stating the City's support for an application to the Texas Department of Housing and Community Affairs for Housing Tax Credits in support of the proposed Cottages of Cedar Ridge Project.

**BACKGROUND:**

The Cottages of Cedar Ridge is a multi-family residential project currently being contemplated for property located at the southeast corner of County Line Road and FM1100. Current plans are for the project to be developed as a "64-unit seniors' community" that will consist of eight (8) one-story buildings.

The developers of the project are seeking funding support from the Texas Department of Housing and Community Affairs, through their Housing Tax Credits program; and a requirement for a complete program application for said credits is the attached Resolution.

The attached information provided by the developers provides additional project details.

**BUDGET/FINANCIAL IMPACT:**

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

**RECOMMENDATION:**

Approval of the Resolution supporting an application to the Texas Department of Housing and Community Affairs for Housing Tax Credits associated with the proposed Cottages of Cedar Ridge Project as described; and routine direction to staff, if any.

**ATTACHMENTS:** (1) Resolution, (2) Developer Cover Letter, and (3) Project Location Map

{ } 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 SUPPORTING  
AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING  
AND COMMUNITY AFFAIRS FOR 2020 HOUSING TAX CREDITS  
FOR THE PROPOSED COTTAGES OF CEDAR RIDGE PROJECT;  
AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, Cottages Cedar Ridge, Ltd., has developed a concept plan for the development of affordable rental housing within the City of Elgin at the southwest corner of County Line Rd. and FM1100, being further described as Lot 1, Crescent Village Section 1 (8.262 Acres in Travis County), Property ID 557512 as further described by metes and bounds attached hereto; and,

**WHEREAS**, the Project will be named the Cottages at Cedar Ridge in the City of Elgin, Texas; and,

**WHEREAS**, the developers, Cottages Cedar Ridge, Ltd., has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2020 Competitive 9% Housing Tax Credits for The Cottages at Cedar Ridge.

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

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

Section 2. The City Council hereby confirms its support for the general concept currently proposed by the Cottages at Cedar Ridge development.

Section 3. The City Council further hereby confirms that upon successful award of 2020 Competitive 9% Housing Tax Credits, the City will provide reduced fees or a contribution of other value that equals a minimum of \$250.00 for the benefit of the Cottages at Cedar Ridge project.

Section 4. The City Council does hereby further confirm that for and on behalf of the City of Elgin, the Mayor is authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs.

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

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

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2020

\_\_\_\_\_  
CHRIS CANNON, Mayor  
City of Egin, Texas

ATTEST:

\_\_\_\_\_  
AMELIA SANCHEZ, City Secretary



January 30, 2020

Mr. Thomas Mathis  
City Manager  
310 N. Main Street  
Elgin, Texas 78621

RE: Cottages at Cedar Ridge, County Line Rd & FM 1100, Elgin, TX

Dear Mr. Mathis,

The purpose of this letter is to request city council approval of a Resolution of Support for the above referenced senior housing development that we are currently working on. The project is to be funded partly from the sale of Tax Credits from the TDHCA and the Resolution of Support is a requirement of the state's application process. Once an allocation of funding is received, at that point we will begin developing the project completely with the assistance and input from the city of Elgin.

This narrative will indicate the underlying development philosophy for The Cottages at Cedar Ridge, a proposed 64-unit seniors community located on approximately 8.262 acres at the corner of County Line Road and FM 1100 in Elgin, Texas. The community that we are looking to build would consist of eight 1 story buildings giving the community more of a residential feel. When complete, the project will consist of 64 high end multifamily apartment units specifically designed for seniors.

The project will be comprised of one, and two bedrooms floorplans. The development will be energy efficient and will meet the criteria to achieve an Energy Star rating for multifamily. We pride ourselves as being leaders in green building and creating sustainable communities that are environmentally, physically, economically, socially sustainable, combined with exceptional design. The project will include green building features such as low flow toilets and faucets, energy efficient windows, energy efficient appliances, low VOC paints and adhesives, eco-friendly landscaping, a superior building envelope and many more features will be incorporated into the design of this community. All homes will have faux wood floors, some carpet in bedrooms, granite countertops, full size washer dryer connections, walk-in closets with built in shelving, and energy efficient ceiling fans in the living and bedroom areas. There will be cable, phone and internet connections in the living room and each bedroom. The ceiling heights are currently designed at nine feet. The property will feature an array of common area amenities found at any Class "A" property such as a resort style pool, a state-of-the-art fitness center, an upscale business center and library where the residents will have use of computers and wi-fi and plenty of parking.

The property will be privately owned and partially funded with the sale of tax credits with the remainder funded from conventional financial sources. This project is scoring the highest out of any of the rural regional areas within the Austin MSA seeking housing and we feel comfortable that we will be able to secure the tax credits needed to make this type of senior housing a reality for the citizens of Elgin.

Thank you,

A blue ink signature of Lee Zieben.

Lee Zieben  
President  
Zieben Group

# Cottages at Cedar Ridge – Elgin, Texas

Proposed 64 Unit Senior Development

