



AGENDA
ELGIN CITY COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 24, 2020
ELGIN PUBLIC LIBRARY CIVIC CENTER COUNCIL CHAMBERS
404 NORTH MAIN STREET
7:00 PM

Pursuant to the suspension of various provisions of the Texas Open Meetings Act implemented by Governor Greg Abbott on March 16, 2020 due to the Coronavirus Disease (COVID-19), the Elgin City Council will be conducting its meeting in person and members of the public may attend the meeting, but overall attendance may be limited due to social distancing requirements. Members of the public may also watch the virtual meeting at https://www.youtube.com/channel/UC3OGBV_IoV0Nr3AqM1jJTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT

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

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

VI. PRESENTATION

1. Presentation Of The Annual Audit Report For The Period Ending September 30, 2019 By BrooksWatson & Co. PLLC

Documents:

[EX SUMMARY - AUDIT PRESENTATION.PDF](#)

VII. CITY MANAGERS REPORT

1. Review Of Potential Neighborhood Traffic & Safety Upgrades At Certain Locations Throughout The City.

Documents:

[EX SUMMARY - TRAFFIC CALMING REPORT.PDF](#)

2. Update On City Marshal Operations

Documents:

[EX SUMMARY - MARSHAL UPDATE.PDF](#)

3. Review And Discussion Of Upcoming City Council Meeting Schedule

Documents:

[EXSUMMARY - MEETING SCHEDULE.PDF](#)

4. Review And Discussion Of Process For (A) Election Of Mayor Pro-Tem, (B) Appointments To City Boards & Commissions, And (C) Possible Appointment(S) To Vacant Ward 3 Council Seat(S)

Documents:

[EX SUMMARY - DISCUSS APPOINTMENTS.PDF](#)
[MEMBOARDSCOMM102020.PDF](#)

5. General Activity Report And/Or Project Update

Documents:

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

6. Departmental Monthly Reports - October

Documents:

[01 EXSUM MONTHLY REPORTS BY DEPARTMENTOCT 2020.PDF](#)
[02 MONTHLY REPORTS OCT DATA FY2020-21.PDF](#)

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

- City Council Meeting Minutes - September 22, 2020
- City Council Meeting Minutes - October 13, 2020
- City Council Meeting Minutes - October 27, 2020

Documents:

[EXSUMMARY SHEET MINUTES.PDF](#)
[CITY COUNCIL REGULAR MEETING 09-22-20.PDF](#)
[CITY COUNCIL VIRTUAL -IN PERSON MEETING MINUTES 10-13-20.PDF](#)
[CITY COUNCIL REGULAR VIRTUAL MEETING 10-27-2020.PDF](#)

IX. NEW BUSINESS

1. PURSUANT TO ARTICLE III, SECTION 13 OF THE ELGIN HOME RULE CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

Documents:

[EXSUMMARY - FACE COVERING ORDINANCE2.PDF](#)
[ORDFACECOVERINGS112420.PDF](#)

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE COUNTY LINE ROAD ROADWAY AND DRAINAGE PROJECT, PHASE 1 AND MAKING CERTAIN FINDINGS RELATED THERETO

Documents:

[EX SUMMARY - TRC COUNTY LINE RD.PDF](#)
[RESOTRCCOUNTYLINERDPHASEONE1120.PDF](#)
[TRC PROPOSAL - COUNTY LINE ROAD.PDF](#)

3. A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING THE AWARD OF AN ENGINEERING SERVICE PROVIDER CONTRACT FOR THE TEXAS DEPARTMENT OF AGRICULTURE 2021/2022 FY COMMUNITY DEVELOPEMNT BLOCK GRANT STATEWIDE COMPETITION.

Documents:

[01 EXSUMMARY AWARD TX21-22 GRANT ENGINEERING BID.PDF](#)
[RESOLUTION AWARDDING ENGINEERING SERVICES TX21-22 GRANT.PDF](#)

4. RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING THE ELGIN ECONOMIC DEVELOPMENT CORPORATION APPLICATION FOR A LOAN OF \$2,087,000 FROM FIRST NATIONAL BANK AND TO APPROVE THE EDC DIRECTOR TO SIGN ALL DOCUMENTS RELATED TO THE LOAN

Documents:

[EXSUMMARY EDC.PDF](#)
[RESOLUTION FOR EDC LOAN AND DIRECTOR SIGNS DOCUMENTS.PDF](#)
[EDC MINUTES 8.11.2020.PDF](#)

5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELGIN PARK TERMS OF USE AGREEMENT WITH THE ELGIN FARMERS' MARKET; AND PROVIDING FOR RELATED MATTERS

Documents:

[EXECUTIVE SUMMARY PARKS USE AGREEMENT FOR FARMERS MARKET.PDF](#)
[RESOFARMERSMKT1120.PDF](#)
[TERMS OF USE AGREEMENT FARMERS MARKET2020-2021.PDF](#)

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS ESTABLISHING OFFICIAL CITY OF ELGIN HOLIDAYS FOR THE PERIOD OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; AND PROVIDING FOR RELATED MATTERS.

Documents:

[EX SUMMARY - HOLIDAY SCHEDULE2021.PDF](#)
[RESHOLIDAYSCHED.PDF](#)

7. AN ORDINANCE AMENDING CHAPTER 44, ARTICLE II CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING DIVISION ONE, RESIDENTIAL REQUIREMENTS, NON-RESIDENTIAL AND MULTIFAMILY RESIDENTIAL REQUIREMENTS, AND IRRIGATION; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Documents:

[COUNCIL COVERSHEET.PDF](#)
[STAFF REPORT.PDF](#)
[LANDSCAPE CODE CHANGE ORDINANCE.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. ADJOURMENT

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

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, November 20, 2020, in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Presentation of the Annual Audit Report for the period ending September 30, 2019 by BrooksWatson &Co. PLLC

DEPARTMENT: Finance

PROPOSED ACTION: This item is for formal presentation of the Annual Audit Report for the fiscal year ending September 30, 2019.

BACKGROUND:

In compliance with State Law and the Elgin City Charter, the City's external auditor has reviewed and audited the financial statements of governmental activities, the business-type activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Elgin as of and for the year ended September 30, 2019 and related notes to the financial statements, which collectively comprise the City's basic financial statements of said report.

In the auditor's opinion, "the financial statements referred to above, present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Elgin September 30, 2019 and the respective changes in financial position and, where applicable, cashflows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America".

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Recommended for acceptance

ATTACHMENTS: Management letter; A Copy of Annual Finance Report and Audit for 2018 will be distributed at the meeting.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review of potential neighborhood traffic & safety upgrades at certain locations throughout the City.

DEPARTMENT: City Engineer

PROPOSED ACTION: This item has been placed on the agenda for general discussion and review of staff recommendations related to transportation improvements at certain locations; and direction to staff as warranted.

BACKGROUND:

Within the neighborhoods listed below, residents have been in contact with Councilmembers expressing various concerns related to traffic and safety. As requested, staff has reviewed these situations and has now developed scenarios that could provide some of the relief requested.

This item is for presentation of an informational report and general discussion of the staff recommendations related to certain traffic, safety, and/or traffic calming improvements at the following locations.

- Ramirez Rd/South Ave. C/Main St. (traffic control)
- 618 Madison St. (speed/traffic calming)
- Cleveland St. at S. Avenue A to Harris St. (speed/traffic calming)
- Hillside Dr./Old McDade Rd. (intersection improvements)

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

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

ATTACHMENTS:

None

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Update on City Marshal operations

DEPARTMENT: Chief of Police

PROPOSED ACTION: No Council action proposed or requested at this time; This item is to provide Council with a general update on the item as described; and respond to any related questions or comments.

BACKGROUND:

This item is for an informational report and general discussion on the current status of the City/ Elgin Police Department (EPD) Marshal operation.

The EPD has continued to work with the Municipal Court to develop appropriate and effective services supporting court operations. One such challenge has been related to developing standard City Marshal operations - with a primary focus on clearing the significant backlog municipal court warrants that has existed for some time.

The EPD, with Council's support, attempted to staff and operate a Marshal program for this purpose over the last eighteen months. This initial effort, however, experienced limited success, as it encountered various problems.

This was an item of brief discussion during the most recent budget deliberations. It was agreed at that time that the staff would come back to Council with a more detailed report on the up-to-date status of City Marshal operations.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

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

ATTACHMENTS:

None

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and discussion of upcoming City Council Meeting Schedule

DEPARTMENT: City Manager

PROPOSED ACTION:

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

BACKGROUND:

Due to a variety of factors including holidays, the rescheduling of prior meetings due to Election Day, and a delay for canvassing of ballots, the City Manager is recommending consideration be given to altering the upcoming City Council Meeting schedule through the end of the 2020 calendar year as follows:

- ~~Tuesday, December 1 – December Regular Meeting - Cancel~~
- Tuesday, December 15 – December Called Meeting – *Rescheduled December Regular Meeting*
- Tuesday, January 5, 2021 – January Regular Meeting
- Tuesday, January 19, 2021 – January Called Meeting

This revised schedule would not adversely affect any known city business to come before the Council; and would put the meeting schedule back on the traditional cycle at the beginning of the year (1st & 3rd Tuesdays). Obviously, Special Meetings could be called as necessary during this time.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Direction to staff regarding the City Council Meeting schedule.

ATTACHMENTS: None

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and discussion of process for (a) Election of Mayor Pro-Tem, (b) Appointments to City Boards & Commissions, and (c) possible appointment(s) to vacant Ward 3 Council seat(s)

DEPARTMENT: City Manager

PROPOSED ACTION: No Council action relative to any such election or appointments proposed or requested at this time; This item is to provide Council with an opportunity for general discussion of the process for consideration of said items as described.

BACKGROUND:

The City Council has three upcoming items to be addressed that all include the possible election and/or appointment of individuals to various city positions:

- *Election of Mayor Pro-Tem* - This is an annual procedural item required by the City Charter: “The mayor pro tem shall be a council member elected by the council . . . following each regular city election.” It is currently anticipated that this will be an action item on the Regular Council Meeting in December (currently anticipated to be the 15th).
- *Appointments to Boards & Commissions* - Another annual procedural item in conformity with city code which stipulates that “All board and/or commission appointments shall be made at the Regular Meeting of the City Council in January of each year (currently anticipated to be on 1/5/21).
- *Possible appointment(s) to vacant Ward 3 Council seat(s)* - This is unique situation whereby possible interim appointment to vacant Ward 3 City Council seats will be considered.

The process, if any, for considering individuals for these positions has yet to be determined by the City Council – which is the primary purpose of this discussion item. **Once that process has been agreed upon, the actual election and/or appointment of individuals to these various positions will appear on a future Council agenda.**

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

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

ATTACHMENTS: Staff memorandum (Boards & Commissions)

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

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

Memorandum

Date: October 26, 2020

To: Mayor and City Council

Subject: Upcoming Boards and
Commissions Appointments



Two years ago, the City Council made a number a substantive changes to the qualifications and process for appointment to the various City Advisory Boards and Commissions.

These citizen advisory groups are of great value to the decision-making process but are of particular importance for the City of Elgin during this time of growth and change. They not only provide opportunities for citizens to become involved in project review and a wide range of policy decisions, but also provide important and meaningful feedback to the staff on several topics.

In recent years, however, we have struggled with the effective development of - and participation on - all of these Boards and Commissions. We have encountered problems with (a) developing an appropriate pool of candidates from which Council to choose, (b) filling all available seats, and (c) getting all appointed board members to remain actively involved.

The City currently has **ten (10)** such Boards and Commissions, providing opportunities for more than **sixty (60)** qualified residents or property owners to become directly involved in the governmental process.

The terms of **twenty-seven (27)** of those seats will expire at the end of this calendar year.

It is currently anticipated that these appointments to City Boards and Commissions will appear on the City Council Regular Meeting Agenda on **January 5, 2021**.

As required by city code, the City Secretary will establish this year's deadlines and procedures for providing all applications to the City Council relating to the upcoming board and commission appointments no later than the December 1 Regular Council Meeting. That report will provide further detailed information (including the specific status of incumbents in all seats up for appointment, as well as any applications submitted by other prospective appointees).

The staff is ready to *accept* applications to the Boards and Commissions at any time, though; so, it's not too early to start sharing this information with any qualified citizen interested in working with the City in a positive way. Attached to this memorandum is the application form; and it can also be found online at

<https://www.elgintx.com/FormCenter/Boards-Committees-7/Application-for-Community-Boards-46>

Following is a list of all Boards and Commissions have been authorized and or duly recognized by the City Council; and the various appointments that are currently anticipated for each this year:

- (1) **Planning & Zoning Commission** – Seven (7) total seats; **Four (4) seats** expiring on 12/31;
All seats are currently occupied; all incumbents currently desirous of reappointment
- (2) **Board of Adjustment** – Seven (7) total seats; **Three (3) seats** expiring on 12/31;
All seats are currently occupied; all incumbents currently desirous of reappointment

- (3) **Library Advisory Board** – Seven (7) total seats; **Three (3) seats** expiring on 12/31;
All seats are currently occupied; all incumbents not seeking reappointment
- (4) **Park & Recreation Advisory Board** – Seven (7) total seats; **Four (4) seats** expiring on 12/31
Two of these seats currently vacant; the other two incumbents not seeking reappointment
- (5) **Public Safety Advisory Board** – Seven (7) total seats; Three (3) seats expiring on 12/31
*Staff is proposing a restructuring of this Board in a manner that assures equal opportunity and representation throughout the City. Moving forward, we would recommend a format whereby there are a total of **(5) seats** on this Board, with a representative of each Council Ward being appointed by mutual agreement of the applicable Councilmembers; and the Mayor appointing the fifth member
- (6) **Economic Development Corporation Board of Directors** – Seven (7) total seats (5-Community representatives and 2-City Councilmembers) **Two (2) community representative seats** and both Councilmember seats expiring on 12/31; All seats are currently occupied; potential reappointment status of incumbents currently undetermined
- (7) **Tax Increment Reinvestment Zone Board of Directors** – Three (3) total City-appointed seats plus one (1) alternate; **Three (3) seats** and one (1) alternate expiring on 12/31; All seats are currently occupied; potential reappointment status of incumbents currently undetermined
- (8) **Historic Review Board** – Nine (9) total seats; **Four (4) seats** expiring on 12/31;
All seats are currently occupied; all incumbents currently desirous of reappointment
- (9) **Main Street Board of Directors** – Nine (9) total seats; **One (1) seat** expiring on 12/31;
All seats are currently occupied; incumbent seeking reappointment
- (10) **Building Standards Commission** – Five (5) total seats; **Three (3) seats** expiring on 12/31;
Two of these seats currently vacant; the remaining incumbent is not seeking reappointment

The highlighted numbers above denote those Board & Commission seats that not only become vacant at the end of this year but are also seats where the incumbents are not interested in continuing to serve. Meaning, even if the Council were to simply re-appoint all current members who wish to continue to serve, as many as **fifteen (15) new** individuals will still have to be identified and appointed for all seats on all standing Board & Commissions to be filled.

Please let me know if you have any questions or require additional information.



Thomas L. Mattis
City Manager



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

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

BACKGROUND:

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

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Departmental Monthly Report – Period ending Oct 31, 2020

DEPARTMENT: Administration

PROPOSED ACTION: No action required on this item.

BACKGROUND: Monthly Reports by Department

Attached is the Monthly Operations Report as of October 31, 2020 representing the various changes for October 2019 and October 2020.

HR

Municipal Court

Development Services

Library

Rec Center

Public Works

Water

Wastewater.

Trash Collect

Police

BUDGET/FINANCIAL IMPACT:

None

RECOMMENDATION: These reports are informational only and no action is required.

ATTACHMENTS: Summary Report of Operations – For the month of October 2020.

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

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

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

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



Monthly Report of Operations

As of Oct 31, 2020

Administration	Oct '19	Oct '20	%	YTD 10-31-19	YTD 10-31-20	%
Human Resources						
Total FTE - Filled Positions	99	98.0	↓ -1%			
Vacancies - all funds	8	17	↑ 113%			
New Hires	1	-	↓ -100%	1	-	↓ -100%
Separations	3	5	↑ 67%	3	5	↑ 67%
Municipal Court						
Total Active Cases Pending (beg. of Month)	16,205	15,910	↓ -2%			
New Cases Filed (incl reactivation of inactive)	490	132	↓ -73%	490	132	↓ -73%
# of Magistrations	51	32	↓ -37%	51	32	↓ -37%
Total Cases Disposed of	368	79	↓ -79%	368	79	↓ -79%
Cases placed on Inactive Status	173	-	↓ -100%	173	-	↓ -100%
Total Active Cases Pending (end of Month)	16,244	15,947	↓ -2%			
Fines Collected	\$ 71,658	\$ 23,777	↓ -67%	\$ 71,658	\$ 23,777	↓ -67%
Retained by City	\$ 48,930	\$ 21,784	↓ -55%	\$ 48,930	\$ 21,784	↓ -55%
Development Services						
Construction Permits (all types)	47	128	↑ 172%	47	128	↑ 172%
Revenue from Bldg. Permits	\$ 7,664	\$ 48,831	↑ 537%	7,664	48,831	↑ 537%
Inspections (all types)	203	750	↑ 269%	203	750	↑ 269%
Revenue from Inspections	\$ 7,309	\$ 75,832	↑ 937%	\$ 7,309	\$ 75,832	↑ 937%
Housing Plats approved (number of lots)	-	48	→ 0%	-	48	→ 0%
Community Services						
Library-						
Materials circulated	7,324	4177	↓ -43%	7,324	4,177	↓ -43%
# Visitors (incl. Progs)	3,912	1753	↓ -55%	3,912	1,753	↓ -55%
Public Computer Use hrs.	430	52	↓ -88%	430	52	↓ -88%
Public Computer Use Persons	669	69	↓ -90%	669	69	↓ -90%
Civic Center - Rentals (all)	36	19	↓ -47%	36	19	↓ -47%
Recreation Program -						
Annual Memberships	15	131	↑ 773%	15	131	↑ 773%
Monthly Rec Memberships	149	134	↓ -10%	149	134	↓ -10%
Facility Rental Fleming Center	193	-	→ 0%	193	-	→ 0%
Facility Rental Recreation Center	93	-	→ 0%	93	-	→ 0%
Sponsored Events	\$ 6,007	\$ 554	↓ -91%	\$ 6,007	\$ 554	↓ -91%
Public Works						
Streets:						
Lane miles maintained	56.9	57.8	↑ 2%	57	58	↑ 2%
Pot holes patched - Square Yards	-	51	→ 0%	-	51	→ 0%
Wide Area patching/renovation - SY	-	5	→ 0%	-	5	→ 0%
Crack Seal Lbs of Sealant	-	-	→ 0%	-	-	→ 0%
Drainage:						
Linear feet of drains cleaned	840	2,438	↑ 190%	840	2,438	↑ 190%
# Culverts Cleared	4	-	→ 0%	4	-	↓ -100%
Parks:						
Acres Mowed/maintained	-	208	→ 0%	-	208	→ 0%
Reserved Park Facilities	-	44	→ 0%	-	44	→ 0%
# Organized Sports Events	-	93	→ 0%	-	93	→ 0%



Monthly Report of Operations

As of Oct 31, 2020

Utilities	Oct '19	Oct '20	%	YTD 10-31-19	YTD 10-31-20	%
Water System:						
# Customers Total/Added by month *		29	➡	3,363	3,392	
Amount Billed	\$269,623	\$253,381	↓ -6%	\$ 269,623	\$ 253,381	↓ -6%
Meters Replaced	77	108	↑ 40%	77	108	↑ 40%
# Leaks Repaired	-	-	➡ 0%	-	-	➡ 0%
Vol. water produced (x1,000 gallons)	36,031	35,033	↓ -3%	36,031	35,033	↓ -3%
Main Line Breaks	-	4	➡ 0%	-	4	➡ 0%
Service Line Breaks	-	2	➡ 0%	-	2	➡ 0%
Wastewater System:						
# Customers Total/Added by month *		21	➡	3,058	3,079	↑ 0.7%
Amount Billed	\$ 161,109	\$ 159,112	↓ -1%	\$ 161,109	\$ 159,112	↓ -1.2%
Main Lines repaired	-	1	➡ 0%	-	1	➡ 0%
Lines replaced (Linear Feet.)	-	10	➡ 0%	-	10	➡ 0%
Manholes Cleaned	-	8	➡ 0%	-	8	➡ 0%
Average Daily Flow (MGD)	0.5478	0.5373	↓ -2%	0.5478	0.5373	↓ -2%
Total Monthly Flow (MGD)	16.9815	16.6578	↓ -2%	16.9815	16.6578	↓ -2%
Trash Collection:						
# Customers Total/Added by month *		92	➡	3,161	3,253	↑ 103%
Amount Billed	\$ 101,567	\$ 103,904	↑ 2%	\$ 101,567	\$ 103,904	↑ 2%

* # Customers Total /Added by month - the purpose here is to track the increase or decrease of customers over the course of the year. **Current month** shows the number of customers added in the month. The amount in the first YTD column shows the current number of customers. The final column shows year to date additions.

Police Department	Oct '19	Oct '20	%	YTD 10-31-19	YTD 10-31-20	%
Part I Index Offenses						
Murder (# Victims)	-	-	➡ 0%	-	-	➡ 0%
Rape(# Victims)	-	1	➡ 0%	-	1	➡ 0%
Robbery (# Victims)	1	1	➡ 0%	1	1	➡ 0%
Aggravated Assault (# Victims)	-	-	➡ 0%	-	-	➡ 0%
Total Violent Index Crimes*	1	2	↑ 100%	1	2	↑ 100%
Burglary (# premises entered)	-	4	➡ 0%	-	4	➡ 0%
Theft (# offenses)	13	13	➡ 0%	13	13	➡ 0%
Auto Theft (#vehicles)	1	2	↑ 100%	1	2	↑ 100%
Arson (# premises)	-	-	➡ 0%	-	-	➡ 0%
Total Property Index Crimes*	14	19	↑ 36%	14	19	↑ 36%
Total Part I Index Crimes*	15	21	↑ 40%	15	21	↑ 40%
Part II Index Offenses						
Other Assaults	10	6	↓ -40%	10	6	↓ -40%
Weapons	-	3	➡ 0%	-	3	➡ 0%
Narcotics	5	5	➡ 0%	5	5	➡ 0%
DUI	3	8	↑ 167%	3	8	↑ 167%
All Other Part II Offenses	44	21	↓ -52%	44	21	↓ -52%
Total Part II Index Crimes*	62	43	↓ -31%	62	43	↓ -31%
Total All Index Crimes*	78	64	↓ -18%	78	64	↓ -18%

NOTE: Data recorded for the Police Dept. is based on Fiscal Year-to- Date Totals and not Calendar Year.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Meeting Minutes –September 22, 2020, October 13, 2020 and October 27, 2020.

DEPARTMENT: Administration

PROPOSED ACTION:

Review and approve the September 22, 2020, October 13, 2020 and October 27, 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 September 22, 2020, October 13, 2020 and October 27, 2020.Meeting Minutes.

ATTACHMENTS: September 22, 2020, October 13, 2020 and October 27, 2020. 2020 Meeting Minutes.

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

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

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

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

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
September 22, 2020

CALL TO ORDER

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

ROLL CALL

Present: Chris Cannon, Mayor
Jessica Bega, Mayor Pro Tem
Mary Penson, Council Member
Forrest Dennis, Council Member
Juan Gonzalez, Council Member
Susie Arreaga, Council Member (Virtual)
Brad Jones, Council Member

Mayor Canon certified there was a quorum and stated that Council Member Lopez, and Council Member Brashar had notified him that they would not be in attendance.

Council Member Penson moved to excuse Council Member Lopez and Council Member Brashar. Council Member Gonzalez seconds the motion. Motion carried 7-0.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Michael Gonzalez, Parks Director
Pam Sanders, HR Director
Amy Miller, Director Community Development

INVOCATION

Pastor Byron Greene gave the invocation.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Mayor Cannon stated that since the pandemic started the process for citizens comments had changed and allowed for citizens to email their comments to be read at the meeting. There were several emails from different individuals with the same statement and their names would be read.

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Mayor Cannon read the statement:

“I support the Concerned Citizens of Elgin and respectfully request the City Council vote yes for an external independent investigation of Chief of Police Patrick South and City Manager Thomas Mattis.”

Submitted by:

1. Tiffany Wall
2. Cyndee Graham
3. Jennifer Gerloff
4. Marilee Murphy
5. Ryan Simpson
6. Ashley Phillips
7. Cristian Bretfelean
8. Lysa Hillestad
9. Nancy Smith
10. Tommy Williams
11. George Parsons
12. Alvina Thompson
13. Ronnie Hardi
14. Vivian Lippke
15. Cynthia M Burton
16. Arletta White
17. Kurt Simmons
18. Zac Chandler
19. Brad Burchfield
20. Matthew Callahan
21. Ariel Weaver

The following are emails sent in to be read at the meeting.

Good morning Ms. Sanchez,

Below is a comment I would like to have read on my behalf for tomorrow’s council meeting.

“My name is Dee Holman, and I am a member of the Concerned Citizens of Elgin (CCOE).

I respectfully request that the City Council vote ‘Yes’ in favor of an independent, external investigation into any improper actions of Chief of Police Patrick South and any efforts to conceal these actions by City Manager Tom Mattis.

For the record, I do not know either of these men personally; therefore, this is not in the interest of a personal vendetta or witch hunt. My concerns stem solely from information gathered from PIR requests.

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This information, without any commentary, direction, or opinion from another person, has troubled me greatly. I feel that there has been more than enough evidence from these documents to support a claim of unethical behavior from the chief in our police department. It is imperative that each citizen in our city feel comfortable with those in charge of protecting and serving us. As it stands, I personally cannot say that I currently have that confidence.

Please take action to delve into and uncover any impropriety in order restore public confidence in our police department.”

Thank you,
Dee Holman

Ms. Sanchez,

I want to express my concern to the city council over the PIR requests I have received and the information contained in the audios and videos I have watched on Facebook. It is clear to me that there is something seriously amiss with the way Chief Patrick South has been running his department. The City Manager Tom Mattis is either covering for South or he is absolutely clueless to what is going on in departments under his control. Either of which are serious problems from the person in control of the city finances.

Which brings to another concern of mine after reading Linda Menchen's letter to the editor in the Elgin Courier last week. I too want to voice my concerns on who asked City Manager Tom Mattis and the City Council to grow Elgin exponentially by courting large residential developments? The City does not have the infrastructure to support this growth. Where are the businesses needed to support the number of people coming to Elgin? Where are the restaurants, big box stores, schools, recreation and parks needed to support the 1000's and 1000's of new homes you are bringing to Elgin.

The growth is clearly going to raise taxes because there isn't the business growth to help offset personal taxes. The City Council needs to answer for Tom Mattis and their support of turning our small town into a city growing out of control.

Sincerely,

Richard L. Lewis

Good afternoon Ms. Sanchez,

I would like to have this statement read at tomorrow's city Council meeting.

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My name is Lisa Fuller and I am a Concerned Citizen Of Elgin.
I believe there is more than ample evidence to justify an independent external investigation into the actions of Elgin's Chief of Police and our City Manager. I am also The President of Elgin's Police Academy Alumni Association and have been an avid supporter and advocate of Elgin Police Department along with being hands-on in many projects. In my opinion, my first hand observation of misconduct, dishonor and disrespect leads me to believe this investigation is vital to the integrity of law-enforcement and will shape the future of the City Of Elgin.
The leaders of our city should be held to the standards they hold the citizens to, the claim in their mission statement. Justice, accountability, integrity.
I implore you to do what is right, not what is easy. Please vote yes to expedite this investigation and end all speculation.
Let the evidence speak for itself.

Sincerely,
Lisa Fuller

City Council Members,

There are so many red flags that have been brought up through public information requests. You as the elected officials of the City of Elgin should be very concerned. This is not personal. Just one of these concerns is about the liability of the Chief of Police driving recklessly at extreme rates of speed which is supposed to be reserved for peace officers rushing to aid someone in grave danger. Driving at those rates of speed and recklessness on personal business in a city vehicle violates every City of Elgin Personnel Vehicle Policy.

Why is Chief South still driving a city vehicle? Did you not just ask the City Marshall to resign due to improper use of a City of Elgin Vehicle?

Why is City Manager Tom Mattis covering up this incident and the many HR complaints filed by former and current EPD officers?

Again, this isn't personal. It is the job of the City Council to listen to citizens and make informed decisions based on facts not feeling. I am respectfully asking y'all to vote yes to an independent informal investigation based on the formal complaint filed here tonight.

Sincerely,
David Lippke

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Mayor Cannon then continued with citizens comments for citizens that signed up to speak in person.

Celena Mangus spoke and stated that people are basing things as fact with no research into the Police Department and she urged people to look at the past and how things are now. She stated that the Police Department reputation had grown and there was an increase in conviction rates, and that sex, family crimes and other violent crimes are handled professionally and with respect for the victims. She urged everyone to look at all of the details and not just what is being posted on social media by former employees.

Brian McKinney spoke and stated that in June he had seen an online post inviting concerned citizens to a meeting about the Elgin Police Department. He stated that they discussed that many members of the Police Department had been fired after many years of service and other long-standing officers had filed complaints recounting a toxic work environment. He stated a red flag to him was the fact that the officer replacing A.C. Taylor had been forced to resign at another Police Department for harassment. He stated tht he learned that Chief South had fired the Canine Officer and removed her from her trainer and given her to another officer. He stated that in his opinion any investigation needed to be conducted by an unbiased third party for the morale of the Elgin Police Department and the benefit of the community.

Randy Starr spoke and stated that he got in on this group to see what was going on, and that most everyone know that he spent a lot of time at the Police Department back when Chief Bratton was here and he had seen things he did not care to repeat. He stated that in the last three years he had seen changes and that he felt it boiled down to one thing and that is that when you get a new manager, a new Chief or manager of a pest control office and want to make changes some people will agree and some will disagree. Mr. Starr stated he experienced it at his office daily and people need to decide to stay or go with the change. He stated he was for an independent investigation if wrong doing was proven but that it takes a lot of money for an investigation and he did not necessarily want his tax dollars being blown for something that is not necessary.

Chris Wall, a former Patrol Sergeant with the Elgin Police Department spoke and stated that there was a lot of speculation on what had been going on at the Police Department with lots of rumors and social media posts. He spoke about how he was physically threatened, belittled, and directed to dishonestly change an Internal Affairs Investigation report. Mr. Wall spoke about meeting with the HR Director, the City Manager and his Attorney after he submitted a formal complaint on Chief South, and that after describing what had taken place during the incident with himself and the Chief the City Manager asked him what he wanted him to do to make this right. He stated the City Manager asked if he wanted the Chief fired and he stated that he responded that he did not, but he felt the Chief needed help. He stated that in the past year he saw signs of distress in the Chief with gradual outward tantrums and displays of anger which were getting more frequent. Mr. Wall stated that he was not a disgruntled employee and only wanted the City Manager to get Chief South the help he needs.

Lysa Hillestad spoke and stated that Chief Taylor was an incredible leader within our community for 151/2 years who was focused on a proactive community-oriented approach when dealing with matters concerning everyone her in Elgin. She stated Chief Taylor was available to address concerns and would follow through with promises he made, and that she felt he was betrayed by

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this city. She stated that the current Chief does not live in Elgin but also lacks support and concern for the citizens of Elgin and had been brought to light in the alleged speeding incident reported by two counties where he reportedly was driving in excess of a hundred miles an hour in a city vehicle. She stated that a Marshall had been fired by the City Manager for driving a city vehicle on his personal time. Ms. Hillestad asked the City Council to do what is right facilitating an investigation to the ethical and professional practices of Chief South, his current administration, and the City Manager for allowing total disregard to go unnoticed.

Stephanie Lippe spoke and stated this was a formal complaint against Chief Patrick South and City Manager Thomas Mattis and that these were the Elgin Police Department regulations in the City of Elgin personnel policy updated July 1, 2020. She stated violations committed by Chief South and City Manager Thomas Mattis the documents in this complaint support non-compliance with the City of Elgin and Elgin Police Department regulations. She stated there was loss of public integrity and lack of oversight on the part of the City Manager, and that Chief South violations or the regulations exposed severe problems and stability of the Department. Ms. Lippke stated that Chief South has allegedly stolen time from the city, transferred retired Officer Siva canine in violation of Texas Government Code and Elgin citizen complaint process, allegedly forced changes of an internal affairs investigative document, complaints from two separate law enforcement agencies for his reckless driving in excess of 100 mph. Ms. Lippke stated that the Concerned Citizens of Elgin are respectfully requesting the City Council obtain an external investigation by either the Texas Ranges or an independent agency specializing in government corruption investigations.

Steven Ward spoke and stated that one of the challenges to a growing city is adjustment whether its infrastructure or whatever it may be. He stated that when he first heard of Chief South, he did some digging to find out who he is and that he had started meeting with him one on one. He stated that the challenges that he heard people have with him seem to be related to the fact of a new organization structure, how he handles policies and how he conducts the police department. He stated he had spoken to some officers and some of the complaints seemed more policy and some seemed like it was personal and more like a witch hunt. He stated he had lived here for 48 years and that Elgin was growing and it will never be like it used to be and that if we did not modernize the police department the city would be in trouble. Mr. Ward stated that we finally have a fully staffed police department, structure that is needed and the person leading that we need. He stated we should look at the work being done and judge him on that and not on mostly unfounded concerns.

Greg Long, Pastor of Cowboy Church spoke and stated he was here as a citizen and that he met Chief South just after he came to Elgin and stood with him as they celebrated the life of one of the beloved officers, Officer Silva for his funeral service in his church. He stated he had sought his counsel as Chief had sought his and that it was their desire to see Elgin as a unified community and come together to build on our rich history. He stated he found Chief South firm and fair and that the Chief has made decisions that have been unpopular he suspected he was doing his job. He asked the Council to gather the information and to set aside some funds to hire a trained personal coach to work with the leaders and department officers on the field.

CITY COUNCIL REGULAR MEETING

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Pastor Byron Green spoke and stated that he was disturbed how people can readily tear down and discredit someone who is new to the city. He stated that yes decisions had been made that were not pleasing to a whole lot of people and that he was almost 100 percent sure that ever decision that even Chief South had to think about some of them. He stated he had been dealing with the police department here in Elgin for 22 years with good moments and some bad. He stated that in those 22 years he had never had a Chief call him and ask him to sit down and look at the practices, policies, and procedures of the police department so we can make it better for all. He stated that that he read posts and saw videos one post really disturbed him because the very people trying to tear down the Chief want to bring back Phil Taylor. He stated that he did not have an issue with Phil Taylor until recently when he spewed a racist post on Facebook. He stated that if you have the wrong idea of what Black Lives Matter means you are going down a road that is totally wrong. He stated that when you have someone trying to make it right for all you will have people that will not be pleased with the efforts he has put forth. He stated he was pleased with Chief South's efforts and that it might be better to let the man complete what he has started and if it fails then Council will make a decision but if it succeeds what a great city we will have.

Ron Ramirez spoke and stated that the Council needed to take what was being said and do their due diligence and make a decision. He stated it was not fair to anyone or the Chief to just sit back and nothing. He stated that he was glad the Chief reached out to Pastor Green and again asked the Council to do their job so that the city could move on.

Lysa Hillestad returned to the podium and stated she wanted to address what she heard about racism and stated that she had grandchildren who are mixed. She stated her grandson took off running as a police officer passed by their house and he said that he was afraid because of the color of his skin and police are mean to all of us right now and that was racism.

CITY MANAGERS REPORT

1. Update on City of Elgin Coronavirus (COVID-19) Pandemic Response and/or Impacts.

City Manager Thomas stated that the city had been under a modified threat level 4 for the last few months and a decision had been made to extend the same plan for another three weeks. He stated a couple of changes the primary issues stated the same. He stated that the council meeting had been virtual and now would be on a case by case basis with a change stating meeting are in person and virtual. He stated that the library would go to a modified or limited opening beginning October 13th and starting September 21st opening on a limited basis the computer room workstations and study rooms by appointment only. He stated that the Rec Center is now open including the fitness room but only by appointment. Mr. Mattis stated that staff would begin thinking about opening fully in the next 30 days or so and would continue to rely on input from the Council or the public.

2. Review and Discussion of the Official City of Elgin Holiday Schedule for the Period of October 1, 2020 through September 30, 2021.

CITY COUNCIL REGULAR MEETING
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Elgin Public Library Annex Council Chambers

Mr. Mattis stated that last year was the first time that the process of having Council formally adopt an ordinance that details the city holiday schedule for the year. He stated this was done by calendar year last year and now staff was trying to get this as part of the routine process to be consistent with the fiscal year and because the holiday schedule has a direct impact on the budget this would be the appropriate time to set the schedule. He stated Council had received some input about potentially adding holidays and that staff was ready to with an ordinance for Council possibly at the next meeting but had added it for input from Council. Mayor Pro Tem Bega spoke and stated that Chery Reese attended and spoke at the last meeting about some holidays she wanted the city to consider and that the Council discussed coming back and discussing options for those holidays, Juneteenth in particular. She asked if staff would have an option to swap out one of their holidays for a holiday like Juneteenth. She stated she understood the limitations of assigning holidays but maybe an option could be provided to staff and Council could come back and discuss what those options might be. Mr. Mattis stated that he just wanted to make sure that Council was in agreement about having that conversation before having it with staff.

3. General Activity Report and/or Project Update.

City Manager Thomas Mattis stated that with the Covid situation there were no plans for National Night Out and that Halloween events would be modified and advising people on how to do that safely. He stated that the Halloween parade will also be cancelled, and that Amy Miller would be working with downtown businesses to come up with a modified version of that.

Mr. Mattis stated that he wanted to talk about the upcoming council meeting schedule and that the Charter compels the Council to adopt by ordinance a meeting schedule of the regular meetings and it was done this year in January. He stated officially the requirements are to have one regular meeting, so our official schedule reflects one meeting the first Tuesday of every month. He stated this was before Covid and the Council at the time made the decision to move the October 6th meeting to October 13th because we were planning to have National Night Out, and the November 3rd meeting moved to November 10th due to election day, so these meetings would probably be virtual. Mr. Mattis stated that the canvass of the election could be done on November 10th and then in December we would be back on a regular schedule.

CONSENT AGENDA

1. City Council Virtual/In Person Meeting Minutes, August 18, 2020 Meeting Minutes, September 1, 2020 Meeting Minutes, and September 8, 2020 Meeting Minutes.

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

NEW BUSINESS

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS
AWARDING BIDS TO ALPHA PAVING INDUSTRIES LLC. FOR CONSTRUCTION OF

CITY COUNCIL REGULAR MEETING
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ROAD IMPROVEMENTS AND A PARK TRAIL IN THE AMOUNT OF \$55,410.82; AND MAKING CERTAIN FINDINGS RELATED THERETO; AND MAKING CERTAIN FINDINGS RELATED THERETO.

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

2. AN ORDINANCE AMENDING CHAPTER 44, ARTICLE II CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING DIVISION ONE, RESIDENTIAL REQUIREMENTS, NON-RESIDENTIAL AND MULTIFAMILY RESIDENTIAL REQUIREMENTS, AND IRRIGATION; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Council Member Dennis moved to have Planning and Zoning Commission review this and make a recommendation. Mayor Pro Tem Bega seconds the motion. Motion carried 7-0.

3. AN ORDINANCE TO UPDATE THE COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2019-09-24-15 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH NEW CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.

No action was taken on this item.

ANNOUNCEMENTS

Mayor Pro Tem Bega mentioned that she and City Manager Thomas Mattis had toured areas of Ward 1 to look at some items that needed attention. She stated she wanted to commend staff for doing a bang-up job and last week at some of our main corridors now that school has started. She stated they did a really good job on very basic items and that the sidewalks were almost where you could not walk on them due to the grass and weeds.

Mayor Cannon recessed the regular meeting at 8:43 p.m. and stated they would take a 5-minute break before convening into Executive Session.

Mayor Cannon convened into Executive Session at 8:52 p.m.

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Elgin Public Library Annex Council Chambers

EXECUTIVE SESSION

Convene into Executive Session Pursuant to Section 551.004 Personnel Matters to deliberate the Appointment, Employment, Evaluation, Reassignment of Duties, Discipline or Dismissal of a Public Officer or Employee.

Council Member Jones left the Executive Session at 9:43 pm.

RECONVENE

Mayor Cannon reconvened into the regular meeting at 10:40 pm.

No action was taken during Executive Session.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 10:40 pm.

Ron M. Ramirez, Mayor

ATTEST:

Amelia Sanchez, City Secretary

MINUTES
ELGIN CITY COUNCIL REGULAR VIRTUAL MEETING
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS, 404 NORTH MAIN STREET
October 13, 2020

CALL TO ORDER

Mayor Cannon called the meeting to order at 6:00 p.m.

ROLL CALL

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

Mayor Canon certified there was a quorum, and that Council Member Arreaga and Council Member Gonzalez were absent.

Council Member Brashar moved to excuse Council Member Arreaga and Council Member Gonzalez. Council Member Penson seconds the motion. Motion carried 6-0.

Mayor Cannon announced that Council Member Arreaga joined the meeting at 6:02 so she was not absent.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Michael Gonzalez, Parks Director
Amy Miller, Community
Owen Rock, EDC Director
David Harrell, Planning Director
Pam Sanders, HR Director
Patrick South, Police Chief

INVOCATION

Council Member Lopez gave the invocation.

PRESENTATION

Proclamation – Central Texas Against Cancer Together (CTX-ACT).

Mayor Cannon read the proclamation stating that the group wanted all Mayors to read it and have a video of it.

City Manager Thomas announced that Council Member Gonzalez joined the meeting at 6:05

CITY MANAGERS REPORT

1. Update on City of Elgin Coronavirus (COVID-19 Pandemic Response and/or Impacts.

City Manager Thomas Mattis stated that he had asked Council for feedback relative to the city's current Covid response and operational changes. He stated that local government entities have begun to reopen their facilities and they are still requiring face coverings and social distancing protocols. He stated staff met last week to discuss what more could be done to open and staff felt like they are ready to conduct business. He stated staff thought that the library and rec center could be open more, the restrooms at memorial parks, but wait a little longer on opening to open city hall and other buildings due to not having any complaints from the public and being able to conduct all business that is normal. He asked Council for them to contact him with feedback on reopening.

2. Departmental Monthly Reports - August.

There were no questions on the Monthly Reports.

3. General Activity Report and/or Project Update.

Mr. Mattis spoke about the meeting schedule and stated that this meeting was virtual due to a conflict with the early voting but also when the schedule was set in January we thought we would be having National Night Out last week. He stated that tonight's agenda included items that are timely and needed to be addressed before November so he felt like another meeting in October would possibly not be needed. He stated the next meeting would be November 10th, which was also moved due to the elections, but by December we should be on the regular schedule. Mr. Mattis stated that some things that work continue, with some real success was an increased effort on code enforcement and a combination of city resources such as public works and the police department and working with property owners to bring properties into compliance. Mr. Mattis asked Amy Miller to provide some information on Halloween activities. She mentioned events at the library such as Halloween themed stories, Halloween themed bags that could be picked up. She mentioned several Halloween events in the downtown district. Mr. Mattis stated that the groundbreaking for the new transit center in downtown Elgin was finally going to happen on Thursday at 4:00.

CITY COUNCIL VIRTUAL/IN PERSON REGULAR MEETING

October 13, 2020 – Page 3

Elgin Public Library Annex Council Chambers

NEW BUSINESS

1. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, AMENDING THE AMOUNT OF APPROPRIATIONS THAT PROVIDE FOR THE PAYMENT OF GENERAL FUND OPERATING EXPENDITURES AND BY CHANGING THE AMOUNT APPROPRIATED FOR THE EXECUTIVE ADMINISTRATION DEPARTMENT AND THE POLICE DEPARTMENT AS ORIGINALLY ADOPTED BY ORDINANCE NO. 2020-09-08-26 ADOPTED SEPTEMBER 8, 2020; IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND AN EFFECTIVE DATE.

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

2. AN ORDINANCE TO ESTABLISH A COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2019-09-24-15 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.

Council Member Dennis moved to approve the Ordinance as presented. Council Member Lopez seconds the motion. Motion carried 7-1 with Council Member Gonzalez voting no.

3. A RESOLUTION TO RENEW THE WRITTEN INVESTMENT POLICY AND INVESTMENT STRATEGY REGARDING THE INVESTMENT OF CITY FUNDS OCTOBER 13, 2020.

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

4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS SUPPORTING THE CITY OF ELGIN'S SUBMISSION OF AN EDA- PUBLIC WORKS GRANT APPLICATION FOR ONE MILLION DOLLARS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

CITY COUNCIL VIRTUAL/IN PERSON REGULAR MEETING

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Elgin Public Library Annex Council Chambers

5. A RESOLUTION OF THE CITY COUNCIL OF ELGIN, TEXAS, AUTHORIZING SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) HARVEY STATE MID APPLICATION TO THE TEXAS GENERAL LAND OFFICE AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG-MIT PROGRAM.

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

6. A RESOLUTION OF THE CITY COUNCIL OF ELGIN, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) 2016 STATE MID APPLICATION TO THE TEXAS GENERAL LAND OFFICE AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG-MIT PROGRAM.

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

7. CONSIDER/ADOPT FEDERAL PROCUREMENT POLICY AND PROCEDURES FOR THE CITY OF ELGIN RELATING TO ALL FEDERAL GRANTS REQUIRED BY 2 CFR 200.320.

Council Member Penson moved to adopt the Federal Procurement Policy and Procedures for Federal Grants. Council Member Lopez seconds the motion. Motion carried 8-0.

Mayor Cannon recessed the regular meeting at 7:40 pm with a 5-minute break.

Mayor Cannon opened the Executive Session at 7:50

EXECUTIVE SESSION

1. Adjourn into Executive Session Pursuant to Section §551.074 Personnel Matters: To Deliberate the Appointment, Employment, Evaluation, Reassignment, or Duties of a Public Officer or Employee, To-Wit: The City Manager.

RECONVENE

Mayor Cannon reconvened into the regular meeting at 8:36 pm

1. Reconvene from Executive Session. The City Council is Authorized take Action, Including the Appointment, Employment, Evaluation, Reassignment, or Duties of the City Manager.

CITY COUNCIL VIRTUAL/IN PERSON REGULAR MEETING
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No action was taken during Executive Session.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 8:37 pm.

Ron M. Ramirez, Mayor

ATTEST:

Amelia Sanchez, City Secretary

MINUTES
ELGIN CITY COUNCIL VIRTUAL MEETING
ELGIN PUBLIC LIBRARY ANNEX, 404 NORTH MAIN STREET
October 27, 2020

CALL TO ORDER

Mayor Cannon called the meeting to order at 6:01 p.m.

ROLL CALL

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

Mayor Canon certified there was a quorum, and that Council Member Lopez had notified him that he would not be in attendance.

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

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

INVOCATION

Council Member Penson gave the invocation.

CITY MANAGERS REPORT

1. Update on current plans for Traditional City Holiday Events and Programs
City Manager Thomas Mattis stated that there had been a couple of questions regarding upcoming holiday events and as everyone knew this had been a rough year. He stated that this year some of the traditional events would not be held and that the organizers of these events had made the decision to cancel them and not the city. He stated that in every case it had been a situation where even if the city could find a way to accommodate them locally everyone struggles with finding a way to conform to the current mandates from the governor's office. He stated Amy Miller had been working with a group from the Fire Department and had gotten an email from them cancelling

CITY COUNCIL VIRTUAL REGULAR MEETING

October 27, 2020 – Page 2

Elgin Public Library Annex Council Chambers

this year's Elgin Volunteer Fire Department Lighted Christmas Parade due to the current COVID-19 issues. He stated there had been questions about the downtown nativity scene and asked Amy Miller to speak about what she had been working on but that this was mainly to make sure no one had any questions about any of this or any feedback. Amy Miller stated that the live nativity performance was held on the first Saturday which is December 5th at St. Peters and that Pastor San Brandon had been in touch with her and they were considering what some options might be but they had not made a decision on what that might be. She stated that the organizers and participants of the Halloween safe trick or treat that is traditionally held downtown, had determined that it was not feasible in the current circumstances was also being cancelled. Mrs. Miller stated that there were a whole range of activities in some of the neighborhoods

2. General Activity Report and/or Project Update

Mr. Mattis stated that the next meeting would be on November 10th and possibly on the 24th but that would be the Tuesday before Thanksgiving, but that beginning with the December 1st meeting the Council meetings should be back on schedule.

Council Member Brashar asked about the canvassing and if that would be done at one of these meetings. Mr. Mattis stated that he was anticipating doing the canvass on the November 10th meeting if we got the final results but could possibly have a special meeting to do that.

Mayor Cannon stated that they would recess and then adjourn into Executive Session but that they would need to come out and go back into regular session to act.

Mayor Cannon adjourned the regular meeting at 6:16 p.m.

Mayor Cannon convened into Executive Session at 6:17 p.m.

EXECUTIVE SESSION

1. Adjourn into Executive Session Pursuant to Section §551.074 Personnel Matters: To Deliberate the Appointment, Employment, Evaluation, Reassignment, or Duties of a Public Officer or Employee, To-Wit: The City Manager.

RECONVENE

1. Reconvene from Executive Session. The City Council is authorized take Action, Including the Appointment, Employment, Evaluation, Reassignment, or Duties of the City Manager.

Mayor Cannon reconvened the regular meeting at 7:07 p.m. and stated that he would entertain a motion based on their discussions in Executive Session to increase the position of City Manager pay to \$170,000 base pay per year all other things being constant.

CITY COUNCIL VIRTUAL REGULAR MEETING

October 27, 2020 – Page 3

Elgin Public Library Annex Council Chambers

Council Member Gonzalez moved to approve the motion. Council Member Brashar seconds the motion. Motion carried 6-1 with Council Member Penson voting no.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 7:08 pm.

Ron M. Ramirez, Mayor

ATTEST:

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: PURSUANT TO ARTICLE III, SECTION 13 OF THE ELGIN HOME RULE CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

DEPARTMENT: City Manager

PROPOSED ACTION:

Consideration and adoption of an Ordinance extending the city's requirement for individuals to wear face coverings in response to safety concerns related to the COVID-19 pandemic.

BACKGROUND:

On March 13, 2020 the Governor of Texas issued a disaster proclamation that COVID-19 coronavirus poses an imminent threat of disaster for all citizens.

The Governor also announced that according to his interpretation of his executive orders, "local governments can require stores and businesses to require masks" and that every city is authorized to impose this "requirement on business operations."

On July 1, the City Council passed Ordinance No. 2020-07-01-21 requiring all persons to wear a face covering when (a) inside a building open to the public or (b) outside with a group of people where it is difficult to keep six feet apart (standard social distancing). All commercial entities were also required to post a public notice that all employees & visitors are required to wear face coverings.

Subsequent to that action by Council, Governor Abbott issued Executive Order No. 29 making these requirements mandatory of all Texans.

In accordance with the City Charter, Ordinance No. 2020-07-01-21 recently expired and must now be extended to remain in effect. ***This action represents an affirmation/continuation of existing COVID protocols and does not include any new restrictions or requirements.***

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of an Ordinance extending the city's requirement for face coverings of Elgin residents and businesses in response to safety concerns related to the COVID-19 pandemic as described; and routine direction to staff, if any.

ATTACHMENTS: Proposed 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. _____

PURSUANT TO ARTICLE III, SECTION 13 OF THE ELGIN HOME RULE CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

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

I.

DECLARATION OF PUBLIC HEALTH EMERGENCY

Section 1.01 - Pursuant Article III, Sec. 13 of the Elgin Home Rule Charter and Section 122.006 of the Texas Local Government Code, the City Council hereby declares that a public health emergency exists in the City of Elgin because of the world-wide novel coronavirus ("COVID-19 ") pandemic.

Section 1.02 - On March 13, 2020 Greg Abbott, Governor of Texas issued a disaster proclamation that COVID-19 poses an imminent threat of disaster for all counties in Texas.

Section 1.03 - The Commissioner of the Texas Department of State Health Services has determined that COVID-19 continues to represent a public health disaster.

Section 1.04 - On June 17, 2020, Governor Abbott publicly announced that according to his interpretation of his executive orders, "local governments can require stores and businesses to require masks" and further that every city and county is authorized to impose this "requirement on business operations."

Section 1.05 - On July 1, 2020, the Elgin City Council unanimously adopted Ordinance No. 2020-07-01-21, requiring all commercial entities open to the public to post a public notice that all employees and visitors are required to wear face coverings (where 6 feet of separation is not feasible) and all persons to wear a face covering when inside a building open to the public or when outside where social distancing cannot be achieved.

Section 1.06 - On July 3, 2020, Governor Abbott issued Executive Order GA29 which states, in part, that “Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household;

II.

MANDATORY NOTICE FOR COMMERCIAL ENTITIES

Section 2.01 - Effective as of 11:59 p.m. on November 25, 2020, and continuing through 11:59p.m. on January 23, 2021, all commercial entities in the city that provide goods or services directly to the public shall post a notice to the public that all employees and visitors to the commercial entity’s business premises or other facilities, are required to wear face coverings when in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public, where six feet of separation is not feasible.

Section 2.02 - The aforesaid notice shall be posted in a conspicuous location sufficient to provide notice to employees and visitors of the health and safety requirements.

Section 2.03 - A sample Health and Safety Notice containing the minimum requirements is attached as Exhibit A and may be used by a commercial entity. A commercial entity may add its own additional requirements as determined by the entity.

III.

MANDATORY FACE COVERINGS FOR INDIVIDUALS

Section 3.01 - Except as provided below, as of 11:59 p.m. on November 25, 2020, and continuing through 11:59p.m. on January 23, 2021, all persons ten (10) years of age or older shall wear a face covering over their nose and mouth when

- a) inside a commercial entity or other building open to the public, where it is difficult to keep six feet away from other persons or where working in areas that involve close proximity with other people or co-workers; or

- b) outside with a group of people where it is difficult to keep six feet away from other persons in the group.

Section 3.02 - The requirement to wear face coverings does not apply to the following situations:

- a) When exercising or engaging in physical activity;
- b) When in a building that requires security surveillance or screening, such as banks;
- c) While consuming food or drink;
- d) When doing so poses a greater mental or physical health, safety, or security risk;
- e) When outside with a group of only members of a single household; or
- f) When other mitigation strategy, such as plexiglass provides adequate separation.

IV. PENALTIES

Section 4.01 - For the first instance that a person is determined to have violated any provision of this Ordinance, the penalty shall be a verbal or written warning.

Section 4.02 - Any person found guilty of violating this ordinance after previously receiving a warning, shall be punished by a fine not exceeding \$200.00 for each violation.

V. EXPIRATION DATE

Section 5.01 - Pursuant to Art. III, Sec. 13 of the Elgin Home Rule Charter, this Emergency Ordinance shall be automatically repealed on the sixty-first day following the day of its adoption, unless terminated sooner, or re-enacted by the Council.

VI.

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 Emergency Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Emergency Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded and passed with an affirmative vote by _____ of the Council members present, this Emergency Ordinance was

READ, PASSED, and ADOPTED on first reading this 24th day of November, 2020.

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE COUNTY LINE ROAD ROADWAY AND DRAINAGE PROJECT, PHASE 1 AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION: Approval of the Resolution authorizing an agreement with TRC Engineers Inc. for professional engineering services related to the County Line Road Roadway and Drainage Project, Phase 1.

BACKGROUND: County Line Road is a major transportation route within City that currently provides direct access to the EISD High School, Neidig Elementary, and numerous homes, but will also provide direct access in the future to many new homes currently under construction.

Anticipating the need for significant traffic and safety upgrades to support the projected growth, the Council has included a three-phase project within the City Five-Year Capital Improvement Plan to facilitate the necessary improvements to County Line Road, including expansion of the roadway to four (4) lanes; and the addition of associated pedestrian and drainage improvements.

The City has worked in partnership with the new developments to secure private funding to offset the new road construction costs. The Homestead, Harvest Ridge, and Peppergrass developments are committed to providing total combined funding in excess of \$3M in support of this project.

The City is now ready to begin the design and engineering of the first phase of this project (from FM110 to the northern city limits); and staff is recommending the engagement of TRC Engineers Inc. at the total project cost of \$691,060.00 to complete this task.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approval of the Resolution as presented authorizing the agreement with TRC Engineers Inc. for professional engineering services related to the County Line Road Roadway and Drainage Project, Phase 1; and additional direction to staff by Council, if any, regarding same.

ATTACHMENTS: Resolution and TRC proposal,

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

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

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

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE COUNTY LINE ROAD ROADWAY AND DRAINAGE PROJECT, PHASE 1 AND MAKING CERTAIN FINDINGS RELATED THERETO

WHEREAS, County Line Road is a major transportation route within City of Elgin that currently provides direct access to the Elgin ISD High School Campus and numerous homes, but will also provide direct access to many new homes and developments currently under construction, and;

WHEREAS, the City has worked in partnership with those new developments to secure private funding in excess of \$3M for necessary upgrades to County Line Road necessitated by the new homes, and;

WHEREAS, the City is now desirous within moving forward with Phase 1 of the County Line Road Roadway and Drainage Project to include the expansion and widening of County Line Road to four travel lanes with appropriate pedestrian and storm drainage improvements; and

WHEREAS, the City has vetted a proposal from TRC Engineers Inc. for professional services related to the design and engineering of the County Line Road Roadway and Drainage Project, Phase 1.

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

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

Section 2. Authorization. The City Manager is hereby authorized to execute an agreement with TRC Engineers Inc. for professional engineering services in the total amount of \$691,060.00 related to the *County Line Road Roadway and Drainage Project, Phase 1*, a copy of the proposal being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Project Change Orders. Through the approval of this Resolution, the City Manager is further authorized to approve project contract change orders in a total amount not to exceed 25% of the approved contract as stated above.

Section 4. Future Budget Amendment. The City Council does also hereby acknowledge that this item was not specifically included or approved within the *FY20-21 City of Elgin Annual Operating Budget*; and that said budget will be amended at a future date to formally appropriate funds for this item.

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

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

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



505 East Huntland Drive
Suite 250
Austin, Texas 78752

T 512.454.8716
TRCcompanies.com
T.B.P.E. #F-8632

October 2, 2020

Mr. Thomas Mattis, City Manager
City of Elgin
310 North Main Street
Elgin, Texas 78621

**RE: City of Elgin County Line Road Widening Phase I
Roadway and Drainage Project
Engineering Services Proposal**

Dear Mr. Mattis:

TRC Engineers, Inc. (TRC) has prepared this Proposed Engineering Letter of Agreement for professional engineering services for the proposed County Line Road Widening Phase I which includes roadway and drainage improvements.

Phase I of the project consists of approximately 5,000 linear feet (LF) of roadway widening: 4,300 (LF) of County Line Road between North Avenue C (FM1100) and Carlson Lane; and 700 (LF) of Raymond Johnson Road between North Avenue C (FM1100) and County Line Road. Also included in the project are improvements to the entrance of Elgin High School with 13 additional parking spaces. The work will consist of storm sewer design, street design, a drainage study, sidewalks and site design. The services provided will include an Engineering Report to confirm drainage areas, provide storm sewer sizing, and construction cost estimates. At the request of the City, TRC will provide a presentation to City Staff and City Council.

TRC will perform the following Scope of Work (SOW):

SCOPE OF WORK

A. Engineering Drainage Study

1. Review existing field data, topography, and drainage analyses to confirm drainage areas and determine runoff flows based on the planned storm events (50 and 100 year).
2. Size storm sewer mains and inlets within the limits of work to safely convey runoff flows for both planned storm events (50 and 100 year).
3. Prepare a drainage study with detailed analyses of the above hydrology, and hydraulic calculations including exhibits, maps and diagrams.
4. Provide Opinion of Probable Construction Costs (OPCC) for all proposed work.
5. Provide draft sets of the report to City Staff for review, followed by submittal of final report.
6. Present report to the Elgin City Council.

B. Survey

1. Set horizontal and vertical primary control points.
 - a. Primary control points shall be set at an approximate spacing of 500 ft. and inter-visible with each other where possible, away from possible disturbance from construction activity.
 - b. Primary control points shall be used as the primary horizontal and vertical control for the project and as benchmarks for the project.
 - c. Horizontal and vertical data for primary control shall be based on Static RTK observations using the Leica Smartnet Network.
 - d. The horizontal datum shall be based on NAD83 (2011) using the Texas Coordinate System, Central Zone (4203),
 - e. The vertical datum shall be based on NAVD88 using Geoid 12B.
 - f. Secondary control points shall be set as necessary for conventional ground surveying and terrestrial LiDAR scans
2. Perform necessary research to obtain ownership records for properties affected by the project limits.
 - a. Prepare a project ownership spreadsheet and perform right-of-entry (ROE) coordination by issuing ROE request letters for site access from property owners. to secure access for locating rear property corners, topographic design surveying within the survey limits and to set proposed right of way (ROW) corners.
3. Provide design level topographic survey data within the project survey limits.
 - a. The survey will be performed on the ground utilizing a combination of terrestrial LiDAR with traditional field observation methods to locate found visible features, both horizontally and vertically, including existing on-site structures, drainage features, adjacent and onsite sidewalks, curb lines, pavement, roadway paint striping, driveways, fences and visible above-ground utility appurtenances within the survey limits.
 - b. The survey will obtain topographic field elevations throughout the project site at 50-foot station intervals for use in developing a digital terrain model.
 - c. Markings from Subsurface Utility Engineering (S.U.E.) services, as outlined in Section D of this proposal, will be located at time of survey.
 - d. Flowline elevations of found storm water and sanitary sewer manhole inlet structures immediately adjoining the site will be identified.
 - e. The survey will field locate found protected trees 6 inches or greater in trunk diameter measured at breast height, in accordance with municipal code. Trees will be tagged in the field and shown on the survey noting trunk diameter, species and canopy size.

- f. Survey deliverable will be an AutoCAD .dwg file showing topographic points, features and 1 ft contours, accompanied by a points file in .csv format and digital terrain model in .xml format.
- 4. Surveyor will perform necessary research to acquire ROW maps and record ROW deeds, current adjoining property deeds and subdivision plats for properties affected by the project limits.
 - a. Field boundary reconnaissance will be performed to locate found subject property and adjoining property corner monumentation.
 - b. Results will be compared, and boundary resolutions determined for affected rights-of-way and properties adjoining the project limits.
 - c. Existing easements of record discovered during abstracting will be shown on the survey.
 - d. Deliverable will be PDF copies of property research and an AutoCAD .dwg file showing established ROW lines, adjoining property lines, found easements and record property ownership information.

C. Right of Way Acquisition Documents

- 1. TRC will utilize the determined ROW and property boundary surveys in conjunction with proposed ROW geometry to prepare parcel descriptions to facilitate ROW property acquisitions.
 - a. Set new ROW monuments at intersections of existing property lines with the proposed ROW line of County Line Road.
 - b. It is assumed ten (10) parcels are affected by the project.
 - c. Deliverable will be PDF copies of parcel plat exhibits with accompanying metes and bounds descriptions for 10 affected properties.

D. Subsurface Utility Engineering

- 1. Provide Quality Level D (QL-D) SUE: research and draw all known public and private utilities onto a topographical or planimetric drawing.
 - a. Research through the Texas811 System, the Railroad Commission, the City and County to identify all the utility providers.
 - b. Request records and persisting in the request until they arrive.
 - c. Review gathered information to determine proper utility location or if additional records are required.
 - d. Develop a Composite Utility Map reflecting all utilities. Draw the Record information on a separate layer on the topographical or planimetric drawing using a unique line style for each utility in the color pursuant to the utility identification color as prescribed by APWA. When possible, indicate the line size.

2. As needed, provide Quality Level C (QL-C) SUE: identify the horizontal / vertical location of visible utility surface features taken from a topographic drawing or other provided survey data of the project area. This information is put in the same utility map created as part of the QL-D work. In this process, the QL-D utility line work is adjusted to align with the surface features (connecting the dots). All data is tied to the survey project control.
3. Provide a Pole Inventory Survey to identify what utilities, their ownership and appurtenances are on each pole. Tracing of communication lines through risers and subsurface to handholds, pedestals and manholes is done using SUE designation techniques. The identification data is notated in the drawings for each pole and is for identification of who and what is on a pole.

E. Geotechnical

1. Prepare geotechnical borings, geotechnical report, and analysis, recommendations and conclusions for the entire project.
2. A total of ten (10) borings will be drilled and will extend a maximum of ten (10) feet below existing grades along the proposed alignment of the roadway extensions.
3. Coordinate with Texas811 for location and clearance of services to help resolve any potential conflicts planned boring locations may pose to existing underground utilities.
4. Mark the proposed ten (10) boring locations and complete maximum of one hundred, (100) feet of geotechnical drilling.
5. Establish a traffic control system including a "rolling lane closure" which will provide flagging personnel, appropriate signage and traffic cones and an attenuator vehicle (crash truck) with requisite flashing lights mounted on the vehicle. Traffic control measures will be installed prior to equipment and personnel accessing the roadway and will remain in place until all work has been completed and the roadway has been cleared.
6. Soils will be visually classified by the geotechnical engineer during the process of editing the boring logs and assigning the appropriate laboratory testing program.
7. Assigned laboratory testing may include ASTM D2488 (Standard Practice for Description and Identification of Soils), ASTM D2216 (Standard Test Methods for Laboratory Determination of Moisture Content of Soil and Rock by Mass), ASTM D2166 (Standard Test Method for Compressive Strength of Cohesive Soils), ASTM D7012 (Standard Test Methods for Compressive Strength and Elastic Moduli of Intact Rock Core Specimens under Varying States of Stress and Temperatures) (ASTM D422 (Standard Test Method for Particle Size Analysis), ASTM D4546 (Standard Test Methods for One-Dimensional Swell or Collapse of Soils) and ASTM D4318 (Standard Test Methods for Liquid Limit, Plastic Limit and Plasticity Index of Soils). If soil conditions require additional testing to provide the requested design recommendations, it will be discussed with the City prior to performing the testing.

8. The completed laboratory test results will be reviewed by the geotechnical engineer prior to data entry onto the geotechnical boring logs.
9. Laboratory Data will be entered onto boring logs by CAD technician and presented to the project engineer for review, final edits and approval.
10. Provide a comprehensive report summarizing the laboratory findings and providing:
 - a. Recommendations for pavement design based on Equivalent Single Axle Wheel Loads (ESALS) based on basis traffic input data including AADT, Percent Trucks, and traffic growth rates.
 - b. Allowable bearing pressure of soil.
 - c. Modulus of subgrade reactions.
 - d. Active, At-Rest, and Passive pressures, which are used for design of cantilevered retaining walls.
 - e. Excavation recommendation including the allowable excavation slope, backfill material details and general dewatering information.

F. Environmental

1. Natural Resources Services

TRC will perform a natural resources field survey to confirm ephemeral stream classification of two (2) stream crossings located within the project area.

- a. This data will be summarized in an executive level summary report
- b. Field survey to begin within seven (7) days of notice to proceed (NTP) and submit the results of the survey to CES within two (2) weeks of NTP.

2. Cultural Resource Services

TRC will perform a desktop review to identify existing conditions and identify documented cultural resources within the area of potential effects (APE) that could potentially be impacted by the proposed Project.

- a. This data will be summarized in a letter of consultation and submitted to the Texas Historical Commission (THC) for review.
- b. TRC will initiate work within seven (7) days of NTP and submit the results of the Database Review within two (2) weeks of NTP.

An archeological file search and review of sources will be performed using the THC Historic and Archeological Sites Atlas (THC Atlas) to ensure compliance under the Antiquities Code of Texas and Section 106 of the National Historic Preservation Act of 1966, as amended, if applicable.

- a. Compile current information on previously recorded cultural resources within the Area of Potential Effects (APE) and within a 1-mile radius of the APE.
 - i. TRC will review other documents including historic aerial photographs and topographic maps, Sanborn maps, and cemetery records.
 - ii. The results of the search will be compiled in a letter report for review and sent to the THC for review.

G. Electrical

1. Coordination with Oncor (electrical utility) for re-routing approximately 5,000 LF of existing overhead primary, utility poles and KVAR bank either overhead or underground along County Line Road and Raymond Johnson Road.
2. Photometrics and street-lighting fixture location, electrical service(s), and lighting power/panel(s) for approximately 5,000 LF of roadway to be widened.

H. Texas Accessibility Standards

1. Register the project with TDLR.
2. Perform plan review of the project construction documents.
3. Perform the final inspection of the project upon completion.

I. Landscape Design Services

1. Prepare a preliminary landscape plan which will provide compliant landscaping per the City of Elgin standards as well as conceptual massing for enhanced landscape.
2. Landscape Plan will be designed in substantial conformance with City of Elgin requirements to provide a compliant planting plan. Said plan to include landscaping within medians and landscape associated with open space or pedestrian circulation area. Landscape Plan to include detailed planting plan; plant list with quantity, common name, botanical name, plant specifics and landscape specifications.
3. Irrigation Plan will be prepared for the proposed landscape improvements and designed in accordance with the City of Elgin requirements. Said plan will include sprinkler heads, lateral lines, valves, main lines, controllers, point of connection, sleeving plan, details and specifications.

J. Construction Documents

1. Prepare construction plans/specifications for the proposed project, including all details, consisting of:

- a. Design of street widening for County Line Road (4,300 LF) and Raymond Johnson Road (700 LF).
 - b. Design of street cross sections to include boulevard, median, and sidewalk
 - c. Design of storm sewer system in accordance with drainage study in Section A of this proposal.
 - d. Stormwater Pollution Prevention Plan
 - e. Signage and striping plan.
 - f. Phased traffic control plan to maintain traffic during construction.
 - g. Adjustment of existing wet utilities to accommodate widening.
 - h. Relocation/adjustment of existing driveways, fences, mailboxes to accommodate widening.
 - i. General construction notes.
 - j. Redesign of Elgin ISD detention pond to perform to levels equivalent as it is today or account for in the ultimate storm sewer design capacity.
 - k. City of Elgin Standard Construction Details.
2. Coordination with franchise utilities (gas, telephone, cable, etc.).
 3. Coordinate with Aqua Water Supply Company.
 4. Coordinate with Elgin ISD for improvements within their property.
 5. Coordination and approval by TxDOT Bastrop Office in accordance with previously approved feasibility study.
 6. Attend public outreach meetings to discuss the proposed project (Maximum 2).
 7. Provide final set of construction documents for bid.
 8. Organize and participate in construction pre-bid meeting and provide visual presentation, as needed.
 9. Assist the City in bidding process including preparation of advertisement document, assist the City in the opening and tabulation of bids, prepare award recommendation letter and prepare construction contract documents.

K. Construction Support

1. TRC to lead pre-construction meeting, and provide contractor correspondence, submittal review, request for information review, pay request review, periodic site visits (monthly

meetings – 12 maximum), final inspection, preparation of contactor punch list, certificates of completion and record drawing preparation (3 sets of hard copies and one electronic copy PDF).

2. TRC to update City of Elgin GIS system with all adjustments and improvements at the completion of the project.

L. Construction Inspection.

1. TRC will provide periodic construction inspection of the project assumed at three (3) times per week for a maximum of four (4) hours per day for twelve (12) months after the start date of the project.
2. Daily, weekly, and monthly reports including photo logs will be provided to City staff for review.
3. Inspection of critical path items as part of the periodic construction inspection including but not limited to:
 - a. Rebar placement;
 - b. Density tests (subgrade, base);
 - c. Concrete pouring;
 - d. Utility coordination meetings;
 - e. Asphalt placement;

ASSUMPTIONS

As the basis for the preparation for this proposal and the associated cost of service, the following assumptions were made which, if found to be incorrect may result in additional compensation:

- The services identified in this SOW are based on the County Line Road Phase 1 Exhibit. If the proposed project is modified from that described above, then TRC will prepare a separate SOW and cost estimate for submittal to the City for approval.
- Up to ten (10) properties will be included in the ROE coordination task and platted subdivision lots will not be affected.
- Up to 50 trees are on site. If additional trees are found at time of survey, a supplemental services agreement will be required to complete the survey.
- All necessary reports, documents, maps, drawings, etc. necessary for completion of the environmental services described in this SOW will be provided by the City.
- Where necessary, the City will be responsible for arranging property access prior to commencement of the field survey for properties not located within public right-of-way.

TRC will not perform any field investigation on properties where access has not been granted.

- Subsurface Utility Engineering provided will not relieve any contractor from the duty to comply with applicable utility damage prevention laws and regulations, including, but not limited to, giving notification to utility owners or “One-Call Notification Centers” before excavation.
- TRC assumes construction of the roadway will NOT require authorization from the USACE – Fort Worth District under Section 404 of the Clean Water Act for impacts to jurisdictional waters of the U.S. If it is later determined that additional permitting or coordination is required, then TRC will prepare a separate SOW and cost estimate for submittal to the City and subsequent approval prior to completing additional services.
- This SOW does not include migratory bird nesting surveys. Should the City need to clear vegetation between March and August and require a migratory bird nesting survey, TRC will prepare a separate SOW and cost estimate for additional services and submit to the City for approval.
- This SOW covers a prescribed level of effort through the archeological site file search and THC consultation. If after consultation THC requires additional work in the form of an archeological survey, reconnaissance, and/or monitoring, then TRC will prepare a separate SOW and cost estimate for additional services and submit to the City for approval.
- This SOW assumes that no more than 10 culturally significant properties (historic sites, National Register properties, historic markers, etc.) are located within one (1) mile of the APE. If the archeological site file search reveals more than 10 properties, then TRC will prepare a separate SOW and cost estimate for additional services and submit to the City for approval.
- Should the schedule be changed or put on “hold” by the City, all costs incurred by TRC up to notification of change of schedule or “hold” status will be billed to the City. Additional fees that TRC may incur as a result of the change of schedule or “hold” status will be billed to the City once the Project has resumed in addition to the cost of services included in this SOW.
- No additional environmental services or studies (e.g., ASTM Phase I Environmental Site Assessment, T&E species-specific surveys, biological monitoring, etc.) beyond those already outlined in this SOW will be performed. Should additional environmental studies be required, TRC will prepare a separate SOW and cost estimate for additional services and submit to the City for approval.
- Based on a preliminary review of the current Project information, TRC anticipates that the proposed Project will have minimal impacts to sensitive natural resources. If it is determined after investigation that sensitive natural resources will be impacted by the proposed Project, additional environmental services and fees may be required. If additional environmental services are required, then TRC will prepare a separate SOW and cost estimate for additional services and submit to the City for approval.

- The design of modifications to the electric utility distribution system is provided by others. It is assumed that any electric utility design drawings required to be reflected on the contract drawings will be made available to TRC in AutoCAD format.
- Lighting systems will be designed in accordance with the City of Elgin Code of Ordinances, as applicable, and required illumination levels will be established in accordance with the latest edition of the Illuminating Engineering Society (IES) handbook.
- The City of Elgin will provide curb cuts or driveway locations to undeveloped properties (if applicable).
- All proposed boulevard will be curb and gutter with median and constructed in accordance with the City of Elgin Standards.
- Sidewalks will be located on both sides of the boulevard with a minimum width of five (5) feet.
- The entire project will consist of a single bid/construction project.
- TRC's effort and costs for construction services are based on a twelve (12) month construction project duration.

EXCLUSIONS

The following items are specifically excluded from the scope of work:

- Design of improvements or relocations for electrical lines, gas lines, telephone lines or other franchise utilities.
- Design of stormwater detention of any developed or undeveloped properties unless specifically stated otherwise.
- Construction staking.
- Attendance at or preparation for condemnation hearings.
- Easements (not mentioned above) or plat documents, landowner contact or easement negotiations.
- Trenching equipment needed for THC field survey (if applicable). It is assumed the City of Elgin forces will provide and operate the equipment.
- Services to determine compliance with other federal, state or local accessibility requirements outside of TAS and accessibility requirements of building and housing codes such as the International Building Code (IBC).

COMPENSATION FOR SERVICES

TRC will provide the professional engineering services as outlined herein and within the Master Services Agreement executed between the City and TRC, for a total lump sum fee as follows:

Engineering Drainage Study	\$21,040.00
Topographical Survey	\$57,200.00
Ten (10) ROW Acquisition Documents	\$27,500.00
Subsurface Utility Engineering*	\$23,400.00
Geotechnical	\$12,200.00
Environmental	\$9,700.00
Electrical	\$46,840.00
Texas Accessibility Standards	\$7,440.00
Landscape Services	\$13,300.00
Engineering Design	\$396,940.00
Construction Inspection	\$75,500.00
Total:	\$691,060.00

* This is an optional item for award.

This fee includes labor and material costs associated with the Scope of Work identified above.

TRC's fee above is based on a continuous flow of work. Any delays or restrictions, caused by customer or customer's sub consultants, which result in idle-time or inefficiencies, could be cause for additional compensation.

The payment schedule will be via monthly progress billing.

Changes in scope, including additional scenarios or modification to the scenarios identified above will be evaluated for additional services and/or materials cost through a formal change order process, which results in approval of the additional cost prior to executing the additional work.

This proposal accounts for the currently known effects of the COVID-19 pandemic, but TRC cannot predict any different effects or requirements, such as impacts due to future governmental orders, CDC guidelines, or extended duration of the COVID-19 pandemic. TRC reserves the right to obtain relief from schedule or deliverable requirements due to a force majeure event in the event of further impacts to the work due to COVID-19, and reserves the right to receive compensation for increased PPE, social distancing, or other requirements that impact TRC's costs.

Fees for services quoted in this Letter of Agreement are valid for a period of time not to exceed 60 days from the date of this letter.

Mr. Thomas Mattis, City Manager
City of Elgin
October 2, 2020
Page 12 of 12

We appreciate the opportunity to assist with this project and are available to proceed immediately with your written approval. Please review this Letter of Agreement and, upon acceptance, sign in the space provided below, returning a copy for our files.

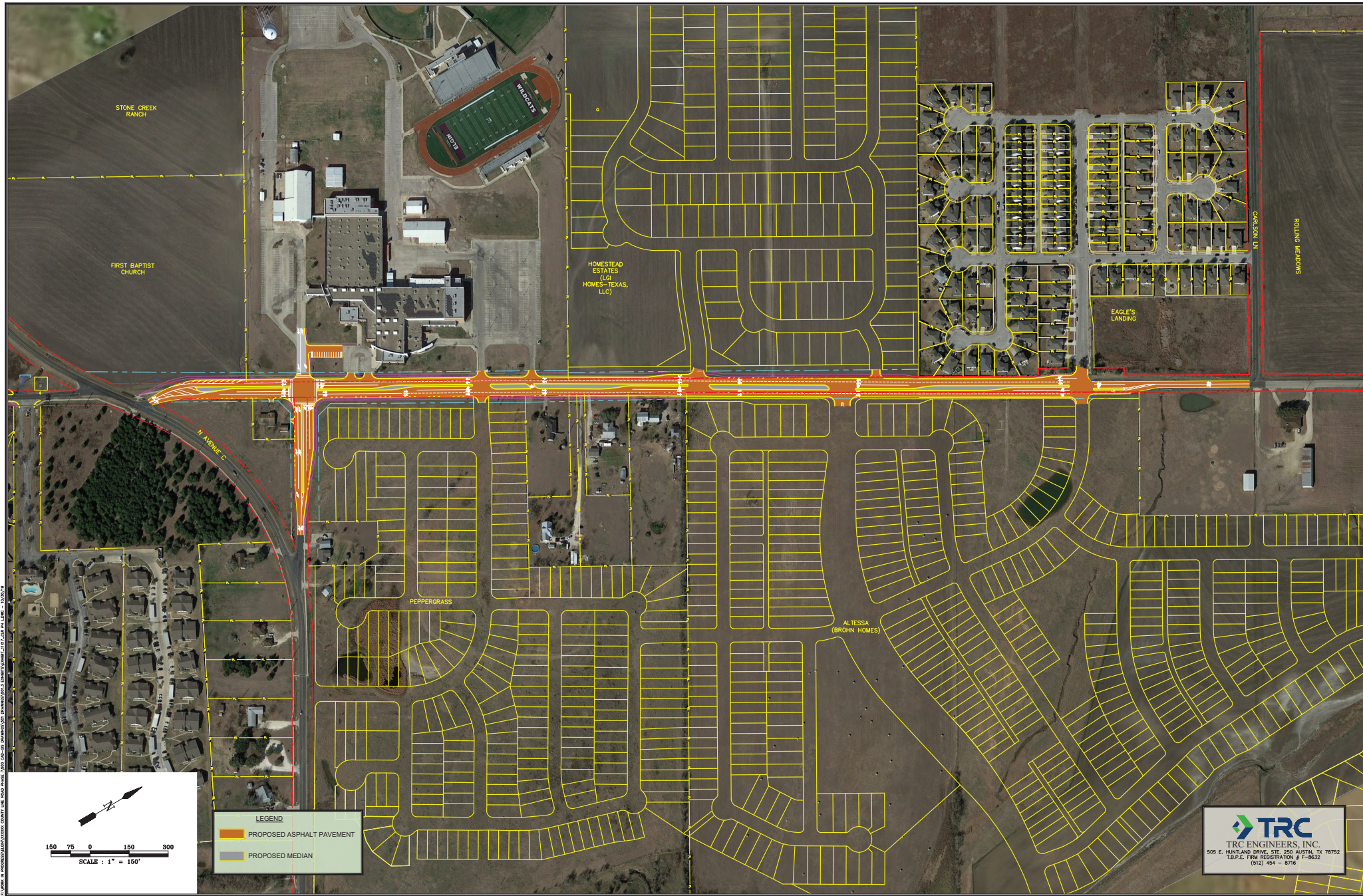
CITY OF ELGIN

TRC ENGINEERS, INC.

Mr. Thomas Mattis
City Manager



K. Beau Perry, P.E.
Vice President





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING THE AWARD OF AN ENGINEERING SERVICE PROVIDER CONTRACT FOR THE TEXAS DEPARTMENT OF AGRICULTURE 2021/2022 FY COMMUNITY DEVELOPEMNT BLOCK GRANT STATEWIDE COMPETITION.

DEPARTMENT: Finance

PROPOSED ACTION: Consider and Adopt Resolution authorizing the award of the bid for Texas Department of Agriculture 2021/2022 FY Community Development Block Grant Statewide Competition services to TRC Engineering.

BACKGROUND The City is responding to an invitation from the Texas Department of Agriculture 2021/2022 FY Community Development Block Grant Statewide Competition to propose projects that would help cities in the following categories:

- As local match to the GLO Hazard Mitigation Competition Grant if the grant is awarded
- Water/Wastewater infrastructure
- Street and drainage improvements
- Housing activities

Eligibility for applying for grants under these programs requires the engagement of an Engineering firm to help with project definition and design. Bids were sought from eligible Engineering firms and TRC Engineering was the best qualified firm for this job.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approval of the Resolution to select TRC Engineering as the firm

ATTACHMENTS: Resolution

{X} Staff will provide brief comments and answer questions on this item at the meeting.
Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING
THE AWARD OF AN ENGINEERING SERVICE PROVIDER
CONTRACT FOR THE TEXAS DEPARTMENT OF
AGRICULTURE 2021/2022 FY COMMUNITY DEVELOPEMNT
BLOCK GRANT STATEWIDE COMPETITION.**

WHEREAS, Texas Department of Agriculture 2021/2022 FY Community Development Block Grant Statewide Competition contract requires qualified Engineering/Architectural/Surveying Firm to prepare all preliminary and final design plans and specifications, and to conduct all necessary interim and final inspection for application implementation and completion of Texas Department of Agriculture 2021/2022 FY Community Development Block Grant;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with Texas Department of Agriculture 2021/2022 FY Community Development Block Grant Statewide Competition requirements;

WHEREAS, a total of 4 (four) proposals were received by the due date and each reviewed to determine the most qualified and responsive providers for engineering services;

NOW, THEREFORE, BE IT RESOLVED:

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

Section 2. Award : That TRC Engineers be awarded a contract to provide Texas Department of Agriculture 2021/2022 FY Community Development Block Grant Statewide Competition application and project-related **engineering services**.

Section 3. Contract Negotiations: That any and all contracts or commitments made with the above-named services provider is dependent upon successful negotiation of a contract with the service provider;

Section 4. Authorization: That the City Council of the City of Elgin authorizes the Mayor to execute the contract with TRC Engineers for this Project.

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

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

PASSED AND ADOPTED this 24th day of November 2020.

Ron M. Ramirez, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Resolution approving the EDC application for a \$2,087,000 loan from First National Bank and approving the EDC director to sign all documents related to the loan

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the reappointments

BACKGROUND: The City of Elgin loaned the EDC \$3 million to purchase 60 acres of property located along Roy Rivers Road. The land was used as an incentive for Seton to construct a medical clinic. It was also purchased in order to open up the 80 acres that the EDC owned but was landlocked. The EDC has paid the City \$900,000 but still owes the City \$2,087,000. In order to pay the debt the EDC is applying for a loan from First National Bank.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approve the resolution

ATTACHMENTS: Copy of EDC minutes approving the loan application.

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

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

RESOLUTION NO.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS
APPROVING THE ELGIN ECONOMIC DEVELOPMENT CORPORATION
APPLICATION FOR A LOAN OF \$2,087,000 FROM FIRST NATIONAL BANK
AND TO APPROVE THE EDC DIRECTOR TO SIGN ALL DOCUMENTS RELATED
TO THE LOAN**

WHEREAS, the City of Elgin, Texas (the “City”) has caused to be created the Elgin Economic Development Corporation (the “Corporation”) pursuant to the provisions of Chapter 505 of the Texas Local Government Code, being the (“Act”); and

WHEREAS, the Corporation desires to apply for a \$2,087,000 loan from First National Bank; and

WHEREAS, the Corporation desires that the EDC Director sign all documents related to the loan: and

WHEREAS the Corporation desires to use the loan to pay the City \$2,087,000 loaned to the Corporation by the City to purchase property;

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

1. That the above recitals are true and correct.
2. That the City hereby approves the loan application
3. That the City hereby approves the Corporation Director to sign all documents related to the loan

That it is officially found and determined that this approval is given solely to satisfy the requirements of the Act and for no other purpose whatsoever. In particular, the City shall have no liability whatsoever in regard to the expenditures, which will be solely the liability of the Corporation.

Adopted on this 24th day of November 2020.

CITY OF ELGIN, TEXAS

Ron M. Ramirez, Mayor

ATTEST:

Amelia Sanchez, City Secretary



EDC Regular Meeting Minutes

Tuesday, August 11th, 2020 at 6:30 p.m

Internet Video Conference Due to
COVID -19 Pandemic

Board Members:

Bryan Bracewell - President, Cody Mauck – Vice President, S.H. McShan - Secretary,
Molly Alexander, Jessica Bega, Vicki Dumbeck, Sue Brashar

Attending: Bryan Bracewell, Cody Mauck, Molly Alexander, Jessica Bega, Sue Brashar,
S.H. McShan, Vicki Dumbeck

Absent:

Staff: Owen Rock, Brooke Vega, Charles Cunningham

- I. **Call to Order** The Meeting was called to order at 6:31 PM by Bryan Bracewell.
- II. **Approval of Minutes from the June 14th EDC Meeting**
Brashar motioned to approve the minutes, seconded by Mauck. Motion passed unanimously.
- III. **Public Comments** - No public comments
- IV. **Financial Report – Discussion and Possible Action to approve the EDC budget for 2021 - Charles Cunningham**
Charles presented a financial report to the board. Mauck motioned to approve the EDC budget for 2021 contingent upon loan, McShan seconded. Motion passes unanimously.
- V. **Discussion and Possible Action to approve a \$2,087,000 loan from one of three local banks. Frontier Bank, Prosperity Bank, First National Bank**
Brashar motioned to approve a loan from First National Bank at a 2.29 fixed rate for one year then annually adjustable at Prime -.75% thereafter with interest only payments in year one of \$47,793. Dumbeck seconded. Mauck abstained. Motion passed 6-0
- VI. **Discussion and Possible Action to approve an Economic Development Agreement with YERICO Manufacturing INC**
Mauck motioned to approve agreement with YERICO Manufacturing INC contingent upon agreeing on plat, McShan seconded. Motion passes unanimously.
- VII. **Discussion and Possible Action to approve a mega grant extension for Jesus Turullols to December 31st 2020.**
Alexander motioned to approve a mega grant extension until December 31st, 2020 for Jesus Turullols, Brashar seconded. Motion passes unanimously.
- VIII. **Discussion and Possible Action to approve a donation to assist with completion of the data analyses and the development of, and assistance with the plan launch for the Bastrop County Broadband Committee**
Mauck motioned to approve a donation in the amount of \$2,290 to assist with the plan launch for the Bastrop County Broadband Committee, McShan seconded. Motion passed unanimously.
- IX. **Discussion and Possible Action to approve the EDC meeting schedule for the next three months.**
Bracewell stated he had a conflict for the scheduled meeting in September, he requested to change the date to Wednesday September 16th. Molly requested we move the meeting times earlier to 4:00PM for the fall.
- X. **Discussion and Possible Action to approve an Employment Contract Between the EDC and the EDC Director**
No action was taken.

- XI. Executive Session - The Elgin Economic Development Corporation Board of Directors will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, to discuss the following: Section 551.072 - Deliberation about real property and/or potential sales, acquisitions, exchanges, leases, dispositions, incentives or values of real property. Section 551.074 Personnel Matters.

The board went into Executive Session at 8:37 PM.

- XII. Reconvene - The Elgin Economic Development Corporation Board of Directors will reconvene into Open Session to discuss, consider and/or take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

The board came out of executive session at 9:25 PM. No actions to be taken.

- XIII. Announcements. – Owen announced the Circle Brew Ribbon Cutting on August 21st at 5PM.

- XIV. Adjournment – The meeting adjourned at 9:27 PM.

ATTEST:

APPROVED:

S.H. McShan, Secretary

Bryan Bracewell, President



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELGIN PARK TERMS OF USE AGREEMENT WITH THE ELGIN FARMERS' MARKET; AND PROVIDING FOR RELATED MATTERS.

DEPARTMENT: Community Services

PROPOSED ACTION: Review and consider a use agreement with the Elgin Farmers' Market.

BACKGROUND:

The Elgin Farmer's Market is a group of local farmers that has operated for the past year in the downtown area utilizing the Depot Museum parking lot and the Veterans Memorial Park on Thursdays from 5 to 8. The year-round weekly farmers market provides community access to fresh, locally grown and made items including produce, meat, eggs, jellies, pickled items, breads, salsas, soaps, flowers, and more. The proposed lease agreement provides weekly use on Thursdays from 2pm to 9pm for the Elgin Farmers Market in the Veterans Memorial Park. Lease rates reflect the non-profit organization discount and would be \$100 per week for Veterans Memorial Park. In case of inclement weather the market may be moved to the Depot Museum parking lot for \$25 weekly rental fee. The lease requires liability insurance, minimum operating standards for the market, and reporting requirements. During the past year of operations there have been no complaints from citizens about the use, neither the Parks Advisory Board nor the Main Street Board have expressed any concerns about this ongoing use. Having the Elgin Farmers Market downtown has created a resource for the community and a positive addition to the downtown business district.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: APPROVE A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELGIN PARK TERMS OF USE AGREEMENT WITH THE ELGIN FARMERS' MARKET; AND PROVIDING FOR RELATED MATTERS.

ATTACHMENTS:

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING
THE CITY MANAGER TO EXECUTE AN ELGIN PARK TERMS OF
USE AGREEMENT WITH THE ELGIN FARMERS' MARKET; AND
PROVIDING FOR RELATED MATTERS.**

WHEREAS, through its Code of Ordinances, Chapter 28, Article IV, the City of Elgin has defined a Park Special Event Policy that governs the use and availability of designated special event venues by organizations other than the city; and,

WHEREAS, the Elgin Farmers' Market has been operating successfully for the past year in Veterans Memorial park and the Depot Museum parking lot; and,

WHEREAS, the Elgin Farmers' Market has agreed to terms and conditions for the reoccurring utilization of Veterans Memorial Park and the Depot Museum parking lot for an event in compliance with city code and current organizational procedures.

**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 Mayor is hereby authorized to execute a Terms of Use Agreement with the Elgin Farmers' Market of Elgin, Texas for a reoccurring event as described therein; a copy of said agreement being attached hereto, marked Exhibit A, and made part of this Resolution as if copied verbatim herein.

Section 3. 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 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 24th day of November, 2020

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary

TERMS OF USE AGREEMENT by and between CITY OF ELGIN and THE ELGIN FARMERS' MARKET

By execution of this City of Elgin Terms of Use (the "Terms of Use") by the undersigned authorized agent of the Elgin Farmers' Market, (the "Licensee"), in consideration for Licensee being allowed to use Veterans' Memorial Park (the "Park") and the Depot Museum Parking lot owned by the City of Elgin, Texas (the "City"), Licensee agrees that the following terms, conditions and obligations apply to such use:

A. EVENT

The proposed event is a Farmers' Market (the "Event").

B. CITY'S PARTICIPATION

The City and Licensee agree to participate in the Event, as follows:

1. The City will permit Licensee to use and occupy Veterans' Memorial Park and gazebo on Thursdays from 2pm to 9pm such times to include market set up break down and operation. Holidays – the Elgin Farmers Market may request an alternate date if a Holiday falls on Thursday.
2. The City will allow usage and access to the portable toilets on Depot Street and water faucets located in Veterans Memorial Park during the regular hours of the Event.
3. Parking for the Event will be the currently available public parking at the Chamber of Commerce and Depot Museum parking lots.
4. The City of Elgin may close streets for events or emergencies, or city business regardless of this agreement and will whenever possible provide three days notice to the Elgin Farmers' Market and waive the lease fee for that event.
5. The City of Elgin at its discretion may use the sites for city sponsored events or private rentals and will notify the Elgin Farmers' Market seven days in advance and waive the lease fee for that event.
6. In case of inclement weather the market may be moved to the museum parking lot at the City's Discretion.
7. The City may modify, maintain or improve the park including temporary holiday displays at its discretion.
8. The City will provide barricades for the Elgin Farmers Market to use to

secure the museum lot parking spaces. Elgin Farmers Market may place barricades after 9pm the day before the market and remove them after market operations. Barricades will be stored at the Depot Museum.

C. LICENSEE'S OBLIGATIONS AND CONDITIONS PRECEDENT TO CITY'S PARTICIPATION

:

In consideration of the City's participation in the Event, the city requires the following assurances that the Site will be properly utilized by the Licensee for the benefit of the citizens of the Elgin community and surrounding area:

1. Licensee shall be responsible for maintaining the Site and facilities in a manner that is clean, neat and orderly.
2. Licensee shall limit participation at the Site to vendors that meet all state and local laws, regulations, and ordinances, and shall be responsible for removing any vendors from the area that fail to comply with the requirements noted herein for maintenance and upkeep of the facility. All food vendors cooking on site will be required to visibly post a Bastrop County Food Permit or Bastrop County Temporary Food Permit. No manufactured merchandise, resale or flea market vendors.
3. Licensee shall provide the City a copy of Premises Liability Insurance Policy naming the City as an additional insured and indemnifying the City of any liability with regard to the events and its vendors at the Site.
4. Licensee shall defend (at the option of City), indemnify, and hold City, its successors, assigns, officers, employees and elected officials harmless from and against all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorney's fees, and any and all other costs or fees arising out of, or incident to, concerning or resulting from the fault of Licensee, or Licensee's agents, employees or subcontractors, Vendors or any participant or attendee of the Event arising from, associated with, or otherwise relating to the Event, no matter how, or to whom, such loss may occur. Nothing herein shall be deemed to limit the rights of City or Licensee (including, but not limited to the right to seek contribution) against any third party who may be liable for an indemnified claim. Maintenance of the insurance required under these Terms of Use shall not limit Licensee's obligations under this paragraph.

5. Licensee shall be responsible for all management of the activities at the project site and coordination with the City of Elgin. Organizer shall have a staff member present at the market during all hours of operation. Contact information for this individual will be provided to City staff.

6. Licensee shall provide the City a quarterly report of the activities of the Event, including particularly a report . That includes the following: weekly number of vendors, weekly number of customers (estimated), entertainment or programming provided at the market, and marketing efforts.

7. Licensee shall have an average of seven (7) vendors operating in individual booth spaces weekly. Licensee shall ensure that no stakes are driven into the turf or pavement areas at either location.

8. Licensee shall pay \$75 weekly for Veterans Memorial Park rental, and \$25 weekly for Depot Museum parking lot rental (reflects the nonprofit rate, Veterans Memorial Park rental fee with gazebo is \$300 daily, Public parking lot rental fee is \$100 daily). Fees to be paid Monthly, by 25th of month for the following month. Late fee of \$25 if rental fees are not paid by the 30th.

9. Licensee shall ensure that food vendors do not dispose of coals or oil on Park property or in park trash cans.

10. Licensee may display banners or signs for the Event three hours before each Event. Signage may be placed on the gazebo – no staples or nails may be used to secure signage. Banners or signs shall be removed at the end of each Event. Two a-frame signs may be placed at the street corners throughout the year, must be kept secure and in good condition.

11. Licensee will provide First Aid resources on site with a minimum of a first aid kit and communication equipment.

12. Licensee shall ensure that vendors follow safe operating guidance and procedures related to COVID19 as issued by The Center for Disease Control, Governor Greg Abbott and the city of Elgin, including but not limited to wearing face coverings, practicing social distancing, and good hand hygiene.

D. FEES

1. Licensee shall pay fees monthly as set in Section C.8 to the City for Site Access. Licensee shall remove all Event waste at the end of each event. City may determine if staff support is required for the event and pass on the associated fees to the Licensee. City will provide five days notice to the Elgin Farmers' Market about these associated fees.
2. The City may request that the Event organizer provide portable toilets for the market, if the City determines that the existing public facilities are inadequate for the event. Associated costs will be passed on to the Licensee. This determination will be based on use and City will provide ten days notice to the Elgin Farmers' Market about these associated costs.
3. If City of Elgin determines that a police officer is needed to ensure pedestrian safety and or traffic control related to the Event, an officer based on availability may be obtained through Elgin Police Department for \$65 Dollars per hour, (or the fee stated in the annual fee schedule whichever is higher) or through another law enforcement agency if City of Elgin officers are not available. Licensee is responsible for such fees related to service.

E. OTHER

1. All parties agree that no verbal modification or amendment of this Letter of Agreement shall be allowed and, if made, shall not be binding on any of the parties. The parties agree and acknowledge that circumstances may arise that require further discussion and possible modification to this preliminary agreement.

2. The City of Elgin reserves the right to permit other uses of the facility and grounds and will provide seven days advance notice to the Elgin Farmers' Market .

Licensee shall comply with all city ordinances, regulations and state laws including the noise ordinance.

3. In the case of any breach to this agreement by Licensee, all property, the facility and all facility rights revert immediately back to the City and Licensee shall have no further rights to enter onto or use the Site regarding

this event. In that event, Licensee shall have no claim for damages or any causes of action against the City related to this Agreement.

F. TERM/TERMINATION

1. The term of this Agreement shall be for one year beginning on the date this Agreement is signed, unless otherwise terminated by either Party in writing.
2. Upon sixty (60) days written notice, the City may terminate this Agreement, with or without cause, and without the consent of the Licensee. Likewise, upon sixty (60) days written notice, the Licensee may terminate this Agreement, with or without cause, and without the consent of the City.

G. CONTACT

The contact for the Licensee shall be:

Name: Austin Moline
Cell: 512-281-6093
Email: austinmoline0@gmail.com
Mailing Address: 4451 County Road 467
Elgin, TX 7621

The contact for the City shall be:

Name: Amy Miller, Director Community Services
Office: 512-229-3213 or 512-801-5748
Email: amiller@ci.elgin.tx.us
Mailing Address: __
City of Elgin
Attn: Director Community Services
PO Box 591
Elgin Texas 78621 __

IN WITNESS WHEREOF, City and Licensee execute these Terms of Use and agree to be bound by them regarding Licensee's use of the Premises.

CITY OF ELGIN

Date: _____

Mayor

ATTEST:

Date: _____

City Secretary

AGREED:

ELGIN FARMERS' MARKET

By: Austin Moline
President, Elgin Farmers' Market

Date: _____



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS ESTABLISHING OFFICIAL CITY OF ELGIN HOLIDAYS FOR THE PERIOD OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; AND PROVIDING FOR RELATED MATTERS.

DEPARTMENT: Human Resources

PROPOSED ACTION:

Consideration and approval of a Resolution formally authorizing and establishing the Official City of Elgin Holiday Schedule for FY2020-21.

BACKGROUND:

The City of Elgin has for many years recognized traditional annual holidays for all city operations and employees, as part of the City's compensation plan and to provide opportunities for employees to share such holidays with their family and friends.

The City provides fifteen (15) paid holidays per year for all regular, full time employees. All such employees are paid for designated holidays at their regular rate of pay, regardless of the number of hours in an employee's workday. The Holiday Schedule is also consistent with those holidays typically observed by other area local governments.

Earlier this year, the City Council endorsed a recommendation to include Juneteenth as an additional Official City of Elgin Holiday; and the proposed schedule has been adjusted accordingly.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Resolution authorizing and establishing the Official City of Elgin Holiday Schedule for FY2020-21 as described; and routine direction to staff, if any.

ATTACHMENTS: Resolution

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

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

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

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

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
ESTABLISHING OFFICIAL CITY OF ELGIN HOLIDAYS FOR
THE PERIOD OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30,
2021; AND PROVIDING FOR RELATED MATTERS.**

WHEREAS, the City of Elgin recognizes traditional annual holidays for all city operations as part of the City's compensation plan and to provide opportunities for employees to share such holidays with their family and friends; and,

WHEREAS, the City of Elgin provides fifteen (15) paid holidays per year for all regular, full time employees; and

WHEREAS, all City of Elgin employees are paid for designated holidays at their regular rate of pay, regardless of the number of hours in an employee's workday.

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 of Elgin Official Holidays for FY2020-21 shall be as follows:

Columbus Day, Monday, October 12

Thanksgiving

Wednesday, November 25 (1/2 day)

Thursday, November 26

Friday, November 27

Christmas

Wednesday, December 23 (1/2 day)

Thursday, December 24

Friday, December 25

New Year's Day, Friday, January 1

Martin Luther King Jr. Day, Monday
January 18

President's Day, Monday, February 15

Texas Independence Day, Tuesday, March 2

Good Friday, Friday, April 2

Memorial Day, Monday, May 31

Juneteenth, Friday, June 18

Independence Day, Monday, July 5

Labor Day, Monday, September 7

Section 3. The City Council hereby finds and declares 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 Gov't Code.

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 10th day of November 2021

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: An ordinance amending Chapter 44, Article II Code of Ordinances, City of Elgin, Texas, by amending Division One, Residential Requirements, Non-Residential and Multifamily Residential Requirements, and Irrigation; 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 44, Article II Code of Ordinances, City of Elgin, Texas, by amending Division One, Residential Requirements, Non-Residential and Multifamily Residential Requirements, and Irrigation; providing for a savings clause and repealing conflicting ordinances or resolutions.

BACKGROUND: Initially this item was before Council on Sept. 22. The Council decided these changes should go to the Planning & Zoning Commission for a recommendation. The attached modified staff report covers the proposed changes.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: The Planning & Zoning Commission recommended approval at their October 26, 2020 regular meeting with the condition the irrigation modifications be removed from the ordinance change. The attached ordinance has removed the irrigation change.

ATTACHMENTS: Proposed 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.



Development Services Department

STAFF REPORT

An Ordinance amending Chapter 44, Article II, Code of Ordinances, City of Elgin, TX, by amending Division 1, Residential Requirements, Non-residential and multifamily requirements, and irrigation; providing for a savings clause and repealing conflicting ordinances and resolutions.

Date: October 28, 2020

Hearing Dates: Planning & Zoning Commission – October 26, 2020
City Council – November 10, 2020

REQUEST SUMMARY

City staff is requesting modifications to the Landscaping Code to allow for the following:

1. Reduce shrubs from five (5) gallon minimum to three (3) gallon minimum.
2. Make all trees a minimum two (2) inch caliper instead of one (1) inch for small trees and three (3) inches for large trees. Medium trees are already at two (2) inch caliper.
3. Specifies that drought tolerant grasses are to be planted in street yard. Street yards are areas between the building and right-of-way bounded by the side property lines.
4. Allow areas outside street yards to be planted with drought tolerant grass, live plant material ground cover, or pervious decorative ground cover.

STAFF ANALYSIS

The modification to the landscape code will allow for standardized and reduced planting sizes. Smaller plants typically have a better survivability rate than larger plants and are easier to transport and plant. In the situation where the tree planting caliper will go from one (1) inch to two (2) inches, this change allows for standardization. The requirement for drought tolerant grass and non-vegetation will help reduce water usage since most irrigation systems in this area use potable water for plants.

ATTACHMENT

Additional information is provided through attached exhibit.

1. Proposed Ordinance.

ORDINANCE NO. 2020-11-24-??

AN ORDINANCE AMENDING CHAPTER 44, ARTICLE II CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING DIVISION ONE, RESIDENTIAL REQUIREMENTS, NON-RESIDENTIAL AND MULTIFAMILY RESIDENTIAL REQUIREMENTS, AND IRRIGATION; 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 44, Article II, Division 1, Code of Ordinances, City of Elgin, Texas, is hereby amended, which shall read as follows:

Sec. 44-80. - Residential requirements.

- (a) A minimum of 20 percent of the street yard shall be landscaped on all residential property to which this article applies. (See section 44-23, definition of landscape area.)
- (b) All newly planted trees shall be planted in a pervious area no less than three feet wide in any direction. In the street yard, a minimum of one large tree or two medium trees (either existing or planted) and a minimum of ten ~~five~~three-gallon container size shrubs per 50 linear feet of frontage shall be included and replaced as necessary. The number of trees required under this provision may be prorated with the approval of the director of planning based on the actual length of the frontage. Approved species of trees and shrubs can be found in appendix A of Native and Adapted Landscape Plants, An Earthwise Guide for Central Texas, Texas AgriLife Extension, latest edition. Alternate species and landscape methods may be submitted and approved at the discretion of the director of planning. All new trees shall have ~~the following a~~ minimum two (2) inch caliper size at the time of installation:
 - ~~(1) Large tree species: three-inch caliper.~~
 - ~~(2) Medium tree species: two-inch caliper.~~
 - ~~(3) Small tree species: one-inch caliper.~~
- ~~(c) If grass is disturbed or removed in the landscape area within the street yard, newly planted drought tolerant grass is required.~~
- ~~(d) If grass is disturbed or removed in the landscape area outside the street yard it must be planted with drought tolerant grass, ground cover consisting of live plant materials, or pervious decorative ground cover.~~
- ~~(e) If planting with drought tolerant grass then solid sod or approved equivalent is required in these areas and shall be of the same type and quality as specified for the rest of the site.~~

(Ord. No. 2013-01-08-01, § I(8-15(6)(A)), 1-8-2013)

Sec. 44-81. - Nonresidential and multifamily residential requirements.

- (a) A minimum of 20 percent of the street yard shall be landscaped on all non-residential and multifamily residential property to which this article applies. (See section 44-23, definition of landscape area.)
- (b) Approved species of trees and shrubs can be found in appendix A of Native and Adapted Landscape Plants, An Earthwise Guide for Central Texas, Texas AgriLife Extension, latest edition. Alternate

species may be submitted and approved at the discretion of the director of planning. All new trees shall have ~~the following a~~ minimum caliper size ~~at the of two (2) inches at the~~ time of installation.

~~(1) Large tree species: three-inch caliper.~~

~~(2) Medium tree species: two-inch caliper.~~

~~(3) Small tree species: one-inch caliper.~~

- (c) Vehicular use areas, parking areas, parking lots, and their parked vehicles shall have effective buffering from the street view. If these areas are buffered by plant material in lieu of a berm or wall, the plant material shall be as described as follows:

- (1) Perimeter parking lot landscaping. The minimum landscaping required for this purpose shall be based on the measured linear footage of parking, including vehicular circulation routes, that extends along the length of the property line (excluding driveways) adjacent to the public or private right-of-way. To determine the minimum quantity of landscaping, the following guidelines apply:

- a. One large or medium tree per 50 linear feet, with at least 75 percent of these trees consisting of large tree species,
- b. One small tree per 20 linear feet.
- c. One ~~five-three~~-gallon container size large shrub per four linear feet.
- d. Trees required under this subsection may be credited toward the street yard tree requirement
- e. To promote biodiversity, mitigate the effects of drought and disease, and foster a more varied appearance, for projects requiring ten or more trees of any size, not more than 50 percent of the new large trees and new medium trees may be of the same genus.
- f. The specific location where trees and shrubs are planted along the perimeter shall be determined by the landscape architect preparing the site plan. The spacing requirements between trees in the street yard shall not prohibit the grouping of small tree species 12 feet apart, medium tree species 20 feet apart, and large tree species 30 feet apart for the purpose of meeting the requirements of this subsection.
- g. An eight-foot-wide linear landscaped area unencumbered by easements shall be provided between all parking areas and public streets to meet the requirements of this subsection. However, this area may be reduced if the site is determined to be entitled to the alternative compliance provisions of subsection (c)(1)(f) of this section.
- h. If the planting of large or medium trees cannot be achieved due to the presence of an overhead electric line, then such trees may be placed in landscaped islands within the first row of parking adjacent to the public street. Such islands shall have a minimum width of ten feet from back of curb to back of curb.

- (2) Interior parking lot landscaping.

- a. A landscaped end island with a minimum width of ten feet from back of curb to back of curb shall be provided at the terminus of each parking bay. All end islands shall be landscaped with a minimum of one large tree.
- b. A median island, peninsula or landscaped island with a minimum width of ten feet from back of curb to back of curb shall be sited between every 12 single parking bays and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees, provided an alternative median location has been approved by the director of planning.

- c. Landscaping within a median shall consist of medium trees. Spacing between trees shall not exceed 40 feet on-center.
- (3) Only landscaped islands, peninsulas, and medians in the street yard shall count toward fulfilling the requirements of this subsection.
- (4) Except for landscaping in rights-of-way, all landscaping which is in required landscaped areas and which is adjacent to pavement shall be protected with concrete curbs or as otherwise approved by the director of planning.
- (d) The existing natural landscape character (especially native oak, elm, and pecan trees) shall be preserved to the extent reasonable and feasible. For areas within the street yard, the landowner or developer shall use best good-faith efforts to preserve existing trees (other than *Celtis occidentalis* (hackberry) and *Juniperus ashei* (common cedar)) with a caliper of 18 inches DBH or a stand of trees. These trees may be counted as existing and be applied as credit toward the total tree requirement, based on the discretion of the director of planning. To encourage the preservation of existing trees, an existing tree with a caliper of more than 18 inches DBH shall count as two trees of the same size category (large, medium or small) toward the total tree requirement, and existing trees with a caliper of between eight inches and 18 inches DBH shall count as 1½ trees of the same size category.
- (e) Indiscriminate clearing or stripping of the natural vegetation on a lot is prohibited. All clearing or stripping of the natural vegetation shall be approved by the director of planning.
- (f) Cut and fill activities shall not occur within 12 inches of the critical root zone of existing trees without prior approval of the director of planning. Fencing and other appropriate measures shall be used to protect existing trees during construction. (See illustration 6, tree protection detail, in section 44-24.)
- (g) Landscaping shall not obstruct the view between the street and access drives and parking aisles near the street yard entries and exits, nor shall any landscaping which creates an obstruction of view be located in the radius of any curb return. (See illustration 4, prohibited landscaping area, in section 44-24.)
- (h) When grass is used as part of the required landscape area ~~within the street yard~~, it shall be drought tolerant and properly maintained. Solid sod or approved equivalent shall be used where the slope is 10:1 or greater, as well as at the backs of landscaped walls, curbs, and sidewalks in a continuous strip. Solid sod shall be of the same type and quality as specified for the rest of the site.
- (i) Erosion control best management practices (BMP) shall be installed prior to construction and maintained throughout construction. The project shall not be considered stabilized until all disturbed areas have a uniform perennial vegetative cover of at least 70 percent.
- (j) If vegetation in an area has been substantially disturbed, it must be re-vegetated with native trees, shrubs, ~~wildflowers~~ and/or drought tolerant grasses. Barren earth must be vegetated with drought tolerant grass ~~or other previous cover~~ to reduce soil erosion. All landscaped and re-vegetated areas shall be provided with irrigation. Temporary irrigation may be installed for all native landscaped areas. See appendix A of Native and Adapted Landscape Plants, An Earthwise Guide for Central Texas, Texas AgriLife Extension, latest edition, for approved vegetation species. Additional species may be used subject to the approval of the director of planning.
- (k) A revised landscaping plan shall be submitted to the director of planning for review and approval if re-landscaping of a lot with a previously-approved landscaping plan is to occur which substantially alters the lot's existing appearance, type of landscaping, or irrigation system.

(Ord. No. 2013-01-08-01, § I(8-15(6)(B)), 1-8-2013)

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 this 24th day of November, 2020.

ATTEST:

Ron M Ramirez, Mayor
City of Elgin, Texas

Amelia Sanchez, City Secretary