



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, DECEMBER 7, 2021
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
6:30 PM

Members of the public may watch the meeting at:

https://www.youtube.com/channel/UC3OGBV_loV0Nr3AqM1jTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING

1. **Public Hearing On An Ordinance Amending Chapter 44, Vegetation, Article II Landscaping, Division 3 General Requirements And Standards; And Providing For A Savings Clause And Repealing Conflicting Ordinances Or Resolutions.**

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

2. **Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone As "A" Multiple Family Residential District, The Property Being Approximately 5.03 Acres Of Land And Being Described In Exhibit "A", Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

3. **Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone As Planned Development District (PDD), The Property Being Approximately 1.238 Acres Of Land And Being Described In Exhibit "A", Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

VI. PUBLIC COMMENT

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

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

VII. CITY MANAGERS REPORT

1. Review And Presentation Of The Traffic Impact Analysis (TIA) Report For The Trinity Ranch Municipal Utility District (MUD)

Documents:

[EX SUMMARY - TRINTY RANCH TIA.PDF](#)
[TECH MEMO_MITIGATION REQUIREMENTS \(TRINITY RANCH\).PDF](#)
[TRINITY RANCH CONCEPT PLAN12419.PDF](#)

2. Monthly Reports By Department

Documents:

[EX SUMMARY MONTHLY DEPT REPORT.PDF](#)
[02 MONTHLY REPORTS SEPT DATA FY2020-21.PDF](#)

3. General Activity Report And/Or Project Update

Documents:

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

VIII. CONSENT AGENDA

The Consent Agenda includes non-controversial and routine items that are considered to be self-explanatory by the City Council and will be enacted with one motion, one second, and one vote. Any member of the City Council may pull any item from the Consent Agenda in order that the City Council discuss and act upon it individually as a part of the Regular Agenda.

1. City Council Regular Meeting Minutes - November 16, 2021

Documents:

[EX SUMMARY- NOVEMBER 16, 2021 REGULAR MEETING MINUTES.PDF](#)
[11-16-21 CITY COUNCIL REGULAR MEETING MINUTES.PDF](#)

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD CHANGE ORDER NUMBER 1 TO TxCDBG CONTRACT NO. 7220042, FOR TRC COMPANIES OF AUSTIN, TEXAS; AND MAKING CERTAIN FINDINGS RELATED THERETO

Documents:

[EXSUMMARYCHANGEORDER1CDBG.PDF](#)
[RESOLUTIONAUTHCDBG7220042.PDF](#)
[CO1CDBG7220042.PDF](#)

3. **CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE ON MAIN STREET FROM LEXINGTON ROAD TO BRENHAM STREET; AND ON 2ND STREET, FIRST STREET, DEPOT STREET, CENTRAL AVENUE, AUSTIN STREET, BRENHAM STREET FROM MAIN STREET TO AVENUE B; AND ON AVENUE C FROM BRENHAM STREET TO 2ND STREET ON 2ND THURSDAYS, JANUARY 13, FEBRUARY 10, MARCH 10, APRIL 14, MAY 12, JUNE 9, JULY 14, AUGUST 11, SEPTEMBER 8, OCTOBER 13, NOVEMBER 10, DECEMBER 8, 2022**

Documents:

[EXSUMMARYSIPSHOPSTROLL.PDF](#)

IX. NEW BUSINESS

1. **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY BEING 1.238 ACRES OF LAND OUT OF A18 BURLESON, JONATHAN, ACRES 0.179; ELGIN CITY, BLOCK 10, LOTS 1, 2, 3, 4 & 5; AND 0.199 ACRES OF ADJACENT RIGHT-OF-WAY TO BE ACQUIRED BY THE APPLICANT FROM THE CITY, AS SHOWN IN THE ORDINANCE, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "D"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[PDD REZONING ORDINANCE.PDF](#)
[COMBINED PACKET.PDF](#)

2. **AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VI, DIVISION 3 PANHANDLING IN A PUBLIC PLACE AND CREATING A NEW CHAPTER 34, ARTICLE IV, DIVISION 4 LOITERING, CAMPING IN A PUBLIC PLACE, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING CHAPTER 34 ARTICLE VI, DIVISION 3 AND BY ADDING NEW SECTIONS 34-258, 34-259, 34-260, 34-261, AND 34-262 REGARDING PANHANDLING, LOITERING, AND CAMPING IN A PUBLIC PLACE; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE**

Documents:

[EX SUMMARY - CAMPING BAN.PDF](#)
[ORDCAMPINGLOITERING1221.PDF](#)

3. **AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, AMENDING ORDINANCE NUMBER 2021-09-21-27 THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING BUDGETARY APPROPRIATIONS IN SUPPORT OF THE ELGIN SESQUICENTENNIAL COMMITTEE; AND PROVIDING FOR A SAVINGS CLAUSE**

Documents:

[EX SUMMARY - BUDGET AMEND-SEQUICENN.PDF](#)
[ORDBUDGETAMNDSESQU1221.PDF](#)
[ELGIN 150 BUDGET 12-2-2021.PDF](#)

4. Consideration Of A Request For Financial Support To Conduct A Land Survey To Determine The Location Of The Old Latin Cemetery In Relation To Elgin Cemetery On West 2nd Street

Documents:

[EX SUMMARY - LATIN CEM SURVEY.PDF](#)
[ELGIN CEMETERY.PDF](#)

5. AN ORDINANCE AMENDING CHAPTER 44, VEGETATION, ARTICLE I IN GENERAL, DIVISION 3 GENERAL REQUIREMENTS AND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[COMBINED PACKET.PDF](#)

6. AN ORDINANCE AMENDING CHAPTER 8 BUSINESS, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, DELETING IN THEIR ENTIRETY SECTION 8.156, AND ADDING SECTIONS 8-157.107 THROUGH 8-157.110, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[STAFF REPORT.PDF](#)
[ORDINANCE WITH EXHIBIT A.PDF](#)

7. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS "A" MULTIPLE FAMILY RESIDENTIAL DISTRICT, THE PROPERTY BEING APPROXIMATELY 5.03 ACRES OF LAND AND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[COMBINED PACKET.PDF](#)

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

Documents:

X. EXECUTIVE SESSION

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

XI. RECONVENE

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

XII. ANNOUNCEMENTS

XIII. ADJOURNMENT

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

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, Jennifer Stubbs, 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, December 3, 2021, in accordance with Chapter 551 of the Texas Government Code.

 signature 2



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public Hearing on an Ordinance amending Chapter 44, Vegetation, Article II Landscaping, Division 3 General Requirements and Standards; and providing for a savings clause and repealing conflicting ordinances or resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed Ordinance in accordance with State law.

BACKGROUND: The Planning & Zoning Commission held the first of two public hearings on the requested rezoning on October 25, 2021.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone as “A” Multiple Family Residential District, the property being approximately 5.03 acres of land and being described in Exhibit “A”, attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed ordinance in accordance with State law (BCAD Parcel 11943 Rezoning from C-3 to A).

BACKGROUND: The Planning & Zoning Commission held the first of two public hearings on the requested rezoning on November 22, 2021.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending the Official Zoning Map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone as Planned Development District (PDD), the property being approximately 1.238 acres of land and being described in Exhibit “A”, attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed ordinance in accordance with State law (Creeks Crossing Rezoning from R-1 to PDD).

BACKGROUND: The Planning & Zoning Commission held a workshop on July 26, 2021. At that meeting the Commission provided input on the request.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and presentation of the Traffic Impact Analysis (TIA) Report for the Trinity Ranch Municipal Utility District (MUD)

DEPARTMENT: City Manager/City Engineer

PROPOSED ACTION:

No Council action is requested or anticipated at this time. This item is to allow for detailed presentation on the results of the Trinity Ranch Municipal Utility District (MUD) Traffic Impact Analysis (TIA) and plans for future traffic & safety improvements in support of same.

BACKGROUND:

The City and the developers executed a Development Agreement in 2020 regarding the Trinity Ranch MUD, a residential development planned for approximately 1,725 single-family homes. While a portion of the Trinity Ranch project will be located in the city limits and the City's wastewater service area, the majority of the development will be physically located outside the city and within Bastrop County.

The primary access points for the development will be Swenson Blvd. and Upper Elgin Road, neither of which are currently equipped to handle the traffic volume to be generated by this development.

Recognizing these challenges from the beginning, the Development Agreement specifically required the submittal of a TIA by the developers to assure an adequate and appropriate plan for addressing future road upgrades and improvements.

The Development Agreement states, in part, that the "Developer will provide a Traffic Impact Analysis (a "TIA") providing information on the projected traffic associated with the Development, particularly as it relates to Swenson Boulevard, Upper Elgin River Road, and Central Avenue. . . . It is anticipated, and hereby acknowledged by both the City and Developer, that significant improvements and/or upgrades to adjacent public roadways will be required in support of the Development. Developer and/or the Districts shall be responsible for their proportionate share (based on the TIA) of the costs associated with the design, engineering, and construction of improvements identified by the TIA . . ."

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Review and discussion; No Council action is requested or anticipated at this time; other than routine direction to staff, if any.

ATTACHMENTS: (1) Trinity Ranch TIA Summary Report (2) Trinity Ranch Concept Plan

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

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

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

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



Technical Memorandum

To:	Mr. K. Beau Perry, P.E.	From:	Bobak J. Tehrany, P.E.
	TRC / City of Elgin		BOE Consulting Services, LLC
File:	100204	Date:	October 18, 2021

Reference: Traffic Impact Analysis Mitigation Summary – Trinity Ranch

Summary of the Traffic Impact Analysis (TIA):

BOE Consulting Services, LLC (BOE) has completed a Traffic Impact Analysis (TIA) dated October 18, 2021 for the proposed Trinity Ranch single family subdivision development that will be located along Upper Elgin River Road (CR 127), south of US 290. The overall development was analyzed as three (3) phases: Phase 1 (2021); Phase 2 (2025); and Phase 3 (2031) for a total of 1,700 dwelling units of single-family residence. The following is a summary of the review findings and recommendations as discussed with TRC and the Texas Department of Transportation (TxDOT):

TxDOT Mitigations

1. Highway US 290 and Swenson Boulevard
 - Developer shall execute a Donation Agreement with TxDOT for the design and construction of a traffic signal and eastbound right-turn deceleration lane at the intersection.
 - Developer shall prepare the PS&E's for a traffic signal and right-turn deceleration lane as well as coordinate with TxDOT for the review and approval of the PS&E's.
 - Developer shall initiate the construction the underground infrastructure related to the traffic signal no later than the recordation of the 151 platted single-family lot and complete construction no later than the recordation of the 280 platted lot.
 - Developer shall initiate the construction of the right-turn deceleration lane by no later than the recordation of the 280 platted lot and completed by no later that the recordation of the 378 platted lot.
2. TxDOT Funding
 - Developer shall enter into a Donation Agreement with TxDOT in order to provide lump sum funding for general transportation/traffic improvements in the amount of \$496,900 which shall occur no later than the recordation of the 280 platted lot.

City of Elgin Mitigations

1. Swenson Boulevard
 - a. Roadway shall be extended concurrent to the recordation of the 1st Final Plat

Site Location



Proposed Conditions:

Trip Generation and Land Use

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development is anticipated to generate 14,091 Daily Two-Way Trips (7,045 entering/7,046 exiting) upon final build-out. The full trip generation table, per phase, is provided below.

ITE Code	Land Use	Size		Daily Volume	AM Peak Hour			PM Peak Hour		
					Enter	Exit	Total	Enter	Exit	Total
Proposed - Phase 1 (2021)										
210	Single-Family Housing	100	DU	1,040	19	57	76	64	38	102
Proposed - Phase 1 & Phase 2 (2025)										
210	Single-Family Housing	500	DU	4,571	90	270	360	300	176	476
Proposed - Phase 1, Phase 2, & Phase 3 (2031)										
210	Single-Family Housing	1,700	DU	14,091	303	909	1,212	971	571	1,542
Total Proposed - Phases 1, 2, & 3 (2031)				14,091	303	909	1,212	971	571	1,542

A summary of improvements, cost estimates, and pro-rata share has been included as an attachment to this technical memorandum for your reference. If you have any questions, please do not hesitate to contact me.

Sincerely,

BOE CONSULTING SERVICES, LLC
Texas Engineering Firm No. F-19220



Bobak J. Tehrany, P.E.

President

Phone: 512.632.7509

bobak@bo-engineering.com

TRINITY RANCH
SUMMARY OF RECOMMENDED MITIGATIONS

NODE #	INTERSECTIONS	PHASE 1 - 2021 SITE+FORECASTED		PHASE 2 - 2025 SITE+FORECASTED		PHASE 3 - 2031 SITE+FORECASTED		PRO-RATA CALCULATION NOTES
		IMPROVEMENTS	PRO-RATA	IMPROVEMENTS	PRO-RATA	IMPROVEMENTS	PRO-RATA	
1	CR 127 (Central Avenue) & Dildy Drive	Widen and Stripe Northbound Approach to accommodate 2 lanes (1L, 1R) and maintain 17.5' lanes to accommodate large trucks.	25%	-	-	-	-	NB Approach Prorata
		-	-	-	-	Widen the EB approach to provide right-turn deceleration lane (100'/50') along CR 127.	70%	EBRT Prorata
		-	-	-	-	Provide WB left-turn deceleration lane (100'/50') along CR 127 at Dildy Drive.	27%	WBLT Prorata
3	Swenson Blvd & Bull Run Road	-	-	Widen WB Swenson Blvd to provide an exclusive right-turn lane.	85%	-	-	WBRT Prorata
		-	-	Widen EB Swenson Blvd to add 2 more through lanes to provide a total of 3 lanes as an extension of lanes proposed at the adjacent US 290 & Swenson Blvd intersection.	62%	-	-	EB Approach Prorata
		Convert the intersection into a right-in, right-out by extending the existing median along Swenson Blvd all the way to US 290.	33%	-	-	-	-	Intersection Prorata
4	Swenson Blvd & US 290	Traffic Signal	48%	-	-	-	-	NB Approach Prorata
		-	-	Widen the EB approach to provide a right-turn deceleration lane (425'/100') along EB US 290	83%	-	-	EBRT Prorata
		-	-	Pavement marking modification along westbound US 290 from existing two-way center left-turn lane to left-turn lane into Swenson Blvd	81%	-	-	WBLT Prorata
		-	-	Widen the NB Swenson Blvd to add a second left-turn lane to provide dual left-turns.	84%	-	-	NBLT Prorata
5	Roy Rivers Road & US 290	Traffic Signal	5%	-	-	-	-	NB Approach Prorata
		-	-	Restripe the NB Roy Rivers Road to provide dual left-turn	25%	-	-	NBLT Prorata
		-	-	Widen NB Roy Rivers Road to provide a right-turn deceleration lane (200'/50') by relocating all the existing signs and street luminaires.	19%	-	-	NB Approach Prorata

**TRINITY RANCH
SUMMARY OF RECOMMENDED MITIGATIONS**

10	Upper Elgin River Road & Driveway A	-	-	-	-	Provide left-turn deceleration lane (100'/50') along WB Upper Elging River Road at Driveway A	100%	-
20	Upper Elgin River Road & Driveway B	-	-	-	-	Provide left-turn deceleration lane (100'/50') along WB Upper Elging River Road at Driveway B	100%	-
30	Upper Elgin River Road & Driveway C	-	-	-	-	Provide left-turn deceleration lane (100'/50') along WB Upper Elging River Road at Driveway C	100%	-
40	Upper Elgin River Road & Driveway D	-	-	-	-	Provide left-turn deceleration lane (100'/50') along WB Upper Elging River Road at Driveway D	100%	-
50	Upper Elgin River Road & Driveway E	-	-	-	-	Provide left-turn deceleration lane (100'/50') along WB Upper Elging River Road at Driveway E	100%	-
60	Swenson Blvd/Driveway F & Dildy Drive	Stripe EB Dildy Drive to provide separate turn lanes (1 Left, 1 Right, & 1 Receiving) at the intersection		-	-	-	-	-
		Stripe SB Swenson Blvd to provide separate turn lanes (1 Thru, 1 Right, & 1 Receiving) at the intersection		-	-	-	-	-
		Widen and Stripe NB approach to accommodate separate turn lanes (1 Left, 1 Thru, & 1 Receiving) at the intersection.		-	-	-	-	-
-	CR 127, Driveway A to Bull Run Road	-	-	-	-	Roadway requires 3-lane Cross-section based on Road-Sizing Analysis	70%	Based on ADT volumes for the Trinity Ranch Site trips over Total Future Daily Trips

SUMMARY OF RECOMMENDED MITIGATIONS AND COST ESTIMATE (TRINITY RANCH)

**ENGINEER'S OPINION OF PROBABLE COST FOR:
TRINITY RANCH
INTERSECTION/VEHICULAR IMPROVEMENTS**

Construction Estimate

Node #	Location	Improvement	Cost	Pro-Rata	Pro-Rata Cost
1	Central Avenue & Dildy Drive	Widen and Stripe Northbound Approach to accommodate 2 lanes (1L, 1R)	\$ 150,000.00	25.0%	\$ 37,500.00
		Eastbound (Central Avenue) Right-Turn Deceleration Lane	\$ 100,000.00	70.0%	\$ 70,000.00
		Westbound (Central Avenue) Left-Turn Deceleration Lane	\$ 100,000.00	27.0%	\$ 27,000.00
3	Swenson Blvd & Bull Run Road	Convert the intersection into a right-in, right-out by extending the existing median along Swenson Blvd to US 290.	\$ 75,000.00	33.0%	\$ 24,750.00
		Westbound (Swenson Blvd) Right-Turn Deceleration Lane	\$ 150,000.00	85.0%	\$ 127,500.00
		Widen and Stripe additional 2 more through lanes along Eastbound Swenson Blvd Approach to provide a total of 3 lanes	\$ 200,000.00	62.0%	\$ 124,000.00
4	Swenson Blvd & US 290	Install Traffic Signal	\$ 500,000.00	48.0%	\$ 240,000.00
		Eastbound (US 290) Right-Turn Deceleration Lane	\$ 255,000.00	83.0%	\$ 211,650.00
		Westbound US 290 Pavement Marking Modifications (from existing two-way center left-turn lane to a left-turn lane into Swenson Blvd)	\$ 25,000.00	81.0%	\$ 20,250.00
		Widen Northbound (Swenson Blvd) to add a second Left-Turn lane to provide dual left-turn lanes	\$ 125,000.00	84.0%	\$ 105,000.00
5	Roy Rivers Road & US 290	Install Traffic Signal	\$ 500,000.00	5.0%	\$ 25,000.00
		Northbound (Roy Rivers Road) Pavement Marking Modifications	\$ 15,000.00	25.0%	\$ 3,750.00
		Northbound (Roy Rivers Road) Right-Turn Deceleration Lane	\$ 150,000.00	19.0%	\$ 28,500.00
10	Upper Elgin River Road & Driveway A	Westbound (Upper Elgin River Road) Left-Turn Deceleration Lane*	-	-	-
20	Upper Elgin River Road & Driveway B	Westbound (Upper Elgin River Road) Left-Turn Deceleration Lane*	-	-	-
30	Upper Elgin River Road & Driveway C	Westbound (Upper Elgin River Road) Left-Turn Deceleration Lane*	-	-	-
40	Upper Elgin River Road & Driveway D	Westbound (Upper Elgin River Road) Left-Turn Deceleration Lane*	-	-	-
50	Upper Elgin River Road & Driveway E	Westbound (Upper Elgin River Road) Left-Turn Deceleration Lane*	-	-	-
60	Swenson Blvd/Driveway F & Dildy Drive	Eastbound Pavement Marking Modifications (1L, 1R & 1 Receiving)	\$ 25,000.00	100.0%	\$ 25,000.00
		Southbound Pavement Marking Modifications (1Th, 1R & 1 Receiving)	\$ 25,000.00	100.0%	\$ 25,000.00
		Widen and Stripe Northbound Approach to accommodate 3 lanes (1L, 1Th & 1 Receiving)	\$ 150,000.00	100.0%	\$ 150,000.00
-	CR 127, Driveway A to Bull Run Road	Three-lane cross-section modifications	\$ 1,554,000.00	70.0%	\$ 1,087,800.00
Total (Phases 1, 2, & 3)			\$ 4,099,000.00		\$ 2,332,700.00
Grand Total					\$ 2,332,700.00

*Separated left-turn movements along Southbound Upper Elgin River Road has been captured within the recommendation to widen CR 127 from Drwy A to Bull Run Road.



ENGINEERS OPINION OF PROBABLE CONSTRUCTION COSTS

PROJECT: TRINITY RANCH

BASED ON: CONCEPT PLAN

DATE: 12/8/2020

PREPARED BY: TMH

PREPARED

BY: BGE

ROADWAY IMPROVEMENTS

ITEM	DESCRIPTION	QUANTITY	UNIT	COST/UNIT	TOTAL COST
1	CLEAR AND GRUB	91	AC	\$875.00	\$80,036.59
2	SUBGRADE PREP (LOCAL)	210,019	SY	\$2.25	\$472,543.75
3	8-INCH OF LIME TREATED SUBGRADE WITH GEOGRID (LOCAL)	210,019	SY	\$9.00	\$1,890,175.00
4	FLEXIBLE BASE 9-INCH (28' LOCAL)	210,019	SY	\$9.50	\$1,995,184.72
5	2.0" HMAC (28' LOCAL)	150,014	SY	\$11.25	\$1,687,656.25
6	SUBGRADE PREP (COLLECTOR)	94,799	SY	\$2.25	\$213,298.00
7	8-INCH OF LIME TREATED SUBGRADE WITH GEOGRID (COLLECTOR)	94,799	SY	\$9.00	\$853,192.00
8	FLEXIBLE BASE 14-INCH (40' COLLECTOR)	64,275	SY	\$13.50	\$867,714.00
9	2.0" HMAC (40' COLLECTOR)	50,600	SY	\$11.25	\$569,245.00
10	FLEXIBLE BASE 14-INCH (45' COLLECTOR)	30,524	SY	\$13.50	\$412,074.00
11	2.0" HMAC (45' COLLECTOR)	24,654	SY	\$11.25	\$277,357.50
12	6" CURB AND GUTTER	143,192	LF	\$15.50	\$2,219,476.00
13	PEDESTRIAN (ADA) RAMPS	540	EA	\$1,150.00	\$621,000.00
14	CONCRETE VALLEY GUTTERS	70	EA	\$5,900.00	\$413,000.00
15	5' WIDE CONCRETE SIDEWALK	143,192	LF	\$33.00	\$4,725,336.00
16	STREET EXCAVATION	442,717	CY	\$4.00	\$1,770,866.67
17	STREET EMBANKMENT	147,572	CY	\$3.50	\$516,502.78
18	SIGNAGE, STRIPING AND TRAFFIC CONTROL	1	LS	\$75,000.00	\$75,000.00
TOTAL					\$19,659,658.25

This cost estimate is based on the consultants reasonable professional judgement and experience and does not constitute a warranty, express or implied.
Actual costs will vary.

TRINITY RANCH

MAXIMUM PRO-RATA PERCENTAGES

Node#	Intersections	Overall/Approach/Movement		2021 Volumes		2021 Pro-Rata Max		Overall/Approach/Movement		2025 Volumes		2025 Pro-Rata Max		Overall/Approach/Movement		2031 Volumes		2031 Pro-Rata Max	
		Overall	Thru	Site	S+F	Movement	Approach	Overall	Thru	Site	S+F	Movement	Approach	Overall	Thru	Site	S+F	Movement	Approach
1	Central Avenue & Dildy Drive	Overall		61	346	26%	-	Overall		287	628	58%	-	Overall		927	1382	78%	-
		EB	Thru	20	154	39%	36%	EB	Thru	94	256	73%	70%	EB	Thru	304	520	87%	86%
			Right	4	21	19%			Right	20	40	50%			Right	64	91	70%	
		WB	Left	0	7	0%	25%	WB	Left	1	9	11%	57%	WB	Left	4	15	27%	77%
			Thru	34	128	27%			Thru	160	272	59%			Thru	517	665	78%	
		NB	Left	3	15	50%	25%	NB	Left	12	26	78%	56%	NB	Left	38	57	90%	75%
			Right	0	21	0%			Right	0	25	0%			Right	0	34	0%	
		Overall		56	332	23%	-	Overall		257	590	54%	-	Overall		834	1,277	75%	-
2	Central Avenue & Bull Run Road	EB	Thru	4	130	10%	36%	EB	Thru	16	169	33%	70%	EB	Thru	88	291	56%	85%
			Right	17	45	74%			Right	77	112	92%			Right	216	263	96%	
		WB	Left	0	14	0%	2%	WB	Left	1	17	6%	7%	WB	Left	4	26	15%	15%
			Thru	2	90	2%			Thru	8	113	7%			Thru	25	164	15%	
		NB	Left	33	43	77%	62%	NB	Left	153	165	93%	87%	NB	Left	496	512	97%	94%
			Right	0	10	8%			Right	2	14	14%			Right	5	21	31%	
		Overall		72	217	33%	-	Overall		338	513	66%	-	Overall		1,059	1,293	82%	-
		EB	Left	0	8	20%	30%	EB	Left	2	11	25%	62%	EB	Left	5	18	53%	81%
3	Swenson Blvd & Bull Run Road		Thru	8	66	32%			Thru	39	108	66%			Thru	125	218	83%	
		WB	Thru	14	46	30%	47%	WB	Thru	66	105	63%	77%	WB	Thru	213	265	80%	89%
			Right	33	54	61%			Right	153	179	85%			Right	496	530	94%	
		SB	Left	17	38	60%	56%	SB	Left	77	103	86%	83%	SB	Left	216	250	94%	92%
			Right	0	5	0%			Right	1	7	14%			Right	4	12	33%	
		Overall		72	3,551	2%	-	Overall		335	4,535	7%	-	Overall		1,049	6,630	17%	-
		EB	Thru	0	1,830	0%	1%	EB	Thru	0	2,213	0%	4%	EB	Thru	0	2,948	0%	10%
			Right	21	38	55%			Right	99	119	83%			Right	320	347	92%	
4	Swenson Blvd & US 290	WB	Left	26	50	52%	2%	WB	Left	120	149	81%	6%	WB	Left	388	428	91%	14%
			Thru	0	1,524	0%			Thru	0	1,834	0%			Thru	0	2,428	0%	
		NB	Left	11	34	59%	48%	NB	Left	52	81	84%	77%	NB	Left	154	192	93%	90%
			Right	14	75	42%			Right	64	139	72%			Right	187	287	87%	
		Overall		51	3,302	2%	-	Overall		240	4,134	6%	-	Overall		763	5,892	14%	-
		EB	Thru	21	1,756	1%	2%	EB	Thru	99	2,201	4%	7%	EB	Thru	320	3,127	10%	16%
			Right	14	106	13%			Right	66	158	43%			Right	214	306	72%	
		WB	Left	0	70	0%	1%	WB	Left	0	75	0%	5%	WB	Left	0	85	0%	13%
5	Roy Rivers Road & US 290		Thru	11	1,218	1%			Thru	52	1,511	6%			Thru	154	2,097	13%	
		NB	Left	5	115	8%	5%	NB	Left	23	150	25%	19%	NB	Left	75	233	49%	41%
			Right	0	37	0%			Right	0	39	0%			Right	0	44	0%	
		Overall		0	0	0%		Overall		0	0	0%		Overall		0	0	0%	



TRINITY RANCH
ROAD SIZING ANALYSIS
CR 127 BETWEEN DRIVEWAY A AND BULL RUN ROAD
CRITERIA, ANALYSIS VOLUME, AND PRO-RATA

Road-Sizing Criteria

Number of Lanes	Typical AADT
2	~10,000
3	~20,000
4 (Undivided)	~30,000
4 (Divided)	~40,000
6 (Divided)	Over 40,000+

Road-Sizing Analysis Volumes

Analysis Condition	ADT Volumes
Existing	2,456
Forecasted	4,610
Site	10,983
Site+Forecasted	15,593

Road-Sizing Analysis Volumes

Site Volume	Site + Forecasted Volume	Pro-rata
10,983	15,593	70%



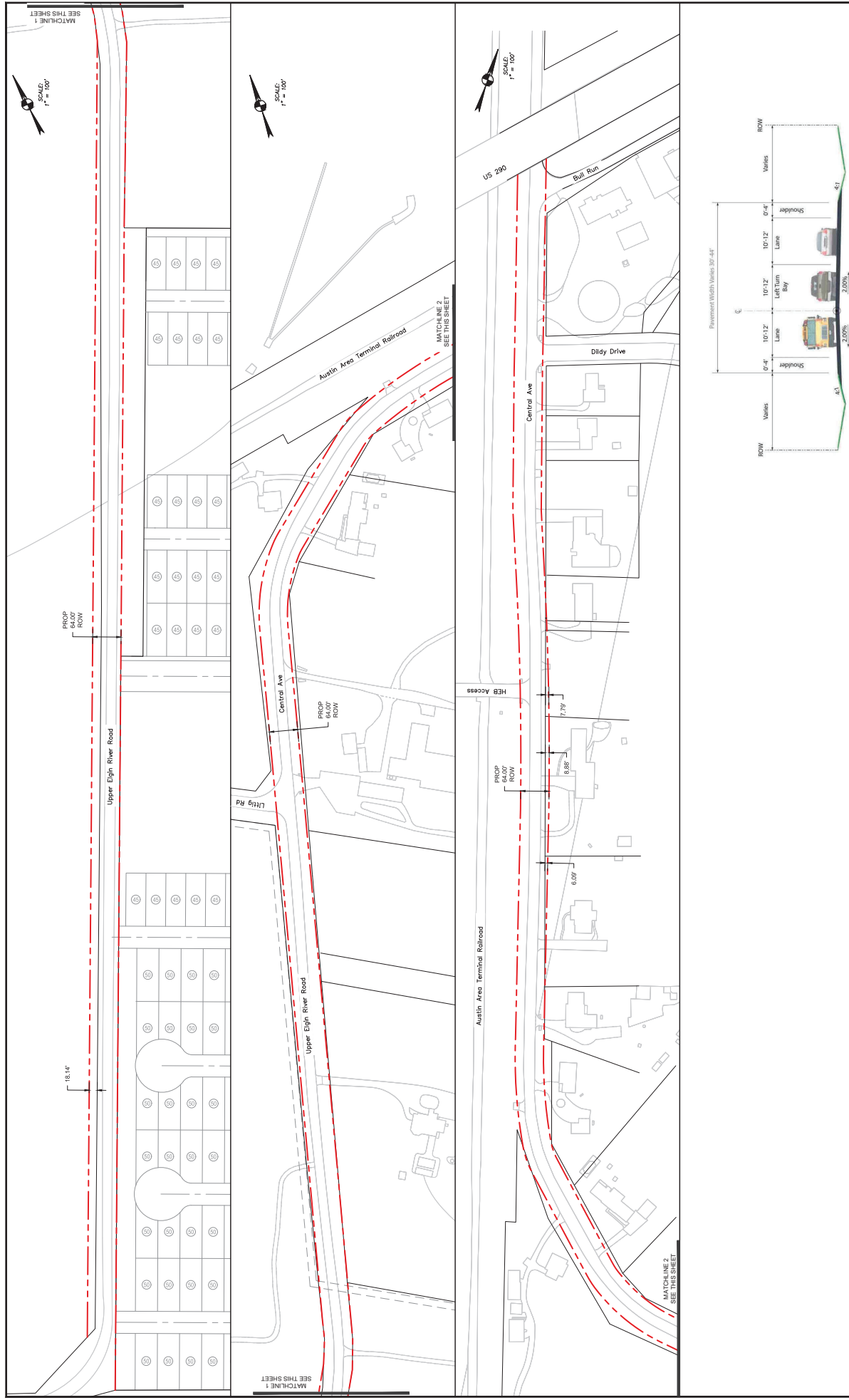


EXHIBIT 14

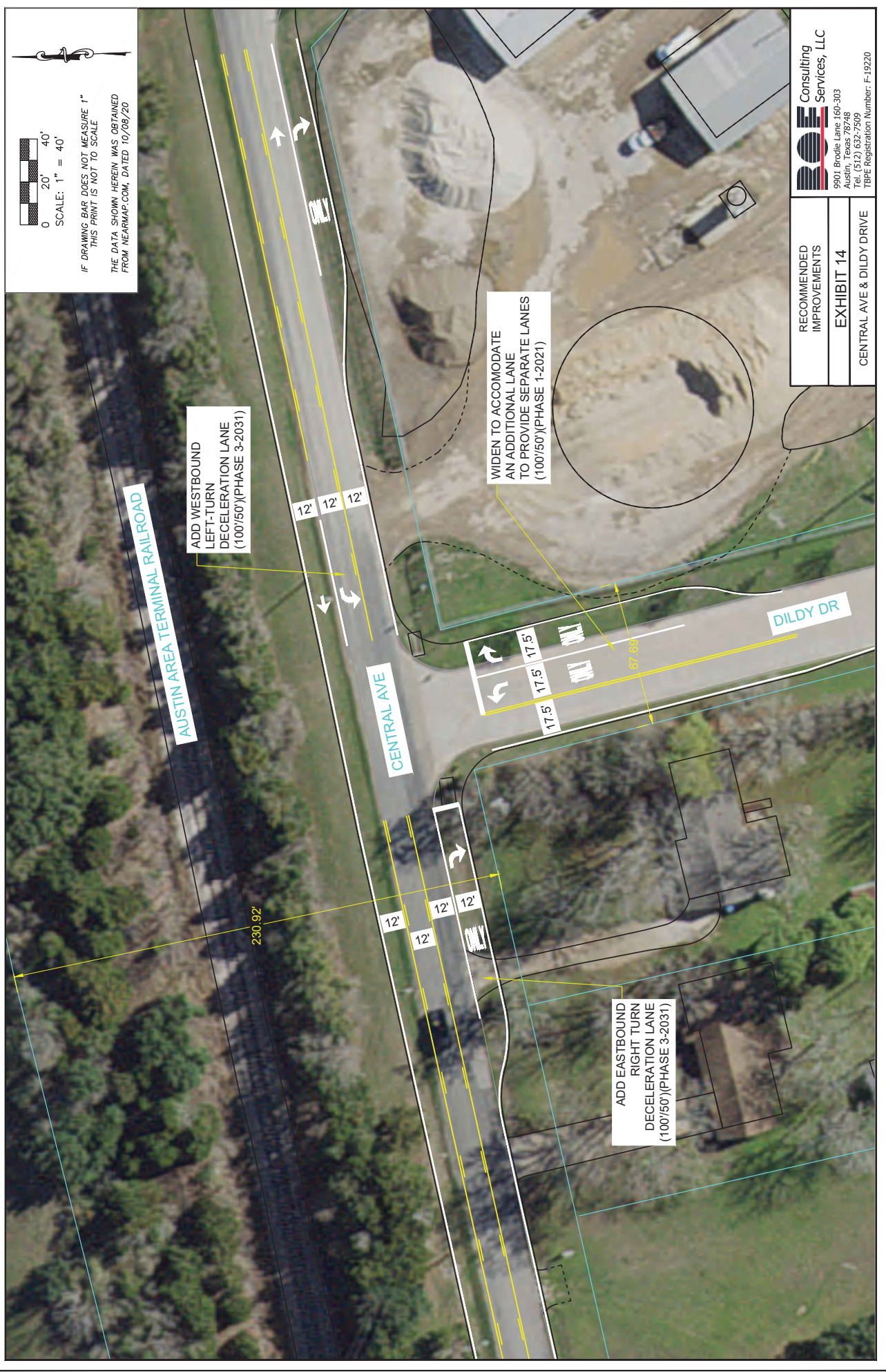
TRINITY RANCH
64 ROW EXHIBIT

BOE Consulting Services, LLC

9901 Brooke Lane 260-303
Austin, Texas 78748
Tel. (512) 632-7500
TBE Registration Number: F-19220

Planimetric Source Data:
City Of Austin GIS Planimetrics, dated Nov. 17, 2017
Bastrop County Appraisal District, dated October 22, 2020

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SCALE: 1" = 40'

IF DRAWING BAR DOES NOT MEASURE 1"
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THE DATA SHOWN HEREIN WAS OBTAINED
FROM NEARMAP.COM, DATED 10/08/20

AUSTIN AREA TERMINAL RAILROAD

ADD WESTBOUND
LEFT-TURN
DECELERATION LANE
(100'/50') (PHASE 3-2031)

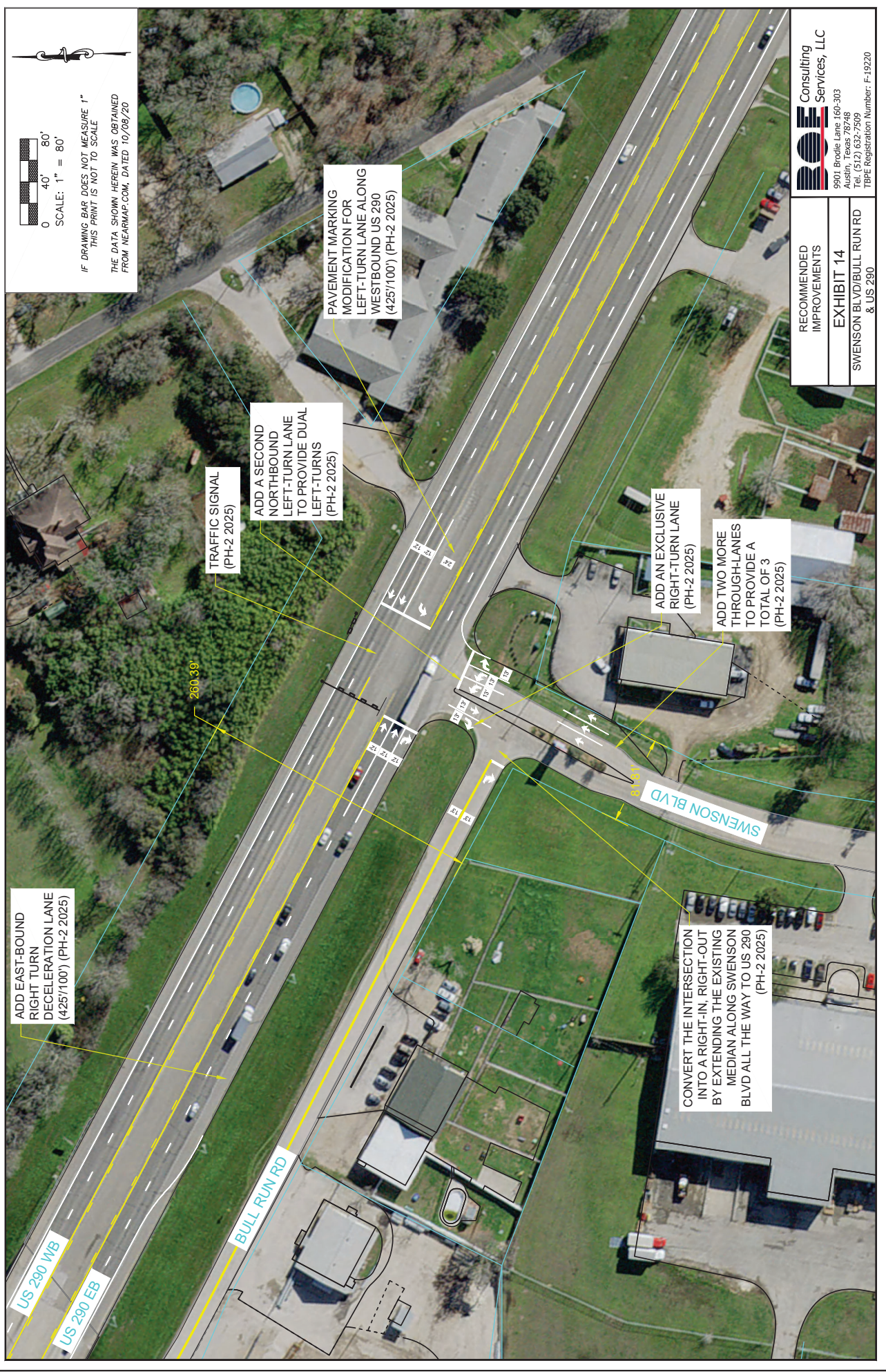
CENTRAL AVE

DILDY DR

WIDEN TO ACCOMMODATE
AN ADDITIONAL LANE
TO PROVIDE SEPARATE LANES
(100'/50') (PHASE 1-2021)

ADD EASTBOUND
RIGHT TURN
DECELERATION LANE
(100'/50') (PHASE 3-2031)

 BOE Consulting Services, LLC 9901 Brodie Lane 160-303 Austin, Texas 78748 Tel: (512) 632-7509 TBPE Registration Number: F-19220	RECOMMENDED IMPROVEMENTS
	EXHIBIT 14 CENTRAL AVE & DILDY DRIVE



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ADD EAST-BOUND
RIGHT TURN
DECELERATION LANE
(425/100') (PH-2 2025)

TRAFFIC SIGNAL
(PH-2 2025)

ADD A SECOND
NORTHBOUND
LEFT-TURN LANE
TO PROVIDE DUAL
LEFT-TURNS
(PH-2 2025)

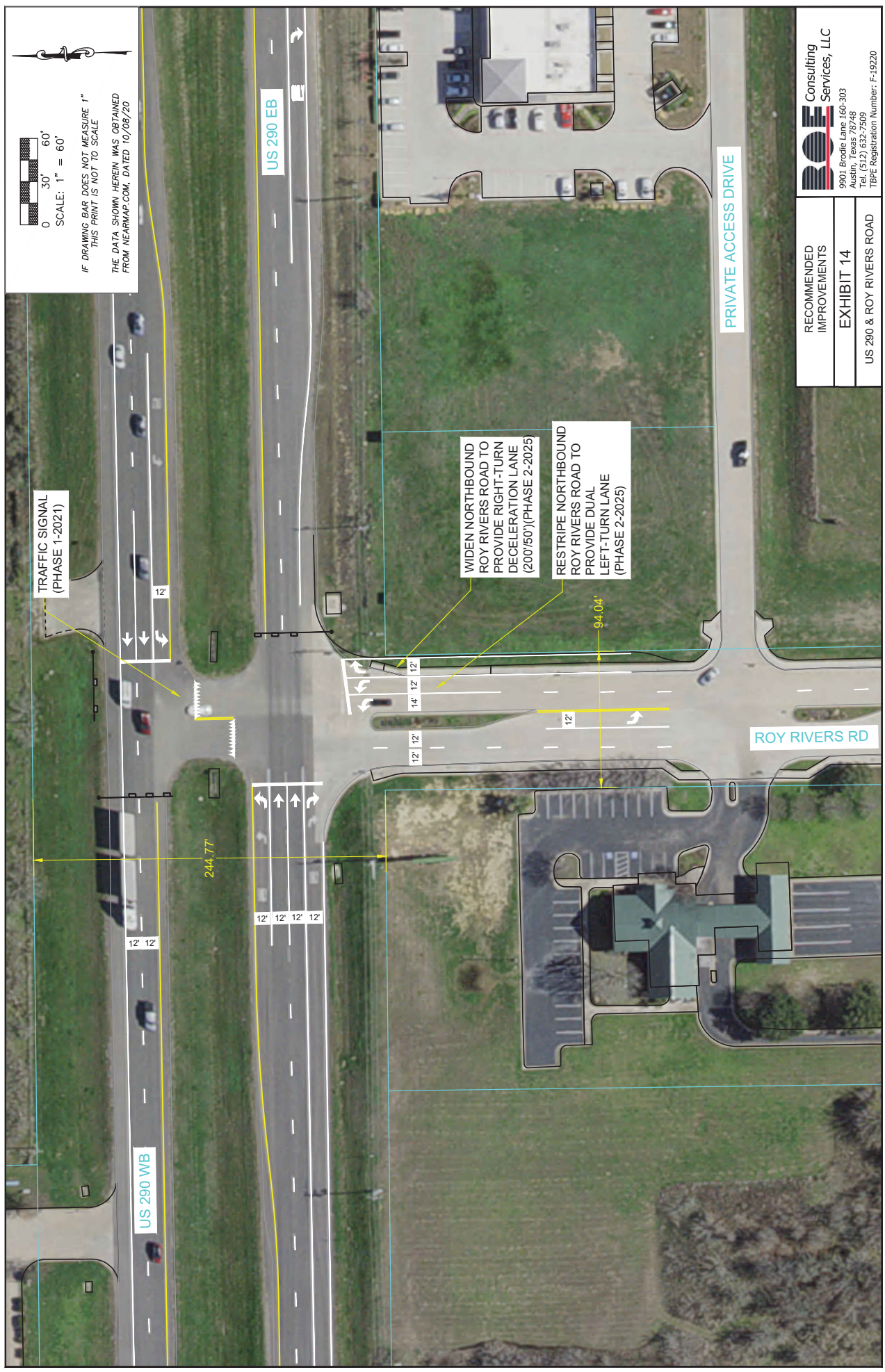
PAVEMENT MARKING
MODIFICATION FOR
LEFT-TURN LANE ALONG
WESTBOUND US 290
(425/100') (PH-2 2025)

ADD AN EXCLUSIVE
RIGHT-TURN LANE
(PH-2 2025)

ADD TWO MORE
THROUGH-LANES
TO PROVIDE A
TOTAL OF 3
(PH-2 2025)

CONVERT THE INTERSECTION
INTO A RIGHT-IN, RIGHT-OUT
BY EXTENDING THE EXISTING
MEDIAN ALONG SWENSON
BLVD ALL THE WAY TO US 290
(PH-2 2025)

 ROE Consulting Services, LLC 9901 Brodie Lane 160-303 Austin, Texas 78748 Tel. (512) 632-7509 TBPB Registration Number: F-19220	RECOMMENDED IMPROVEMENTS
	EXHIBIT 14 SWENSON BLVD/BULL RUN RD & US 290





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FROM NEARMAP.COM, DATED 10/08/20

PROVIDE WESTBOUND
LEFT-TURN LANE
DECELERATION LANE
(100'/50')
(PHASE 3-2031)

UPPER ELGIN RIVER RD

DRIVEWAY 'A'

 Consulting Services, LLC 9901 Brodie Lane 160-303 Austin, Texas 78748 Tel: (512) 632-7509 TBPE Registration Number: F-19220	RECOMMENDED IMPROVEMENTS
	EXHIBIT 14
	UPPER ELGIN RIVER RD & DRIVEWAY 'A'



IF DRAWING BAR DOES NOT MEASURE 1"
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THE DATA SHOWN HEREIN WAS OBTAINED
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PROVIDE WESTBOUND
LEFT-TURN LANE
DECELERATION LANE
(100'/50')
(PHASE 3- 2031)

12'
12'
12'

12'
12'
12'

UPPER ELGIN RIVER RD

45.23'

45

45

45

45

45

50

50

50

50

50

50

50

50

12'
12'
12'

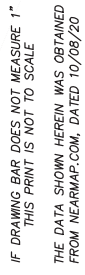
DRIVEWAY 'B'



9901 Brodie Lane 160-303
Austin, Texas 78748
Tel: (512) 632-7509
TBPE Registration Number: F-19220

RECOMMENDED
IMPROVEMENTS

EXHIBIT 14
UPPER ELGIN RIVER RD
& DRIVEWAY 'B'

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PROVIDE WESTBOUND
LEFT-TURN LANE
DECELERATION LANE
(100'/50')
(PHASE 3-2031)

UPPER ELGIN RIVER RD

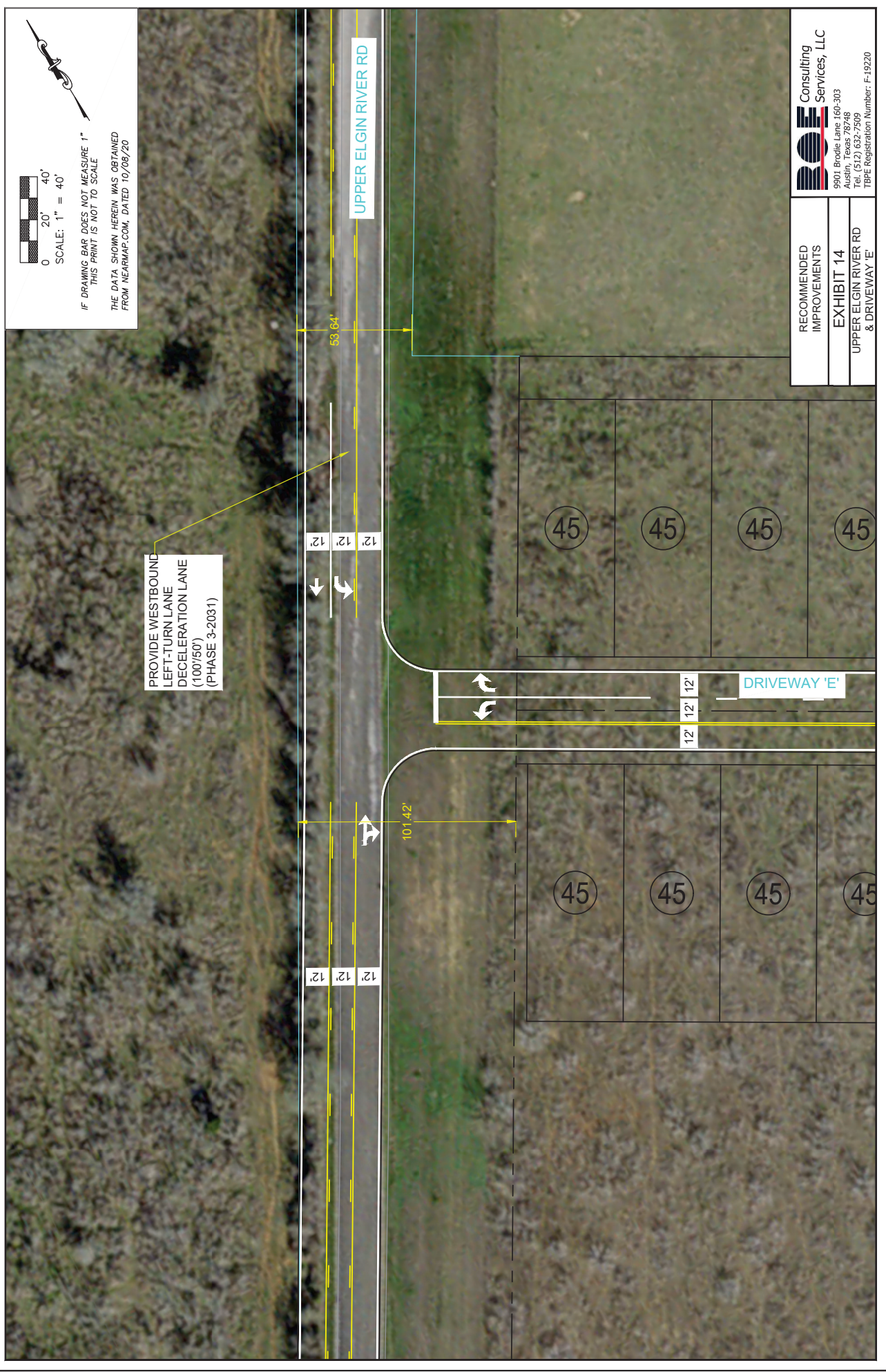
DRIVEWAY 'D'

	RECOMMENDED IMPROVEMENTS
	EXHIBIT 14
	UPPER ELGIN RIVER RD & DRIVEWAY 'D'

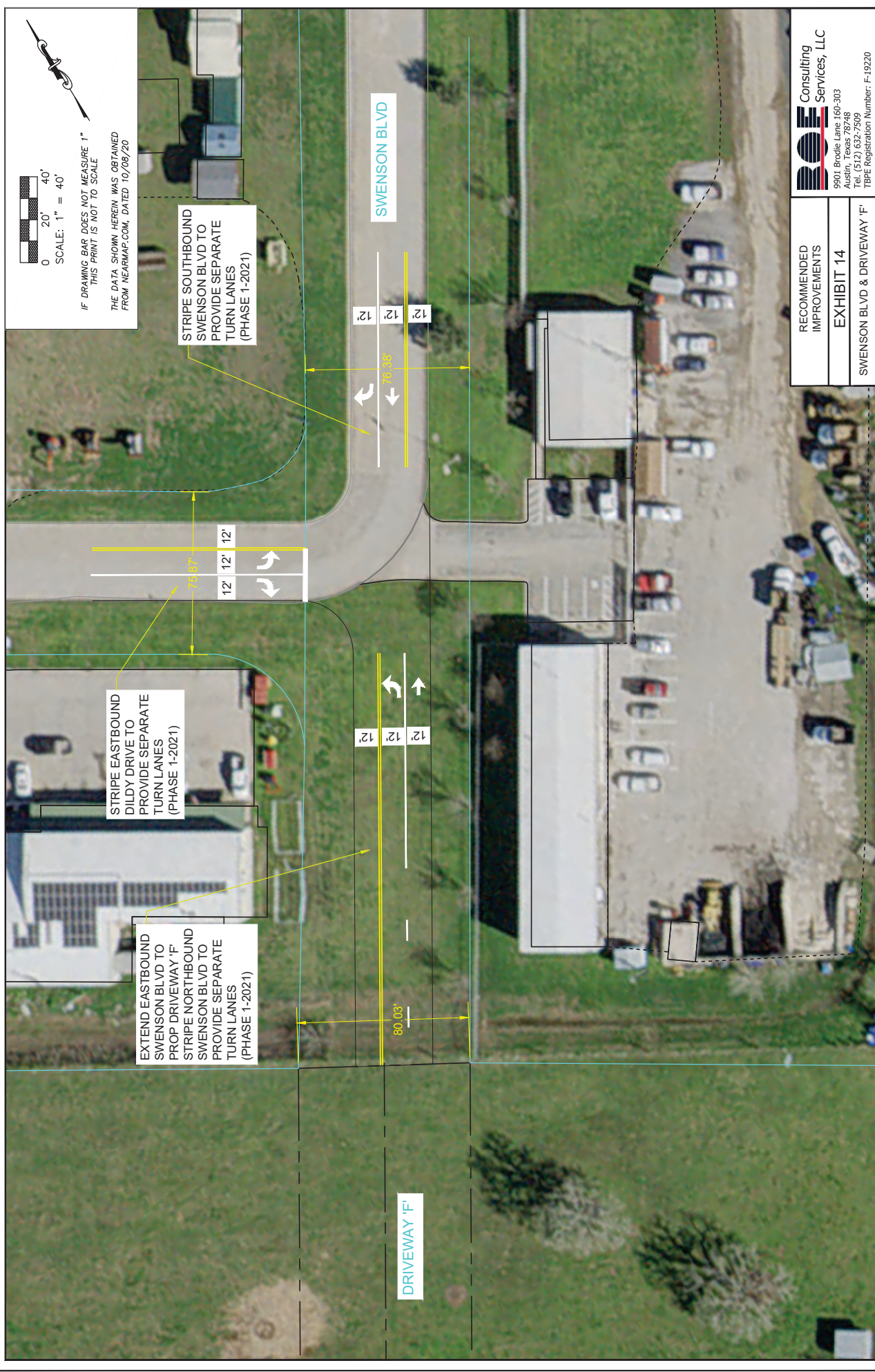
9901 Brodie Lane 160-303
Austin, Texas 78748
Tel. (512) 632-7509
TBPE Registration Number: F-19220



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 9901 Brodie Lane 160-303 Austin, Texas 78748 Tel: (512) 632-7509 TBPE Registration Number: F-19220	RECOMMENDED IMPROVEMENTS
	EXHIBIT 14
	UPPER ELGIN RIVER RD & DRIVEWAY 'E'



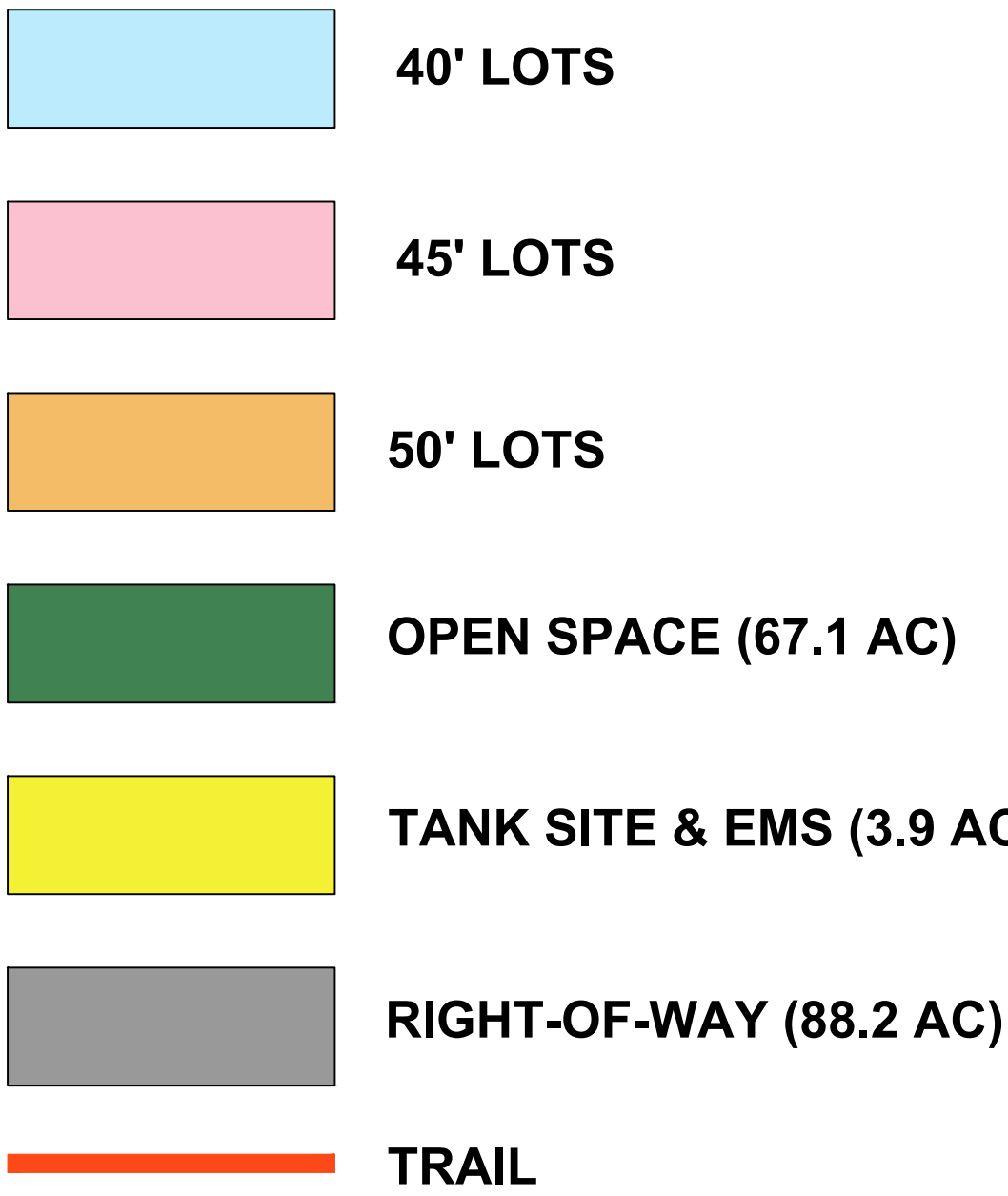
SCALE: 1" = 40'

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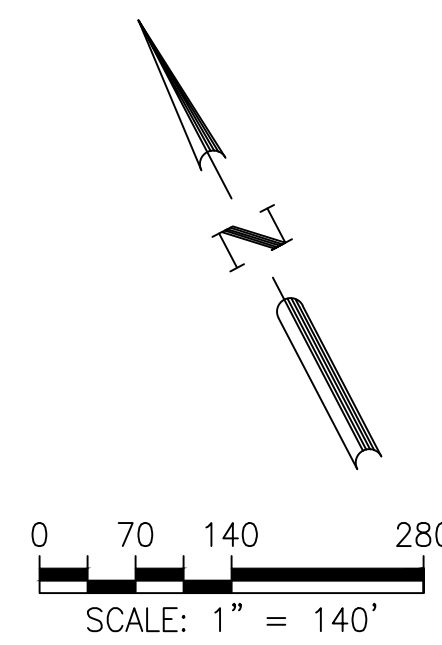
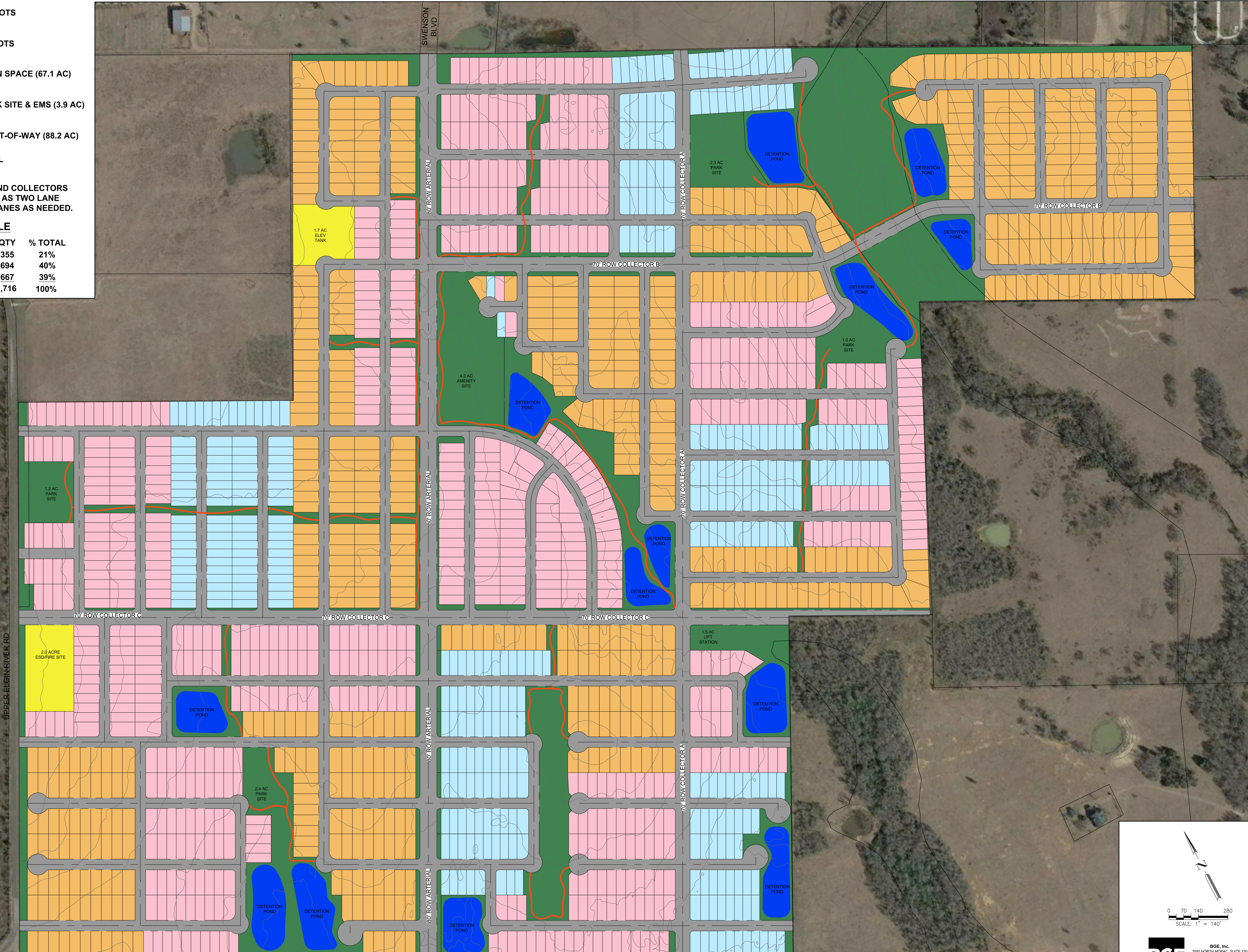
 ROE Consulting Services, LLC 9901 Brodie Lane 160-303 Austin, Texas 78748 Tel: (512) 632-7509 TBPE Registration Number: F-19220	RECOMMENDED IMPROVEMENTS
	EXHIBIT 14
SWENSON BLVD & DRIVEWAY 'F'	

ELGIN TRINITY
EXHIBIT "A" - 1/24/2019



NOTES
PROPOSED ARTERIALS AND COLLECTORS
SHALL BE CONSTRUCTED AS TWO LANE
ROADWAYS WITH TURN LANES AS NEEDED.

LOT TABLE			
WIDTH	DEPTH (MIN)	QTY	% TOTAL
40'	120'	355	21%
45'	120'	694	40%
50'	120'	<u>667</u>	<u>39%</u>
		1,716	100%





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Departmental Monthly Report – Period ending September 30, 2021

DEPARTMENT: Administration

PROPOSED ACTION: No action required on this item

BACKGROUND: Monthly Reports by Department

Attached is the Monthly Operations Report as of September 30, 2021, representing changes in work load indicators for September 2020 and September 2021 and Year-to-Date for:

HR, Municipal Court, Development Services, Library, Rec Center, Public Works, Water, Wastewater, Trash Collection, and Police

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: Mysty Nauck **Date:** 11/19/2021

RECOMMENDATION:

ATTACHMENTS: Monthly Activity Report

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

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



Monthly Report of Operations

As of Sept 2021

Administration	Sept '20	Sept '21	%	YTD 9-30-20	YTD 9-30-21	%
Human Resources						
Total FTE - Filled Positions	113	112	↓ -1%			
Vacancies - all funds	7	11	↑ 57%			
New Hires	3	7	↑ 133%	26	49	↑ 92%
Separations	9	7	↓ -22%	26	42	↑ 60%
Municipal Court						
Total Active Cases Pending (beg. of Month)	15,928	15,703	↓ -1%			
New Cases Filed (incl reactivation of inactive)	122	227	↑ 86%	2,618	1,738	↓ -34%
# of Magistrations	17	19	↑ 12%	325	310	↓ -5%
Total Cases Disposed of	111	146	↑ 32%	2,250	1,510	↓ -33%
Cases placed on Inactive Status	-	330	→ 0%	495	469	↓ -5%
Total Active Cases Pending (end of Month)	15,910	15,732	↓ -1%			
Fines Collected	\$ 18,835	\$ 30,229	↑ 60%	\$ 380,863	\$ 293,157	↓ -23%
Retained by City	\$ 17,117	\$ 27,004	↑ 58%	\$ 298,350	\$ 253,186	↓ -15%
Development Services						
Construction Permits (all types)	52	-	↓ -100%	745	1,923	↑ 158%
Revenue from Bldg. Permits	\$ 36,503	\$ 22,427	↓ -39%	282,564	841,346	↑ 198%
Inspections (all types)	480	893	↑ 86%	3,298	9,998	↑ 203%
Revenue from Inspections	\$ 45,709	\$ 179,712	↑ 293%	439,463	1,398,902	↑ 218%
Housing Plats approved (number of lots)	-	-	→ 0%	538	441	↓ -18%
Community Services						
Library-						
Materials circulated	3,128	6,370	↑ 104%	48,595	50,724	↑ 4%
# Visitors (incl. Progs)	2,803	2,523	↓ -10%	36,798	25,734	↓ -30%
Public Computer Use hrs.	14	230	↑ 1543%	1,799	841	↓ -53%
Public Computer Use Persons	24	416	↑ 1633%	3,053	1,465	↓ -52%
Civic Center - Rentals (all)	3	23	↑ 667%	171	137	↓ -20%
Recreation Program -						
Annual Memberships	2	4	↑ 100%	50	31	↓ -38%
Monthly Rec Memberships	31	86	↑ 177%	1,005	721	↓ -28%
Facility Rental Fleming Center	-	10	→ 0%	251	43	↓ -83%
Facility Rental Recreation Center	2	22	↑ 1000%	124	63	↓ -49%
Sponsored Events	\$ 25	\$ 20	↓ -20%	\$ 7,644	\$ 1,523	↓ -80%
Public Works						
Streets:						
Lane miles maintained	57.8	57.8	→ 0%	289	289	→ 0%
Pot holes patched - Square Yards	7	4	↓ -43%	374	592	↑ 58%
Wide Area patching/renovation - SY	5	262	↑ 5143%	1,782	1,660	↓ -7%
Tree Trimming - Yards (new)	-	4	→ 0%	-	84	→ 0%
Street Sign Installation/Repair (new)	-	2	→ 0%	-	19	→ 0%
Crack Seal Lbs of Sealent	-	-	→ 0%	6,870	7,092	↑ 3%
Paint Striping Linear feet	-	-	→ 0%	2,371	3,584	↑ 51%
Drainage:						
Linear feet of drains cleaned	23,756	212	↓ -99%	77,365	41,504	↓ -46%
# Culverts Cleared	-	-	→ 0%	13	32	↑ 146%



Monthly Report of Operations

As of Sept 2021

Parks:						
Acres Mowed/maintained	-	240	➡	0%	880	2,156 ↑ 145%
Reserved Park Facilities	-	-	➡	0%	-	88 ➡ 0%
# Organized Sports Events	-	-	➡	0%	-	186 ➡ 0%

Utilities	Sept '20	Sept '21	%	YTD 9-30-20	YTD 9-30-21	%
Water System:						
# Customers Total/Added by month *		12	➡	3,363	3,582	
Amount Billed	\$284,074	\$276,681	↓ -3%	\$ 2,737,299	\$ 2,720,461	↓ -1%
Meters Replaced	-	12	➡	331	647	↑ 95%
# Leaks Repaired	20	15	↓ -25%	85	77	↓ -9%
Vol. water produced (x1,000 gallons)	29,999	34,151	↑ 14%	369,110	353,067	↓ -4%
Hydrants Tested (new)	-	-	➡	-	8	➡ 0%
Main Line Breaks	4	-	➡	20	19	↓ -5%
Service Line Breaks	6	-	↓ -100%	38	26	↓ -32%

Wastewater System:						
# Customers Total/Added by month *		10	➡	3,073	3,162	↑ 2.9%
Amount Billed	\$ 163,817	\$ 164,795	↑ 1%	\$ 1,742,053	\$ 1,775,427	↑ 1.9%
Main Lines repaired	1	-	↓ -100%	6	10	↑ 67%
Lines replaced (Linear Feet.)	8	-	↓ -100%	36	110	↑ 206%
Manholes Cleaned	6	8	↑ 33%	51	65	↑ 27%
Average Daily Flow (MGD)	0.5685	0.6030	↑ 6%	0.5669	0.6332	↑ 12%
Total Monthly Flow (MGD)	17.0541	18.0896	↑ 6%	17.4234	19.2316	↑ 10%

Trash Collection:						
# Customers Total/Added by month *		35	➡	3,239	3,620	↑ 11.8%
Amount Billed	\$ 104,624	\$ 122,983	↑ 18%	\$ 1,109,379	\$ 1,270,506	↑ 14.5%

* # 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	Sept '20	Sept '21	%	YTD 9-30-20	YTD 9-30-21	%
Part I Index Offenses						
Murder (# Victims)	-	-	➡ 0%	-	-	➡ 0%
Rape(# Victims)	-	-	➡ 0%	7	8	⬆ 14%
Robbery (# Victims)	-	-	➡ 0%	6	3	⬇ -50%
Aggravated Assault (# Victims)	-	-	➡ 0%	8	4	⬇ -50%
Total Violent Index Crimes*	-	-	➡ 0%	21	15	⬇ -29%
Burglary (# premises entered)	2	4	⬆ 100%	24	38	⬆ 58%
Theft (# offenses)	7	10	⬆ 43%	101	110	⬆ 9%
Auto Theft (#vehicles)	1	2	⬆ 100%	12	18	⬆ 50%
Arson (# premises)	-	-	➡ 0%	2	-	⬇ -100%
Total Property Index Crimes*	10	16	⬆ 60%	139	166	⬆ 19%
Total Part I Index Crimes*	10	16	⬆ 60%	160	181	⬆ 13%
Part II Index Offenses						
Other Assaults	11	14	⬆ 27%	101	98	⬇ -3%
Weapons	1	1	➡ 0%	2	8	⬆ 300%
Narcotics	4	2	⬇ -50%	36	39	⬆ 8%
DUI	2	3	⬆ 50%	43	60	⬆ 40%
All Other Part II Offenses	43	40	⬇ -7%	446	532	⬆ 19%
Total Part II Index Crimes*	61	60	⬇ -2%	628	737	⬆ 17%
Total All Index Crimes*	71	76	⬆ 7%	788	918	⬆ 16%

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: 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: City Council Regular Meeting Minutes - November 16, 2021

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Meeting Minutes- November 16, 2021

BACKGROUND: N/A

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Approval of the City Council Meeting Minutes- October 12, 2021

ATTACHMENTS: 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.

☒ 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 CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
November 16, 2021

CALL TO ORDER

Mayor Ramirez called the meeting to order at 6:30 p.m.

ROLL CALL

Present: Ron Ramirez, Mayor
Sue Brashar, Mayor Pro Tem
Arthur Gibson III, Council Member
Jessica Bega, Council Member
Thomas Ibis, Council Member
Matthew Callahan, Council Member
Susie Arreaga, Council Member
Skyler Maldonado, Council Member

Absent: Forest Dennis, Council Member

Mayor Ramirez stated Mr. Dennis would not be in attendance. Mr. Maldonado made a motion to excuse Mr. Dennis. Mr. Callahan seconded the motion. All voted in favor. The motion carried. Mayor Ramirez stated there was a quorum.

Staff: Thomas L. Mattis, City Manager
Mysty Nauck, Acting Chief Financial Officer
Pamela Sanders, HR Director
Amy Miller, Community Development Director
Chris Noble, Police Chief
Jennifer Stubbs, City Secretary
David Harrell, Development Services Director
Michael Gonzalez, Public Works Director
Owen Rock, EDC Director
Beau Perry, City Engineer

INVOCATION

Mr. Ibis provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Ramirez led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America and Pledge of Allegiance to the Texas Flag.

PUBLIC HEARING

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

Mr. Mattis provided comments. No one wished to speak under the Public Hearing Item.

2. Public Hearing On An Ordinance Amending Chapter 8 Business, Revised Code Of Ordinances, City Of Elgin, Texas, Deleting In Their Entirety Section 8.156, And Adding Section 8-157.107 Through 8-157.110, Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; And Providing For A Savings Clause.

Mr. Mattis provided comments. No one wished to speak under the Public Hearing Item.

PUBLIC COMMENT

Gena Carter, 1005 Red Town Road, stated she is representing the Elgin Chamber of Commerce Board of Directors. She thanked the Councilmembers for their service. She stated she supports the Certificates of Obligation Bonds and urged the Council to move forward with the city projects.

Grant Hennig, 1116 Robin Road, thanked the Mayor and Council for their public service. Mr. Hennig stated the Council should go back to the voters and that he is concerned with the high school needing a second exit. He stated he doesn't disapprove of the projects, but the voters should have a vote.

Ed Rivers, 229 Hickory Dr., stated that he understands the city is growing fast. He stated if we don't prepare, we will be in trouble. Mr. Rivers stated he believes the Council were elected by the citizens and they take their jobs seriously. He approves of the issuances of the CO bonds.

CITY MANAGERS REPORT

1. Review And Discuss Upcoming 2022 Appointments To City Boards & Committees

Mr. Mattis stated coming up in January will be a time to appoint and reappoint Boards & Committee members. Ms. Stubbs stated to be on the lookout for the applications that will be

emailed to the Councilmembers on November 30th. She stated there are 24 spots that are up for renewal. The City Secretary encouraged citizens to apply by November 26th.

2. 4th Quarter FY2021 Investment Report

Mr. Mattis provided the report. Ms. Nauck stated the CDs were closed out and a new Logic account was created.

3. General Activity Report And/Or Project Update

Mr. Mattis stated this was everything on his report unless that Council had any questions.

CONSENT AGENDA

1. City Council Regular Meeting Minutes – October 12, 2021

The item passed on the consent agenda.

2. A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING THE AWARD OF A GRANT MANAGEMENT SERVICE PROVIDER CONTRACT FOR THE EDA FY 2021 AMERICAN RESCUE PLAN ACT - ECONOMIC ADJUSTMENT ASSISTANCE THROUGH THE EDA AND U.S. DEPARTMENT OF COMMERCE.

The resolution passed on the consent agenda.

3. A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING THE AWARD OF AN ENGINEERING SERVICE PROVIDER CONTRACT FOR THE EDA FY 2021 AMERICAN RESCUE PLAN ACT - ECONOMIC ADJUSTMENT ASSISTANCE THROUGH THE EDA AND U.S. DEPARTMENT OF COMMERCE.

The resolution passed on the consent agenda.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN AND GOVOLUTION LLC FOR USE OF THEIR INTERNET BASED THIRD-PARTY PROPRIETY SOFTWARE FOR ONLINE TRANSACTIONS FOR CREDIT CARD AND ELECTRONIC CHECKING AND MAKING CERTAIN FINDINGS RELATED THERETO.

The resolution passed on the consent agenda.

5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, APPROVING ELGIN PUBLIC SAFETY ADVISORY COMMITTEE AMENDED BYLAWS; REPEALING RESOLUTION NO. 2004-10-05-16

The resolution passed on the consent agenda.

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A BID ASSOCIATED WITH THE POTH BUILDING

RENOVATION PROJECT TO SPARKS ENGINEERING INC. OF SAN ANTONIO, TEXAS; AND MAKING CERTAIN FINDINGS RELATED THERETO

The resolution passed on the consent agenda.

7. A RESOLUTION TO ADOPT THE EVS 6110 VOTING SYSTEM

The resolution passed on the consent agenda.

8. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, APPROVING THE 2021 TOTAL AD VALOREM TAX LEVY FOR THE CITY OF ELGIN; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

The resolution passed on the consent agenda.

9. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND MCCANN ADAMS STUDIO FOR PLANNING SERVICES.

The resolution passed on the consent agenda.

10. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND T-MOBILE FOR THE HOMETOWN GRANT

The resolution passed on the consent agenda.

Mayor Pro Tem Brashar made a motion to approve the consent agenda. Mr. Callahan seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF ELGIN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021A; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES

Mr. Mattis provided a brief update on the 2021 Certificates of Obligation that were passed earlier in the year. He stated both will address the needs of the city and will directly benefit the citizens of Elgin. He stated this is an exciting and a historic year ahead for the City of Elgin. Mr. Mattis congratulated Elgin ISD on a successful Bond Election. The City of Elgin will commence development of Capital Improvement Projects with \$15 million in grant funding and construction to begin on three manufacturing companies. There will be an opening of Circle Brewing Company, Whataburger, Burger King, and Polo Loco Grocery. Mr. Mattis invited Chris Allen, Financial Advisor with RBC Capital Markets, up to the dais. Mr. Allen stated his company went out to the market today for the COs and ended up with \$10,705,000 which will fund \$12, 205,000 in projects.

He stated that the bid rate was for 2.81% for 25 years. Mr. Allen recommended approval of the rate and answered questions of the Council. Mayor Ramirez stated these items have to happen or should happen because of the growth that the city is experiencing. He stated the citizens have elected them to make hard decisions. Ms. Bega made a motion to approve the Resolution as presented. Mayor Pro Tem Brashar seconded the motion. The vote was: Bega- yes, Gibson- yes, Arreaga- yes; Maldonado- yes; Callahan- yes, Ibis- no, Mayor Pro Tem Brashar- yes, Mayor Ramirez- yes. The motion carried.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF ELGIN ECONOMIC DEVELOPMENT CORPORATION RELATING TO CITY OF ELGIN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021A; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis provided comments and answered questions of the Council. Mayor Pro Tem Brashar made a motion to approve the Resolution as presented. Mr. Maldonado seconded the motion. The vote was: Mayor Pro Tem Brashar- yes; Mayor Ramirez- yes, Bega- yes, Gibson- yes, Arreaga- yes; Maldonado- yes; Callahan- yes; Ibis- no. The motion carried.

3. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY BEING 68.992 ACRES OF LAND, OUT OF THE HENRY MARTIN SURVEY, ABSTRACT 518 IN TRAVIS CO., TX, SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Mattis stated this is a zoning change for the Stone Creek Ranch Project and answered questions of the Council. Mr. Ibis made a motion to approve the Resolution as presented. Mr. Maldonado seconded the motion. All voted in favor. The motion carried.

4. AN ORDINANCE AMENDING CHAPTER 8 BUSINESS, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, DELETING IN THEIR ENTIRETY SECTION 8.156, AND ADDING SECTIONS 8-157.107 THROUGH 8-157.110, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

Mr. Mattis provided comments and stated this is a code cleanup. He stated there were some general updates with the Ordinance. Mayor Ramirez invited Mr. Harrell up to the dais. Mayor Ramirez stated there were some comments made about stringent requirements put on the food truck vendors and asked if Mr. Harrell had looked at other cities or talked to the vendor permit holders. Mr. Harrell stated he had talked to Manor and Round Rock, and he had not talked to the itinerant vendor permit holders. Mr. Maldonado and Mayor Ramirez stated they would like to table this

item. Mr. Maldonado made a motion to table this item. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO UTILIZE THE “CONSTRUCTION MANAGER AT RISK” DELIVERY METHOD FOR THE DESIGN AND CONSTRUCTION OF THE NEW CITY OF ELGIN POLICE DEPARTMENT STATION; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this item was to utilize a Construction Manager at Risk method for the construction of the new Police Station. He stated staff is familiar with this method and briefed the Council on this item earlier in the week. This is a legal requirement by the State to pass this Resolution to proceed. Mr. Mattis stated this makes no commitments of funds and only authorizes the opportunity to request for qualifications. Mr. Ibis made a motion to approve the Resolution as presented. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, PROVIDING A RECOMMENDATION OF A POLLING LOCATION WITHIN THE CITY OF ELGIN IN SUPPORT OF THE BASTROP COUNTY COUNTYWIDE POLLING PLACE PROGRAM AND PROVIDING FOR RELATED MATTERS

Mr. Mattis stated the County Commissioners in Bastrop County have created a program to consider county wide polling locations and they are asking for the City of Elgin’s recommendation on a polling location. Mr. Maldonado stated he was in favor of approving of the Rec Center as the polling location. Mayor Pro Tem Brashar stated the Rec Center’s main purpose is for an emergency type of event. Mr. Callahan stated there is plenty of parking at the Fleming Center and that would be a good option. Discussion followed. Mr. Ibis made a motion to choose the Rec Center as the polling location. Mr. Maldonado seconded the motion. The vote was: Ibis- yes, Mayor Pro Tem Brashar - no, Mayor Ramirez- yes; Bega- yes; Gibson- yes, Arreaga- yes, Maldonado- yes, Callahan- yes. The motion carried.

7. A RESOLUTION OF CITY OF ELGIN, TEXAS ADOPTING TEXAS TERM SHEET FOR OPIOID SETTLEMENT

Mr. Mattis stated this is for a settlement agreement for the opioid problem within the State of Texas. The settlement amount for the City of Elgin is \$26,284. Mr. Mattis recommended that the Council pass the resolution. Mayor Pro Tem Brashar made a motion to approve the Resolution as presented and discussed. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

8. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A BID FOR THE WATER STORAGE TANKS REPAINT PROJECT TO HOGAN’S, INC. OF VAN BUREN, MISSOURI; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis provided comments and answered questions of the Council. Mr. Ibis made a motion to approve the Resolution as presented. Ms. Arreaga seconded the motion. All voted in favor. The motion carried.

9. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO AN EMERGENCY PREPAREDNESS PLAN IN ACCORDANCE WITH TEXAS SENATE BILL 3; AND MAKING CERTAIN FINDINGS RELATED THERETO.

Mr. Mattis stated this is an unfunded mandate that requires the city to prepare an Emergency Preparedness Plan (EPP) due to the winter storm from last year. Discussion followed. Mr. Ibis made a motion to approve the Resolution as discussed. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

10. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, CASTING ITS VOTES FOR THE BASTROP CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

Mr. Mattis stated the City of Elgin has 124 votes to cast for the Bastrop County Board of Directors. Mr. David Glass is being supported by the School District. Mr. Maldonado made a motion to cast 124 votes for David Glass to the Bastrop Central Appraisal District Board of Directors. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

11. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, CASTING ITS VOTES FOR THE TRAVIS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

Mr. Mattis stated that the City of Elgin has 1 vote to cast for the Travis County Board of Directors. The School District is in support of Ms. Elizabeth Montoya. Mr. Ibis made a motion to cast 1 vote for Elizabeth Montoya to the Travis Central Appraisal District Board of Directors. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

12. Shenandoah Green Belt Ground Maintenance - Councilmember Callahan

Mr. Callahan provided some background on the situation in his neighborhood. Mr. Callahan stated that in the past 14 months, there has been no upkeep on the maintenance of the Shenandoah Green Belt. Previously, a gentleman who did not work for the city cleaned up the area with his tractor. This area is now overgrown, has become a place for coyotes, animal life, and other nuisances. Mr. Mattis stated in the past, the City Council went through several locations in the city and gave direction on which locations the city would maintain. Discussion followed. Mr. Gonzalez stated the area is city owned property. Mr. Mattis stated if it was city owned property, then the city would maintain the area. No action was taken.

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.

ANNOUNCEMENTS

Mayor Pro Tem Brashar said Happy Thanksgiving to those in attendance. Mayor Ramirez thanked everyone involved with Día De Los Muertos event. Mr. Mattis stated Mr. Dennis' wife is recovering well from her procedure and the next City Council meeting is on December 7th.

ADJOURNMENT

Mayor Ramirez adjourned the meeting at 8:18 p.m.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD CHANGE ORDER NUMBER 1 TO TxCDBG CONTRACT NO. 7220042, FOR TRC COMPANIES OF AUSTIN, TEXAS; AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION: Approval of the Resolution authorizing change order No. 1 for engineering services to TxCDBG Contract No. 7220042, in the amount of \$9,500.00 for design work associated with the Main Street Sidewalk Project.

BACKGROUND:

The City Council recently approved Certificates of Obligation for projects that include constructing a new police department and renovating the existing police department building in the 200 block of Depot Street, expanding Veterans Memorial Park phase 1 in the 200 block of Depot Street, and renovating the Poth building located at 206 Depot Street. These projects impact the design of the Main Street sidewalk project TxCDBG Contract. City staff met with representatives of the McCann Adams Studio, TRC Engineering, Main Street and Historic Review Boards and concluded that the project will be more successfully implemented if design changes are made now before the project is bid.

NOTE: The City Manager has already approved this work moving forward and the proposed Council action is to retroactively approve the engagement for transparency purposes. City Code provides that “the City Manager (has) the general authority to contract for budgeted expenditures involving \$25,000 or less unless such expenditure is not authorized by state law. All contracts involving more than \$25,000 or more must be expressly approved by City Council.”

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 an agreement with TRC. of Austin, Texas, in the amount of \$9,5000 for design work associated with change order No. 1 for engineering services to TxCDBG Contract No. 7220042 and direction to staff by Council, if any, regarding same.

ATTACHMENTS: (1) Resolution and (2) TRC Change Order No. 1

- { } 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 AWARD
CHANGE ORDER NO. 1 TO TxCDBG CONTRACT NO.
7220042, FOR TRC COMPANIES OF AUSTIN, TEXAS;
AND MAKING CERTAIN FINDINGS RELATED
THERETO.**

WHEREAS, the City of Elgin has an existing contract for engineering services with TRC for Main Street Sidewalk Project TxCDBG Contract No. 7220042 and;

WHEREAS, the City Council recently approved Certificates of Obligation for projects that include constructing a new police department and renovating the existing police department building in the 200 block of Depot Street, expanding Veterans Memorial Park phase 1 in the 200 block of Depot Street, and renovating the Poth building located at 206 Depot Street, which impact the design of the Main Street sidewalk project, and;

WHEREAS, city staff worked with representatives of the McCann Adams Studio, TRC Engineering, Main Street and Historic Review Boards and concluded the design changes needed for the project which will be made by TRC of Austin, Texas.

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

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

Section 2. Authorization. The City Manager is hereby authorized to execute Change Order No. 1 with TRC of Austin, Texas, in the amount of \$9,500.00 for design work associated with the Main Street Sidewalk Project for TxCDBG Grant 7220042, a copy of the proposal regarding same 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.

Section 4. Future Budget Amendment. The City Council does hereby acknowledge that this item was neither included nor specifically approved within the *FY21-22 City of Elgin Annual Operating Budget*; and that said budget may require amendment 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. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 7th day of December, 2021

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



505 East Huntland Drive
Suite 250
Austin, Texas 78752

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

November 29, 2021

Ms. Amy Miller, Community Services Director
City of Elgin
310 North Main Street
Elgin, Texas 78621

**RE: 2020 Citywide Main Street Sidewalks
TxCDBG Contract No. 7220042
Engineering Services Change Order No. 1**

Dear Ms. Miller:

The City of Elgin (City) has requested that TRC prepare this Engineering Services Change Order No. 1 for the updates to the above referenced project.

TRC will perform the following Scope of Work:

SCOPE OF SERVICES

Revise the previously submitted design, drawings, specifications, and engineer's opinion of probable cost to accommodate additional client requirements, to include revisions/additions to the following:

Task 1

- A. Showing the sidewalks on the western side of N Avenue A, the western side of N Avenue B, and the North side of Depot Street (in front of the existing police department building) as deductive alternate bid items. This task requires revising the proposal quantities and revising the notes on individual sheets. All drainage as designed across these streets will remain as part of the base bid prices. Drainage specific to the side of the street to be added to the deductive alternate shall be included in the deductive alternate.
- B. Design and connect the proposed sidewalks across N Avenue B to the existing sidewalk along the southside of Depot Street. This will close N Avenue B.
- C. Remove the proposed driveway along the north side of Central Avenue to the future expanded parking lot.
- D. Remove the proposed parking spaces along the south side of Depot Street between N Avenue A and N Avenue B. The sidewalk shall be consistent along the current edge of asphalt to where Depot Street may become a one way in this location. Park space shall be maximized.
- E. Updating the proposed site plan, traffic control plan, demolition plans, street improvement sheets and other drawings of the plan set to incorporate the proposed changes as required.

Task 2

- A. The updated plans will also be resubmitted for approval with TDLR.

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:

- No striping changes will be made as part of this amendment.
- The basis of design for both tasks is the Elgin Downtown Park Sidewalk Improvement Project Recommendations exhibit provided by the City (see attached) and as discussed in the field.
- No additional topographical survey will be needed.
- Even minor changes to sheets can affect the reference drawings of many sheets not expected to change throughout the plans that could cause conflicts. Costs associated with review of all sheets has been included accordingly.
- The rail crossings will remain unchanged and as per originally submitted to CAPMETRO.

EXCLUSIONS

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

- Environmental or cultural review of project limits
- Electrical or structural design.
- Detailed title search or title policy
- Attendance at or preparation for condemnation hearings
- Landowners contact or easement negotiations
- Geotechnical work
- On site / daily inspection
- Construction staking
- Services required to rebid the project for any reason.
- Any other engineering services other than those listed specifically in this scope of work.

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:

Task 1	\$8,000.00	
Task 2	<u>\$1,500.00</u>	
Total:	\$9,500.00	(Lump sum)

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

TRC's lump sum fee above is based on 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.

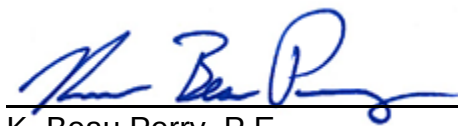
The payment schedule will be via progress billing.

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.

Fees for services quoted in this Letter of Agreement are valid for a period not to exceed 30 days from the date of this letter.

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.

Sincerely,



K. Beau Perry, P.E.
Vice President - DMS

City of Elgin

Date: November 29, 2021

Date: _____



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: : CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE ON MAIN STREET FROM LEXINGTON ROAD TO BRENHAM STREET; AND ON 2ND STREET, FIRST STREET, DEPOT STREET, CENTRAL AVENUE, AUSTIN STREET, BRENHAM STREET FROM MAIN STREET TO AVENUE B; AND ON AVENUE C FROM BRENHAM STREET TO 2ND STREET ON 2ND THURSDAYS, JANUARY 13, FEBRUARY 10, MARCH 10, APRIL 14, MAY 12, JUNE 9, JULY 14, AUGUST 11, SEPTEMBER 8, OCTOBER 13, NOVEMBER 10, DECEMBER 8, 2022.

DEPARTMENT: Community Services

PROPOSED ACTION: Approval of the request to waive the open container ordinance for sip shop and stroll from 5pm to 8pm.

BACKGROUND: Sip Shop and Stroll drives traffic to the community for shopping and dining. The downtown businesses, Main Street program and Chamber are excited to continue this event in 2022. Sip Shop and Stroll is a promotional event organized by the Main Street Board and the Chamber of Commerce to encourage local shopping and dining through the Shop Elgin First and Dine Elgin First campaigns. Businesses are open for extended hours on 2nd Thursdays of each month and offer promotions such as in-store specials, live music, wine and beer tastings, prize drawings and refreshments. The Main Street Board and Chamber coordinate the event and marketing.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approval of the request to waive the open container ordinance for Sip Shop and Stroll dates in 2022 from 5pm to 8pm.

ATTACHMENTS:

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY BEING 1.238 ACRES OF LAND OUT OF A18 BURLESON, JONATHAN, ACRES 0.179; ELGIN CITY, BLOCK 10, LOTS 1, 2, 3, 4 & 5; AND 0.199 ACRES OF ADJACENT RIGHT-OF-WAY TO BE ACQUIRED BY THE APPLICANT FROM THE CITY, AS SHOWN IN THE ORDINANCE, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS “A” AND “D”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, TX adopted in Ch. 46, Sec. 46-3, revised Code of Ordinances, City of Elgin, TX, 2013 and making this amendment a part of said official zoning map (Nana’s House rezoning from R-2 & C-2 to PDD).

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: The Planning & Zoning Commission provided input of this item at their July 26, 2021, meeting. This has been included in the attached staff report.

ATTACHMENTS: Staff Report, Application w/ Owners Authorization, PDD Ordinance with Text and Maps, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, Staff Compliance Letter.

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

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

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

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

ORDINANCE NO. 2021-12-07-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY BEING 1.238 ACRES OF LAND OUT OF A18 BURLESON, JONATHAN, ACRES 0.179; ELGIN CITY, BLOCK 10, LOTS 1, 2, 3, 4 & 5; AND 0.199 ACRES OF ADJACENT RIGHT-OF-WAY TO BE ACQUIRED BY THE APPLICANT FROM THE CITY, AS SHOWN IN THE ORDINANCE, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS “A” AND “D”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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

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

WHEREAS, the Planning and Zoning Commission held a workshop concerning the requested change on July 26, 2021, and

WHEREAS, the Planning and Zoning Commission has offered their input on the proposed change to the Official Zoning Map, and

WHEREAS, on December 7, 2021, after proper notification, the City Council held a public hearing on the requested zoning, and

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

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

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

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is classified as PDD Planned Development District.

II.

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

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

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

READ, PASSED, and ADOPTED on first reading this the 7th day of December 2021.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Development Service Department

STAFF REPORT

Rezoning from R-2 & C-2 to PDD

Project #: 202101245

Date: November 23, 2021
Applicant: DLJ Holdings, LLC
Representative: SAME
Hearing Dates: City Council – December 7, 2021
Location: 104 S Ave. A

APPLICATION SUMMARY

Consideration of a rezoning of 1.238 acres of land, including present right of way. The proposal is to change the zoning from “R-2” Single Family and Duplex District (on private property) and “C-2” General Commercial District (in present right-of-way) to “PDD” Planned Development District to develop a 7,990 sq. ft senior living facility (nursing home).

DEPARTMENT COMMENTS

Since the parcel is being rezoned to a PDD it has separate development standards, these have been included in attachment 2, exhibit C. Except for certain deviations, any changes not listed in this exhibit will defer to the R-2 zoning standard. The deviations to City Code include the following:

1. No fence required to be placed with the project.
2. No ornamental hedge between this project and adjacent residential district; project is not adjacent to residential uses.
3. Front yard to have a minimum 30% landscape area.
4. Deviations to following setbacks:
 - a. Decrease front setback from 25 feet to 7 feet.
 - b. Increase in side setback from 7.5 feet for one story & 10 feet for two story to 25 feet.
 - c. Increase in rear setback from 10 feet to 25 feet.

The physical square footage and building locations will be limited as shown in the PDD. The proposed building cannot be taller than 35 feet and 2 stories per the R-2 zoning standard. A traffic impact analysis (TIA) is not required for the development since it is site development related and not a subdivision. The proposed use itself will generate ninety (90) A.M – P.M peak hour trips. Parking is to be provided as shown on the development plan and will access from the rear at the City alley. Project will not provide water quality ponds since the present greenspace of the site can detain the applicable storm events. Sidewalks will be provided along Central Ave. but not along Ave A, where

sidewalk-in-lieu fees will be paid to the City.

As part of the PDD Ordinance is a Memorandum of Understanding (MOU) regarding conveyance of the 0.199 acres of right-of-way from the City to the property owners. This property is regarded as undevelopable given its unique shapes and overall size. In return, the owner will be conveying a portion of their property to create a more consistent right-of-way along Central Avenue (i.e. wider right-of-way). Although this will occur after the PDD has been approved by the City and after more review by City Staff as to this wider right-of-way. The approval of the PDD would create the MOU and the conditions within it.

PLANNING AND ZONING COMMISSION INPUT

The Commission offered their input to the development plan in a workshop format at their July 26, 2021, meeting. Staff and Commission discussion involved the relocation of right-of-way sidewalks, enlargement of Central Avenue, site access, sidewalks, alleys, commercial usage of site, utilities, drainage, detention ponds, and site development plans. There were no Commissioners that expressed individual concerns.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Elgin Main Street Land Use category. This category's secondary land uses are semi-public (see attachment 3) according to the provided map and associated land use language. The PDD would allow for a senior living facility (nursing home) which City Staff regards as a medical facility or called a semi-public use under the supporting land uses category of the underlying Land Use.

When seeking a rezoning, the Commission/Council should consider the uses that could occur on the land by rezoning to another zoning category. There is one (1) additional uses but a subtraction of many uses with the proposed rezoning request. Secondary uses such as accessory buildings stays in place with the request.

R-2 District (existing)*	PDD (proposed)
Detached single-family dwelling.	
Garage Apartment	
Duplex	
Churches, but not including revival tents or arbors.	
Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.	
Public park and playground.	
Library.	
Growing of farm products.	
Municipal use	
Telephone exchanges.	
Home occupations.	
	Senior Living Facility (Nursing Home)
Transportation and utility easements, alleys and rights-of-way	Transportation and utility easements, alleys and rights-of-way
Accessory building which is not a part of a main building, including one private garage,	Accessory building which is not a part of a main building, including one

or accessory building which is a part of a main building, including one private garage.	private garage, or accessory building which is a part of a main building, including one private garage.
R-2 District (existing)*	PDD (proposed)
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

* - Staff did not place the C-2 permitted uses since this zoning is presently in the right-of-way.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

	R-2 (exist. zoning)	PDD(proposed zoning)
Height	2 stories or 35 feet	2 stories or 35 feet.
Front Setback	25 feet	7 feet
Side Setback	5 feet for 1 story; 10 feet for more than 1 story	25 feet
Rear Setback	10 feet	25 feet
Lot Width	75 feet	Set by Develop. Plan
Lot Area	9,000 sq. ft.	Set by Develop. Plan
Impervious Cover on Lot	45% interior; 50% corner	45% interior; 50% corner

Rezoning of this parcel is also regarded as spot zoning. Typically, spot zoning is viewed unfavorably, and case law exists regarding it. In consultation with the City Attorney, there are several findings from the Texas Supreme Court that should be considered when making your decision, *staff analysis is in italics*:

1. Whether the City has disregarded the zoning ordinance or long-range master plans and maps that have been adopted by ordinance; *The City has not disregarded the zoning ordinance as the contiguous right-of-way and property across Ave A, to the immediate East is zoned C-2 (see attachment). This zoning allows for medical facility related uses which this senior living facility (nursing home) is defined as under Chapter 46, City Zoning Code. The Land Use (master plan) allows for semi-public uses within the Elgin Main Street Land Use.*
2. The nature and degree of an adverse impact on surrounding properties, i.e. is the change substantially inconsistent with surrounding properties; *The neighboring development consist of one (1) and two (2) story buildings. The proposed PDD zoning refers back to the R-2 zoning district for the maximum number of stories and height. This PDD will maintain the same standards as the R-2 zoning. Also the neighboring parcels are zoned "A" Multiple Family District and C-2 General Commercial District which has a maximum height of fifty (50) feet and would have a greater impact on the neighborhood then the height of the*

proposed PDD rezoning.

3. Whether the use of the property as presently zoned is suitable or unsuitable; and, *The present zoning of R-2 is unsuitable for development at the site since it is a lower residential development standard that is contiguous to the "A" Multifamily zoning which is a higher residential development and C-2 which allows for medium commercial development. Rezoning to PDD for a medical facility use is commensurate with commercial development and better suited for this area.*
4. Whether the rezoning ordinance bears a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historical and cultural places and areas. *The rezoning to PDD better protects the proposed development of the area as the PDD zoning sets more stringent standards than the present R-2 zoning. With these more stringent standards this better protects the health, safety, morals, or general welfare of the area.*

Based on the information within the packet, staff has issues and concerns regarding the proposal. The Elgin Comprehensive Plan (long-range master plan) is being complied with because the Elgin Main Street Land Use category indicates semi-public uses should be allowed within this category (see attachment 4). The zoning to PDD would further restrict the Uses that may be developed with the property versus the current zoning which allows for multiple uses.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application & Owners Authorization
2. Proposed Ordinance
3. Staff Added Comprehensive Plan Info.
4. Staff Added Zoning Map
5. Applicant Surveys

Attachment 1

Application w/ Owners Authorization

PDD REZONING APPLICATION

Date: _____

New ☒ Modification _____

Modification of _____

SITE INFORMATION

Project Address: 104 S Avenue AParcel Identification Number (if no address): R12268

APPLICANT

Name: DLJ Holdings LLCPostal Address: 162 Forest Drive
Elgin, TX 78621E-Mail Address: luannmj59@yahoo.com; Phone Number: 512-965-0408

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

James R. McCann 06/04/2021

Signature

Printed Name

Date

Project Description:

Construction of an 7,990 sf senior living facility with associated parking, sidewalks,
detention pond and utilities.

The project will consist of 14 bedrooms and common living spaces.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com



May 4, 2021

David Harrell
Development Services Director
310 N Main Street
Elgin, TX 78621

Re: Agent Authorization
403 Central Ave and 104 S Ave A
Elgin, TX 78621

Mr. Harrell,

I, LuAnn James, managing member of DLJ Holdings, LLC, authorize James R. McCann, P.E., of Development Collaborative, LLC, to represent and act on the behalf of the DLJ Holdings, LLC, for the purpose of preparing and submitting site plan, planned development district, and plat application to the City of Elgin for the review and approval of regulated activities.

Sincerely,
DLJ Holdings, LLC

LuAnn James
Managing Member

Attachment 2

PDD Ordinance with Text and Maps

AGREEMENT AND DEVELOPMENT PLAN

NANA’S HOUSE

PLANNED DEVELOPMENT DISTRICT (PDD)

THE STATE OF TEXAS §
COUNTY OF BASTROP §

THIS AGREEMENT AND DEVELOPMENT PLAN (this “Agreement”) is made and entered by and between the CITY OF ELGIN, TEXAS, a Texas municipal corporation, (hereinafter referred to as the "City"), and DLJ HOLDINGS, LLC , its successors and assigns, (hereafter referred to as the "Owner"); provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 1.039 acres, as more particularly described in **Exhibit "A-D"**, (herein after referred to as the “Property”) attached hereto and made a part hereof.

WHEREAS, the Owner has submitted a request to the City to zone the Property as a Planned Development District (the "PDD"), and those portions of the Property currently lie within City Limits.

WHEREAS, pursuant to Chapter 46, Article IV, Division 10, Code of Ordinances, City of Elgin, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PDD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, the City has held public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on July 26, 2021, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PDD; and

WHEREAS, the City Council has reviewed the proposed Development Plan and determined that it promotes the health, safety, and general welfare of the citizens of Elgin and that it complies with the intent of the Planned Development District Ordinance of the City;

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1.CONFORMITY WITH DEVELOPMENT PLAN

All uses and development within the Property shall conform to the Development Plan included in Section II herein the "Plan."

2.ANNEXATION

This section is not applicable to the development presented.

3. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Development Plan unless all provisions pertaining to changes or modifications as stated herein are followed.

4.ZONING VIOLATION

The Owner, his successors and assigns understand that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in the Code of Ordinances, City of Elgin, Texas, as amended. This Plan will be filed in the Official Records of Bastrop County, thereby placing future purchasers of the property on notice of all of the terms and conditions of this Plan.

5.MISCELLANEOUS PROVISIONS

5.1 Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section shall not prevent the Owner from selling the Property or portions of the Property, together with all development rights and obligations contained in this Development Plan, and no consent shall be required in connection with any sale provided the purchaser assumes Owner's obligations in writing as to such portions of the Property.

5.2 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.3 Severability.

In case one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

5.6 Venue.

All obligations of the parties created hereunder are performable in Bastrop County, Texas and venue for any action arising hereunder shall be in Bastrop County.

5.7 No Third Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto (and their respective successors and assigns), any rights, benefits or remedies under or by reason of this Agreement.

5.8 Duplicate Originals.

This Agreement may be executed in duplicate original, each of equal dignity.

5.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties, by certified mail, postage prepaid or by hand delivery to the address of the other party shown below:

OWNER

CITY OF ELGIN, TEXAS

DLJ Holdings, LLC
162 Forest Lane
Elgin, TX 78620

City of Elgin, Texas
P.O. Box 591
Elgin, Texas 78621
Attn: City Manager

5.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

5.11 Appeal of Administrative Decisions.

Administrative decisions provided for in this Agreement may be appealed to the City Council in writing within 30 days following receipt by the Owner of the written confirmation of the decision.

5.12 Binding Effect.

This Agreement and the Development Plan binds and benefits the Owner and its successors and assigns.

5.13 Sunset Provision

In the event that this Planned Development Plan is not recorded within one (1) year from the date the Planned Development Plan is approved by the City Council, then the Planned Development Plan shall be automatically voided and the zoning shall revert to C-2 General Commercial District (the zoning ordinances in effect at the time of approval of this PDD).

II

DEVELOPMENT PLAN (“Plan”)

1. **DEFINITIONS**

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances, as amended, City of Elgin, Texas, hereinafter referred to as "the Code"

2. **PROPERTY**

This Development Plan (hereinafter referred to as “Plan”) covers approximately 1.039 acres of land, all of which is located within the city limits of Elgin, Texas, and more particularly described by metes and bounds in **Exhibit "A"**, attached hereto. Exhibit D attached hereto, represents a Memorandum of Understanding (MOU) concerning the transfer of property between the City and property owner.

3. **PURPOSE**

The purpose of this Plan is to insure a PDD that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is adequately provisioned by essential public facilities and services, and 4) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

3.1 This project shall begin construction on or before February 15, 2022. Development is anticipated to be complete by February 15, 2023.

4. **APPLICABILITY OF CITY ORDINANCES**

4.1 **Zoning and Subdivision Ordinances**

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code. If there is a conflict between this Agreement and Plan and the Code, this Agreement and Plan shall supersede the specific conflicting provisions of the Code.

4.2 **Other Ordinances**

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. **PERMITTED USES**

The Property shall be used and developed as shown in **Exhibits "A-D"** attached hereto and incorporated herein. **Exhibit "B"** depicts the Development Plan for the property, **Exhibit "C"** depicts the development standards for the Property.

6. **UNDERGROUND UTILITY SERVICE**

All utility lines must be underground to connection points provided by the utility service provider. All transformers must be visually screened.

7. **DRIVEWAY ACCESS TO**

Parking shall be provided on property with access from Alley A. The parking as provided on Exhibit B is sufficient for the development.

8. **PARKLAND DEDICATION *If applicable***

This section is not applicable to the development presented.

9. **SIGNS**

9.1 As allowed by City Code.

10. WATER AND WASTEWATER

- 10.1 Potable water and wastewater will be provided by the developer per City Standards to the Property Line as required to service the development.

11. WATER QUALITY, DETENTION, AND IMPERVIOUS COVER

- 11.1 The project will not provide water quality. Detention will be provided to detain the 2, 10, 25, and 100 year storm events based on the NOAA 2014 24 hour Precipitation Values. Impervious cover shall be 40% or less.

12. DESIGN OF INGRESS OR EGRESS FOR DRIVEWAYS

- 12.1 This project will not provide mutual access agreements on parking lots, driveways and adjoining properties as encouraged on Section 36-514.8 of the Code of Ordinances. This project will not provide connectivity to adjacent properties.

13. STREETS, BLOCKS, LOTS, SIDEWALKS, BUILDING LINES, AND SETBACKS, DRAINAGE AND STORM SEWERS AND OTHER MATTERS

- 13.1 The project shall comply with the setbacks shown on Exhibit B.
- 13.2 The project shall provide sidewalk in lieu of fees for the length of frontage of property along South Avenue A.
- 13.3 The project shall provide for the reconstruction of Alley A per City of Elgin standards between South Avenue A and an unnamed alley that runs north to south between Central Avenue and Alley A. Existing culvert shall be replaced per City of Elgin standards.
- 13.4 A Traffic Impact Analysis (TIA) shall not be required for this development.
- 13.5 Project will dedicate the required Right of Way for the future widening of Central Avenue to the City of Elgin.
- 13.6 The project shall meet City of Elgin parking and loading requirements.

14. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

14.1 Minor Changes

Minor changes to this Agreement or Plan, which do not substantially and adversely change this Plan, may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning, the Director of Public Works, and the City Attorney.

14.2 Major Changes

All changes not permitted under section 10.1 above, shall be resubmitted following the same procedure required by the original PDD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the “Rezoning Owner”) to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) as it applies to the land of the Rezoning Owner.

Manager:

Donald W. James
DONALD W. JAMES

[Development Company]

By:

Donald W. James
Donald W. James, President

CITY OF ELGIN

By: _____

Ron M. Ramirez, Mayor

ATTEST:

By: _____

Jennifer Stubbs, City Secretary

STATE OF TEXAS

COUNTY

Sworn and subscribed before me this the ____ day of _____, 20____ by
_[developer]_____.

SEAL

Signature of Notary

STATE OF TEXAS

_____ **COUNTY**

**Sworn and subscribed before me this the ____ day of _____, 20____ by Ron Ramirez
Mayor, City of Elgin, Texas.**

SEAL

Signature of Notary

STATE OF TEXAS

_____ **COUNTY**

**Sworn and subscribed before me this the _____ day of _____, 20____ by
_____ City Secretary, City of Elgin, Texas.**

SEAL

Signature of Notary

EXHIBIT A – “METES AND BOUNDS DESCRIPTION OF THE PRIVATE PROPERTY”

NO.	REVISION	APP
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CITY OF ELGIN - TRACT ONE

CITY OF ELGIN - TRACT TWO

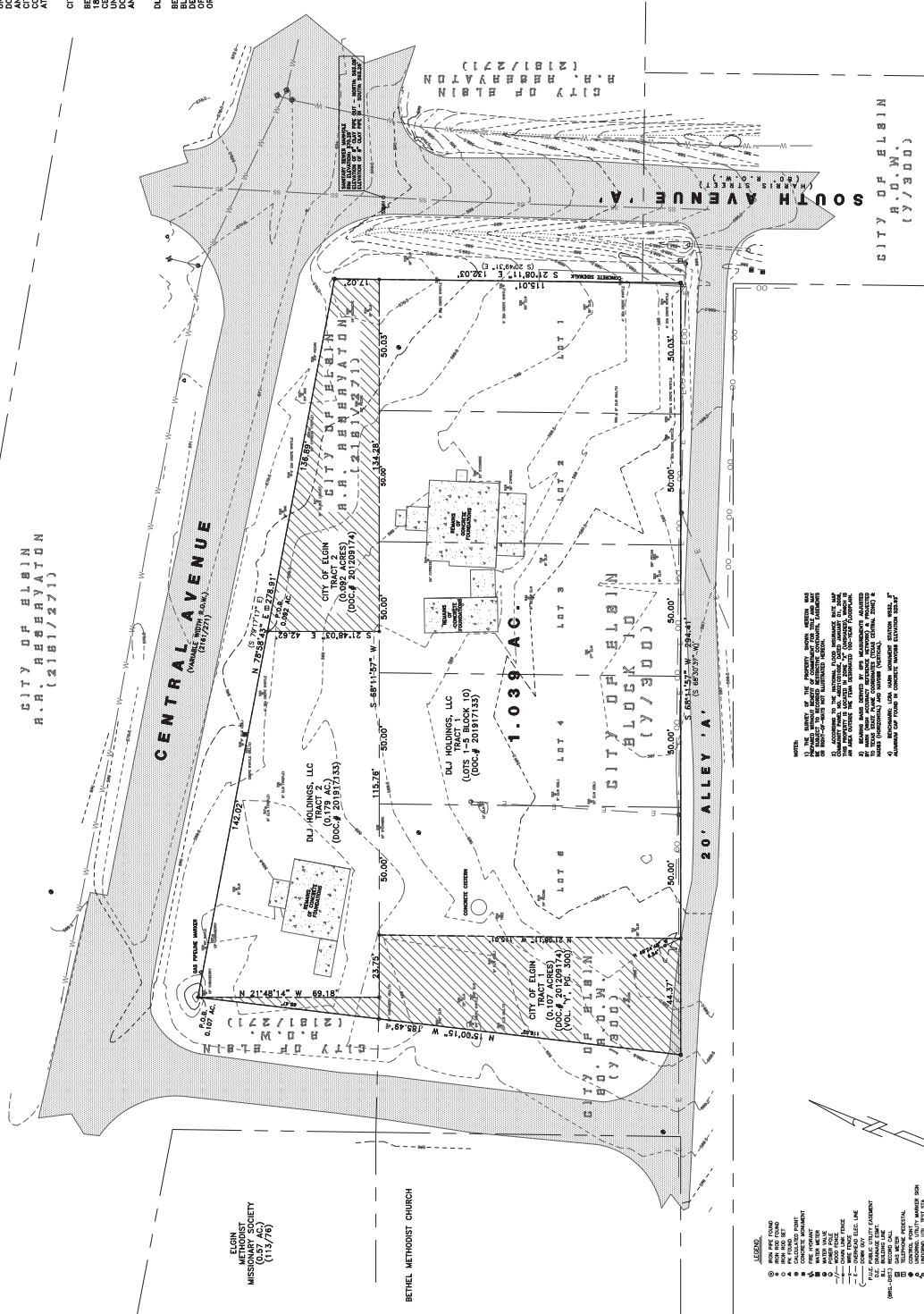
BEING 0.092 ACRES OF LAND SITUATED IN THE J. BURLISON SURVEY, ABSTRACT NO. 8, CITY OF ELGIN, BASTROP COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN PLOT CALLED 6.107 ACRE TRACT OF LAND CONVEYED TO THE CITY OF ELGIN BY THE UNION PACIFIC RAILROAD COMPANY, BY DEED DATED JULY 16, 2012 AND RECORDED IN DOCUMENT NO. 201209174, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED:

MLJ HOLDINGS, LLC

BEING ALL THAT CERTAIN PROPERTY CONVEYED AS TRACT 1 (LOTS 1, 2, 3, 4 & 5, BLOCK 10, CITY OF ELGIN) AND TRACT 2 (0.179 ACRES) TO DLJ HOLDINGS, LLC BY DEED DATED NOVEMBER 1, 2019 AND RECORDED IN DOCUMENT NO. 201917133, THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS AND CONTAINING 0.839 ACRES OR 36555 SQUARE FEET OF LAND.

ELGIN
METHODIST
MISSIONARY SOCIETY
(0.57 AC.)
(113/76)

METHOD METHODIST CHURCH

[illegible]

FILE NAME:	ELGIN
APPROVED BY:	-
DRAWN BY:	RHT
DESIGNED BY:	RHT
DATE:	10/31/17
PROJECT NO:	17-6710
PLOT SCALE:	
	1:20

APHIC BOUNDARY SURVEY & TREE LOCATION
1.039 ACRES OF LAND
#403 CENTRAL AVENUE
JONATHAN BURELSON SURVEY, A-18
CITY OF ELGIN
BASTROP COUNTY, TEXAS

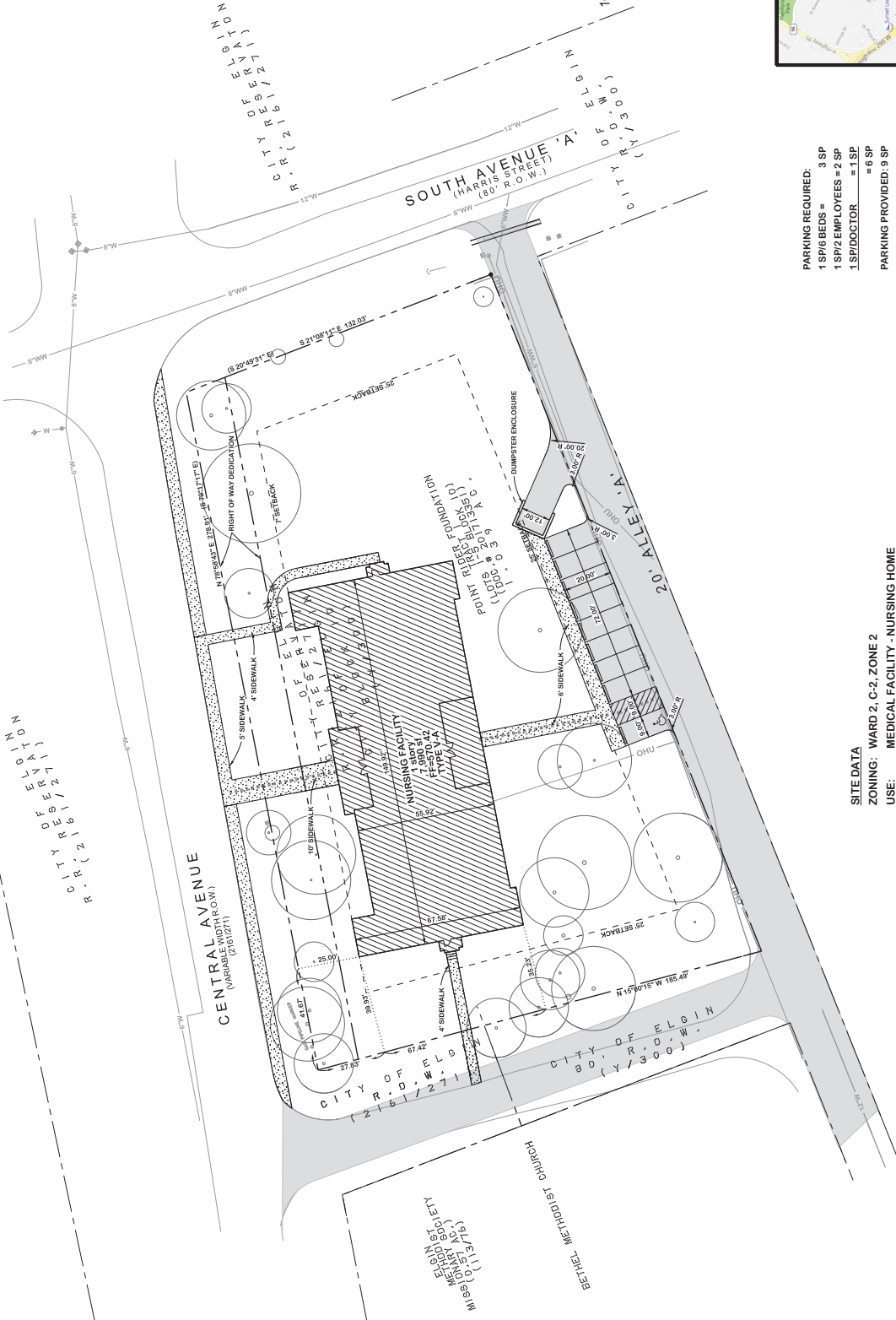
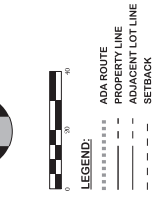
DRAWING	ELGIN
SHEET: 1	1

EDWARD H. TAYLOR, RPLS
REGISTERED PROFESSIONAL LAND SURVEYOR

SCALE 1" = 20'

LEGEND	
IRON PIPE FOUND	WATER VALVE
IRON ROD FOUND	WOOD POLE
PK FOUND	CHAIN LINK FENCE
CALCULATED POINT	OVERHEAD ELEC. LN.
CONCRETE MONUMENT	DOWN GUY
WIRE HYDRANT	PUBLIC UTILITY EASEMENT
WATER VALVE	DRAINAGE EMT.
WOOD POLE	ALL BUILDING LN.
CHAIN LINK FENCE	RECORD CALL
OVERHEAD ELEC. LN.	TELEPHONE PRESTAB.
DOWN GUY	CONTROL POINT
PUBLIC UTILITY EASEMENT	UNDESIGN. UTILITY M.
DRAINAGE EMT.	UNDESIGN. UTIL. RES.
ALL BUILDING LN.	SEWER MAIN
RECORD CALL	SANITARY SEWER M.
TELEPHONE PRESTAB.	LIGHT POLE
CONTROL POINT	CLEANOUT
UNDESIGN. UTILITY M.	CABLE FEDESTAL.
UNDESIGN. UTIL. RES.	GAS VALVE
SEWER MAIN	ELECTRIC METER
SANITARY SEWER M.	ELECTRIC GROUND
LIGHT POLE	ELECTRIC TRANSFORM.
CLEANOUT	TRAFFIC SIGNAL R/W

EXHIBIT B - Development Plan



SITE DATA	ZONING: WARD 2, C-2, ZONE 2	
USE: MEDICAL FACILITY - NURSING HOME		
MAX. IMPERVIOUS COVER: 40%		
PROPOSED IMPERVIOUS COVER: 27%		
FRONT YARD SETBACK: 7 FT		
SIDE YARD SETBACK: 25 FT		
REAR YARD SETBACK: 25 FT		
MIN. LOT WIDTH: 200 FT		
MIN. LOT AREA: 1,00 AC		
MAX. FLOOR TO AREA RATIO: 0.15		

PARKING REQUIRED:	
1 SP/6 BEDS =	3 SP
1 SP/2 EMPLOYEES =	2 SP
1 SP/DOCTOR	= 1 SP
	= 6 SP
PARKING PROVIDED:	9 SP
ADA PARKING REQUIRED /	
	1 SP / 1 SP

EXISTING IMPERVIOUS COVER:	2446 SF	5.4%
PROPOSED IMPERVIOUS COVER:		
PARKING/DUMPSTER	1813 SF	
SIDEWALK	1465 SF	
BUILDING	8923 SF	
	12201 SF	27.0%

Engineer
Development Collaborative, LLC
105 South Canyonwood Drive, Suite B
Dripping Springs, Texas 78620
(512) 788-0909 Fax No. 21751

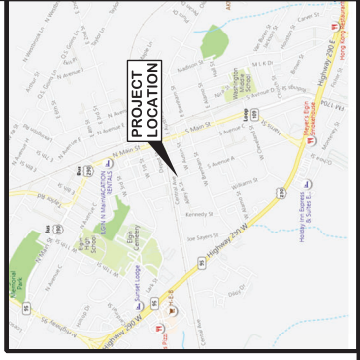
Surveyor:
Ash & Associates
142 Jackson Lane
San Marcos, TX 78666
(512) 392-1719

Richard H. Taylor RPLS #3986

Surveyor:
Ash & Associates
142 Jackson Lane
San Marcos, TX 78666
(512) 392-1719

Nana's House
Concept Plan
403 Central Avenue, Elgin, Texas
Site Plan Exhibit

PROJECT LOCATION



© 2021

Development Collaborative
105 South Canyonwood Dr.
Suite E
Dripping Springs,
Texas 78620
(512) 788-0909
Firm No. 21751



James R. McCann
11/08/21

EXHIBIT C – Development Standards

Variances to the City Code include:

The permitted use shall be Nursing Home.

The Minimum Front Yard Setback shall be 7 ft.

The Minimum Side Yard Setback shall be 25 ft.

The Minimum Rear Yard Setback shall be 25 ft.

The Minimum Lot Width shall be 200 ft.

The Minimum Lot Area shall be 1.0 acres.

The Maximum Impervious Cover shall be 40%.

The Maximum Floor to Area Ratio shall be 0.15.

The Maximum Height shall be 35 ft.

There shall be no fence erected with this project.

There shall be no ornamental hedge between this project and adjacent residential districts. The Front Yard shall have a minimum 30 percent landscape area.

The Front Yard shall be sodded and landscaped prior to issuance of a certificate of occupancy.

EXHIBIT D: Memorandum of Understanding (MOU) regarding exchange of City property to DLJ Holdings LLC



City of Elgin Office of the City Manager

City Hall • 310 North Main Street • P.O. Box 591
Elgin, Texas 78621

MEMORANDUM OF UNDERSTANDING

by and between
THE CITY OF ELGIN
and
DON & LUANN JAMES - DLJ HOLDINGS, LLC
dba NANA'S HOUSE
November 1, 2021

The purpose of this Memorandum of Understanding ("MOU") is to memorialize the primary elements of an economic development/land acquisition agreement between the City of Elgin (the "City") and Don and LuAnn James-DLJ Holdings LLC dba Nana's House (the "Owner"), pursuant to the approved Planned Development District Agreement and Development Plan ("the Development Agreement"), and in furtherance of the conveyance of certain real property by the City to support the construction and development of Nana's House, a senior living facility with fourteen (14) bedrooms and common living spaces, as well as parking, sidewalks, and utilities.

This MOU is provided to formally clarify for the record the general terms of an agreement between the parties hereto whereby City-owned property is to be conveyed to the Owner in exchange for certain commitments and/or compensation as defined herein.

Background

The Owner has recently acquired certain real property at 403 Central Avenue within the City of Elgin that they will be developing and constructing a 7,990 SF senior living facility that will include fourteen (14) bedrooms and common living spaces; as well as associated improvements for parking, sidewalks, storm drainage, and utilities.

The property described above, however, includes two (2) separate residual right-of-way (ROW) pieces of property that total approximately 0.199 acres. This city-owned property is undevelopable; but prevents the maximum/highest and best use of the overall property at 403 Central Avenue. The project proposed by the Owner cannot be built without first acquiring said property from the City.

A certified appraisal of the property from 2018 determined its value to be \$25,000.00. This MOU defines the overall compensation/consideration to be provided to the City by the Owner in exchange for the conveyance of this property as described to the Owner by the City.

Agreement and Development Plan - Planned Development District (PDD)

City staff and the Owner have negotiated the terms of an Agreement and Development Plan as part of a requested zoning change by the Owner to Planned Development District (PDD) zoning on the property that is the subject matter of this MOU. The Agreement defines the specific development plans for the Nana's House project; and the specific commitments made by both parties to facilitate the development of the project.

Included with the agreement is a copy of the preliminarily agreed-upon project floor plan and elevation drawing of the anticipated facility.

The Agreement and Development Plan, floor plan, and elevation drawing are attached hereto and marked Exhibit A; and made part of this MOU as if copied verbatim herein.

Property Conveyance by Owner to City

The aforementioned PDD Agreement and Development Plan is predicated on the Owner conveying a portion of land to the City to create a consistent ROW on Central Avenue adjacent to the property. Utilizing the same general value calculation as provided by the certified appraisal, the value of the land to be conveyed by the Owner to the City is \$13,441 (4,667 SF x \$2.88 per SF).

Downtown Economic Development

As proposed, the Nana's House project will also provide a number of other benefits to the City:

- The project will be a quality addition to Downtown Elgin, replacing an unattractive vacant lot with a new facility that will compliment other development in the area including the new CARTS Station and the coming new Veteran's Park.
- In its current state, the property that is the subject matter of this MOU adds little to property tax rolls for both the City and the Elgin ISD, whose combined tax rate is currently \$2.018477/\$100. The Nana's House project as planned is anticipated to increase the overall market value of said property to approximately \$1.9M, which is estimated to generate combined annual property tax revenue of approximately \$38,000 for the City and EISD.
- As planned, Nana's House will create eight to twelve (8-12) new jobs in the form of full-time caregivers over the next one to three (1-3) years. Compensation for the positions will include base pay of \$16-\$20 per hour with full benefits (healthcare, 401k, annual bonus).
- Nana's House is specifically designed to serve Elgin senior citizens with an assisted living facility that will be a home for them to live out their lives with love, companionship, & security.

Conveyance of Property

Acknowledging the various benefits the Nana's House project will create for the City including increased tax revenue, job creation, services to the community, and the donation of land for public ROW, the City will convey the previously described city-owned property (further described and attached hereto marked as Exhibit B; and made part of this MOU as if copied verbatim herein) at no direct cost to the Owner; subject to the formal approval of the proposed Planned Development District (PDD) zoning and associated Agreement and Development Plan by the City Council.

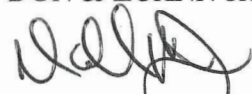
This MOU shall take effect upon the execution of all parties hereto,
as evidenced by the date of execution set forth along with each signature.

CITY OF ELGIN:

Thomas L. Mattis, City Manager

Date:

DON & LUANN JAMES-DLJ HOLDINGS LLC dba NANA'S HOUSE:



Don James



LuAnn James

4/30/2021

Date:

11/4/21

Date:

STATE OF TEXAS
COUNTY OF BASTROP

J BURLESON SURVEY, A-18
TRACT ONE - 0.107 ACRES

BEING 0.107 ACRES OF LAND SITUATED IN THE J. BURLESON SURVEY, ABSTRACT NO. 18, CITY OF ELGIN, BASTROP COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN CALLED 6.107 ACRE TRACT OF LAND CONVEYED TO THE CITY OF ELGIN BY THE UNION PACIFIC RAILROAD COMPANY, BY DEED DATED JULY 16, 2012 AND RECORDED IN DOCUMENT NO. 201209174, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, AND BEING A PORTION OF AN 80 FOOT RIGHT-OF-WAY, AS SHOWN BY PLAT OF THE CITY OF ELGIN RECORDED IN VOLUME 'Y', PAGE 300, DEED RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with cap found at the northwest corner of that certain called 0.179 acre tract of land, described as Tract 2 as conveyed to DLJ Holdings, LLC by deed dated November 1, 2019 and recorded in Document No. 201917133, Official Public Records of Bastrop County, Texas, same being at an interior corner of the above-mentioned City of Elgin called 6.107 acre tract, for the most northerly northwest corner of the herein described tract of land;

THENCE South 21°48'14" East (S21°57'06"E Record – Doc. #201209174) and (S21°29'23"E Record - Doc. #201917133), with the common line of said City of Elgin called 6.107 acre tract and said DLJ Holdings, LLC called 0.179 acre tract, a distance of **69.18 feet** (69.09' & 69.04' Record) to a 1/2" iron rod set with cap marked "RPLS_5687" set at a southeast corner of said City of Elgin called 6.107 acre tract and the common southwest corner of said DLJ Holdings, LLC called 0.179 acre tract, for an interior corner of the herein described tract of land, same being on the north line of the above-mentioned 80 foot wide public right-of-way as shown by plat of the City of Elgin recorded in Volume "Y", Page 300, Bastrop County Deed Records;

THENCE North 68°11'57" East (N68°30'37"E Record - Doc. #201917133), with the south line of said DLJ Holdings, LLC called 0.179 acre tract and the common north line of said 80 foot right-of-way, a distance of **23.75 feet** to a 1/2" iron rod found with cap at the northeast corner of said 80 foot right-of-way, for a northeast corner of the herein described tract of land, same being at the common northwest corner of Lot 5 of Block 10 of the City of Elgin,;

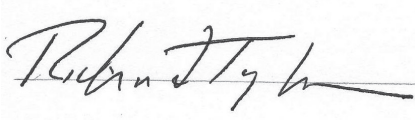
THENCE South 21°08'11" East, with the east line of said 80 foot right-of-way and the common west line of said Lot 5 – Block 10, City of Elgin, a distance of **115.01 feet** (115' Record) to a 1/2" iron rod set with cap "RPLS_5687" at the southwest corner of said Lot 5, Block 10, City of Elgin, for the southeast corner of the herein described tract of land, and from which a 1/2" iron rod found with cap bears North 46°24'48" West, a distance of 6.54 feet, and a 1/2" iron rod set with cap "RPLS 5687" at the southeast corner of said Block 10, bears North 68°11'57" East, a distance of 250.05 feet (250' Record);

THENCE South 68°11'57" West, with the projection of the south line of said Block 10, through and severing said 80 foot right-of-way, a distance of **44.37 feet** to a 1/2" iron rod with cap "RPLS 5687" set in asphalt for the southwest corner of the herein described tract of land;

THENCE North 15°00'15" West, with a line approximately 30 feet east of and parallel to the centerline of pavement of an existing public roadway, at a distance of 116.02 feet passing a 1/2" iron rod with cap "RPLS 5687" set in the north line of said 80 foot right-of-way and the common south line of the aforesaid City of Elgin called 6.107 acre tract, and continuing through and severing said 6.107 acre tract, for a total distance of **185.49 feet** to the **POINT OF BEGINNING** and **CONTAINING 0.107 ACRES** or **4676 SQUARE FEET OF LAND**, more or less.

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS CENTRAL ZONE) & NAD83.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date from a boundary survey performed under my direction during October 31, 2017 and April 2021, and is true and correct to the best of my knowledge and belief.



Richard H. Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas
Attachment: Drawing 1.039 acres
Job: 17-6710

04/22/2021

Date



STATE OF TEXAS
COUNTY OF BASTROP

J BURLESON SURVEY, A-18
TRACT TWO - 0.092 ACRES

BEING 0.092 ACRES OF LAND SITUATED IN THE J. BURLESON SURVEY, ABSTRACT NO. 18, CITY OF ELGIN, BASTROP COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN CALLED 6.107 ACRE TRACT OF LAND CONVEYED TO THE CITY OF ELGIN BY THE UNION PACIFIC RAILROAD COMPANY, BY DEED DATED JULY 16, 2012 AND RECORDED IN DOCUMENT NO. 201209174, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with cap found at the northeast corner of that certain called 0.179 acre tract of land, described as Tract 2 as conveyed to DLJ Holdings, LLC by deed dated November 1, 2019 and recorded in Document No. 201917133, Official Public Records of Bastrop County, Texas, same being at an interior corner of the above-mentioned City of Elgin called 6.107 acre tract, for the northwest corner of the herein described tract of land;

THENCE North 78°58'43" East, through and severing said City of Elgin called 6.107 acre tract, with the projection of the north line of said DLJ Holdings, LLC called 0.179 acre tract, along a line approximately 30 feet south of and parallel to the centerline of pavement of Central Avenue, a public right-of-way, a distance of **136.89 feet** to a 1/2" iron rod with cap marked "RPLS 5687" set at the intersection of said projection with the projection of the east line of Block 10 of the City of Elgin, same being in the projection of the west line of South Avenue 'A', an 80 foot wide public right-of-way, as shown by plat of the City of Elgin recorded in Volume 'Y', Page 300, Deed Records of Bastrop County, Texas, for the northeast corner of the herein described tract of land;

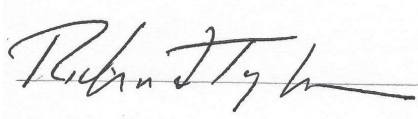
THENCE continuing through and severing said City of Elgin called 6.107 acre tract, with said projection of South Avenue 'A', **South 21°08'11" East**, a distance of **17.02 feet** to a 1/2" iron rod found with cap at an interior corner of said City of Elgin called 6.107 acre tract and the common northeast corner of said Block 10 of the City of Elgin, for the southeast corner of the herein described tract of land, and from which a 1/2" iron rod with cap "RPLS 5687" bears South 21°08'11" East, a distance of 115.01 feet (115' Record);

THENCE South 68°11'57" West (S68°12'27"W Record – Doc. #201209174), with the north line of said Block 10 and a common south line of said City of Elgin called 6.107 acre tract, a distance of **134.28 feet** (Record) to a 1/2" iron rod found with cap at the southeast corner of the aforesaid DLJ Holdings, LLC called 0.179 acre tract, same being at a southwest corner of said City of Elgin called 6.107 acre tract, for the southwest corner of the herein described tract of land;

THENCE North 21°48'03" West (N21°52'37"W – Record Doc. #201209174) and (N21°28'23"W Record – Doc. #201917133), with the east line of said DLJ Holdings, LLC called 0.179 acre tract and a common west line of said City of Elgin called 6.107 acre tract, a distance of **42.62 feet** (42.45' Record) and (42.48' Record) to the **POINT OF BEGINNING** and **CONTAINING 0.092 ACRES** or **4008 SQUARE FEET OF LAND**, more or less.

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS CENTRAL ZONE) & NAD83.

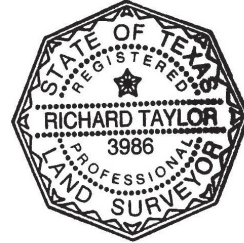
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date from a boundary survey performed under my direction during October 31, 2017 and April 2021, and is true and correct to the best of my knowledge and belief.



Richard H. Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas
Attachment: Drawing 1.039 acres
Job: 17-6710

04/22/2021

Date



Attachment 3

Staff Added Comprehensive Plan Exhibits



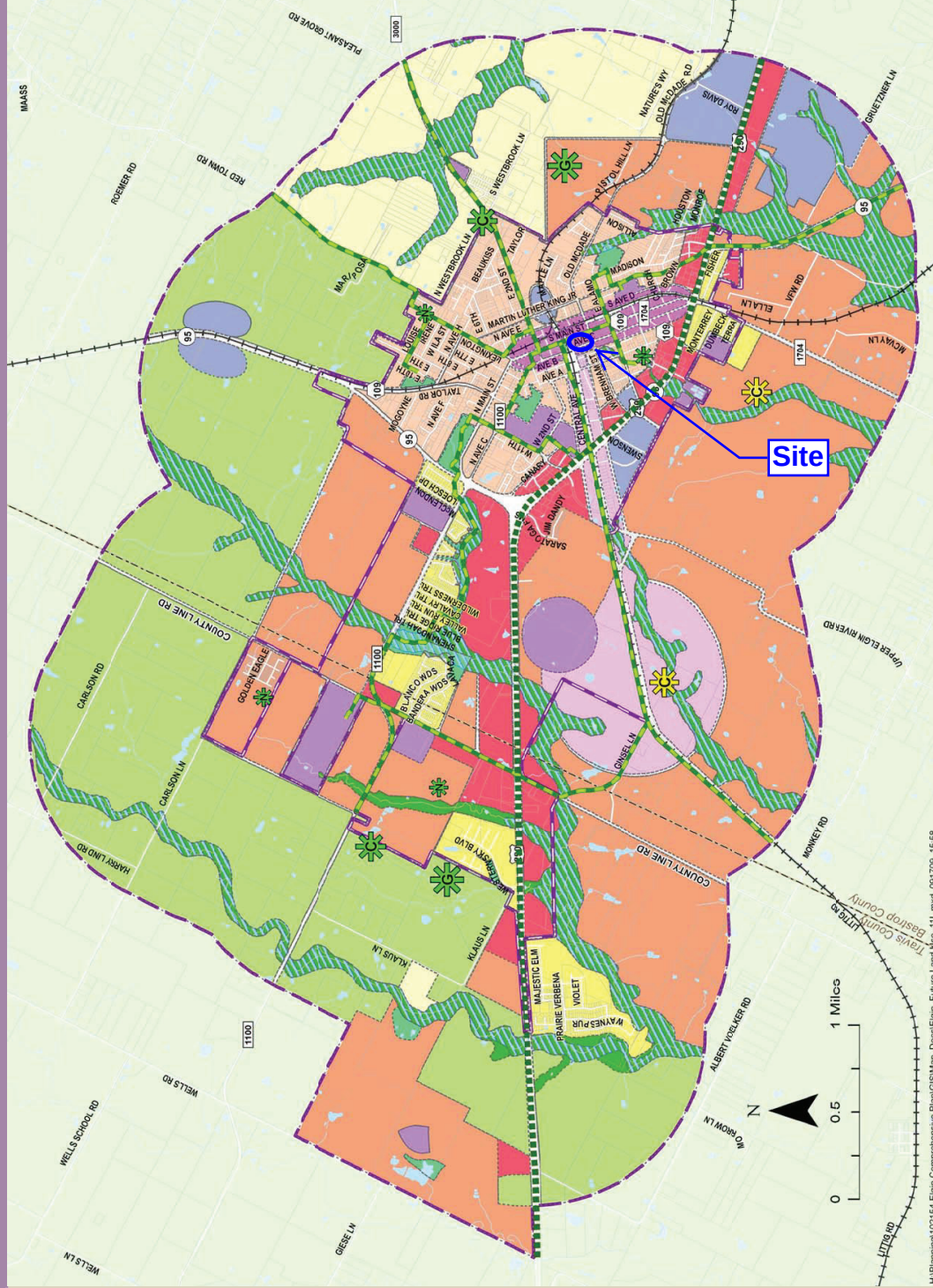
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.



Main Street

General Description: As the heart of Elgin and the community's historic town center, the Main Street area is an important district to preserve and revitalize as Elgin develops. Many of the buildings along Main Street were constructed with local Elgin brick from the late 1800s to the mid 1900s, and as a result, are a true representation of Elgin's local history. This area continues to be a center for retail, business, local government, community festivals, and art. It is an area that Elgin residents treasure and many community members have worked to preserve and promote through efforts such as the Main Street Program, the Historic Review Board, and Elgin Art Walks.

Transect Zone: Urban Center (T5)

Primary Land Use: Commercial retail and office

Supporting Land Uses: Multi-family residential (apartments and condos typically above retail storefronts), single family residential, public, semi-public, light industrial, and industrial.

Residential Densities: Approximately 7 units per acre.

Form and Character: The core of Historic Main Street is mainly comprised of historic two-story brick buildings built between 1872 and 1947. Many of these buildings support an integrated mix of retail, office, and residential uses in a walkable environment. The official Main Street Historic District is subject to design guidelines that aim to maintain the historic integrity of the district. As such, all development and restoration should conform to the design standards. Areas immediately surrounding the District may not be subject to the specific design guidelines, but should be developed with sensitivity to the surrounding context. Infill development should be encouraged in the area to attract additional residents to support Main Street businesses. Additionally, Main Street should remain a focus for promoting small-scale retail, restaurant, entertainment, and arts venues to provide a draw for Elgin residents as well as visitors.

Parks and Open Space: Open space is primarily provided in small pocket parks and plazas such as Veterans' Memorial Park. Additional streetscaping and landscaping should be encouraged along public frontages with bike and pedestrian connections to surrounding areas.



Attachment 4
Staff Added Zoning Map

ArcGIS Web Map



Attachment 5
Staff Compliance Letter



505 East Huntland Drive
Suite 250
Austin, Texas 78752

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

November 12, 2021

Mr. David Harrell, Development Services Director
City of Elgin
310 N. Main St.
Elgin, Texas 78621

RE: Nana's House PDD Review

Dear Mr. Harrell:

TRC has reviewed the following documents listed below submitted by Development Collaborative, LLC:

1. Agreement and Development Plan for Nana's House PDD dated November 11, 2021.
2. Other supporting documents submitted with the PDD: Comment response letter.

Our review finds that these documents have been prepared in general conformance with the City of Elgin's Code of Ordinances and any deviations from the Code have been negotiated with additional benefits included for the City.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Elgin must rely on the adequacy of the Registered Professional Land Surveyor and Registered Professional Engineer that prepared the documents and all responsibility for the surveying, engineering design and submitted documents shall remain with the Registered Professional Land Surveyor and Registered Professional Engineer. Note that prior to execution of the PDD, all applicable filing fees and invoices shall be paid. If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely,

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

K. Beau Perry, P.E.
Vice President

cc: Mr. James McCann, PE, Development Collaborative, LLC



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VI, DIVISION 3 PANHANDLING IN A PUBLIC PLACE AND CREATING A NEW CHAPTER 34, ARTICLE VI, DIVISION 4 LOITERING, CAMPING IN A PUBLIC PLACE, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING CHAPTER 34 ARTICLE VI, DIVISION 3 AND BY ADDING NEW DIVISION 34, SECTIONS 34-258, 34-259, 34-260, 34-261, AND 34-262 REGARDING PANHANDLING, LOITERING, AND CAMPING IN A PUBLIC PLACE; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

DEPARTMENT: Elgin Police Department

PROPOSED ACTION:

Consideration an Ordinance to (a) update City Code provisions relative to the prohibition of panhandling and (b) amend the code to outlaw camping in public places.

BACKGROUND:

Discussed at previous meetings; Councilmembers and various citizens have expressed concerns in recent months about the city's ability to address camping in public places if it were to become a problem. This concern arises from the experience of the City of Austin over the last couple of years after the City Council lifted the ban on such camping. This decision obviously created an extremely negative and adverse situation for Austin residents and businesses; so much so that the ban was forced on to the ballot and voters declared overwhelmingly that they wanted the camping ban reinstituted.

Since that time, some neighboring communities and areas have begun to experience an increase in homelessness and camping in public places as those affected individuals relocate from Austin.

The proposed Ordinance will formally establish a prohibition of camping in public places within the City of Elgin and empower the City of Elgin Police Department and Municipal Court the authority to enforce same.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of an Ordinance to (a) update City Code provisions relative to prohibition of panhandling and (b) amend the code to outlaw camping in public places; and routine direction to staff, if any.

ATTACHMENTS: Ordinance

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

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

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

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VI, DIVISION 3 PANHANDLING IN A PUBLIC PLACE AND CREATING A NEW CHAPTER 34, ARTICLE VI, DIVISION 4 LOITERING, CAMPING IN A PUBLIC PLACE, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING CHAPTER 34 ARTICLE VI, DIVISION 3 AND BY ADDING NEW DIVISION 34, SECTIONS 34-258, 34-259, 34-260, 34-261, AND 34-262 REGARDING PANHANDLING, LOITERING, AND CAMPING IN A PUBLIC PLACE; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

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

I.

That Chapter 34, Section VI, Division 3, Revised Code of Ordinances, City of Elgin, Texas of Ordinances, City of Elgin, Texas, 2013, are hereby deleted in their entirety and replaced with the following:

DIVISION 3. - PANHANDLING IN A PUBLIC PLACE

Sec. 34-255. - Definitions.

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

Panhandling means asking or begging people for money, goods, or anything else of value, in an aggressive manner exhibiting behavior endangering himself or other people by interfering with pedestrian or vehicular traffic and blocking or impeding such passage whether by words, bodily gestures, signs or other means or when said requests are unwanted.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, parking lots,

and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(Code 1990, ch. 4, § 14(B); Ord. No. 93-08, 2-16-1993)

Sec. 34-256. - Regulations.

No person shall engage in panhandling in any public place in the city, as those terms are defined in this section.

(Code 1990, ch. 4, § 14(A); Ord. No. 93-08, 2-16-1993)

Sec. 34-257. - Penalty for violations.

Any person violating any provision of this division shall be fined not less than \$20.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1990, ch. 4, § 14(C); Ord. No. 93-08, 2-16-1993)

II.

That Chapter 34, Section VI, Division 4, Revised Code of Ordinances, City of Elgin, Texas, 2013, is hereby amended to add the following:

DIVISION 4. – LOITERING, CAMPING IN A PUBLIC PLACE

Sec. 34-258. - Definitions.

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

Camping. The use of a public place for living accommodation purposes including, storing personal belongings; making a campfire; using a tent, shelter, vehicle, or other

structures and/or materials for a living accommodation; carrying on cooking activities; or digging or earth breaking activities.

Loitering. Sitting, lying down, sleeping, or stowing personal belongings in or on a public place, without the express permission of the entity or person who owns or otherwise controls such public places.

Public place. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Sec. 34-259. – Loitering prohibited.

A person shall not loiter in a public place. A person commits an offense if the person, after being notified by a law enforcement officer or the person that owns or controls the property that a person's activities violate a city regulation and fails to vacate the property in question.

Sec. 34-260. – Defenses.

It is a defense to prosecution under Section 34-259 that a person:

- (a) Was sitting or lying down because of a medical emergency;
- (b) As a result of a disability, used a wheelchair or similar device to move about;
- (c) Participated in or viewed a parade, festival, performance, rally, demonstration, or similar event;
- (d) Waited in line to purchase a ticket to or attend a performance or a public event;

- (e) Sat on a chair or bench that was supplied by an agency, entity, individual or business, unless the agency, entity, individual, or business requested that the person leave the chair or bench provided; or
- (f) Operated or patronized a commercial establishment that conducts business on the sidewalk, during the time business was being conducted thereon.

Sec. 34-261. – Camping prohibited.

Camping is not allowed in a public place. A person commits an offense if the person camps in a public place that is not designated as a camping area by the city and/or parks department.

- (a) This section does not apply to permitted camping or cooking in a park in compliance with park regulations or if the person is engaged in a sanctioned outdoor cooking event.
- (b) It is an affirmative defense to prosecution under this subsection that a person owns the property or has secured the permission of the property owner to camp in a public place unless such activities are otherwise prohibited by state or local regulations.

Sec. 34-262. - Penalty for violations.

Any person violating any provision of this division shall be guilty of a class c misdemeanor and shall be subject to a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

IV.

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

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

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

READ, PASSED, and ADOPTED on first reading this 7th day of December, 2021.

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, AMENDING ORDINANCE NUMBER 2021-09-21-27 THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING BUDGETARY APPROPRIATIONS IN SUPPORT OF THE ELGIN SESQUICENTENNIAL COMMITTEE; AND PROVIDING FOR A SAVINGS CLAUSE

DEPARTMENT: City Manager

PROPOSED ACTION:

Consideration and approval of an Ordinance amending the FY21-22 Annual Budget to provide financial support to the Elgin Sesquicentennial Committee.

BACKGROUND:

The City of Elgin will be 150 years old in 2022 and this Sesquicentennial landmark will be an opportunity to recognize the city's history, preserve important oral histories, share our community's unique aspects, and develop existing and new events for the whole community.

The City Council has already recognized this important event by appointing the Elgin Sesquicentennial Committee to develop a plan for celebrating this historic anniversary of our city.

In order to properly celebrate this historic achievement, the Committee will require funding to support various events and projects throughout the 2022 year. Staff has met with the Committee Chairs and proposed funding in the total amount of \$100,000 from the City's Hotel Motel Tax Fund. While the Committee will continue searching for additional support, this amount has been deemed sufficient for their basic purposes.

The staff recommendation is predicated on the projected activity for the Hotel Motel Fund in FY21-22:

Beg Fund Balance	\$ 136,235
Estimated FY21-22 HOT Rev	\$ 182,000
Estimated FY21-22 HOT Exp	\$ (159,834)
Elgin Sesquicentennial Committee	\$ (100,000)
Estimated Remaining FB	\$ 58,401

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Ordinance amending the FY21-22 Annual Budget to provide financial support to the Elgin Sesquicentennial Committee; and routine direction to staff, if any.

ATTACHMENTS: (1) Budget Amending Ordinance and (2) Elgin Sesquicentennial Committee

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

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

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

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

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, AMENDING
ORDINANCE NUMBER 2021-09-21-27 THE ANNUAL BUDGET FOR
THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING
SEPTEMBER 30, 2022; PROVIDING BUDGETARY
APPROPRIATIONS IN SUPPORT OF THE ELGIN
SESQUICENTENNIAL COMMITTEE; AND PROVIDING FOR A
SAVINGS CLAUSE**

WHEREAS, the City of Elgin was established in 1872 on the Houston and Texas Central Railroad as a one square mile area around the H&TC Depot and named for Robert Morris Elgin, the railroad's land commissioner; and,

WHEREAS, the City of Elgin will be 150 years old in 2022 and this Sesquicentennial will be an opportunity to recognize our history, preserve important oral histories, share our community's unique aspects, and develop existing and new events for the whole community; and,

WHEREAS, the City Council appointed the Elgin Sesquicentennial Committee to develop a plan for celebrating this historic anniversary of our city; and,

WHEREAS, the City Council of the City of Elgin, Texas desires to amend the approved FY2021-22 Annual Operating Budget to provide financial support to the Elgin Sesquicentennial Committee.

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

Section 1. The City of Elgin Annual Budget for Fiscal Year 2021-22 is hereby amended by the City Council to increase appropriations from the Hotel Motel Tax Fund by \$100,000 in support of the Elgin Sesquicentennial Committee; increasing the total year-end FY21-22 Hotel Motel Tax Fund appropriations/expenditures to \$259,834, with such increased appropriations being funded through the utilization Hotel Motel Tax Fund Reserves. All other appropriations as originally adopted and amended by the City Council remain in full force and effect.

Section 2. The amendment that is the subject matter of this Ordinance is hereby made a part of the FY2021-22 Annual Operating Budget to the same extent as if set forth at length therein.

Section 3. This Ordinance shall become effective immediately upon passage.

Section 4. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this 7th day of December, 2021.

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

Elgin Texas Sesquicentennial

Budget 12-2-2021

Graphic Design	1,000.00
Marketing	24,000.00
Souvenirs / Specialty items	7,600.00
150th Light Pole banners	6,500.00
Time Capsule	2,000.00
Historical Marker	1,000.00
Arcadia photo book	2,000.00
Oral Histories	2,000.00
Events	46,000.00
Contractor / Consultant Services	40,000.00
TOTAL	132,100.00



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Consideration of a request for financial support to conduct a land survey to determine the location of the Old Latin Cemetery in relation to Elgin Cemetery on West 2nd Street

DEPARTMENT: N/A

PROPOSED ACTION:

No Council action proposed by staff; This item has been placed on the agenda in response to a citizen request for financial assistance from the City as stated.

BACKGROUND:

Discussed and reviewed at previous meetings; The City council has previously received a request to provide the necessary funds required to complete a land survey determining the location of the Old Latin Cemetery in relation to Elgin Cemetery on West 2nd Street

Included in the meeting packets is a cost proposal with supporting information for same from TRC Engineering setting the cost for this project at \$7,902.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consideration of the agenda item as stated.

ATTACHMENTS:

TRC proposal

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and respond to 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.



505 East Huntland Drive
Suite 250
Austin, Texas 78752

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

November 15, 2021

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

**Re: City of Elgin – Elgin Cemetery Boundary Survey
Engineering Services Proposal**

Dear Mr. Mattis:

TRC Engineers, Inc. (TRC) has prepared this Letter of Agreement for engineering services for a boundary survey for 10-acre Elgin Cemetery. The project consists of boundary survey for the Elgin Cemetery and determining the location of the Old Latin Cemetery in relation to Elgin Cemetery.

TRC will perform the following Scope of Work:

SCOPE OF SERVICES

The proposed project will consist of the following major components:

- TRC will complete a boundary survey for the Elgin Cemetery and the Old Latin Cemetery.

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 City of Elgin understands that minor trimming of brush and tree limbs may be necessary to provide clear line of sight.

EXCLUSIONS

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

- Attendance at or preparation for condemnation hearings.

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:

<u>Alta Survey</u>	
Preliminary Plat:	\$7,150.00
Project Management:	\$752.00
Total:	\$7,902.00 (lump sum)

Mr. Thomas Mattis, City Manager
City of Elgin
November 15, 2021
Page 2 of 2

This lump sum fee includes labor and material and based on continuous flow of work costs associated with the Scope of Work identified above.

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 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.

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 out files.

Sincerely,

K. Beau Perry, P.E.
Vice President

Mr. Thomas Mattis
City Manager

November 15, 2021
Date

Date





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 44 VEGETATION, ARTICLE II LANDSCAPING, DIVISION 3 GENERAL REQUIREMENTS AND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending Chapter 44, Vegetation.

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: The Planning & Zoning Commission recommended approval of this item at their November 22, 2021 meeting.

ATTACHMENTS: Staff Report, Proposed Ordinance, Residential Subdivision Map, Pictures of Individual Lots in Peppergrass & Homestead Estates.

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

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

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

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



Development Services Department

STAFF REPORT

Amendment of Ch. 44, Vegetation.

Date: November 23, 2021

Hearing Dates: Planning & Zoning Commission – November 22, 2021
City Council – December 7, 2021

REQUEST SUMMARY

City Staff is requesting a modification to the Vegetation Code to allow for the continued use of an above ground hose system in more established residential lots that existed pre-June 1, 2019 and on residential lots that were subdivided with four (4) or fewer lots as of June 1, 2019 and later. Residential lots that were created June 1, 2019 and later and consist of five (5) or more residential lots when subdivided will not have the option of an above ground hose system for watering. This change is a way to balance newer lots that are placing trees, shrubs, and sod on the entire lot versus more established parts of town that do not place vegetation entirely on a lot. It also allows developers/builders the ability to still use a hose system on smaller subdivisions.

Presently lots in Homestead Estates have been using a residential hose system to manually water new plantings versus lots in Peppergrass where automatic irrigation is in use. Vegetation in Homestead Estates is in decline or dying versus the vegetation in Peppergrass. City Staff has observed this difference in vegetation survivability while doing landscape inspections. Typically, new plantings require more watering than normal due to the stresses on the plant being moved and to establish its root systems in the new soil.

Placement of an automatic irrigation system or above-drip irrigation system set on a timer is a method that reduces water waste, water can be equally dispersed on the site, and there is no manual labor to water the vegetation. With an above ground hose, it has no full control over where water is dispersed, and areas of a yard can be missed. Also, above ground hoses are more labor intensive as it manually must be taken to a location, be plugged in, moved around a yard, and must be placed back at a stored location.

For purposes of the future urban tree canopy and quality of life in our neighborhoods we must increase the chances of this vegetation surviving its initial planting and future growth and the easier method is to limit the hose system.

ATTACHMENT(S)

Additional information is provided through attached exhibit(s).

1. Proposed Ordinance.
2. Residential Subdivision Map.

Attachment 1
Proposed Ordinance

ORDINANCE NO. 2021-12-07-????

AN ORDINANCE AMENDING CHAPTER 44, VEGETATION, ARTICLE I IN GENERAL, DIVISION 3 GENERAL REQUIREMENTS AND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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

I.

That Chapter 44 Vegetation, Article II Landscaping, Division 3 General Requirements and Standards, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 44-83 – Irrigation; et seq., which shall read as follows:

Sec. 44-83. Irrigation.

All required landscape areas shall be irrigated by an approved irrigation system, including but not limited to an underground automatic system, above-drip irrigation system, or hose system (only allowed on residential ~~only~~ lots that existed before June 1, 2019. Hose systems are also allowed on subdivided residential lots of four (4) or less as of June 1, 2019 or later). These systems shall adhere to manufacturer specifications and the rules and regulations established by the Texas Commission on Environmental Quality (TCEQ) or successor agency. In addition, an underground irrigation system must be designed by a landscape architect or irrigator licensed by the state. An underground irrigation system shall comply with the following guidelines:

- (1) Sprinkler head spacing shall be designed for head-to-head coverage and adjusted for prevailing winds. The system shall promote minimum runoff and minimum over spray onto non-irrigated areas (i.e., paving, walkways, buildings, and other impervious areas).
- (2) Sprinkler heads shall have matched precipitation rates within each control valve circuit.
- (3) Adjustable flow controls shall be required on circuit remote control valves. Pressure regulation components shall be required where static pressure exceeds the manufacturer's recommended operating range.
- (4) Valves and circuits shall be separated based on water use requirements, so that turf areas can be watered separately from trees, shrubs, and ground cover.
- (5) Serviceable check valves shall be required where elevation differentials may cause low head drainage adjacent to paving areas.
- (6) All automatic irrigation systems shall be equipped with an electronic controller capable of dual or multiple programming. Controllers shall have multiple cycle start capacity and a flexible calendar program, including the capability of being set to water every five days. All automatic irrigation systems shall be equipped with a rain and freeze sensor shut-off device.

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 Planning & Zoning Commission meeting at which this Ordinance was recommended 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.

- D. 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 **7th** day of **December 2021**.

Ron M. Ramirez, Mayor

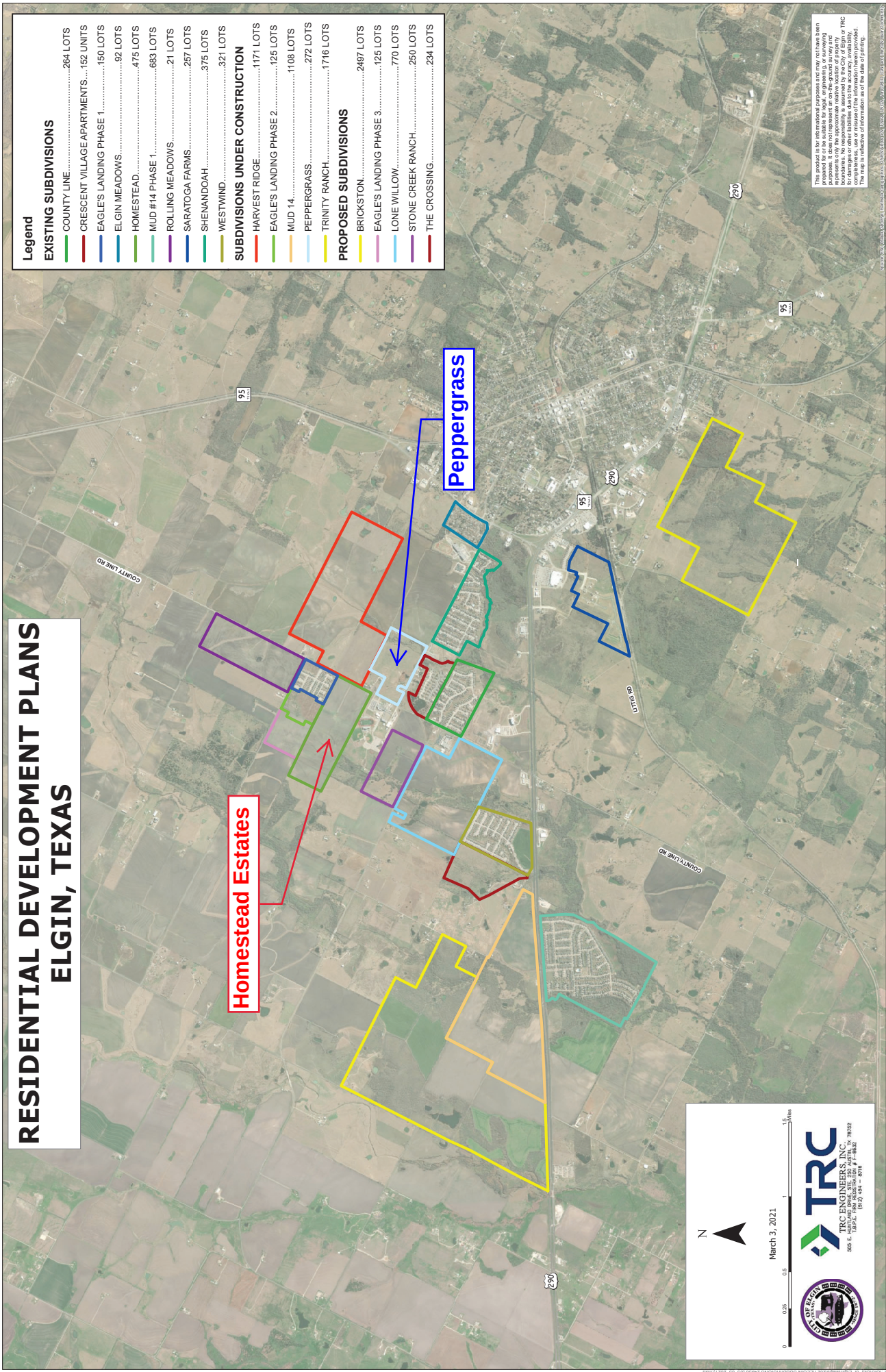
ATTEST:

Jennifer Stubbs, City Secretary

Attachment 2
Residential Subdivision Map

RESIDENTIAL DEVELOPMENT PLANS ELGIN, TEXAS

Legend	
EXISTING SUBDIVISIONS	
COUNTY LINE	264 LOTS
CRESCENT VILLAGE APARTMENTS	152 UNITS
EAGLE'S LANDING PHASE 1	150 LOTS
ELGIN MEADOWS	92 LOTS
HOMESTEAD	475 LOTS
MUD #14 PHASE 1	683 LOTS
ROLLING MEADOWS	21 LOTS
SARATOGA FARMS	257 LOTS
SHENANDOAH	375 LOTS
WESTWIND	321 LOTS
SUBDIVISIONS UNDER CONSTRUCTION	
HARVEST RIDGE	1171 LOTS
EAGLE'S LANDING PHASE 2	125 LOTS
MUD 14	1108 LOTS
PEPPERGRASS	272 LOTS
TRINITY RANCH	1716 LOTS
PROPOSED SUBDIVISIONS	
BRICKSTON	2497 LOTS
EAGLE'S LANDING PHASE 3	125 LOTS
LONE WILLOW	770 LOTS
STONE CREEK RANCH	260 LOTS
THE CROSSING	234 LOTS



This report is for informational purposes only and may not be used for any other purpose. It is not intended to be used for legal, engineering, or surveying purposes. No responsibility is assumed by the City of Elgin or TRC for any errors or omissions in this report. The map is a representation of the information provided and is not a guarantee of accuracy. The map is a representation of the information provided and is not a guarantee of accuracy.

March 3, 2021

0 0.25 0.5 1 1.5 Miles

TRC
TRC ENGINEERS, INC.
2005 E. 13th St., Suite 100
Elgin, TX 75842



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 8 BUSINESS, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, DELETING IN THEIR ENTIRETY SECTION 8.156, AND ADDING SECTIONS 8-157.107 THROUGH 8-157.110, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending, adding, and repealing portions of Chapter 8, Business.

BACKGROUND: Department Staff has been working with the Police Dept. and City Secretary to revise portions of the business code that deal with solicitors and peddlers, mobile street vendors, and itinerate street vendors. These Code changes better define the proposed businesses, add basic regulations that other neighboring metro cities do, adds in standards that are already asked in applications, and clarifies applicable Codes from other portions of the City Code. This was tabled at last Council meeting.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Staff recommends approval.

ATTACHMENTS: Proposed Ordinance and Exhibit.

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

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

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

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



Development Services Department

STAFF REPORT

Date: November 23, 2021

Hearing Dates: City Council – December 7, 2021

REQUEST SUMMARY

This report is designed to address some of the larger code changes associated with the vendors sections. It will not cover additions of headers to individual Code requirements, minor revisions, or anything in solicitors and peddler's section. This is designed to assist in review of some of the item. It is highly suggested to read through all proposed code changes independently of this report.

For an understanding of terminology, a mobile street vendor operates only in a public place (i.e. right-of-way) while an itinerant vendor operates on private property.

Sec. 8-157.103. – Time restrictions	This changes hours of operations for itinerant vendors and mobile street vendors based on whether lighting exist on private property and sets standards for public property.
Sec. 8-157.104 Itinerant Vendor Location and Operations	Adds property owner permissions that an itinerant vendor must receive and provide documentation. Also, requires certain minimum standards such as trash cans, water systems, sinks.
Sec. 8-157.105 Special requirements for mobile street vendors	Requires proof of vehicle insurance, vehicles to be oriented properly in parking lot, not allowed to block parking lot access, pedestrian access, or fire lanes.
Sec 8-157.107 Charging of remittance of sales tax to City when business transacts in City limits	Reworked to remove HRB approval of motor vehicle or trailer as these are usually portable versus in place on a foundation. Replaced with ability of City to audit a vendor to verify sales tax is paid and ability to revoke permit if it is not.
Sec 8-157.108 Mandatory Requirements for Mobile and Street Vendors	Sets standards that are already on our application such as age, licensed to operate a vehicle, criminal history check. Requires sales tax remittance, verifies food handlers licenses, health

	permits are received. Makes vendors aware they must follow applicable existing code requirements, sets minimum distancing standards between vendors, air intakes, and generators.
Sec 8-157.109 Additional requirements for itinerate vendors	Indicates they must follow City adopted electric, plumbing, fuel gas requirements, and City utility standards if connected into water/wastewater.
Sec. 8-157.131 Application	Adds standards for vendors on private property to provide site plans with application submittal.
Sec. 8-157.135 Issuance....	Sets maximum timeframe from 6 months to 12 months.
Sec. 8-157.138 Suspension and Revocation	Adds failure to collect and remit sales tax back to City, ineligible due to criminal activity, failure to display permit.

ORDINANCE NO. 2021-11-16-??

AN ORDINANCE AMENDING CHAPTER 8 BUSINESS, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, DELETING IN THEIR ENTIRETY SECTION 8.156, AND ADDING SECTIONS 8-157.107 THROUGH 8-157.110, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

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

I.

That Chapter 36, Division I, Sections 8-140, 8-142, 8-145 through 8-155; Chapter 36, Division II, Sections 8-157.100 through 8-157.105; Chapter 36, Division II, Sections 8-157.130 through 8-157.138; Chapter 36, Division 3, Section 8-157.171; revised Code of Ordinances, City of Elgin, Texas, is hereby amended as shown in Exhibit "A".

II.

That Chapter 36, Section 8-156; revised Code of Ordinances, City of Elgin, Texas, is hereby deleted as shown in Exhibit "A".

III.

That Chapter 36, Division II, Sections 8-157.107 through 8-157.110; revised Code of Ordinances, City of Elgin, Texas is hereby added as shown in Exhibit "A"

IV.

- A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.
- B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.
- C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first (1st) reading this the **16th** day of **November** 2021.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

Exhibit "A"

ARTICLE VI. - PEDDLERS, SOLICITORS AND VENDORS^[3]

DIVISION 1. - SOLICITORS AND PEDDLERS

Subdivision I. - In General

Sec. 8-140. - Definitions.

For the purpose of this article the following terms shall have the following meanings:

Applicant means each individual person associated as a distributor, peddler, or solicitor as defined in this Article.

Business days means the number of city working days specified, excluding Saturday, Sunday, a legal city holiday, and days where the city hall has been ordered closed by the city manager, mayor, or city council.

Calendar days means the number of days specified in a yearly calendar.

City means the City of Elgin, Texas.

Department means the ~~Police Dept.~~

Distributor means any person who attempts to make personal contact with a resident at his residence without prior specific invitation from or appointment with the resident, for the primary purpose of attempting to sell a good or service.

Peddler means any person who engages in commercial activities within the city limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from door-to-door.

Solicitor means any person who solicits or attempts to solicit, from door-to-door, funds or orders for services, commercial goods, wares, merchandise, subscriptions or publications to be delivered at a future date or time.

State means the State of Texas.

Sec. 8-141. - Purpose of article.

This entire article is and shall be deemed an exercise of the police power of the state and of the city for the public safety, comfort, convenience and protection of the city and citizens of said city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

Sec. 8-142. - Violations and penalties.

- (a) Fine. Any person who violates or fails to comply with the provisions of any section of this article is guilty of a class "C" misdemeanor and upon conviction shall be punishable by a fine as provided in the general penalty, section 1-15, general penalty for violations of this Code.
- (b) Criminal Trespass. Any peddler or solicitor who enters upon property owned, leased, or controlled by another and willfully refuses to leave the property, after receiving notification to leave from the owner, leaser, or person controlling the property, shall be guilty of a misdemeanor criminal trespass and may be incarcerated or fined upon conviction as provided in the Texas Penal Code.

Sec. 8-143. - Time and location restrictions.

- (a) Hours of operation. No peddler or solicitor may conduct activities defined in this article, without prior invitation or appointment with the occupant of the premises, before 9:00 a.m. and after 5:00 p.m. on any day.

Exhibit "A"

- (b) Prohibition of solicitation in street; cannot hinder passage on street. No peddler or solicitor may peddle or solicit in the public streets or from medians in the streets, within the city limits, or in any way block, obstruct, or unduly hinder passage on public streets within the city limits.

Sec. 8-144. - Trespass enforcement.

Any distributor, peddler or solicitor who remains on private property where a notice is placed upon any door or entrance way leading into said property which notice contains the words "NO SOLICITING" or "NO SOLICITORS" and which is clearly visible to the distributor, peddler or solicitor.

Subdivision II. - Permit

Sec. 8-145. - Required.

Except as provided under permit exemptions, it shall be unlawful for any peddler or solicitor to engage in business as defined in this article within the incorporated city limits without first obtaining a distributor, solicitor, and peddlers permit from the city Department.

Sec. 8-146. - Exemptions.

- (a) The following are excluded from permitting provisions:
- (1) Persons distributing nonprofit pamphlets, handbills, or other printed material for the purpose of disseminating news or other information of public interest;
 - (2) Persons conducting fundraising activities for local nonprofit organizations, qualified civic organizations, or educational institutions;
 - (3) Persons conducting proselytizing activities or distributing religious material or literature;
 - (4) Persons engaged in a business or activity regulated under the exclusive authority of the state or federal government;
 - (5) Persons engaged in business activity and going to a house or business at the express invitation of the occupant or owner of such house or business;
 - (6) Canvassers who attempt only to distribute not for profit handbills or to solicit political support or to determine opinions or sentiments.
- (b) Persons who are exempt from the permitting requirements are encouraged to notify the city Department of the approximate dates of the door-to-door activities, and the areas in which they will be working.

Sec. 8-147. - Application.

- (a) Requirement to file for permit. Any peddler or solicitor desiring to engage in activities as a peddler or solicitor within the city must file a written application for permit with the Department ~~city manager of his/her designee~~, each applicant shall provide the following information:
- (1) Applicant's' namess, telephone numberss, home addresses, birth datess, physical descriptionss, ~~finger or thumbprint~~, criminal history checkss from the Texas Department of Public Safety, and either: Driver's license number and state, or government issued picture identification card for each applicant;
 - (2) A complete department of public safety (DPS) criminal history for each applicant, issued within ninety (90) calendar days of the date of application, for the applicant and each individual involved in the peddling, solicitation, or distribution campaign;
 - (3) For each individual applicant involved in the peddling, solicitation, or distribution campaign: Namess, telephone numberss, addresses, birth datess, physical descriptionss, and either:
(A)a. Driver's license number and state, or

Exhibit "A"

(B)~~b~~. Government issued picture identification card;

(4C) If the applicants' ~~is~~ are peddling or making solicitations for any commercial, charitable or political organization, the names~~s~~, telephone numbers~~s~~, and addresses~~es~~ of such organizations~~s~~;

(5D) Full and complete list of goods to be sold and/or services to be delivered;

(6E) Description (year, make, model, color and type) and license plate number and state where all vehicles to be used in soliciting and peddling are registered;

(7F) A copy of the applicant's state limited sales and use tax permit, if applicable.

(b) Supply of original documents on Dept. request. Applicant must provide original identifying documents to the ~~city manager of his/her designee~~ Department upon request.

Sec. 8-148. - Fees.

(a) Pay according to fee schedule. All distributors, peddlers~~s~~, and solicitors~~s~~, not exempted by this article, shall pay a permit fee to the city as provided in the fee schedule ~~in section 1-15, general penalty for violations of this Code for each person permitted.~~

~~(b) All distributors not exempted by this article shall pay a permit fee to the city as provided in the fee schedule in section 1-15, general penalty for violations of this Code for any individual or any group of individuals.~~

(b) Fees to be charged. Fees shall be charged in accordance with the fee ordinance.

(c) Fees to be paid before permit issuance. All fees shall be paid by the applicant before issuance of a permit.

Sec. 8-149. - Exemptions from fees.

~~The following are exempt from the permit fee:~~

~~(a4)~~ Any individual soliciting or peddling for a philanthropic, charitable, political or religious organization.

Sec. 8-150. ~~—~~ Denial of Permit and Appeal.

(a) Basis for denial. A copy of the application for permit will be referred to the ~~city police services~~ department who will undertake an investigation of the applicant's record and background, which is reasonably necessary to protect the public. An application for permit under this article may be denied where:

(1) Required application information is incomplete or incorrect.

(2) Applicant is currently wanted on warrant for arrest.

(3) Applicant has been convicted of any offense reportable by the city to the Texas Department of Public Safety or the Federal Bureau of Investigation under "Index Crimes" part I or other law enforcement reporting system (e.g. murder, nonnegligent manslaughter, sexual assault, aggravated assault, robbery, burglary, theft, and motor vehicle theft).

(4) Applicant has not paid fees associated with the application, unless otherwise exempt.

(b) Appeals from permit denial. If the ~~city manager~~ Department denies a permit, ~~the~~ applicant may appeal this decision in writing to the city council, which may affirm, modify or reverse the decision of ~~the city manager~~ the Department. An applicant shall have five (5) business days from the date of denial to file an appeal in writing with the Department.

Sec. 8-151. - Issuance; duration; additions to permit.

(a) Issuance of permit; timeframes. If the ~~city manager~~ Department finds that the application is completed and in conformance with the provisions of this article, a permit shall be issued within ten ~~(10) working~~ business days. Each permit will be valid for thirty (30) calendar days from date of issuance~~ancee~~.

Exhibit "A"

- (b) Permit only to certain individuals on application. Only those peddlers or solicitors whose names are listed on the approved application may conduct business under the issued permit.
- (c) Updating of permit through application process if involving new people. If any new peddlers or solicitors join the campaign after the original permit is issued, they must supply updated personal information required in the original application to the city manager or his/her designee Department.

Sec. 8-152. - Display.

Each peddler, solicitor, and distributor will prominently display his/her their permit ~~or city issued ID card~~ at all times while engaging in business in the city.

Sec. 8-153. - Permit nontransferable.

Permits issued under the provisions of this article are not transferable in any situation, ~~and will be clearly marked "not transferable."~~

Sec. 8-154. - Suspension.

- (a) Confiscation of permit by Dept. The ~~city manager or his/her designee~~ Department may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this article.
- (b) Appeals from suspension. Peddlers and solicitors whose permits are suspended have three (3) business days during which to request an administrative review of the suspension. If request for administrative review is not made within three (3) business days, the permit is revoked.

Sec. 8-155. ~~—~~ Revocation.

- (a) Citation of denial; notification of administrative review. Upon request, the ~~city manager~~ Department shall provide the revoked peddler or solicitor with written notice containing particulars of any and all complaints against ~~him/her/them~~, and the time, date and place for an administrative review of the suspension.
- (b) Review by City Manager. The city manager will conduct an administrative review to determine whether the permit shall be restored or revoked.
- (c) Basis of appeals denial by City Manager. After notice and review, the city manager may revoke any permit issued under this article for the following reasons:
 - (1) Fraudulent statements, omissions on permit application or in conduct of permitted business;
 - (2) Violation of law;
 - (3) Endangerment of public welfare, health or safety.
- (d) Appeal from decision of City Manager. If within three (3) business days after revocation the applicant must appeal this decision in writing to the city council, which may affirm, modify, or reverse the decision of the city manager.
- (e) Prohibition of new permit for a timeframe. Revocation of a permit shall bar the peddler, solicitor, or distributor from obtaining a permit under this article for a period of one (1) year from the date of revocation.

~~Sec. 8-156. — Duration.~~

~~Each itinerant vendor's or peddler's permit issued under the authority of this article shall be valid for the period of anticipated use of the applicant, but not to exceed ten (10) days for itinerant vendors, 180 days for itinerant vendors operating out of a motor vehicle or trailer, as defined by the Texas Transportation~~

Exhibit "A"

~~Code, within the designated vendor zone within the historic district, and 90 days for peddlers from the date it is issued, or until revoked under the provisions of this article.~~

Secs. 8-15~~67~~—8-157.99. - Reserved.

DIVISION 2. - ITINERANT VENDORS AND MOBILE STREET VENDORS

Subdivision I. - In General

Sec. 8-157.100. - Definitions.

For the purpose of this division the following terms shall have the following meanings:

Applicant means each individual person associated as a mobile street vendor, or itinerate vendor as defined in this Article.

Business means the purchase and sale of goods in an attempt to make a profit.

Business days means the number of city working days specified, excluding Saturday, Sunday, a legal city holiday, and days where the city hall has been ordered closed by the city manager, mayor, or city council.

Calendar days means the number of days specified in a yearly calendar.

City means the City of Elgin, Texas.

~~*Commissary, also known as a central preparation facility, is a licensed food establishment that fully meets the Texas Food Establishment Rules. It is used by the vendor to store supplies, prepare food, and package items.*~~

Commodity means goods, wares, or merchandise including but not limited to: Fruits, vegetables, farm products or provisions, dairy products, pets, animals, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household or garden items or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. Nothing in this article shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene, or vulgar.

Cottage food production operation. means an individual, operating out of the individual's home:

(a) Who produces at the individual's home, subject to V.T.C.A., Health and Safety Code § 437.0196:

(1) A baked good that is not a potentially hazardous food, as defined by V.T.C.A., Health and Safety Code § 437.0196;

(2) Candy;

(3) Coated and uncoated nuts;

(4) Unroasted nut butters;

(5) Fruit butters;

(6) A canned jam or jelly;

(7) A fruit pie;

(8) Dehydrated fruit or vegetables, including dried beans;

(9) Popcorn and popcorn snacks;

(10) Cereal, including granola;

(11) Dry mix;

(12) Vinegar;

Exhibit "A"

(13) Pickles;

(14) Mustard;

(15) Roasted coffee or dry tea; or

(16) A dried herb or dried herb mix.

(b) Has an annual gross income of \$50,000.00 or less from the sale of food described by subsection (a).

(c) Sells the foods produced under subsection (a) only directly to consumers through a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event; and

(d) Delivers products to the consumer at the point of sale or another location designated by the consumer.

Department means the Police Department for mobile street vendors and the Development Services Department for itinerant vendors.

Drive-thru means an area designed to allow customers to place orders while remaining in their vehicles.

Educational facility means a private or public elementary school, middle school, high school, or university.

~~Historic district means the area inside of the cities incorporated boundaries of the city and as so designated by ordinance adopted by city council.~~

Hospital means an institution providing medical and surgical treatment and nursing care for sick or injured people.

Interstate commerce means soliciting, selling, or taking orders, or offering to take orders, for any commodity or services which, at the time the order is taken, are in or will be produced in any federal district or territory, any commonwealth, or any state other than Texas, and shipped or introduced into this city in the fulfillment of such orders.

Itinerant vendor means any person who exhibits, displays, sells, or offers for sale any commodity ~~from a stand located on public or private property or on the streets of the city.~~ This definition does not include:

~~(a1)~~ A door-to-door "peddler" or "solicitor" as defined in this code;

~~(b2)~~ Activities authorized by a "special event permit" issued pursuant to this code;

~~(c3)~~ "Temporary use permit" pursuant to the city's ~~unified development zoning~~ code; and

~~(d4)~~ Persons selling agricultural products, which are raised or produced by them, within the city authorized public sales of farm goods.

~~(e)~~ Mobile street vendors.

Mobile street vendors means any persons who offers food or drink or other commodities for sale from a motor vehicle or any other conveyance such as a push cart in a public place. This definition does not include an itinerant vendor.

Motor vehicle means every motor vehicle or any other conveyance such as a push cart used to vend food or drink on city streets.

Operator means any person, firm or corporation who owns, leases, contracts or in any other manner operates or permits a person to operate upon the city streets any motor vehicles for the purpose of vending as herein defined.

~~Parking lot means an area used for the parking of motor vehicles.~~

Exhibit "A"

~~Parking space means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) vehicle together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress of a vehicle.~~

Picnic table means a table that is designed for picnicking and that typically has adjacent or attached benches for sitting.

Stand means the ground, or any place, showcase, table, bench, rack, handcart, pushcart, stall, booth, trailer, vehicle or any other fixture or device or thing that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any commodity.

State means the State of Texas.

Street means all areas legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

Vend or vending means offering food or drink for sale from a motor vehicle on the city streets.

Vendor's court means an independent, specifically dedicated, and permanent facility where two (2) or more mobile street or itinerant vendors may set up and operate in accordance with the city zoning code.

Sec. 8-157.101. - Applicability.

The special provisions set forth in this article shall apply to mobile street vendors, itinerant vendors, and operators as herein defined and shall supersede any conflicting provisions found elsewhere in the city code.

Sec. 8-157.102. - Penalty; impoundment of vehicles; enforcement.

(a) ~~—Fine.~~ Any person who violates or fails to comply with the provisions of any section of this article is guilty of a class C misdemeanor and upon conviction shall be punishable by a fine as provided in the general penalty section 1-15, general penalty for violations of this Code.

(b) Impoundment. A peace officer may impound a vehicle used for the sale of a commodity which is placed, parked, or maintained on a street in violation of this article.

~~(c) Right of entry. Any peace officer or code enforcement officer is empowered to enter upon private property and take such action to enforce this Division.~~

Sec. 8-157.103. - ~~Itinerant vendor~~ time restrictions.

~~No itinerant vendor may conduct business activities defined in this article, without prior invitation or appointment with the occupant of the premises, before 9:00 a.m. and after 8:00 p.m. on any day.~~

~~(a) Regular hours for business without site lighting on private property. No business shall be open to customers before 7:30 a.m. or after 5:30 p.m. on a site without lighting.~~

~~(b) Regular hours for businesses with site lighting on private property. No business shall be open to customers before 7:00 a.m. or after 8:00 p.m. on a site with lighting.~~

~~(c) Regular hours for businesses on public property. No business shall be open to customers before 7:00 a.m. or after 8:00 p.m.~~

Sec. 8-157.104. - Itinerant vendor location and operation.

The following rules and regulations shall be complied with by each itinerant vendor. It shall be unlawful for any itinerant vendor to sell or attempt to sell any commodity:

Exhibit "A"

- ~~(a1) By means of any outcry, sound, speaker or amplifier, or any instrument, or device, which can be heard for a distance greater than 300 feet; Certain advertising methods prohibited. Vendors may not use amplifiers, loudspeakers, musical instruments, or any other devices to produce sound.~~
- ~~(b2) Distraction devices prohibited. In any manner that distracts drivers, such as by displaying fluttering, undulating, rotating, spinning or waving devices, whether or not such devices are for sale;~~
- ~~(c3) Distance prohibitions. Within 1,000 feet of a hospital, ~~college, elementary school, middle school or high school~~ or educational facility;~~
- ~~(4) Inside the boundaries of the historic district without warrant approval by the historic review board commission;~~
- ~~(5d) Mobility prohibitions. In such a way that pedestrian or motor vehicle traffic is obstructed;~~
- ~~(6e) Blocking traffic control signs prohibited. In such way that obstructs traffic signals or regulatory signs;~~
- ~~(7f) Signs not in compliance with sign code. Having signage that is not in compliance with the provisions of the ~~unified development sign~~ code; or~~
- ~~(8g) Traffic hazard prohibition. —In such a place or in a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to city vehicles, including emergency and sanitation vehicles.~~
- (h) Property owner permissions. Documentation must be submitted indicating that vendor has the following permissions in place from the property owner:
 - (1) The property owner must give written permission for the business to operate on their property.
 - (2) The property owner must give written permission for employees to use their onsite restroom facilities.
 - (3) The property owner must give written permission for the business to use their onsite grease-trap if one has not been provided to the vendor if they are serving food.
 - (4) The property owner must give written permission for the business to dispose of their and customers trash receptacles onsite.
- (i) Items required in and around vendor. The vendor must be equipped with the following:
 - (1) Covered trash receptacles inside unit / vehicle if the unit/vehicle has the ability of allowing people inside of it.
 - (2) Trash receptacle for customers.
 - (3) Self-contained pressurized (by pump) hot and cold potable water system if the unit / vehicle has the ability of allowing people inside of it and if the vendor serves food.
 - (4) Hand washing sink if the unit/vehicle has the ability of allowing people inside of it and if the vendor serves food.
 - (5) A three (3) compartment ware wash sink (must have capacity for largest piece of ware/equipment) if the unit/vehicle has the ability of allowing people inside of it and if the vendor serves food.
 - (6) A permanently installed wastewater holding tank that is a minimum fifteen (15) percent greater in size than potable water capacity, if the vendor serves food.

Exhibit "A"

Mobile street vendors shall be required to comply and it shall be an offense not to comply with any of the following special requirements:

- (a4) Vending only when vehicle stopped. A person shall vend only when the motor vehicle is lawfully stopped.
- (b2) Vending only away from travel lane. A person shall vend only from the side of the motor vehicle away from moving traffic and as near as possible to the curb or side of the street.
- (c3) Vending to customer in street prohibited. A person shall not vend to a person standing in the roadway.
- (d4) Certain location in street prohibition. A person shall not stop on the left side of a one-way street to vend.
- (e5) Location in congested area prohibited. A person shall not stop in a congested area where vending might impede or inconvenience the public.
- (f6) Adjacent to public school prohibited. A person shall not vend in a street adjacent to a public school.
- (g7) Intersection limitations. A person shall not stop a motor vehicle for purposes of vending within ~~400~~ 25 feet of a street intersection.
- (h8) Hours of operation prohibition. No mobile street vendor shall be in operation, doing business, or going from place to place before 7:00 a.m. or after 8:00 p.m. A violation of this subsection shall be a misdemeanor offense.
- (i9) Loudspeaker limitations. A mobile ~~food street~~ vendor shall not use any outcry, sound, speaker or amplifier, or any instrument, or device which can be heard for a distance greater than 300 feet.
- (j) Proof of insurance; maintain insurance. Mobile street vendors shall present sufficient evidence of vehicle insurance on any vehicle which will travel upon a public roadway. Vendor shall maintain insurance on vehicles during the life of the permit.
- (k) Vehicle to be parked within improved parking lot and designated parking space; proper orientation. Vehicle must be parked on an improved parking lot and within a designated parking space. Vehicle shall always be oriented properly within the parking stall.
- (l) Vehicle cannot impact parking lot access, pedestrian access, or designated fire lane. A vendor's location cannot impact access of vehicles through a parking lot or designated fire lane. They also cannot impact pedestrian access to the site.

Sec. 8-157.106. - Police officer's judgment deemed conclusive.

For purposes of this article, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced or a stop is for a temporary or stationary period of time.

~~Sec. 8-157.107. - Vendors in the historic district.~~

~~Any itinerant vendor or vendor operating out of a motor vehicle or trailer, as defined in the Texas Transportation Code, that wishes to locate within the historic district, as described in section 8-156 of this article, shall submit an application for modification to the Elgin Historic Review Board. This section does not apply to special events and small market events. Motor vehicles that sell food items shall be designed and intended for vending. Ordinary vehicles, vans, and pick-up trucks shall not be permitted for food vending operations. The International Property Maintenance Code, International Residential Code, federal, state and county codes, and all other applicable codes and ordinances adopted by the city shall apply to the designated vendor zone regarding structures and properties.~~

Exhibit "A"

Sec. 8-157.107. – Charging and remittance of sales tax to city when business transacted in city limits.

The city reserves the right to perform audits to ensure that the city is the location for sales tax revenue and the city reserves the right to revoke permit for noncompliance.

Sec. 8-157.108. - Mandatory requirements for mobile street and itinerant -vendors

It shall be required to comply with the following standards to allow permitting:

(a) *Minimum person requirements.* To receive and hold a permit for a vendor permit, the applicant must meet each of the following minimum requirements:

- (1) Be at least eighteen (18) years of age.
- (2) Be a citizen of the United States.
- (3) Licensed by the state of Texas or another state within the United States to operate a vehicle.
- (4) Submit to the department a criminal history background from the State Department of Public Safety (DPS) if a State resident or the Federal Bureau of Investigation (FBI) if not a State resident. This background check must not be more than thirty (30) calendar days old from the time of application submittal. The applicant cannot have been convicted of any offense reportable by the city to the Texas Department of Public Safety or the Federal Bureau of Investigation under "Index Crimes" part I or other law enforcement reporting system (e.g. murder, non-negligent manslaughter, sexual assault, aggravated assault, robbery, burglary, theft, and motor vehicle theft).
- (5) Applicant cannot be wanted or on a wanted list for arrest.

(b) *State sales tax certificate.* Remittance of sales tax to city for business in city limits. All vendors must provide the city with a copy of state sales tax certificate. All sales within the city limits shall be billed as taxable to the city.

(c) *Required food handler's license.* All employees must have a valid food handler's license issued from the applicable county if the vendor specializes in food preparation.

(d) *Required county approval for health permits.* Vendor shall have and provide all county approvals regarding health permits if the vendor specializes in food preparation.

(e) *Vendor to adhere to city codes.* Vendor must adhere to all adopted city codes, including but not limited to, zoning, building, fire, plumbing, electrical, mechanical, and fuel-gas.

(f) *Distancing standards for vendors.* The following minimum distances shall be maintained by each vendor:

- (1) *Minimum distance between vendors.* Vendors shall maintain a minimum distance of ten (10) feet as measured between each exterior of the building, structure, or vehicle.
- (2) *Minimum distancing between air intakes/openings and engine driven sources of power.* Vendors shall maintain a minimum distance of twelve (12) feet in all directions between air intakes/opening and engine driven sources of power.
- (3) *Minimum distancing between ingress/egress and engine driven sources of power.* Vendors shall maintain a minimum distance of twelve (12) feet in all directions between ingress/egress for vending unit and engine driven sources of power.
- (4) *Engine driven sources of power limitations in relation to buildings and vendors.* All engine driven sources of power emission points shall be directed away from buildings and other vendors.

(g) *Certain uses only allowed in vendors courts.* The following items may only be allowed in vendors court.

- (1) Customer seating area(s).

Exhibit "A"

(2) Picnic table(s).

(3) Drive-thru(s).

Sec. 8-157.109 – Additional requirements for itinerant vendors.

(a) Electric requirements. Electricity shall be used from a generator or an electrical outlet that is in conformance with the City adopted National Electrical Code, including amendments thereto. Electric cord connections for power usage, not in conformance with the City adopted National Electrical Code, shall be prohibited.

(b) Plumbing requirements. Vendors may connect to the water and wastewater systems only in accordance with the City Utility Code and the City adopted International Plumbing Code, including amendments thereto. Water not handled from a central utility shall be obtained from an internal-source tank. Wastewater not handled from a central utility shall be handled with an internal tank which may not be emptied into the city sewer system.

(c) Fuel gas requirements. Gas shall be from a propane tank or a connection to central gas in accordance with the applicable fuel-gas entity and with the City adopted plumbing and fuel-gas codes.

Sec. 8-157.110 - Inspections

The City shall have the right to inspect every vendor and inspect at any time during business hours. The person operating the vendor shall permit access to all parts of the establishment and shall permit inspection and copying of all records related to purchases. The City shall be allowed to take photographs as part of the inspection process.

Secs. 8-157.108~~11~~—8-157.129. - Reserved.

Subdivision II. - Permit

Sec. 8-157.130. - Required.

It shall be unlawful for any itinerant vendor or mobile street vendor to engage in business as defined in this article within the incorporated city limits without first obtaining a vendors permit from the city.

Sec. 8-157.131. - Application.

Any ~~person~~ applicant desiring to engage in activities as an itinerant vendor or mobile street vendor within the city must file a written application for permit with the ~~city manager or his/her designee~~ Department at least 24 days prior to the initial contemplated sale or exhibit. Each applicant shall provide the following information:

(a) Full name and address of the itinerant vendor, including current telephone number;

(b) Proof of identity, including date of birth, a copy of a current driver's license or identification card ~~and a recent photographic likeness of the applicant's face~~;

(c) The location of the applicant's principal office and place of business;

(d) If the applicant is employed by another, the names, dates of birth, and addresses of the person, firm, association, organization, company or corporation;

(e) A complete department of public safety (DPS) criminal history, issued within ninety (90) calendar days of the date of application, for the applicant and each individual involved and/or the owners of the entity making the application, as well as for all workers, helpers, employees, assistants, agents or other persons who will be on the site;

Exhibit "A"

- (6f) If a motor vehicle is to be used, a description of the vehicle together with the vehicle identification number and license plate number;
- (7g) If the vending is to occur on private property, written proof of the property owner's permission must accompany the application, and must include a statement from the owner as to the exact dates and times that the applicant is allowed to conduct itinerant vendor activities on the owner's property;
- (8h) A statement detailing the type and character of the commodity to be sold, offered for sale or exhibited. Nothing in this chapter shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene, or vulgar;
- (9i) A copy of the applicant's state limited sales and use tax permit; and
- (10j) If the commodity being vended is food or drink, a copy of the Bastrop County Cities and Health District permit.
- (k) If the vendor is located on private property and is not a motor vehicle, they shall provide a site plan indicating the following:
 - (1) Setbacks from structures and property lines;
 - (2) Electrical service connection (if connecting to central utilities);
 - (3) Water and wastewater connection (if connecting to central utilities);
 - (4) Natural gas connection (if connecting to central utilities);
 - (5) Outside equipment or accessories.
 - (6) Designated parking areas for the business in accordance with zoning code.
 - (7) Location of all site lighting around the unit.
 - (8) Indicate the type of surface the vending unit currently occupies.

Sec. 8-157.132. - Exemptions.

The provisions of this article concerning permit requirements shall not apply to persons who come within any of the following classifications:

- (a1) ~~Persons engaged in a business or activity which the state or federal government has exclusive authority to regulate.~~ Sales mandated under State law. Sales made under authority of a state statute or by order of any court;
- (b2) Garage sales. Persons living in the city that holds a garage sale, in accordance with section 46-1, zoning (definitions).
- (c3) Property owner invitation. Persons engaged in business activity at the express invitation of the occupant or owner of such house or business.
- (d4) ~~Individuals, who are engaged in, belonging to, or member of, an entity of the Elgin Independent School District; a qualified civic organization; 501c3 nonprofit organization; or religious organization, as determined by the chief of police, for the express purpose of fundraising, when no other permits are required. Determination of chief of police may be appealed to the city council if written notice is filed with the city secretary within ten days of said determination.~~ Non-commercial purpose. The sale of goods or services for noncommercial purposes or causes, whether community service, charitable, civic, religious, or educational.
- (e5) ~~Governmental entities.~~ Government approval of special event. The sale of goods which occurs during organized community and special events held by the authority of agreements or special permits issued by the city or held upon public premises or in or upon public parks under the auspices or sponsorship or within the regular administration of the parks and recreation department of the city; or

Exhibit "A"

(f6) Lemonade stands and similar activities conducted and operated entirely by children under the age of 16 years and upon the private residential premises of such children.

(7g) Cottage food production operations.

(8h) Exhibitions or conventions. Persons or transactions associated with bona fide trade shows, exhibits, expositions or conventions where all transactions of purchase, sale or exchange are made in connection with such trade show, exhibit, exposition or convention and within the confines of the approved area of the trade show, exhibit, exposition or convention sites;

(40i) Newspaper carriers and vending machines.

Sec. 8-157.133. ~~— Fees~~ and exception to fees and duration.

(a) Fees. The permit application shall be accompanied by fees for each vehicle or stand used in vending in accordance with the fee schedule ~~in section 1-15, general penalty for violations of this Code.~~

(b) Exception. No fee shall be charged to any bona fide certified charitable, religious, educational, or philanthropic organization, or persons engaged in interstate commerce.

(c) Fees to be paid before permit issuance. All fees shall be paid by the applicant before issuance of a permit.

Sec. 8-157.134. - ~~Historic district permit duration~~ Reserved.

~~One hundred eighty days for itinerant vendors and vendors operating out of a trailer, as defined by the Texas Transportation Code, within the designated vendor zone within the historic district, or until revoked under the provisions of this article.~~

Sec. 8-157.135. - Issuance; permit nontransferable; display.

Upon receipt of a completed application and fees, the ~~city manager or his/her designee~~ Department shall review the application and consider the issuance of a permit authorizing the sale, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof, in the city for a period not to exceed ~~180 days~~ one (1) year from the date of issuance. The permit is not transferable or assignable. The ~~itinerant vendor permit, or mobile street vendor permit~~ must be conspicuously displayed at all times during the operation of the vending business. ~~A person commits an offense under this article if the person fails to display the itinerant vendor permit or mobile street vendor permit to a peace officer or code enforcement officer during the time the person is operating at the permitted location.~~

Sec. 8-157.136. - Denial.

The ~~city manager or his/her designee~~ Department may not issue a permit under this section unless it ~~the city's engineer (or his/her designee)~~ has reviewed the request for a permit and determines that the proposed location:

(4a) No TXDOT approval on state right-of-way. Has not been approved by the Texas Department of Transportation ~~engineer~~ if the location involves a right-of-way covered by a ~~state-city-municipal~~ maintenance agreement;

(2b) Accident limitations. Has been the site of more than three (3) motor vehicle accidents during the twelve (12) ~~-month~~ period immediately preceding the date of the application;

(3c) Lack of parking spaces. Has a no turnout, curbside parking, or other parking space available that may be used to transact a sale;

Exhibit "A"

- (4d) Excessive movement. ~~Is not e~~Expected to cause excessive vehicle delays, vehicle surges, or lane changes;
- ~~(5) Has customary street traffic volumes that do not significantly impede the flow of vehicular traffic;~~
- (6e) Does not comply with State law. ~~Does not Complies~~ comply with the provisions of V.T.C.A, Texas Transportation Code § 552.007 (solicitation by pedestrians) and V.T.C.A., Texas Penal Code § 42.03 (obstructing highway or other passageway);
- (7f) Block's access. Is ~~not~~ expected to cause or significantly contribute to street congestion or make access to abutting public or private property unreasonable inconvenient or hazardous;
- (8g) Does impede traffic flows. Is ~~not~~ expected to impede the flow of street traffic to make the use of the street unreasonably inconvenient or hazardous; or
- (9h) Other vendors at location; failure to pay fees/fines. If other permits are issued for that location for the same time period(s), and whether the applicant failed to pay any outstanding debts, fines, or fees owed to the city or a consumer.
- (i) City Code violation. The Department may deny a permit if violating any other applicable City Code.

Sec. 8-157.137. - Renewal.

A permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The ~~city manager or his/her designee~~ Department shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new permit.

Sec. 8-157.138. - Suspension and revocation.

- (a) In addition to the penalties contained herein, any permit issued under this article may be suspended or revoked for any of the following reasons:
 - (1) Knowingly false statement on permit. Fraud, misrepresentation or knowingly making a false statement in the application for the permit;
 - (2) Knowingly false statement on business. Fraud, misrepresentation or knowingly making a false statement in the course of carrying on the business of vending;
 - (3) Failure to fully reimburse customer. Refusing to fully reimburse consumer if provided with timely notice of the consumer's intent to cancel the transaction and return of the commodity;
 - (4) Violation of permit. Conducting the business of vending in any manner contrary to the conditions of the permit or this article;
 - (5) Public nuisance. Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or
 - (6) Failure to collect and disperse sales tax. ~~Failure to collect sales tax revenue when inside the City and remitting to City.~~
 - (7) Failure to display permit. ~~Failure to display the vendor permit to a peace officer or code enforcement officer during the time the person is operating at the permitted location.~~
 - (8) Becomes ineligible due to criminal activity. ~~Applicants have been or becomes convicted of any offense reportable by the city to the Texas Department of Public Safety or the Federal Bureau of Investigation under "Index Crimes" part I or other law enforcement reporting system (e.g. murder, non-negligent manslaughter, sexual assault, aggravated assault, robbery, burglary, theft, and motor vehicle theft).~~
 - (9) Establishing certain uses outside a vendor's court. ~~Establishing customer seating areas, picnic tables, or drive-thrus associated with the vendor outside of a vendor's court.~~

Exhibit "A"

(10) Violating other City Codes. Violating any other applicable city code provision.

- (b) The ~~city manager or his/her designee~~ Department shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permitted itinerant vendor or mobile street vendor permit of the right to appeal. Such notice shall be mailed to the address on the itinerant vendor application by certified mail, return receipt requested, or presented in person or via hand delivery to the itinerant vendor.
- (c) If the city revokes an itinerant vendor permit or mobile street vendor permit, the fee already paid shall be forfeited. A person whose permit has been revoked under this article may not apply for a new permit for a period of one (1) year from the date that the revocation took effect.

Secs. 8-157.139—8-157.169. - Reserved.

DIVISION 3. - OTHER STREET VENDORS

Sec. 8-157.170. - Applicability.

The special provisions set forth herein shall apply to other street vendors as herein defined and shall supersede any conflicting provisions found elsewhere in the city code.

Sec. 8-157.171. - Appeals.

- (a) If the ~~city manager or his/her designee~~ Department denies the issuance of a permit, suspends or revokes a permit, or orders the cessation of any part of the business operation conducted under the permit, the aggrieved party may appeal the decision in writing to the city council within three (3) business days of the action. If a request for an appeal is not made within three (3) business days, the decision becomes final. The city council shall hear the appeal at the next available city council meeting.
- (b) The filing of an appeal stays the action of the ~~city manager~~ Department in suspending or revoking a permit or any part of the business operation being conducted under such permit until the city council makes a final decision, unless the city manager determines that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the city shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

Secs. 8-158—8-188. - Reserved.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS “A” MULTIPLE FAMILY RESIDENTIAL DISTRICT, THE PROPERTY BEING APPROXIMATELY 5.03 ACRES OF LAND AND BEING DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, TX adopted in Ch. 46, Sec. 46-3, revised Code of Ordinances, City of Elgin, TX, 2013 and making this amendment a part of said official zoning map (BCAD Parcel 11943 Rezoning from C-3 to A).

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☒ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: The Planning & Zoning Commission recommended approval of this item at their November 22, 2021 meeting.

ATTACHMENTS: Staff Report, Application, Ordinance with Exhibit A, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, Applicant Proposed Landscape Buffer.

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

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

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

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



Development Service Department

STAFF REPORT

Project #: 202101587

Rezoning from C-3 to A

Date: November 8, 2021

Applicant: Paravel Capital LLC

Representative: SAME

Hearing Dates: Planning & Zoning Commission – November 22, 2021
City Council – December 7, 2021

Location: BCAD Parcel #11943 (located along the westside of Roy Rivers Rd, south of Lee Dildy Dr.)

APPLICATION SUMMARY

Recommendation by the Planning & Zoning Commission and consideration by the City Council of a rezoning of 5.03 acres of land located along the westside of Roy Rivers Rd, south of Lee Dildy Dr. The proposal is to change the zoning from “C-3” Highway Commercial District to “A” Multiple Family Residential District to allow for the building of a proposed garden style multi-family community.

DEPARTMENT COMMENTS

This rezoning is contiguous to a parcel of land that was rezoned to “A” by the Council on October 12th. This previous rezoning was filed by the applicant of this rezoning. The applicant has been working with the City Economic Development Department regarding the selling and proposed development of the property. The parcel itself is in the Elgin Business Park and within the Tax Increment Revitalization Zone (TIRZ). This area has additional development requirements through the Elgin Business Park (Parks) Development Standards that are governed by the Parks Development Review Board (DRB) and must be approved through this DRB. This includes items such as site development, landscaping, architecture, setbacks, buffers, lighting, signage that are above and some are more stringent than City Code standards. Their Development Standards also gives their DRB wide latitude to impose conditions on these standards. These are powers that the Commission and Council do not have without a separate approved Development Agreement.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Traditional Neighborhood Residential Land Use category. This category’s primary land usage is multifamily residential (see attachment 3) according to the provided map and associated land use language. The proposed zoning category will allow for multifamily as a use by right. When seeking a rezoning, the Commission/Council should consider the uses that could occur on the land by rezoning to another zoning category. There are subtractions of the commercial uses, and the additional permitted uses would be allowed with proposed rezoning request.

C-3 District (existing)	A District (proposed)
All 104 allowed Commercial Uses	
	Multiple-Family Dwellings & Garden Apts.
	Detached single-family dwelling.
	Garage Apartments.
	Duplex.
	Churches, but not including revival tents or arbors.
	Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
	Public Park and playground
	Library.
	Growing of farm products.
	Municipal use
	Telephone exchanges.
	Home occupations.
	Transportation and utility easements, alleys, and rights-of-way
	Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.
	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.
	Zero-Lot Line two-family dwelling.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

	C-3 (existing)	A (proposed)
Height	50'	50'
Front Setback	25'	25'
Side Setback	0'	10' when side has no openings; otherwise 12' + 1' for each 15' in

		length.
Rear Setback	10'	Same as side yard.
Lot Width	None	None
Lot Area	None	None
Impervious Cover on Lot	None.	None

Although the rezoning itself will dramatically change the uses associated with the lot, Staff has no issues or concerns because these additional uses will not affect the neighboring development which will consist of commercial and industrial uses. Also, the City's Economic Development Commission controls the sell of the land which directly controls what "type" of commercial or industrial uses develop next to it. Also, the additional development regulations of the Elgin Business Park and the approval authority through its DRB will mitigate any additional negative impacts to the higher classification of residential zoning. Finally, there is a contiguous parcel of land that has been rezoned to "A".

Based on the information within the packet, staff has no issues or concerns.

This is a staff analysis of the requested specific use and is not to be considered as a staff recommendation to the Commission/Council. The Commission/Council in their analysis of the evidence presented in this packet or from other sources can make their own decision.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application.
2. Ordinance.
3. Staff Added Comprehensive Plan Exhibits.
4. Staff Added Zoning Map.
5. Applicant Proposed Landscape Buffer.

Attachment 1

Application

NON-PDD REZONING APPLICATION

Date: 10/14/21

SITE INFORMATION

Project Address: N/A

Parcel Identification Number (if no address): 11943

APPLICANT

Name: Paravel Capital, LLC

Postal Address: 1509 Old West 38th St. Ste. 3 Austin, TX 78731

E-Mail Address: cthigpen@paravelcap.com; Phone Number: (512) 934-8923

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

	<u>Curtis Thigpen</u>	<u>10/14/21</u>
Signature	Printed Name	Date

Project Description:

Seeking a rezonig from C-3 to A in order to build 2-3 story surface parked garden style
multi-family community of up to 26 units an acre.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

Agent Authorization Form

Property Legal Description: Elgin Business Park II, BLK B, LOT 4, 5.030 ACRES

Parcel Size: Approximately 5.03 acres

Parcel ID: 11943

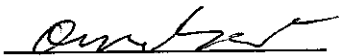
I hereby certify that I am the owner of the property referenced above (the "Property"). I am respectfully requesting processing and approval of the zoning application referenced below.

I authorize Paravel Capital, LLC (the "Applicant") to act on my behalf in the submission of the Non-PDD Rezoning Application to the City of Elgin, Texas to rezone the Property to a multifamily zoning targeting a 2-3 story surface parked garden style multifamily community with up to 26 units per acre.

Authorization by Owner:

Elgin EDC

Name: DWEN ROCK

Signature: 

Title: DIRECTOR EDC

Date: 10/14/21

Attachment 2

Ordinance

ORDINANCE NO. 2021-12-07-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS “A” MULTIPLE FAMILY RESIDENTIAL DISTRICT, THE PROPERTY BEING APPROXIMATELY 5.03 ACRES OF LAND AND BEING DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from “C-3” Highway Commercial District to “A” Multiple Family Residential District, and

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

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on November 22, 2021, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" is “A” Multiple Family Residential District, and

WHEREAS, on December 7, 2021, after proper notification, the City Council held a public hearing on the requested zoning, and

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

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

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

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is rezoned from "C-3" Highway Commercial District to "A" Multiple Family Residential District.

II.

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

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

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

READ, PASSED, and ADOPTED on first reading this the 7th day of December 2021.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

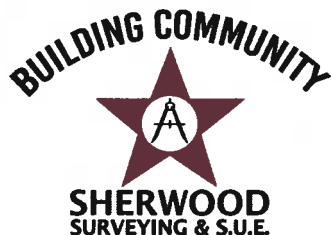


Exhibit "A"

📍 P.O. BOX 992 | 6477 FM 311, SPRING BRANCH, TX 78070
🔗 WWW.SHERWOODSURVEYING.COM
🔵 TBPELS FIRM #10044200

5.03 ACRE TRACT
LOT 4, BLOCK B PH II

FN NO. 21TRC001
SEPTEMBER 13, 2021

FIELDNOTE DESCRIPTION

BEING A 5.03 ACRE TRACT OF LAND OUT OF THE ELIZABETH STANDIFER SURVEY, ABSTRACT NO. 59, LOCATED IN THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, BEING LOT 4, BLOCK "B", FINAL PLAT FOR ELGIN BUSINESS PARK II, SUBDIVISION OF RECORD IN CABINET 6, SLIDE 116A OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS, SAID 5.03 ACRE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A FOUND ½ INCH IRON ROD IN THE WESTERLY RIGHT OF WAY LINE OF ROY RIVERS ROAD (90' R.O.W.), BEING THE NORTHEASTERLY CORNER OF LOT 1, BLOCK "A", ELGIN BUSINESS PARK III, A SUBDIVISION OF RECORD IN CABINET 6, SLIDES 116B-117B, OF SAID PLAT RECORDS, SAME BEING THE SOUTHEASTERLY CORNER OF SAID LOT 4 AND HEREOF;

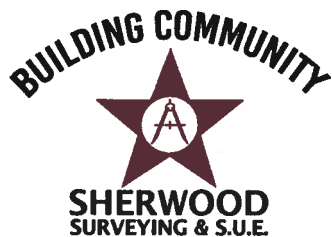
THENCE, N 62° 49' 54" W, LEAVING THE WESTERLY RIGHT OF WAY LINE OF ROY RIVERS ROAD, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 1, BLOCK "A" AND SAID LOT 4, A DISTANCE OF 373.45 FEET TO A FOUND ½ INCH IRON ROD IN THE EASTERLY LINE OF THAT CERTAIN 60 ACRE TRACT CONVEYED TO SHERRI MARSHALL RIVERS BY DEED OF RECORD IN DOCUMENT NO. 201509108 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, FOR THE SOUTHWESTERLY CORNER OF SAID LOT 4 AND HEREOF;

THENCE, N 24° 46' 03" E, ALONG THE COMMON BOUNDARY LINE OF SAID 60 ACRE TRACT AND SAID LOT 4, A DISTANCE OF 531.16 FEET TO A FOUND ½ INCH IRON ROD WITH YELLOW "SHERWOOD SURVEYING" CAP FOR THE SOUTHWESTERLY CORNER OF LOT 3, BLOCK "B" ELGIN BUSINESS PARK II, BEING THE NORTHWESTERLY CORNER OF SAID LOT 4 AND HEREOF;

THENCE, S 63° 27' 37" E, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 3 AND SAID LOT 4, A DISTANCE OF 523.17 FEET TO A FOUND ½ INCH IRON ROD WITH YELLOW "SHERWOOD SURVEYING" CAP IN THE WESTERLY RIGHT OF WAY LINE OF ROY RIVERS ROAD, BEING THE SOUTHEASTERLY CORNER OF SAID LOT 3, BLOCK "B", SAME BEING THE NORTHEASTERLY CORNER OF SAID LOT 4, BLOCK "B" AND HEREOF;

THENCE, ALONG THE WESTERLY RIGHT OF WAY LINE OF ROY RIVERS ROAD, THE FOLLOWING COURSES:

SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 565.00 FEET, A CENTRAL ANGLE OF 39° 17' 51", AN ARC LENGTH OF 387.52 FEET AND A CHORD BEARING S 46° 47' 12" W, A DISTANCE OF



379.97 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD WITH YELLOW "SHERWOOD SURVEYING" CAP;

S 27° 08' 17" W, A DISTANCE OF 178.52 FEET TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF 5.03 ACRES OF LAND, MORE OR LESS.

I, MELISSA T. HINTON, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

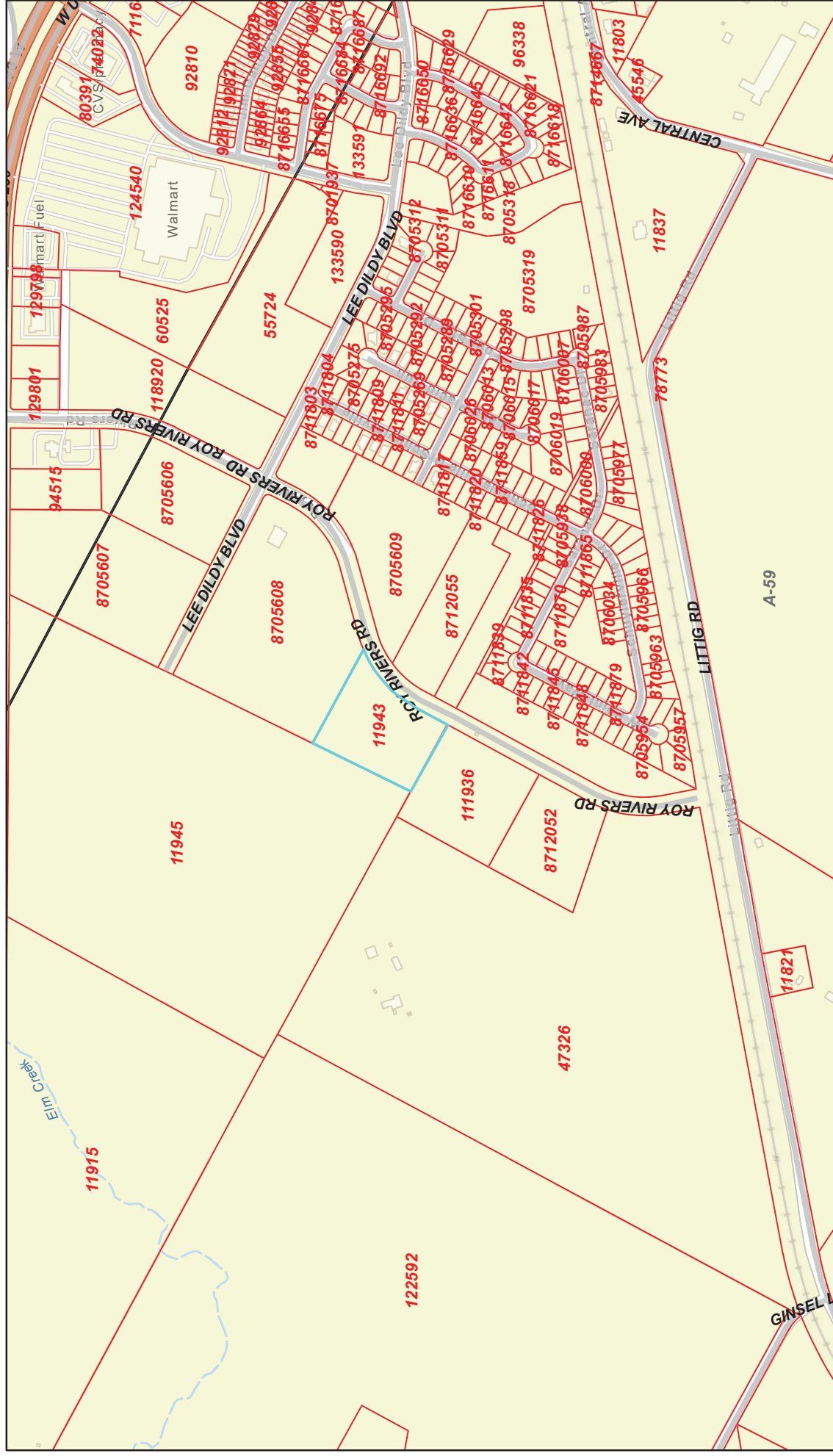
A SURVEY EXHIBIT WAS PREPARED ON THIS SAME DATE. BASIS OF BEARING IS NAD 83 TEXAS STATE PLANE COORDINATES, CENTRAL ZONE.

Melissa T. Hinton 9/13/2021

MELISSA T. HINTON DATE
R.P.L.S. #6521 STATE OF TEXAS



Exhibit A



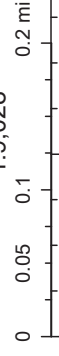
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Abstracts

Parcels

Bastrop Roads

1:9,028



0.4 km

Esri Community Maps Contributors, Baylor University, City of Austin, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/INASA, USGS, EPA, NPS, US Census Bureau, USDA

hobas

Bastrop County Appraisal District, BIS Consulting - www.bisconsulting.com

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

Attachment 3

Staff Added Comprehensive Plan Exhibits



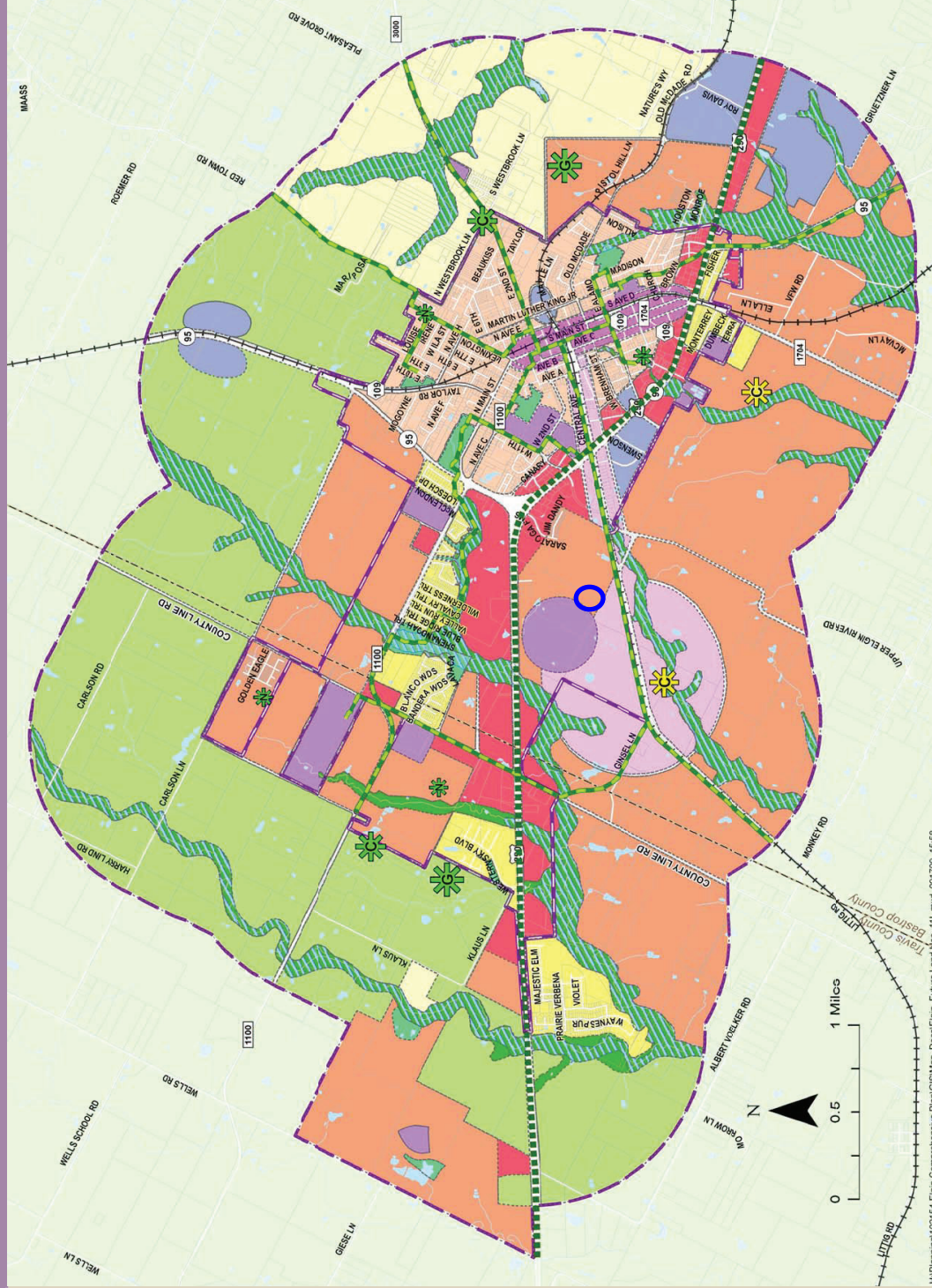
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.

Traditional Neighborhood Development

General Description: Traditional Neighborhood Development (TND) is intended to bring the character and form of Elgin's older neighborhoods (the Central Elgin Neighborhood category) to newly developing areas of the community. Key characteristics include a grid pattern of streets with pedestrian and bicycle amenities, homes that have front porches rather than front garages, a compatible mix of housing types and land uses, and high quality landscaping and building materials.

Transect Zone: General Urban (T4)

Primary Land Use: Single Family Residential

Supporting Land Uses: Attached residential (townhomes, rowhouses), small apartment buildings, neighborhood-scale retail and office, schools, parks, and community facilities. Accessory dwellings or "granny flats" are encouraged with appropriate regulations regarding lot coverage, height, and parking.

Residential Densities: Approximately 5 units per acre.

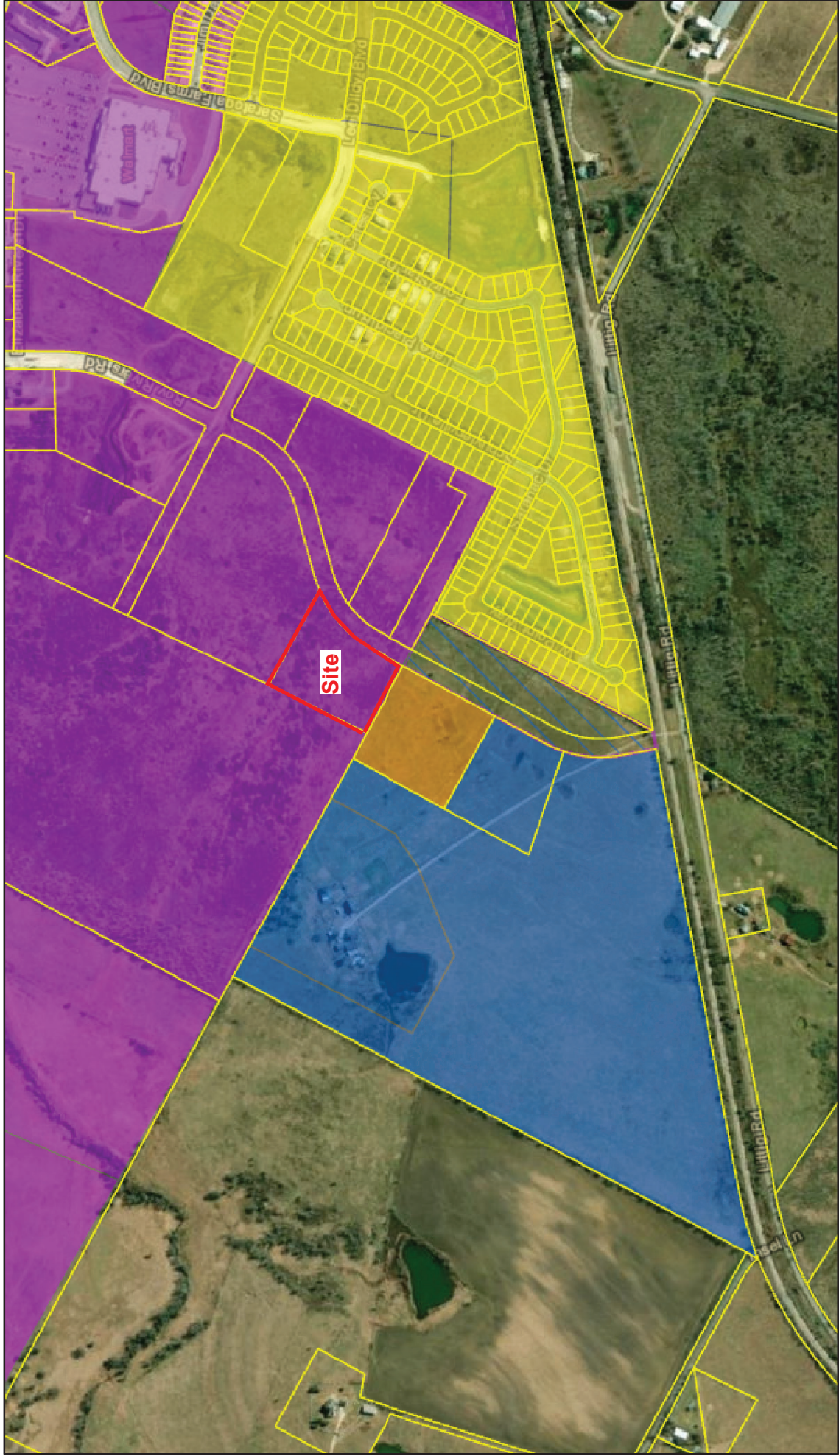
Form and Character: TND areas should be built according to a traditional grid or modified grid street pattern without the use of cul-de-sacs to promote connectivity and walkability. Homes should address the street directly with garages placed to the side or preferably the rear of the home with access from an alley or lane. Front porches should be incorporated into most homes to promote community and neighborly interaction. Buildings are typically two to three stories tall with shallow to medium setbacks that allow landscaping, while also maintaining a close connection to the street and sidewalk. Lot and home sizes vary to offer a wider range of housing choice and affordability than is typically provided in conventional subdivisions. High quality building materials and landscaping should be used to enhance the overall character of development.

Parks and Open Space: Neighborhood parks should be interspersed regularly to ensure all residents have access to park space. Smaller pocket parks, playgrounds, and greens may also be provided. Sidewalks and bike trails should provide connections to parks and playgrounds within or outside of the neighborhood. Floodplains and existing vegetated areas should be preserved and incorporated into neighborhoods as open space amenities and natural buffers from surrounding development. However, floodplains should not be used to meet the active recreation needs of the community because construction of park facilities is limited in these areas.



Attachment 4
Staff Added Zoning Map

Zoning Map



11/7/2021, 10:05:00 PM

Bastrop Parcels July 2021

Zoning

A - Multiple Family Residential District

C3 - Highway Commercial District

I - General Industrial District

I, C3 - Highway Commercial/General Industrial District

R1 - Single Family

R2 - Single Family & Garage Apartment District

1:9,028

0 0.05 0.1 0.2 0.2 mi

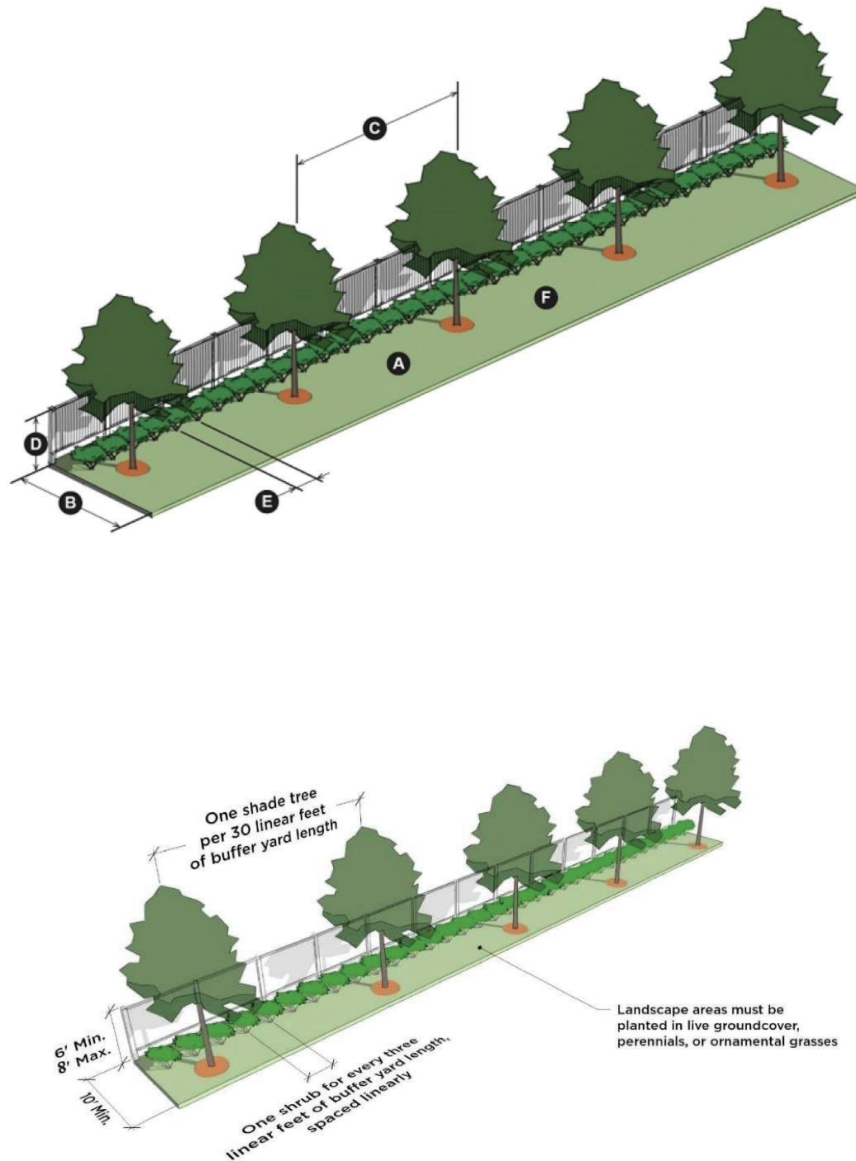
0 0.1 0.2 0.4 km

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Attachment 5
Applicant Proposed
Landscaping Buffer

Exhibit A:

- Developer to provide sufficient buffer to adjacent industrial properties using a combination of 6 – 8' fencing, shade trees, and shrubbery



Disclaimer: This is a proposal; this could be changed or may be entirely different than seen at this time. This proposal cannot be conditionally approved for the rezoning. Ultimately, the Design Review Board (DRB) for the Elgin Development Corporation (EDC) will determine the landscaping and buffering standards in accordance with Section 5.2.4 Elgin Business Park Development Standards



Elgin City Council Meeting Agenda Item Executive Summary

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

DEPARTMENT: City Manager

PROPOSED ACTION:

Consideration and adoption of an Ordinance establishing the Regular City Council Meeting schedule for calendar year 2022.

BACKGROUND:

The Elgin City Charter includes a provision (Article IV, Section 10) requiring the City Council to hold at least one regular meeting each month and as many additional meetings as needed during the year. It further requires that the Council pass an Ordinance specifying the days and times of such meetings, presumably at the beginning of the year. The Ordinance as presented is intended to fulfill the requirements of this provision of the Charter.

It should be noted that the schedule follows the established routine meeting date of “the first Tuesday of the month” – *except for* October.

- The October regular meeting has been set for Tuesday, October 11 as the first Tuesday of the month (10/4) is National Night Out, and

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of an Ordinance establishing the Regular City Council Meeting schedule for calendar year 2022 as described; and routine direction to staff, if any.

ATTACHMENTS: Ordinance

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

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

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

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

ORDINANCE NO.

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

WHEREAS, the City of Elgin City Charter stipulates and provides for the powers, duties, and obligations of the Elgin Mayor and City Council; and,

WHEREAS, Article IV, Section 10 of the City of Elgin City Charter states that, “The Council shall hold at least one (1) regular meeting each month as many additional meetings as it deems necessary to transact the business of the city and its citizens”; and,

WHEREAS, Article IV, Section 10 of the City of Elgin City Charter further provides that, “The Council shall fix, by Ordinance, the days and time of the regular meetings.

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

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

Section 2 – Regular Meetings – The dates for all Regular Meetings of the Elgin City Council for calendar year 2022 shall be as follows:

Tuesday, January 4, 2022	Tuesday, July 5, 2022
Tuesday, February 1, 2022	Tuesday, August 2, 2022
Tuesday, March 1, 2022	Tuesday, September 6, 2022
Tuesday, April 5, 2022	Tuesday, October 11, 2022
Tuesday, May 3, 2022	Tuesday, November 1, 2022
Tuesday, June 7, 2022	Tuesday, December 6, 2022

Section 3 – Meeting Time – Each regular meeting of the Elgin City Council shall convene at 6:30PM CST at a location that shall be fixed by Council and posted upon the agenda of said meeting.

Section 4 – The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof was discussed and formally acted upon, all as required by the Open Meeting Act.

READ, PASSED, and ADOPTED on first reading this 7th day of December, 2021.

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary