



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 4, 2022
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 Annexing Adjacent And Contiguous Territory To The City Of Elgin, Texas To Wit: 36.921 Acres Of Land, Lying In And Being Situated Out Of The William Hines Survey, No. 53, In Travis Co, TX, Including Adjacent Right-Of-Way, And Being Fully Described In Exhibit A Attached Hereto; Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

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

VI. PRESENTATION

- 1. Proclamation 2022 Elgin Sesquicentennial Year**

Documents:

[EXSUMMARYSESQUICENTENNIALPROCLAMATION.PDF](#)
[PROCLAMATION ELGIN SESQUICENTENNIAL .PDF](#)

- 2. PROCLAMATION DR. MARTIN LUTHER KING, JR. DAY BASTROP COUNTY HOLIDAY COMMISSION CELEBRATION**

Documents:

[EXSUMMARYMLKPROCLAMATION.PDF](#)

VII. PUBLIC COMMENT

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

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

VIII. CITY MANAGERS REPORT

1. Update On 2021 Certificates Of Obligation - Capital Investment Program

Documents:

[EXSUMMARY - REPORT 2021 COS.PDF](#)

2. General Activity Report And/Or Project Update

Documents:

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

IX. 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 - December 7, 2021

Documents:

[EX SUMMARY- DECEMBER 7, 2021 REGULAR MEETING MINUTES.PDF](#)
[12-07-21 CITY COUNCIL REGULAR MEETING MINUTES.PDF](#)

2. A RESOLUTION BY THE CITY COUNCIL OF CITY OF ELGIN DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-009-D207

Documents:

[EX SUMMARY DESIGNATION OF AUTHORIZED SIGNATORIES FOR GLO CONTRACT 22-082-009-D207.PDF](#)
[RES207.PDF](#)

3. **A RESOLUTION BY THE CITY COUNCIL OF CITY OF ELGIN DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-085-029-D270**

Documents:

[EX SUMMARY DESIGNATION OF AUTHORIZED SIGNATORIES FOR GLO CONTRACT 22-058-029-D270.PDF](#)
[RES270.PDF](#)

4. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN REGARDING CIVIL RIGHTS POLICIES AND PROCEDURES**

Documents:

[EX SUMMARY CIVIL RIGHTS.PDF](#)
[RES CIVIL RIGHTS.PDF](#)

5. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE FOR FUNDING THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION'S (EDA) FY 2021 AMERICAN RESCUE PLAN ACT ECONOMIC ADJUSTMENT ASSISTANCE AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE GRANT PROGRAM**

Documents:

[EX SUMMARY EDA RESOLUTION.PDF](#)
[EDA RESOLUTION - ELGIN.PDF](#)

X. NEW BUSINESS

1. **AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 36.921 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE WILLIAM HINDS SURVEY, NO. 53 IN TRAVIS COUNTY TEXAS, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

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

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

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[WARD MAP.PDF](#)

- 3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A BID FOR THE PORTABLE GENERATOR PROJECT TO ALTERRA POWER SYSTEMS OF SUN PRAIRIE, WISCONSIN; AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EXSUMMARY - 21COS GENERATOR.PDF](#)
[RESAUTH GENERATOR122.PDF](#)
[BID AWARD RECOMMENDATION - ELGIN PORTABLE GENERATOR.PDF](#)

- 4. 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](#)

- 5. 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](#)

- 6. Appointment/Re-Appointment Of Members To Various City Commissions, Boards, And/Or Committees Including The Planning & Zoning Commission, Board Of Adjustments, Library Advisory Board, Parks & Recreation Advisory Board, Economic Development Corporation Board Of Directors, Tax Increment Reinvestment Zone Board Of Directors, Historic Review Board, Main Street Board Of Directors, And Building Standards Commission**

Documents:

[EXSUMMARY- BOARDS AND COMMISSION APPOINTMENTS2.PDF](#)
[ORDBOARDS COMMISSIONS10217.PDF](#)
[BOARDS AND COMMISSIONS APPOINTMENTS AND REAPPOINTMENTS MEMO.PDF](#)

XI. 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.

XII. RECONVENE

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

XIII. ANNOUNCEMENTS

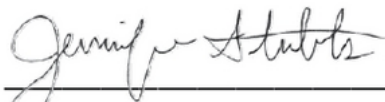
XIV. ADJOURNMENT

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 Thursday, December 30, 2021, in accordance with Chapter 551 of the Texas Government Code.



Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance annexing adjacent and contiguous territory to the City of Elgin, Texas to wit: 36.921 acres of land, lying in and being situated out of the William Hines Survey, No. 53, in Travis Co, TX, including adjacent right-of-way, and being fully described in Exhibit A attached hereto; providing for a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the requested proposed annexation.

BACKGROUND: State law requires an annexation to have at least one (1) public hearing. This annexation is not part of any annexation development agreements.

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: Proclamation 2022 Elgin Sesquicentennial Year

DEPARTMENT: Community Services

PROPOSED ACTION: Approval of Proclamation .

BACKGROUND: 2022 is the Sesquicentennial for Elgin. City Council appointed a committee and approved a budget. The committee developed a plan for celebrations throughout 2022. The proclamation is the first of many activities and projects planned for 2022. The next event will be at Sip Shop and Stroll Thursday January 13, 2022 from 5 to 8pm with a photo booth, live music, celebratory 150th themed cookies, and options to get involved in the Sesquicentennial. Volunteers are welcome and can sign up on social media @CityofElgin or community@ci.elgin.tx.us or call 512-229-3227

Yard signs and window clings are available to help promote the #ETX150

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approval of the proclamation.

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.
- { } 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.

PROCLAMATION

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, in 1879 Elgin was described as a "thriving depot town" of 400 with a newspaper, a gin, and a gristmill, and

WHEREAS, today, Elgin has a population of 10,598, and is a thriving community with a newspaper, multiple major employers producing bricks, sausage and more, with significant residential and commercial growth 2022 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 Sesquicentennial through partnerships with organizations and businesses and dedicated volunteer efforts will recognize our history, record and preserve oral histories, develop an Elgin history book to share our community's unique aspects, and develop existing and new events for the whole community, and

WHEREAS, an Elgin Founders Day Celebration will be held Saturday, August 20, 2022, and

WHEREAS, a time capsule will be created and dedicated at a New Years Eve gala on Saturday December 31, 2022 and

WHEREAS, contests throughout the year will involve our youth in celebrating the Sesquicentennial through words and art; and

WHEREAS, the City of Elgin will be 150 years old in 2022 and the Sesquicentennial will celebrate Elgin's history, community and future,

NOW, THEREFORE, I, Ron M. Ramirez, Mayor of the City of Elgin, do here by proclaim this, the year of 2022 be known as

Elgin Sesquicentennial Year

in Elgin, Texas and call upon the people of Elgin to join their friends and neighbors throughout this community in celebrating the history and the future of our town.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Elgin, Texas to be affixed this 4th day of January 2022.

Ron M. Ramirez, Mayor
City of Elgin, Texas



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Proclamation Dr. Martin Luther King, Jr. Day Bastrop County Holiday Commission Celebration

DEPARTMENT: Community Services

PROPOSED ACTION: Approval of Proclamation.

BACKGROUND: Bastrop County Holiday Commission Celebration of Dr. Martin Luther King Jr. day includes an annual walk on January 17, 2022, at 10:00 a.m. beginning at the Paul Quinn AME, 1108 Walnut Street, Bastrop, Texas and will end at the Bastrop Convention Center, 1408 Chestnut Street, Bastrop, Texas for universal peace, justice, human rights, and social and economic progress for all people. Scholarship donations for MLK Scholarships which are awarded to at least one student at each high school in the County may be made through this website <https://www.smithvilletx.org/bastrop-county-mlkday-2021/> The City of Elgin will host the celebration in 2023.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approval of the proclamation.

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.
- { } 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.

**PROCLAMATION
DR. MARTIN LUTHER KING, JR. DAY
BASTROP COUNTY HOLIDAY COMMISSION CELEBRATION**

WHEREAS, Dr. Martin Luther King, Jr. challenged our Nation to recognize that our individual liberty relies upon our common equality; and

WHEREAS, at a time when our Nation was sharply divided, Dr. King called on a generation of Americans to be “voices of reason, sanity, and understanding amid the voices of violence, hatred, and emotion”; and

WHEREAS, Dr. King devoted his life to the struggle for justice and equality, sowing seeds of hope for a day when all people might claim “the riches of freedom and the security of justice”; and

WHEREAS, on the Martin Luther King, Jr. Federal Holiday, we commemorate the 36th Anniversary of the holiday recognizing one of America’s greatest visionary leaders, and we celebrate the life and legacy of Dr. King; and

WHEREAS, Dr. King’s “I Have A Dream Speech” turns 59 in 2022, and reminds us to recognize that in these challenging times, too many Americans face limited opportunities, but our capacity to support each other remains limitless; and

WHEREAS, we must face the challenges with the same strength, persistence and determination exhibited by Dr. King; and

WHEREAS, the walk’s theme is “**A Day On...Not A Day Off!**”; and

WHEREAS, the American people are called to engage in public service and promote nonviolent social change so that Dr. King’s unfinished movement toward equality can be achieved by our united, enduring efforts; and

WHEREAS, all citizens are urged to join with Bastrop High School, Smithville High School, Elgin High School, McDade High School, Cedar Creek High School and Colorado River Collegiate Academy in supporting the Scholarship Program during the annual walk; and

WHEREAS, all citizens are also urged to join in the 33rd annual walk on January 17, 2022, at 10:00 a.m. beginning at the Paul Quinn AME, 1108 Walnut Street, Bastrop, Texas and will end at the Bastrop Convention Center, 1408 Chestnut Street, Bastrop, Texas for universal peace, justice, human rights, and social and economic progress for all people.

NOW, THEREFORE, I, Ron Ramirez, Mayor of the City of Elgin, Texas, do hereby proclaim Monday, January 17, 2022 as:

Dr. Martin Luther King, Jr. Day

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Elgin, Texas to be affixed this 4th day of January, 2022.

Ron. M. Ramirez, Mayor



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Update on 2021 Certificates of Obligation - Capital Investment Program

DEPARTMENT: City Manager

PROPOSED ACTION:

No Council action proposed or requested; This item is for a brief update and discussion with the City Council as warranted relative to the 2021 Certificates of Obligation - Capital Investment Program.

BACKGROUND:

The 2021A Certificates of Obligation - Capital Investment Program is designed to fund a wide range of capital improvement projects in support of general government – including the Wastewater Treatment Plant Expansion, County Line Road Phase 1 Project, and a new Elgin Police Department Station.

Certificates of Obligation (COs) and debt issuance in general are a necessary component to funding major capital improvement projects for cities where such funds are not available through the annual operating budget. It is also of particular need in rapidly growing cities like Elgin, where demands for improved services and facilities exceed currently available resources.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Review and discussion of the 2021 Certificates of Obligation - Capital Investment Program; and direction to staff, if any, regarding same.

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: 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 - December 7, 2021

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Meeting Minutes- December 7, 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- December 7, 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
December 7, 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
Forest Dennis, Council Member

Absent: Skyler Maldonado, Council Member

Mayor Ramirez stated Mr. Maldonado would not be in attendance. Mr. Ibis made a motion to excuse Mr. Maldonado. Mayor Pro Tem Brashar 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
Michael Gonzalez, Public Works Director
Beau Perry, City Engineer

INVOCATION

Mr. Dennis 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 Chapter 44, Vegetation, Article II Landscaping, Division 3 General Requirements And Standards; And Providing For A Savings Clause And Repealing Conflicting Ordinances Or Resolutions.

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

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.

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

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.

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

PUBLIC COMMENT

Mayor Ramirez read a letter from Patrick Dudley, who stated his opposition to the proposal to the zoning change because of traffic issues and that this will negatively impact the downtown area's growth.

Debra Wahrmund, 905 Marvins Cove, stated she wanted to be on the same page about the Elgin Old Latin Cemetery. She stated the survey would be for 3/8th of an acre. Ms. Wahrmund thanked the Council for their support and offered any assistance.

CITY MANAGERS REPORT

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

Mr. Mattis stated this area is growing and will create traffic issues in all access points. He stated that the city has had a 30-year agreement with the Trinity Ranch Municipal Utility District and the developer will be required to complete a TIA. Mr. Perry presented and answered questions of the Council.

2. Monthly Reports By Department

Mr. Mattis provided the report. Mayor Ramirez asked about the Court numbers and thanked the Public Works staff for their hard work.

3. General Activity Report And/Or Project Update

There was no discussion on this item.

CONSENT AGENDA

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

The item passed on the consent agenda.

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

The Resolution passed on the consent agenda.

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

The item passed on the consent agenda.

Mr. Dennis made a motion to approve the consent agenda. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

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.

Mr. Mattis stated this is a PDD zoning application to approve the proposed Nana's House Assisted Living Facility. Part of the land is owned by the city and is unique piece of property that has been previously discussed. Mr. Mattis stated that part of this agreement includes that the owner will agree to convey frontage off the front of this lot so that we can maintain a wider Central Ave. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Ordinance as discussed. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

2. 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

Mr. Mattis stated this item is for the Council's consideration of amending the budget to provide funding to the Sesquicentennial Committee. Mr. Dennis discussed some of the projects that will take place throughout year which included, a history book project, essay contest, art show, and more. Discussion followed. Mr. Dennis made a motion to approve the Ordinance as discussed. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

3. 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

Mayor Ramirez skipped this item and came back to this item after the discussion took place over item 2. Mr. Mattis stated this is an Ordinance to not allow camping in public parks and in public places. Mr. Mattis stated this is not targeting a specific group or that there is not a current problem today. Chief Noble stated that this is a guidance tool and gives the city the ability to educate and guide these citizens along. He said enforcement is a last resort. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Ordinance as discussed. Mr. Callahan seconded the motion. All voted in favor. The motion carried.

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

Mr. Mattis stated that he recommends tabling the item until February. Mr. Ibis made a motion to table this item until February. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

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.

Mr. Mattis stated that this Ordinance is recommended by the Planning & Zoning Commission, and this would require all new homes to have at least underground irrigation in their front yards. Mayor Ramirez asked if this could be applied to new development only. Mr. Mattis stated this is only required for homes that are currently platted. Discussion followed. Mr. Dennis stated that this item deserves a little bit more thought. Mr. Dennis made a motion to table this item. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

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.

Mr. Mattis stated this Ordinance was tabled at the last meeting to adjust the code regarding peddlers, vendors, and solicitors permits. Mr. Mattis stated these changes are reflected to show today's environment. Mayor Ramirez stated that he didn't have a chance to review this and he would not mind tabling this item. Discussion followed. Mr. Callahan made a motion to table this item. Mr. Ibis seconded the motion. All voted in favor. The motion carried.

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.

Mr. Mattis stated this is for a formal zoning change for a piece of property that is associated with the multifamily project the council approved a few meetings ago. Mayor Pro Tem Brashar made a motion to approve the Ordinance as discussed. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

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

Mr. Mattis provided comments and answered questions of the Council. Mr. Callahan made a motion to approve the Ordinance with the one correction to amend the November meeting to November 15th. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

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 Ramirez wished those in attendance a Merry Christmas.

ADJOURNMENT

Mayor Ramirez adjourned the meeting at 8:31 p.m.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION BY THE CITY COUNCIL OF CITY OF ELGIN DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-009-D207

DEPARTMENT: FINANCE/GRANTS

PROPOSED ACTION: Discuss and Adopt Resolution Designating Authorizing signatures for the Texas General Land Office Contract 22-082-009-D207

BACKGROUND: City of Elgin has received a Community Development Block Grant - Mitigation award to provide Water & Drainage Improvements, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION:

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.
- ☒ 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 _____

A RESOLUTION BY THE CITY COUNCIL OF CITY OF ELGIN DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-009-D207.

WHEREAS, City of Elgin has received a Community Development Block Grant - Mitigation award to provide Water & Drainage Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

WHEREAS, an original signed copy of the CDBG-MIT Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

WHEREAS, City of Elgin acknowledges that in the event that an authorized signatory changes (elections, illness, resignations, etc.) the following will be required: 1) a resolution stating the new authorized signatory (A new resolution is not required if this original resolution names only the title and not the name of the signatory); and 2) a revised CDBG-MIT *Depository/ Authorized Signatories Designation Form*.

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

SECTION 1: The Mayor, Mayor Pro-Tem, City Manager be authorized to execute contractual documents between the Texas General Land Office and the City for the Community Development Block Grant Mitigation Program.

SECTION 2: The Mayor, Mayor Pro-Tem, City Manager, Director of Finance, be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Community Development Block Grant Mitigation Program.

SECTION 3: The City Manager be authorized to execute environmental review and related documents as the responsible entity (RE) for the Community Development Block Grant Mitigation Program.

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 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

SECTION 5. Effective Date. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 4th day of January 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION BY THE CITY COUNCIL OF CITY OF ELGIN DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-085-029-D270.

DEPARTMENT: FINANCE/GRANTS

PROPOSED ACTION: Discuss and Adopt Resolution Designating Authorizing signatures for the Texas General Land Office Contract 22-082-009-D207

BACKGROUND: City of Elgin has received a Community Development Block Grant - Mitigation award to provide Flood & Drainage Improvements, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION:

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.
- ☒ 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 _____

**A RESOLUTION BY THE CITY COUNCIL OF CITY OF ELGIN
DESIGNATING AUTHORIZED SIGNATORIES FOR
CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR
REQUESTING FUNDS PERTAINING TO THE COMMUNITY
DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM
(CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE
CONTRACT NUMBER 22-085-029-D270.**

WHEREAS, City of Elgin has received a Community Development Block Grant - Mitigation award to provide Flood & Drainage Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

WHEREAS, an original signed copy of the CDBG-MIT Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

WHEREAS, City of Elgin acknowledges that in the event that an authorized signatory changes (elections, illness, resignations, etc.) the following will be required: 1) a resolution stating the new authorized signatory (A new resolution is not required if this original resolution names only the title and not the name of the signatory); and 2) a revised CDBG-MIT *Depository/ Authorized Signatories Designation Form*.

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

SECTION 1: The Mayor, Mayor Pro-Tem, City Manager be authorized to execute contractual documents between the Texas General Land Office and the City for the Community Development Block Grant Mitigation Program.

SECTION 2: The Mayor, Mayor Pro-Tem, City Manager, Director of Finance, be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Community Development Block Grant Mitigation Program.

SECTION 3: The City Manager be authorized to execute environmental review and related documents as the responsible entity (RE) for the Community Development Block Grant Mitigation Program.

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 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

SECTION 5. Effective Date. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 4th day of January 2021

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN REGARDING CIVIL RIGHTS POLICIES AND PROCEDURES

DEPARTMENT: FINANCE/GRANTS

PROPOSED ACTION: Discuss and Adopt Resolution regarding the City of Elgin's Civil Rights Policies and Procedures. This is a process that must be accomplished to satisfy the Texas General Land Office's Grant Program.

BACKGROUND: City of Elgin, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-MIT activity, on the basis of race, color, religion, sex, national origin, age, or disability

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION:

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.
- ☒ 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 _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN REGARDING CIVIL RIGHTS POLICIES AND PROCEDURES.

WHEREAS, City of Elgin, Texas, (hereinafter referred to as “City of Elgin”) has been awarded a Community Development Block Grant – Mitigation (CDBG-MIT) grant from the Texas General Land Office (hereinafter referred to as “GLO”);

WHEREAS, City of Elgin, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-MIT activity, on the basis of race, color, religion, sex, national origin, age, or disability;

WHEREAS, City of Elgin, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

WHEREAS, City of Elgin, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-MIT project area;

WHEREAS, City of Elgin, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

WHEREAS, City of Elgin, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with Limited English Proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-MIT project;

WHEREAS, City of Elgin, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

WHEREAS, City of Elgin, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

WHEREAS, City of Elgin, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS ADOPTS THE FOLLOWING CIVIL RIGHTS POLICIES AND PROCEDURES:

1. Section 3 Policy;
2. Excessive Force Policy;
3. Limited English Proficiency (LEP) Standards Plan;
4. Section 504 Policy and Grievance Procedures;
5. Code of Conduct Policy; and
6. Fair Housing Policy.

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

This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 4th day of January 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A Resolution of the City Council of the City of Elgin authorizing the Application for an Economic Development Administration American Rescue Plan Act Economic Adjustment Assistance Grant and for the City Manager to execute all necessary documentation related to the grant application

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the Resolution

BACKGROUND: The City of Elgin wants to apply for a \$2,052.296.60 grant from the EDA American Rescue Plan Act Economic Adjustment Assistance program for the Elgin Business Park III to provide water, sewer, roadway, and drainage improvements to the Business Park. It will include the completion of Roy Rivers Road which is a four-lane concrete road with turn lanes. The regional retention pond will assist with drainage in the park and the interior roads will open up more land for development in the park. The Grant is a 50/50 matching grant.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Approve the Resolution

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.
- ☐ 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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE FOR FUNDING THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION'S (EDA) FY 2021 AMERICAN RESCUE PLAN ACT ECONOMIC ADJUSTMENT ASSISTANCE AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE GRANT PROGRAM.

WHEREAS, the EDA, has allocated grant funds to assist with economic recovery in communities with areas of high economic distress; and

WHEREAS, the City Council of the City of Elgin desires to develop a viable community, including expanding economic opportunities and creating a suitable living environment; and

WHEREAS, the project is a targeted infrastructure investment in a federally designated Opportunity Zone; and

WHEREAS, the need for the project was articulated in the 2016 Elgin Comprehensive Plan, is also part of the Tax Increment Reinvestment Zone, and is deemed critical to the City's infrastructure plan and to the long term economic prosperity of the City of Elgin; and

WHEREAS, it is necessary and in the best interests of the City of Elgin to apply for funding under the FY 2021 American Rescue Plan Act Economic Adjustment Assistance program to be used to foster economic development activity.

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

1. That an application is hereby authorized to be filed on behalf of the City of Elgin with the U.S Department of Commerce for funding consideration under EDA's FY 2021 American Rescue Plan Act Economic Adjustment Assistance program;
2. That the application be for \$2,052,291.60 of grant funds to provide water, sewer, roadway, and drainage improvements in Business Park III;
3. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in EDA's FY 2021 American Rescue Plan Act Economic Adjustment Assistance program
4. That it further be stated that the City of Elgin is committing \$2,052,291.60 from its 2021 Certificate of Obligation as a cash contribution toward the activities of this economic development project.

Adopted on this 4th day of January, 2022

CITY OF ELGIN, TEXAS

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 36.921 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE WILLIAM HINDS SURVEY, NO. 53 IN TRAVIS CO., TX, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance for a voluntary annexation of 36.921 acres of land located on Travis Co. Appraisal District Parcel #248208.

BACKGROUND: The applicant is requesting voluntary annexation into the City Limits. This parcel of land is located within the City’s Extraterritorial Jurisdiction (ETJ) and is contiguous with the City Limits. Currently the parcel is vacant with no use on the property.

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 of this item.

ATTACHMENTS: Ordinance with Exhibit “A”.

{} 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. 2022-01-04-??

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 36.921 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE WILLIAM HINDS SURVEY, NO. 53 IN TRAVIS COUNTY TEXAS, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City is a duly constituted Home Rule City pursuant to Chapter 9, Local Government Code, as amended, and

WHEREAS, pursuant to Section 43.028, Local Government Code, the owners of a tract of land containing 0.484 acres of land out of the Thomas Garretson Survey, Abstract 178 of land (the “Property”) more fully described in Exhibit “A”, have petitioned the City Council in writing to annex the Property, and

WHEREAS, the property is (1) one-half mile or less in width; (2) contiguous to the City; and (3) vacant without residents, or on which less than three (3) qualified voters reside, and

WHEREAS, the City Council has determined that all requirements of Section 43.028, Local Government Code have been complied with and hereby consider it appropriate to grant the petition for annexation, Now Therefore

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

I.

That all the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in its entirety.

II

That the City Council has heard arguments for and against the annexation and has determined to grant the petition for annexation.

III.

That the Property described in Exhibit “A”, attached hereto, and incorporated herein for all purposes, be and is hereby annexed and brought within the corporate limits of the City of Elgin, Travis County, Texas, and same is hereby made an integral part hereof.

IV.

That the owners and future inhabitants of the area herein annexed be entitled to all the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

V.

That the official map and boundaries of the City, heretofore adopted and amended be and is hereby amended to include the aforementioned territory as part of the City of Elgin, Texas.

VI.

That the City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add territory hereby annexed as required by law.

VII.

That this Ordinance shall become effective after its passage

VIII.

That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk of Travis County, Texas.

IX.

If any section, subsection, sentence, phrase, or word of this Ordinance be found illegal, invalid, or unconstitutional or any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph, or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph, or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

X.

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

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

READ, PASSED, and ADOPTED on first reading this the 4th day of January 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

Exhibit "A"

PETITION REQUESTING ANNEXATION OF AREA ON REQUEST OF OWNERS

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF
ELGIN, TEXAS.

Pursuant to the Texas Local Government Code, Chapter 43, Subchapter C-3, the undersigned owners of the hereinafter described tract of land, which is vacant and without residents, hereby petition your Honorable Body to extend the present city limits so as to include as part of the City of Elgin, Texas, the following described territory, to wit:

See Exhibit "A", attached hereto and incorporated herein.

EXHIBIT "A"

FIELD NOTES FOR A 36.921 ACRE TRACT OF LAND IN THE WILLIAM HINES SURVEY NO. 53, TRAVIS COUNTY, TEXAS; BEING OUT OF A CALLED 215 ACRE TRACT OF LAND (DESCRIBED AS TRACT TWO-FIRST TRACT) AS CONVEYED TO VIVIAN JUANITA POTH, TRUSTEE OF THE CHARLES JOSEPH POTH, JR. TRUST IN DOCUMENT NUMBER 1999051933 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 36.921 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod found on the northerly right-of-way line of U.S. Highway 290 (R.O.W. ~ varies) as described in Volume 11335, Page 1262 of the Real Property Records of Travis County, Texas, at a southerly corner of a called 175.81 acre tract of land conveyed to Centex Land, Ltd. in Volume 13299, Page 2327 of the Real Property Records of Travis County, Texas, for the southeast corner and **POINT OF BEGINNING** of the herein described tract, from which a 1/2-inch iron rod found on the northerly right-of-way line of said U.S. Highway 290 at the southeast corner of said Centex Land, Ltd. 175.81-acre tract, being the southwest corner of ELM CREEK NORTH PHASE II, a subdivision as recorded in Document Number 202000225 of the Official Public Records of Travis County, Texas, bears N 85°43'41" E a distance of 838.20 feet;

THENCE, with the northerly right-of-way line of said U.S. Highway 290, S 85°43'41" W, a distance of 1,187.66 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the beginning of a curve to the right;

THENCE, continuing with the northerly right-of-way line of said U.S. Highway 290, along said curve to the right, an arc length of 377.38 feet, having a radius of 7,480.44 feet, a central angle of 2°53'26" and chord which bears S 87°04'43" W a distance of 377.34 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set for corner;

THENCE, continuing with the northerly right-of-way line of said U.S. Highway 290, S 88°35'44" W, a distance of 1,131.31 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the southeast corner of a called 195.5-acre tract of land conveyed to Texas Bridle Trails, LLC in Document Number 2019016079 of the Official Public Records of Travis County, Texas, for the southwest corner of the herein described tract, from which a broken TxDOT Type 1 monument found bears S 88°35'45" W, a distance of 3,151.35 feet;

THENCE, departing the northerly right-of-way line of said U.S. Highway 290 with the common line between said Texas Bridle Trails, LLC 195.5-acre tract and said Poth 215-acre tract,

N 27°28'41" E, a distance of 1,344.08 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the most westerly corner of said Centex Land Ltd. 175.81-acre tract, for the north corner of the herein described tract, from which a 1/2-inch iron rod with a cap stamped "DOUCET & ASSOCIATES" found at the northeast corner of said Texas Bridle Trails, LLC 195.5-acre tract bears N 27°58'53" E, a distance of 994.45 feet;

THENCE, with the common line between said Centex Land Ltd. 175.81-acre tract and said Poth 215-acre tract, S 62°58'19" E, a distance of 2,326.05 feet to the **POINT OF BEGINNING** and containing 36.921 acres of land, more or less.

We certify that the above described tract of land is contiguous and adjacent to the City of Elgin, Texas, and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

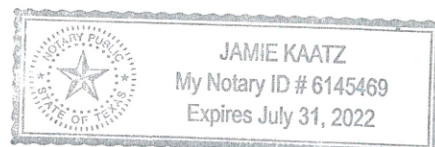
Signed: _____

THE STATE OF TEXAS
COUNTY OF WILLIAMSON.

Before me, the undersigned authority, on this day personally appeared Gayle Marek, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 5th day of November, 2021.

Jamie Kaatz
Notary Public, Williamson County, Texas
{W1050010.2}



November 4, 2021

Amanda Brown
Kimley-Horn and Associates, Inc.
10814 Jollyville Road
Avallon IV, Suite 200
Austin, TX 78759

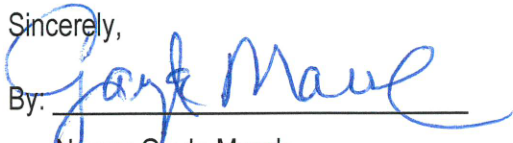
Re: Rezoning Application
SH 290, Elgin, TX (36 acres)
Owner's Authorization

Dear Ms. Brown:

This letter shall serve as authorization for Kimley-Horn and Associates, Inc. to represent and act on behalf of Gayle Marek (owner name) for the purpose of preparing and submitting all required City of Elgin applications associated with the Rezoning and Annexation applications.

Please contact _____ (Name) at _____ (phone) if additional information is required.

Sincerely,

By: 

Name: Gayle Marek

Title: Property Owner

Exhibit A

Legal Description

36.92 ACRE TACT OF LAND IN THE WILLIAM HINES SURVEY NO. 53, TRAVIS COUNTY, TEXAS

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod found on the northerly right-of-way line of U.S. Highway 290 (R.O.W. ~ varies) as described in Volume 11335, Page 1262 of the Real Property Records of Travis County, Texas, at a southerly comer of a called 175.81 acre tract of land conveyed to Centex Land, Ltd. in Volume 13299, Page 2327 of the Real Property Records of Travis County, Texas, for the southeast comer and POINT OF BEGINNING of the herein described tract, from which a 1/2-inch iron rod found on the northerly right-of-way line of said U.S. Highway 290 at the southeast comer of said Centex Land, Ltd. 175.81-acre tract, being the southwest comer of ELM CREEK NORTH PHASE II, a subdivision as recorded in Document Number 202000225 of the Official Public Records of Travis County, Texas, bears N 85°43'41" E a distance of 838.20 feet;

THENCE, with the northerly right-of-way line of said U.S. Highway 290, S 85°43'41" . W, a distance of 1,187.66 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the beginning of a curve to the right;

THENCE, continuing with the northerly right-of-way line of said U.S. Highway 290, along said curve to the right, an arc length of 377.38 feet, having a radius of 7,480.44 feet, a central angle of 2°53'26" and chord which bears S 87°04'43" W a distance of 377.34 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set for comer;

THENCE, continuing with the northerly right-of-way line of said U.S. Highway 290, S 88°35'44" W, a distance of 1,131.31 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the southeast comer of a called 195.5-acre tract of land conveyed to Texas Bridle Trails, LLC in Document Number 2019016079 of the Official Public

Records of Travis County, Texas, for the southwest comer of the herein described tract, from which a broken TxDOT Type 1 monument found bears S 88°35'45" W, a distance of 3,151.35 feet;

THENCE, departing the northerly right-of-way line of said U.S. Highway 290 with the common line between said Texas Bridle Trails, LLC 195.5-acre tract and said Poth 215- acre tract, N27°28'41" E, a distance of 1,344.08 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the most westerly comer of said Centex Land Ltd. 175.81-acre tract, for the north comer of the herein described tract, from which a 1/2-inch iron rod with a cap stamped "DOUCET &

ASSOCIATES" found at the northeast corner of said Texas Bridle Trails, LLC 195.5-acre tract bears N 27°58'53" E, a distance of 994.45 feet;

THENCE, with the common line between said Centex Land Ltd. 175.81-acre tract and said Poth 215-acre tract, S 62°58'19" E, a distance of 2,326.05 feet to the POINT OF BEGINNING and containing 36.921 acres of land, more or less.

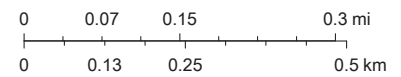
Exhibit "A"



12/1/2021, 7:40:51 PM

 Travis Parcels July 2021

1:9,028



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

Web AppBuilder for ArcGIS

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY AND ADJACENT RIGHT-OF-WAY TO CITY COUNCIL WARD AREA NO. 2; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance assigning newly annexed property and adjacent right-of-way to City Council Ward Area No. 2; providing for a severability clause and providing an effective date; providing a savings clause and repealing conflicting ordinances and resolutions

BACKGROUND: When a parcel of land is annexed into the City limits, State law requires assignment of the area to an elected representative. The only Council Ward that can be assigned based on location is Ward No. 2.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: Recommend approval of item.

ATTACHMENTS: Ward Ordinance & Exhibit A, Ward Map.

- {}** 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.

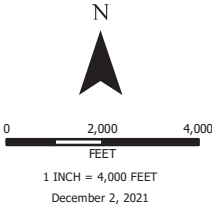
WARD MAP ELGIN, TEXAS

LEGEND

-  PARCEL
-  CITY LIMITS
-  LIMITED PURPOSE

WARDS

-  1
-  2
-  3
-  4



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. No responsibility is assumed by the City of Elgin or TRC for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided. The map is reflective of information as of the date of printing.



F:\GIS\City of Elgin\Map\2021\Wards_24_1_2021.mxd

ORDINANCE NO. 2022-01-04-??

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

WHEREAS, the City of Elgin, Texas is a duly constituted home-rule municipality and, as such, is authorized to unilaterally annex territory subject to the laws of the State of Texas and subject to its Charter; and

WHEREAS, the territory described on Exhibit “A” (the “Property”) attached hereto and made a part hereof by reference for all purposes, was unilaterally annexed by the City of Elgin by Ordinance No. 2022-01-04-_____ on January 4, 2022; and

WHEREAS, the procedures prescribed by the Charter of the City of Elgin and the applicable laws of the State of Texas have been duly followed with respect to the Property; and

WHEREAS, the Property is so situated as to be assigned to City Council Ward Area No. 2; and it is the intention of the City Council to add this parcel to Ward Area No. 2; now, therefore,

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

I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this Ordinance.

II.

That the Property described in the attached Exhibit “A” is hereby assigned to Council Ward Area No. 2.

III.

That this Ordinance shall become effective after its passage.

IV.

If any section, subsection, sentence, phrase, or word of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

V.

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 thereof 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 4th day of January 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

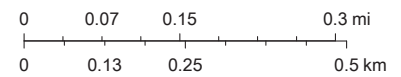
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12/1/2021, 7:40:51 PM

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Web AppBuilder for ArcGIS

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A BID FOR THE PORTABLE GENERATOR PROJECT TO ALTERRA POWER SYSTEMS OF SUN PRAIRIE, WISCONSIN; AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: Director of Public Works

PROPOSED ACTION:

This item is for consideration of a Resolution to authorize the award of a bid award to Alterra Power Systems of Sun Prairie, Wisconsin, in the amount of \$127,969.00 for the Portable Generator Project as part of the 2021 Certificates of Obligation Program.

BACKGROUND:

Storm Events in February 2021 demonstrated the necessity for alternative power for some critical infrastructure points within the City's water and wastewater system. This portable generator will help to facilitate fewer service interruptions by providing a alternate power source to critical infrastructure points when significant power cannot be produced by the City of Elgin's electric providers. And, as a result of the SB3, the City is required to maintain a utility system Emergency Preparedness Plan (EPP).

The EPP is required to ensure that affected water utilities are able to maintain "emergency operations" (defined as the operation of a water system during an extended power outage (more than 24 hours) at a minimum water pressure of 20 pounds per square inch). The EPP must be submitted to the Texas Commission on Environmental Quality (TCEQ) on or before March 1, 2022. The use of this portable generator would help to achieve such goals.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of a Resolution authorizing the award of a bid award to Alterra Power Systems of Sun Prairie, Wisconsin, in the amount of \$127,969.00 for the Portable Generator Project as part of the 2021 Certificates of Obligation Program; and direction to staff, if any, regarding same.

ATTACHMENTS:

(1) Resolution, (2) City Engineer's recommendation, and (3) a copy of the bid tabulation

{ } 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 A BID FOR THE PORTABLE
GENERATOR PROJECT TO ALTERRA POWER SYSTEMS OF
SUN PRAIRIE, WISCONSIN; AND MAKING CERTAIN FINDINGS
RELATED THERETO.**

WHEREAS, the Elgin City Council approved the issuance the 2021 Certificates of Obligation in the principal amount of \$14.8M on May 18, 2021 to provide funding for a wide range of water and wastewater system improvements; and,

WHEREAS, the City of Elgin provides potable water and wastewater services to residents and businesses located within the city and its Certificate of Convenience & Necessity (CCN) service area and storm events have demonstrated the need for alternative power for these critical infrastructures; and,

WHEREAS, city staff has completed a bidding process, fully vetted bids received, and has determined *Alterra Power Systems* of Sun Prairie, Wisconsin has submitted the lowest and best bid.

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 finalize negotiations and execute an agreement with *Alterra Power Systems* of Sun Prairie, Wisconsin, in the amount of \$127,969.00 for the Portable Generator Project, a copy of the bid tabulation and City Engineer's recommendation 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 as stated above.

Section 4. 2021 Certificates of Obligation Funding. The City Council does also hereby expressly approve the utilization of proceeds from the 2021 Certificates of Obligation debt issuance in support of the project that is the subject matter of this Resolution; and does further acknowledge that an amendment to the *FY21-22 City of Elgin Annual Operating Budget* may be required 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 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 4th day of January, 2022

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

December 23, 2021

Honorable Ron Ramirez, Mayor and City Council
City of Elgin
310 North Main
Elgin, Texas 78621

Attn: Mr. Thomas Mattis, City Manager

**RE: Acquisition of Portable Generator
Bid Recommendation**

Dear Mayor Ramirez and Council Members:

One (1) sealed bid was received at Elgin City Council Chambers on December 7, 2021 at 11:00 A.M. for the above-referenced project. The base bid was \$127,969.00 from Alterra Power Systems of Sun Prairie, WI.

TRC conducted reference checks and found that Alterra Power Systems has provided similar equipment to the satisfaction of the Owners and Engineers. It is recommended that Alterra Power System be awarded the contract to furnish the generator.

If you have any other questions or comments, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Beau Perry", written in a cursive style.

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

Attachment: Bid Tabulation, and Contractor Reference Check

City of Elgin
 FM 1704 Wastewater Extension
 Bid Tabulation
 August 4, 2020 - 11:00 AM



Altera Power Systems
 1835 Haynes Drive
 Sun Prairie, WI 53590

Item	Item Description	Qty.	Unit	Unit Price	Total
BASE BID					
7.1	Portable Generator with 24-hour Fuel Tank	1	L.S.	\$127,969.00	\$127,969.00
7.2	Portable Generator with 12-hour Fuel Tank	1	L.S.	\$0.00	\$0.00
TOTAL BASE BID					\$127,969.00

CONTRACTOR REFERENCE QUESTIONS

PROJECT NAME & NUMBER: Elgin Portable Generator 457358

CONTRACTOR: Alterra Power Systems

CONTACT INFO: _____

AREA(S) OF WORK: **UTILITIES**
 CONCRETE
 ROADWAY & TRANSPORTATION
 GENERAL CONSTRUCTION
 ✓ **OTHER:** _____

REFERENCE: Evolve Inc Bo Williamson

CONTACT INFO: 281-615-8204

DATE OF INTERVIEW: 12/15/2021

1. Project Time:

- a. Was the construction started and completed on time?

Yes

- b. Did the contractor reach substantial completion on time, but took an extended period of time to reach final completion?

No

- c. Were there any significant delays or work stoppages?

No

- d. Did the contractor request project time extensions unrelated to rain days or additional work requested by the Owner?

No

- e. Other?

2. Project Budget:

- a. Were there excessive change orders unrelated to engineering design errors or additional work requests from the Owner?

No

- b. Were there any issues with payment quantities on monthly pay requests that did not match actual field conditions?

No

- c. Did the contractor pay his sub-contractors timely?

N/A

- d. Were there any liens placed on the project from vendors or sub-contractors?

No

- e. Other?

3. Was the project that the contractor did for the reference similar in nature to the proposed project (type of construction, depth of utilities, etc.).

Yes, Contractor supplied generator

4. Safety:

- a. Were there any safety issues for the contractor's employees or safety issues with the public?

No

5. General Problems/Issues:

- a. Did the contractor work well with the City/Engineer staffs?

Yes

b. Were there any significant issues with the contractor's employees dealing with the public?

N/A

c. Were there many complaints from the residents regarding the contractor?

N/A

d. Did the contractor cleanup his work site sufficiently?

N/A

e. Was there excessive personnel turnover for the contractor's field workers?

N/A

f. Were there any communication issues with the contractor's employees (ie. unable to speak English)?

N/A

6. General:

a. How much of the work was self performed versus sub contracted out?

N/A

b. Did the contractor do the utilities or sub contract them out?

N/A

c. Did the contractor do the roadway work or sub contract it out?

N/A

7. Would you hire this contractor again?

Yes



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. Item was tabled by Council at their December 7th meeting.

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 – January 4, 2022

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. 2022-01-04-????

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 **4th** day of **January 2022**.

Ron M. Ramirez, Mayor

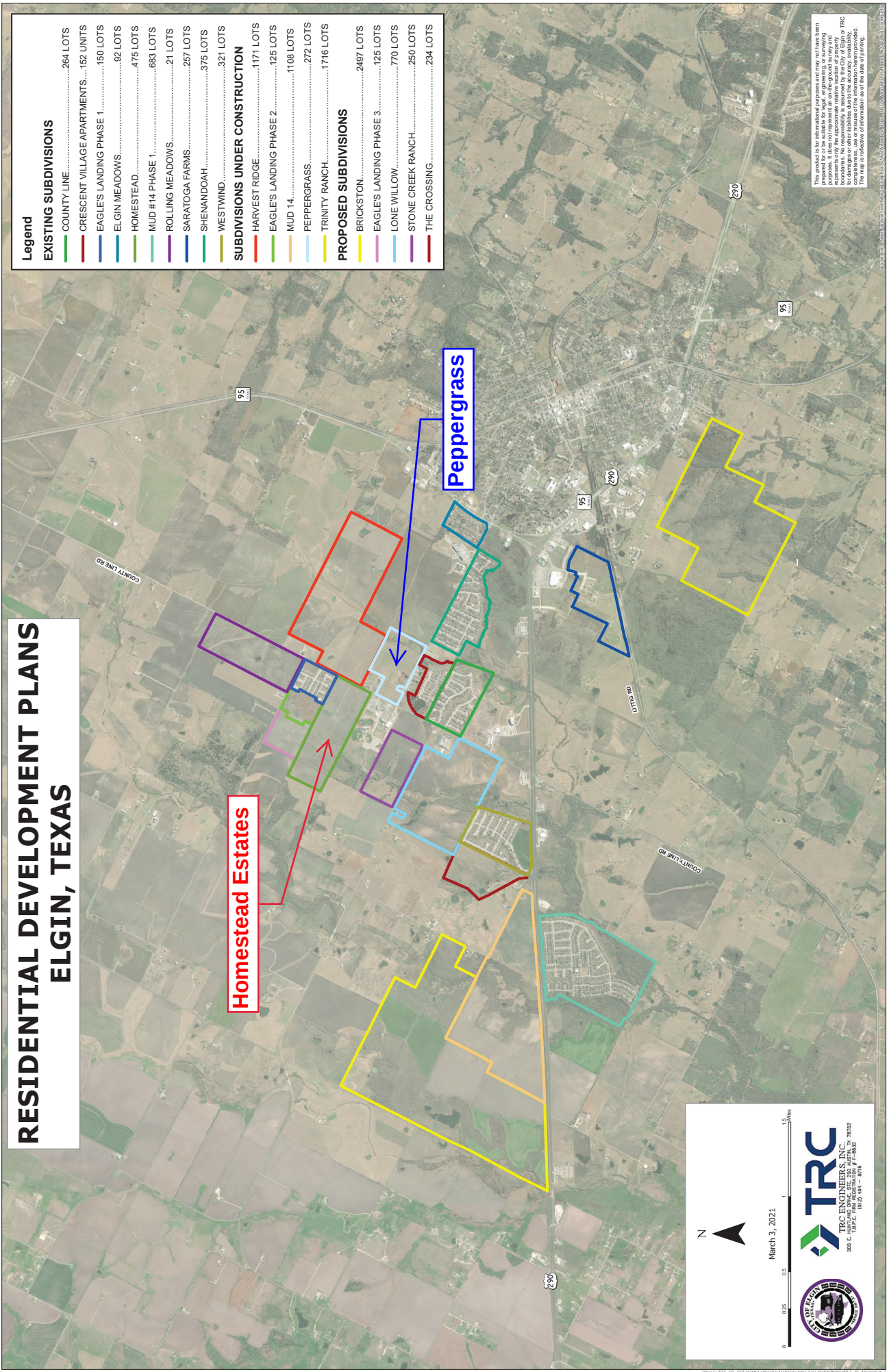
ATTEST:

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	1770 LOTS
STONE CREEK RANCH	260 LOTS
THE CROSSING	234 LOTS



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March 3, 2021

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

CITY OF ELGIN, TEXAS



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 on December 7, 2021.

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 – January 4, 2022

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. 2022-01-04-??

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 4th day of January 2022.

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:~~

~~(a)~~ 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: Appointment/re-appointment of members to various City Commissions, Boards, and/or Committees including the Planning & Zoning Commission, Board of Adjustments, Library Advisory Board, Parks & Recreation Advisory Board, Economic Development Corporation Board of Directors, Tax Increment Reinvestment Zone Board of Directors, Historic Review Board, Main Street Board of Directors, and Building Standards Commission

DEPARTMENT: Administration

PROPOSED ACTION: Appointment/re-appointment of members to the Planning & Zoning Commission, Board of Adjustments, Library Advisory Board, Parks & Recreation Advisory Board, Economic Development Corporation Board of Directors, Tax Increment Reinvestment Zone Board of Directors, Historic Review Board, Main Street Board of Directors, and Building Standards Commission as applicable.

BACKGROUND:

Ordinance 2017-10-10-19 provides for policies and procedures regarding annual appointments to various City Commissions, Boards, and/or Committees. The City Secretary has previously provided a report to Council in compliance with the requirements of city code; and now such appointments and/or re-appointments are ready for Council's consideration.

Included with the packet are copies of all applications for consideration to such commission, boards, and committees received by the City Secretary to date.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Appointment/re-appointment of members to the Planning & Zoning Commission, Board of Adjustments, Library Advisory Board, Parks & Recreation Advisory Board, Economic Development Corporation Board of Directors, Tax Increment Reinvestment Zone Board of Directors, Historic Review Board, Main Street Board of Directors, and Building Standards Commission as determined by the Mayor and City Council; and direction to staff as may be deemed appropriate.

ATTACHMENTS: (1) City Secretary Report, (2) Ordinance, and (3) Applications

{ } 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. 2017-10-10-19

AN ORDINANCE ESTABLISHING GENERAL RULES AND PROCEDURES, INCLUDING APPOINTMENTS, TERM LIMITS, AND RELATED MATTERS FOR ALL BOARDS AND COMMISSIONS OF THE CITY OF ELGIN, TEXAS; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

WHEREAS, Article XI of the Home Rule Charter of the City of Elgin provide the City Council with exclusive authority to establish “boards and commissions as it may deem necessary conduct of city business and management of municipal affairs”; and,

WHEREAS, Article XI of the Home Rule Charter of the City of Elgin further provides the City Council with authority to establish “authority, functions, and responsibilities of such boards and commissions”; and,

WHEREAS, the City Council is now desirous of establishing, among other items, procedural consistency regarding the appointment schedules for all such boards and commissions as well as term limits regarding same.

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

I.

Sec. 1 - Purpose.

The purpose of this Ordinance is to establish clarity as to general rules and procedures for all City of Elgin Boards and Commissions.

Sec. 2 – City Charter Authority

Article XI of the Home Rule Charter of the City of Elgin, states “The city council shall have the authority to establish by ordinance for the such boards and commissions as it may deem necessary conduct of city business and management of municipal affairs. The authority, functions, and responsibilities of such boards and commissions shall be such as is spelled out in the ordinance establishing them. All existing boards and commissions

heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the city council shall by ordinance abolish, modify, or alter the ordinances or acts under which they exist. Notwithstanding, any other provision of this Charter the elected city council shall have paramount authority over all matters affecting the budgets, appropriation of funds expenditures, purchases, and sale of properties and procedures for accounting therefore consistent with the express provisions of this Charter and applicable provisions of the State Constitution and law of this State."

Sec. 3 – Boards and Commissions

(1) As of the date of this Ordinance, the following Boards and/or Commissions have been authorized and or duly recognized by the City Council:

- Planning & Zoning Commission
- Board of Adjustment
- Library Advisory Board
- Parks & Recreation Advisory Board
- Economic Development Corporation Board of Directors
- Tax Increment Reinvestment Zone Board of Directors
- Public Safety Advisory Committee
- Historic Review Board
- Main Street Board of Directors
- Building Standards Commission

- (2) Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

Sec. 4 – Meeting Times and Agenda

Boards, commissions, and committees shall set their own meeting times. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Texas Open Meetings Act.

Sec. 5 – Regulatory Authority

The Board of Adjustments, Economic Development Corporation, and Planning and Zoning Commission, are the only boards and commissions that have regulatory authority.

Sec. 6 – Appointments

The City Council will review applications and may, at their discretion, interview eligible applicants for open positions on boards and commissions. Applications are accepted year-round and will be kept on file in the City Secretary's Office until the next appointment process.

Sec. 7 – Board and/or Commission Members

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth by the City Council.

Sec. 8 – Qualifications of Board and/or Commission Appointees

- (1) Members appointed to boards and commissions, for at least twelve (12) months preceding their appointment, must be
 - a. registered voters of the city who have resided within the corporate limits of the City of Elgin, or within territory annexed prior to the appointment; or
 - b. an owner of real property within the corporate limits of the City; or,
 - c. an owner of a business located within the corporate limits of the City.
- (2) Members appointed to boards and commissions should not have any delinquent City taxes, City utilities, or other City assessments; and must not have any pending claim against the City.
- (3) Members appointed to boards and commissions serve without compensation and must not be employed by or hold any other position in city government.
- (4) No member of a board or commission may remain in his/her position after being elected or appointed to City Council.
- (5) In addition to any other requirements prescribed by the City Council, members must maintain the qualifications established while in office.

Sec. 9 – Uniform Appointment Schedule for Board and/or Commission Members

All board and/or commission appointments shall be made at the Regular Meeting of the City Council in January of each year. The City Secretary shall establish deadlines and procedures for providing all applications to the City Council relating to upcoming board and commission appointments at least thirty (30) days prior to the January Regular City Council Meeting each year.

Sec. 10 – Open Government Training

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the City Secretary.

Sec. 11 –Waiver of Qualifications Requirements

Solely at its discretion, the City Council may consider on a case-by-case basis the waiver of any and all such qualification requirements and/or rules for individual appointments to any board or commission as they may be deemed warranted in serving the best interest of the City.

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 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 10th day of October 2017.

CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

Amelia Sanchez, City Secretary

Memorandum



Date: December 21, 2022

To: Mayor and City Council
Department Heads

Subject: Appointments/Re-Appointments to Boards
and Commissions

Following is a list of Board and Commissions upcoming vacancies, expiration dates, and applications received to date. Included are names of current members who wish to be reappointed.

Terms expiring December 31, 2021:

Board of Adjustment

- Darren Mogonye, Stephen Kylberg, and Regan Dumbeck are members who would like to be reappointed
- Applications- Chelsea Raymie (1st preference) and Stephen Finley (3rd preference).
- Vacancies- 1

Building Standards Commission

- Applications- Berney Williams (2nd preference)
- Vacancy- 1

Economic Development Board

- Vicki Dumbeck, Cody Mauck, SH McShan are members who would like to be reappointed
- Applications- Anna Rau (1st preference), Corbett Jones (1st preference), Joshua Carnes (2nd preference), Charisse Hobson (2nd preference), Stephen Finley (2nd preference), Bradford Holman (2nd preference), and Joy Casnovsky (3rd preference).
- Vacancies- 0

Historic Review Board

- Molly Alexander, Micah Erwin, and Ed Rivers are members who would like to be reappointed.
- Applications- Anna Rau (4th preference) and Adrian Moss (2nd preference).
- Vacancies- 0

Library Advisory Board

- Denise Halter is a member who would like to be reappointed
- Applications- Kerry Fritz (1st preference), Nicole Roach (1st preference), Joy Casnovsky (2nd preference) and Barbara Leeper (1st preference).

- Vacancies- 0

Main Street Board

- Krista Marx is a member who would like to be reappointed
- Applications- Anna Rau (2nd preference), Joshua Carnes (1st preference), Linda Hickman (1st preference), Nicole Roach (1st preference) and Erin Riley (2nd preference).
- Vacancies- 0

Parks & Recreation Advisory Board

- Brad Kilgore and Tiffancy Finley are members who would like to be reappointed
- Applications- Linda Hickman (2nd preference), Nicole Roach (3rd preference), Charisse Hobson (2nd preference), Alvis Prince (1st preference), Adrian Moss (1st preference), Erin Riley (1st preference), Charlene Thomas (1st preference), Jennifer Johnson (1st preference), Jack Reid (1st preference), Taylor Christian (1st preference), Caleb Dawson (1st preference), Corinne Shigemoto (1st preference), Jessica McCullough (1st preference), Corbett Jones (2nd preference), and Valerie Tamburri (1st preference).
- Vacancies- 0

Public Safety Advisory Committee

- Randy Staff, Bettye Lofton, Vince Dungan, Mike Walterscheidt, Barbara Tate, Byron Green, and Brooks Timothy are members who would like to be reappointed.
- Applications- Alvis Prince (2nd preference), Bradford Holman (2nd preference), Cynthia Burchfield (1st preference), Levi Bannigan (1st preference), and Liston Crim (1st preference).
- Vacancies- 0

Planning & Zoning Commission

- Brian Lundgren and Ronnie Creppon are members of the board who would like to be reappointed
- Applications- Joy Casnovsky (1st preference), Anna Rau (3rd preference), Corbett Jones (3rd preference), Berney Williams (1st preference), and Stephen Finley (1st preference).
- Vacancies- 0

Please let me know at your earliest convenience if you have any comments or questions.

Kind regards,



Jennifer Stubbs
City Secretary