



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 15, 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_loV0Nr3AqM1jJTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING

- 1. Public Hearing On An Ordinance Adding Chapter 48, Site Development, Revised Code Of Ordinances, City Of Elgin, Texas 2013 Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; And Providing For A Savings Clause.**

Documents:

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

VI. PUBLIC COMMENT

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

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

VII. CITY MANAGERS REPORT

1. Elgin Sesquicentennial Update

Documents:

[EXSUMMARYSESQUICENTENNIALUPDATE314.PDF](#)
[150THCITYCOUNCIL3-14-22.PDF](#)

2. 2021 Racial Profiling Report

Documents:

[EX SUMMAR 2021 RACIAL PROFILING REPORT.PDF](#)
[2021 TCLEDDS RACIAL PROFILING REPORT - FULL.PDF](#)
[2021 TCOLE RACIAL PROFILING ANALYSIS REPORT.PDF](#)
[2021 DEL CARMEN RACIAL PROFILING REPORT-FINAL.PDF](#)

3. Discussion And Possible Direction To Staff Regarding Potential Neighborhood Traffic And Safety Upgrades At Certain Locations Throughout The City

Documents:

[EX SUMMARY - TRAFFIC CALMING REPORT5.PDF](#)

4. January – February Report For Planning & Zoning Commission.

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[STAFF REPORT.PDF](#)

5. Monthly Reports By Department

Documents:

[EX SUMMARY MONTHLY DEPT REPORT - JAN 2022.PDF](#)
[JAN 2022 DEPT REPORTS.PDF](#)

6. General Activity Report And/Or Project Update

Documents:

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

VIII. CONSENT AGENDA

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

1. City Council Regular Meeting Minutes - March 1, 2022

Documents:

[EX SUMMARY- MARCH 1, 2022 REGULAR MEETING MINUTES.PDF](#)
[03-01-22 CITY COUNCIL REGULAR MEETING MINUTES.PDF](#)

2. **A RESOLUTION BY THE CITY OF ELGIN, TEXAS SUSPENDING THE MAY 2, 2022 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS -SOUTH TEXAS DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2020 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

Documents:

[EX SUMMARY-CENTERPOINT GRIP.PDF](#)
[CENTERPOINT GRIP RESOLUTION.PDF](#)
[CENTERPOINT GRIP LETTER 3.3.2022.PDF](#)

IX. NEW BUSINESS

1. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE CREEK'S CROSSING DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EX SUMMARY - CRKS CROSSING CCN322.PDF](#)
[RESOAQUACRKSCROSSTRANS322.PDF](#)
[AQUA WSC CRKS CROSSING.PDF](#)
[ATTACHMENT A-5 \(CREEKS CROSSING\).PDF](#)

2. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT AND DEVELOPMENT PLAN WITH CREEK CROSSING LAND PARTNERS LLC AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EX SUMMARY - CRKS CROSSING 1ST AMEND322.PDF](#)
[RESOCRKSCCROSS1STAMEND322.PDF](#)
[CREEKS CROSSING FIRST PDD AMENDMENT FOR CCN TRANSFER.PDF](#)

3. **AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 6.990 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178 IN BASTROP COUNTY TEXAS AND BEING FULLY DESCRIBED IN EXHIBIT "A", INCLUDING ADJACENT RIGHT-OF-WAY AND RAILROAD RIGHT-OF-WAY, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

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

4. **AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 1; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

Documents:

- 5. AN ORDINANCE VACATING, ABANDONING, AND CLOSING A PORTION OF A STREET AND/OR ALLEY IN THE BLOCK 37 SUBDIVISION, WITHIN THE CITY OF ELGIN, TEXAS, PURSUANT TO SECTION 311.007, TEXAS TRANSPORTATION CODE, V.A.T.S., PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS**

Documents:

[EXSUMMARY - EISD CLRD P1.PDF](#)
[ELGIN ORDINANCE VACATING LOT 37 ALLEY.PDF](#)
[ELGIN-COUNTYLINEROAD-PARCEL1.PDF](#)

- 6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 3 WITH ERASMO AND ORALIA BENITEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EXSUMMARY - PURCH AGR CLRD P3.PDF](#)
[RESCLRD PURCH BENITEZP3.PDF](#)
[BENITEZ\(3\)--PURCHASE CONTRACT FOR COUNTY LINE ROAD R.O.W. \(LD 3.9.22\).PDF](#)

- 7. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 4 WITH ISMAEL GONZALEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EXSUMMARY - PURCH AGR CLRD P4.PDF](#)
[RESCLRD PURCH GONZALEZP4.PDF](#)
[GONZALEZ\(4\)--PURCHASE CONTRACT FOR COUNTY LINE ROAD - SIGNED BY OWNER.PDF](#)

- 8. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 5 WITH FAUSTO C. MARTINEZ AND MARIA SAUCEDO IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO**

Documents:

[EXSUMMARY - PURCH AGR CLRD P5.PDF](#)
[RESCLRD PURCH MARTINEZP5.PDF](#)
[MARTINEZ\(5\)--PURCHASE CONTRACT FOR COUNTY LINE ROAD R.O.W. \(LD 3.9.22\).PDF](#)

- 9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS (PARCEL 2 – GUERRERO)**

Documents:

[EXSUMMARY - CODEMN CLRD P2.PDF](#)
[GUERRERO\(2\)--CONDEMNATION RESOLUTION--COUNTY LINE RD \(LD 3.9.22\).PDF](#)

- 10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS (PARCEL 6 - LUNDGREN)**

Documents:

[EXSUMMARY - CODEMN CLRD P6.PDF](#)
[LUNDGREN\(6\)--CONDEMNATION RESOLUTION--COUNTY LINE RD \(LD 3.9.22\).PDF](#)

- 11. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND SARAH "MAIN STREET" O'BRIEN FOR SESQUICENTENNIAL PROJECT MANAGEMENT SUPPORT.**

Documents:

[EXSUMMARYSESQUICENTENNIALEVENTCONTRACTOR315.PDF](#)
[RESOLUTIONSESQUICENTENNIALEVENTCONTRACTOR315.PDF](#)
[SARAHOBRIEN.PDF](#)

- 12. AN ORDINANCE ADDING CHAPTER 48 SITE DEVELOPMENT, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS 2013 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](#)
[PROPOSED SITE DEVELOPMENT ORDINANCE WITH EXHIBIT A.PDF](#)

- 13. AN ORDINANCE AMENDING CHAPTER 26, CODE OF ORDINANCES (2013 EDITION), CITY OF ELGIN, TEXAS, REGARDING MUNICIPAL COURT FEES, FUNDS AND COURT COSTS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[EX SUMMARY-MUNICIPAL COURT ORD.PDF](#)
[ORDINANCE MUNICIPAL COURT.PDF](#)

- 14. Discussion And Consideration Of Establishing A Tax Ceiling Freeze In The FY22-23 Annual Budget For City Property Taxpayers Over The Age Of 65 And Direction To Staff As Appropriate - Councilmember Brashar**

Documents:

[EX SUMMARY - BRASHAR ITEM 1.PDF](#)
[BASTROP-CAD-EXEMPTIONS-2021.PDF](#)

- 15. Discussion Regarding Minimum Lot Size For New Single-Family Homes And**

Direction To Staff As Appropriate – Councilmember Brashar

Documents:

[EX SUMMARY - BRASHAR ITEM 2.PDF](#)

X. EXECUTIVE SESSION

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

XI. RECONVENE

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

XII. ANNOUNCEMENTS

XIII. ADJOURNMENT

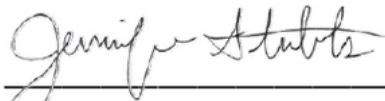
The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code;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

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

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

I, Jennifer Stubbs, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, March 11, 2022, in

accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script, reading "Jennifer Stubbs". The signature is written in dark ink and is positioned above a horizontal line.

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public Hearing on an Ordinance adding Chapter 48, Site Development, revised Code of Ordinances, City of Elgin, Texas 2013 repealing all other ordinances and parts of ordinances in conflict therewith; and providing for a savings clause.

DEPARTMENT: Development Services.

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

BACKGROUND: The Planning & Zoning Commission held a public hearing on the requested Code Changes on October 25, 2021.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Elgin Sesquicentennial Update

DEPARTMENT: Community Services

PROPOSED ACTION: None required.

BACKGROUND: 2022 is the Sesquicentennial for Elgin. City Council appointed committee and volunteers have been very busy planning celebrations, projects, and more for our community. Volunteers are welcome and can sign up on social media @CityofElgin or community@ci.elgin.tx.us or call 512-229-3227 Yard signs have been distributed and are available to help promote the #ETX150 Check out www.elgintx150.com and @ETX150

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Receive report from Sesquicentennial Co-chairs Forest Dennis & Debbie Cartwright.

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.



Elgin
150th
Update

CITY OF ELGIN
Regular City Council Meeting
January 4, 2022



ELGIN 150TH SIP SHOP & STROLL





DR. MARTIN LUTHER KING, JR.
1929-1968

PEACE - JUSTICE - EQUALITY



WE'LL HAVE
THE RIGHT
TO VOTE!

HONORING
THE DREAM

God...

Washington School - Eagles of Elgin





Hatitude
Salutes
Ruby
Simms



Elgin Sesquicentennial Events

- Founders Day
Saturday August 20 BTW Elementary School Gym
- Founders Day Gala
Saturday August 20 evening at Elgin Recreation Center
- Lighted Christmas Parade & Time Capsule Dedication
Saturday December 3
- New Years Eve Celebration VFW
Saturday December 31

Elgin Sesquicentennial Projects

- Milestones Elgin History Book 150 years
- Elgin Oral Histories
- Walking Tours
- Recognizing Elgin's Most Senior Citizens!
- Essay Contest and Stories by the Decades with Elgin High School
- Business Branding & Event Partnerships
- Marketing 150th

Elgin Sesquicentennial Featured Events

- Music in the Park every Friday April & May
- Explore Elgin Arts & Culture May 21 Downtown 10-6
- Juneteenth Festival & Parade June 10-11 Veterans Memorial Park
- Juneteenth on Juneteenth Sunday June 19 at 7pm Thomas Park
- Western Days Festival and Parade June 24-25 Elgin Memorial Park
- Red White and Blue Saturday July 2 at the VFW
- Hogeye Festival October 20-22 Downtown
- Arbor Day with Parks & Recreation Saturday November 5
- Veterans Appreciation Parade Saturday November 12, at 10am



150

1872★2022

Music in the Park

Every Friday April –May Veterans Park

Explore Elgin Arts & Culture

Saturday, May 21 Downtown Plus

Juneteenth Festival Street Dance & Parade

June 10 – 11 Veterans Park

Juneteenth on Juneteenth

Sunday, June 19 7pm Thomas Park

Western Days Festival and Parade

June 23 – 25 EMP

Red White and Blue Celebration

Saturday, July 2 VFW

Founders Day

Saturday, August 20 BTW Gym

Founders Day Gala

Saturday, August 20 Elgin Rec Center

Hogeye Festival

October 20 – 22 Downtown

Arbor Day with Parks & Recreation

Saturday, November 5 EMP plus

Veterans Appreciation Parade & Luncheon

Saturday, November 12 Downtown

Lighted Christmas Parade & Time Capsule

Saturday, December 3 Downtown

News Years Eve Celebration

Saturday, December 31 VFW

@ETX150 #ETX150 www.etx150.com

Volunteers

- Call
(512) 229-3227
- Email
community@ci.elgin.tx.us

Find us Online

- Visit
etx150.com
- Facebook & Instagram
@etx150





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: 2021 Racial Profiling Report

DEPARTMENT: Police

PROPOSED ACTION: No Council action proposed, requested, or believed necessary at this time;
This item is for a briefing of the City Council as required by State Law

BACKGROUND: The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001, the Texas Racial Profiling Law. Each law enforcement Agency must submit a Racial Profiling Report to the State by March 1st annually documenting compliance with the law and present the report for review by the agency's governing body.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: City Council to review the report

ATTACHMENTS:

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

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

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

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

Racial Profiling Report | Full

Agency Name: ELGIN POLICE DEPT.
Reporting Date: 01/31/2022
TCOLE Agency Number: 021202

Chief Administrator: JOHN C. NOBLE

Agency Contact Information:
Phone: (512) 285-5757
Email: cnoble@pd.ci.elgin.tx.us

Mailing Address:
202 DEPOT ST.
ELGIN, TX 78621

This Agency filed a full report

ELGIN POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the ELGIN POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the ELGIN POLICE DEPT. if the individual believes that a peace officer employed by the ELGIN POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the ELGIN POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the ELGIN POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The ELGIN POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: JOHN C. NOBLE
Chief of Police

Date: 01/31/2022

Total stops: 97

Street address or approximate location of the stop

City street	70
US highway	21
County road	2
State highway	2
Private property or other	2

Was race or ethnicity known prior to stop?

Yes	1
No	96

Race / Ethnicity

Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	13
White	34
Hispanic / Latino	48

Gender

Female	38
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	19
Hispanic / Latino	15
Male	59
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	29
Hispanic / Latino	19

Reason for stop?

Violation of law	12
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	5

Hispanic / Latino	4
Preexisting knowledge	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Moving traffic violation	49
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	6
White	25
Hispanic / Latino	17
Vehicle traffic violation	36
Alaska Native / American Indian	1
Asian / Pacific Islander	0
Black	4
White	13
Hispanic / Latino	18
Was a search conducted?	
Yes	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	1
Hispanic / Latino	0
No	94
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	11
White	47
Hispanic / Latino	34
Reason for Search?	
Consent	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0

Hispanic / Latino	0				
Contraband	0				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	0				
Hispanic / Latino	0				
Probable	1				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	1				
White	0				
Hispanic / Latino	0				
Inventory	0				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	0				
Hispanic / Latino	0				
Incident to arrest	2				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	1				
White	1				
Hispanic / Latino	0				
Was Contraband discovered?					
Yes	1	Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	0	Yes	0	No	0
Black	1	Yes	1	No	0
White	0	Yes	0	No	0
Hispanic / Latino	0	Yes	0	No	0
No	2				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	1				
White	1				
Hispanic / Latino	0				

Description of contraband	
Drugs	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Result of the stop	
Verbal warning	0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	14
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	8
Hispanic / Latino	5
Citation	81
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	11
White	39
Hispanic / Latino	29
Written warning and arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Citation and arrest	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	0
Arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	1
White	0
Hispanic / Latino	0
Violation of Traffic Law	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	97
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	13
White	48
Hispanic / Latino	34

Number of complaints of racial profiling

Total	1
Resulted in disciplinary action	0
Did not result in disciplinary action	1

Comparative Analysis

Use TCOLE's auto generated analysis	☐
Use Department's submitted analysis	☒

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

Racial Profiling Analysis Report

ELGIN POLICE DEPT.

01. Total Traffic Stops:	97	
02. Location of Stop:		
a. City Street	70	72.16%
b. US Highway	21	21.65%
c. County Road	2	2.06%
d. State Highway	2	2.06%
e. Private Property or Other	2	2.06%
03. Was Race known prior to Stop:		
a. NO	96	98.97%
b. YES	1	1.03%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	1	1.03%
b. Asian/ Pacific Islander	1	1.03%
c. Black	13	13.40%
d. White	34	35.05%
e. Hispanic/ Latino	48	49.48%
05. Gender:		
a. Female	38	39.18%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	4	4.12%
iv. White	19	19.59%
v. Hispanic/ Latino	15	15.46%
b. Male	59	60.82%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	3.09%
iv. White	29	29.90%
v. Hispanic/ Latino	19	19.59%
06. Reason for Stop:		
a. Violation of Law	12	12.37%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%

Racial Profiling Analysis Report

iii. Black	3	25.00%
iv. White	5	41.67%
v. Hispanic/ Latino	4	33.33%
b. Pre-Existing Knowledge	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Moving Traffic Violation	49	50.52%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	2.04%
iii. Black	6	12.24%
iv. White	25	51.02%
v. Hispanic/ Latino	17	34.69%
d. Vehicle Traffic Violation	36	37.11%
i. Alaska/ Native American/ Indian	1	2.78%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	4	11.11%
iv. White	13	36.11%
v. Hispanic/ Latino	18	50.00%
07. Was a Search Conducted:		
a. NO	94	96.91%
i. Alaska/ Native American/ Indian	1	1.06%
ii. Asian/ Pacific Islander	1	1.06%
iii. Black	11	11.70%
iv. White	47	50.00%
v. Hispanic/ Latino	34	36.17%
b. YES	3	3.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	66.67%
iv. White	1	33.33%
v. Hispanic/ Latino	0	0.00%
08. Reason for Search:		
a. Consent	0	0.00%

Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b. Contraband in Plain View	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Probable Cause	1	1.03%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
d. Inventory	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
e. Incident to Arrest	2	2.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	50.00%
iv. White	1	50.00%
v. Hispanic/ Latino	0	0.00%
09. Was Contraband Discovered:		
YES	1	1.03%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
iii. Black	1	100.00%

Racial Profiling Analysis Report

Finding resulted in arrest - YES	1	
Finding resulted in arrest - NO	0	
iv. White	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
v. Hispanic/ Latino	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
b. NO	2	2.06%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	1	50.00%
iv. White	1	50.00%
v. Hispanic/ Latino	0	0.00%
10. Description of Contraband:		
a. Drugs	1	1.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Alcohol	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	

Racial Profiling Analysis Report

v. Hispanic/ Latino	0	
e. Stolen Property	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Other	0	0.00%
i. Alaska/ Native American/ Indian	0	
i. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
11. Result of Stop:		
a. Verbal Warning	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b. Written Warning	14	14.43%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	7.14%
iv. White	8	57.14%
v. Hispanic/ Latino	5	35.71%
c. Citation	81	83.51%
i. Alaska/ Native American/ Indian	1	1.23%
ii. Asian/ Pacific Islander	1	1.23%
iii. Black	11	13.58%
iv. White	39	48.15%
v. Hispanic/ Latino	29	35.80%
d. Written Warning and Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	

Racial Profiling Analysis Report

e. Citation and Arrest	2	2.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	50.00%
iv. White	1	50.00%
v. Hispanic/ Latino	0	0.00%
f. Arrest	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
12. Arrest Based On:		
a. Violation of Penal Code	1	1.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	100.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
b. Violation of Traffic Law	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	1	1.03%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	1	100.00%
v. Hispanic/ Latino	0	0.00%

Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	97	100.00%
i. Alaska/ Native American/ Indian	1	1.03%
ii. Asian/ Pacific Islander	1	1.03%
iii. Black	13	13.40%
iv. White	48	49.48%
v. Hispanic/ Latino	34	35.05%
b. YES	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	

14. Total Number of Racial Profiling Complaints Received:

1

REPORT DATE COMPILED 01/31/2022

2021 Racial Profiling Report

Elgin Police Department



DEL CARMEN
Consulting®

LAW ENFORCEMENT EXPERTS



January 9, 2022
Elgin City Council
202 Depot Street
Elgin, Texas 78621

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001, the Texas Racial Profiling Law. During the past year, the Elgin Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Moreover, in 2017, the Sandra Bland Act was passed and signed into law (along with HB 3051 which introduced new racial and ethnic designations). The Sandra Bland Law requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Elgin Police Department and are included in this report.



This particular report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Elgin Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents. In section 2, the report includes documentation which demonstrates compliance by the Elgin Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

In section 3, the report includes statistical data relevant to contacts (as defined by the law) which were made during the course of motor vehicle stops that took place between 1/1/21 and 12/31/21. In addition, this section contains the Tier 2 form, which is required to be submitted to this particular organization and the law enforcement agency's local governing authority, by March 1st of each year. The data in this report has been analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

The last section of the report contains the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also, in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE (Texas Commission on Law Enforcement) is included. The findings in this report serve as evidence of the Elgin Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

Table of Contents

Introduction

Letter to Council Members	1
Table of Contents	2

Responding to the Law

Public Education on Filing Compliments and Complaints	4
Racial Profiling Course Number 3256	5
Reports on Compliments and Racial Profiling Complaints	11
Tier 2 Data (Includes tables)	13

Analysis and Interpretation of Data

Tier 2 Motor Vehicle-Related Contact Analysis	23
Comparative Analysis	24
Summary of Findings	26
Checklist	27

Legislative and Administrative Addendum

TCOLE Guidelines	29
The Texas Law on Racial Profiling	34
Modifications to the Original Law	41
Racial and Ethnic Designations	49
The Sandra Bland Act	50
Elgin Police Department Racial Profiling Policy	65





RESPONDING TO THE LAW

PUBLIC EDUCATION ON RESPONDING TO COMPLIMENTS AND COMPLAINTS

Informing the Public on the Process of Filing a Compliment or Complaint with the Elgin Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Elgin Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Elgin Police officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Elgin Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Elgin Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Elgin has been included in this report.

It is important to recognize that the Chief of the Elgin Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Elgin Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

RACIAL PROFILING
COURSE NUMBER 3256
TEXAS COMMISSION ON LAW ENFORCEMENT
SEPTEMBER 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.





3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
 1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 2. The driver and passengers are questioned about things that do not relate to the traffic violation
 3. The driver and passengers are ordered out of the vehicle
 4. The officers visually check all observable parts of the vehicle
 5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
 6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

A close-up, slightly blurred photograph of a stack of colorful folders or binders. The folders are in shades of blue, orange, and white, with some having colorful patterns. A black-bordered text box is overlaid on the top left of the image.

REPORT ON COMPLIMENTS AND RACIAL PROFILING COMPLAINTS

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/21-12/31/21 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Elgin Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/21-12/31/21.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

TABLES ILLUSTRATING MOTOR VEHICLE-RELATED CONTACTS TIER 2 DATA

TOTAL STOPS: 97

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	70
US Highway	21
County Road	2
State Highway	2
Private Property	2

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	1
No	96

RACE OR ETHNICITY

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	13
White	34
Hispanic/Latino	48

GENDER

Female Total: 38

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	4
White	19
Hispanic/Latino	15

Male Total: 59

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	9
White	29
Hispanic/Latino	19

REASON FOR STOP?

Violation of Law Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	5
Hispanic/Latino	4

Pre-existing Knowledge Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Moving Traffic Violation Total: 49

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	6
White	25
Hispanic/Latino	17

TIER 2 DATA CONTINUED

Vehicle Traffic Violation Total: 36

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	4
White	13
Hispanic/Latino	18

Contraband (in plain view) Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	0	1
Black	2	11
White	1	47
Hispanic/Latino	0	34
TOTAL	3	94

Probable Cause Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	0

Inventory Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

REASON FOR SEARCH?

Consent Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Incident to Arrest Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	1
Hispanic/Latino	0

TIER 2 DATA CONTINUED

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	1	1
White	0	1
Hispanic/Latino	0	0
TOTAL	1	2

Did the finding result in arrest (total should equal previous column)?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	0	0
Black	1	0
White	0	0
Hispanic/Latino	0	0
TOTAL	1	0

DESCRIPTION OF CONTRABAND

Drugs Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	0

Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Weapons Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Alcohol Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

TIER 2 DATA CONTINUED

Stolen Property Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Other Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

RESULT OF THE STOP

Verbal Warning Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Written Warning Total: 14

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	8
Hispanic/Latino	5

Citation Total: 81

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	11
White	39
Hispanic/Latino	29

Written Warning and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Citation and Arrest Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	1
Hispanic/Latino	0

Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

TIER 2 DATA CONTINUED

ARREST BASED ON

Violation of Penal Code Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	0

Violation of Traffic Law Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	0	1
Black	0	13
White	0	48
Hispanic/Latino	0	34
TOTAL	0	97



TABLES ILLUSTRATING MOTOR VEHICLE RELATED CONTACT DATA



Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	1	1	0	0	1%	1%	0%	0%
Asian/ Pacific Islander	1	1	0	0	1%	1%	0%	0%
Black	13	12	0	1	13%	14%	0%	7%
White	34	40	0	8	35%	48%	0%	57%
Hispanic or Latino	48	29	0	5	49%	35%	0%	36%
TOTAL	97	83	0	14	100%	100%	0%	100%

Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	1%	1%
Asian/Pacific Islander	1%	4%
Black	13%	7%
White	35%	65%
Hispanic/Latino	49%	23%
TOTAL	100	100%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	0	0	0
Asian/Pacific Islander	0	0	0
Black	2	0	1
White	1	0	1
Hispanic/Latino	0	0	0
TOTAL	3	0	2

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop
1			
2			
3			
4			
5			
6			

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	2	1	1	1	67%	100%	50%	50%
White	1	0	1	1	33%	0%	50%	50%
Hispanic/ Latino	0	0	0	0	0%	0%	0%	0%
TOTAL	3	1	2	2	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/21-12/31/21.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
	1	03.01.21	Data is accurate
	2	06.01.21	Data is accurate
	3	09.01.21	Data is accurate
	4	12.01.21	Data is accurate

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	0	0%
White	0	0%
Hispanic/Latino	0	0%
TOTAL	0	0%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	0	0	0	0	0%	0%	0%	0%
Black	1	0	0	0	100%	0%	0%	0%
White	0	0	0	1	0%	0%	0%	100%
Hispanic/ Latino	0	0	0	0	0%	0%	0%	0%
TOTAL	1	0	0	1	100%	0%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	0	0	0%	0%	0%
Asian/ Pacific Islander	0	0	0%	0%	0%
Black	2	1	50%	67%	100%
White	1	0	0%	33%	0%
Hispanic or Latino	0	0	0%	0%	0%

ANALYSIS AND INTERPRETATION



In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of individuals before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and disclosing this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

In addition, the Texas Racial Profiling Law requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As mentioned earlier, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but are were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts, became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

In an attempt to comply with The Texas Racial Profiling/Sandra Bland Law, the Elgin Police Department commissioned the analysis of its 2021 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2021 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the "other" category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury.

It should be noted that the additional data analysis performed was based on a comparison of the 2021 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, one should consider that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Elgin Police Department accepted our recommendation to rely, as a baseline measure, on the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

The census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Elgin Police Department in 2021 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, as noted earlier, the Elgin Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Austin-Marble Falls CSA.

Tier 2 (2021) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced and more detailed Tier 2 data collected in 2021, it was evident that most motor vehicle-related contacts were made with Hispanics. This was followed by Whites. Of those that came in contact with the police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites; followed by Hispanics.

Regarding searches and arrests, the data showed that most searches took place among Blacks. When considering arrests, most were of Whites and Blacks. Overall, most searches did not result in contraband; of those that produced contraband, most were of Blacks. Of the searches that did not produce contraband, most were of Whites and Blacks. Most arrests were made on Whites and Blacks. Most of the arrests that originated from a violation of the penal code involved Blacks. Overall, the police department does not report any instances where force was used that resulted in bodily injury.

Comparative Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in the Austin-Marble Falls CSA who indicated, in the 2020 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites, Asians and American Indians that came in contact with the police was the same or lower than the percentage of White, Asian and American Indian households in the Austin-Marble Falls CSA that claimed, in the 2020 census, to have access to vehicles. The opposite was true of Blacks and Hispanics. That is, a higher percentage of Blacks and Hispanics came in contact with the police than the percentage of Black and Hispanic households in the Austin-Marble Falls CSA that claimed, in the 2020 census, to have access to vehicles.

The analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Blacks. This means that among all searches performed in 2021, the most significant percentage of these that resulted in contraband was among Blacks.

Summary of Findings

The most recent Texas Racial Profiling Law requires that police department perform data audits in order to validate the data being reported. Consistent with this requirement, the Elgin Police Department has engaged del Carmen Consulting in order to perform these audits in a manner consistent with normative statistical practices. As shown in table 6, the audit performed has shown that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings made in this analysis, it is recommended that the Elgin Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Elgin Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2022 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates that the Elgin Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

CHECKLIST

The following requirements were met by the Elgin Police Department in accordance with The Texas Racial Profiling Law:

- ☑ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ☑ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Elgin Police Department from engaging in racial profiling.
- ☑ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ☑ Provide public education related to the complaint and complaint process.
- ☑ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ☑ Collect, report and analyze motor vehicle data (Tier 2).
- ☑ Commission Data Audits and a Search Analysis.
- ☑ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ☑ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2022.
- ☑ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

LEGISLATIVE & ADMINISTRATIVE ADDENDUM



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of **what** must be accomplished by an agency but allows wide latitude in determining **how** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~[(7)]~~ the date of conviction; and

(9) ~~[(8)]~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race":

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency].~~

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency]; and~~

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from ~~[the]~~ stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle ~~[traffic and pedestrian]~~ stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle ~~[traffic and pedestrian]~~ stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle ~~[traffic or pedestrian]~~ stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [~~Native American, or Middle Eastern descent~~].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [~~or Native American descent~~].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and
(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;
(2) an attempted suicide;
(3) a death;
(4) a serious bodily injury, as that term is defined by
Section 1.07, Penal Code;
(5) an assault;
(6) an escape;
(7) a sexual assault; and
(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**ELGIN
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

4/2.07.04 Bias-based Profiling

DEFINITIONS

Bias-based Profiling

The selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

Racial Profiling

Law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior, or on information identifying the individual as having engaged in criminal activity, CCP Art. 3.05.

Race Or Ethnicity

A person of a particular descent, including White, Black, Hispanic or Latino, Asian or Pacific Islander, or Alaska Native or American Indian descent, Texas House Bill 3051 (2017-2018).

LAW

Articles 2.131 through 2.138 and Article 3.05 of the Texas Code of Criminal Procedures defines racial profiling and provides the bulk of applicable law regarding racial profiling regulations and monitoring requirements. Other applicable law regarding racial profiling may be found in Section 96.641 of the Education Code, Sections 1701.253 and 1701.402 of the Occupations Code, and Section 543.202 of the Transportation Code.

POLICY

Bias-based profiling in motor vehicle contacts, field contacts, and asset seizure and forfeiture is prohibited. The race, ethnicity, gender, sexual orientation, religion, economic status, age or cultural group of an individual shall not be the sole factor in:

1. Determining the existence of probable cause to take into custody or arrest an individual, or
2. In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

This policy is established to comply with the requirements of Texas CCP Articles 2.131 – 2.138 (effective 9/1/01). The Department will strive to maintain capabilities of video/audio recording that meet the standards for an exemption to the reporting requirements in accordance with CCP Art. 2.135.

COMPLIMENTS

If citizens want to give feedback in the form of a compliment with respect to each ticket, citation, or warning issued by an officer they may do so by calling us (512-285-5757), by mailing your compliment to 202 Depot St., Elgin, Texas 78621, or e-mailing us at chiefofpolice@pd.ci.elgin.tx.us. Complimenting an Elgin Police department employee may also be done by going to <http://www.elgintx.com/241/Police-Department>, completing and submitting the form.

Verbal commendations may also be given to any department supervisor.

COMPLAINTS

Citizens who wish to file a complaint alleging an act of bias-based profiling will utilize the current complaint process as defined in Section 4/1.02.05 of the Department Manual. Officers who are the subject of a complaint will be provided a copy of any audio and/or video records pertaining to the occurrence on which the complaint is based, if a video and/or audio record was made. Other materials related to the complaint will be provided in accordance with Department policy.

Citizens may also contact the Elgin Police Department if it is believed that the conduct of an employee was inappropriate. This can be done by phone (512-285-5757), by mailing the complaint to 202-Depot St., Elgin, Texas 78621, or e-mailing it to chiefofpolice@pd.ci.elgin.tx.us. The complaint process is slightly more involved to comply with state law regarding complaints on police personnel. The complaint form may be downloaded at <http://www.elgintx.com/241/Police-Department>.

PUBLIC EDUCATION

The Office of the Chief of Police, will establish a program to provide citizens with information regarding the process for filing complaints against officers that they suspect of engaging in profiling practices. This program should include written materials explaining the process in English and Spanish.

CORRECTIVE ACTIONS

Officers who are found to be prohibiting in practices that may indicate bias-based profiling practices will be investigated in accordance within the Department Policy Manual, 4/1.02.05.

DATA COLLECTION

The Department will capture and report all data required under CCP Art. 2.132 pertaining to all Motor vehicle tickets, citation, or warning is issued and to arrests made as a result of those stops. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual; whether the officer used physical force that resulted in bodily injury, as that term is defined in Section 1.07, Penal Code (“means physical pain, illness, or any impairment of physical condition), during the stop;

- a. The location of the stop; and
- b. The reason for the stop.

OFFICER RESPONSIBILITIES

Officers will engage in motor vehicle stops in a manner consistent with state law and Departmental policy. It ultimately is the officer’s responsibility to insure the collection and internal reporting of all required data. Communications system overload or failure does not preclude the responsibility of data collection under the law.

Motor Vehicle Stops

1. Officers will continue to conduct motor vehicle stops in accordance with Department procedures and will maximize officer safety over data-collection concerns. All information will be transmitted in a manner that minimizes radio congestion.
2. Officers will initially provide Communications with the location of the stop, license plate number, or if not available, vehicle description. (The order of this information is not mandated by this policy.)
3. If the officer conducts a vehicular or individual search, the officer will advise Communications that such a search is being made, whether the search is by consent or involuntary.
4. Officers will advise if an arrest is made as a result of the search and will make a written report in accordance with Department procedures, stating the offense charged, the probable cause for the search, (i.e. odor, plain view, furtive movements), and whether contraband was seized.

COMMUNICATIONS RESPONSIBILITIES

The Communications Unit will maintain a system of procedures to collect all data as described in *Officer Responsibilities* section above, and it will provide the necessary equipment and training to its personnel to effectively complete this process. The Communications Supervisor will coordinate with the Patrol Division Commander to establish or amend any procedures necessary to simplify data-collection methods without compromising officer safety and data-collection integrity.

The Department will ensure all Department personnel receive the TCOLE training concerning bias-based profiling mandated by Section 1701.253, Occupation Code, as well as the Department's policy regarding racial profiling in general, as well as its information collection and reporting requirements.

PATROL DIVISION RESPONSIBILITIES

The Patrol Division Commander will insure all sworn personnel comply with the provisions of this policy and state law. These responsibilities include developing and incorporating procedures for training and conducting motor vehicle stops that support the data-collection requirements of this policy, as well as procedures that support an in-car video/audio tape recording system that complies with CCP Art. 2.135. Patrol Division supervisors will be responsible for monitoring officers assigned to them to identify potential profiling practices and provide interdictory guidance, or disciplinary referral as required. Each patrol officer's immediate supervisor will randomly review the video for at least one of his/her motor vehicle stops on a monthly basis to confirm video usage and compliance with profiling law. Each patrol officer's supervisor shall evaluate and compare the number of searches resulting from motor vehicle stops and whether contraband or other evidence was discovered in the course of those searches (SEARCH ANALYSIS), which complies with CCP Art. 2.133.

OFFICE OF THE CHIEF RESPONSIBILITIES

The Office of the Chief will be responsible for oversight of the reporting process. The office of the Chief of Police is responsible for auditing reports to ensure that the race and ethnicity of the person operating the motor vehicle is being reported. This office will conduct an annual administrative review of data collected, to include community and personnel input, in order to amend Department policies and procedures as necessary to insure compliance with bias-based profiling legislation and policy. The Department may identify other training needs based on administrative reviews of data. The office of the chief will coordinate to offer additional training related to bias-based profiling as required. This office is required to publish not later than March 1 of each year an annual report that contains information compiled during the previous year; The Office of the Chief is required to submit an annual report of the information collected to:

- i. The Texas Commission on Law Enforcement; and
- ii. The City Council in accordance with CCP Art. 2.134 (c)

4/2.07.05 Mobile Video Recording Equipment

DEFINITIONS

CCP

Texas Code of Criminal Procedures

MVR

Elements of the Mobile Video Recording Equipment. Wherever the operation of the MVR is referenced such operation includes both the audio and video capabilities of this equipment (wireless body microphone & vehicular equipment).

Racial Profiling

Law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior, or on information identifying the individual as having engaged in criminal activity, CCP Art. 3.05.

POLICY

This policy establishes procedures concerning the operation of Mobile Video Recording Equipment (MVR) within the Department, responsibilities of personnel, and the storage of the recordings. This policy is established to comply with the requirements of Texas CCP Articles 2.131 – 2.138.

Mobile video/audio equipment has proven valuable in the prosecution of motor vehicle violations and related offenses; in evaluation of officer performance; and in training. It is the policy of this Department to utilize mobile video and audio recording equipment in such a manner as to enhance the effective and efficient delivery of police services, to serve as an asset to prosecution of criminal cases, and comply with state and/or federal law. In order to ensure the most efficient and effective use of MVR equipment, officers shall follow the procedures set forth in this procedure.

OBJECTIVES

The Elgin Police Department has adopted the use of in-car video and audio recording systems in order to accomplish several objectives. These objectives include, but are not limited to:

1. The enhancement of officer safety,
2. The enhancement of officer reporting, evidence collection and court testimony through audio and video documentation of events, actions, conditions and statements made during arrests and critical incidents,

3. The enhanced ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes;
4. The protection from false claims of impropriety,
5. As a tool for officer evaluation and training, and
6. To support the requirements of the Department's racial profiling policy.

GENERAL REQUIREMENTS

Officer Responsibilities

MVR equipment shall automatically activate when the emergency warning devices of the vehicle are in operation and/or when the officers' body microphone is activated.

1. In general, officers shall:
 - A. Not erase or in any manner alter video recordings except as prescribed in Department procedures.
 - B. Only use video recording equipment issued and approved by the Department.
 - C. Safeguard all completed video recordings.
 - D. Use the MVR system for all vehicle stops as required by Texas CCP Articles 2.131 - 2.138 and Department policy regarding racial profiling as well as for all other contacts with citizens while on duty as a patrol officer that result in a call for service or an offense report. Use of the MVR system and BWVR are required when an officer makes a stop for all alleged violation of the law or ordinance.

Patrol Command Or Designee

1. Responsible for coordinating MVR system specification for purchase, installation and repair as required.
2. When a complaint alleging an incident of racial profiling is made against an officer, and that incident is recorded on a video recording, provide copies of the appropriate recorded sequence to an officer involved upon written request as required under Texas CCP 2.132(f).
3. Provide copies of the related video recording sequence to the Internal Affairs function on written request for investigatory purposes in accordance with department procedures.

CARE AND MAINTENANCE OF MVR SYSTEM

Officer

1. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle. Officers will become familiar with the MVR system operation and maintain it in accordance with the manufacturer's recommendations.
2. Prior to each shift, officers shall determine whether the MVR equipment is working satisfactorily and shall bring any problems noted at this or other times to the attention of their immediate supervisor as soon as possible.
3. MVR system defects will be reported to the Assistant Chief of Police. The request must accurately describe the MVR system fault.
4. Officers should check for the availability of a car equipped with an operational MVR system and use that car for the remainder of their shift, or until their assigned vehicle's MVR system is repaired.
5. The MVR audio and video recording equipment shall not be deactivated until enforcement actions are completed.
6. The MVR may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other motor vehicles, during parade or funeral escorts, etc.
7. Officers are encouraged to inform their supervisors of any video recording sequences that may be of value for training.
8. If an officer fails to activate, or deactivates any part of the MVR equipment when required during any enforcement action, the officer shall report the reasons for their non-compliance with this policy to their supervisor.

Patrol Supervisor

1. Patrol supervisors shall ensure officers using MVR equipment adhere to established procedures, guidelines and policies. When a supervisor receives a report from an officer that the available recording system was not activated or was deactivated during a required enforcement situation, the supervisor will determine whether to require a written memorandum of the officer detailing the circumstances.
2. Patrol supervisors shall conduct monthly inspections of the MVR equipment to evaluate its operational capability, and will ensure the officer completes a service request if a system fault is identified. Supervisors will notify the patrol commander or designee as soon as practical to request MVR service.

3. At their discretion, supervisors may request MVR recordings from the officer. Nothing contained in this section shall be construed as prohibiting a supervisor from addressing with an officer apparent policy violation, procedural deficiencies with regard to arrest, investigation, interpersonal communications or other officer safety issues that are discovered during review of an MVR recording.

4/2.07.06 BODY WORN RECORDING EQUIPMENT

DEFINITIONS

BWVR Body Worn Video/Audio Recording Equipment

AXON FLEX Name of Camera System issued by the Department

RACIAL PROFILING

Law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior, or on information identifying the individual as having engaged in criminal activity, CCP Art. 3.05.

EVIDENCE.COM Digital Media storage solution employed by the Department

POLICY

This policy establishes procedures concerning the operation of Body Worn Video Recording Equipment (BWVR) within the Department, responsibilities of personnel, and the storage of the recordings. This policy is established to comply with the requirements of Texas Senate Bill No. 158

Body worn video/audio equipment has proven valuable in the prosecution of moto vehicle violations and related offenses; in evaluation of officer performance; and in training. It is the policy of this Department to utilize body worn video and audio recording equipment in such a manner as to enhance the effective and efficient delivery of police services, to serve as an asset to prosecution of criminal cases, and comply with state and/or federal law. In order to ensure the most efficient and effective use of equipment, officers shall follow the procedures set forth in this policy.

OBJECTIVES

The Elgin Police Department has adopted the use of body worn video and audio recording systems in order to accomplish several objectives. These objectives include, but are not limited to:

1. The enhancement of officer safety,

2. The enhancement of officer reporting, evidence collection and court testimony through audio and video documentation of events, actions, conditions and statements made during arrests and critical incidents,
3. The enhanced ability to review probable cause for arrest, arrest procedures, officer and Suspect interaction, and evidence for investigative purposes;
4. The protection from false claims of impropriety,
5. As a tool for officer evaluation and training, and
6. To support the requirements of the Department's racial profiling policy.

GENERAL REQUIREMENTS

Officer Responsibilities

1. In general, officers shall:

- A. Not erase or in any manner alter video recordings except as prescribed in Department procedures.
- B. Elgin Police Officers and Animal Control Officers only use video recording equipment issued and approved by the Department. Elgin Police Department Reserve officers may use their personal recording devices but all aspect of this policy apply to those devices as well.
- C. Safeguard all completed video recordings.
- D. Use the BWVR system on all vehicle stops as required by Texas CCP Articles 2.131 - 2.138; Senate Bill No. 158; and Department policy regarding racial profiling as well as for all other contacts with citizens while on duty as a patrol officer that result in a call for service or an offense report.
- E. Be properly trained in the use of the BWVR prior to wearing the equipment.
- F. Wear the BWVR on the officer's strong (weapon) side mounted to the department issued head band or other department approved apparel. The BWVR is worn so that it results in the best quality video/audio as seen from the officer's perspective. Primarily this will be at or above the strong side ear mounted to the headband or other approved apparel. Officers should strive to have an alternate mounting location available while on duty in case the primary mounting location becomes impractical or unavailable.

- G. Power on the BWVR system at the beginning of the shift and leave it on throughout the officer's shift. This allows the BWVR system to remain in the ready mode and reduces the time the system requires to buffer during the power up sequence before any recording can occur.
- H. Utilize the BWVR to record all investigative contacts (i.e. motor vehicle and consensual encounters, calls for service, on-view events, etc) during the officer's duty time.
- I. Place the BWVR in Event Mode (record mode) as soon as possible during a contact, investigation, or any incident where the officer is acting under the color of law or any other time where the officer may need to invoke his/her authority as a law enforcement officer. This includes, but is not limited to: motor vehicle stops, pursuits, vehicle searches, response to resistance or aggression situations, statements made by suspects, victims, and witnesses, when advising persons of Miranda rights, interrogations, or other legitimate law enforcement contacts.
- J. Once the BWVR is placed in Event Mode, officers continue to record throughout the entire event to its completion. Officers stop recording during an event only on the order of a supervisor.
- K. Secondary officers arriving on any scene place their BWVR in Event Mode as soon as possible on arriving to assist another officer and continue to record throughout the entire event to its completion. Secondary officers stop recording during an event only on the order of a supervisor or when relieved from that event to respond to a different event.
- L. Officers may consider requests from victims to stop recordings if the information is extremely sensitive and could place the victim in a compromised position. However, all such requests to stop a recording can only be granted with the approval of a supervisor.
- M. During a shift an officer may review recordings or portions of recordings to verify information for the accuracy of a report. This may be done utilizing a smart phone or a department computer.
- N. When a report is generated from an event that has been recorded, officers will articulate in the narrative portion of the report that a video/audio of the event exists and has been uploaded to evidence.com.
- O. Officers immediately report to a supervisor the loss or damage of any part of the BWVR equipment.

Patrol Command Or Designee

1. Responsible for coordinating BWVR system specification for purchase, installation and repair as required.
2. When a complaint alleging an incident of impropriety or racial profiling is made against an officer, and that incident is recorded on a video recording, provide copies of the appropriate recorded sequence to an officer involved upon written request as required under Texas CCP 2.132(f) or other legal requirement or departmental policy.
3. Provide copies of the related video recording sequence to the Internal Affairs function on written request for investigatory purposes in accordance with department procedures.

CARE AND MAINTENANCE OF BWVR SYSTEM

Officer

1. Officers begin their shift with a fully charged AXON FLEX camera. Officers inspect and test the equipment to ensure that it is operating properly. Officers notify a supervisor immediately of any problems with the equipment so the malfunction can be properly documented.
2. When not in use the BWVR remains stored in the charging cradle at the Elgin Police Department.
3. BWVR equipment will be plugged into the charging cradle at the end of the shift in order to download any data and charge the device.
4. Appropriately mark and identify each video event with a event/case number, title with specific offense, and any other identifying category as necessary to later retrieve video for evidentiary or departmental use.

Supervisor

1. Insure that all officers are properly trained in the use and care of the BWVR.
2. Insure that all BWVR equipment is being properly stored and maintained.
3. At least on a monthly basis, randomly review BWVR recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with Departmental policy and procedures. A list of all reviewed recordings is submitted to the Chief of Police by the 10th of each month.
4. Notify Command Staff of any malfunctioning equipment and arrange for immediate repair or replacement.

Command Staff

1. Ensures that all files are securely stored in accordance with state record retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In any capital punishment prosecutions, recordings are kept until the offender is no longer under the control of a criminal justice agency.
2. Suspend or limit the access privileges of any officer under investigation for wrong-doing or any officer involved in an officer involved shooting or other serious use of force.

PROHIBITED ACTIONS

1. The BWVR shall not be used to record personal activity.
2. Outside of a call for service or a crime in progress, BWVR equipment is not activated in places where a reasonable expectation of privacy exists, such as a dressing room or restroom. BWVR equipment is also not generally used when officers are on breaks or otherwise engaged in personal activities while on duty.
3. The BWVR shall not be intentionally activated to record conversations with other department or city employees without their knowledge during routine non-enforcement related activities without the permission of the Chief of Police.
4. All images and sounds recorded by the BWVR are the exclusive property of the Elgin Police Department. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner any BWVR recording without the written permission of the Chief of Police. Accessing, copying, or releasing files without the express written consent of the Chief of Police for non-law enforcement purposes is strictly prohibited and will result in disciplinary action up to and including dismissal.



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Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Discussion and possible direction to staff regarding potential neighborhood traffic and safety upgrades at certain locations throughout the City.

DEPARTMENT: City Manager

PROPOSED ACTION: This item has been placed on the agenda for follow-up discussion and possible direction to staff related to previously discussed neighborhood traffic and safety improvements at certain locations.

BACKGROUND:

Discussed at previous meetings; Last year, residents within the following four neighborhood areas contacted Councilmembers expressing various concerns related to traffic and safety. As requested, staff then reviewed those situations and developed scenarios that could provide some of the relief requested.

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

Subsequent to the initial review with Council and a public hearing to receive comments from neighborhood residents and property owners, staff revised the initial improvement scenarios to coincide with the general consensus, while adhering to engineering best practices and the law.

Certain temporary improvements in the four originally discussed projects were endorsed by Council and the staff moved forward with those projects.

Given the fact that the improvements made are temporary, Council/staff had agreed previous that a subsequent review of said projects would be undertaken to assess their effectiveness.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Discussion and possible direction to staff as described above.

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: January – February Report for Planning & Zoning Commission.

DEPARTMENT: Development Services.

PROPOSED ACTION: Provide a brief report into the items and actions of the Commission during the above months.

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: None

ATTACHMENTS: Staff Report

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

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

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

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



Development Services Department

STAFF REPORT

Jan-Feb Planning & Zoning Commission Report.

Date: March 6, 2022

DEPARTMENT COMMENTS:

The Commission held a special meeting on January 19th and had their regular meetings on January 24th and February 28th. What happened in those meetings are as listed below:

January 19

Conducted a special meeting to discuss the proposed new Chapter 48, Site Development Code. The purpose of these meeting was to go through the proposed changes line by line to assist the Commission in understanding the proposed Code. No decision made on the item.

January 24

1. Creeks Crossing Preliminary Plat – 284 lots on 68.314 acres of land on TCAD Parcel 248208 (to the immediate west of Westwind Subdivision). Commission approved item.
2. Rezoning from “R-3” Single Family, Two Family, and Industrialized Housing District & “C-3” Highway Commercial District to “A” Multiple Family Residential District located on parcels of land known by the Bastrop County Appraisal District as Parcels 55724, 133717, 8701937, parts of 60525, & parts of 118920, located between Roy Rivers Rd., Lee Dildy Dr., & Saratoga Farms Blvd. – Commission recommended denial of the item (to the City Council).
3. Ordinance amending Chapter 46 Zoning, Article V Supplementary District Regulations, Division 5 Off Street Automobile and Vehicle Parking and Loading, Code of Ordinances, City of Elgin, TX by eliminating minimum parking requirements and setting maximum parking requirements in certain areas of the City – Commission recommended approval with conditions of the item (to the City Council).
4. An Ordinance Adding Chapter 48 Site Development, Revised Code of Ordinances, City of Elgin, Texas 2013 repealing all other ordinances and parts of ordinances in conflict therewith; and providing for a savings clause. This was tabled by the Commission as City Staff did not get a chance to make changes discussed in the January 19th meeting.

February 28

1. Eagles Landing Phases III & IV Preliminary Plat – 216 lots on 35.95 acres of land on TCAD Parcel 358804 (located Adjacent to Eagles Landing Phase II, And Near The Intersection Of County Line Rd. And Carlson Ln.). Commission approved item.

2. An Ordinance Adding Chapter 48 Site Development, Revised Code of Ordinances, City of Elgin, Texas 2013 repealing all other ordinances and parts of ordinances in conflict therewith; and providing for a savings clause. Changes from January 19th meeting date were included with the Code. Commission recommended approval of the item (to the City Council).
3. Review and Discuss Future North-South Arterial Connection from the Creeks Crossing Subdivision. City Staff provided information regarding this proposed roadway and showed a map which included the proposed arterial and collector roadways on the west side of the City and ETJ. No Commission action taken.
4. Review, Discuss, And Provide Input for Future PDD Rezoning for Poth Tract. This is for a PDD that has been filed with the Dept. This was a chance for the Commission to offer their concerns and input regarding the item.
5. Review, Discuss, And Provide Input for Future PDD Rezoning for Larson Tract. This is for a PDD that has been filed with the Dept. This was a chance for the Commission to offer their concerns and input regarding the item.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Departmental Monthly Report – Period ending January 31, 2022

DEPARTMENT: Administration

PROPOSED ACTION: No action required on this item

BACKGROUND: Monthly Reports by Department

Attached is the Monthly Operations Report as of January 31, 2022, representing changes in work load indicators for January 2021 and January 2022 and Year-to-Date for:

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

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: Mysty Nauck Date: 3/4/2022

RECOMMENDATION:

ATTACHMENTS: Monthly Activity Report

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

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

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

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



Monthly Report of Operations

As of Jan 2022

Administration	Jan '21	Jan '22	%	YTD 01-31-21	YTD 01-31-22	%
Human Resources						
Total FTE - Filled Positions	102	103	↑ 1%			
Vacancies - all funds	18	26	↑ 44%			
New Hires	2	9	↑ 350%	10	19	↑ 90%
Separations	1	2	↑ 100%	12	14	↑ 17%
Municipal Court						
Total Active Cases Pending (beg. of Month)	15,865	4,045	↓ -75%			
New Cases Filed (incl reactivation of inactive)	57	133	↑ 133%	336	735	↑ 119%
# of Magistrations	26	9	↓ -65%	89	66	↓ -26%
Total Cases Disposed of	57	150	↑ 163%	387	714	↑ 84%
Cases placed on Inactive Status	-	22	→ 0%	4	148	↑ 3600%
Total Active Cases Pending (end of Month)	15,853	4,045	↓ -74%			
Fines Collected	\$ 16,382	\$ 26,297	↑ 61%	\$ 73,414	\$ 130,116	↑ 77%
Retained by City	\$ 14,465	\$ 15,707	↑ 9%	\$ 66,996	\$ 112,448	↑ 68%
Development Services						
Construction Permits (all types)	159	285	↑ 79%	528	540	↑ 2%
Revenue from Bldg. Permits	\$ 61,500	\$ 68,235	↑ 11%	236,104	194,196	↓ -18%
Inspections (all types)	532	439	↓ -17%	2,500	2,338	↓ -6%
Revenue from Inspections	\$ 101,942	\$ 74,560	↓ -27%	\$ 331,536	\$ 436,645	↑ 32%
Housing Plats approved (number of lots)	-	-	→ 0%	233	615	↑ 164%
Community Services						
Library-						
Materials circulated	3,658	5,216	↑ 43%	15,569	22,184	↑ 42%
# Visitors (incl. Progs)	1,329	2,073	↑ 56%	8,042	9,386	↑ 17%
Public Computer Use hrs.	5	196	↑ 3820%	88	864	↑ 882%
Public Computer Use Persons	8	314	↑ 3825%	174	1,250	↑ 618%
Civic Center - Rentals (all)	2	18	↑ 800%	9	85	↑ 844%
Recreation Program -						
Annual Memberships	6	6	→ 0%	8	21	↑ 163%
Monthly Rec Memberships	64	233	↑ 264%	182	714	↑ 292%
Day Passes	113	353	↑ 212%	489	1,163	↑ 138%
Facility Rental Recreation Center	-	11	→ 0%	376	821	↑ 118%
Facility Rental Fleming Center	-	-	→ 0%	-	42	→ 0%
Athletic Field Rental Hours	9	24	↑ 167%	9	66	↑ 633%
Pavilion Rentals	-	1	→ 0%	-	10	→ 0%
Concession Stand Revenue	\$ 57.00	\$ -	↓ -100%	\$ 57.00	\$ 53	↓ -7%
Sponsored Event Revenue	\$ 45	\$ 45	↓ 0%	\$ 799	\$ 254	↓ -68%
Public Works						
Streets:						
Lane miles maintained	57.8	60.2	↑ 4%	231	236	↑ 2%
Pot holes patched - Square Yards	24	294	↑ 1125%	310	982	↑ 216%
Wide Area patching/renovation - SY	-	-	→ 0%	311	402	↑ 29%
Tree Trimming - Yards (new)	-	-	→ 0%	-	110	→ 0%
Street Sign Installation/Repair (new)	-	9	→ 0%	-	24	→ 0%
Crack Seal Lbs of Sealent	11,775	-	↓ -100%	43,200	-	↓ -100%
Paint Striping Linear feet	-	-	→ 0%	2,371	3,584	↑ 51%
Drainage:						
Linear feet of drains cleaned	16,600	6,000	↓ -64%	25,651	15,059	↓ -41%
# Culverts Cleared	7	-	→ 0%	17	1	↓ -94%



Monthly Report of Operations

As of Jan 2022

Parks:							
Acres Mowed/maintained	300	300	→	0%	748	1,020	↑ 36%
Reserved Park Facilities	-	-	→	0%	-	-	→ 0%
# Organized Sports Events	-	1	→	0%	1	8	↑ 700%

Utilities	Jan '21	Jan '22	%	YTD 01-31-21	YTD 01-31-22	%
Water System:						
# Customers Total/Added by month *	24	143	↑ 496%	3,454	3,597	
Amount Billed	\$235,475	\$220,902	↓ -6%	\$ 1,002,088	\$ 1,023,011	↑ 2%
Meters Replaced	69		↓ -100%	348	24	↓ -93%
# Leaks Repaired	-	6	→ 0%	8	25	↑ 213%
Vol. water produced (x1,000 gallons)	26,951	29,265	↑ 9%	123,090	117,643	↓ -4%
Hydrants Tested (new)	-	10	→ 0%	-	8	→ 0%
Main Line Breaks	2	2	→ 0%	6	6	→ 0%
Service Line Breaks	1	-	↓ -100%	7	12	↑ 71%

Wastewater System:						
# Customers Total/Added by month *	5	113	↑ 2160%	3,085	3,198	↑ 3.7%
Amount Billed	\$ 157,909	\$ 168,467	↑ 7%	\$ 637,643	\$ 694,406	↑ 8.9%
Main Lines repaired	-	-	→ 0%	5	13	↑ 160%
Lines replaced (Linear Feet.)	16	2	↓ -88%	37	7	↓ -81%
Manholes Cleaned	6	10	↑ 67%	39	30	↓ -23%
Average Daily Flow (MGD)	0.6869	0.7346	↑ 7%	0.5974	0.6850	↑ 15%
Total Monthly Flow (MGD)	20.6077	22.0393	↑ 7%	18.0089	20.7124	↑ 15%

Trash Collection:						
# Customers Total/Added by month *		9	→	3,193	3,719	↑ 16.5%
Amount Billed	\$ 103,276	\$ 108,618	↑ 5%	\$ 408,628	\$ 495,469	↑ 21.3%

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

Police Department	Jan '21	Jan '22	%	YTD 01-31-21	YTD 01-31-22	%
Part I Index Offenses						
Murder (# Victims)	-	-	→ 0%	-	-	→ 0%
Rape(# Victims)	-	1	→ 0%	1	2	↑ 100%
Robbery (# Victims)	-	-	→ 0%	1	2	↑ 100%
Aggravated Assault (# Victims)	-	-	→ 0%	8	2	↓ -75%
Total Violent Index Crimes*	-	1	→ 0%	10	6	↓ -40%
Burglary (# premises entered)	1	3	↑ 200%	7	17	↑ 143%
Theft (# offenses)	4	7	↑ 75%	36	35	↓ -3%
Auto Theft (#vehicles)	2	2	→ 0%	9	5	↓ -44%
Arson (# premises)	-	-	→ 0%	-	-	→ 0%
Total Property Index Crimes*	7	12	↑ 71%	52	57	↑ 10%
Total Part I Index Crimes*	7	13	↑ 86%	62	63	↑ 2%
Part II Index Offenses						
Other Assaults	12	4	↓ -67%	26	31	↑ 19%
Weapons	-	-	→ 0%	4	2	↓ -50%
Narcotics	-	1	→ 0%	14	7	↓ -50%
DUI	6	3	↓ -50%	20	8	↓ -60%
All Other Part II Offenses	43	35	↓ -19%	172	166	↓ -3%
Total Part II Index Crimes*	61	43	↓ -30%	236	214	↓ -9%
Total All Index Crimes*	68	56	↓ -18%	298	277	↓ -7%

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

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

BACKGROUND:

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

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes - March 1, 2022

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Meeting Minutes- March 1, 2022

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- March 1, 2022

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
March 1, 2022

CALL TO ORDER

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

ROLL CALL

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

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
Jennifer Stubbs, City Secretary
Michael Gonzalez, Public Works Director
David Harrell, Dev. Services Director

INVOCATION

Mr. Gibson 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 Ch. 32, Art. IV, Sec. 32-242; Amending Ch. 2, Art. IV, Sec. 2-189.1; Amending Ch. 6, Art. I & II, Art. IV – VII; Adding Ch. 6, Art. IX – XII; And Amending Ch. 18, Art. II, Code Of Ordinances, City Of Elgin, TX, And Providing For A Savings Clause And Repealing Conflicting Ordinances Or Resolutions.

No one wished to speak under the Public Hearing Item. Mr. Harrell provided comments and stated this Ordinance would get the codes up to date.

PUBLIC COMMENT

Melanie Boston, 23203 Ingram Dr., stated she thinks the Rumor Mill makes the city look bad and that it belittles the city. She said the posts should be deleted and that a FAQ posting would be more appropriate.

CITY MANAGERS REPORT

1. Discussion And Possible Direction To Staff Regarding Traffic And Safety Improvements Proposed By The Texas Department Of Transportation (TxDOT) For The Intersection Of Main St. And Harris St.

Theresa McShan, 501 S. Main, stated she has lived right by this intersection her entire life and has been unable to use her front yard because of the accidents that have happened. She stated she has replaced her mailbox three times. She stated that something needs to be done.

Mr. Mattis provided a proposal from TxDOT and asked the Council if they were interested in the plan. Mr. Maldonado asked for another option. Mr. Mattis stated this is the proposal TxDOT has submitted, and they are ready to move forward. Discussion followed.

2. 2021 Certificates of Obligation-Capital Investment Program Project Update

Mr. Mattis provided an updated on the CO projects and answered questions of the Council. Mayor Ramirez left the dais at 7:05 p.m. Mayor Ramirez returned to the dais at 7:06 p.m.

3. Monthly Reports by Department

Mayor Ramirez stated that the Library and the Rec Center continues to make improvements. Mayor Ramirez asked what the cases placed on inactive status means. Mr. Mattis stated that staff would provide an answer to his question.

4. General Activity Report And/Or Project Update

There was no discussion on this item.

CONSENT AGENDA

1. City Council Regular Meeting Minutes – February 1, 2022

The item passed on the consent agenda.

2. City Council Worksession Meeting Minutes – January 25, 2022

The item passed on the consent agenda.

3. CONSIDER REQUEST TO CLOSE STREETS FOR THE JUNETEENTH FESTIVAL AND PARADE ON SATURDAY JUNE 11 FROM 8:00AM TO NOON.

The item passed on the consent agenda.

4. CONSIDER REQUEST TO WAIVE FEES FOR JUNETEENTH STREET DANCE PARADE AND FESTIVAL.

The item passed on the consent agenda.

5. CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE FOR THE JUNETEENTH FESTIVAL AND PARADE ON FRIDAY JUNE 10 FROM 6PM To MIDNIGHT AND ON SATURDAY JUNE 11 FROM 8:00AM TO 6PM IN VETERANS MEMORIAL PARK AND DEPOT STREET FROM MAIN STREET TO AVENUE B.

The item passed on the consent agenda.

6. CONSIDER REQUEST TO CLOSE STREETS FOR THE WESTERN DAYS FESTIVAL PARADE ON SATURDAY JUNE 25 FROM 8:00AM TO NOON.

The item passed on the consent agenda.

7. CONSIDER REQUEST TO WAIVE FEES FOR WESTERN DAYS PARADE AND FESTIVAL.

The item passed on the consent agenda.

8. CONSIDER REQUEST TO WAIVE OPEN CONTAINER ORDINANCE FOR WESTERN DAYS IN ELGIN MEMORIAL PARK JUNE 24, 2022 FROM 6:00P.M. - 12:15A.M. AND JUNE 25, 2021 FROM 8:00A.M. - 8:00P.M.

The item passed on the consent agenda.

9. CONSIDER REQUEST TO CLOSE STREETS FOR THE VETERANS APPRECIATION PARADE ON SATURDAY NOVEMBER 12 FROM 8:00AM TO NOON.

The item passed on the consent agenda.

10. CONSIDER REQUEST TO WAIVE FEES FOR VETERANS APPRECIATION PARADE.

The item passed on the consent agenda.

11. CONSIDER REQUEST TO CLOSE STREETS FOR THE LIGHTED CHRISTMAS PARADE ON SATURDAY DECEMBER 3 FROM 5:00PM To 8:00PM.

The item passed on the consent agenda.

12. CONSIDER REQUEST TO WAIVE FEES FOR ELGIN LIGHTED CHRISTMAS PARADE.

The item passed on the consent agenda.

13. CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE IN VETERANS MEMORIAL PARK AND ON DEPOT STREET FROM MAIN STREET TO AVENUE B FOR MUSIC IN THE PARK FRIDAYS APRIL 1, 8, 15, 22, 29 AND FRIDAYS MAY 6, 13, 20, 27 FROM 6:30PM TO 10PM

The item passed on the consent agenda.

14. CONSIDER REQUEST TO WAIVE OPEN CONTAINER ORDINANCE FOR THE LUNA MARKET FRIDAY JUNE 3, 2022 FROM 5:00 PM To 10:00 PM IN ELGIN MEMORIAL PARK MAIN PAVILLION.

The item passed on the consent agenda.

15. REQUEST TO WAIVE FEES FOR THE ELGIN HIGH SCHOOL HOMETOWN HOLLYWOOD FROM SATURDAY APRIL 9, 2022

The item passed on the consent agenda.

16. CONSIDER WAIVING FEES FOR RELAY FOR LIFE SATURDAY APRIL 23, 2022.

The item passed on the consent agenda.

Mr. Mattis stated the Consent Agenda includes items to waive fees associated with community events and parades throughout the year. Mr. Mattis stated the goal was to get this taken care of in a more uniform way with one action. Mr. Maldonado made a motion to approve the Consent Agenda as presented and discussed. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, DESIGNATING FGM ARCHITECTS INC. AS THE MOST QUALIFIED FIRM TO PROVIDE DESIGN

SERVICES FOR THE ELGIN POLICE DEPARTMENT STATION RENOVATION AND EXPANSION PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is the contract for Phase 1 of the project. He stated that once design is approved, it will come back to the Council. Mayor Ramirez asked why the committee selected FGM Architects. Mr. Mattis stated that all firms were qualified to do the job, but FGM Architects showed a high level of energy and excitement to get started on the project for Elgin.

Mayor Pro Tem Brashar made a motion to approve the Resolution as presented and discussed. Mr. Maldonado seconded the motion. All voted in favor. The motion carried.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FGM ARCHITECTS INC. FOR DESIGN SERVICES RELATED TO THE ELGIN POLICE DEPARTMENT STATION RENOVATION AND EXPANSION PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

Mr. Mattis stated this is for the design services, contracting with FGM Architects, totaling \$35,430.00. Mr. Dennis made a motion to approve the Resolution as read. Ms. Bega seconded the motion. All voted in favor. The motion carried.

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MOORING USA FOR ASBESTOS ABATMENT OF 206 AND 202A DEPOT ST. AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is for the Poth building. He stated the asbestos removal needed to be separate from the actual construction updates of the building. Mr. Maldonado made a motion to approve the Resolution as discussed. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

4. AN ORDINANCE AMENDING CHAPTER 32, ARTICLE IV, SECTION 32-242; AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-189.1; AMENDING CHAPTER 6, ARTICLE I – II, ARTICLE IV – VII, ADDING CHAPTER 6 ARTICLE IX – XII, AND AMENDING CHAPTER 18, ARTICLE II, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Mr. Mattis stated this is a routine item that is typically revised every 3 years. Mr. Harrell stated the code is 3-5 years behind. Mr. Ibis asked if the fees were changing. Mr. Harrell stated no, they were not changing.

Mr. Ibis made a motion to approve the Ordinance as read. Mr. Callahan seconded the motion. All voted in favor. The motion was carried.

5. TIRZ-Tax Increment Reinvestment Zone – Councilmember Ibis

Mr. Ibis asked for a list of TIRZ members and asked what the debt is for the TIRZ. Mr. Mattis stated he would get the information to him. No action was taken.

6. County Line Road – Councilmember Ibis

Mr. Ibis asked when there would be a Public Hearing for County Line Road. Mr. Mattis stated we could not hold a Public Hearing until all the right of way is acquired. No action was taken.

EXECUTIVE SESSION

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

Mayor Ramirez stated the Council would not be retiring into Executive Session.

ANNOUNCEMENTS

Mr. Dennis stated there was a 150th committee meeting tomorrow evening at 6:00 p.m. Mr. Mattis stated there was a Chamber Luncheon on Thursday at 7:30 a.m. at Southside.

ADJOURNMENT

Mayor Ramirez adjourned the meeting at 7:36 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 OF ELGIN, TEXAS SUSPENDING THE MAY 2, 2022, EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – SOUTH TEXAS DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2022 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY.

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the Resolution.

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

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION:

ATTACHMENTS: Resolution and Letter

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

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

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF ELGIN, TEXAS SUSPENDING THE MAY 2, 2022, EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTExAND CENTERPOINT ENERGY TEXAS GAS – SOUTH TEXAS DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2022 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY.

WHEREAS, the City of Elgin, Texas (“City”) is a gas utility customer of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy South Texas Division, (“CenterPoint” or “the Company”) and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) in March 2022, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by CenterPoint, effective May 2, 2022; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

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

1. The May 2, 2022, effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

2. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall. at 1111 Louisiana Street, CNP Tower 19th Floor, Houston, Texas 77002.

Signed this 15th day of March 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



March 3, 2022

CenterPoint Energy
1111 Louisiana Street
Houston, TX 77002-5231
P.O. Box 2628
Houston, TX 77252-2628

Mayor and City Council
City of Elgin
Elgin, Texas

Hand-Delivered

Re: CenterPoint Energy 2022 Annual GRIP Adjustment for the South Texas Division

Dear Madam or Sir:

CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or the "Company"), files the tariffs and supporting documents in electronic form, with the City of Elgin ("City") consistent with Section 7.7101 of the Railroad Commission of Texas ("Commission") Gas Services Division Rules and Section 104.301 of the Texas Utilities Code to establish the annual gas reliability infrastructure program ("GRIP") interim rate adjustment ("IRA") for the Company's South Texas Division, which includes the City. The proposed IRA will affect rates for natural gas service customers located in the City. Simultaneously with this filing, CenterPoint makes the same GRIP filing with the Commission for customers located in the City's environs and cities of the South Texas Division that have ceded original jurisdiction to the Commission.

CenterPoint consistently supplies its customers in the South Texas Division with safe and dependable natural gas service by prudently investing in additions and upgrades to its delivery system. The Company will continue to prudently invest in its infrastructure in order to improve its natural gas service to its customers and to anticipate and meet their needs under all operating conditions. The GRIP program enables a gas utility such as CenterPoint to begin recovery of its incremental capital investment in the system, subject to a prudence review in its next rate case. This reduces regulatory lag and incentivizes needed investment. Consistent with Section 104.301 of the Texas Utilities Code and Commission precedent, the City's review of this GRIP filing is limited to a ministerial review to ensure compliance with the GRIP statute.

Pursuant to applicable law, the proposed IRA will become effective on May 2, 2022, unless the City suspends that date for a period of no longer than forty-five (45) days. The approved IRA will be applied to the monthly customer charge and will remain in effect until superseded by the earlier of (1) the effective date of the Company's next annual GRIP adjustment for the South Texas Division; or (2) the issuance of a final order in a rate setting proceeding for the South Texas Division.

As detailed in the attached schedules and supporting material, the Company invested \$40,497,677 in its South Texas Division in calendar year 2021, and the applicable IRA is:

Rate Schedule	Current Customer Charge	Proposed 2022 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
R-2097-I-GRIP 2022; R-2097-U-GRIP 2022 Residential	\$24.92 per customer per month	\$2.11 per customer per month	\$27.03 per customer per month	\$2.11 per customer per month
GSS-2097-I-GRIP 2022; GSS-2097-U-GRIP 2022 General Service Small	\$37.05 per customer per month	\$4.37 per customer per month	\$41.42 per customer per month	\$4.37 per customer per month
GSLV-628-I-GRIP 2022; GSLV-628-U-GRIP 2022 General Service Large Volume	\$174.04 per customer per month	\$36.29 per customer per month	\$210.33 per customer per month	\$36.29 per customer per month

Along with and in support of the proposed IRA, CenterPoint includes the following:

- (a) An earnings monitoring report showing the Company's earnings for the South Texas Division during the 2021 calendar year (under the "Earnings Monitoring Report" section of the enclosed filing).
- (b) An Interim Rate Adjustment Application containing accounting schedules and project reports for the GRIP Adjustment Period including a description of (i) the projects undertaken during the GRIP Adjustment Period (ii) the investment to provide utility service in the South Texas Division, which were both completed and placed in service during the GRIP Adjustment Period, (iii) the Company's prior utility investments in the South Texas Division that were either retired or abandoned during the GRIP Adjustment Period, and (iv) the cost, need and customers benefited by those investments and retirements located in IRAs 12, 13, 14 and 15 which are voluminous and are being provided in electronic form only.
- (c) The Company's calculations of the GRIP Adjustment amount to go into effect on the later of the Planned Effective Date or the end of any suspension period imposed (under the "Interim Rate Adjustment Application" section of the enclosed filing).
- (d) Affidavits by Stacey Peterson, Kimberly Middleton and Tal R. Centers, Jr. (under the "Affidavits" section of the enclosed filing).
 - Ms. Peterson's affidavit verifies (i) that the South Texas Division's books and records are kept in accordance with the rules of the Commission and (ii) that the reports enclosed accurately reflect the

South Texas Division's books and records related to the information in those reports.

- Ms. Middleton's affidavit verifies the notice of the GRIP filing through customer bill inserts.
- Mr. Centers' affidavit concerns the reimbursement of relocation expenses.

In addition, the source documentation and workpapers supporting the data and calculations contained in the foregoing reports is maintained in CenterPoint's electronic databases which are available for review. To schedule an opportunity to review the electronic databases or any hard copy project files related to the new investment or retirements, please contact me at (713) 207-5946.

Notice of this proceeding will be provided to affected customers in the South Texas Division by bill insert or by separate mailing within 45 days after the date of this filing in accordance with the applicable law.

Please accept for filing the above-mentioned tariffs, filing package and enclosures and return the enclosed copy of this letter with your file mark thereon to acknowledge such filings for our records. Instead of a binder with a hard copy of the filing, the Company has provided the equivalent in electronic form in the folder called Electronic Copy of Filing.

Although only the incorporated tariffs are applicable to the City, the Company has also included in its filing package both incorporated and unincorporated tariffs.

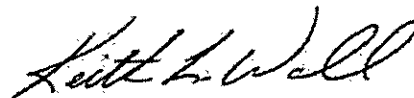
There have been no changes to the IRA forms since the Company's last filing.

If the City takes any action regarding this filing, please send signed documents, such as, ordinances, resolutions and minutes to the following address:

Keith L. Wall
1111 Louisiana Street
CNP Tower 19th Floor
Houston, Texas 77002

Please do not hesitate to contact me with any questions you may have regarding this filing.

Sincerely,



Keith L. Wall
Director of Regulatory Affairs

Attachments

cc: Mr. Tal Centers
Mr. Patrick Peters III
Ms. Gracy Rodriguez

DELIVERED TO:

Jennifer Stubbs, City Secretary of
NAME OFFICE (Mayor, City Secretary, etc.)

the City of Elgin on this 3rd day of March 2022.

Jennifer Stubbs
SIGNATURE



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE CREEK'S CROSSING DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager/City Engineer

PROPOSED ACTION:

Consideration and approval of a Resolution authorizing the City Manager to execute the *Amendment to Aqua WSC Master Agreement* related to the transfer of the Creek's Crossing development from the Aqua Water Supply Corporation (WSC) Certificate of Convenience and Necessity (CCN) to the City CCN.

BACKGROUND:

Discussed previously; The City and Aqua WSC have executed a Master Agreement for Transfer of Certain Retail Water CCN Service from Aqua WSC to the City of Elgin, detailing certain terms and conditions whereby Aqua may transfer portions of the Aqua CCN to the City to provide water service to certain tracts, land parcels, and/or developments.

The City Council previously approved and authorized an Agreement and Development Plan with Creek Crossing Land Partners, LLC to construct a master-planned residential development project known as Creek's Crossing under Planned Development District zoning.

City staff, Aqua WSC, and Creek Crossing Land Partners, LLC are now in agreement as to the terms of for transfer of Aqua CCN to the City. All costs associated with this CCN transfer will be paid by the developer of Creek's Crossing.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of a Resolution authorizing the City Manager to execute an agreement for the transfer of the Creek's Crossing from the AquaWSC CCN to the City as described; & routine direction to staff, if any.

ATTACHMENTS: (1) Resolution (2) Aqua WSC Agreement

{ } 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 AN AMENDMENT TO THE AQUA WSC
MASTER AGREEMENT FOR TRANSFER OF THE CREEK'S
CROSSING DEVELOPMENT WATER CCN SERVICE AREA
FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING
CERTAIN FINDINGS RELATED THERETO**

WHEREAS, the City of Elgin, Texas (the "City") and Aqua Water Supply Corporation ("Aqua") have executed a *Master Agreement for Transfer of Certain Retail Water CCN Service from Aqua WSC to the City of Elgin*, detailing certain terms and conditions whereby Aqua may transfer portions of the Aqua Certificate of Convenience and Necessity ("CCN") to the City to provide water service to certain tracts or land parcels; and,

WHEREAS, the Creek's Crossing Development District is a new residential subdivision being constructed within the City under Planned Development District (PDD) zoning; and,

WHEREAS, the Elgin City Council previously authorized the City Manager to finalize negotiations on such amendment(s) to the *Master Agreement*; and,

WHEREAS, it is found to be in the best interests of both Aqua and the City to complete this transfer of the Aqua Water CCN to the City to provide water service to said property.

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

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

Section 2. Authorization. The City Manager is hereby authorized to execute the *Amendment to Aqua WSC Master Agreement* related to the Creek's Crossing Development, a copy which being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Payment. Developer shall pay all fees associated with transferring the Creek's Crossing CCN from Aqua WSC to the City; and, at the time of platting, shall pay the City \$3,900 per acre for the area within the final plat, with total costs for the entire PDD not to exceed \$265,320.

Section 4. Future Budget Amendment. The City Council does hereby acknowledge that this item was not specifically included within the approved *FY21-22 City of Elgin Annual Operating Budget*; and that said budget may be amended at a future date to formally appropriate funds for this item.

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

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

PASSED AND ADOPTED this 15th day of March, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

EXHIBIT “B-5”

Amendment to Master Agreement for each Residential/Commercial Development Subject to Transfer to Elgin from the Aqua Water CCN

Title of Development: CREEK’S CROSSING

Concept Plan ☒

Preliminary Plat ☐

Replat ☐

Short Form Plat ☐

Date of Approved Concept Plan or Plat: September 15, 2021

Name and Contact (Developer): Creek’s Crossing Land Partners, S. Todd McCullough

AMMENDMENT TO AGREEMENT FOR TRANSFER OF CERTAIN WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN

A Master Agreement (“Master Agreement”) for establishing basic terms and conditions under which AQUA WATER SUPPLY CORPORATION may consent to transfer specific portions of its retail water CCN to the City of Elgin was made and entered into by and between Aqua Water Supply Corporation (hereinafter called “Aqua”) and the City of Elgin, Texas (hereinafter called “Elgin”), on ____ day of _____, 20__ (the “Effective Date”).

WITNESSETH:

WHEREAS, a Master Agreement dated _____ established the terms and conditions under which Aqua agreed to transfer specific portions of its retail water Certificate of Convenience and Necessity (“CCN”) No. 10294 (“Aqua Water CCN”) to Elgin; and

WHEREAS, the planned development of Creek's Crossing, currently in the Aqua Water CCN has submitted a Concept Plan / Preliminary Plat consisting of 68.031 acres, which has been approved by the Planning and Zoning Commission for the City of Elgin; and

WHEREAS, the Creek's Crossing development meets the requirements of the conditions stipulated in the Master Agreement to be considered for transfer from the Aqua Water CCN to Elgin; and

WHEREAS, the land under consideration, and subject to conveyance is shown in ATTACHMENT A, and which is located within the Aqua Water CCN and the Elgin Wastewater CCN; and

WHEREAS, Chapter 13 of the Texas Water Code and the rules of the Public Utility Commission of Texas ("PUC") allow for the transfer or assignment of CCN service areas from a water supply corporation to a municipally owned utility; and

WHEREAS, Elgin has determined that it has sufficient water supplies available to provide water services to specific portion of the Aqua Water CCN proposed to be served by Elgin and agrees that such availability will be a condition precedent before any CCN may be transferred from the Aqua Water CCN to Elgin; and

WHEREAS, the transfer of the specific portion of the Aqua Water CCN to Elgin will further the public purpose of rationalizing the distribution of water services in the region taking into account existing and future needs for additional infrastructure to serve all of Elgin and its urbanizing areas.

NOW THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, and for other good and valuable consideration, the receipt and adequacy of

which is hereby acknowledged, Aqua agrees to transfer specific portions of the Aqua Water CCN to Elgin on the terms and conditions and for the consideration set forth herein.

SECTION 1.0

SPECIFIC PORTION OF THE AQUA WATER CCN TO BE RELEASED TO ELGIN

Section 1.01 – Definition of Specific Portion of the Aqua Water CCN to be conveyed to Elgin

Attachment A to this Agreement shows a map of the Creek's Crossing Development that is covered by this Amendment to the Master Agreement. The map shows the location of the development in relation to the City limits of Elgin, the current Water CCN of Elgin, the parcels included in the development as well as the number of acres that comprise the development.

Section 1.02 – Calculation of compensation

As stipulated in the Master Agreement and agreed to by both parties, calculation of the compensation to be paid to Aqua by Elgin for transfer of the specific portion of the Aqua Water CCN is as follows:

$$\text{Number of acres under development} \times \$3,900.00 = \text{Total Compensation}$$

For the subject development, the actual calculation is as follows:

$$68.031 \text{ acres} \times \$3900.00 = \$265,320.90$$

Section 1.03 – Additional Amounts Owed to Aqua (IF APPLICABLE)

As negotiated by Elgin and Aqua, Elgin shall pay Aqua the amount of \$ [REDACTED] (for stranded assets, easement acquisition, existing customers, etc.)

Section 1.04 – Payment

Payment of the amounts calculated in Section 1.02 and 1.03 shall be paid in accordance with terms and conditions of the Master Agreement as specified in Section 3.4.

Section 1.05 -- Litigation

The terms and conditions of this Amendment shall be construed under and in accordance with the laws of the State of Texas. All obligations of the parties created under these terms and conditions shall be performable in Bastrop County, Texas. All payments required to be made to Aqua under this

Amendment shall be made at Aqua's offices in Bastrop County, Texas. Bastrop County, Texas shall be the exclusive place of venue for any disputes arising under this Agreement.

IN WITNESS WHEREOF, the parties have executed this Amendment as indicated below.

AQUA

ELGIN

By: _____
_____,

By: _____
_____,

Date: _____

Date: _____

ATTEST:

ATTEST:

By: _____
Secretary, Board of Directors

By: _____
Secretary

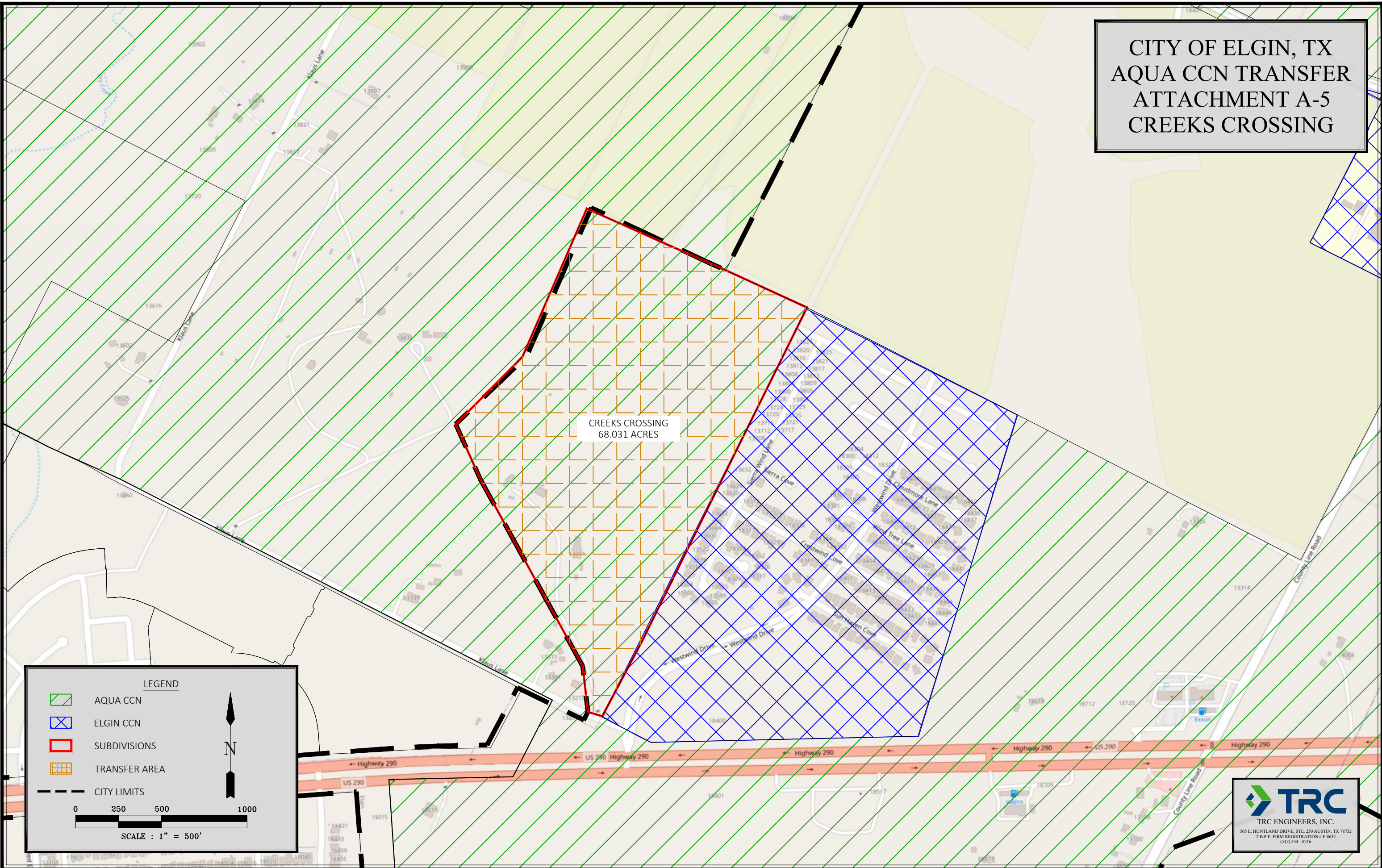
Date: _____

Date: _____

ATTACHMENT A-5

Map Showing the area of Aqua Water CCN subject to the transfer for Creek's Crossing

CITY OF ELGIN, TX
AQUA CCN TRANSFER
ATTACHMENT A-5
CREEKS CROSSING



CREEKS CROSSING
68.031 ACRES

LEGEND

- AQUA CCN
- ELGIN CCN
- SUBDIVISIONS
- TRANSFER AREA
- CITY LIMITS

0 250 500 1000
SCALE : 1" = 500'

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT AND DEVELOPMENT PLAN WITH CREEK CROSSING LAND PARTNERS LLC AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager/City Engineer

PROPOSED ACTION:

Consideration and approval of a Resolution authorizing the First Amendment to Agreement and Development Plan – Creek’s Crossing Planned Development District with Creek Crossing Land Partners, LLC to affect the transfer of the Creek’s Crossing development from the Aqua Water Supply Corporation (WSC) Certificate of Convenience and Necessity (CCN) to the City CCN.

BACKGROUND:

Discussed previously; The City and Aqua WSC have executed a Master Agreement for Transfer of Certain Retail Water CCN Service from Aqua WSC to the City of Elgin, detailing certain terms and conditions whereby Aqua may transfer portions of the Aqua CCN to the City to provide water service to certain tracts, land parcels, and/or developments.

The City Council previously approved and authorized an Agreement and Development Plan with Creek Crossing Land Partners, LLC to construct a master-planned residential development project known as Creek’s Crossing under Planned Development District zoning.

City staff and Creek Crossing Land Partners, LLC are now in agreement as to the terms of for transfer of Aqua CCN to the City.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of a Resolution authorizing the First Amendment to Agreement and Development Plan – Creek’s Crossing Planned Development District with Creek Crossing Land Partners, LLC as described; and routine direction to staff, if any.

ATTACHMENTS: (1) Resolution (2) Agreement Amendment

{ } 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 MAYOR TO EXECUTE THE FIRST
AMENDMENT TO THE AGREEMENT AND
DEVELOPMENT PLAN WITH CREEK CROSSING LAND
PARTNERS LLC AND MAKING CERTAIN FINDINGS
RELATED THERETO**

WHEREAS, Creek Crossing Land Partners, LLC are owners of certain real property consisting of 68.031 acres within the Elgin city limits; and,

WHEREAS, the Elgin City Council previously approved and authorized an Agreement and Development Plan with Creek Crossing Land Partners, LLC to construct a master-planned residential development project known as Creek's Crossing under Planned Development District zoning; and,

WHEREAS, the City and Creek Crossing Land Partners, LLC now wish to amend said Agreement and Development Plan to affect the transfer of Aqua Water Supply Corporation Certificate of Convenience and Necessity ("CCN") to the City to provide water service to the Creek's Crossing development.

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

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

Section 2. Authorization. The Mayor is hereby authorized to execute the *First Amendment to Agreement and Development Plan – Creek's Crossing Planned Development District* with Creek Crossing Land Partners, LLC, a copy of said amendment being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Costs. Creek Crossing Land Partners, LLC shall pay all fees associated with transferring the Creek's Crossing CCN from Aqua WSC to the City; and, at the time of platting, shall pay the City \$3,900 per acre for the area within the final plat, with total costs for the entire PDD not to exceed \$265,320.

Section 4. 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 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of March, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

FIRST AMENDMENT TO AGREEMENT AND DEVELOPMENT PLAN

CREEKS CROSSING

PLANNED DEVELOPMENT DISTRICT (“PDD”)

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This First Amendment to Agreement and Development Plan (this “Amendment”) is entered into by and between the CITY OF ELGIN, TEXAS, a Texas municipal corporation, (hereinafter referred to as the "City"), and CREEKS CROSSING LAND PARTNERS, LLC, a Texas Limited Liability Company, its successors and assigns, (hereafter referred to as the "Owner"); (the City and Developer are collectively referred to herein as the “Parties”).

RECITALS

A. The City and Developer entered into that certain Agreement and Development Plan dated effective October 12, 2021 (the “Agreement”), concerning the development of 68.031 acres of land located in Travis County, as more particularly described in the Agreement (hereinafter referred to as the “Property”).

B. In the Agreement, the City granted certain variances to certain applicable development requirements set forth in City ordinances in order to facilitate the development of the Property.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Section 1. STREETS, BLOCKS, LOTS, SIDEWALKS, BUILDING LINES, AND SETBACKS, DRAINAGE AND STORM SEWERS AND OTHER MATTERS. Article II of the Agreement is amended and modified to add Section 13.7 as follows:

13.7 CCN Territory

The Project as shown in Exhibit B is wholly within the City of Elgin’s sewer CCN territory as regulated by the Public Utility Commission (PUC). The Project as shown in Exhibit B is wholly within Aqua Water Supply Corporation CCN territory as regulated by the Public Utility Commission (PUC). Developer agrees to pay for fees associated with transferring the water CCN from Aqua WSC to the City of Elgin. The area in question constitutes approximately 68.031 acres. The Developer at the time of final plat shall pay the City of Elgin \$3,900 per acre for the area within the final plat. Total costs shall not exceed \$265,320.90 for the entirety of the development as shown in Exhibit B.

Section 2. Definitions. Capitalized terms used in this Amendment and not otherwise defined herein will have the meanings set forth in the Agreement.

Section 3. Ratification; Conflict. Except as expressly modified herein, the Parties agree that the Agreement continues in full force and effect. If there is any conflict between the terms of the Agreement and the terms of this Amendment, this Amendment will control.

Section 4. Counterpart Execution. This Amendment may be executed in any number of counterparts, including execution by facsimile or email (*e.g.*, .PDF), with the same effect as if all parties hereto had signed the same document, and all counterparts will constitute one and the same agreement.

[COUNTERPART SIGNATURE PAGES FOLLOW]

CITY OF ELGIN, TEXAS

By: _____

Name: _____

Title: _____

Date: _____

THE STATE OF TEXAS §
§
COUNTY OF BASTROP§

This instrument was acknowledged before me on _____, 2022, by _____, _____ of the City of Elgin, Texas, a municipal corporation, on behalf of said City.

Notary Public Signature

(Seal)

By: Creeks Crossing Land Partners, LLC

By: _____
S. Todd McCullough, Manager

Date: _____

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS§

This instrument was acknowledged before me on _____, 2022, by S. Todd McCullough, Manager of: Creeks Crossing Land Partners, LLC, A Texas limited liability company, on behalf of said corporation.

Notary Public Signature

(Seal)



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 6.990 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178 IN BASTROP COUNTY TEXAS AND BEING FULLY DESCRIBED IN EXHIBIT “A”, INCLUDING ADJACENT RIGHT-OF-WAY AND RAILROAD RIGHT-OF-WAY, 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 6.990 acres of land located on Bastrop Co. Appraisal District Parcel #56717.

BACKGROUND: The applicant is requesting voluntary annexation into the City Limits. Currently this parcel of land is located within the City’s Extraterritorial Jurisdiction (ETJ) and is contiguous with the City Limits to the north. The parcel has one (1) home on it. The lot has an annexation agreement on it which means if the land is to be developed it must annex into the City limits.

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.
- ☒ 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. 2022-03-15-

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 6.990 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178 IN BASTROP COUNTY TEXAS AND BEING FULLY DESCRIBED IN EXHIBIT “A”, INCLUDING ADJACENT RIGHT-OF-WAY AND RAILROAD RIGHT-OF-WAY, 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 6.990 acres of land out of the Thomas Garretson Survey, Abstract 178 of land (the “Property”) more fully described in Exhibit “A” including adjacent right-of-way and railroad right-of-way, 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”, including adjacent right-of-way and railroad right-of-way 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 Bastrop 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 15th day of March 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

Exhibit "A"

PETITION REQUESTING ANNEXATION TERRITORY IN WHICH THERE ARE FEWER THAN THREE VOTERS

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

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which less than three qualified voters reside, 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.

BEGINNING, at a called and found iron rod for the north corner of 15.15 acres conveyed to Wilbert G. George and Doris R. George in Volume 682, Page 426, Official Records of Bastrop County, Texas, and being on the easterly line of FM 1704,

THENCE, N 30°02'53" E, 372.24 feet, with the said easterly line of FM 1704, to a called and found iron rod for the west corner of Lot 1, Lopez 1704 Subdivision, as recorded in Cabinet 5, Page 184A, Plat Records of Bastrop County, Texas,

THENCE, S 60°10'06" E, with the southwesterly line of the said Lot 1, Lopez 1704 Subdivision, at 714.83 feet passing a fence corner post, and going a further 2.43 feet, for a total distance of 717.26 feet, to the north face of a 16" hackberry tree (at a call for an iron rod), for the south corner of the said Lot 1, Lopez 1704 Subdivision, and being on the west line of the M.K. & T. Railroad,

THENCE, S 02°04'00" W, 422.50 feet, with the said west line of the M.K. & T. Railroad, to a found fence corner post (at a call for an iron rod), being the east corner of the said 15.15 acres conveyed to Wilbert G. George and Doris R. George,

THENCE, N 60°04'00" W, 915.49 feet, with the northeasterly line of the said 15.15 acres conveyed to Wilbert G. George and Doris R. George, to the point of beginning, CONTAINING 6.990 acres, more or less in Bastrop County, Texas.

I certify that the above described tract of land is contiguous and adjacent to the City of Elgin, Texas, is not more than one-half (1/2) mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

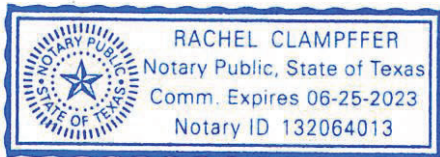
Signed: 

THE STATE OF TEXAS
COUNTY OF Bastrop.

Before me, the undersigned authority, on this day personally appeared
Edgar Lopez, 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 12 day of February, 20 22.

Rachel Clampffer
Notary Public, State of Texas



**STAR SURVEYING
101 LAGUNA
SMITHVILLE, TEXAS 78957
CELL (512) 332-0396**

**Field Notes
6.990 ACRES**

FIELD NOTES FOR, 6.990 ACRES, (CALLED 7.000ACRES), WITHIN THE THOMAS GARRETSON SURVEY, ABSTRACT No. 178, BEING THE TRACT CONVEYED TO KEITH WILCOX IN VOLUME 889, PAGE 679, OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND AS SHOWN ON THE ATTACHED DRAWING AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

BEGINNING, at a called and found iron rod for the north corner of 15.15 acres conveyed to Wilbert G. George and Doris R. George in Volume 682, Page 426, Official Records of Bastrop County, Texas, and being on the easterly line of FM 1704,

THENCE, N 30°02'53" E, 372.24 feet, with the said easterly line of FM 1704, to a called and found iron rod for the west corner of Lot 1, Lopez 1704 Subdivision, as recorded in Cabinet 5, Page 184A, Plat Records of Bastrop County, Texas,

THENCE, S 60°10'06" E, with the southwesterly line of the said Lot 1, Lopez 1704 Subdivision, at 714.83 feet passing a fence corner post, and going a further 2.43 feet, for a total distance of 717.26 feet, to the north face of a 16" hackberry tree (at a call for an iron rod), for the south corner of the said Lot 1, Lopez 1704 Subdivision, and being on the west line of the M.K. & T. Railroad,

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I, James W. Starcher, do hereby certify that this survey was made upon the ground under my direct supervision during January of 2022.

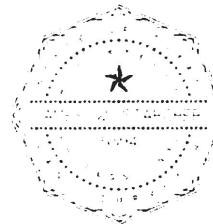
James W. Starcher

James W. Starcher
Texas Registered Professional Land Surveyor No. 5394

06/07/2022

Date

FILE: WO1940 / 6.990 AC DESC.DOC



PLAT OF SURVEY
6.990 ACRES
 (called 7.000 acres)
 within the
THOMAS GARRETSON SURVEY
Abst. No. 178
Vol. 889, Pg. 679, O.R.B.C.T.,
BASTROP COUNTY, TEXAS

15.15 AC
 WILBERT G. GEORGE
 DORIS R. GEORGE
 682 / 426
 O.R.B.C.T.

1287 FM 1704
 E/P

POB

N 30°02'53" E 372.24'
 OHP

CULVERT

D/W
 ENTRY
 HOUSE

LOT 1
 LOPEZ 1704 SUBD.
 5 / 184A
 P.R.B.C.T.

6.990 ACRES

BARN

GENERAL NOTES:

1. Basis of bearings a called N 60°04'00" W for the south line of the 6.990 acres (called 7.000 acres) shown as described in Volume 889, Page 669, Official Records of Bastrop County, Texas.

2. Easements and Building lines per title commitment supplied by Independence Title Company (Elgin, Texas), G.F.# 2175351-ELG, effective date: November 28, 2021. No further research of the Bastrop County Deed Records was performed by STAR SURVEYING regarding these easements.

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Easement: Does affect this tract-blanket easement
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 To: Aqua Water Supply Corporation
 Purpose: water line

Easement: Does affect this tract-blanket easement

Recorded: Volume 371, Page 573, Official Records, Bastrop County, Texas,
 To: Keith Wilcox
 Purpose: Water line

Easement: Does affect this tract-blanket easement

Recorded: Volume 1200, Page 627, Official Records, Bastrop County, Texas.
 To: Aqua Water Supply Corporation
 Purpose: water line



LEGEND

FENCE CORNER POST
 IRON ROD FOUND
 OVERHEAD ELECTRIC
 POWER POLE
 WATER METER
 WIRE / WOOD FENCE

OLD POND

16" HACKBERRY

S 02°04'00" W
 M.K. & T. RAIL ROAD
 422.50'

REFERENCE:
 EDGAR LOPEZ
 1287 FM 1704
 ELGIN, TEXAS

TO THE OWNER(S), LENDER(S),
 AND INDEPENDENCE TITLE COMPANY:
 THE UNDERSIGNED DOES HEREBY CERTIFY THAT
 THE SURVEY WAS MADE ON THE GROUND OF THE
 PROPERTY SHOWN HEREON AND IS CORRECT AND
 THERE ARE NO DISCREPANCIES, ENCROACHMENTS,
 OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY
 LINES OR ROADS IN PLACE EXCEPT AS SHOWN
 HEREON AND SAID PROPERTY HAS ACCESS TO
 A DEDICATED ROADWAY AS SHOWN HEREON.



W01940

STAR SURVEYING
 101 LAGUNA
 SMITHVILLE, TX 78957

PH (512) 332-0396

James W. Starcher

01/07/2022

JAMES W. STARCHER
 REG. PROFESSIONAL LAND SURVEYOR No. 5394

DATE

Ohana Homes

February 22,2022

To whom it May Concern,

“Rachel Clampffer (Real estate broker and Planner) is authorized to serve as our agent in our annexation and development applications for 1287 Fm 1704 in Elgin TX.”

Sincerely,

 *Edgar Lopez*

02/23/22

Edgar Lopez

Director, Ohana Homes

ELECTRONICALLY RECORDED

OFFICIAL PUBLIC RECORDS



Krista Bartsch
KRISTA BARTSCH, County Clerk

Bastrop Texas

February 11, 2022 01:05:13 PM **202202956**

FEE: \$38.00
DEED

Independence Title/GF# 2175351 -ELG/BLD Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: February 11, 2022

Grantor: KEITH A. WILCOX and wife, LISA HUGHES WILCOX

Grantor's Mailing Address:

342 Old Sagers Rd
Elgin, TX 78621

Grantee: EDGAR R. LOPEZ, a married man

Grantee's Mailing Address:

P.O. Box 883
Elgin, TX 78621

Consideration: Cash and a note of even date executed by Grantee and payable to the order of FIRST NATIONAL BANK OF BASTROP in the principal amount of Three Hundred Forty Four Thousand and 00/100 Dollars (\$344,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of FIRST NATIONAL BANK OF BASTROP and by a first-lien deed of trust of even date from Grantee to MICHAEL H. PATTERSON, Trustee.

FIRST NATIONAL BANK OF BASTROP, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of FIRST NATIONAL BANK OF BASTROP and are transferred to FIRST NATIONAL BANK OF BASTROP without recourse against Grantor.

Property (including any improvements):

Being 6.990 acres (called 7.000 acres) of land, more or less, within the THOMAS GARRETSON SURVEY, Abstract No. 178, Bastrop County, Texas, being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2022, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

By acceptance hereof, Grantee accepts the Property "AS IS" in its present condition, with any and all defects and without warranty except for those warranties of title set forth herein.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.


KEITH A. WILCOX

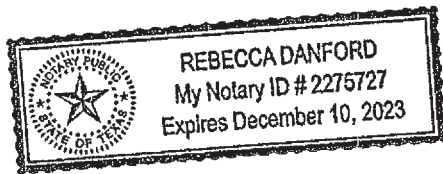

LISA HUGHES WILCOX

STATE OF TEXAS

COUNTY OF Bastrop

§
§
§

This instrument was acknowledged before me on the 11 day of February, 2022, by
KEITH A. WILCOX and LISA HUGHES WILCOX.



[Signature]
NOTARY PUBLIC, State of Texas

EXHIBIT "A"

FIELD NOTES FOR, 6.990 ACRES, (CALLED 7.000ACRES), WITHIN THE THOMAS GARRETSON SURVEY, ABSTRACT No. 178, BEING THE TRACT CONVEYED TO KEITH WILCOX IN VOLUME 889, PAGE 679, OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND AS SHOWN ON THE ATTACHED DRAWING AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

BEGINNING, at a called and found iron rod for the north corner of 15.15 acres conveyed to Wilbert G. George and Doris R. George in Volume 682, Page 426, Official Records of Bastrop County, Texas, and being on the easterly line of FM 1704,

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Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 1; 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 to City Council Ward Area No. 1; 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. 1.

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 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.

ORDINANCE NO. 2022-03-15-??

AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 1; 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. 2022-03-15-_____ on March 15, 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. 1; and it is the intention of the City Council to add this parcel to Ward Area No. 1; 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. 1.

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 15th day of March 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

STAR SURVEYING
101 LAGUNA
SMITHVILLE, TEXAS 78957
CELL (512) 332-0396

Field Notes
6.990 ACRES

FIELD NOTES FOR, 6.990 ACRES, (CALLED 7.000ACRES), WITHIN THE THOMAS GARRETSON SURVEY, ABSTRACT No. 178, BEING THE TRACT CONVEYED TO KEITH WILCOX IN VOLUME 889, PAGE 679, OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND AS SHOWN ON THE ATTACHED DRAWING AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

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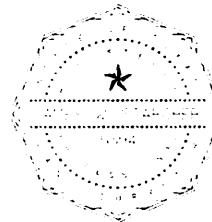
James W. Starcher

James W. Starcher
Texas Registered Professional Land Surveyor No. 5394

06/07/2022

Date

FILE: WO1940 / 6.990 AC DESC.DOC



PLAT OF SURVEY
6.990 ACRES
 (called 7.000 acres)
 within the
THOMAS GARRETSON SURVEY
Abst. No. 178
Vol. 889, Pg. 679, O.R.B.C.T.,
BASTROP COUNTY, TEXAS

1287 FM 1704
 E/P

15.15 AC
 WILBERT G. GEORGE
 DORIS R. GEORGE
 682 / 426
 O.R.B.C.T.

LOT 1
 LOPEZ 1704 SUBD.
 S / 184A
 P.R.B.C.T.

6.990 ACRES

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 Purpose: water line

Easement: Does affect this tract-blanket easement

Recorded: Volume 371, Page 573, Official Records, Bastrop County, Texas,
 To: Keith Wilcox
 Purpose: Water line

Easement: Does affect this tract-blanket easement

Recorded: Volume 1200, Page 627, Official Records, Bastrop County, Texas.
 To: Aqua Water Supply Corporation
 Purpose: water line



LEGEND

- FENCE CORNER POST
- IRON ROD FOUND
- OVERHEAD ELECTRIC
- POWER POLE
- WATER METER
- WIRE / WOOD FENCE



OLD POND

16" HACKBERRY

S 02°04'00" W
 422.50'
 M.K. & T. RAIL ROAD

REFERENCE:
 EDGAR LOPEZ
 1287 FM 1704
 ELGIN, TEXAS

TO THE OWNER(S), LENDER(S),
 AND INDEPENDENCE TITLE COMPANY:
 THE UNDERSIGNED DOES HEREBY CERTIFY THAT
 THE SURVEY WAS MADE ON THE GROUND OF THE
 PROPERTY SHOWN HEREON AND IS CORRECT AND
 THERE ARE NO DISCREPANCIES, ENCROACHMENTS,
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 HEREON AND SAID PROPERTY HAS ACCESS TO
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W01940

STAR SURVEYING
101 LAGUNA
SMITHVILLE, TX 78957

PH (512) 332-0396

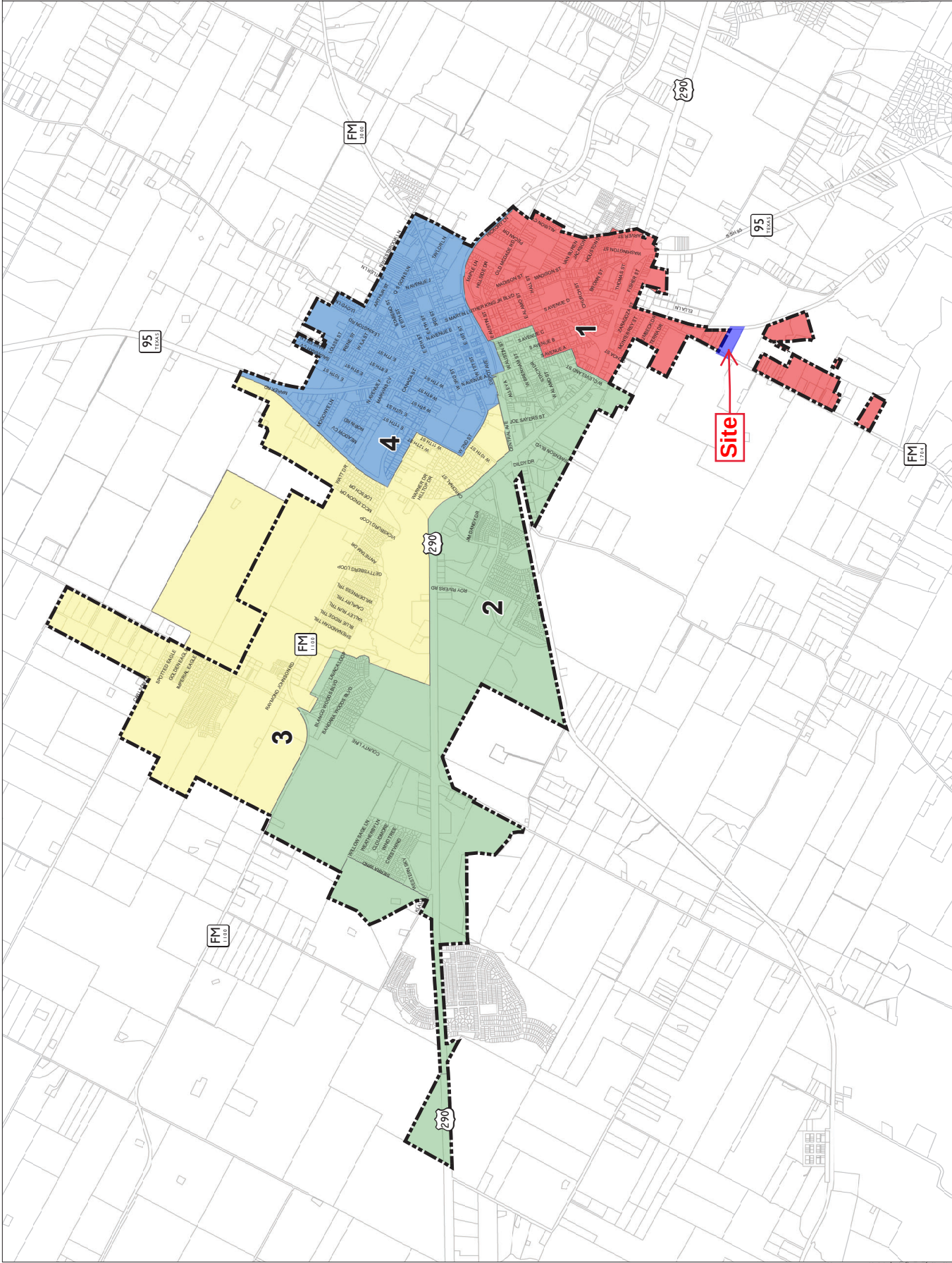
James W. Starcher

01/07/2022

JAMES W. STARCHER
 REG. PROFESSIONAL LAND SURVEYOR No. 5394

DATE

Exhibit "A"



WARD MAP
ELGIN, TEXAS

LEGEND

- PARCEL
- CITY LIMITS

WARDS

- 1
- 2
- 3
- 4



0 1,250 2,500 3,750
FEET
1 INCH = 1,250 FEET
January 10, 2022



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It is not to be used as a basis for any legal or engineering action. The information herein is provided for your information only and does not constitute a warranty or representation of any kind. The user assumes all liability for any damages or other liabilities due to the use of this information. The map is intended to be used in conjunction with the data provided.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE VACATING, ABANDONING, AND CLOSING A PORTION OF A STREET AND/OR ALLEY IN THE BLOCK 37 SUBDIVISION, WITHIN THE CITY OF ELGIN, TEXAS, PURSUANT TO SECTION 311.007, TEXAS TRANSPORTATION CODE, V.A.T.S., PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of aa Ordinance vacating and abandoning a previously un-opened n approving a real estate purchase agreement for acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRD Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction thereafter.

The attached information provides details regarding a 1.309-acre tract of land owned by the Elgin Independent School District (EISD) required to complete the road-widening project as planned.

In exchange for donating such land to the City, the EISD has requested the closure of a previously unused city alley to support and accommodate future plans for their conversion of the First Baptist Church of Elgin into an EISD facility.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approve an Ordinance vacating and abandoning a previously un-opened city-owned alley between North Avenue B and North Avenue C/West 1st Street and West 2nd Street.

ATTACHMENTS: (1) Ordinance (2) Exhibits

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

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

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

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

ORDINANCE NO.

AN ORDINANCE VACATING, ABANDONING, AND CLOSING A PORTION OF A STREET AND/OR ALLEY IN THE BLOCK 37 SUBDIVISION, WITHIN THE CITY OF ELGIN, TEXAS, PURSUANT TO SECTION 311.007, TEXAS TRANSPORTATION CODE, V.A.T.S., PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, Section 311.007, Transportation Code, V.A.T.S., allows a home-rule municipality to vacate, abandon, or close a street or an alley; and

WHEREAS, the City of Elgin desires to vacate, abandon, and close a twenty (20) foot wide alley that runs through portions of Block 37 Subdivision, recorded in Volume 151, pages 93-94, Deed Records of Bastrop County, Texas, as depicted on the survey in Exhibit "A" and described on Exhibit "B"; Now Therefore

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

I.

That the twenty (20) foot wide alley that runs through portions of Block 37 Subdivision, recorded in Volume 151, pages 93-94, Deed Records of Bastrop County, Texas, depicted on the survey in Exhibit "A" and described on Exhibit "B", said exhibits attached hereto and made a part of this ordinance, be hereby vacated, abandoned and closed, insofar as the right, title, or easement of the public is concerned.

II.

That the abandonment provided herein shall extend only to the public right, title, or easement in and to the tracts of land described in Paragraph I of this ordinance for the purpose of using same as a street or alley, and shall be construed only to pertain to that interest the governing body of the City of Elgin may legally and lawfully abandon. Nothing in this ordinance shall be construed to abandon or otherwise affect the interest of the City of Elgin or the public in easements within the subject area related to public utilities and storm water drainage facilities. The City of Elgin retains an easement for any existing public utilities and storm water drainage facilities located within the alleyway.

III.

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

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

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

Alternative 1.

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

READ, PASSED, and ADOPTED on first reading this _____ day of _____, 2022.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2022.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2022.

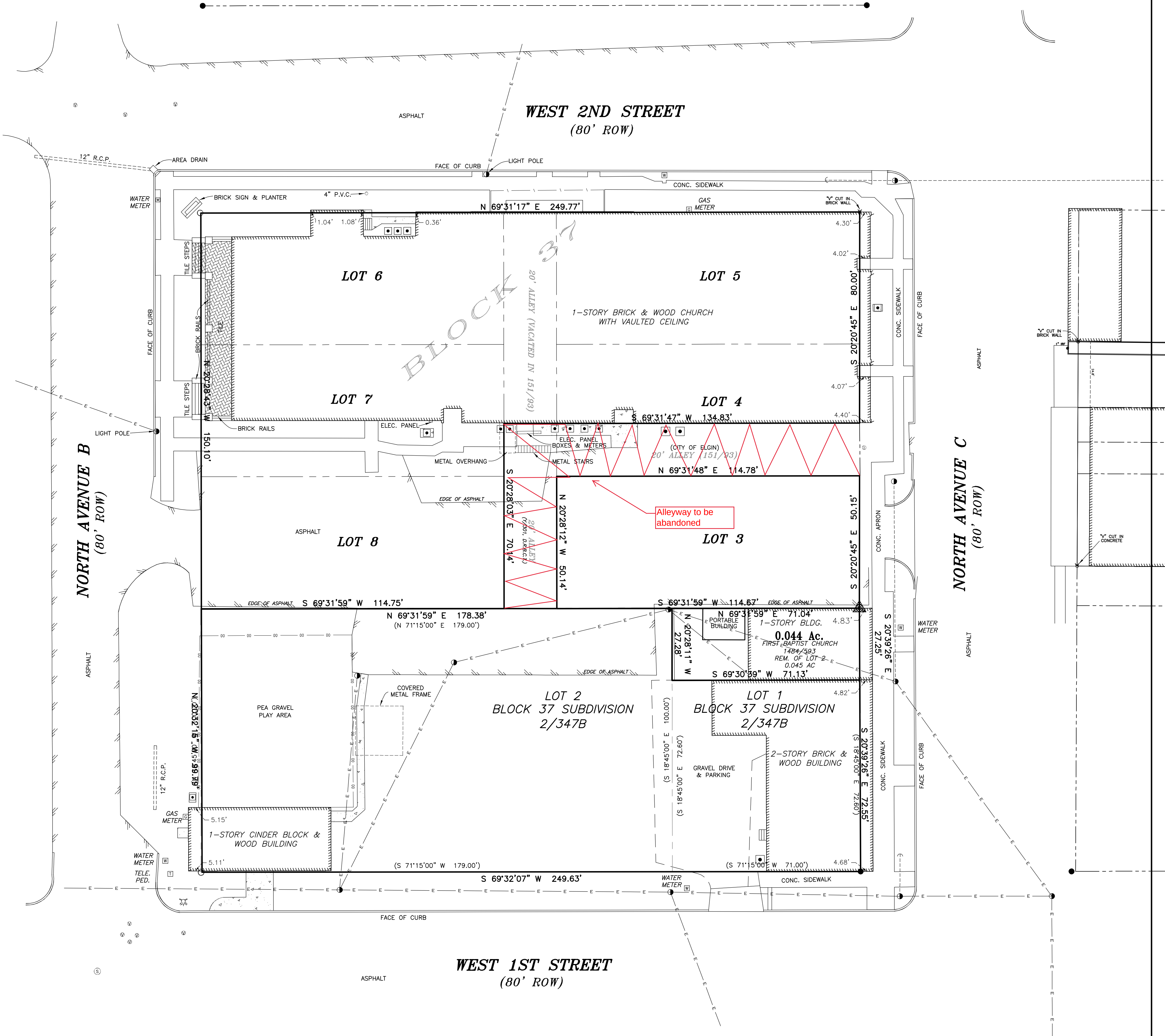
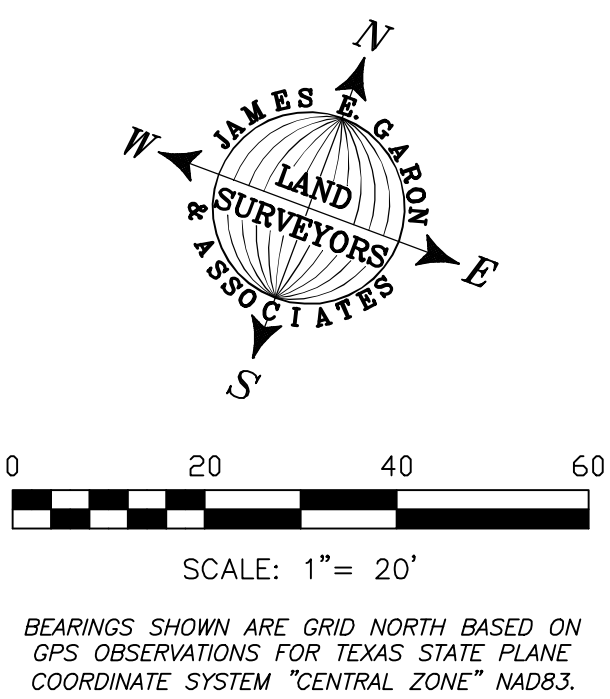
RON RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

Exhibit "A"

LEGEND	
	CALCULATED POINT
	1/2" REBAR FOUND (UNLESS NOTED)
	1/2" REBAR SET W/CAP
	STAMPED I.E., GARON RPLS 4303
	NAG NAIL FOUND
	CHAIN LINK FENCE
	IRON FENCE
	POWER POLE
	OVERHEAD ELECTRIC LINE
	DOWN GUY
	FIRE HYDRANT
	WATER METER
	IRRIGATION CONTROL VALVE
	GAS METER
	TELEPHONE PEDISTAL
	WATER VALVE
	SANITARY SEWER MANHOLE
	AIR CONDITIONER
	RECORD CALL



SURVEY MAP OF
LOTS 3, 4, 5, 6, 7 & 8; LESS THE
SOUTH 20' OF LOT 4, BLOCK 37,
CITY OF ELGIN; RECORDED IN
VOLUME Y, PAGE 301, D.R.B.C.T.

0.044 AC, BEING PART OF LOT 2,
BLOCK 37, CITY OF ELGIN, MAP
OR PLAT RECORDED IN VOL. Y,
PAGE 301, D.R.B.C.T. & VOLUME
1484, PAGE 593, O.R.B.C.T.

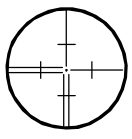
LOTS 1 & 2, BLOCK 37 SUBDIVISION,
MAP OR PLAT RECORDED IN
CABINET 2, PAGE 347B, P.R.B.C.T.

REFERENCE: ELGIN INDEPENDENT SCHOOL DISTRICT G.F. NO.: 2154250-ELG
ADDRESS: 205 W. 2nd STREET, ELGIN, TEXAS.
FIELD BOOK: B-423/76
FILE: S:\Counties\Bastrop\City of Elgin\Block 37\82821.dwg

TO THE OWNERS, LIENHOLDERS AND TITLE COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE "X", AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL NO. 48021C0100E EFFECTIVE JANUARY 19, 2006.



JAMES E. GARON & ASSOC.
LAND SURVEYORS & CIVIL ENGINEERS
Firm Reg. #10058400 & F-20386
185 McAllister Road
Bastrop, Texas 78602
(512) 303-4185
jgaron@austin.rr.com
www.jamesegaron.com

Exhibit "B"

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Lonnie Clemons, his heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Lonnie Clemons, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my hand at Austin, Texas, this 2nd day of July, A. D. 1959.

Matilda Hutchins;

The State of Texas, *

County of Travis *

* BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this day personally appeared Matilda Hodge Hutchison, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this the 14th day of July, A. D. 1959.

(Seal)

Mrs. Clara M. Johnson, Notary Public in and for Travis County, Texas.

Filed for record at 11 o'clock A. M. November 30th, A. D. 1959, and recorded at 9:20 o'clock A.M. December 1st, A. D. 1959.

Tignal Jones, C.C.C.B.Co.,

By Donna Lee O'Leary, Deputy.

151/93 DR

The State of Texas, *

County of Bastrop. *

* KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, at the present time, the alley runs North and South through Block 37 of the original town of Elgin, Bastrop County, Texas, as shown on the Map of said town drawn by The Austin Engineering Company, dated in 1946; and,

WHEREAS, the abutting property owners desire to change the course of said alley so that such alley will only extend North through the South 20 feet of Lot 4 in said Block 37 and turn at right angles Eastward along the said South 20 feet said Lot 4 so that the South line of said new alley outlet to North Avenue C is also the South line of said Lot 4; and the portion of said alley heretofore extending North from the South 20 feet of Lot 4 shall be abandoned and closed by the City of Elgin, now,

THEREFORE, premises considered, the First Baptist Church of Elgin, Texas, the owner of said Lot 4 in said Block 37 hereby conveys the South twenty (20) feet of said Lot 4 in said Block 37, to the City of Elgin, Texas, for alley purposes; and the City of Elgin, Texas hereby closes and abandons the portion of such present alley lying North from the South 20 feet South of said Lot 4 in said Block 37.

IN TESTIMONY WHEREOF, Witness the First Baptist Church of Elgin, Texas, and the City of Elgin, Texas, on this the 6 day of October, 1959.

(Corporate Seal)

ATTEST:

E. R. Lind
City Secretary

THE CITY OF ELGIN, TEXAS

By: Guy T. Carter,
Mayor

FIRST BAPTIST CHURCH OF ELGIN, TEXAS

By: Dean Davis, Trustee
Kenneth Page, Trustee
Harvis Allen, Trustee
Mrs. Verner Green, Trustee

DEED RECORD

151

94

The State of Texas, *
 County of Bastrop. * BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Guy T. Carter, Dean Davis, Kenneth Page, Harvey Allen, and Mrs. Verner Green, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they, each, executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN under my hand and seal of office at Elgin, Texas, on this the 3rd day of November, 1959.

(Seal)

Betty Lanfear, Notary Public in and for
 Bastrop County, Texas.

ORDINANCE OF THE CITY OF ELGIN, TEXAS CLOSING AND ABANDONING THE PORTION OF THE PRESENT ALLEY LYING NORTH OF THE SOUTH 20 FEET OF LOT 4 IN BLOCK 37 OF THE ORIGINAL TOWN OF ELGIN, AND OPENING A NEW ALLEY OUTLET TO NORTH AVENUE C ALONG THE SOUTH 20 FEET OF LOT 4 IN BLOCK 37, AND AUTHORIZING THE MAYOR TO SIGN A CONTRACT AND AGREEMENT WITH THE FIRST BAPTIST CHURCH OF ELGIN, TEXAS.

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

The City Council of the City of Elgin, Texas herenow approves the Contract and Agreement with the First Baptist Church of Elgin, Texas, closing and abandoning the portion of the present alley lying North of the South 20 feet of Lot 4 in Block 37 of the original Town of Elgin, and opening a new alley outlet to North Avenue C along the South 20 feet of Lot 4 in Block 37, attached hereto, and hereby authorizes the Mayor to sign the said Contract and Agreement binding the City of Elgin, Texas, to the provisions of said Contract and Agreement.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AND THE MAYOR on this the 6 day of October, 1959.

(Corporate Seal)

Guy T. Carter, Mayor of the City of
 Elgin, Texas

ATTEST:

E. R. Lind
 City Secretary.

Filed for record at 3:15 o'clock P. M. November 30th, A. D. 1959, and recorded at 9:40 o'clock A. M. December 1st, A. D. 1959.

Signal Jones, C.C.C.B.Co.,

By *Donnie Lee Alexander* Deputy.

State of Texas, *

County of Bastrop. *

* KNOW ALL MEN BY THESE PRESENTS:

The City of Bastrop, Texas, acting herein by and through Will Rogers, its duly elected Mayor, and Ola Mae Lawrence, its duly elected Secretary, pursuant to resolution adopted by the City Council of Bastrop, Texas, copy of which is attached hereto and made a part hereof, for and in consideration of the sum of One Thousand Eight Hundred Eighty-eight Dollars (\$1,888.00) cash to the City of Bastrop in hand paid by L. C. Shaw, Sr., the receipt of which is hereby acknowledged and confessed, no part of which consideration is secured by a lien either expressed or implied, have granted, sold and conveyed, and by these presents do grant, sell and convey to L. C. Shaw, Sr., of Bastrop County, Texas, the following described property:

Those certain lots, tracts and parcels of land situated in the town of Bastrop, Bastrop County, Texas, particularly described as follows:

Being Building Blocks #116 and #127 and that part of Building Blocks #117 and #126 not sold to the State of Texas for highway purposes, said building blocks being East of Main Street in the City of Bastrop. being more particularly described as follows:



Exhibit "A"

14350 Northbrook Drive, Suite 130
San Antonio, TX 78232
Office: 210.490.7847

BaselineSurveyors.net
TxSurv F-10059500

**Elgin County Line Road
Travis County, Texas**

**Project No. 2000000436
June 18, 2021**

**PARCEL 1
1.309-ACRE [57,015 SQ. FT.]**

BEING A 1.309-ACRE [57,015 SQ. FT.] TRACT OUT OF THE HENRY MARTIN SURVEY NUMBER 65, ABSTRACT 518, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 93.465-ACRE TRACT DESCRIBED TO ELGIN INDEPENDENT SCHOOL DISTRICT AS RECORDED IN VOLUME 9331, PAGE 902 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS, SAID 1.309-ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the west right-of-way line of County Line Road, a varying-width right-of-way, no record information found, for the south corner of said 93.465-acre tract, same being the east corner of that called 18-acre tract described to First Baptist Church Elgin Texas as recorded in document number 2013223733 of the Official Public Records of Travis County, Texas, and the **POINT OF BEGINNING** of the 1.309-acre tract described herein;

THENCE leaving said west right-of-way line of County Line Road, with the south line of said 93.465-acre tract, same being the north line of said 18-acre tract, N 62° 58' 58" W a distance of 43.92 feet to a 1/2-inch iron rod marked "HA KUEHLEM BASELINE" set for the west corner of the 1.309-acre tract described herein;

THENCE leaving said south line of the 93.465-acre tract and said north line of the 18-acre tract, crossing said 93.465-acre tract, N 26° 58' 14" E a distance of 1,247.43 feet to a 1/2-inch iron rod marked "HA KUEHLEM BASELINE" set in the north line of said 93.465-acre tract, same being the south line of Lot 54, Block B, Homestead Estates Unit 1, a subdivision according to the plat of record in Document Number 202000139 of the Plat Records of Travis County, Texas, for the north corner of the 1.309 acre tract described herein;

THENCE with said north line of the 93.465-acre tract and said south line of Lot 54, S 62° 43' 28" E, passing at a distance of 27.50 feet the south corner said Lot 54, same being the west corner of Lot 55, Block B, Homestead Estates Unit 1, and continuing with said north line of the 93.465-acre tract, same being the south line of Lot 55, a cumulative distance of 47.50 feet to a point in said west right-of-way line of County Line Road, for the east corner of said 93.465-acre tract, same being the south corner of said Lot 55 and the east corner of the 1.309-acre tract described herein;

THENCE with said west right-of-way line of County Line Road, same being the southeast line of said 93.465-acre tract, S 27° 08' 06" W 1,247.22 feet to said **POINT OF BEGINNING** and containing 1.309-ACRE [57,015 SQ. FT.].

Basis of bearings is the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 adjustment (Epoch 2010.00) using the Leica Smartnet Network. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.000077.

Units: US Survey Feet.

This survey was performed without the benefit of a commitment for title insurance. Easements or other matters of record may exist where none are shown.

This survey is part of a larger project. See Elgin County Line Road Construction Plans for further information.

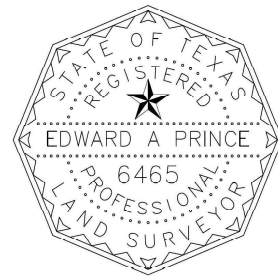
I, Edward A. Prince, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my supervision.



Edward A. Prince
Registered Professional Land Surveyor
Texas Registration No. 6465
HA Kuehlem, a Baseline Company
eprince@hakuehlem.com
TxSurv F-10059500

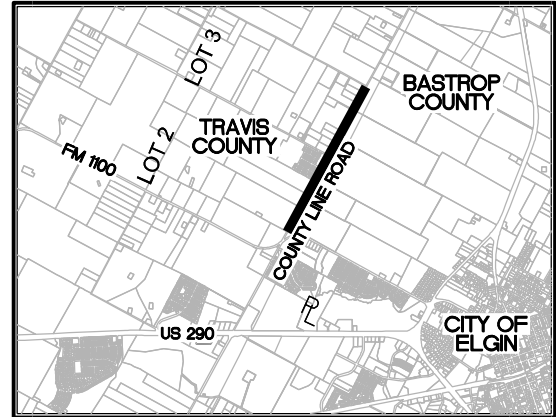
6/18/2021

Date



VICINITY MAP

SCALE: N.T.S.



HENRY MARTIN SURVEY
NUMBER 65, ABSTRACT 518,
TRAVIS COUNTY, TEXAS

GRAPHIC SCALE



LEGEND

●	1/2-INCH IRON ROD FOUND -AS NOTED
○	1/2-INCH IRON ROD MARKED "HA KUEHLEM BASELINE" SET
▲	CALCULATED POINT
()	RECORD INFORMATION
R.P.R.T.C.T.	REAL PROPERTY RECORDS OF TRAVIS, COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
DOC.#	DOCUMENT NUMBER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PROPOSED R.O.W. PARCEL	
PROPERTY LINE	
EXISTING EASEMENT LINE	
PATENT SURVEY LINE	
NOT TO SCALE -N.T.S.	

LINE TABLE

LINE	BEARING	DISTANCE
L1	N62°58'58"W	43.92'
L2	S62°43'28"E	47.50'

HOMESTEAD ESTATES UNIT 1
DOC.# 202000139
P.R.T.C.T.

1

1.309-ACRE
[57,015 SQ. FT.]

ELGIN INDEPENDENT
SCHOOL DISTRICT
(93.465 AC.)
VOL.9331, PG.902
R.P.R.T.C.T.

FIRST BAPTIST CHURCH
ELGIN TEXAS
(18 AC.)
DOC.# 2013223733
O.P.R.T.C.T.

SURVEYORS NOTES:

BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, EPOCH 2010.00, USING THE LEICA SMARTNET NETWORK.

ALL COORDINATES AND DISTANCES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.000077. UNITS: U.S. SURVEY FEET.

FIELD SURVEYING WAS PERFORMED JANUARY - MAY, 2021.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF COMMITMENTS FOR TITLE INSURANCE. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

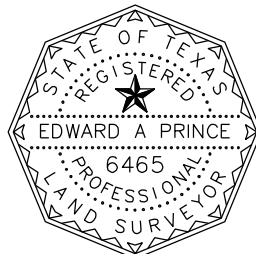
THIS SURVEY IS PART OF A LARGER PROJECT. SEE ELGIN COUNTY LINE ROAD CONSTRUCTION PLANS FOR MORE INFORMATION.

I, EDWARD A. PRINCE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND AND UNDER MY SUPERVISION.


EDWARD A. PRINCE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6465
HA KUEHLEM, A BASELINE COMPANY
TXSURV F-10059500
EPRINCE@HAKUEHLEM.COM

6/18/2021

DATE



H.A. KUEHLEM
PROFESSIONAL SURVEYORS
A Baseline Company

H.A. Kuehlem | TxSurv F-10059500
14350 Northbrook Dr, Ste 130, San Antonio, TX 78232
210.490.7847 | HAKuehlem.com

DATE:	6-18-2021
SCALE:	1"=50'
DRAWN BY:	SM
REVIEWER:	EP
PROJECT:	2000000436
SHEET:	3 OF 3
FIELD BOOK:	
PARTY CHIEF:	PJ
SURVEY DATE:	6-07-2021



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 3 WITH ERASMO AND ORALIA BENITEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of a Resolution approving a real estate purchase agreement for acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRd Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction thereafter.

The attached information provides details regarding the acquisition of 0.0347 acres owned by Erasmo and Oralia Benitez (Parcel 3) required to complete the road-widening project as planned – and the City has reached a tentative agreement with the owners on fair compensation for same.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approve a Resolution authorizing the Mayor to execute a real estate purchase agreement to acquire 0.0347 acres owned by Erasmo and Oralia Benitez as required to complete the construction and maintenance the CLRd Phase 1 Project in an amount not to exceed \$25,000.

ATTACHMENTS: (1) Resolution (2) Exhibits

{ } 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 MAYOR TO EXECUTE THE REAL ESTATE
CONTRACT COUNTY LINE ROAD – PARCEL 3 WITH ERASMO
AND ORALIA BENITEZ IN SUPPORT OF THE COUNTY LINE
ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS
RELATED THERETO.**

WHEREAS, the Elgin City Council approved the issuance the 2021A Certificates of Obligation in the principal amount of \$12.5M to provide funding for a wide range of capital improvements, including the County Line Road Phase 1 Project; and,

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

WHEREAS, the City Council has approved a plan for upgrading and widening this roadway to four travel lanes with sidewalks and storm drainage improvements, and;

WHEREAS, to accommodate the expanded and improved roadway, the City has reached mutual agreement with property owners to acquire certain property for road right-of-way.

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 Mayor is hereby authorized to execute the *Real Estate Contract County Line Road – Parcel 3 with Erasmo and Oralia Benitez* in the not to exceed amount of \$25,000.00 in support of the County Line Road Phase 1 Project, a copy of said contract being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. 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 4. 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 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of March, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

REAL ESTATE CONTRACT

County Line Road—Parcel 3

THIS REAL ESTATE CONTRACT (“Contract”) is made by **ERASMO AND ORALIA BENITEZ** (referred to in this Contract as “Seller”) and the **CITY OF ELGIN, TEXAS** (referred to in this Contract as “Purchaser”), upon the terms and conditions set forth in this Contract.

ARTICLE I PURCHASE AND SALE

By this Contract, Seller sells and agrees to convey, and Purchaser purchases and agrees to pay for, the tract of land described as follows:

Being two parts totaling 0.0347-acre (1,513 square foot): Part 1, a 0.0172-acre (750 square foot) tract, and Part 2, a 0.0175-acre (763 square foot) tract, both parts being out of the Thomas Christian Survey Number 26, Abstract No. 2296, in Travis County, Texas; said parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. (**Parcel 3**);

together with all and singular the rights and appurtenances pertaining to the property, including any right, title and interest of Seller in and to adjacent streets, alleys or rights-of-way (all of such real property, rights, and appurtenances being referred to in this Contract as the “Property”), and any improvements situated on and attached to the Property described in Exhibit “A” not otherwise agreed herein to be retained by Seller, for the consideration and upon and subject to the terms, provisions, and conditions set forth below.

ARTICLE II PURCHASE PRICE

Purchase Price and Additional Compensation

2.01. The Purchase Price for the Property described in Exhibit “A” shall be the sum of TWENTY-FIVE THOUSAND and 00/100 Dollars (\$25,000.00).

Payment of Purchase Price and Additional Compensation

2.02. The Purchase Price shall be payable in cash or other good funds at the Closing.

ARTICLE III PURCHASER’S OBLIGATIONS

Conditions to Purchaser's Obligations

3.01. The obligations of Purchaser hereunder to consummate the transactions contemplated hereby are subject to the satisfaction of each of the following conditions (any of which may be waived in whole or in part by Purchaser at or prior to the Closing).

Miscellaneous Conditions

3.02. Seller shall have performed, observed, and complied with all of the covenants, agreements, and conditions required by this Contract to be performed, observed, and complied with by Seller prior to or as of the Closing.

ARTICLE IV REPRESENTATIONS AND WARRANTIES OF SELLER

Seller hereby represents and warrants to Purchaser as follows, which representations and warranties shall be deemed made by Seller to Purchaser also as of the Closing Date, to the best of Seller's current actual knowledge:

- (1) There are no parties in possession of any portion of the Property as lessees, tenants at sufferance, or trespassers, other than as previously disclosed to Purchaser.
- (2) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions relating to the Property, or any part thereof.

The Property herein is being conveyed to Purchaser under threat of condemnation.

ARTICLE V CLOSING

Closing Date

5.01. The Closing shall be held at the office of Longhorn Title Company on or before April 30, 2022, or at such time, date, and place as Seller and Purchaser may agree upon, or within 10 days after the completion of any title curative matters if necessary for items as shown on the Title Commitment or in the contract (which date is herein referred to as the "Closing Date").

Seller's Obligations at Closing

5.02. At the Closing Seller shall:

(1) Deliver to Purchaser a duly executed and acknowledged Deed conveying good and indefeasible title to City of Elgin, Texas in fee simple to all of the Property described in Exhibit "A", free and clear of any and all monetary liens and restrictions, except for the following:

- (a) General real estate taxes for the year of closing and subsequent years not yet due and payable.
- (b) Any exceptions approved by Purchaser pursuant to Article III hereof; and
- (c) Any exceptions approved by Purchaser in writing.

The Deed shall be in the form as shown in Exhibit "B" attached hereto and incorporated herein.

(2) Provide reasonable assistance as requested, at no cost to Seller, to cause the Title Company to deliver to Purchaser a Texas Owner's Title Policy at Purchaser's sole expense, in Grantee's favor in the full amount of the Purchase Price, insuring Purchaser's contracted interests in and to the Property subject only to those title exceptions listed herein, such other exceptions as may be approved in writing by Purchaser, and the standard printed exceptions contained in the usual form of Texas Owner's Title Policy, provided, however:

- (a) The boundary and survey exceptions shall be deleted.
- (b) The exception as to restrictive covenants shall be endorsed "None of Record", if applicable; and
- (c) The exception as to the lien for taxes shall be limited to the year of Closing and shall be endorsed "Not Yet Due and Payable".
- (d) Deliver to Purchaser possession of the Property if not previously done.

Purchaser's Obligations at Closing

5.03. At the Closing, Purchaser shall:

- (a) Pay the cash portion of the Purchase Price and Additional Compensation.

Prorations

5.04. General real estate taxes for the then current year relating to the Property shall be prorated as of the Closing Date and shall be adjusted in cash at the Closing. If the Closing shall

occur before the tax rate is fixed for the then current year, the apportionment of taxes shall be upon the basis of the tax rate for the next preceding year applied to the latest assessed valuation but shall otherwise remain the continuing obligation of Seller to satisfy. Agricultural roll-back taxes, if any, which directly result from completion of this transaction and conveyance shall be paid by Purchaser.

Closing Costs

5.05. All costs and expenses of closing in consummating the sale and purchase of the Property shall be borne and paid as follows:

- (1) Owner's Title Policy and survey to be paid by Purchaser.
- (2) Deed, tax certificates, and title curative matters, if any, paid by Purchaser.
- (3) All other closing costs shall be paid by Purchaser.
- (4) Attorney's fees paid by each party incurring same respectively.

ARTICLE VI BREACH BY SELLER

In the event Seller shall fail to fully and timely perform any of its obligations hereunder or shall fail to consummate the sale of the Property for any reason, except Purchaser's default, Purchaser may: (1) enforce specific performance of this Contract; or (2) request that the Escrow Deposit, if any, shall be forthwith returned by the title company to Purchaser.

ARTICLE VII BREACH BY PURCHASER

In the event Purchaser should fail to consummate the purchase of the Property, the conditions to Purchaser's obligations set forth in Article III having been satisfied and Purchaser being in default and Seller not being in default hereunder, Seller shall have the right to receive the Escrow Deposit, if any, from the title company, the sum being agreed on as liquidated damages for the failure of Purchaser to perform the duties, liabilities, and obligations imposed upon it by the terms and provisions of this Contract, and Seller agrees to accept and take this cash payment as its total damages and relief and as Seller's sole remedy hereunder in such event. If no Escrow Deposit has been made, then Seller shall receive the amount of \$500 as liquidated damages for any failure by Purchaser.

ARTICLE VIII MISCELLANEOUS

Notice

8.01. Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to Seller or Purchaser at the address set forth opposite the signature of the party.

Texas Law to Apply

8.02. This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Travis County, Texas.

Parties Bound

8.03. This Contract shall be binding upon and inure to the benefit of the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Contract.

Legal Construction

8.04. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, this invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Contract shall be construed as if the invalid, illegal, or unenforceable provision had never been contained herein.

Prior Agreements Superseded

8.05. This Contract constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

Time of Essence

8.06. Time is of the essence in this Contract.

Gender

8.07. Words of any gender used in this Contract shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

Memorandum of Contract

8.08. Upon request of either party, the parties shall promptly execute a memorandum of this Contract suitable for filing of record.

Compliance

8.09. In accordance with the requirements of Section 20 of the Texas Real Estate License Act, Purchaser is hereby advised that it should be furnished with or obtain a policy of title insurance or Purchaser should have the abstract covering the Property examined by an attorney of Purchaser's own selection.

Effective Date

8.10. This Contract shall be effective as of the date it is approved by City of Elgin, Texas which date is indicated beneath the Mayor's or City Manager's signature below.

Counterparts

8.11 This Contract may be executed in any number of counterparts, which may together constitute the Contract. Signatures transmitted by facsimile or electronic mail may be considered effective as originals for purposes of this Contract.

Contingent Possession and Use Agreement

8.12. Upon completion of (1) the full execution of this Contract by all parties, and (2) acknowledgment by the Title Company of delivery by Purchaser of the full Purchase Price to the Title Company, Purchaser, its agents and contractors shall be permitted at any time after June 1, 2022 to enter and possess the Property prior to Closing for the purpose of completing any and all necessary testing, utility relocation and construction activities associated with the proposed County Line Road improvement construction project of Purchaser, and Seller agrees to make any gate access available to Purchaser, its contractors or utility facility owners as necessary to carry out the purposes of this paragraph. If any existing fencing is required to be removed by Purchaser prior to Closing it shall be required to install temporary fencing or other barrier sufficient to maintain the security of the remaining property of Seller in a manner substantially similar to that existing at the time of removal. The parties further agree to continue to use diligence in assisting with any title curative measures or mortgage lien release required by the Contract to complete the Closing of the purchase transaction.

[signature page follows]

SELLER:

Erasmo Benitez

Date: _____

Address: _____

Oralia Benitez

Date: _____

Address: _____

PURCHASER:

CITY OF ELGIN, TEXAS

By: _____
Ron Ramirez
Mayor

Date: _____

Address: 310 N. Main Street
Elgin, Texas 78621



Exhibit "A"

14350 Northbrook Drive, Suite 130
San Antonio, TX 78232
Office: 210.490.7847

BaselineSurveyors.net
TxSurv F-10059500

Elgin County Line Road
Travis County, Texas

Project No. 2000000436
June 18, 2021

PARCEL 3
0.0347-ACRE [1,513 SQ. FT.]

BEING TWO PARTS TOTALING 0.0347-ACRE [1,513 SQ. FT.]: PART 1, A 0.0172-ACRE [750 SQ. FT.] TRACT, AND PART 2, A 0.0175-ACRE [763 SQ. FT.] TRACT, BOTH PARTS BEING OUT OF THE THOMAS CHRISTIAN SURVEY NUMBER 26, ABSTRACT 2296, TRAVIS COUNTY, TEXAS, PART 1 BEING A PORTION OF LOT 2, FORD ESTATES, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN VOLUME 86, PAGE 86C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, DESCRIBED TO ERASMO BENITEZ AND WIFE, ORALIA BENITEZ, AS RECORDED IN DOCUMENT NUMBER 200845065 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND PART 2 BEING A PORTION OF LOT 3, FORD ESTATES, DESCRIBED TO ERASMO BENITEZ AND WIFE, ORALIA BENITEZ AS RECORDED IN DOCUMENT NUMBER 2008173731 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0347-ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART 1 – 0.0172-ACRE [750 SQ. FT.]

BEGINNING at a point in the east right-of-way line of County Line Road, a varying-width right-of-way, no record information found, for the west corner of said Lot 2, same being the north corner of Lot 1, Ford Estates, and the **POINT OF BEGINNING** of PART 1 described herein, and from which a 1/2-inch iron rod with cap marked "DOUCET" found for the west corner of said Lot 1 bears S 27° 00' 09" W a distance of 167.92 feet;

THENCE with said east right-of-way line of County Line Road, same being the west line of Lot 2, N 27° 00' 09" E a distance of 30.00 feet to the north corner of said Lot 2, same being the west corner of said Lot 2 and the north corner of PART 1 described herein;

THENCE leaving said east right-of-way line of County Line Road, with the north line of said Lot 2, same being the south line of said Lot 3, S 62° 57' 05" E a distance of 25.00 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set for the east corner of PART 1 described herein;

THENCE leaving said north line of Lot 2 and said south line of Lot 3, crossing said Lot 2, S 27° 00' 09" W a distance of 30.00 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set in the south line of said Lot 2, same being the north line of said Lot 1, for the south corner of PART 1 described herein;

THENCE with said south line of Lot 2 tract and said north line Lot 1, N 62° 57' 05" W a distance of 25.00 feet to said **POINT OF BEGINNING** of PART 1 described herein, and containing 0.0172-ACRE [750 SQ. FT.]

PART 2 – 0.0175-ACRE [763 SQ. FT.]

BEGINNING at a point in said east right-of-way line of County Line Road, for said west corner of Lot 3, said north corner of Lot 2, and the **POINT OF BEGINNING** of PART 2 described herein;

THENCE with said east right-of-way line of County Line Road, same being the west line of Lot 3, N 27° 00' 09" E a distance of 30.55 feet to a 1/2-inch iron rod found for the north corner of said Lot 3, same being the west corner of Lot 4, Ford Estates, and the north corner of PART 2 described herein;

THENCE leaving said east right-of-way line of County Line Road, with the north line of said Lot 3, same being the south line of said Lot 4, S 62° 50' 50" E a distance of 25.00 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set for the east corner of PART 2 described herein;

THENCE leaving said north line of Lot 3 and said south line of Lot 4, crossing said Lot 3, S 27° 00' 09" W a distance of 30.50 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set in the south line of said Lot 3, same being the north line of said Lot 2, for the south corner of PART 2 described herein;

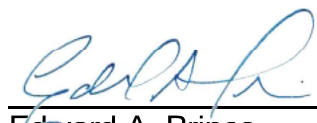
THENCE with said south line of Lot 3 tract and said north line Lot 2, N 62° 57' 05" W a distance of 25.00 feet to said **POINT OF BEGINNING** of PART 2 and containing 0.0175-ACRE [763 SQ. FT.], for a cumulative area of 0.0347-ACRE [1,513 SQ. FT.].

Basis of bearings is the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 adjustment (Epoch 2010.00) using the Leica Smartnet Network. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.000077.
Units: US Survey Feet.

This survey was performed without the benefit of a commitment for title insurance. Easements or other matters of record may exist where none are shown.

This survey is part of a larger project. See Elgin County Line Road Construction Plans for further information.

I, Edward A. Prince, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my supervision.



Edward A. Prince
Registered Professional Land Surveyor
Texas Registration No. 6465
HA Kuehlem, a Baseline Company
eprince@hakuehlem.com
TxSurv F-10059500

6/18/2021
Date

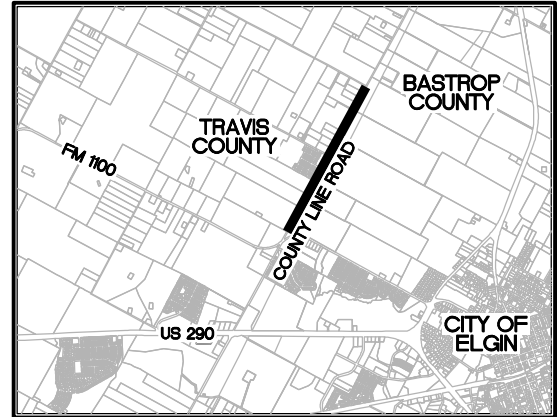


LINE TABLE

LINE	BEARING	DISTANCE
L1	N27°00'09"E	30.00'
L2	S62°57'05"E	25.00'
L3	S27°00'09"W	30.00'
L4	S62°57'05"E	25.00'
L5	N27°00'09"W	30.55'
L6	S62°50'50"E	25.00'
L7	S27°00'09"W	30.50'

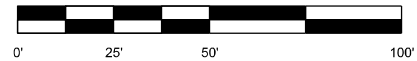
VICINITY MAP

SCALE: N.T.S.



THOMAS CHRISTIAN SURVEY
NUMBER 26, ABSTRACT 2296,
TRAVIS COUNTY, TEXAS

GRAPHIC SCALE



LEGEND

●	1/2-INCH IRON ROD FOUND -AS NOTED
○	1/2-INCH IRON ROD MARKED "HA KUEHLEM BASELINE" SET
▲	CALCULATED POINT
()	RECORD INFORMATION
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
DOC.#	DOCUMENT NUMBER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PROPOSED R.O.W. PARCEL	
PROPERTY LINE	
EXISTING EASEMENT LINE	
PATENT SURVEY LINE	
NOT TO SCALE -N.T.S.	

SURVEYORS NOTES:

BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, EPOCH 2010.00, USING THE LEICA SMARTNET NETWORK.

ALL COORDINATES AND DISTANCES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.000077. UNITS: U.S. SURVEY FEET.

FIELD SURVEYING WAS PERFORMED JANUARY - MAY, 2021.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF COMMITMENTS FOR TITLE INSURANCE. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

THIS SURVEY IS PART OF A LARGER PROJECT. SEE ELGIN COUNTY LINE ROAD CONSTRUCTION PLANS FOR MORE INFORMATION.

I, EDWARD A. PRINCE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND AND UNDER MY SUPERVISION.

Edward A. Prince
EDWARD A. PRINCE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6465
HA KUEHLEM, A BASELINE COMPANY
TXSURV F-10059500
EPRINCE@HAKUEHLEM.COM

6/18/2021



H.A. KUEHLEM
PROFESSIONAL SURVEYORS
A Baseline Company
H.A. Kuehlem | TxSurv F-10059500
14350 Northbrook Dr, Ste 130, San Antonio, TX 78232
210.490.7847 | HAKuehlem.com

DATE:	6-18-2021
SCALE:	1"=50'
DRAWN BY:	SM
REVIEWER:	EP
PROJECT:	2000000436
SHEET:	3 OF 3
FIELD BOOK:	
PARTY CHIEF:	PJ
SURVEY DATE:	6-07-2021

Exhibit "B"

Parcel 3

DEED

Elgin County Line Road Right of Way

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS:

That **ERASMO AND ORALIA BENITEZ**, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by City of Elgin, Texas, the receipt and sufficiency of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto **CITY OF ELGIN, TEXAS**, all that certain tract or parcel of land lying and being situated in the County of Travis, State of Texas, along with any improvements thereon, being more particularly described as follows (the "Property"):

Being two parts totaling 0.0347-acre (1,513 square foot): Part 1, a 0.0172-acre (750 square foot) tract, and Part 2, a 0.0175-acre (763 square foot) tract, both parts being out of the Thomas Christian Survey Number 26, Abstract No. 2296, in Travis County, Texas; said parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. (**Parcel 3**);

SAVE AND EXCEPT, HOWEVER, it is expressly understood and agreed that Grantor is retaining title to the following improvements located on the Property, to wit: NONE

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Visible and apparent easements not appearing of record.

Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.

Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Travis County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas and other minerals in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling or pumping the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside the acquired parcel and upon the condition that none of such operations shall be conducted so near the surface of said land as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of City of Elgin, Texas or create a hazard to the public users thereof; it being intended, however, that nothing in this reservation shall affect the title and the rights of Grantee to take and use without additional compensation any, stone, earth, gravel, caliche, iron ore, gravel or any other road building material upon, in and under said land for the construction and maintenance of Elgin County Line Road.

TO HAVE AND TO HOLD the property herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto City of Elgin, Texas and its assigns forever; and Grantor does hereby bind itself, its heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto City of Elgin, Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This deed is being delivered in lieu of condemnation.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 2022.

[signature page follows]

GRANTOR:

Erasmo Benitez

ACKNOWLEDGMENT

STATE OF TEXAS

§

§

COUNTY OF _____

§

This instrument was acknowledged before me on this the ____ day of _____,
2022 by Erasmo Benitez, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

Oralia Benitez

ACKNOWLEDGMENT

§

§

§

This instrument was acknowledged before me on this the ____ day of _____, 2022 by Oralia Benitez, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

Sheets & Crossfield, P.L.L.C.
309 East Main
Round Rock, Texas 78664

GRANTEE'S MAILING ADDRESS:

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

AFTER RECORDING RETURN TO:



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 4 WITH ISMAEL GONZALEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of a Resolution approving a real estate purchase agreement for acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRd Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction thereafter.

The attached information provides details regarding the acquisition of 0.0959 acres owned by Ismael Gonzalez (Parcel 4) required to complete the road-widening project as planned – and the City has reached a tentative agreement with the owners on fair compensation for same.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approve a Resolution authorizing the Mayor to execute a real estate purchase agreement to acquire 0.0959 acres owned by Ismael Gonzalez as required to complete the construction and maintenance the CLRd Phase 1 Project in an amount not to exceed \$30,000.

ATTACHMENTS: (1) Resolution (2) Exhibits

{ } 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 MAYOR TO EXECUTE THE REAL ESTATE
CONTRACT COUNTY LINE ROAD – PARCEL 4 WITH ISMAEL
GONZALEZ IN SUPPORT OF THE COUNTY LINE ROAD
PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS
RELATED THERETO.**

WHEREAS, the Elgin City Council approved the issuance the 2021A Certificates of Obligation in the principal amount of \$12.5M to provide funding for a wide range of capital improvements, including the County Line Road Phase 1 Project; and,

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

WHEREAS, the City Council has approved a plan for upgrading and widening this roadway to four travel lanes with sidewalks and storm drainage improvements, and;

WHEREAS, to accommodate the expanded and improved roadway, the City has reached mutual agreement with property owners to acquire certain property for road right-of-way.

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 Mayor is hereby authorized to execute the *Real Estate Contract County Line Road – Parcel 4 with Ismael Gonzalez* in the not to exceed amount of \$30,000.00 in support of the County Line Road Phase 1 Project, a copy of said contract being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. 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 4. 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 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of March, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

REAL ESTATE CONTRACT

County Line Road—Parcel 4

THIS REAL ESTATE CONTRACT ("Contract") is made by **ISAMEL GONZALEZ and wife, LETICIA REYNA** (referred to in this Contract as "Seller") and the **CITY OF ELGIN, TEXAS** (referred to in this Contract as "Purchaser"), upon the terms and conditions set forth in this Contract.

ARTICLE I PURCHASE AND SALE

By this Contract, Seller sells and agrees to convey, and Purchaser purchases and agrees to pay for, the tract of land described as follows:

Being a 0.0959 acre (4,178 square foot) parcel of land out of the Thomas Christian Survey Number 26, Abstract No. 2296, in Travis County, Texas; said parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. (**Parcel 4**);

together with all and singular the rights and appurtenances pertaining to the property, including any right, title and interest of Seller in and to adjacent streets, alleys or rights-of-way (all of such real property, rights, and appurtenances being referred to in this Contract as the "Property"), and any improvements situated on and attached to the Property described in Exhibit "A" not otherwise agreed herein to be retained by Seller, for the consideration and upon and subject to the terms, provisions, and conditions set forth below.

ARTICLE II PURCHASE PRICE

Purchase Price and Additional Compensation

2.01. The Purchase Price for the Property described in Exhibit "A" shall be the sum of SEVENTEEN THOUSAND NINE HUNDRED and 00/100 Dollars (\$17,900.00).

2.01.1. As Additional Compensation for any improvements on the Property, the reconstruction or reconfiguration of fencing, and any damage to and/or cost to cure the remaining property of Seller, Purchaser shall pay the sum of TWELVE THOUSAND ONE HUNDRED and 00/100 Dollars (\$12,100.00).

Payment of Purchase Price and Additional Compensation

2.02. The Purchase Price and Additional Compensation shall be payable in cash or other good funds at the Closing.

ARTICLE III
PURCHASER'S OBLIGATIONS

Conditions to Purchaser's Obligations

3.01. The obligations of Purchaser hereunder to consummate the transactions contemplated hereby are subject to the satisfaction of each of the following conditions (any of which may be waived in whole or in part by Purchaser at or prior to the Closing).

Miscellaneous Conditions

3.02. Seller shall have performed, observed, and complied with all of the covenants, agreements, and conditions required by this Contract to be performed, observed, and complied with by Seller prior to or as of the Closing.

ARTICLE IV
REPRESENTATIONS AND WARRANTIES
OF SELLER

Seller hereby represents and warrants to Purchaser as follows, which representations and warranties shall be deemed made by Seller to Purchaser also as of the Closing Date, to the best of Seller's current actual knowledge:

- (1) There are no parties in possession of any portion of the Property as lessees, tenants at sufferance, or trespassers, other than as previously disclosed to Purchaser;
- (2) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions relating to the Property, or any part thereof.

The Property herein is being conveyed to Purchaser under threat of condemnation.

ARTICLE V
CLOSING

Closing Date

5.01. The Closing shall be held at the office of Longhorn Title Company on or before March 31, 2022, or at such time, date, and place as Seller and Purchaser may agree upon, or within 10 days after the completion of any title curative matters if necessary for items as shown on the Title Commitment or in the contract (which date is herein referred to as the "Closing Date").

Seller's Obligations at Closing

5.02. At the Closing Seller shall:

(1) Deliver to Purchaser a duly executed and acknowledged Deed conveying good and indefeasible title to City of Elgin, Texas in fee simple to all of the Property described in Exhibit "A", free and clear of any and all monetary liens and restrictions, except for the following:

- (a) General real estate taxes for the year of closing and subsequent years not yet due and payable;
- (b) Any exceptions approved by Purchaser pursuant to Article III hereof; and
- (c) Any exceptions approved by Purchaser in writing.

The Deed shall be in the form as shown in Exhibit "B" attached hereto and incorporated herein.

(2) Provide reasonable assistance as requested, at no cost to Seller, to cause the Title Company to deliver to Purchaser a Texas Owner's Title Policy at Purchaser's sole expense, in Grantee's favor in the full amount of the Purchase Price, insuring Purchaser's contracted interests in and to the Property subject only to those title exceptions listed herein, such other exceptions as may be approved in writing by Purchaser, and the standard printed exceptions contained in the usual form of Texas Owner's Title Policy, provided, however:

- (a) The boundary and survey exceptions shall be deleted;
- (b) The exception as to restrictive covenants shall be endorsed "None of Record", if applicable; and
- (c) The exception as to the lien for taxes shall be limited to the year of Closing and shall be endorsed "Not Yet Due and Payable".
- (d) Deliver to Purchaser possession of the Property if not previously done.

Purchaser's Obligations at Closing

5.03. At the Closing, Purchaser shall:

- (a) Pay the cash portion of the Purchase Price and Additional Compensation.

Prorations

5.04. General real estate taxes for the then current year relating to the Property shall be prorated as of the Closing Date and shall be adjusted in cash at the Closing. If the Closing shall occur before the tax rate is fixed for the then current year, the apportionment of taxes shall be upon the basis of the tax rate for the next preceding year applied to the latest assessed valuation, but shall otherwise remain the continuing obligation of Seller to satisfy. Agricultural roll-back taxes, if any, which directly result from completion of this transaction and conveyance shall be paid by Purchaser.

Closing Costs

5.05. All costs and expenses of closing in consummating the sale and purchase of the Property shall be borne and paid as follows:

- (1) Owner's Title Policy and survey to be paid by Purchaser.
- (2) Deed, tax certificates, and title curative matters, if any, paid by Purchaser.
- (3) All other closing costs shall be paid by Purchaser.
- (4) Attorney's fees paid by each party incurring same respectively.

ARTICLE VI BREACH BY SELLER

In the event Seller shall fail to fully and timely perform any of its obligations hereunder or shall fail to consummate the sale of the Property for any reason, except Purchaser's default, Purchaser may: (1) enforce specific performance of this Contract; or (2) request that the Escrow Deposit, if any, shall be forthwith returned by the title company to Purchaser.

ARTICLE VII BREACH BY PURCHASER

In the event Purchaser should fail to consummate the purchase of the Property, the conditions to Purchaser's obligations set forth in Article III having been satisfied and Purchaser being in default and Seller not being in default hereunder, Seller shall have the right to receive the Escrow Deposit, if any, from the title company, the sum being agreed on as liquidated damages for the failure of Purchaser to perform the duties, liabilities, and obligations imposed upon it by the terms and provisions of this Contract, and Seller agrees to accept and take this cash payment as its total damages and relief and as Seller's sole remedy hereunder in such event. If no Escrow Deposit has been made, then Seller shall receive the amount of \$500 as liquidated damages for any failure by Purchaser.

ARTICLE VIII MISCELLANEOUS

Notice

8.01. Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to Seller or Purchaser, as the case may be, at the address set forth opposite the signature of the party.

Texas Law to Apply

8.02. This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Travis County, Texas.

Parties Bound

8.03. This Contract shall be binding upon and inure to the benefit of the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Contract.

Legal Construction

8.04. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, this invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Contract shall be construed as if the invalid, illegal, or unenforceable provision had never been contained herein.

Prior Agreements Superseded

8.05. This Contract constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

Time of Essence

8.06. Time is of the essence in this Contract.

Gender

8.07. Words of any gender used in this Contract shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

Memorandum of Contract

8.08. Upon request of either party, the parties shall promptly execute a memorandum of this Contract suitable for filing of record.

Compliance

8.09. In accordance with the requirements of Section 20 of the Texas Real Estate License Act, Purchaser is hereby advised that it should be furnished with or obtain a policy of title insurance or Purchaser should have the abstract covering the Property examined by an attorney of Purchaser's own selection.

Effective Date

8.10. This Contract shall be effective as of the date it is approved by City of Elgin, Texas which date is indicated beneath the Mayor's or City Manager's signature below.

Counterparts

8.11 This Contract may be executed in any number of counterparts, which may together constitute the Contract. Signatures transmitted by facsimile or electronic mail may be considered effective as originals for purposes of this Contract.

Contingent Possession and Use Agreement

8.12. Upon completion of (1) the full execution of this Contract by all parties, and (2) acknowledgment by the Title Company of delivery by Purchaser of the full Purchase Price to the Title Company, Purchaser, its agents and contractors shall be permitted at any time after June 1, 2022 to enter and possess the Property prior to Closing for the purpose of completing any and all necessary testing, utility relocation and construction activities associated with the proposed County Line Road improvement construction project of Purchaser, and Seller agrees to make any gate access available to Purchaser, its contractors or utility facility owners as necessary to carry out the purposes of this paragraph. If any existing fencing is required to be removed by Purchaser prior to Closing it shall be required to install temporary fencing or other barrier sufficient to maintain the security of the remaining property of Seller in a manner substantially similar to that existing at the time of removal. The parties further agree to continue to use diligence in assisting with any title curative measures or mortgage lien release required by the Contract to complete the Closing of the purchase transaction.

[signature page follows]

SELLER:



Ismael Gonzalez (Feb 17, 2022 13:17 CST)

Ismael Gonzalez

Address: _____

Date: Feb 17, 2022

PURCHASER:

CITY OF ELGIN, TEXAS

By: _____

Ron Ramirez

Mayor

Date: _____

Address: 310 N. Main Street
Elgin, Texas 78621



Exhibit "A"

14350 Northbrook Drive, Suite 130
San Antonio, TX 78232
Office: 210.490.7847

BaselineSurveyors.net
TxSurv F-10059500

**Elgin County Line Road
Travis County, Texas**

**Project No. 2000000436
June 18, 2021**

**PARCEL 4
0.0959-ACRE [4,178 SQ. FT.]**

BEING A 0.0959-ACRE [4,178 SQ. FT.] TRACT OUT OF THE THOMAS CHRISTIAN SURVEY NUMBER 26, ABSTRACT 2296, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 4, FORD ESTATES, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN VOLUME 86, PAGE 86C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, DESCRIBED TO ISMAEL GONZALEZ AS RECORDED IN DOCUMENT NUMBER 2014118191 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], SAID 0.0959-ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the east right-of-way line of County Line Road, a varying-width right-of-way, no record information found, for the west corner of said Lot 4, same being the north corner of Lot 3, Ford Estates, and the **POINT OF BEGINNING** of the 0.0959-acre tract described herein;

THENCE with said east right-of-way line of County Line Road, same being the west line of said Lot 4, N 27° 00' 09" E a distance of 167.08 feet to the north corner of said Lot 4, same being the west corner of that called 3.006-acre tract described to Fausto C. Martinez and Maria Saucedo as recorded in Document Number 2011118356 O.P.R.T.C.T. and the north corner of the 0.0959-acre tract described herein;

THENCE leaving said east right-of-way line of County Line Road, with the north line of said Lot 4, same being the south line of said 3.006-acre tract, S 62° 58' 32" E a distance of 25.00 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set for the east corner of the 0.0959-acre tract described herein;

THENCE leaving said north line of Lot 4 and said south line of the 3.006-acre tract, crossing said Lot 4, S 27° 00' 09" W a distance of 167.14 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set in the south line of said Lot 4, same being the north line of said Lot 3, for the south corner of the 0.0959-acre tract described herein;

THENCE with said south line of Lot 4 tract and said north line Lot 3, N 62° 50' 50" W a distance of 25.00 feet to said **POINT OF BEGINNING** and containing 0.0959-ACRE [4,178 SQ. FT.].

Basis of bearings is the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 adjustment (Epoch 2010.00) using the Leica Smartnet Network. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.000077.

Units: US Survey Feet.

This survey was performed without the benefit of a commitment for title insurance. Easements or other matters of record may exist where none are shown.

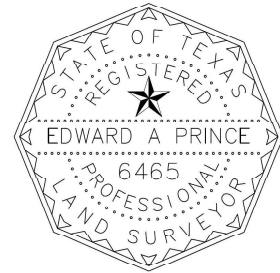
This survey is part of a larger project. See Elgin County Line Road Construction Plans for further information.

I, Edward A. Prince, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my supervision.



Edward A. Prince
Registered Professional Land Surveyor
Texas Registration No. 6465
HA Kuehlem, a Baseline Company
eprince@hakuehlem.com
TxSurv F-10059500

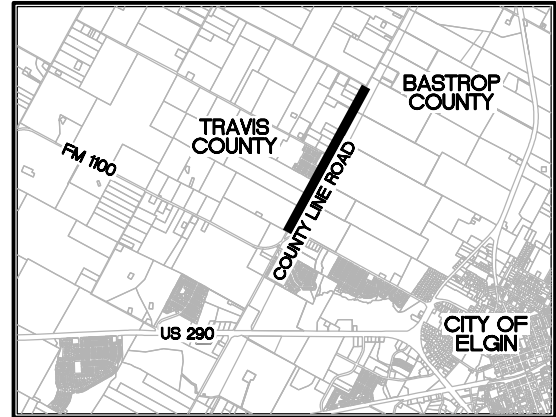
6/18/2021
Date



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S62°58'32"E	25.00'
L2	N62°50'50"W	25.00'

VICINITY MAP

SCALE: N.T.S.



FAUSTO C. MARTINEZ
AND MARIA SAUCEDO
(3.006 AC.)
DOC. #2011118356
O.P.R.T.C.T.

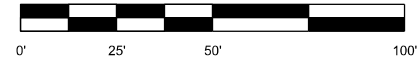
COUNTY LINE ROAD
VARYING WIDTH R.O.W. NO RECORD INFORMATION FOUND

0.0959-ACRE
[4,178 SQ. FT.]

ISMAEL GONZALEZ
DOC.# 2014118191
O.P.R.T.C.T.

THOMAS CHRISTIAN SURVEY
NUMBER 26, ABSTRACT 2296,
TRAVIS COUNTY, TEXAS

GRAPHIC SCALE



LEGEND

●	1/2-INCH IRON ROD FOUND -AS NOTED
○	1/2-INCH IRON ROD MARKED "HA KUEHLEM BASELINE" SET
▲	CALCULATED POINT
()	RECORD INFORMATION
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
DOC.#	DOCUMENT NUMBER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PROPOSED R.O.W. PARCEL	
PROPERTY LINE	
EXISTING EASEMENT LINE	
PATENT SURVEY LINE	
NOT TO SCALE -N.T.S.	

SURVEYORS NOTES:

BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, EPOCH 2010.00, USING THE LEICA SMARTNET NETWORK.

ALL COORDINATES AND DISTANCES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.000077. UNITS: U.S. SURVEY FEET.

FIELD SURVEYING WAS PERFORMED JANUARY - MAY, 2021.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF COMMITMENTS FOR TITLE INSURANCE. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

THIS SURVEY IS PART OF A LARGER PROJECT. SEE ELGIN COUNTY LINE ROAD CONSTRUCTION PLANS FOR MORE INFORMATION.

I, EDWARD A. PRINCE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND AND UNDER MY SUPERVISION.

Edward A. Prince
EDWARD A. PRINCE DATE 6/18/2021
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6465
HA KUEHLEM, A BASELINE COMPANY
TxSurv F-10059500
EPRINCE@HAKUEHLEM.COM



H.A. KUEHLEM
PROFESSIONAL SURVEYORS
A Baseline Company
H.A. Kuehlem | TxSurv F-10059500
14350 Northbrook Dr, Ste 130, San Antonio, TX 78232
210.490.7847 | HAKuehlem.com

DATE:	6-18-2021
SCALE:	1"=50'
DRAWN BY:	SM
REVIEWER:	EP
PROJECT:	2000000436
SHEET:	3 OF 3
FIELD BOOK:	
PARTY CHIEF:	PJ
SURVEY DATE:	6-07-2021

EXHIBIT "B"

Parcel 4

DEED

County Line Road Right of Way

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS:

That **ISMAEL GONZALES and wife, LETICIA REYNA**, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by City of Elgin, Texas, the receipt and sufficiency of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto **CITY OF ELGIN, TEXAS**, all that certain tract or parcel of land lying and being situated in the County of Travis, State of Texas, along with any improvements thereon, being more particularly described as follows (the "Property"):

Being a 0.0959 acre (4,178 foot) parcel of land out of the Thomas Christian Survey Number 26, Abstract No. 2296, in Travis County, Texas; said parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. (**Parcel 4**)

SAVE AND EXCEPT, HOWEVER, it is expressly understood and agreed that Grantor is retaining title to the following improvements located on the Property described in said Exhibit "A" to wit: NONE

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Visible and apparent easements not appearing of record;

Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show;

Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Travis County, Texas, that affect the Property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas and other minerals in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling or pumping the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside the acquired parcel and upon the condition that none of such operations shall be conducted so near the surface of said land as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of City of Elgin, Texas or create a hazard to the public users thereof; it being intended, however, that nothing in this reservation shall affect the title and the rights of Grantee to take and use without additional compensation any, stone, earth, gravel, caliche, iron ore, gravel or any other road building material upon, in and under said land for the construction and maintenance of County Line Road.

TO HAVE AND TO HOLD the property herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto City of Elgin, Texas and its assigns forever; and Grantor does hereby bind itself, its heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto City of Elgin, Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This deed is being delivered in lieu of condemnation.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 2022.

[signature on following page]

GRANTOR:

Ismael Gonzalez

ACKNOWLEDGMENT

STATE OF TEXAS

§

§

COUNTY OF _____

§

This instrument was acknowledged before me on this the _____ day of _____, 2022 by Ismael Gonzalez, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

Leticia Reyna

§

§

§

Notary Public, State of Texas

4.

GONZALEZ(4)--purchase contract for county line road

Final Audit Report

2022-02-17

Created:	2022-02-16
By:	Lisa Dworaczyk (lisad@scrllaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZ6FtzzFCQqqnsmzHgw5Dddm14DOn8vd6

"GONZALEZ(4)--purchase contract for county line road" History



Document created by Lisa Dworaczyk (lisad@scrllaw.com)

2022-02-16 - 9:25:57 PM GMT- IP address: 67.79.201.226



Document emailed to Ismael Gonzalez (leticia_ryn@yahoo.com) for signature

2022-02-16 - 9:27:05 PM GMT



Email viewed by Ismael Gonzalez (leticia_ryn@yahoo.com)

2022-02-16 - 10:31:49 PM GMT- IP address: 69.147.90.62



Document e-signed by Ismael Gonzalez (leticia_ryn@yahoo.com)

Signature Date: 2022-02-17 - 7:17:28 PM GMT - Time Source: server- IP address: 209.44.199.81



Agreement completed.

2022-02-17 - 7:17:28 PM GMT



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 5 WITH FAUSTO C. MARTINEZ AND MARIA SAUCEDO IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of a Resolution approving a real estate purchase agreement for acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRd Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction thereafter.

The attached information provides details regarding the acquisition of 0.1140 acres (Parcel 5) owned by Fausto C. Martinez and Maria Saucedo required to complete the road-widening project as planned – and the City has reached a tentative agreement with the owners on fair compensation for same.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approve a Resolution authorizing the Mayor to execute a real estate purchase agreement to acquire 0.1140 acres owned by Fausto C. Martinez and Maria Saucedo as required to complete the construction and maintenance the CLRd Phase 1 Project in an amount not to exceed \$30,000.

ATTACHMENTS: (1) Resolution (2) Exhibits

{ } 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 MAYOR TO EXECUTE THE REAL ESTATE
CONTRACT COUNTY LINE ROAD – PARCEL 5 WITH FAUSTO
C. MARTINEZ AND MARIA SAUCEDO IN SUPPORT OF THE
COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING
CERTAIN FINDINGS RELATED THERETO.**

WHEREAS, the Elgin City Council approved the issuance the 2021A Certificates of Obligation in the principal amount of \$12.5M to provide funding for a wide range of capital improvements, including the County Line Road Phase 1 Project; and,

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

WHEREAS, the City Council has approved a plan for upgrading and widening this roadway to four travel lanes with sidewalks and storm drainage improvements, and;

WHEREAS, to accommodate the expanded and improved roadway, the City has reached mutual agreement with property owners to acquire certain property for road right-of-way.

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 Mayor is hereby authorized to execute the *Real Estate Contract County Line Road – Parcel 5 with Fausto C. Martinez and Maria Saucedo* in the not to exceed amount of \$30,000.00 in support of the County Line Road Phase 1 Project, a copy of said contract being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. 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 4. 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 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of March, 2022

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

REAL ESTATE CONTRACT

County Line Road—Parcel 5

THIS REAL ESTATE CONTRACT (“Contract”) is made by **FAUSTO C. MARTINEZ AND MARIA SAUCEDO** (referred to in this Contract as “Seller”) and the **CITY OF ELGIN, TEXAS** (referred to in this Contract as “Purchaser”), upon the terms and conditions set forth in this Contract.

ARTICLE I PURCHASE AND SALE

By this Contract, Seller sells and agrees to convey, and Purchaser purchases and agrees to pay for, the tract of land described as follows:

Being a 0.1140-acre (4,965 square foot) parcel of land out of the Thomas Christian Survey Number 26, Abstract No. 2296, in Travis County, Texas; said parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. (**Parcel 5**);

together with all and singular the rights and appurtenances pertaining to the property, including any right, title and interest of Seller in and to adjacent streets, alleys or rights-of-way (all of such real property, rights, and appurtenances being referred to in this Contract as the “Property”), and any improvements situated on and attached to the Property described in Exhibit “A” not otherwise agreed herein to be retained by Seller, for the consideration and upon and subject to the terms, provisions, and conditions set forth below.

ARTICLE II PURCHASE PRICE

Purchase Price and Additional Compensation

2.01. The Purchase Price for the Property described in Exhibit “A” shall be the sum of TWENTY THOUSAND and 00/100 Dollars (\$20,000.00).

2.01.1. As Additional Compensation for any improvements on the Property, the reconstruction or reconfiguration of fencing, and any damage to and/or cost to cure the remaining property of Seller, Purchaser shall pay the sum of TEN THOUSAND and 00/100 Dollars (\$10,000.00).

Payment of Purchase Price and Additional Compensation

2.02. The Purchase Price and Additional Compensation shall be payable in cash or other good funds at the Closing.

ARTICLE III
PURCHASER'S OBLIGATIONS

Conditions to Purchaser's Obligations

3.01. The obligations of Purchaser hereunder to consummate the transactions contemplated hereby are subject to the satisfaction of each of the following conditions (any of which may be waived in whole or in part by Purchaser at or prior to the Closing).

Miscellaneous Conditions

3.02. Seller shall have performed, observed, and complied with all of the covenants, agreements, and conditions required by this Contract to be performed, observed, and complied with by Seller prior to or as of the Closing.

ARTICLE IV
REPRESENTATIONS AND WARRANTIES
OF SELLER

Seller hereby represents and warrants to Purchaser as follows, which representations and warranties shall be deemed made by Seller to Purchaser also as of the Closing Date, to the best of Seller's current actual knowledge:

(1) There are no parties in possession of any portion of the Property as lessees, tenants at sufferance, or trespassers, other than as previously disclosed to Purchaser.

(2) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions relating to the Property, or any part thereof.

The Property herein is being conveyed to Purchaser under threat of condemnation.

ARTICLE V
CLOSING

Closing Date

5.01. The Closing shall be held at the office of Longhorn Title Company on or before April 30, 2022, or at such time, date, and place as Seller and Purchaser may agree upon, or within 10 days after the completion of any title curative matters if necessary for items as shown on the Title Commitment or in the contract (which date is herein referred to as the "Closing Date").

Seller's Obligations at Closing

5.02. At the Closing Seller shall:

(1) Deliver to Purchaser a duly executed and acknowledged Deed conveying good and indefeasible title to City of Elgin, Texas in fee simple to all of the Property described in Exhibit "A", free and clear of any and all monetary liens and restrictions, except for the following:

- (a) General real estate taxes for the year of closing and subsequent years not yet due and payable.
- (b) Any exceptions approved by Purchaser pursuant to Article III hereof; and
- (c) Any exceptions approved by Purchaser in writing.

The Deed shall be in the form as shown in Exhibit "B" attached hereto and incorporated herein.

(2) Provide reasonable assistance as requested, at no cost to Seller, to cause the Title Company to deliver to Purchaser a Texas Owner's Title Policy at Purchaser's sole expense, in Grantee's favor in the full amount of the Purchase Price, insuring Purchaser's contracted interests in and to the Property subject only to those title exceptions listed herein, such other exceptions as may be approved in writing by Purchaser, and the standard printed exceptions contained in the usual form of Texas Owner's Title Policy, provided, however:

- (a) The boundary and survey exceptions shall be deleted.
- (b) The exception as to restrictive covenants shall be endorsed "None of Record", if applicable; and
- (c) The exception as to the lien for taxes shall be limited to the year of Closing and shall be endorsed "Not Yet Due and Payable".
- (d) Deliver to Purchaser possession of the Property if not previously done.

Purchaser's Obligations at Closing

5.03. At the Closing, Purchaser shall:

- (a) Pay the cash portion of the Purchase Price and Additional Compensation.

Prorations

5.04. General real estate taxes for the then current year relating to the Property shall be prorated as of the Closing Date and shall be adjusted in cash at the Closing. If the Closing shall occur before the tax rate is fixed for the then current year, the apportionment of taxes shall be upon the basis of the tax rate for the next preceding year applied to the latest assessed valuation but shall otherwise remain the continuing obligation of Seller to satisfy. Agricultural roll-back taxes, if any, which directly result from completion of this transaction and conveyance shall be paid by Purchaser.

Closing Costs

5.05. All costs and expenses of closing in consummating the sale and purchase of the Property shall be borne and paid as follows:

- (1) Owner's Title Policy and survey to be paid by Purchaser.
- (2) Deed, tax certificates, and title curative matters, if any, paid by Purchaser.
- (3) All other closing costs shall be paid by Purchaser.
- (4) Attorney's fees paid by each party incurring same respectively.

ARTICLE VI BREACH BY SELLER

In the event Seller shall fail to fully and timely perform any of its obligations hereunder or shall fail to consummate the sale of the Property for any reason, except Purchaser's default, Purchaser may: (1) enforce specific performance of this Contract; or (2) request that the Escrow Deposit, if any, shall be forthwith returned by the title company to Purchaser.

ARTICLE VII BREACH BY PURCHASER

In the event Purchaser should fail to consummate the purchase of the Property, the conditions to Purchaser's obligations set forth in Article III having been satisfied and Purchaser being in default and Seller not being in default hereunder, Seller shall have the right to receive the Escrow Deposit, if any, from the title company, the sum being agreed on as liquidated damages for the failure of Purchaser to perform the duties, liabilities, and obligations imposed upon it by the terms and provisions of this Contract, and Seller agrees to accept and take this cash payment as its total damages and relief and as Seller's sole remedy hereunder in such event. If no Escrow Deposit has been made, then Seller shall receive the amount of \$500 as liquidated damages for any failure by Purchaser.

ARTICLE VIII MISCELLANEOUS

Notice

8.01. Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to Seller or Purchaser at the address set forth opposite the signature of the party.

Texas Law to Apply

8.02. This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Travis County, Texas.

Parties Bound

8.03. This Contract shall be binding upon and inure to the benefit of the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Contract.

Legal Construction

8.04. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, this invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Contract shall be construed as if the invalid, illegal, or unenforceable provision had never been contained herein.

Prior Agreements Superseded

8.05. This Contract constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

Time of Essence

8.06. Time is of the essence in this Contract.

Gender

8.07. Words of any gender used in this Contract shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

Memorandum of Contract

8.08. Upon request of either party, the parties shall promptly execute a memorandum of this Contract suitable for filing of record.

Compliance

8.09. In accordance with the requirements of Section 20 of the Texas Real Estate License Act, Purchaser is hereby advised that it should be furnished with or obtain a policy of title insurance or Purchaser should have the abstract covering the Property examined by an attorney of Purchaser's own selection.

Effective Date

8.10. This Contract shall be effective as of the date it is approved by City of Elgin, Texas which date is indicated beneath the Mayor's or City Manager's signature below.

Counterparts

8.11 This Contract may be executed in any number of counterparts, which may together constitute the Contract. Signatures transmitted by facsimile or electronic mail may be considered effective as originals for purposes of this Contract.

Contingent Possession and Use Agreement

8.12. Upon completion of (1) the full execution of this Contract by all parties, and (2) acknowledgment by the Title Company of delivery by Purchaser of the full Purchase Price to the Title Company, Purchaser, its agents and contractors shall be permitted at any time after June 1, 2022 to enter and possess the Property prior to Closing for the purpose of completing any and all necessary testing, utility relocation and construction activities associated with the proposed County Line Road improvement construction project of Purchaser, and Seller agrees to make any gate access available to Purchaser, its contractors or utility facility owners as necessary to carry out the purposes of this paragraph. If any existing fencing is required to be removed by Purchaser prior to Closing it shall be required to install temporary fencing or other barrier sufficient to maintain the security of the remaining property of Seller in a manner substantially similar to that existing at the time of removal. The parties further agree to continue to use diligence in assisting with any title curative measures or mortgage lien release required by the Contract to complete the Closing of the purchase transaction.

[signature page follows]

SELLER:

Fausto C. Martinez

Date: _____

Address: _____

Maria Saucedo

Date: _____

Address: _____

PURCHASER:

CITY OF ELGIN, TEXAS

By: _____
Ron Ramirez
Mayor

Date: _____

Address: 310 N. Main Street
Elgin, Texas 78621



Exhibit "A"

14350 Northbrook Drive, Suite 130
San Antonio, TX 78232
Office: 210.490.7847

BaselineSurveyors.net
TxSurv F-10059500

**Elgin County Line Road
Travis County, Texas**

**Project No. 2000000436
June 18, 2021**

**PARCEL 5
0.1140-ACRE [4,965 SQ. FT.]**

BEING A 0.1140-ACRE [4,965 SQ. FT.] TRACT OUT OF THE THOMAS CHRISTIAN SURVEY NUMBER 26, ABSTRACT 2296, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 3.006-ACRE TRACT DESCRIBED TO FAUSTO C. MARTINEZ AND MARIA SAUCEDO AS RECORDED IN DOCUMENT NUMBER 2011118356 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], SAID 0.1140-ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the east right-of-way line of County Line Road, a varying-width right-of-way, no record information found, for the north corner of said 3.006-acre tract, same being the west corner of that called 48.827-acre tract described to Clayton Properties Group, Inc as recorded in Document Number 2019032785 O.P.R.T.C.T., and the **POINT OF BEGINNING** of the 0.1140-acre tract described herein;

THENCE leaving said east right-of-way line of County Line Road, with the north line of said 3.006-acre tract, same being the south line of said 48.827-acre tract, S 62° 49' 55" E a distance of 25.00 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set for the east corner of the 0.1140-acre tract described herein;

THENCE leaving said north line of the 3.006-acre tract and said south line of the 48.827-acre tract, crossing said 3.006-acre tract, S 27° 00' 09" W a distance of 198.53 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set in the south line of said 3.006-acre tract, same being the north line of Lot 4, Ford Estates, a subdivision according to the plat of record in Volume 86, Page 86C of the Plat Records of Travis County, Texas, for the south corner of the 0.1140-acre tract described herein;

THENCE with said south line of the 3.006-acre tract and said north line Lot 4, N 62° 58' 32" W a distance of 25.00 feet to a 1/2-inch iron rod found in said east right-of-way line of County Line Road, for the west corner of said 3.006-acre tract, same being the north corner of said Lot 4 and the west corner of the 0.1140-acre tract described herein;

THENCE with said east right-of-way line of County Line Road, same being the west line of said 3.006-acre tract, N 27° 00' 09" E a distance of 198.59 feet said **POINT OF BEGINNING** and containing 0.1140-ACRE [4,965 SQ. FT.].

Basis of bearings is the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 adjustment (Epoch 2010.00) using the Leica Smartnet Network. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.000077.
Units: US Survey Feet.

This survey was performed without the benefit of a commitment for title insurance. Easements or other matters of record may exist where none are shown.

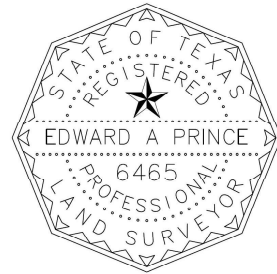
This survey is part of a larger project. See Elgin County Line Road Construction Plans for further information.

I, Edward A. Prince, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my supervision.



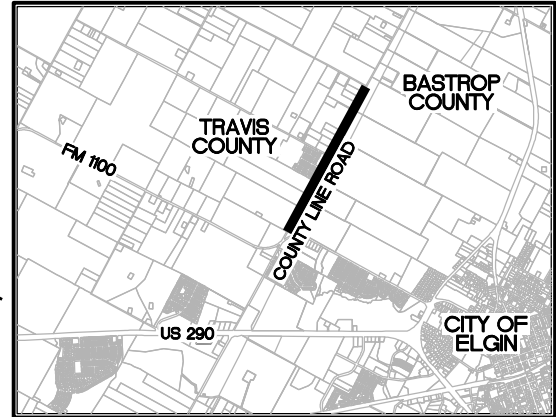
Edward A. Prince
Registered Professional Land Surveyor
Texas Registration No. 6465
HA Kuehlem, a Baseline Company
eprince@hakuehlem.com
TxSurv F-10059500

6/18/2021
Date



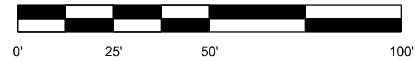
VICINITY MAP

SCALE: N.T.S.



THOMAS CHRISTIAN SURVEY
NUMBER 26, ABSTRACT 2296,
TRAVIS COUNTY, TEXAS

GRAPHIC SCALE

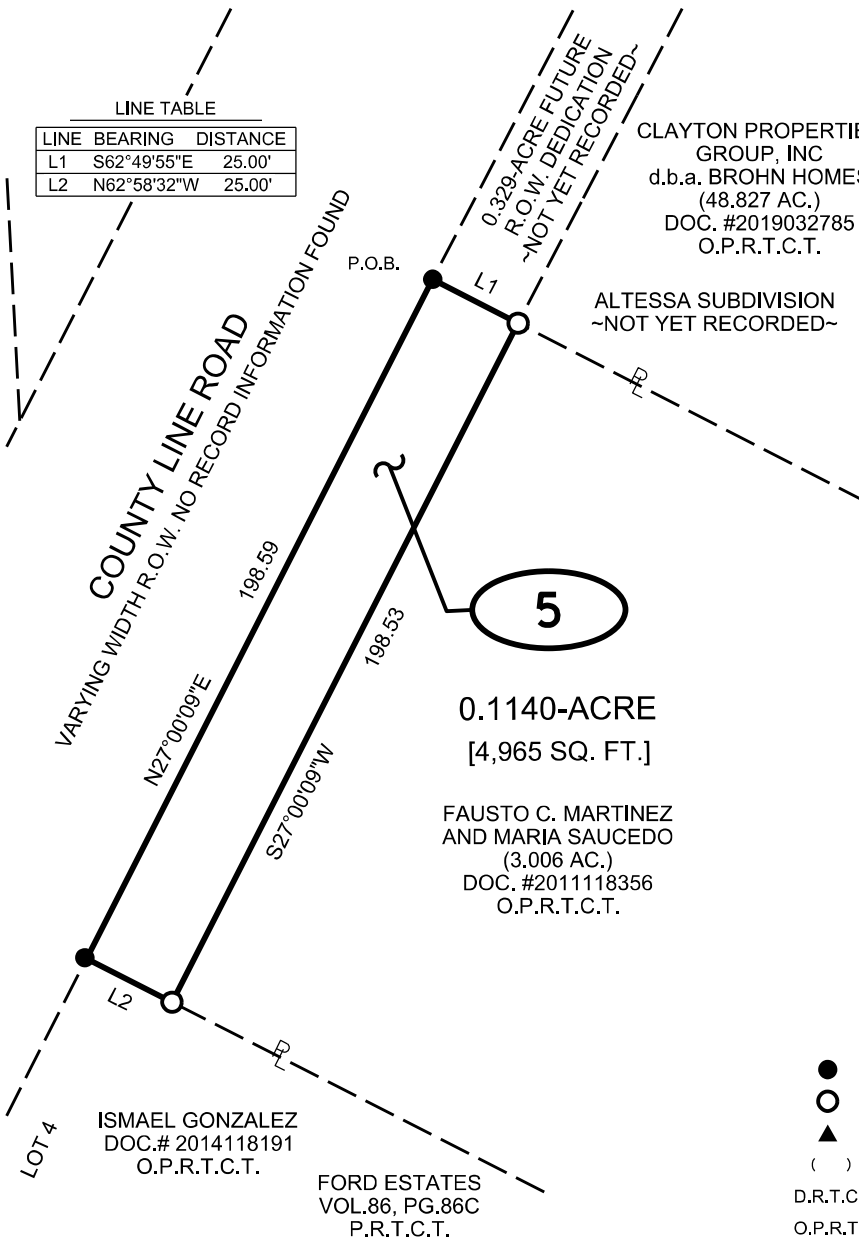


LEGEND

●	1/2-INCH IRON ROD FOUND -AS NOTED
○	1/2-INCH IRON ROD MARKED "HA KUEHLEM BASELINE" SET
▲	CALCULATED POINT
()	RECORD INFORMATION
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
DOC.#	DOCUMENT NUMBER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PROPOSED R.O.W. PARCEL	
PROPERTY LINE	
EXISTING EASEMENT LINE	
PATENT SURVEY LINE	
NOT TO SCALE -N.T.S.	

LINE TABLE

LINE	BEARING	DISTANCE
L1	S62°49'55"E	25.00'
L2	N62°58'32"W	25.00'



0.1140-ACRE
[4,965 SQ. FT.]

FAUSTO C. MARTINEZ
AND MARIA SAUCEDO
(3.006 AC.)
DOC. #201118356
O.P.R.T.C.T.

ISMAEL GONZALEZ
DOC.# 2014118191
O.P.R.T.C.T.

FORD ESTATES
VOL.86, PG.86C
P.R.T.C.T.

SURVEYORS NOTES:

BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, EPOCH 2010.00, USING THE LEICA SMARTNET NETWORK.

ALL COORDINATES AND DISTANCES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.000077. UNITS: U.S. SURVEY FEET.

FIELD SURVEYING WAS PERFORMED JANUARY - MAY, 2021.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF COMMITMENTS FOR TITLE INSURANCE. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

THIS SURVEY IS PART OF A LARGER PROJECT. SEE ELGIN COUNTY LINE ROAD CONSTRUCTION PLANS FOR MORE INFORMATION.

I, EDWARD A. PRINCE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND AND UNDER MY SUPERVISION.

Edward A. Prince
EDWARD A. PRINCE DATE 6/18/2021
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6465
HA KUEHLEM, A BASELINE COMPANY
TXSURV F-10059500
EPRINCE@HAKUEHLEM.COM



H.A. KUEHLEM
PROFESSIONAL SURVEYORS
A Baseline Company
H.A. Kuehlem | TxSurv F-10059500
14350 Northbrook Dr, Ste 130, San Antonio, TX 78232
210.490.7847 | HAKuehlem.com

DATE:	6-18-2021
SCALE:	1"=50'
DRAWN BY:	SM
REVIEWER:	EP
PROJECT:	2000000436
SHEET:	3 OF 3
FIELD BOOK:	
PARTY CHIEF:	PJ
SURVEY DATE:	6-07-2021

Exhibit "B"

Parcel 5

DEED

Elgin County Line Road Right of Way

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS:

That **FAUSTO C. MARTINEZ AND MARIA SAUCEDO**, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by City of Elgin, Texas, the receipt and sufficiency of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto **CITY OF ELGIN, TEXAS**, all that certain tract or parcel of land lying and being situated in the County of Travis, State of Texas, along with any improvements thereon, being more particularly described as follows (the "Property"):

Being a 0.1140-acre (4,965 square foot) parcel of land out of the Thomas Christian Survey Number 26, Abstract No. 2296, in Travis County, Texas; said parcel of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. (**Parcel 5**);

SAVE AND EXCEPT, HOWEVER, it is expressly understood and agreed that Grantor is retaining title to the following improvements located on the Property, to wit: NONE

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Visible and apparent easements not appearing of record.

Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.

Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Travis County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas and other minerals in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing,

mining or drilling or pumping the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside the acquired parcel and upon the condition that none of such operations shall be conducted so near the surface of said land as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of City of Elgin, Texas or create a hazard to the public users thereof; it being intended, however, that nothing in this reservation shall affect the title and the rights of Grantee to take and use without additional compensation any, stone, earth, gravel, caliche, iron ore, gravel or any other road building material upon, in and under said land for the construction and maintenance of Elgin County Line Road.

TO HAVE AND TO HOLD the property herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto City of Elgin, Texas and its assigns forever; and Grantor does hereby bind itself, its heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto City of Elgin, Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This deed is being delivered in lieu of condemnation.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 2022.

[signature page follows]

GRANTOR:

Fausto C. Martinez

ACKNOWLEDGMENT

STATE OF TEXAS

§

§

COUNTY OF _____

§

This instrument was acknowledged before me on this the ____ day of _____, 2022 by Ismael Gonzalez, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

Maria Saucedo

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____, 2022 by Maria Saucedo, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

Sheets & Crossfield, P.L.L.C.
309 East Main
Round Rock, Texas 78664

GRANTEE'S MAILING ADDRESS:

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

AFTER RECORDING RETURN TO:



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS (PARCEL 2 – GUERRERO)

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of a Resolution authorizing the City Attorney and city staff to proceed with condemnation and acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRd Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction. We have yet, however, to acquire all of the right-of-way (ROW) required to accommodate the new and expanded CLRd. While the vast majority of the necessary ROW has been donated or otherwise acquired, a few parcels remain.

There have been numerous attempts to negotiate and agree on compensation to be paid to the owners of the property that is the subject matter of this Resolution, including an official, written bona fide offer for the market value of same. Unfortunately, we have been unable to reach a mutual agreement.

To avoid even further delays of this much-needed project, the City Attorney and city staff are requesting formal authorization to initiate proceedings using the City's power of eminent domain to acquire the necessary property and allow CLRd Phase 1 Project to move forward.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Adopt and approve a Resolution authorizing the City Attorney and city staff to proceed with condemnation and acquisition of 0.0963 acre owned by Maria L. Guerrero located at 14121 County Line Road as required to complete the construction and maintenance the CLRd Phase 1 Project.

ATTACHMENTS: (1) Resolution (2) Exhibits

{ } 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. R-2022-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS
DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF
CERTAIN PROPERTY AND AUTHORIZING THE CITY'S
ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN
TO ACQUIRE SAID PROPERTY INTERESTS**

WHEREAS, the City Council, upon consideration of the matter, has determined that there is a public necessity for the welfare of the City of Elgin, Texas ("City") and the public-at-large to acquire, construct certain roadway and utility improvements to and along County Line Road, and to perform associated public uses and purposes ("Project"); and

WHEREAS, in accordance with the above, the City Council hereby finds that public necessity requires the acquisition of fee simple title to approximately 0.0963 acres of land located in Travis County, Texas and more particularly described by metes and bounds description in Exhibit "A" attached hereto (the "Property"), such property being owned by **MARIA L. GUERRERO**, for the construction, reconstruction, widening, maintaining, and operating of the County Line Road roadway improvements and related facilities, and utility adjustments, relocation, and/or installation ("Project"), excluding all the oil, gas, and sulphur which can be removed from beneath said real property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of said real property for the purpose of exploring, developing, or mining of the same, as a part of the improvements to the Project, at such locations as are necessary and that such constructing, reconstructing, maintaining, and operating shall extend across and upon, and will cross, run through, and be upon the herein described real Property; and

WHEREAS, it is necessary to establish procedures for determining and approving just compensation, and completing acquisition of the Property for this Project.

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

Section 1. The City Council hereby finds and determines that it is necessary for the welfare of the City and its citizens to acquire, construct and maintain roadway and utility improvements in the City, and to acquire property interests to assist with such purposes in and to the above-described lands, free and clear of any liens and encumbrances, in order to allow the City and/or its assigns to complete said Project.

Section 2. The City Attorney, or his designated agent, has on behalf of the City to attempted to negotiate, settle and agree on compensation to be paid to the owners of any interest in the Property, and has made official, written, bona fide offers to the owners for the market value of said Property or property interest. If it is determined that an agreement as to the value of said Property, damages and/or compensation to be paid cannot be reached, then the City Attorney or his designated agent is hereby authorized to file or cause to be filed, against the owners and holders of other related interest in the Property, proceedings using the City's power of eminent domain to acquire the stated interest in and to the above described lands, in order to allow the City and/or its assigns to complete said Project, and to perform and undertake all other proceedings necessary to complete the acquisition of the Property.

Section 3. It is the intent of the City Council that this resolution authorizes the condemnation of all property interests required to complete the construction and maintenance of the Project and associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the City Council authorizing the condemnation of the corrected or revised Property.

Section 4. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

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

RESOLVED this _____ day of _____, 2022.

RON RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

Jennifer Stubbs, City Secretary



Exhibit "A"

14350 Northbrook Drive, Suite 130
San Antonio, TX 78232
Office: 210.490.7847

BaselineSurveyors.net
TxSurv F-10059500

Elgin County Line Road
Travis County, Texas

Project No. 2000000436
June 18, 2021

PARCEL 2
0.0963-ACRE [4,194 SQ. FT.]

BEING A 0.0963-ACRE [4,194 SQ. FT.] TRACT OUT OF THE THOMAS CHRISTIAN SURVEY NUMBER 26, ABSTRACT 2296, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, FORD ESTATES, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN VOLUME 86, PAGE 86C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS [P.R.T.C.T.] DESCRIBED TO MARIA GUERRERO AS RECORDED IN DOCUMENT NUMBER 2013178757 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], SAID 0.0963-ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with cap marked "DOUCET" found in the east right-of-way line of County Line Road, a varying-width right-of-way, no record information found, for the west corner of said Lot 1, same being the north corner of that called 0.9242-acre, 25-foot wide right-of-way dedication tract described to the City of Elgin as recorded in Document Number 20200235973 O.P.R.T.C.T. and the **POINT OF BEGINNING** of the 0.0963-acre tract described herein;

THENCE with said east right-of-way line of County Line Road, same being the west line of said Lot 1, N 27° 00' 09" E a distance of 167.77 feet to the north corner of said Lot 1, same being the west corner of Lot 2, Ford Estates, for the north corner of the 0.0963-acre tract described herein;

THENCE leaving said east right-of-way line of County Line Road, with the north line of said Lot 1, same being the south line of said Lot 2, S 62° 57' 05" E a distance of 25.00 feet to a 1/2-inch iron rod with cap marked "HA Kuehlem Baseline" set for the east corner of the 0.0963-acre tract described herein;

THENCE leaving said north line of Lot 1 and said south line of Lot 2, crossing said Lot 1, S 27° 00' 09" W a distance of 167.78 feet to a 1/2-inch iron rod with cap marked "DOUCET" found in the south line of said Lot 1, for the east corner of said 0.9242-acre right-of-way dedication tract, the north corner of Peppergrass Phase 1A, a subdivision according to the plat of record in Document Number 2020000250 O.P.R.T.C.T., and the south corner of the 0.0963-acre tract described herein;

THENCE with said south line of Lot 1, same being the north line of said 0.9242-acre right-of-way dedication tract, N 62° 56' 05" W a distance of 25.00 feet to said **POINT OF BEGINNING** and containing 0.0963-ACRE [4,194 SQ. FT.].

Basis of bearings is the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 adjustment (Epoch 2010.00) using the Leica Smartnet Network. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.000077.

Units: US Survey Feet.

This survey was performed without the benefit of a commitment for title insurance. Easements or other matters of record may exist where none are shown.

This survey is part of a larger project. See Elgin County Line Road Construction Plans for further information.

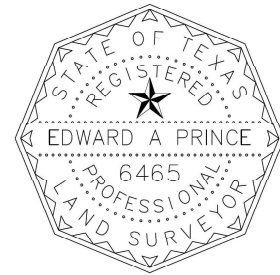
I, Edward A. Prince, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my supervision.



Edward A. Prince
Registered Professional Land Surveyor
Texas Registration No. 6465
HA Kuehlem, a Baseline Company
eprince@hakuehlem.com
TxSurv F-10059500

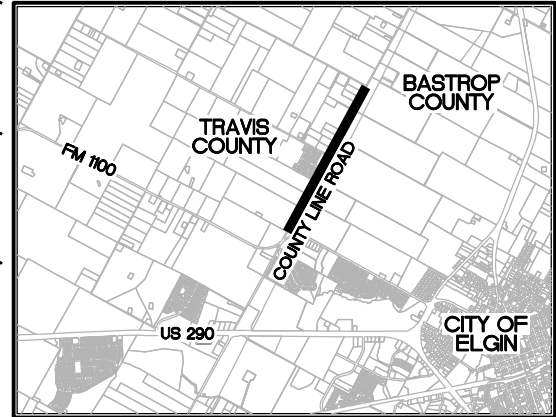
6/18/2021

Date



VICINITY MAP

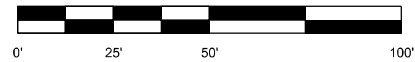
SCALE: N.T.S.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S62°57'05"E	25.00'
L2	N62°56'05"W	25.00'

GRAPHIC SCALE



LEGEND

●	1/2-INCH IRON ROD FOUND -AS NOTED
○	1/2-INCH IRON ROD MARKED "HA KUEHLEM BASELINE" SET
▲	CALCULATED POINT
()	RECORD INFORMATION
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
DOC.#	DOCUMENT NUMBER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PROPOSED R.O.W. PARCEL	
PROPERTY LINE	
EXISTING EASEMENT LINE	
PATENT SURVEY LINE	
NOT TO SCALE -N.T.S.	

THOMAS CHRISTIAN SURVEY
NUMBER 26, ABSTRACT 2296,
TRAVIS COUNTY, TEXAS

COUNTY LINE ROAD
VARYING WIDTH R.O.W. NO RECORD INFORMATION FOUND
N27°00'09"E
167.77
167.78
S27°00'09"W

ERASMO & ORALIA BENITEZ
DOC.# 200845065
O.P.R.T.C.T.

2

0.0963-ACRE
[4,194 SQ. FT.]

MARIA GUERRERO
DOC.# 2013178757
O.P.R.T.C.T.

FORD ESTATES
VOL.86, PG.86C
P.R.T.C.T.

P.O.B.
"DOUCET"

"DOUCET"

0.9242-ACRE R.O.W. DEDICATION
DOC.# 20200235973 O.P.R.T.C.T.

PEPPERGRASS PHASE 1A
DOC.NO. 2020000250 O.P.R.T.C.T.

CONTINENTAL HOMES OF TEXAS, L.P.
DOC.# 20200247131
O.P.R.T.C.T.

SURVEYORS NOTES:

BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, EPOCH 2010.00, USING THE LEICA SMARTNET NETWORK.

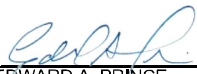
ALL COORDINATES AND DISTANCES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.000077. UNITS: U.S. SURVEY FEET.

FIELD SURVEYING WAS PERFORMED JANUARY - MAY, 2021.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF COMMITMENTS FOR TITLE INSURANCE. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

THIS SURVEY IS PART OF A LARGER PROJECT. SEE ELGIN COUNTY LINE ROAD CONSTRUCTION PLANS FOR MORE INFORMATION.

I, EDWARD A. PRINCE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND AND UNDER MY SUPERVISION.


EDWARD A. PRINCE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6465
HA KUEHLEM, A BASELINE COMPANY
TxSURV F-10059500
EPRINCE@HAKUEHLEM.COM

6/18/2021

DATE



H.A. Kuehlem | TxSurv F-10059500
14350 Northbrook Dr, Ste 130, San Antonio, TX 78232
210.490.7847 | HAKuehlem.com

DATE:	6-18-2021
SCALE:	1"=50'
DRAWN BY:	SM
REVIEWER:	EP
PROJECT:	2000000436
SHEET:	3 OF 3
FIELD BOOK:	
PARTY CHIEF:	PJ
SURVEY DATE:	6-07-2021



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS (PARCEL 6 – LUNDGREN)

DEPARTMENT: City Manager

PROPOSED ACTION: Consideration of a Resolution authorizing the City Attorney and city staff to proceed with condemnation and acquisition of certain property interests required to complete the construction and maintenance the County Line Road (CLRd) Phase 1 Project.

BACKGROUND:

As part of the 2021A Certificates of Obligation Program, the City issued \$12.5M in debt late last year to provide funding for a wide range of capital improvement projects – including the CLRd Phase 1 Project.

All planning for the project has been completed, and the City is now poised to bid the project and immediately proceed with construction. We have yet, however, to acquire all of the right-of-way (ROW) required to accommodate the new and expanded CLRd. While the vast majority of the necessary ROW has been donated or otherwise acquired, a few parcels remain.

There have been numerous attempts to negotiate and agree on compensation to be paid to the owners of the property that is the subject matter of this Resolution, including an official, written bona fide offer for the market value of same. Unfortunately, we have been unable to reach a mutual agreement.

To avoid even further delays of this much-needed project, the City Attorney and city staff are requesting formal authorization to initiate proceedings using the City's power of eminent domain to acquire the necessary property and allow CLRd Phase 1 Project to move forward.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Adopt and approve a Resolution authorizing the City Attorney and city staff to proceed with condemnation and acquisition of 0.5245 acres owned by Betty S. Lundgren located at 14601 County Line Road as required to complete the construction and maintenance the CLRd Phase 1 Project.

ATTACHMENTS: (1) Resolution (2) Exhibits

{ } 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. R-2022-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS
DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF
CERTAIN PROPERTY AND AUTHORIZING THE CITY'S
ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN
TO ACQUIRE SAID PROPERTY INTERESTS**

WHEREAS, the City Council, upon consideration of the matter, has determined that there is a public necessity for the welfare of the City of Elgin, Texas ("City") and the public-at-large to acquire, construct certain roadway and utility improvements to and along County Line Road, and to perform associated public uses and purposes ("Project"); and

WHEREAS, in accordance with the above, the City Council hereby finds that public necessity requires the acquisition of fee simple title to approximately 0.5245 acres of land located in Travis County, Texas and more particularly described by metes and bounds description in Exhibit "A" attached hereto (the "Property"), such property being owned by **BETTY S. LUNDGREN**, for the construction, reconstruction, widening, maintaining, and operating of the County Line Road roadway improvements and related facilities, and utility adjustments, relocation, and/or installation ("Project"), excluding all the oil, gas, and sulphur which can be removed from beneath said real property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of said real property for the purpose of exploring, developing, or mining of the same, as a part of the improvements to the Project, at such locations as are necessary and that such constructing, reconstructing, maintaining, and operating shall extend across and upon, and will cross, run through, and be upon the herein described real Property; and

WHEREAS, it is necessary to establish procedures for determining and approving just compensation, and completing acquisition of the Property for this Project.

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

Section 1. The City Council hereby finds and determines that it is necessary for the welfare of the City and its citizens to acquire, construct and maintain roadway and utility improvements in the City, and to acquire property interests to assist with such purposes in and to the above-described lands, free and clear of any liens and encumbrances, in order to allow the City and/or its assigns to complete said Project.

Section 2. The City Attorney, or his designated agent, has on behalf of the City to attempted to negotiate, settle and agree on compensation to be paid to the owners of any interest in the Property, and has made official, written, bona fide offers to the owners for the market value of said Property or property interest. If it is determined that an agreement as to the value of said Property, damages and/or compensation to be paid cannot be reached, then the City Attorney or his designated agent is hereby authorized to file or cause to be filed, against the owners and holders of other related interest in the Property, proceedings using the City's power of eminent domain to acquire the stated interest in and to the above described lands, in order to allow the City and/or its assigns to complete said Project, and to perform and undertake all other proceedings necessary to complete the acquisition of the Property.

Section 3. It is the intent of the City Council that this resolution authorizes the condemnation of all property interests required to complete the construction and maintenance of the Project and associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the City Council authorizing the condemnation of the corrected or revised Property.

Section 4. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

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

RESOLVED this _____ day of _____, 2022.

RON RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

Jennifer Stubbs, City Secretary



Exhibit "A"

14350 Northbrook Drive, Suite 130
San Antonio, TX 78232
Office: 210.490.7847

BaselineSurveyors.net
TxSurv F-10059500

**Elgin County Line Road
Travis County, Texas**

**Project No. 2000000436
June 18, 2021**

**PARCEL 6
0.5245-ACRE [22,846 SQ. FT.]**

BEING A 0.5245-ACRE [22,846 SQ. FT.] TRACT OUT OF THE THOMAS CHRISTIAN SURVEY NUMBER 26, ABSTRACT 2296, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 10.00-ACRE TRACT DESCRIBED TO CLYDE T. LUNDGREN AND WIFE, BETTY S. LUNDGREN AS RECORDED IN VOLUME 7619, PAGE 44 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], SAID 0.5245-ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the east right-of-way line of County Line Road, a varying-width right-of-way, no record information found, for the west corner of said 10.00-acre tract, same being an angle point in the west line of that called 234.288-acre tract described to Clayton Properties Group, Inc as recorded in Document Number 2018175490 O.P.R.T.C.T., and the **POINT OF BEGINNING** of the 0.5245-acre tract described herein;

THENCE with said east right-of-way line of County Line Road, same being the west line of said 10.00-acre tract, N 27° 10' 46" E a distance of 914.15 feet to the north corner of said 10.00-acre tract, same being the west corner of that apparent 4.737-acre tract to Clyde T. Lundgren, no deed found, and the north corner of the 0.5245-acre tract described herein;

THENCE leaving said east right-of-way line of County Line Road, with the north line of said 10.00-acre tract, same being the south line of said apparent 4.737-acre tract, S 62° 49' 12" E a distance of 25.00 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set for the east corner of the 0.5245-acre tract described herein;

THENCE leaving said north line of the 10.00-acre tract and said south line the apparent 4.737-acre tract, crossing said 10.00-acre tract, S 27° 10' 46" W a distance of 914.15 feet to a 1/2-inch iron rod with cap marked "HA KUEHLEM BASELINE" set in the south line of said 10.00-acre tract and said west line of the 234.288-acre tract, for the south corner of the 0.5245-acre tract described herein;

THENCE with said south line of the 10.00-acre tract and said west line of the 234.288-acre tract, N 62° 49' 28" W a distance of 25.00 feet to said **POINT OF BEGINNING** and containing 0.5245-ACRE [22,846 SQ. FT.].

Basis of bearings is the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 adjustment (Epoch 2010.00) using the Leica Smartnet Network. All distances are surface values and may be converted to grid by using the surface adjustment factor of 1.000077.

Units: US Survey Feet.

This survey was performed without the benefit of a commitment for title insurance. Easements or other matters of record may exist where none are shown.

This survey is part of a larger project. See Elgin County Line Road Construction Plans for further information.

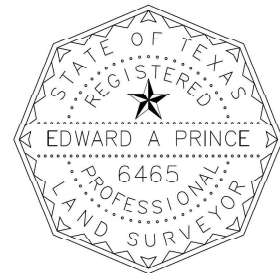
I, Edward A. Prince, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground under my supervision.



Edward A. Prince
Registered Professional Land Surveyor
Texas Registration No. 6465
HA Kuehlem, a Baseline Company
eprince@hakuehlem.com
TxSurv F-10059500

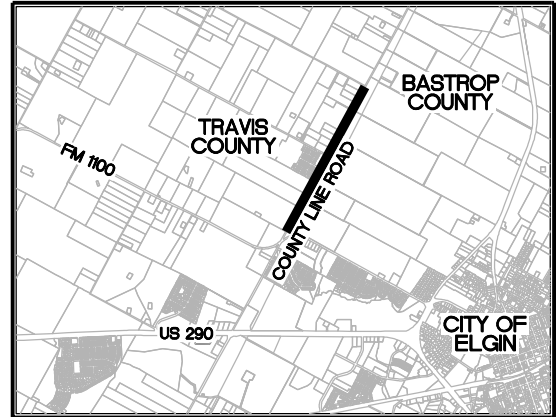
6/18/2021

Date



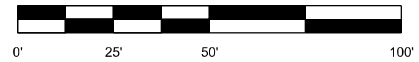
VICINITY MAP

SCALE: N.T.S.



THOMAS CHRISTIAN SURVEY
NUMBER 26, ABSTRACT 2296,
TRAVIS COUNTY, TEXAS

GRAPHIC SCALE

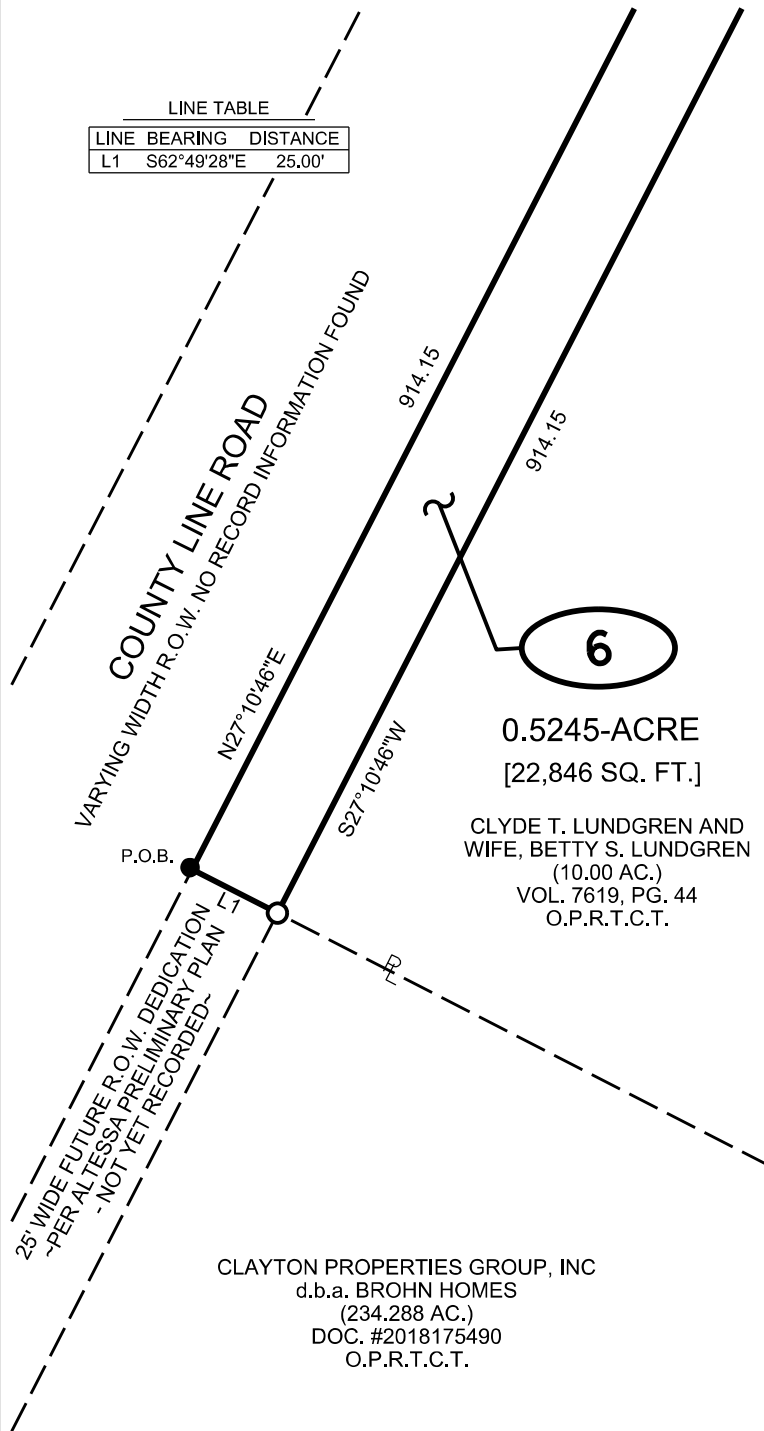


LEGEND

●	1/2-INCH IRON ROD FOUND -AS NOTED
○	1/2-INCH IRON ROD MARKED "HA KUEHLEM BASELINE" SET
▲	CALCULATED POINT
()	RECORD INFORMATION
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
DOC.#	DOCUMENT NUMBER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PROPOSED R.O.W. PARCEL	
PROPERTY LINE	
EXISTING EASEMENT LINE	
PATENT SURVEY LINE	
NOT TO SCALE -N.T.S.	

LINE TABLE

LINE	BEARING	DISTANCE
L1	S62°49'28"E	25.00'



0.5245-ACRE
[22,846 SQ. FT.]

CLYDE T. LUNDGREN AND
WIFE, BETTY S. LUNDGREN
(10.00 AC.)
VOL. 7619, PG. 44
O.P.R.T.C.T.

CLAYTON PROPERTIES GROUP, INC
d.b.a. BROHN HOMES
(234.288 AC.)
DOC. #2018175490
O.P.R.T.C.T.



H.A. KUEHLEM

PROFESSIONAL SURVEYORS
A Baseline Company

H.A. Kuehlem | TxSurv F-10059500

14350 Northbrook Dr, Ste 130, San Antonio, TX 78232
210.490.7847 | HAKuehlem.com

DATE:	6-18-2021
SCALE:	1"=50'
DRAWN BY:	SM
REVIEWER:	EP
PROJECT:	2000000436
SHEET:	3 OF 5
FIELD BOOK:	
PARTY CHIEF:	PJ
SURVEY DATE:	6-07-2021

THOMAS CHRISTIAN SURVEY
NUMBER 26, ABSTRACT 2296,
TRAVIS COUNTY, TEXAS

CARLSON LANE
(50' R.O.W.)
DOC.# 200400192
P.R.T.C.T.

COUNTY LINE ROAD
VARYING WIDTH R.O.W. NO RECORD INFORMATION FOUND

N27°10'46"E

S27°10'46"W

914.15

914.15

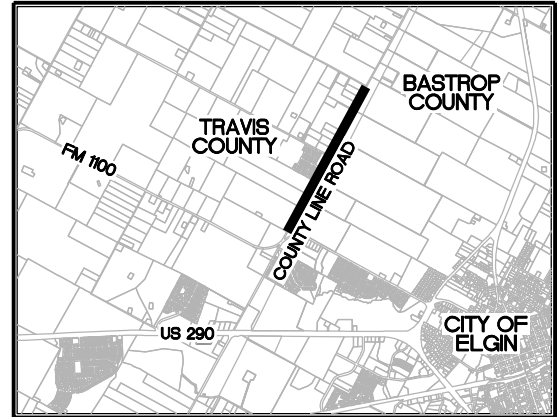
6

0.5245-ACRE
[22,846 SQ. FT.]

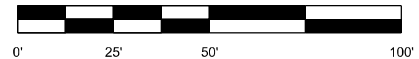
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(10.00 AC.)
VOL. 7619, PG. 44
O.P.R.T.C.T.

VICINITY MAP

SCALE: N.T.S.



GRAPHIC SCALE



LEGEND

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EXISTING EASEMENT LINE	
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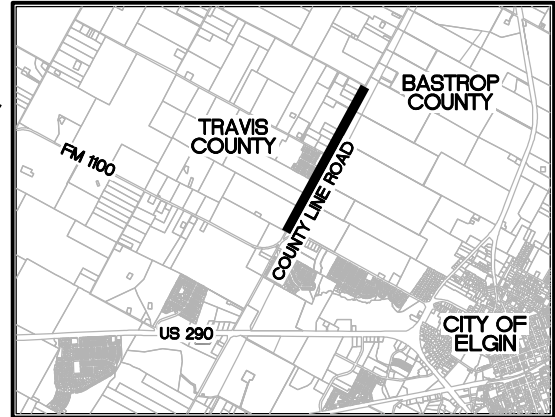
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SHEET:	4 OF 5
FIELD BOOK:	
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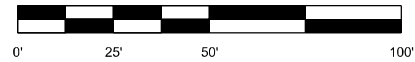
VICINITY MAP

SCALE: N.T.S.



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PATENT SURVEY LINE	
NOT TO SCALE -N.T.S.	

THOMAS CHRISTIAN SURVEY
NUMBER 26, ABSTRACT 2296,
TRAVIS COUNTY, TEXAS

CLYDE T. LUNDGREN
(4.737 AC.)
NO RECORD
INFORMATION FOUND

COUNTY LINE ROAD
VARYING WIDTH R.O.W. NO RECORD INFORMATION FOUND

N27°10'46"E

S27°10'46"W

914.15

914.15

6

0.5245-ACRE
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VOL. 7619, PG. 44
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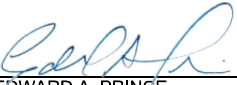
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I, EDWARD A. PRINCE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND AND UNDER MY SUPERVISION.


EDWARD A. PRINCE DATE 6/18/2021
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6465
HA KUEHLEM, A BASELINE COMPANY
TXSURV F-10059500
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PROJECT:	2000000436
SHEET:	5 OF 5
FIELD BOOK:	
PARTY CHIEF:	PJ
SURVEY DATE:	6-07-2021



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR AN EVENT CONTRACTOR FOR THE ELGIN SESQUICENTENNIAL.

DEPARTMENT: City Manager

PROPOSED ACTION: Approval of the Resolution

BACKGROUND: The Elgin City Council approved funding for the Elgin Sesquicentennial and appointed a Sesquicentennial Committee that is chaired by Forest Dennis and Debbie Carwright. The RFQ was posted on the website February 16 in compliance with City finance procedures. The Co-chairs received six applications for an event contractor. Forest and Debbie recommend hiring Sarah O'Brien, DBA Sarah "Main Street" O'Brien for the contractual engagement of sesquicentennial event contractor. She has extensive experience in volunteer management, event development and implementation, marketing, outreach and community engagement. The contract is for a total of \$25,000 starting March 21, 2022 and continuing through January 2023.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Approval of the Resolution

ATTACHMENTS: Resolution, Contract

- { } 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. 2022-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND SARAH “MAIN STREET” O’BRIEN FOR SESQUICENTENNIAL PROJECT MANAGEMENT SUPPORT.

WHEREAS, the City Council appointed an Elgin Sesquicentennial Committee on October 12, 2021 to plan programs, projects and events to celebrate Elgin’s 150th birthday throughout 2022; and

WHEREAS, the City Council approved a budget of \$132,100 for the Elgin Sesquicentennial that includes funding for contractor/ consultant services; and

WHEREAS, the City posted a Request for Qualifications for City of Elgin Sesquicentennial Support Services on February 16, 2022; and

WHEREAS, the City desires to secure professional services from Sarah “Main Street” O’Brien for the Sesquicentennial;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY OF ELGIN, TEXAS, AS FOLLOWS : The City Manager is authorized to execute contractual documents between Sarah “Main Street” O’Brien and the City for Sesquicentennial Project Management Support.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ELGIN TEXAS ON THIS 15TH DAY OF MARCH, 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

Amy Miller
Community Services Director
City of Elgin
PO Box 591
Elgin, TX 78621

Amy,

Let me start off by stating that it is tremendous that you and the City of Elgin recognize the value in honoring your community's past and celebrating your Sesquicentennial throughout 2022. Congratulations- you deserve a pat on the back, and some chocolate cake!

I am delighted to submit my request for qualifications for your Sesquicentennial Support Services RFQ for consideration. I am an experienced special events and community projects organizer with over 15 years of local government and downtown revitalization experience, and over twenty years of volunteer management and special event expertise under my belt. As a resident of Bastrop County I believe I am well suited to help the City celebrate this historic birthday.

Over the last 12 months I have worked with two different Texas Main Street Cities as a special event expert serving to relieve staff burdens and provide leadership during staff transitions. Most recently that was for the City of Gonzales Winterfest event in December, 2021. Since August I have been involved with #Denison150, the City of Denison, TX Sesquicentennial efforts. As a Cygnet Strategies project manager I have been directly involved with the local steering committee and have lead the engagement and marketing efforts to date.

I have also worked in and around the City of Elgin on several occasions, creating a strategic plan for the Chamber of Commerce in 2019, and spearheading the successful Texas Main Street Application for the City of Conroe last summer. I cannot thank you and your leadership team for the hospitality that you provided to Conroe's delegation when we were able to visit on site and learn directly from your team about your successful downtown revitalization efforts focused on preservation based economic development.

I am currently wrapping up a contract with Missouri Main Street and entering into the maintenance portion of the #Denison150 contract. I am excited to serve with SimpleCity Design as we kick off the public engagement portion of the City of Taylor's Development Code Update, just down the road from Elgin. All of this means I currently have the capacity to step into the City of Elgin's Sesquicentennial support service role now and for the remainder of 2022.

Enclosed you will find my professional profile that outlines my diverse experience serving communities, managing volunteers, and overseeing multi-million dollar projects. In addition,

you will find various work samples from the last 12 months. And finally, please find a list of relevant projects and references for your consideration.

I am confident the City of Elgin's 150th birthday celebration will be one for the record books.

Sooooeeyyy!

Sarah "Main Street" O'Brien

sarah@sarahmainstreet.com

210-760-9384

Relevant Project Experience

Uncorked Special Event Contractor

City of La Grange

Stacey Norris, Director of Community Development

(979) 968-3017, snorris@cityoflg.tx

Denison 150 Consultant

City of Denison

Aaron Werner, Manager Director of Community Engagement

903-465-2720 x2030 awerner@cityofdenison.com

Texas Main Street Program Consultant

City of Conroe

Frank Robinson, Downtown Development Director

(936) 522-3023, frobinson@cityofconroe.org



SARAH O'BRIEN

she/her/hers

Smithville, TX

in/sarahneobrien

sarah@collaborativedevelopmentcollective.com

Sarah O'Brien is an award-winning public servant, downtown revitalization influencer, and engagement expert. She spent 15 years serving municipalities, downtowns, and destination marketing organizations in various leadership capacities across Texas. Community engagement was the singular purpose that connected every role and inspired much-needed transformational change that she was a part of. Her passion for community has been called fierce, and her endless energy has been diagnosed as contagious. She believes that communities are best served by and for the people and considers it her calling to empower and inspire everyone along her journey to take an active role in shaping their own futures. She thrives when uniting diverse groups and has a keen ability to adeptly hear what is not being said. Known for turning chaos into calm, Sarah is creative, passionate, and has an uncanny and undeniable understanding of the human experience. An inspirational and powerful speaker who shines from behind the dais, on Main Street USA, in the ballroom or Zoom screen. O'Brien is founder and Principal of Collaborative Development Collective, a consulting firm focusing on the public sector, community and organizational development, place and destination management, and nonprofit governance with a focus on collaborative cross sector partnerships and collective impact.

Public Participation
Strategic Planning
Community Visioning
Organizational Facilitation
Downtown Revitalization
Economic Development
Destination Management

Creative Placemaking
City Building
Storytelling
Leadership Training
Public Speaking
Media Relations
Event Execution

Legislative Advocacy
Crisis Communications
Special Events
Government Affairs
Historic Preservation
Display Merchandising
Small Business Development

City of Conroe
Downtown Development Consultant, 2021

Gonzales Main Street
Strategic Leadership Training, 2020 - 2021

City of La Grange
Small Business Assistance, 2021

Visit Garland
Destination Assessment & Plan, 2020 - 2021

Visit Midland
Tourism Assessment & Plan, 2020 - 2021

Visit Midland
Wayfinding, 2020 - 2021

Brady Chamber of Commerce
Strategic Planning, 2020

Structure Development
Entitlement, 2019 - 2020

Elgin Chamber of Commerce
Strategic Planning, 2019

Gonzales Chamber of Commerce
Economic Impact Assessment, 2019

Visit Georgetown
Economic Impact Assessment, 2019

ENGAGEMENT EXPERT

COMMUNITY CHAMPION

PROFESSIONAL PROJECT HIGHLIGHTS

ORGANIZATIONAL CATALYST

DOWNTOWN INFLUENCER

Texas Downtown Association
Downtown Expert, 2019, 2017, 2014

City of Smithville
Tiny Home Forum Moderation, 2019

La Grange Tourism
Customer Experience Training, 2019

City of Palestine
Strategic Leadership Planning, 2019

City of Southside Place
Commercial District Plan, 2019

Brady Chamber of Commerce
Economic Impact Assessment, 2019

Smithville Historic District Guidelines
Community Facilitation, 2017 - 2018

Building Bastrop B3 Block Code
Community Engagement, 2018

Bastrop Cultural Arts Master Plan
Engagement & Planning, 2017 - 2018

Texas Main Street Program
Main Street Expert, 2016 & 2012

Comprehensive Plan
City of Bastrop, 2016

PROFESSIONAL EXPERIENCE

Collaborative Development Collective, LLC
 Community Whisperer. January 2019 - Present

City of Bastrop
 Main Street Manager, Public Information Officer
 Hospitality & Downtown Director
 April 2016 - December 2018

City of Marshall
 Tourism & Promotions Director, May 2015 - April 2016

City of Nacogdoches
 Communications & Main Street Director April 2008 - May 2015

Cleburne Chamber of Commerce
 Tourism Director, June 2005 - November 2006

Visit Nacogdoches
 Media Relations Coordinator, June 2005 - April 2008

EDUCATION & CERTIFICATIONS

Stephen F. Austin State University '05

Bachelor of Science

Hospitality Administration

Public Information Officer '17

Federal Emergency Management Agency

Texas Friendly Hospitality Instructor '12

Texas A&M Extension Service

Community Leadership Graduate '16, '08.'05

Bastrop, Nacogdoches, Cleburne

SERVANT LEADERSHIP

Texas Downtown Association

Board Member, 2018- Present

President, 2013 -2015

Vice President, 2013-2014

Board Member, 2014-2015

Smithville Historic Design Standards Board

Chair, November 2020- Present

Board Member, July 2017- October 2020

Round Top Area Chamber of Commerce

Board Member, January 2020- February 2021

Stephen F. Austin Hospitality Administration Society

Alumni Advisor, 2005-2013

AWARDS & HONORS

Texas Downtown Association President's Awards

#mybastrop-2018, Imagine the Possibilities-2012

Nacogdoches Film Festival Film of the Year

Who we Are, Executive Producer, 2016

The Nutty O'Brien Sandwich, 2014

Dolli's Diner- Nacogdoches

Edna Tea Garden Recipient, 2011

Distinguished Alumnus Award- Stephen F. Austin

PUBLICATION REFERENCES

"Spying on the South"

Tony Horowitz 2019

"Revitalizing Main Street"

Galveston Area Council of Governments, 2016

"Bringing Back Main Street"

Michael Buryadi, 2015

AUDIO BROADCASTS

Proud Places

Embracing the Unknown, 2020

What Elected Officials Want you to Know, 2020

Project Divided Webisode

Welcome to Texas, 2020

Eyes on the Street Podcast

Divisiveness and Local Economies, 2019

Chamber Chat Podcast

Purpose Statements, 2020

Go Cultivate Podcast

No is an acceptable answer, 2018

SPEAKING ENGAGEMENTS

Our Town Matters Virtual Summit: 2020

Cameron Chamber of Commerce Keynote Address: 2020

Project for Public Places International Placemaking Week: 2019

Texas American Planning Association: 2019

Congress for the New Urbanism: 2019

Texas Travel Industry Association Tourism College: 2019

Texas Downtown Association Conference: 2019, 2017, 2015-2011

Main Street America: 2018, 2016, 2013, 2011

Texas Association of Convention & Visitors Bureau: 2018, 2017

Texas Historical Commission's Real Places: 2017

Texas Main Street Summer & Winter Training: 2017, 2015, 2013, 2009

Galveston Area Council of Governments: 2016

Texas Municipal League: 2015

COMMUNITY ACCOLODES

Congress for the New Urbanism Charter Award- 2019

Main Street Accreditation- 2008-2019

Small Business Revolution- 2018

Film Friendly Texas-2016, 2009

Garden Capital of Texas- 2013

Best of the Road-2013

First Ladies Texas Treasure- 2012

W.A.N.E.O

We all need each other

(How Grandpa O'Brien signed every letter he ever wrote)

Sarah E. O'Brien



1

5

CELEBRATE!
DENISON150
SESQUICENTENNIAL

DENISON150.COM
#DENISON150

HAPPY BIRTHDAY
DENISON
150 YEARS



2022

*Sponsorship
Opportunities*

Message from the Mayor

Hello—whether you have lived here your entire life or just moved to town and opened a new business—the City of Denison wants to invite you be part of Denison150, our 2022 Sesquicentennial Celebration. The City of Denison, Texas is celebrating 150 years of history since its founding in 1872. Recognition of this milestone anniversary began in January and continues all sesquicentennial year long. The party got started with a bang in January, peaks in September with a massive birthday party bash, and continues until December 31st with monthly themes, events, and activities.

This commemorative year, named Denison150, is focused on enhancing Denison pride, contributing to Denison's lasting legacy, and capturing the diverse voices and inclusive spaces of the next chapter of our story. Denison is proud of our 150-year history, we are excited for the future, and we're excited to celebrate all year long. .

The activities and events on tap for this year are dynamic and rich in community culture. We have designed Denison150 in a way that encourages every Denison resident to get involved. As we continue our strategic partnership development we are launching our official sponsorship opportunities in the hopes that each one of our local businesses and community organizations will celebrate alongside the City in meaningful ways.

Denison150 is a series of celebrations—galas, service projects, festivals, cultural contributions, historical programming, artistic displays, outdoor adventures—all designed for Denison and by Denison. The year 2022 will include creative and thoughtful opportunities for children barely old enough to count to 150, lifelong residents who celebrated the Centennial in 1972, and everyone in between.

Denison150 is what we make of it and I am respectfully asking for your business's support to make it everything it should be, and more.

Sincerely,



Mayor Janet Gott

Why? DENISON150

The seal is circular with a black border. Inside the border, the words "CELEBRATE" and "DENISON" are written in a semi-circle at the top and bottom respectively. In the center, there is a stylized illustration of a building with a clock tower. Above the building, the year "1872" is written, and below it, "150 YEARS" is written. The seal is surrounded by a decorative border of small stars.

Sesquicentennials are historic events that only occur once in a lifetime.

We encourage everyone to be a part of the Denison150 story and experience our Sesquicentennial, sponsoring the official yearlong event is a fantastic way to do just that.

Denison150 is a way to connect with your community, unite with your neighborhood, and highlight your business commitment to celebrating Denison and its residents.

Denison has a vibrant past and its future possibilities are limited only by one's imagination. Be a part of the building excitement for the next 150 years.

Since 1872, sense of community has defined Denison, and it is community that makes Denison who we are today.

Denison150 hopes to share your business story, because it is our stories that makes Denison150 worth celebrating.

Though much has changed in the 150 years since Denison's founding, the core values of our early settlers have remained as part of the community's culture and way of life. The community honors our past daily while keeping an eye toward our bright future.

A city that loves to celebrate, Denison has always made anniversaries a community tradition. By combining public and private investment dollars, Denison150 will be able to amplify its reach and extend its impact.



Denison 150 Birthday Bash



While we plan on celebrating our Sesquicentennial all year long, we have some very special birthday events planned for the weekend of September 23-25th.

Alongside our community partners, the weekend includes a Founder's Day Gala at the historic Katy Depot and the City's official birthday bash on September 24th at Forest Park. Plans are well underway and the day long event will

feature food trucks, family friendly fun, live entertainment, period costumes, and a historic time capsule ceremony that will be sure to capture the spirit of

Denison150 for the next fifty years.





Sponsorship Opportunities

ALL ABOARD-\$5,000

- Special Recognition on banners in Forest Park during the D150 Birthday Celebration.
- Full-page ad in the Commemorative Program during the D150 Birthday Celebration weekend.
- Five Social Media Shout outs on city social media channels
- Company Logo, Website Link, Listed on D150 Website
- Premier Complimentary Booth Space at the D150 Birthday Celebration.
- Recognition on limited edition commemorative bookmark for distribution with the Summer 2022 D150 Sesquicentennial book.
- Collector's edition signed copy of the D150 Sesquicentennial commemorative book
- Company logo displayed on TV Monitors in City Hall and other city facilities during the month of September plus two additional months during the Sesquicentennial.
- An opportunity to place an item in the time capsule.
- Company logo and company profile highlighted in newsletter.

D150 CONDUCTOR-\$2,500

- Half-page ad in the Commemorative Program during the D150 Birthday Celebration weekend.
- Six Social Media Shout outs on city social media channels
- Company Name and website link listed on D150 Website
- Complimentary Preferred Booth Space at the D150 Birthday Celebration.
- Recognition on limited edition commemorative bookmark for distribution with the Summer 2022 D150 Sesquicentennial book.
- Collector's edition signed copy of the D150 Sesquicentennial commemorative book.
- Business name listed on TV Monitors in City Hall and other city facilities during the month of September + one additional month during the Sesquicentennial.

MKT ENGINE-\$1,500

- Quarter-page ad in the Commemorative Program during the D150 Birthday Celebration weekend.
- Three Social Media Shout outs on city social media channels
- Company Name Listed on D150 Website
- Business name listed on TV's monitors and City Hall and other city facilities during the month of September
- Complimentary Booth Space at the D150 Birthday Celebration.

CABOOSE-\$750

- Business name listed in the Commemorative Program during the D150 Birthday Celebration weekend.
- One Social Media Shout out on city social media channels
- Company Name Listed on D150 Website

CAN'T FIND A SPONSORSHIP LEVEL THAT FITS YOUR BUDGET? DONATIONS IN ANY DOLLAR AMOUNT CAN BE MADE TO SUPPORT DENISON150. CHECKS SHOULD BE MADE OUT TO THE CITY OF DENISON. PLEASE PUT #DENISON150 IN THE MEMO LINE AND SEND VIA USPS OR DELIVER IN PERSON TO:

**City of Denison
ATTN: Denison150
300W. Main Street
Denison, TX**



**AARON WERNER
903.465.2720 EX3040
150@CITYOFDENISON.COM
WWW.DENISON150.COM**



YES! COUNT US IN

PLEASE DENOTE WHICH SPONSOR LEVEL YOU ARE COMMITTED TO AND THEN COMPLETE THE FORM BELOW AND REMIT WITH YOUR DENISON150 SPONSORSHIP CHECK. IF YOU NEED AN INVOICE PLEASE SEND US A MESSAGE AT
150@CITYOFDENISON.COM.

BUSINESS NAME

CONTACT NAME

EMAIL ADDRESS

CONTACT NUMBER

MAILING ADDRESS



YES! COUNT US IN AT THE FOLLOWING DENISON150 SPONSORSHIP LEVEL:



ALL ABOARD-\$5,000



D150 CONDUCTOR-\$2,500



MKT ENGINE-\$1,500



CABOOSE-\$750

A DENISON150 TEAM MEMBER WILL BE IN TOUCH SOON TO FINALIZE YOUR SPONSORSHIP OF DENISON150! THANK YOU SO MUCH FOR CONTRIBUTING TO OUR FUTURE BY HONORING OUR PAST.

SPONSORSHIP CHECKS SHOULD BE MADE OUT TO THE CITY OF DENISON. PLEASE PUT #DENISON150 IN THE MEMO LINE AND SEND VIA USPS WITH THIS COMPLETED FORM OR DELIVER IN PERSON TO:

CITY OF DENISON
ATTN: DENISON150
300 W. MAIN STREET
DENISON, TX



AARON WERNER
903.465.2720 EX3040
150@CITYOFDENISON.COM

Sun Mon Tue Wed Thu

1 2 3

4 5 6 7 8 9 10 11 12 13 14 15 16 17

VICKY@CYGNETSTRATEGIES.COM

Denison150 Birthday Bash

While we plan on celebrating our Sesquicentennial all year long, we have some very special birthday events planned for the weekend of September 23-25th. Alongside our community partners, the weekend includes a Founder's Day Gala at the historic Katy Depot and the City's official birthday bash on September 24th at Forest Park. Plans are well underway and the day long event will feature food trucks, family friendly fun, live entertainment, period costumes, and a historic time capsule ceremony that will be sure to capture the spirit of Denison150 for the next fifty years.

24

150 Sponsorship Opportunities

ALL ABOARD-\$5,000

- Social Recognition on banners in Forest Park during the D150 Birthday Celebration.
- Full-page ad in the Commemorative Program during the D150 Birthday Celebration weekend.
- Five Social Media shout-outs on city social media channels.
- Company Logo, Website Link, Listed on D150 Website.
- Printed Complimentary Booth Space at the D150 Birthday Celebration.
- Recognition in limited edition commemorative booklet for distribution with the Summer 2022 D150 Sesquicentennial book.
- Collector's edition on signed copy of the D150 Sesquicentennial commemorative book.
- Company logo displayed on 150 historical City Hall and other city facilities during the month of September. An opportunity to place in items in the time capsule.
- Company logo and company profile highlighted in NEWSLETTER.

D150 CONDUCTOR-\$2,500

- Full-page ad in the Commemorative Program during the D150 Birthday Celebration weekend.
- Six Social Media shout-outs on city social media channels.
- Company Name and website link listed on D150 Website.
- Complimentary Preferred Booth Space at the D150 Birthday Celebration.
- Recognition in limited edition commemorative booklet for distribution with the Summer 2022 D150 Sesquicentennial book.
- Collector's edition on signed copy of the D150 Sesquicentennial commemorative book.
- Business name listed in the Commemorative Program during the D150 Birthday Celebration weekend.
- One Social Media shout-out on city social media channels.
- Company Name Listed on D150 Website.

MKT ENGINE-\$1,500

- Quarter-page ad in the Commemorative Program during the D150 Birthday Celebration weekend.
- Three Social Media shout-outs on city social media channels.
- Company Name Listed on D150 Website.
- Business name listed on TV monitors and City Hall and other city facilities during the month of September.
- Complimentary Booth Space at the D150 Birthday Celebration.

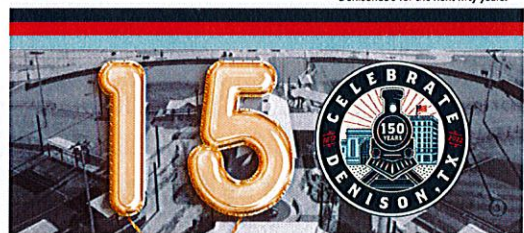
CABOOSE-\$750

- Business name listed in the Commemorative Program during the D150 Birthday Celebration weekend.
- One Social Media shout-out on city social media channels.
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Denison150 Birthday Bash

While we plan on celebrating our Sesquicentennial all year long, we have some very special birthday events planned for the weekend of September 23-25th. Alongside our community partners, the weekend includes a Founder's Day Gala at the historic Katy Depot and the City's official birthday bash on September 24th at Forest Park. Plans are well underway and the day long event will feature food trucks, family friendly fun, live entertainment, period costumes, and a historic time capsule ceremony that will be sure to capture the spirit of Denison150 for the next fifty years.

September 24



DENISON150 SOCIAL

Turning 150 means a wealth of stories to share. What's today's Denison150 story? Follow and engage with special events related to the Sesquicentennial by tracking #denison150 on your social platforms, using our Denison150 graphics, or creating your own content like online events or promotions using videos, images, and user generated content. Everyone has the potential to become their own Denison150 outlet.

Bookmark the Sesquicentennial website, www.denison150.com and check back often for updates. Sign up for the City's e-newsletter, the Denison Connection and other notifications online at: <https://www.cityofdenison.com/newsletter/subscriptions>

Follow (if you aren't already) the official Denison150 Channels (@discoverdenison) on facebook, Instagram and Youtube for all things sesquicentennial and more.

Discover Denison

City of Denison

Denison Fire and Rescue

Denison Live

Denison Main Street

Denison Parks and Recreation

Denison Texas Police Department

Denison Public Library

Keep Denison Beautiful

YouTube

Discover Denison

City of Denison

Discover Denison

City of Denison

Denison Live

Denison Parks and Recreation

Denison Public Library

SOCIABLE DENISON IDEAS

A "suggest-a-song" campaign which asks users to submit an existing song-of-choice on Spotify that they feel most embodies Denison.

A quiz, "How Denison are You?" or "How Well Do You Know Denison," online or partner with the newspaper to feature responses.

The Facebook following and engagement of Denison Animal Welfare group (15,000) is almost twice as large as the City of Denison (9k) and is eight times larger than Discover Denison (1k). You should tap into this larger network by taking professional shots of shelter pets with Sesquicentennial signage.

Create Buzzfeed style content around "You know you're from Denison when..." and use it to encourage celebrating Denison150.

Much like the existing and very successful "People of New York" page, Denison can create a social campaign titled "The Faces/People of Denison." Participants can submit selfies or pictures of themselves or family in different parts of Denison. As people Facebook/Instagram tag it or share on Twitter, it can be shared on social media and drive engagement with Denison150.

#Denison150 takeovers with various groups and organizations or #photooftheday features with a Denison150 photo frame.

Use LinkedIn to highlight Denison businesses and entrepreneurs in honor of the Sesquicentennial.

Denison should look to reach out to well-known people with ties to Denison, contacts have already been made to Reba McEntire and descendants of Eisenhower, but a social media campaign asking the community what influencers, celebrities, and other potentially well-known individuals do individual community member have a connection with.

Create a Social Media How to Video series for hashtags, Instagram stories, Facebook frames etc. Ask a student film or media class to spearhead this effort.

SESQUICENN SOCIAL

Every quarter there will be new social media assets like Facebook frames, Instagram stickers, and cover photo graphics available for download at www.denison150.com.

Each month the City's newsletter, the Denison Connection, and @discoverdenison will highlight events happening that month as well as preview upcoming Denison150 events. In addition, monthly graphics to match the Sesquicentennial themes will be available for users to download.

Every week @discoverdenison will feature the Top 5 things to Denison150 selected from the 150 ways to Denison150 list. Featured #denison150 user generated posts will also be shared on a weekly basis.

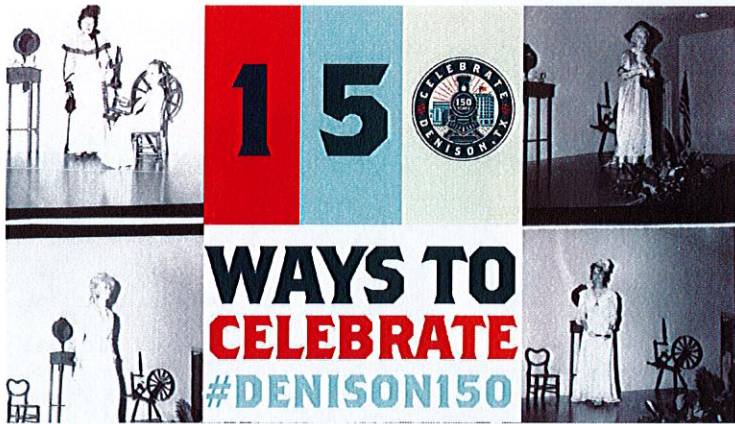
Regularly @discoverdenison will share #blastfromthepast advertising content from Denison's early years.

Plus @discoverdenison #dayinhistory posts will highlight snippets of history and lore from the community's early years.

Regular Sesquicentennial special event content, programming, service opportunities, and promotional user generated social content activities will help you celebrate!

Special video content will also be available on @discoverdenison YouTube channel on an ongoing basis.





DENISON

Place a standing Denison150 update for the Mayor to report on during every City Council meeting in 2022. Ask the Chamber, Development Alliance, School Board and other governing or advisory bodies to do the same.

Are there currently any abandoned or empty billboards, fences or buildings that would make great temporary murals? Utilize them. Ask your sister city, business community and DFW regional partners to do the same.

Get creative and utilize communication channels like your emergency alert system (the email portion), utility bills, door knockers, permit notification signs, ISD parent/teacher communication systems for Denison's big birthday bash in September.

Paint the town with #denison150 temporary paper hearts, window decals on doors, or temporary signage on property with expressed written permission.

Commission a commemorative Denison150 magazine or newspaper section.

Make a semi-permanent selfie station (or two or three!) Strategically locate them downtown, at the travel information center, during football games or in any other high traffic area.

Print products for items with multi-year life spans that are due for renewal with Denison150 details such as car magnets for fleet vehicles, board member name tags, special event swag, street sign toppers, water towers, building signage, outdoor advertisements, print publications, crosswalks, and much more!

Place the Denison150 Logo on your new water tower!

Create signage for businesses all around town. If window decals aren't in the budget use the copy machine! Ask City appointed board members or the Chamber to help distribute.

Distribute table top signage to restaurants, wineries and attractions.

Create a standardized "bag stuffer" for retail businesses to use at their checkout counter, a brochure stuffer for local attractions, Denison150 box toppers, and ask retailers to print Denison150 shopping bags.

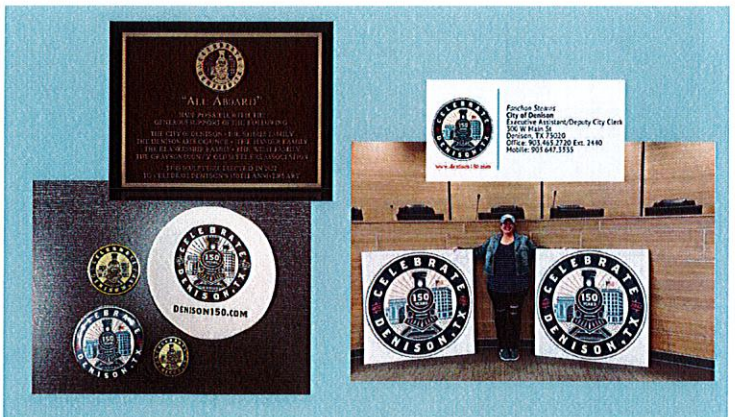
Create a form letter asking for businesses or campuses with reader board signs, newsletters, movie screens, drive through windows, electronic billboards or large display windows to help spread awareness of #denison150. Send a request quarterly with different suggested messaging to keep Denison150 top of mind and give businesses more than one chance to support the messaging.

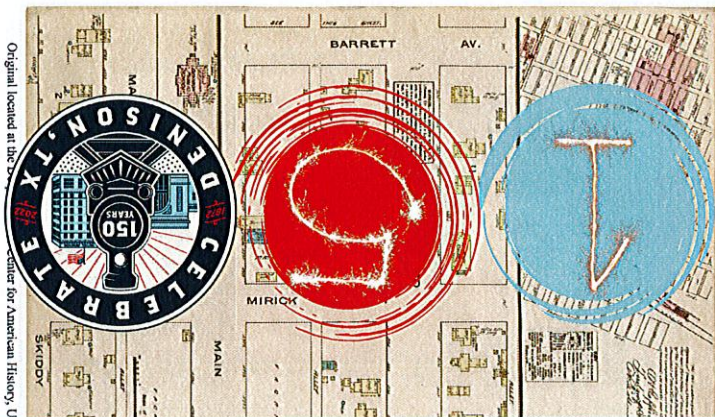
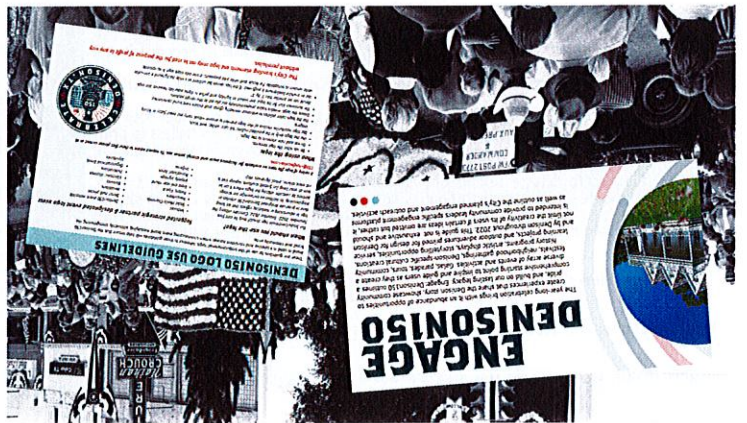
Hand out a few dozen cut out Photo Frames for selfie photos to your various strategic partners, school campuses and city facilities.

Find a local pilot and boater who could fly a #denison150 banner in the sky during major community events.

Enhance the Denison entryway sign area with #denison150 signage, even if its temporary!

HASHTAG





SESQUICENTENNIAL BRAND GUIDELINES

CELEBRATE! DENISON150.COM
#DENISON150



DENISON150 BRAND STORY

2022 marks Denison's Sesquicentennial celebration and the year long celebration brings with it an abundance of opportunities for sharing our story, showcasing community pride, and building on our lasting legacy. The City of Denison has developed these Denison150 Brand & Logo Use Guidelines to help strengthen the Denison150 brand, communicate our story and provide consistency for our strategic partners and designated event organizers as we all work together with the community to connect, engage, and experience all things Denison in 2022.

Denison150 Event Brand Goals

- *Build community pride*
- *Leave a Lasting Legacy*
- *Tell the Denison Story*

Denison150 Event Brand Strategies

- *Building Connections*
- *Cultivating Engagement*
- *Experiencing the Past*

The Denison150 brand was created to guide Denison's 150th birthday celebration and should only be used to promote designated city events, programming and activities. The city is thankful for our many strategic community partners who have joined in on the festivities and whose celebratory efforts will help build upon the Sesquicentennial brand story throughout the year. By keeping the event brand goals and strategies at the forefront of our collaborative planning efforts the diverse, multi-faceted opportunities to Celebrate Denison in 2022 will strengthen our community pride, honor our past, and help us keep an eye towards our bright future.

Monthly themes have been developed to serve as inspiration for our partners and our community to engage with the celebration throughout the year. We are also developing activities, resources and ideas to support the brand story throughout the year online at www.denison150.com. In addition, to help grow the celebration we have developed a Denison150 presentation and are available to speak to your business or organization upon request.

For questions about our Brand Story, Logo Use Guidelines or to receive an official Denison150 presentation please contact us at 150@cityofdenison.com.



DENISON150.COM

DENISON150 LOGO USE GUIDELINES

These are guidelines for use of the sesquicentennial logo. Adherence to these guidelines will help ensure that the Denison150 and is used in a cohesive and consistent manner when communicating event brand messaging, ultimately strengthening the and and community pride.

When should you use the logo?

The Sesquicentennial logo should only be used from December 2021- December 2022. Consider utilizing the logo in advertising or marketing efforts that are being done to promote designated Denison150 activities or programming. In addition we encourage our strategic partners to consider utilizing the logo where it can be seen all year long (i.e. football stadium, signage that is not event driven, email signatures etc)

Suggested strategic partner & designated event logo uses:

- | | |
|---|-----------------------------------|
| • Websites | • Denison150 event materials |
| • Social Media Channels | • Direct mail pieces |
| • Newsletters | • Invitations |
| • Posters, Flyers | • Banners |
| • Event and year round property signage | • Electronic displays |
| • Promotional items | • Publications |
| • Uniforms | • Organizational Email signatures |

Variety of logo file types are available for designated event and strategic partner use. To request access to these files please contact us at 50@cityofdenison.com.

When using the logo:

- Do not alter the logo elements.
- Do not add new elements to the logo.
- Use the logo only in the provided colors: full color, white, and black.
- Use high resolution versions of the logo provided to ensure visual clarity and avoid fuzzy or blurry imagery.
- Use the logo color palettes to enhance marketing efforts and ensure event brand consistency.
- Ensure the logo remains scaled proportionately and placed in the upright position.
- The minimum size for the logos are based on legibility and print or digital materials however the logo should not be smaller than 1" by 1"
- Use on a white background is preferred. If the logo cannot be utilized on a white background a one-color white version is acceptable. For black and white print purposes, a one-color black logo is acceptable.



The City's branding elements and logo may not be used for the purpose of profit in any way without permission.

DENISON150 BRAND GUIDELINES

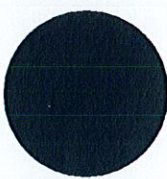
COLOR PALETTE



CMYK: 0, 94, 100, 0
RGB: 255, 41, 0
#FF2900
PANTONE: 45-8C



CMYK: 32, 2, 13, 0
RGB: 169, 216, 219
#A9D8DB
PANTONE: 124-3C



CMYK: 98, 79, 48, 55
RGB: 0, 36, 60
#00243C
PANTONE: 289C



CMYK: 3, 3, 14, 0
RGB: 246, 240, 219
#F6F0DB
PANTONE: 3-9C

FONT/TYPOGRAPHY

Headline, title, or dominant text accompanying the Denison150 brand logo are from the Brothers OT and should not be used except for the provided Public Use Logo Options available online at www.denison150.com.

Supplemental text accompanying the Denison150 brand logo should be from the PT Sans or PT Serif families and should be sized for legibility. Both fonts are available for free download from Google at:

- <https://fonts.google.com/specimen/PT+Sans>
- <https://fonts.google.com/specimen/PT+Serif>

SECONDARY USE LOGO OPTIONS

Both black or white transparent logo options are available when full color is not possible. In addition a 150 numbered graphic with the preferred logo included is also available for City of Denison, strategic partner or designated event use.



PUBLIC USE LOGOS

A variety of text only logo options are available for download from the Denison150.com website. These should be used whenever possible to accompany the logo and must be used in the colors provided online.



OFFICIAL LOGO

The four-color logo may not be altered in any way nor are color substitutions allowed. It should be given priority over the secondary logo options whenever possible and ideally accompanied by the website denison150.com.

CELEBRATE! DENISON150.COM

#DENISON150

CELEBRATE! DENISON150.COM

#DENISON150

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DENISON150.COM

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DENISON150.COM

EVENT HASHTAG

Whenever possible the #denison150 hashtag should be included to communicate the Denison150 brand on social media and digital outlets. In addition using the hashtags in event messaging will help create awareness of social engagement opportunities.

#DENISON150 #DENISON150 #DENISON150

OFFICIAL
SOCIAL MEDIA
CHANNELS



@DISCOVER DENISON

Need a guest speaker for your organization's next meeting or a program speaker for an event?

You are in luck!

Our community is celebrating its Sesquicentennial in 2022, and the City of Denison is asking all of our local civic groups, community organizations, and business clubs for an opportunity to celebrate this milestone with your members by sharing our Denison150 story at one of your regular meetings or special events.

This commemorative year, coined Denison150, is focused on enhancing Denison pride, contributing to Denison's lasting legacy and capturing the diverse voices and inclusive spaces of the next chapter of the Denison story. Denison is proud of our 150-year history, we are excited for the future, and we can't wait to get this party started.

The activities and events on tap for this year are dynamic and rich in community culture. We have designed Denison150 in a way that encourages every Denison resident to get involved. We are continuing our strategic partnership development in hopes that each and every one of our local businesses and community organizations can contribute to the celebration.

We hope you will consider allowing Mayor Gott or one of the City's Sesquicentennial spokespeople to present at an upcoming event as the program speaker and/or provide us the chance to make an official announcement to your audience.

With the launch of Denison150 in January we are hoping to join you and your members during the first quarter of 2022.

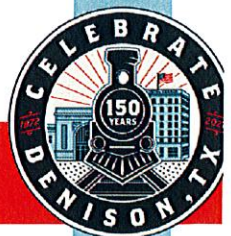
We can't wait to share the Denison150 story and hope you will craft your own piece of history as we work collectively to wish Denison a very happy 150th birthday.

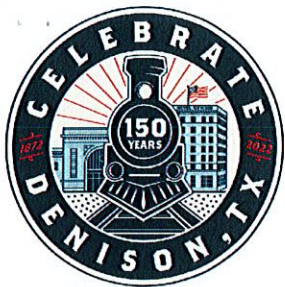
READY TO CELEBRATE DENISON150?

Please contact Fanchon Stearns to arrange a Denison150 presentation.

fstearns@cityofdenison.com
Office: 903.465.2720 Ext. 2440
Mobile: 903.647.3335

LET'S GET THIS PARTY STARTED





OFFICIAL TALKING POINTS

Where possible, speakers should aim to:

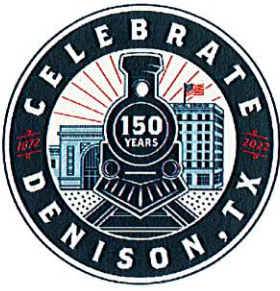
- Demonstrate and elicit community pride
- Tell their version of the Denison story and Denison150
- Encourage engagement and participation in Denison150
- Highlight signature events and activities
- Be purposeful, useful, and connect authentically with groups or individuals you are speaking to

Key Denison150 overall messages

Denison will celebrate 150 years of history since our founding in 1872. Recognition of this milestone anniversary begins in January 2022 and runs through December 2022.

The celebration will be dynamic and full of diverse opportunities for every Denison resident to celebrate the sesquicentennial anniversary. We hope they will consider attending an event and share their Denison story as we cultivate Denison's future by recognizing our past.

Denison150 can be celebrated in your classroom, practice field, small businesses, or in your neighborhood in a multitude of ways. The possibilities are limited only by one's own imagination. Engage and get involved. We would love for you to partner with us to create and present Denison150 experiences and programming designed by you and for you.



Why Denison150?

The commemorative year, nicknamed Denison150, is focused on enhancing Denison pride, contributing to Denison's lasting legacy and capturing the diverse voices and inclusive spaces of the next chapter of the Denison story.

Though much has changed in 150 years, the core values of our early settlers have remained as part of the culture and way of life. The community honors our past daily while keeping an eye toward our bright future.

A city that loves to celebrate, Denison has always made anniversaries a community tradition.

- The 75th anniversary in 1947 found Denison as host to a Diamond Jubilee with one of the largest turnouts for a celebration ever witnessed in Grayson County. Parades, dances, and early day reenactments rounded out the festivities.
- The Centennial in 1972 featured residents in costume contests, a Miss Denison pageant, and a play consisting of nearly 200 local actors titled, "A Century of Pride".
- 2022 is no exception. From the groundbreaking of Hotel Denison, release of untold stories of Denison's past, a Founder's Day gala at the Katy Depot, spirited half time football shows and the Eisenhower descendants joining us in October a wealth of activities and events will make our sesquicentennial something worth celebrating 50 years from now.

Denison150 kicks off with a bang and the city promises to continue the celebration every month throughout 2022. Each month has a theme to inspire and encourage the community, our partners, and our businesses to embrace our history and keep their eyes on the future while contributing to the Denison150 experience in their own way.

History of Denison

Denison was founded in 1872 when it was unveiled as the key terminus of the Missouri, Kansas, & Texas (Katy) Railroad.

On September 23, 1872...Town of Denison is surveyed, and streets are named for officials of the MKT Railroad. First lots are auctioned, with the first sold at Main Street and Austin Avenue. First business established was a bar consisting of a wooden plank put up between two trees.

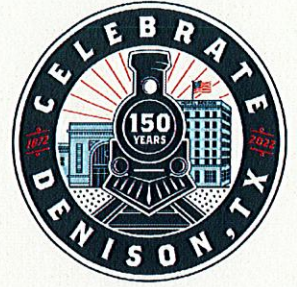
Named for the vice-president of the railroad, George Denison, the community flourished as an important commercial center of the American West.

The first train arrived on Christmas Eve of 1872 and within months the population had swelled to 3,000 residents, earning the fledgling city the title of "Katy's Baby" and the "Infant Wonder".

The first free public graded school in Texas was established in Denison on February 6, 1873. Several other "firsts" that occurred in Denison's history include the first ice cream soda, the first women's clubhouse in the state of Texas, the first interurban rail line, and one of the first public parks in Texas.

Dwight David Eisenhower, the 34th President of the United States, was born in a humble home along the railroad tracks in Denison on October 14, 1890.

Other noteworthy individuals from Denison's early days include Thomas V. Munson, a viticulturist whose studies were instrumental in saving the European grape and wine industry in the 19th century, and Chesley Sullenberger, the "Hero of the Hudson" who successfully landed U.S. Airways Flight 1549 in the Hudson River following a mid-air emergency.



Sesquicentennials are historic events that only occur once in a lifetime.

We encourage everyone to embrace the celebration, be a part of the Denison150 story and experience the diverse festivities

Denison150 is a way to connect with your community and unite with your neighborhood.

Denison has a vibrant past and the future possibilities are limited only by one's imagination.

Since 1872, the sense of community has defined Denison, and it is community that makes Denison who we are today.

Denison150 hopes to share YOUR voice and YOUR stories, because it is our community that makes Denison150 worth celebrating.

Engage with Denison150



- Participate in Upcoming **Events** and **Activities**
- **Encourage** 2022 Event tie-ins to existing event
- Organize or **coordinate** new events to celebrate Denison150
- List Denison150 events and activities on www.denison150.com
- **Celebrate** the monthly themes on social media and wherever you are
- Tell your **friends** and **family** about Denison150
- **Volunteer** with Denison150 efforts
- Sponsor events and help **develop** programming
- Create **curriculum** and **educational** programming related to Denison150
- Learn about Denison's **history**
- Be a part of your **community** as it plans for the future
- Contribute your **time** and **talents** to the community during 2022
- Purchase Denison150 **books and other products** (when available)
- Create, document, and share your **Denison150 story**
- Dive into **Engage: Denison150**, our engagement guide for community leaders

How to share the Denison150 story:

Turning 150 means a wealth of stories to share. What's your Denison150 story? We want to hear from you. Follow and engage with us on social. Show your community pride and contribute to Denison's lasting legacy by sharing photos, videos, and engaging with others. You can visit us online at www.denison150.com for more tips, templates and suggested social media content.



150@CITYOFDENISON.COM



WWW.DENISON150.COM



#DENISON150



@DISCOVERDENISON



Winterfest



DOWNTOWN GONZALES

LIGHTED PARADE ENTRY PACKET

Dear Parade Enthusiasts:

We cordially invite you to be a part of this year's Winterfest Celebration! This year's "Lighted Christmas Parade" will be held **Saturday, December 4, 2021**, starting promptly at 7:00 PM. Lineup will begin at 6:00 PM. Judging will take place as the participants drive through the downtown. Please be in place no later than 6:45 PM. Awards for 1st & 2nd will be presented to the winners in each category once the parade has ended.

Winterfest Organizers have asked Santa to ride on the Main Street entry; therefore, we will have only one Santa in the parade. **NO EXCEPTIONS.** Become a part of the parade by lighting your floats, cars, pickups, bicycles, bands, motorcycles, or walking groups- all with lights on.

The parade rules are enclosed with this letter. **All parade entries must submit a \$10 parade application fee via cash or check** if entering prior to November 15th, 2021. **Entries received after November 15th must submit a \$25 parade application fee.**

Please read the rules carefully and then indicate your participation by returning the enclosed with all the requested information and entry fee to Gonzales Main Street at the below listed address. Entry forms will not be accepted without the parade entry fee.

Please return the registration form and entry fee to:

**Gonzales Main Street
Attn: Parade Committee
820 N. Saint Joseph Street, Gonzales, Texas 78629**

Please note that there is a limit on parade entries. Entries are accepted on a first come first serve basis. No entries will be accepted after **November 29, 2021. NO EXCEPTIONS.** To those accepting this invitation, parade numbers, a map of the parade route and any other pertinent information will be mailed or may be picked up after November 29, 2021. Please keep this letter in your files. If you have any questions you may contact Winterfest Organizers via email at Ireiley@gonzales.texas.gov or by telephone at 830-672-2815.



KEEP THIS PAGE FOR YOUR RECORDS





Winterfest

DOWNTOWN GONZALES



LIGHTED PARADE RULES & REGULATIONS

Parade begins PROMPTLY at 7:30 PM., RAIN OR SHINE (bring rain gear or plastic covering if needed). Judging will begin at 6:45 PM. All entrants to be judged should be in place and set up by this time and must remain until judging is completed.

All entries must be LIGHTED. Automobile clubs are limited to 8 entries per club. If there are more than 8 participants in your car club entry please register more than one parade entry.

All motorized entries must be driven by a licensed driver and must be operated in safe manner. NO EXCEPTIONS.

No individual horse & riders will be allowed in the parade. We have a limited number of riding group parade entry spots. Preference will be given to organized groups whose horses are diapered or who provide their own clean up crews. Only members of organized riding groups that are registered will be allowed in the parade. NO EXCEPTIONS. Any and all horses participating in the parade must have up to date, negative Coggins submitted with your parade entry form.

ALCOHOLIC BEVERAGE CONSUMPTION BY DRIVERS OR ANY PARTICIPANTS BEFORE OR DURING THE PARADE IS EXPRESSLY FORBIDDEN. IF A PARTICIPANT IS SEEN CONSUMING ALCOHOL PRIOR TO OR DURING THE PARADE, IT WILL RESULT IN THEIR IMMEDIATE REMOVAL FROM THE PARADE FORMATION AND WILL NOT BE ALLOWED TO PARTICIPATE IN FUTURE PARADES.

ABSOLUTELY NO items, including SILLY STRING, candy and/or promotional items ARE ALLOWED to be thrown from the parade route. NO EXCEPTIONS. THIS IS VERY DANGEROUS AS SPECTATORS WILL RUN ALONG THE PARADE ROUTE AND COULD BE KILLED. Your organization may have someone walking beside your entry handing out these items TO SPECTATORS AS LONG AS THEY KEEP THE APPROPRIATE PACE AND ENTRY SPACING. No children under 12 years or younger should attempt to walk the parade route alongside an entry.

Marching bands, cheer-leading squads and or/ drill teams will be limited to official school groups, ROTC units and Military or veterans' organizations. School bands that participate must complete a separate registration form for each organizations band (high school, junior high etc.) An adult organizer's name and a phone number must be submitted with registration.

Due to the length of the parade, it is very important that it keep moving! There should be no more than 1-2 car spaces between each entry. Please don't intentionally stop or slow the movement of the parade for any demonstrations etc., maintain the set spacing. If your entry has mechanical or other problems, pull off to the side of the route immediately. **When your parade entry reaches the end of the parade route, please don't block flow of traffic for the entries behind you.**

If your entry is to be judged, a typed # (8 1/2" x 11") MUST be taped to both sides of the vehicle windshield in the upper corners so they are visible. All floats, autos, trucks and 'novelty' entries should display their assigned parade position number in a highly visible location on both sides of the entry to ensure visibility for the judges.

Winterfest Organizers retain the right to refuse entry and will call for the immediate removal of any float, unit or individual not conforming to the Parade Rules & Regulations during

Winterfest Event Organizers, Gonzales Main Street, Inc & the City of Gonzales assume NO responsibility for accidents or property damage or loss of any kind caused by parade participation..

I have read and understand the above Parade Rules & Regulations and will be responsible for communicating them to other individuals and ensuring compliance.



Initials



**MAKE AND KEEP A COPY OF THIS PAGE FOR YOUR RECORDS
AND TO DISTRIBUTE TO OTHER MEMBERS OF YOUR PARADE ENTRY**



Winterfest



DOWNTOWN GONZALES

LIGHTED PARADE ACKNOWLEDGMENT & APPLICATION FORM

You must acknowledge receipt of the included rules and you must sign and return this acknowledgement along with your parade entry form application and entry fee in order for your entry form to be accepted. Please keep the enclosed letter and rules for your records.

I have read and understand all parade rules provided by Winterfest Event Organizers.

Signature of responsible party: _____

ENTRY CLASSIFICATION

(Please check only one):

_____ **Best Local**

(Not youth, Business/Commercial, or Chamber Festival)

_____ **Best Out-Of-Town**

(Not youth, Business/Commercial, or Chamber Festival)

_____ **Youth Organization**

_____ **Business/Commercial**

_____ **Chamber/Festivals**

TOTAL LENGTH (IN FEET) OF ENTIRE UNIT: _____

(including tow vehicles, floats, marching participants etc)

**DO YOU WANT YOUR ENTRY JUDGED BY OUR PARADE
JUDGES? if yes please fill out page 4.**

YES _____ NO _____

WILL YOUR ENTRY HAVE LIVE MUSIC?

YES _____ NO _____

WILL YOUR ENTRY BE DISPLAYING FIREARMS?

YES _____ NO _____

Name of Organization or Parade Entry Name:

Contact Name: _____

***Contact Name Phone:** _____

Contact Name Email: _____

Address: _____

City _____ **State** _____ **Zip** _____

**Please return this page (and Page 2, and 4)
along with your entry fee* to:**

Gonzales Main Street

Attn: Winterfest Organizers

820 N. Saint Joseph Street, Gonzales, Texas 78629

Phone: (830) 672-2815



***To arrange payment by a third party
cash app please contact us directly.**



Winterfest



DOWNTOWN GONZALES

LIGHTED PARADE ENTRIES
JUDGING DESCRIPTION

FLOAT ENTRY NAME: _____

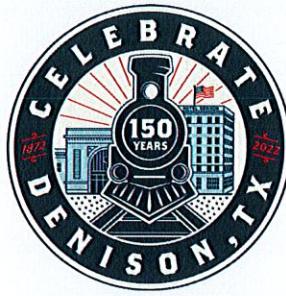
FLOAT DESCRIPTION TO BE READ WITH ENTRY:

**Please return this page and pages 2 and 3 along with
your entry fee* to:**

Gonzales Main Street
Attn: Winterfest Organizers
820 N. Saint Joseph Street, Gonzales, Texas 78629
Phone: (830) 672-2815



***To arrange payment by a third party
cash app please contact us directly.**



FOR IMMEDIATE RELEASE

December 13, 2021

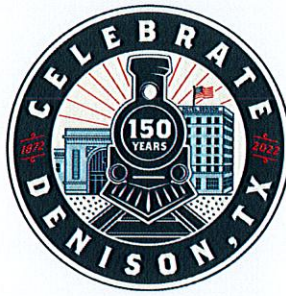
The City of Denison announces plans to launch yearlong Sesquicentennial celebration....

Denison, Texas –The City of Denison is launching into 2022 with a bang. Mayor Janet Gott made an official announcement at tonight's City Council meeting proclaiming 2022 as Denison's Sesquicentennial year and inviting everyone to celebrate the significant milestone as the festivities get underway on New Year's Eve. Denison150, the City's official sesquicentennial celebration will light up the sky with a history making fireworks display over downtown Denison at 7 p.m. on December 31st. "We invite everyone to step outside and take part in the first of many #denison150 events as we celebrate one hundred and fifty years of history and community throughout 2022," said Mayor Gott.

The City of Denison proudly invites all Denisonites to join the 150th Anniversary with celebrations, activities, and sesquicentennial programming. Start 2022 off with the celebratory sound of fireworks as you ring in the new year. With a variety of Sesquicentennial themed event tie in's already planned for 2022, special Denison150 events such as a Birthday Celebration and gala the weekend of September 23rd, community partners on board to help spearhead festivities and foster community pride, monthly themes designed to inspire civic involvement, videos and social media templates to help you tell your story, and finally more than 150 ideas for groups, organizations, businesses, families and individuals in town to create their own Denison150 experience, the celebration is just beginning. The city has developed a dynamic website that provides diverse opportunities for every Denison resident to celebrate the cities 150th anniversary. "We hope the fireworks display excites and inspires everyone to begin planning ways to contribute to Denison150 activities," said Gott.

The city "gets the party started" in January when Denison150.com goes live, Denison150 social media promotions and graphics for the community to use are unveiled, as well as the first of several special kickoff Doc Holliday inspired events, *History in the Hall—Denison150 1872-1922*. "Everyone is invited to celebrate our town, and we sincerely hope that many of you will create and start planning your own Denison150 experiences as part of this year's Sesquicentennial," said Gott. The city will be making a series of community presentations in January encouraging the community to get involved in this important chapter

-MORE-



of Denison's history. In addition, the Denison150 engagement guide will be available for those interested in helping craft Denison150 for the community.

In recognition of Denison's 150 years, city leaders are looking towards the sky and cultivating a future that recognizes the past 150 years of vibrant community history. Denison150 is designed to tell the Denison story, cultivate community pride, and leave a legacy for all its residents. In addition to stepping outside and enjoying the fireworks the community is invited to get the party started and get involved in Denison's 150th Anniversary. Visit the official sesquicentennial homepage, www.denison150.com where you can practice saying sesquicentennial, request a Denison150 presentation for your group, download items such as 150 ways to Denison150, learn about the City's history via the Denison150 timeline, and finally find ways to create, share, and design your own sesquicentennial experience.

The New Year's Eve fireworks show can be viewed throughout downtown and the surrounding area. Residents are encouraged to view the show from Forest Park, a downtown neighborhood, safely find a nearby parking lot or spot, or launch into 2022 at your favorite downtown business. At exactly 7 p.m. on December 31st.

To learn more about Denison's sesquicentennial visit: www.denison150.com and follow the city's official Denison150 social media outlets @disocverdenison. For additional information contact you may email the Sesquicentennial at 150@cityofdenison.com.

###

Media Contact: Aaron Werner [903-465-2720](tel:903-465-2720) Ext. 2030, awerner@cityofdenison.com

Founded in 1872, the City of Denison is located 70 miles North of Dallas in Grayson County. The city comprises a population of 24,000. The city offers an exemplary school district, a vibrant historic main street a robust housing market, high quality of life amenities, and a business-friendly environment. Denison is moving forward and kicking back. For more information, visit us at www.cityofdenison.com.

Winterfest

DOWNTOWN GONZALES



BLAST FROM THE PAST

[illegible]



CITYOFDENISON

Posts



cityofdenison 
Denison, Texas



Liked by **awerner** and 29 others

cityofdenison Have you seen the new #Denison150 banners on Main Street?! Each lamppost banner has the sesquicentennial logo on one side and a photo of Denison history on the other!

Thank you to Lexi Rains and Bailey Rae for helping us show off these cool new additions to Main Street!

February 1

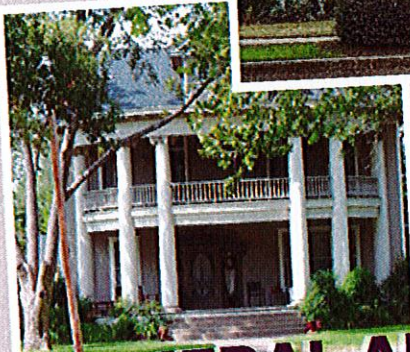
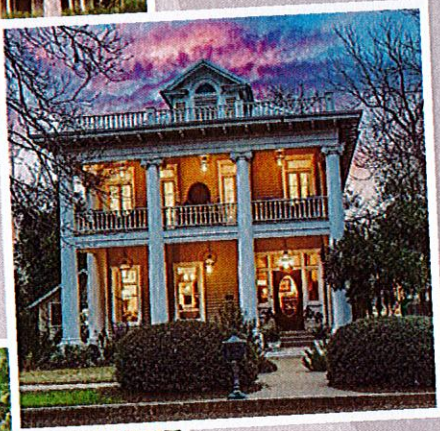


The Heritage House
Museum &
Archives
Smithville Heritage Society

SMITHVILLE, TX

HISTORIC DISTRICT

Train Tours



**SATURDAY,
OCTOBER 23RD**

**TWO TOUR TIMES:
11 A.M. AND 1 P.M.**

\$25

**GENERAL ADMISSION
RESERVED TICKETS***

*Children 12 and under ride
free alongside a general
admission ticket holder.

Join us for the inaugural guided train tour(s) of Smithville's historic district. This ticketed event features a guided tour on the iconic Ann Powell train featuring local experts historic facts about 30+ stately homes, charming cottages, historic bungalows and infamous Hollywood icons! Limited seating.

**GET YOUR TICKET ONLINE BEFORE THEY SELL OUT!
PROCEEDS BENEFIT THE SMITHVILLE HERITAGE SOCIETY'S
PRESERVATION AND ARCHIVAL EFFORTS
BIT.LY/SMITHVILLETXTRAINTOURS**



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE ADDING CHAPTER 48 SITE DEVELOPMENT, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS 2013 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 adding Chapter 48, Site Development.

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 February 28, 2022 meeting.

ATTACHMENTS: Staff Report, Ordinance with Exhibit A.

☐ 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

Addition of Ch. 48, City Code regarding Site Development.

Date: February 15, 2022

Hearing Dates: Planning & Zoning Commission – February 28, 2022
City Council – March 15, 2022

REQUEST SUMMARY

City Staff is requesting a new addition to the City Code. This will address site development of lots that are all other uses other than single family and two-family lots. (i.e., development of a large site that are manufactured home, multi-family, commercial, or industrial in nature). Most Texas cities have a separate Code that deals with this type of development; however, we are lacking these standards. As the City continues to develop single family residential subdivisions, there will be more sites that will develop as multi-family, commercial, and industrial. These proposed regulations provide base regulations regarding regulatory authority, application processes, timeframes, and development standards for this new commercial and industrial development.

Most of the regulations within the proposed Site Development Code were pulled from Chapter 36, Subdivision Regulations. Site Development and Subdivision standards are mostly similar concerning base regulations. The language, although pulled from the Subdivision Code, has been changed to reflect a Site Development standard.

This item was thoroughly reviewed by the Planning & Zoning Commission (PZC) in two (2) meetings involving City Staff. On February 28, 2022, the PZC recommended approval of these proposed Code standards.

ATTACHMENT(S)

Additional information is provided through attached exhibit(s).

1. Proposed Ordinance with Exhibit “A”.

ORDINANCE NO. 2022-03-15-??

AN ORDINANCE ADDING CHAPTER 48 SITE DEVELOPMENT, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS 2013 REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, the City Council of Elgin, Texas (“City Council”) desires to add certain regulations regarding site development; and

WHEREAS, City staff has determined that the proposed amendments provide consistency with other sections of the Code; and

WHEREAS, City staff has posted proper notice and conducted public hearings in accordance with state law; and

WHEREAS, City Council finds that the proposed amendments are in the best interests of the City and its residents.

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

I.

That Chapter 48, Revised Code of Ordinances, City of Elgin, Texas, is hereby added as shown in Exhibit “A”.

II.

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

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

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

READ, PASSED, and ADOPTED on first (1st) reading this the 15th day of March 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

EXHIBIT “A”

CHAPTER 48 – SITE DEVELOPMENTS

ARTICLE I. – IN GENERAL

Sec. 48-1. – Authority.

- (a) This Article is adopted under the authority of the state Constitution and laws and any other authority provided by law, or as such statutes may be amended.
- (b) Regulation of the development of the land and the attachment of reasonable conditions to development of the land is an exercise of valid police power delegated by the state to the city.

Sec. 48-2. – Purpose and Intent.

- (a) The purpose of these regulations is to provide for orderly, safe, and healthful development to promote the health, safety, and general welfare of the community.
- (b) The system of improvements on a site, water and wastewater services, other utilities, drainage, public facilities, and community amenities determines in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the development of land, as it affects a community's quality of life, is an activity whose regulation is a valid function of municipal government.
- (c) These regulations are designed and intended to achieve the following purposes, and shall be administered to:
 - (1) To establish rules and procedures for the orderly planning and development of commercial sites and residential sites involving more than two (2) dwelling units in a building;
 - (2) To provide for a permit separate and distinct from the building permit so that site issues such as drainage, landscaping, lighting, traffic control, driveways, streets, access, utilities, and internal circulation may be resolved;
 - (3) Harmoniously relate the development of the various sites to the existing community and facilitate the future development of adjoining tracts;
 - (4) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community;
 - (5) Provide the most attractive relationship between the land as developed and the circulation of traffic throughout the site and area, having regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets, driveways, and building lines;

EXHIBIT “A”

- (6) Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality to preserve the integrity, stability, and beauty of the community and the value of the land;
 - (7) Preserve the natural beauty and topography of the municipality and ensure appropriate development regarding these natural features;
 - (8) Establish adequate and accurate records of land development;
 - (9) Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed development;
 - (10) Standardize the procedure and requirements for developing property and submitting plans for review and approval;
 - (11) Protect and provide for the public health, safety and general welfare of the community;
 - (12) Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community;
 - (13) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land;
 - (14) Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities;
 - (15) Encourage the development of a stable, prospering economic environment; and
 - (16) To provide city staff with procedures for the review and approval of site development.
- (e) Site development should be of a quality to carry out the purpose and spirit of the policies expressed in the Comprehensive Plan and in this Ordinance.

Sec. 48-3. – Jurisdiction.

- (a) All land located within the corporate limits of the city.
- (b) Within the extraterritorial jurisdiction as permitted by State law or which has been approved by the Council through an agreement not prohibited by State law.

Sec. 48-4. – Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Words not defined in this Section shall have the meaning prescribed in Merriam Webster's Collegiate Dictionary, Eleventh (11th) Edition. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “may” is optional. The word “herein” means in this Ordinance. The word “regulations” means the provisions of any applicable ordinance, rule, regulation, or policy. The word “person” means any human being or legal entity

EXHIBIT “A”

and includes a corporation, a partnership, and an incorporated or unincorporated association. The words “used or occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Abutting: Adjacent; joining at a boundary.

Access: Means a way of approaching or entering a property.

Administrator: See *Site Development Administrator*.

Alley: Means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Applicant: Means a person applying for application approval under this Chapter.

As-builts: Means a set of certified construction plans specifying how the public improvements required for the site development application were constructed. These must be sealed by a professional engineer registered in this State.

Building: Means any structure intended for shelter, housing or enclosure for persons, animals, property, or chattel.

Building official: The person or entity designated by the city or appointed to perform the duties and responsibilities set forth in Chapter 6, City Code.

Building permit: Means a permit issued by the City which is required prior to commencing construction, “finish-out,” or reconstruction or modification of a structure.

Building setback line: A line beyond which a building must be set back from the property line in accordance with the zoning code.

Buffer zone: Means a vegetated area adjacent to a creek, river, or natural drainageway.

Business days: 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: The number of days specified in a yearly calendar, unless the last day falls on Saturday, Sunday, legal City holiday, or days where the City Hall has been ordered closed by the City Manager, Mayor, or City Council.

Caliper: Means the diameter of a tree measured at diameter breast height (dbh).

Certificate of completion: Documentation provided by the applicant’s State licensed engineer certifying the development has been built in accordance with the approved as-builts plans.

Certificate of occupancy: A written certificate issued by the building official authorizing use and occupancy of a structure upon the satisfactory completion of any work or operations authorized by the city’s building permit or other permit or same in occupancy.

City: Means the City of Elgin, Texas.

City limits: See *Corporate Limits*

EXHIBIT “A”

City engineer: Means a duly qualified and licensed engineer under the provisions of the Texas Engineering Registration Act hired by the city to plan review and inspect items within the Chapter. In the event the city does not have an engineer, his duties herein shall be performed by the Administrator with recommendations of consulting engineers as needed.

Comprehensive plan: Means the overall development plan for the community which has been officially adopted by Council and updated from time to time to provide long-range development policies including all specified individual elements thereof.

(City) construction standards: Means a library of City-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, utility appurtenances, and other items to be constructed for City approval within a development.

Contiguous: Means adjacent property whose property lines are shared or are separated by only an access strip, street, alley, easement, or right-of-way.

Corporate limits: Means within the incorporated boundaries of the City.

Council: The City Council of the City.

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

Dedication: Means the grant of an interest in property for public use.

Design storm: Means a probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities and determine flood elevations.

Department: Shall mean the City Development Services Department.

Developer: An individual, partnership, corporation, or governmental entity undertaking the improvement of land and other activities covered by this Article.

Development: Any manmade change in improved and unimproved real estate, including but not limited to buildings, utilities, access, roads or other structures, mining, dredging, filling, grading, clearing or removing vegetation, paving, deposit of refuse, deposit of waste, deposit of fill, or excavation for the purpose of constructing permanent structures on the real estate; development does not include lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Development agreement: A voluntary contract between the City and a person who owns or controls property, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.

Development density: Means the number of dwelling units per acre.

Development review committee (DRC): It is comprised of City staff members representing the various City departments and approved City third-party entities involved in the review and approval process for items in this Chapter.

EXHIBIT “A”

Diameter breast height (DBH): the area of a tree that is at four and one-half (4½) feet above ground level; measurements shall be taken in inches. If the tree is a single trunk it is measured at DBH. If the tree splits into multiple trunks at DBH, each trunk is measured at the DBH for an amalgamated total. Any fractional numbers shall be dropped from the measurement.

Director (as denoted within the parkland standards): The Parks and Recreation Director

Drive aisle: a vehicle passageway or maneuvering space by which vehicles enter and depart parking stalls and/or move between developments.

Driveway: means any vehicular driving surface connecting to a drive approach.

Driveway Approach: means a paved surface connecting the street to a front lot line.

Dwelling, single family: Means a detached or attached dwelling unit designed to be occupied by one family on one (1) lot, this definition shall include townhomes and patio homes. This definition shall not include condominiums.

Dwelling, two-family: Means attached dwelling units in one (1) building designed to be occupied by two (2) families living independently of each other on one (1) lot.

Dwelling, multiple family: Means three (3) or more attached dwelling units in one (1) building designed to be occupied by three (3) or more families living independently of each other on one (1) lot.

Dwelling unit: A unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, corporation, or another person or entity.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering

Environment: Means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Extraterritorial jurisdiction (ETJ): Means territory outside the corporate limits which is within the extraterritorial jurisdiction of the City as defined by State Statute, or which is subject to the City's authority due to an agreement with another municipality or property owner.

Fence: A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation

Filing date: Means the date that site development application is determined to be complete and are accepted for review by the City.

Frontage: Means the width of a lot or parcel abutting a public right-of-way measured at the property line.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

EXHIBIT “A”

Floodplain: Means channel of a waterway and the adjacent land area subject to inundation during the design storm.

Grade: Means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading: Means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

Hardscape: The nonliving elements used in landscape, i.e., decorative walls, ledges, fountains, sculpture, stone paths.

Holding costs (as denoted in the parkland standards): Means all costs incidental to the respective tract of land borne by the respective landowner.

Improvements: Means any street, driveway, parking lot, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, utilities, storm drainage network, parkland, landscaping, or other facility or portion thereof for which people will use and/or is necessary for the operation of the development.

Impervious cover: Means construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Irrigation specialist: Means a duly qualified and licensed irrigation specialist under the provisions of State law who designs and maintains irrigation systems for vegetative environments.

Landscaping: Consists primarily of existing and introduced vegetation, as well as other related improvements to a lot including, but not limited to, forming and berming, irrigation systems, hardscape, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Landscape architect: Means a duly qualified and licensed landscape architect under the provisions of State law who designs and maintains outdoor vegetative environments.

Living unit equivalent (LUE): An LUE is the typical flow that would be produced by a single-family residence.

Lot: A parcel of real property shown as a distinct and separate parcel on a plat, record of survey, parcel map, or subdivision map recorded in the office of the County Clerk; or a parcel of real property exempted from the requirement to plat under zoning or subdivision regulations.

Lot line: A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street, right-of-way, or any other public space.

Major site development application: See *Site development application, major*.

Minor site development application: See *Site development application, minor*.

EXHIBIT “A”

Mixed Use: Means development on a lot consisting of both residential and non-residential uses together. This term does not differentiate between vertical mixed uses in a building or horizontal mixed uses on a lot.

Non-residential: All development not meeting the definitions of Dwelling, single family; Dwelling, two-family, or Dwelling, multiple family in this Section.

Official county records: Means, with respect to land located in Bastrop County, the Official Records of Bastrop County, Texas; and, with respect to land located within Travis County, the Official Records of Travis County, Texas; and, with respect to land located within Williamson County, the Official Records of Williamson County, Texas.

Off-site improvements: Means any required improvement which lies outside of the property being developed.

One hundred (100) year floodplain: Means that flood which has a probability of occurring once in a one hundred (100) year period or a one percent (1%) chance in any given year.

Patio home: A single-family dwelling on a separate lot with open space setbacks on three sides and a zero-lot line on one side.

Person: Any individual, association, firm, corporation, governmental agency, political subdivision, or other legal entity.

Plat: A map representing a tract of land, showing the boundaries and location of individual properties and streets in accordance with Chapter 212, Texas Local Government Code (TLGC), as amended.

Platted: See *Plat*.

Pre-construction meeting: A meeting between a developer, a developer's representatives, and the City held after approval of the construction plans for the purposes of exchanging information and identifying potential problems with the schedule and process of a proposed development.

Reciprocal access: Refers to connectivity between contiguous nonresidential or multifamily properties to allow for the connection of or access to drive lanes, fire lanes, driveways, or parking lots between such properties.

Residential: Refers to a lot where only *dwelling, multiple units* exist on the lot.

Retaining wall: A retaining wall is a structure that holds or retains soil behind it.

Site development administrator: The City Manager or the person designated by the City Manager to administer the regulations and provisions of this Chapter.

Site development application: Means the application, and any applicable drawings, plans, and specifications indicating the proposed location and design of improvements to be installed as site improvements. They shall be sealed by a professional engineer, landscape architect, or other professional, as necessary.

EXHIBIT “A”

Site development application, major: Project not meeting the definition of *Site development application, minor*.

Site development application, minor: Projects subject to this application which meet the following standards:

- (a) Development that does not significantly affect runoff quantities and drainage patterns to the satisfaction of the City Engineer, or
- (b) Does not relocate buildings by more than 25 horizontal feet, or
- (c) Does not add more than 1,500 square feet of impervious coverage, or
- (d) Construction of a fence or retaining wall that may obstruct or change the flow of water, or
- (e) Installation and modification of utilities and their associated facilities when this is the only proposed improvement(s), or
- (f) Installation and modification of landscaping plan or irrigation plan and their associated facilities when this is the only proposed improvement(s), or.
- (g) Relocation of any approved building square footages or parking areas due to the exercise of the power of eminent domain by the City.
- (h) Any error of measurements, acreage, dimensions, or other similar situation.
- (i) Any other minor site activity like those listed above as approved by the Administrator.

State: Means the State of Texas.

State Health Department: Means the Texas State Department of Health.

Street: Means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

Street, arterial: Primarily provides circulation which continues, or is intended to continue, across the city and which serves to connect remote parts of the city and other municipalities. These may also be a principal connecting street with State or federal highways. These may be further sub-classified into major and minor.

Street, collector: Primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas. These may be further sub-classified into major and minor.

Street, local: Primarily provides for access to abutting residential property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by *Street, collectors*.

Street, width: That distance within street right-of-way (ROW).

Structure: Means anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

EXHIBIT “A”

Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.

Townhome: A single-family attached dwelling with three (3) to no more than six (6) units, with each single unit extending from the ground to the roof and with each unit having individual outside access.

Traffic impact analysis (TIA): A study that provides information on the projected traffic generated by a proposed development, assesses the effect of the proposed development on a roadway(s) near the development, identifies a potential traffic operational problem(s) or concern(s) and recommends solutions/actions to address the problems/concerns and assesses the potential vehicular trips generated by other undeveloped sites in the established study boundary. These shall incorporate approvals from the necessary jurisdictions of connecting roadways (i.e. private roadway owner, City, neighboring City as applicable, County and State).

Tree: means any self-supporting woody plant species.

Tree, dripline: A point on the ground where water will drip off the widest-reaching branches of a tree.

Tree, heritage: Native tree(s), as defined by Texas A&M Forest Service, which are a minimum of twenty (20) caliper inches and greater. This shall not include any noxious or invasive species as defined by the State or any non-native species.

Tree, protection zone: A zone established around a tree whereby no construction, trimming, or fill activity can occur. This zone is a measurement from the diameter breast height of a tree trunk to the furthest drip line which forms a concentric circle around the tree based on this measurement (i.e. the furthest measurement from a trunk to drip line is twenty-five (25) feet, therefore a twenty-five (25) foot concentric circle from the trunk will be shown).

Tree, significant: Native tree(s), as defined by Texas A&M Forest Service, which are a minimum of ten (10) caliper inches to a maximum of nineteen (19) caliper inches. This shall not include any noxious or invasive species as defined by the State or any non-native species.

Tree, survey: means a scaled drawing accurately showing the location, caliper, and tree protection zone of trees in relation to the property boundaries.

Sec. 48-5 – Fees.

- (a) *Fees mandatory.* Fees shall be collected by the City at the time of the filing of an application and throughout the application process as described in this Article. No action shall be valid until such fees are paid.
- (b) *Refunding of fees.* No filing fees shall be refunded because any application is later withdrawn or disapproved. This shall not apply to any sidewalk-in-lieu fees or other similar fees.
- (c) The fees to be charged shall be established in the City's fee ordinance.

ARTICLE II. – APPLICATION STANDARDS

Sec. 48-6 – Application of Chapter.

EXHIBIT “A”

- (a) *Compliance required.* Any person who develops or causes to be developed a lot shall comply with this Chapter, unless otherwise exempted.
- (b) *Conflict of code provisions within Chapter.* If any provision of this Chapter conflicts with any other provision in this Chapter or any other provision in the code of ordinances, the most strict or restrictive provision shall apply. If a provision in this Chapter is not more restrictive but is different from any provision in this Chapter or the code of ordinances, the Administrator shall determine what provision should be followed.
- (c) *Conflict of code provisions with private restrictions.* This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.
- (d) *No approval of site development plan unless lot has been platted; exemptions.* A property must either be platted or exempt from platting before a site development plan shall be approved by the City.
- (e) *Lot to be developed in accordance with approved plan.* A lot for which a site development plan has been approved shall be developed in compliance with the approved site development plan.
- (f) *No issuance of building permits unless site development plans approved.* No building permit shall be issued for the construction of any building on a lot, unless site development plans have been approved by the City on that same lot.
- (g) *No issuance of a certificate of occupancy unless as-builts approved.* No Certificate of Occupancy for a building permit shall be issued unless as-builts or record drawings are approved by the City and appropriate non-City entities.
- (h) *Site construction before site development plan approval prohibited, certain exceptions.* No construction shall take place before the site development plan has been approved by the City. In certain circumstances the City may approve early land clearing and grading associated with the project independent from the full approval at the City's discretion. The applicant assumes full risk associated with this early approval.
- (i) *Invalidation clause from court of competent jurisdiction.* If any provision of this chapter or the application of any provision to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Sec. 48-7. – Exceptions.

- (a) *Certain Land Uses.* Any lot in which development consists of a dwelling single family, or dwelling two family, or an accessory building to any such structure.
- (b) *Alteration or finish out of buildings in certain circumstances.* Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint if the following applies:

EXHIBIT “A”

- (1) The use does not change, or if the use changes, the new use does not require more parking than is currently existing on the lot and no additional parking spaces, aisles or driveways are proposed; and
 - (2) The alteration, finish-out or change of use follows all applicable codes and regulations of the city; and
 - (3) The proposal does not increase the degree of any existing nonconforming use or nonconforming structure.
- (c) *Certain fences and retaining walls, exception of city engineer.* Construction of a fence or retaining wall, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct or change the flow of water.
- (d) *Restoration of building in certain timeframe.* Substantial restoration that is commenced within a period of one (1) year of a building damaged by war, wind, fire, volcano, explosion, hurricane, earthquake, flood, tornado, riot, or similar act of god.
- (e) *As allowed by City:* Any improvements deemed as not meriting review through the Site Development Application process by the City, which improvements can be addressed through another means of permitting. If that permitting is necessary in accordance with established regulations.

ARTICLE III. – ENFORCEMENT & APPLICANT RESPONSABILITIES

Sec. 48-8 – Enforcement of Regulations.

- (a) *Code violation.* It is a violation of this code to construct on a lot without complying with the requirements of this Chapter.
- (b) *Parties liable for violations.* If a corporation is found to be in violation of this chapter, each of its officers, agents, and/or employees who were in any way responsible for such violation shall be individually and severally liable for penalties herein prescribed.
- (c) *Criminal penalty by court.* Any individual who intentionally, knowingly, recklessly, or criminally negligently violates any provision of this Chapter, is guilty of a class C misdemeanor and upon conviction shall be subject to a fine of not less than \$1.00 and not more than \$2,000.00. Each day of such violation may constitute a separate offense. Such penalty is cumulative and not exclusive of any other rights or remedies the City may have.
- (d) *Civil penalty by court.* In addition to the criminal penalties set out above, the City may institute a civil action, in law and or equity, in a court of competent jurisdiction against any individual who violates any provision of this Chapter; and the City may seek such equitable relief or monetary relieve that may be available under the statutes, common law, and constitutions of the State and federal governments.
- (e) *Other means of compliance.* In addition to the remedies set forth above, the City may enforce compliance with the requirements of this chapter by:
 - (1) Refusing to approve improvements;

EXHIBIT “A”

- (2) Withholding or suspending building permits or certificates of occupancy;
- (3) Not allowing connection to or disconnection of utility service; or
- (4) Issuing a stop work order.

Sec. 48-9 – Responsibility of Applicant.

Notwithstanding the approval of any item in this Chapter by the City, the developer and the professional that prepares and submits such items shall be and remain responsible for the adequacy of the design and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any item submitted in accordance with this Chapter.

Sec. 48-10 – Applicant to retain certain professionals.

- (a) *Responsibilities of engineer.* The applicant shall retain the services of an engineer, registered in the State, whose seal shall be placed on each sheet of the drawings, or cover sheet of studies, unless denoted below in subsection (b) -(d), and who shall be responsible for the design and inspection of the drainage, roads and streets, and sewer and water facilities within the subdivision. The services performed by the engineer shall be as designated in the most recent addition of the "Manual of Professional Practice - General Engineering Service," published by the state society of professional engineers, and shall include both design and inspection as defined therein.
- (b) *Responsibilities of landscape architect.* The applicant shall retain the services of a landscape architect, registered in the State, whose seal shall be placed on each sheet involving tree surveys, tree preservation, tree mitigation, tree planting, and any schematics of involving tree barriers, staking, root barriers, or any addition of fill within the drip lines of the trees and shall include both design and inspection as defined therein.
- (c) *Responsibilities of irrigation specialist.* The applicant shall retain the services of an irrigation specialist, registered in the State, whose seal shall be placed on each sheet involving irrigation of any preserved or installed trees, shrubs, and sod and shall include both design and inspection as defined therein.
- (d) *Responsibilities of other applicable specialists.* The applicant shall retain the services of other applicable specialist, registered in the State, whose seal shall be placed on each sheet involving items, including but not limited to, photometrics, environmental, hydrology, and fire. It shall also include both design and inspection as defined therein.

Sec. 48-11 – Approval of Site Development Infrastructure.

Approval of the site development infrastructure occurs only when the as-builts or record drawings have been approved by the City, other applicable non-City entities, and a Certificate of Completion has been submitted by the project State licensed engineer. Signature of the document by the City and any other applicable non-City entities, along with the Certificate of Completion, constitutes completion and approval of the infrastructure.

Secs. 48-12 – 48-29. - Reserved.

ARTICLE IV. - PROCESSING PROCEDURE

EXHIBIT “A”

Sec. 48-30 – Pre application meeting.

- (a) *Required meeting.* A pre-application meeting is required prior to the submittal of the site development plan application, unless otherwise waived by the City.
- (b) *Recommended attendees.* Attendance should include the owner, the applicant, the applicant’s designated engineer, other professionals as required by the applicant, the Site Development Administrator, and any other members of the City staff as may be appropriate.
- (c) *Required items to be brought to meeting.* Plans and documentation must be brought to the meeting. Failure to provide this information or documentation at the time of meeting is grounds for cancelation and rescheduling.

Sec. 48-31 – Application standards.

- (a) *Applications required and determination of official filing date.* Requests for site development shall be sent to the City, in writing, on a form prescribed by the City. A complete application package must be filed with the City. A complete application package is as denoted below:
 - (1) Completion of a required pre-application meeting; and
 - (2) Fully complete and signed application form with the associated application packet; and
 - (3) All other certificates, plans, documents, and instruments required by this Chapter to be submitted with the application packet checklist and application instructions; and
 - (4) All associated filing fees, in accordance with the fee schedule, have been paid.

Sec. 48-32 – Format, Content, Documentation, and Certification of Application and Plans.

See Site Development Application Packet. The applicant is responsible for full completion of the Site Development Application Packet.

Sec. 48-33 – Completeness Review.

- (a) *Timeframe for review.* Once items have been submitted to the City, it shall have fourteen (14) calendar days to review for completeness.
- (b) *Determination of completeness and resubmittal by applicant.* Completeness shall be determined by the City reviewing and verifying items are present in accordance with the Site Development Application Packet. If the City determines the submittal compliant under this review, then it moves to a submittal review. If deemed noncompliant the applicant will be notified in writing of the reasons for noncompliance. This process repeats through subsections (a) and (b) until deemed complete by the City.
- (c) *Completeness review not regarded as official filing of application.* Submittal of the application for a completeness review is not regarded as an official filing of the application

Sec. 48-34 – Submittal Review.

After the application is determined complete through the completeness review it will go through the submittal review. This review is conducted by the Development Review Committee (DRC). Submittals shall be as outlined below:

EXHIBIT “A”

- (a) *First submittal.* The DRC shall review the submittal within thirty (30) calendar days of the compliant completeness review and submit comments to the applicant in writing by the end of this timeframe.
- (b) *Response of applicant; no timeframe or expiration of application.* The applicant shall address all individual comments from the DRC and resubmit back to the City. There is no maximum timeframe associated with resubmittal by the applicant. Also, there is no expiration date on the application within this Section.
- (c) *Additional submittals.* Shall follow the process established in subsection (a) and (b) until all DRC comments are addressed by the applicant to the satisfaction of the City.
- (d) *Submittal review determination regarded as official filing of application.* The start of the submittal review process under subsection (a) is regarded as the official filing date of the application.

Sec. 48-35 – DRC Review; Decision Options; Appeals.

- (a) *DRC review requirements.* The DRC shall review the application for consistency with the Comprehensive Plan, City Construction Standards Manual, other public plans, applicable professional manuals, State Statutes, State Administrative Code, City Ordinances, City Code, and then release comments and concerns to the applicant.
- (b) *Decision options.* The DRC shall approve if no other outstanding comments remain from the submittal review and deny if there are outstanding comments remaining from the submittal review.
- (c) *Appeals.* There shall be no appeals from a denial.

Sec. 48-36 – Approval Expiration.

- (a) The approval shall expire two (2) years after approval by the DRC, unless one (1) or more of the following events occur.
 - (1) *When building permits are required.* Building permits are issued prior to the expiration date and construction is commencing and diligently pursued to a certificate of occupancy. For purposes of this section, the term “diligently pursued” shall mean that activity towards completion of building construction as approved by the building permit and does not cease for more than thirty (30) consecutive calendar days and that substantial progress is being made. The Building Official will be responsible for making the determination of whether a building permit is being diligently pursued to completion and substantial progress is being made by the building permit applicant.
 - (2) *When no building permits are required.* When any required site work is commenced and diligently pursued towards a certificate of completion and as-builts. For purposes of this section, the term “diligently pursued” shall mean that activity towards completion of the development as approved and does not cease for more than thirty (30) consecutive calendar days and that substantial progress is being made. The Site Development Administrator will be responsible for making the determination of whether the project is being diligently pursued to completion and substantial progress is being made by the applicant.

Sec. 48-37 - Modification to Approved Plans:

EXHIBIT “A”

Any proposed changes to the approved plans shall require a modification to that approved plan. This must be approved by the City. Any modifications to plans may necessitate filing of another application, in which it must be approved before a plan modification can be approved by the City.

Sec. 48-38 - Pre-Construction Meeting.

- (a) *Required meeting.* A pre-construction meeting is required after City approval of site development plans, unless otherwise waived by the City.
- (b) *Attendance at meeting.* Attendance should include the owner, the applicant, the applicant's designated engineer, other professionals as required by the applicant, the Administrator and any other members of the City staff as may be appropriate.
- (c) *Required items at meeting.* Required items to be brought is in accordance with the City's agenda for the meeting. Failure to provide this information at the time of meeting is grounds for cancelation and rescheduling.
- (d) *Required time to construct or another meeting required.* Construction shall begin within ninety (90) days after the pre-construction meeting, if construction has not started within the ninety (90) day period then another preconstruction meeting shall be required prior to construction, unless otherwise waived by the City.

Sec. 48-39 – List of Inspections; Inspection of Improvements.

- (a) *Inspections list and inspections required.* The City shall inspect all necessary improvements to ensure compliance with the approved plans. A list of applicable inspections shall be more fully covered during the pre-construction meeting and through the City's permitting system.
- (b) *Setting up inspections, payment, and timeframes.* An applicant shall contact the City to set up any required inspections and pay any required fees. Any fees must be paid before the City will set up the inspection. The City shall inspect the improvement within three (3) business days of contact to the City.
- (c) *Right of entry and inspection.* The City shall have the right to enter upon the construction site for the purpose of conducting inspections. The City shall conduct inspections of the improvements during construction to ensure general conformity with plans and specifications as accepted. If the City finds upon inspection that any of the improvements have not been constructed in accordance with this Chapter or approved plans, then the applicant shall be responsible for making the necessary changes to ensure compliance.
- (d) *City response to inspection.* The City shall issue written approval or denial of an improvement. If denied a checklist will be created that lists all deficiencies to be corrected. The applicant will be responsible for rescheduling an inspection in accordance with subsection (c).
- (e) *Disclaimer and responsibility of applicant.* It is the responsibility of the applicant to request inspections when construction is complete or nearing completion to ensure that all work is in accordance with the approved site development plans. Inspection by the City, or a failure of the City to inspect construction as required herein, shall not in any way impair or diminish the obligation of the applicant to install improvements in accordance with the approved plan sets, applicable codes, City's Construction Standards Manual, to the standards of the City Engineer, or to the standards of the Site Development Administrator.

EXHIBIT “A”

Sec. 48-40 – As-Builts or Record Drawings.

- (a) *Required.* After all inspections have been approved by the City, the applicant's State licensed engineer shall provide the As-builts or record drawings as indicated in Site Development Application Packet.
- (b) *Signatories.* The City Engineer, Site Development Administrator, and other applicable non-City utilities must sign the plans for them to be approved by the City.
- (c) *Certificate of Completion.* To be provided along with the as-builts or record drawings by the applicants State licensed engineer. This certification shall have the engineer's affixed seal.

Secs. 48-41 – 48-49. - Reserved.

ARTICLE V. – GENERAL DEVELOPMENT REQUIREMENTS AND STANDARDS.

DIVISION 1. – ROADWAY & UTILITY ADEQUACY STANDARDS.

Sec. 48-50. – Purpose and Intent

- (a) An adequate network of collector and arterial streets must support new development within the urban area.
- (b) Collector and arterial streets are an essential component of the City's street network and are necessary to accommodate the continuing growth and development of the City.
- (c) It is necessary and desirable to obtain rights-of-way for off-site, abutting, and internal collector and arterial streets to support new development at the time of planning.
- (d) There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner to dedicate and improve off-site, abutting, and internal collector and arterial streets to City standards.
- (e) The City desires to assure both that development impacts are mitigated through contributions of collector and arterial street rights-of-ways and improvements and that a development project contribute not more than its fair share of collector and arterial street costs.
- (f) It is the City's intent to institute a procedure to assure that mandatory dedication of collector and arterial street rights-of-ways and construction requirements are proportional to the traffic demands created by a new development.

Sec. 48-51. – Minimum Road Standards

- (a) *Applicability and definition of “adjacent streets”.* All development shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal and adjacent streets. For purposes of this section, “adjacent streets” shall include streets abutting the proposed development, whether located within the boundaries of another lot or within rights-of-way.

EXHIBIT “A”

- (b) *Standards and specifications.* The property owner shall dedicate and improve all required rights-of-way for internal and adjacent arterial and collector streets required by these regulations.
- (c) *Substandard street improvements.* Where an existing arterial or collector street does not meet the city's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in these regulations, depending on factors such as the impact of the development on the collector or arterial street, the timing of the development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.
- (d) *Capital improvement plan for roads.* A road improvement may be considered adequate if the required improvement is included, funded, and approved in the city's, county's, or state's capital improvement plan for roads, or if the improvement is included, funded, and approved in the city's, county's or state's capital improvement plans for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This section shall not be construed to prevent the city from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a traffic impact study to determine a development project's proportionate costs of improvements.
- (e) *Possible City participation in costs of improvement.* The City may participate in the costs of improvements required by this Chapter to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the City's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a development agreement. This is a voluntary process initiated between the city and the developer.

Sec. 48-52 – Traffic Impact Analysis (TIA).

- (a) *Submittal standards.* Every development that will generate traffic in excess of one hundred (100) total peak hour trips shall be accompanied by a traffic impact analysis based the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, prepared in accordance with standard transportation engineering practices for purposes of determining the adequacy of the street network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed. If land uses for the development are not specified at the time of application, the daily trip generation rate shall be computed based upon the maximum land use intensity allowed for the development.
- (b) *Submission.* A TIA shall be submitted with the application. An updated TIA shall be submitted with each additional application or if a modification triggers an update to the TIA. The revision to the TIA shall be generally consistent with the initial TIA. The initial traffic impact analysis shall be updated whenever there is more intensive development.
- (c) *Determination.* The TIA shall determine the following:
 - (1) Trips to be generated by the proposed development;

EXHIBIT “A”

- (2) Assignment of such trips to the road network analyzed;
 - (3) The capacity of affected arterial and collector streets before and after the proposed development;
 - (4) Specific recommendations for arterial and collector street improvements (including but not limited to turn lanes, acceleration/deceleration lanes, additional lanes, controlled access) and traffic-control modifications needed to mitigate the traffic from the proposed development; and
 - (5) The development project's proportionate share of the costs of such improvements and modifications.
- (d) *Standards.*
- (1) The City Engineer shall determine the geographic area to be included in a TIA.
 - (2) A TIA must be performed under the supervision of a State licensed registered professional engineer.
 - (3) A TIA must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.
 - (4) A TIA must be signed/sealed by a State registered professional engineer or other qualified individual responsible for the supervision of the study and preparation of the TIA.
 - (5) The TIA must meet the requirements of the City, County, and State for internal and adjoining arterials and collector streets. A scoping document shall be agreed upon by all parties prior to submitting the document. All parties, as applicable, must approve the document to consent approval by the City.
- (e) *Exceptions through a development agreement; approval of development agreement.* The city may allow a developer to negotiate payment of fees to offset roadway impacts through a development agreement instead of a TIA. This negotiation may include a fixed fee based on the linear footage of development along a roadway, fixed fee based on the number of lots in a development, fixed fee based on each peak hour trip that the proposed development will generate, fixed fee based on vehicle miles traveled (VMT) for each land use in the development, or any other means of measurement as agreed upon by the city and developer. This is a voluntary process initiated between the city and the developer. Any development agreement through this section must be approved by the council.
- (f) *Development agreement in place before plan or plat approval.* A development agreement through this section must be approved by the council before the City shall approve any proposed Site Development Plan.
- (g) Criteria for decisions regarding TIA.

EXHIBIT “A”

- (1) *City denial by overburden.* The city may deny a TIA if it demonstrates that a proposed development may overburden a private, city, county, or state arterial or collector system.
- (2) *City denial by reducing desirable operation levels of service or endangers public safety.* The city may deny a TIA if it demonstrates the projected traffic generated by the project, combining with the existing traffic, reduces the existing operating level of service on a private, city, county, or state arterial or collector system within the study area or endangers the public safety.
- (3) *City approval by mitigating adverse traffic conditions.* The applicant has satisfactorily mitigated any adverse traffic conditions on a private, city, county, or state arterial or collector system within the study area to the satisfaction of the city.
- (4) *City approval by proving insignificant effect on systems.* The projected additional traffic from a project has an insignificant effect on a private, city, county, or state arterial or collector system within the study area to the satisfaction of the city.

Sec. 48-53 – Placement of Traffic Improvements from Traffic Impact Analysis (TIA).

- (a) *Acceleration/deceleration lanes and/or turn lanes.* When required by the TIA, acceleration/deceleration lanes and/or turn lanes shall be provided as either on or off-site improvements for existing and/or proposed arterial or collector streets, at a proportional cost, to the satisfaction of the city engineer.
- (b) *Reservation of additional right-of-way (ROW).* When required by the TIA, additional ROW shall be dedicated to the ROW owner if required to accommodate acceleration/deceleration lanes or turning lanes to the satisfaction of the city engineer.
- (c) *Signage and striping.* The developer shall design, install, and pay all costs for traffic control signs and pavement striping either onsite or offsite. Traffic control signs and pavement striping shall conform to the accepted construction plans and to the most recent edition of the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- (d) *Signalization.* The developer shall design, install, and pay at a proportional cost, for providing any required traffic signalization system identified in an approved traffic impact analysis (TIA), including all related devices, conduits, wiring, and junction boxes, to the satisfaction of the city engineer.

Sec. 48-54 – Other Adequacy Facility Standards.

No site development application shall be approved if there are inadequate facilities, as determined by the City Engineer, to serve the proposed development. These facilities include but are not limited to on- and off-site water, wastewater, drainage, street, power, and communication facilities. The plans for improvements to provide adequate facilities shall be part of the site development application. Adequate facility improvements may include but are not limited to the extension of off-site water and wastewater lines, construction of off-site water storage, off-site lift stations, off-site drainage easements and improvements.

Sec. 48-55 - 48-69. - Reserved.

DIVISION 2 – TREE PRESERVATION STANDARDS.

EXHIBIT “A”

Sec. 48-70. – Purpose and Intent.

The tree preservation standards adopted herein are reasonable and necessary to preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical, and aesthetic environment.

Sec. 48-71. – Tree Preservation Standards

The protection of significant and heritage trees, in general, shall be considered in the layout of streets, parking lots, driveways, drainage improvements, utilities and lots. The approval authority may call for the relocation of any improvement to save a significant or heritage tree as shown on a tree survey. Tree removal shown shall constitute the City's approval to remove a significant or heritage tree. Tree protection zones shall be shown on the plans for any preserved significant or heritage trees.

Sec. 48-72. – Mitigation of Removed Significant and Heritage Trees

The removal of heritage and significant trees shall require mitigation using the calculations and procedures defined below. Mitigation may be achieved through replacement trees planted on-site or payment-in-lieu of replacement trees. A payment-in-lieu can only be utilized when replacement is not possible or practical.

- (a) Mitigation shall be required at a 1:1 caliper inch basis for significant trees between ten (10) and fourteen (14) caliper inches and a removal fee per caliper inch.
- (b) Mitigation shall be required at a 2:1 caliper inch basis for significant trees that are between fifteen (15) caliper inches and nineteen (19) caliper inches and a removal fee per caliper inch.
- (c) Mitigation shall be required at a 3:1 caliper inch basis for heritage trees and a removal fee per caliper inch.
- (d) A payment-in-lieu of replacement trees in accordance with the fee schedule, the fee shall be per caliper inch of replacement tree.
- (e) Replacement trees shall be a minimum of two (2) caliper inches and identified by Texas A&M Forest Service as a native tree.

Sec. 48-73 –Tree Mitigation Removal Credit.

On lots where significant and heritage trees exist and will be removed by an applicant, a specific number of removed tree inches from the total removed tree inches will qualify for a credit whereby an applicant will not re-plant or pay fee-in-lieu for the removed tree inches. These credits will apply as follows:

- (a) Fifty (50) – ninety (99) removed tree inches will receive a ten percent (10%) credit for all significant or heritage trees on-site.
- (b) One hundred (100) – one hundred and ninety-nine (199) removed tree inches will receive a twenty percent (20%) credit for all significant or heritage trees on-site.
- (c) Two hundred (200) or more removed tree inches will receive a thirty percent (30%) credit for all significant or heritage trees on-site.

EXHIBIT “A”

- (d) Credits with this Section shall first be applied to the smallest trees to the largest trees for significant tree. If credits remain after all significant trees are counted, then the smallest trees to the largest trees for heritage trees.

Sec. 48-74 – Tree Preservation

No significant or heritage trees shall be removed until a tree preservation plan has been approved by the City. Significant and heritage trees may be removed only in accordance with the approved tree preservation plan, and trees must be protected during construction activities on the property in accordance with the approved tree preservation plan.

Sec. 48-75 – 48.89. – Reserved.

DIVISION 3 – PARKLAND STANDARDS

Sec. 48-90. – Purpose and Intent.

The parkland standards adopted herein are reasonable and necessary to provide for suitable land or the ability to provide for suitable land for residents of the City and ETJ for open space, recreation, amenities, and improvements.

Sec. 48-91. – Applicability and Exceptions.

- (a) *Applicability.* This Division shall be applicable for all residential development.
- (b) *Exceptions.* These standards shall not apply to any residential development with four (4) or less existing dwelling units on a lot or a proposal with four (4) or less dwelling units on a lot.
- (c) *Administration waiver.* The Administrator may waive subsection (b) if it is determined an applicant is abusing the exception standards.

Sec. 48-92. – Parkland Standards.

- (a) *Requirements.* The developer shall dedicate parkland or contribute fee-in-lieu or any combination thereof as determined by the City.
- (b) *Land Dedication.* Shall follow the standards below:
 - (1) *Responsibility.* An applicant shall provide for the parkland needs of its residents by the dedication of suitable land for park and recreational purposes.
 - (2) *Shown on approved plans and dedication statement.* The area to be dedicated must be shown on the site development plan and included in the dedication statement.
 - (3) *Providing deed and applicable standards.* Prior to application approval, the applicant shall provide by deed to the city all land required by this Division. The land itself must be free and clear of all mortgages and liens at the time of such conveyance. It shall not be encumbered with existing or proposed public utility easements or drainage channels that would unduly restrict the development of the site for recreational purposes.
 - (4) *Maximum dedication of parkland in a floodplain.* Land located in a floodplain shall not constitute more than fifty (50) percent.

EXHIBIT “A”

- (5) *Calculation of minimum parkland.* The amount of parkland required to be dedicated to the city is as determined by the following formula:

$$6 \times (\text{number of units}) \times (\text{residents per unit}) / 1,000 = \text{acres of parkland.}$$

In calculating the amount of parkland to be dedicated under this section, the number of residents in each dwelling unit is based on density as follows:

Dwelling Units Per Acre	Residents in Each Dwelling Unit
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

In calculating the amount of parkland to be dedicated under this section, density for a multifamily development is assumed to be the highest permitted in the zoning district, or if the property is not zoned or the zoning does not have a density, twenty-four (24) dwelling units per acre.

In calculating the total any fraction must be rounded up to the nearest whole number (i.e. 2.01 = 3.00).

- (6) *Location of land dedication.* The specification and codes adopted by the city shall be used as a guide for location of park sites, including but not limited to the Comprehensive Plan and any adopted parks plan. All land intended for park purposes shall be inspected both on the application and in the field by the City. The decision on acceptance of parkland shall be made by the City based on a recommendation of the Parks and Recreation Advisory Board. This can be an on-site location or an off-site location. If this is to be an off-site location it shall follow park locations as denoted in the Comprehensive Plan or parks plan.
- (7) *Credit for private park land and facilities.* There shall be no credits given under this Division for any private parks or facilities created independently of public parks and facilities.
- (8) *Title insurance required.* Prior to City approving the application, the developer shall deliver to the city a title insurance policy with the city as the holder and covering the parkland being conveyed.
- (9) *Dual park and storm drainage facility.* Use of parkland within the area of a storm drainage facility is prohibited.
- (c) *Fee-in-lieu.*
- (1) *Criteria for acceptance of fee-in-lieu.* The City shall allow for a fee-in-lieu in the following situations:
- (A) If the parkland dedication is to be less than three (3) acres within the City limits, or

EXHIBIT “A”

- (B) If future parks are not indicated on the Comprehensive Plan, City park plans, or applicable County parks plan in and around the development and the applicant cannot purchase off-site land in accordance with subsection (A), then the City may allow as an option a fee-in-lieu of the dedication.
- (C) The fee-in-lieu shall be paid prior to approval of the application.
- (2) *Deposit of cash contributions.* All cash contributions are to be received by the City. The City shall deposit said funds into the park fund.
- (d) *Reservation of additional park land.* If the park plan, specification, or codes for the city specifies a larger amount of park land than the applicant may be required to dedicate, the land needed beyond the respective contribution may be reserved for subsequent acquisition by the City.
- (1) *Options for payment and to hold land.* The City may elect to hold such land by:
 - (A) Purchasing an option to buy the property for a period and at a price as agreed upon by the city and applicant.
 - (B) Indemnifying the owner of the land for all holding costs for a period of time, said costs and time period to be agreed upon by the City and applicant.
 - (C) If the City and applicant cannot agree then the City may elect to prohibit any development or improvement to the proposed park land for a period not to exceed twelve (12) months, during which time the City shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the subject tract.
- (2) *No restriction on eminent domain.* No provision herein shall in any way be construed as a limitation of the City's authority to acquire park land by eminent domain.

Sec. 48-93. – Land Treatment on Land Dedicated for Parkland.

- (a) The applicant or developer shall not cause or allow any fill material or construction debris to be dumped on the land, or otherwise alter, damage, or impair the land, water, or vegetation on the park site, without written permission from the Director. The City may allow the applicant to dump fill material and take other respective actions specified in this subsection when such action would be beneficial to the park land.
- (b) The City will have the option to place the park land in a trust for use and leverage in funding as the park is developed. The city attorney shall be involved with the transfer of property to ensure the city has ownership but through the trust process does not lose the ownership of such property.

Sec. 48-94 – 48.109. – Reserved.

DIVISION 4 – DEVELOPMENT STANDARDS.

Sec. 48-110. Mandatory interconnectivity between sites.

- (a) *Vehicular interconnectivity element.* A site contiguous with another site shall provide drive aisle connections to the boundary of the site for connection to such contiguous site and shall

EXHIBIT “A”

provide an access easement to that site boundary from a public street to the satisfaction of the administrator.

- (b) *Width of access easements and vehicular connections.* The access easement and/or vehicular connection shall maintain the same width between developments to the satisfaction of the administrator.
- (c) *Recording of necessary easements.* The developer shall record any legal documents, mutual access agreements, and provide documentation of existence before the city approves any site development plan.
- (d) *Exemptions to section.* Unless such connections are inappropriate as determined by the administrator, including but not limited to, topographic constraints, environmental constraints, and/or adjacent land uses that are incompatible for the purposes of mixing traffic, they may exempt the development from specific interconnectivity requirements.

Sec. 48-111. Driveways.

- (a) *Location and spacing standards; exceptions.* Driveway approaches are permitted only arterial or collector streets; however, the driveways must have a minimum of two hundred (200) feet spacing between driveways on streets and from the street centerline at an intersection unless the city engineer determines that existing conditions or other governmental regulations makes this impossible.
- (b) *Opposite driveway approaches on opposite side of street to line up.* Where feasible, to the satisfaction of the city engineer and not in conflict with these regulations, proposed driveway access should align with existing driveway accesses or public streets on the opposite side of the road.
- (c) *Minimum width for non-residential uses and mixed-uses driveway accesses on city streets.* Driveway accesses on city streets shall be between thirty (30) feet and forty-five (45) feet in width.
- (d) *Minimum width for residential uses only driveway accesses on city streets.* Driveway accesses on city streets shall be between twenty-four (24) feet and thirty (30) feet in width.
- (e) *Angle of driveway accesses.* All access driveways shall be at ninety (90) degrees, or within a limit of plus or minus ten (10) degrees off ninety (90) degrees to the intersecting public street.
- (f) *Number of driveway accesses to street.* Driveway accesses to streets shall be by no more than two (2) driveway accesses for each four hundred (400) feet of lot frontage, or fraction thereof. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) street. Developer shall provide adequate access so that internal traffic management is provided and avoids unnecessary traffic spill out onto streets.
- (g) *Driveway entrance setback.* Driveway entrances shall be set back at least thirty-five (35) feet from the point of tangency of the curb at any intersecting street or to the satisfaction of the city engineer.

EXHIBIT “A”

- (h) *Culvert sizes.* Adequate culverts shall be provided under driveways to prevent obstruction of drainage ways. The minimum size shall be as indicated in the city construction standards.
- (i) *Safe design for users.* All driveways shall be designed to provide safe vehicular entrance and exit without the necessity of backing out into a street to the satisfaction of the city engineer.
- (j) *Grade and slope.* Every driveway shall be at roadway grade level where the driveway intersects with the right-of-way. A negative slope of two (2) percent shall be required where there is no curb and gutter for a minimum of eight (8) feet or to the top of the culvert, and areas with curb and gutter, a positive grade will be allowed.
- (k) *Lack of driveway regulations on non-city owned right of way.* In situations where no driveway standards exist on non-city owned right-of-way, the applicable standards in this section will be used instead.

Sec. 48-112. – Application of Standards from Chapter 36 City Code.

- (a) *Streets constructed within and/or adjacent to development.* If streets are constructed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (b) *Alleys constructed within and/or adjacent to development.* If alleys are constructed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (c) *Sidewalks constructed within and/or adjacent to development.* If sidewalks are constructed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (d) *Easements placed within and/or adjacent to development.* If easements are placed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and to the satisfaction of the city engineer. The person shall record any legal documents and provide documentation of existence before the city approves any site development plan.
- (e) *Drainage and storm sewers within or adjacent to development.* Drainage and storm sewers placed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (f) *Stormwater quality, riparian corridors, and environmental standards within or adjacent to development.* Stormwater quality, riparian corridors, and environmental standards placed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (g) *Water, sanitary sewer systems, and flood regulations within or adjacent to development.* Water systems, sanitary sewer systems, and flood regulations placed within and/or adjacent

EXHIBIT “A”

to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.

Sec. 48-113 – 48.199. – Reserved.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 26, CODE OF ORDINANCES (2013 EDITION), CITY OF ELGIN, TEXAS REGARDING MUNICIPAL COURT FEES, FUNDS AND COURT COSTS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: FINANCE/COURT

PROPOSED ACTION: APPROVAL OF THE ORDINANCE

BACKGROUND: CURRENT LEGISLATIVE UPDATE THAT INSERTS **REIMBURSEMENT** IN FRONT OF THE WORD *FEE* IN SECTION 26-19 (b) AND CHANGES THE WORD *CHARGE* TO **REIMBURSEMENT FEE** IN SECTION 26-20. THE UPDATE ALSO REMOVES SECTIONS 26-21 AND 26-22 DUE TO THE CITY NO LONGER NEEDING AN ORDINANCE TO COLLECT THOSE FEES. NEW SECTION 26-21 ALLOWS THE CITY TO CHARGE A FAILURE TO APPEAR FEE IN THE AMOUNT OF \$25.00.

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 ORDINANCE

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.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26, CODE OF ORDINANCES (2013 EDITION), CITY OF ELGIN, TEXAS, REGARDING MUNICIPAL COURT FEES, FUNDS AND COURT COSTS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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

I.

That Chapter 26, Municipal Court, Article II Fee, Funds and Court Costs is hereby amended by amending Section 26-19 and Section 26-20, repealing Section 26-21 and Section 26-22 and adding a new Section 26-21 as follows:

Sec. 26-19. - Collection of administrative fees by municipal court.

- (a) The municipal court is hereby authorized to collect a compliance dismissal fee for services performed in cases in which the laws of the state require that the case be dismissed because of actions by or on behalf of the defendant which were subsequent to the date of the alleged offense. Such actions are limited to compliance with the provisions of V.T.C.A., Transportation Code§ 502.407(b).
- (b) The municipal court is hereby authorized to require the person requesting a driving safety course to pay a reimbursement fee set by the court at an amount that does not exceed \$10.00 including any special fee authorized by statute or municipal ordinance to cover the cost of administering this section.
- (c) All fees collected under this section by the municipal court shall be deposited into the municipal treasury.

(Code 1990, ch. 1, § 15(A); Ord. No. 87-12-04, 12-15-1987; Ord. No. 87-12-05, 12-15-1987; Ord. No. 97-09-16-18, 9-16-1997; Ord. No. 99-08-17-14, 8-17-1999)

State Law reference- Services of peace officers, Vernon's Ann. C.C.P. art. 102.011; special expense fee, Vernon's Ann. C.C.P. arts. 45.051 l(f), 45.203(c); administrative fee, V.T.C.A., Transportation Code§ 706.006.

Sec. 26-20. - Collection of fee for arrest warrant.

A reimbursement fee ~~charge~~ of \$50.00 shall be collected for each and every warrant and shall be paid by the person for whose arrest the warrant has been issued (Vernon's Ann. C.C.P. art. 102.011 (a)(2)).

(Code 1990, ch. 1, § 15(B); Ord. No. 87-12-04, 12-15-1987; Ord. No. 87-12-05, 12-15-1987; Ord. No. 97-09-16-18, 9-16-1997; Ord. No. 99-08-17-14, 8-17-1999)

State Law reference- Municipal court arrest warrant fee, Vernon's Ann. C.C.P. art. 102.011.

~~Sec. 26-21. Municipal court building security fund.~~

~~Pursuant to Vernon's Ann. C.C.P. art. 102.017, a municipal court building security fund is hereby created, and further requires that the municipal court collect from each defendant convicted in a trial for a misdemeanor offense a \$3.00 security fee as a cost of court.~~

~~(Code 1990, ch. 1, § 15(C); Ord. No. 87-12-04, 12-15-1987; Ord. No. 87-12-05, 12-15-1987; Ord. No. 97-09-16-18, 9-16-1997; Ord. No. 99-08-17-14, 8-17-1999)~~

~~**State Law Reference-** Municipal court building security fund, Vernon's Ann. C.C.P. art. 102.017.~~

~~Sec. 26-22. Municipal court technology fund.~~

~~Pursuant to Vernon's Ann. C.C.P. art. 102.0172, a municipal court technology fund is hereby created, and further requires the municipal court to collect from each defendant convicted in a trial for a misdemeanor offense a \$4.00 fee as a cost of court.~~

~~(Code 1990, ch. 1, § 15(D); Ord. No. 87-12-04, 12-15-1987; Ord. No. 87-12-05, 12-15-1987; Ord. No. 97-09-16-18, 9-16-1997; Ord. No. 99-08-17-14, 8-17-1999)~~

~~**State Law reference-** Municipal court technology fund, Vernon's Ann. C.C.P. art. 102.0172.~~

Sec. 26-21. - Failure to Appear/Violate Promise to Appear fine

(a) Pursuant to Vernon's Ann. C.C.P. art. 45.203, there is hereby established a fine in the amount of \$25.00 that shall be assessed to and collected from a defendant, after due notice, upon conviction for a misdemeanor offense in the municipal court under Section 38.10(e), Texas Penal Code (Failure to Appear), or Section 543.009, Texas Transportation Code (Violation of Promise to Appear).

(b) A defendant is considered convicted if:

- (1) A sentence is imposed on the defendant;
- (2) The defendant receives community supervision, including deferred adjudication community supervision; or
- (3) The court defers final disposition of the defendant's case.
- (c) In addition to any other method of enforcement, the City may enforce the collection of fines by execution against the property of the defendant or by imprisonment of the defendant.
- (d) The clerk of the court shall collect the fine and pay it to the City treasury for the use and benefit of the City.

State Law reference — Collection of Fines and Costs, Vernon's Ann. C.C.P. art. 45.203.

II.

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

READ and APPROVED on first reading on this ____ day of _____, 2022.

READ, APPROVED and ADOPTED on this ____ day of _____, 2022.

Mayor, City of Elgin, Texas

ATTEST:

City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Discussion and consideration of establishing a tax ceiling freeze in the FY22-23 Annual Budget for city property taxpayers over the age of 65 and direction to staff as appropriate – Councilmember Brashar

DEPARTMENT: N/A

PROPOSED ACTION:

No Council action proposed by staff; This item has been placed on the agenda at the request of Councilmember Brashar for consideration of the topic as stated.

BACKGROUND:

Councilmember Brashar has requested discussion and possible action on the subject matter as stated.

Within the last 2-3 years, the City Council has discussed various scenarios whereby the City might provide some additional tax relief to property taxpayers over the age of 65, which is a common practice among taxing agencies. In those previous discussions, timing and affordability were issues that prevented the City from implementing some kind of tax exemption or freeze at that time.

Given the City's improved financial stability, Councilmember Brashar has proposed a reconsideration of this matter prior to the staff beginning to develop the proposed FY22-23 Annual Budget.

Attached to this item is a listing of all property tax exemptions currently provided by Bastrop County taxing agencies.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consideration of Councilmember Brashar's agenda item as stated.

ATTACHMENTS:

Bastrop CAD Exemptions

- { } 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.

Bastrop CAD Exemptions

Taxing Unit	General Homestead	Over 65 Exemption	Disabled Person Exemption	Local Option	Freeze Ceiling
Bastrop ISD	\$25,000	\$10,000	\$10,000	-0-	Y
Elgin ISD	\$25,000	\$10,000	\$10,000	-0-	Y
Lexington ISD	\$25,000	\$10,000	\$10,000	-0-	Y
McDade ISD	\$25,000	\$10,000	\$10,000	-0-	Y
Smithville ISD	\$25,000	\$10,000	\$10,000	-0-	Y
Austin Community College	-0-	\$164,000	\$164,000	1% (\$5,000 min.)	N
City of Elgin	-0-	\$15,000	-0-	-0-	N
City of Smithville	-0-	\$10,000	\$10,000	-0-	N
Bastrop County	-0-	\$25,000	-0-	-0-	Y
Bastrop County Road	\$3,000	\$22,000	\$3,000	-0-	Y
WCID#3 & #3D	-0-	\$10,000	\$10,000	20% (\$5,000 min.)	N
City of Bastrop	-0-	-0-	-0-	-0-	Y
Bastrop County MUD #1	-0-	-0-	-0-	-0-	N
Bastrop County ESD #1	-0-	-0-	-0-	-0-	N
Bastrop County ESD #2	-0-	-0-	-0-	-0-	N
Bastrop-Travis Cts ESD #1	-0-	-0-	-0-	-0-	N
The Colony MUD #1A	-0-	-0-	-0-	-0-	N
The Colony MUD #1B	-0-	-0-	-0-	-0-	N
The Colony MUD #1D	-0-	-0-	-0-	-0-	N
The Colony MUD #1E	-0-	-0-	-0-	-0-	N
The Colony MUD #1F	-0-	-0-	-0-	-0-	N
West Bastrop Village MUD	-0-	-0-	-0-	-0-	N

VETERANS DISABILITY
10% - 29% -- \$5,000 off market value
30% - 49% -- \$7,500 off market value
50% - 69% -- \$10,000 off market value
70% - 100% -- \$12,000 off market value
100% Disabled Veteran/Unemployable = 100% exempt on homestead only



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Discussion regarding minimum lot size for new single-family homes and direction to staff as appropriate – Councilmember Brashar

DEPARTMENT: N/A

PROPOSED ACTION:

No Council action proposed by staff; This item has been placed on the agenda at the request of Councilmember Brashar for consideration of the topic as stated.

BACKGROUND:

Councilmember Brashar has requested discussion and possible action on the subject matter as stated.

In recent months, there has been growing discussion amongst the Planning Commission, staff, and the general public about the proliferation of smaller lot sizes for single-family homes being developed within the City. Although general market conditions indicate that smaller lots are currently desired, the City has reached a point where there are a significant number of such smaller lots now available to both developers and home buyers.

Councilmember Brashar has requested a discussion of this matter amongst Council to determine whether certain policy direction to staff and/or the Planning Commission is warranted.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consideration of Councilmember Brashar's agenda item as stated.

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.