



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 3, 2023
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 Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone From R-2 Single Family And Garage Apartment District To C-2 General Commercial District, Located On A Parcel Of Land Known By The Bastrop Co. Appraisal District As Parcel 12934 (SMITH, J.S., LOT 86, ACRES 0.602) Being Described In Exhibit "A", Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

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

2. **Public Hearing On An Ordinance Amending Chapter 36 Subdivisions, Article I. In General; Article II. Processing Procedures; Article III. General Requirements And Standards, Division 1 Generally & Division 13 Parkland Standards; And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

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

3. **Public Hearing On An Ordinance Amending Chapter 48 Site Developments, Article IV. Processing Procedure & Article V. General Development**

Requirements And Standards, Division 3 Parkland Standards; And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

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

VI. PUBLIC COMMENT

The "PUBLIC COMMENT" item posted on the agenda is reserved for members of the public who would like to address the City Council regarding posted agenda items or non-agenda items. Individuals requesting to speak or address the City Council during the meeting shall do so under the "PUBLIC COMMENT" agenda item. Speakers shall 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. **As of May 1, 2022, all such public comments will be done IN PERSON. You may email public comments and they will be distributed to each of the Council Members but not read out loud.**

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 a "PUBLIC COMMENT FORM".

Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or Staff Member. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from any personal attacks or derogatory comments directed at any Council Member, Staff Member, other individual, or group.

VII. PRESENTATION

1. A Proclamation Declaring January 14, 2022, As Elgin Black Icons Mural Dedication Day In The City Of Elgin

Documents:

[ELGIN BLACK ICONS MURAL PROCLAMATION.PDF](#)

2. A PROCLAMATION DECLARING JANUARY 16, 2023, AS DR. MARTIN LUTHER KING, JR. DAY IN THE CITY OF ELGIN

Documents:

[2023 MLK PROCLAMATION.PDF](#)

VIII. CITY MANAGERS REPORT

1. SESQUICENTENNIAL YEAR END REPORT AND THANK YOU TO THE ETX150 COMMITTEE .

Documents:

[EXSUMMARYETX150YEAREND.PDF](#)

2. FY22-23 Capital Equipment Budget Report

3. Quarterly Investment Reports- 3rd And 4th Quarters

Documents:

[EX SUMMARY- QUARTERLY INVESTMENT REPORTS.PDF](#)
[FY 21-22 3 QTR INVESTMENT REPORT.PDF](#)
[FY 21-22 4 QTR INVESTMENT REPORT.PDF](#)

4. General Activity Report And/Or Project Update

Documents:

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

IX. CONSENT AGENDA

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

1. City Council Regular Meeting Minutes December 6, 2022

Documents:

[EX SUMMARY- DECEMBER 6, 2022 REGULAR MEETING MINUTES.PDF](#)
[12-6-2022 CITY COUNCIL REGULAR MEETING MINUTES.PDF](#)

2. City Council Special Meeting Minutes - December 6, 2022

Documents:

[EX SUMMARY- DECEMBER 6, 2022 SPECIAL MEETING MINUTES.PDF](#)
[12-6-2022 CITY COUNCIL SPECIAL MEETING MINUTES.PDF](#)

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CONVERSION OF TWO (2) PART TIME LIBRARY CIRCULATION CLERKS TO ONE (1) FULL TIME CIRCULATION CLERK POSITION; AND TWO (2) PART TIME FRONT DESK REC CENTER STAFF TO ONE (1) ONE FULL TIME FRONT DESK REC CENTER STAFF.

Documents:

[EXSUMMARY - RESOLUTION COVERTING PTE TO FTE 2023.PDF](#)
[RESOLUTION PTE CONVERSIONS 2023.PDF](#)

X. NEW BUSINESS

1. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE FROM "R-2" SINGLE FAMILY AND GARAGE APARTMENT DISTRICT TO "C-2" GENERAL COMMERCIAL DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCEL 12934 (SMITH, J.S., LOT 86, ACRES 0.602) BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND

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

Documents:

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

- 2. AN ORDINANCE AMENDING CHAPTER 36 SUBDIVISIONS, ARTICLE I. IN GENERAL; ARTICLE II. PROCESSING PROCEDURES; ARTICLE III. GENERAL REQUIREMENTS AND STANDARDS, DIVISION 1 GENERALLY & DIVISION 13 PARKLAND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

Documents:

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

- 3. AN ORDINANCE AMENDING CHAPTER 48 SITE DEVELOPMENTS, ARTICLE IV. PROCESSING PROCEDURE & ARTICLE V. GENERAL DEVELOPMENT REQUIREMENTS AND STANDARDS, DIVISION 3 PARKLAND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

Documents:

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

- 4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR EXECUTE A LETTER OF AGREEMENT WITH MARK J. SCHROEDER OF TAYLOR, TEXAS APPOINTING HIM INTERIM CITY ATTORNEY OF THE CITY OF ELGIN IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS**

Documents:

[EXSUMMARY - APPT CITY ATTY.PDF](#)
[RESAPPT CITY ATTY123.PDF](#)
[LETTER TO ELGIN CITY COUNCIL, 1-3-2022.PDF](#)

XI. EXECUTIVE SESSION

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

XII. RECONVENE

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

XIII. ANNOUNCEMENTS

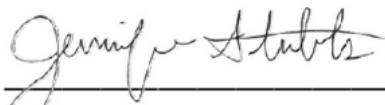
XIV. ADJOURMENT

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

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

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

I, Jennifer Stubbs, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, December 30, 2022, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script, reading "Jennifer Stubbs", written in dark ink.

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending the Official Zoning Map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone from R-2 Single Family and Garage Apartment District to C-2 General Commercial District, located on a parcel of land known by the Bastrop Co. Appraisal District as parcel 12934 (SMITH, J.S., LOT 86, ACRES 0.602) being described in Exhibit "A", attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed ordinance in accordance with State law (518 S. Ave D Rezoning from R-2 to C-2).

BACKGROUND: The Planning & Zoning Commission held a meeting on October 24, 2022 and at that meeting the Commission recommended approval of the item. This item was originally heard by the Council on November 15th and it was approved for rezoning. However, because the 200' notice had the incorrect Council date, this item has to be reheard and reconsidered by the Council.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending Chapter 36 Subdivisions, Article I. In General; Article II. Processing Procedures; Article III. General Requirements and Standards, Division 1 Generally & Division 13 Parkland Standards; and providing a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

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

BACKGROUND: None.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending Chapter 48 Site Developments, Article IV. Processing Procedure & Article V. General Development Requirements and Standards, Division 3 Parkland Standards; and providing a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

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

BACKGROUND: None.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

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

{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.

A Proclamation Declaring January 14, 2022, as Elgin Black Icons Mural Dedication Day in the City of Elgin

Whereas, the Elgin Main Street Board selected an Elgin Black Icons Mural to be their gift to the community for the Elgin Sesquicentennial in 2022, and will be located at 101 Central Avenue, which recognizes five leaders in Elgin History: Harvey Westbrook, Annie Lee Haywood, S.H. McShan, Dorothy McCarther, and Monty Joe Thomas; and

Whereas, the Elgin Black Icons mural will be dedicated on January 14, 2023, at 11:00 a.m. at 101 Central, the home of the McShan Barber Shop; and

Whereas, Civil rights leader Harvey Westbrook (1922-2005) was a lifetime resident of Elgin and a graduate of Booker T. Washington High School, which was the Black school in Elgin before desegregation. He served in the U.S. Army during World War II, earned a master's degree in agricultural education, and worked as a licensed real estate broker, insurance agent, and the owner of the Westbrook Apartments and the expanded section of the Westbrook Memorial Gardens, and retired from the Gary Job Corps after 25 years. Westbrook was the president of the Elgin branch of the NAACP and played an active role in getting equally distributed resources and public services for all citizens in Elgin. He ran for city council in 1975, and he was instrumental in the 1979 lawsuit against the City of Elgin which converted the city council into single-member wards instead of electing all council members at-large; and

Whereas, Educator Annie Lee Haywood (1926-2019) was a lifetime resident of Bastrop County. She earned a master's degree in elementary education, was instrumental in the Elgin Head Start program, and retired from Elgin ISD after 31 years. Haywood was the first Black teacher to desegregate Elgin schools, according to her daughter Emma Grace Haywood Mosby. She was also a civic activist, an election judge for Bastrop County, an Order of Eastern Stars Worthy Matron for 28 years, a member of the NAACP, and was named Most Worthy Citizen in 1992. Haywood was a gifted educator, an engaged citizen, a religious leader, a mentor, and a selfless volunteer in the Elgin community; and

Whereas, S.H. McShan began as a young man cutting hair in the 1950s at 14 Depot Street and became a Master Barber in 1964 when haircuts were 50 cents. He purchased the building at 101 Central Avenue in the early 1970s and moved his barber shop there. Keeping the business in the family is very important to McShan. In 2006 his grandson Terrance McDowell (known to all as Big T) decided to join his grandfather at the shop and now that McShan has retired, Terrance is running the business. McShan has served as a deacon of his church since the 1960s, drove school buses for Elgin ISD for decades including during desegregation, served on the Elgin Parks Board, the Board of Adjustments and for over 25 years on the Elgin Economic Development Corporation; and

Whereas, Dorothy McCarther, the owner of Dorothy's Fine Jewelry is a destination for all parts of our community. McCarther, a certified gemologist, offers unique customer service such that her customers now include third generations of the families she has served since the 1980s. She carries an array of the highest quality gemstones, high school class rings, wedding band sets, charms, rosaries, distinctive jewelry enjoyed by the African American and Hispanic communities, estate pieces, and more. Another element that sets her store apart and makes it a destination is the Salt & Pepper Beauty Supply component. She offers everything for specialty hair needs including braids, a variety of high-quality signs, and custom lady's hats. Established in 1992, Dorothy's moved to 104 Depot Street in 1996. She actively participates the Main Street Program, Chamber of Commerce, Planning and Zoning Commission and her church; and

Whereas, Gospel recording artist Monty Joe Thomas (1944-2015), also known as Mr. Cheerios, was a lifetime resident of Elgin and a graduate of Booker T. Washington High School. He had a song with the Gospel Mourners of Taylor, recorded three CDs, and had an encyclopedic knowledge of gospel music.

He founded The Thomas Family Band, a local musical group that continues to perform. Thomas was named Mr. Juneteenth in 2004 and King Hog in 2015, and he also owned Thomas Appliance and was active in his church.

Now, Therefore, in official recognition whereof, this **3rd day of January 2022**, I declare it to be Elgin Black Icons Mural Dedication Day on **January 14, 2022** and encourage all citizens to share and enjoy this community celebration.

Theresa McShan, Mayor
City of Elgin, Texas

**A PROCLAMATION DECLARING JANUARY 16, 2023, AS DR. MARTIN LUTHER KING, JR.
DAY IN THE CITY OF ELGIN**

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

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

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

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

WHEREAS, Dr. King’s “I Have A Dream Speech” turns 60 in 2023, and reminds us to recognize that in these challenging times, too many Americans face limited opportunities, but our capacity to support each other remains limitless; and

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

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

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

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

WHEREAS, all citizens are also urged to join in the 34th annual walk on January 16, 2023, at 10:00 a.m. beginning at 109 Depot Street, Veterans Memorial Park Elgin, Texas for universal peace, justice, human rights, and social and economic progress for all people.

NOW, THEREFORE, I, Theresa McShan, Mayor of the City of Elgin, Texas, do hereby proclaim Monday, January 16, 2023, as:

Dr. Martin Luther King, Jr. Day

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Elgin, Texas to be affixed this 3rd day of January 2023.

Theresa Y. McShan, Mayor



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: SESQUICENTENNIAL YEAR END REPORT AND THANK YOU TO THE ETX150 COMMITTEE .

DEPARTMENT: Community Services

PROPOSED ACTION: Discussion and Possible Action.

BACKGROUND: Receive a Year End Report from the Special Events Contractor and recognize the Sesquicentennial committee and extraordinary volunteers.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Review and Approve

ATTACHMENTS:

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Quarterly Investment Reports- 3rd and 4th Quarters

DEPARTMENT: Finance

PROPOSED ACTION: Review and Accept Reports

BACKGROUND: Section 2256.005 of the Texas Government Code requires that not less than quarterly, the Investment Officer shall prepare and submit to the City Council, a written, signed, investment report demonstrating a list of investment transactions for the preceding reporting period, in accordance with the Act.

Reports will include the following: 1.) For each pooled fund group: a beginning book value and market value, book and market value additions and changes, and ending book and market value. 2.) The book value and market value of each investment at the beginning and end of the period by type of asset and fund type invested. 3.) The maturity date of each investment. Detailed and summary reports will be prepared and presented to the City Council and Mayor not less than quarterly. The attached Report complies with this requirement of the ACT and the City's Investment Policy.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: Review and Accept Reports

ATTACHMENTS: Quarterly Investment Reports

☐ 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.

3rd Quarter Investment Report- Fiscal Year 2022

OPERATING ACCOUNTS -

Financial

<u>Institution</u>	<u>Fund</u>	<u>Account Name</u>	Beginning 4/1/2022	Deposits/(Withdrawals)			Total Deposits / (Withdrawals)	Interest			Total Interest	Ending 6/30/2022	Int. Rate
				April	May	June		April	May	June			
First National Bank	999	Main Checking	5,257,302.91	(1,997,862.77)	2,344,499.25	(452,779.33)	(106,142.85)	2,756.61	4,197.47	5,155.27	12,109.35	5,163,269.41	0.62%
	110	Police Seizure Chapter 59	2,332.65	-	3,028.00	-	3,028.00	1.40	3.44	5.51	10.35	5,371.00	
	110	Money Market General Operations	182.62	-	-	-	-	0.10	0.17	0.18	0.45	183.07	
Sub-toal			<u>5,259,818.18</u>				<u>(103,114.85)</u>				<u>12,120.15</u>	<u>5,168,823.48</u>	
TOTAL - DEPOSITS			<u>5,259,818.18</u>				<u>(103,114.85)</u>				<u>12,120.15</u>	<u>5,168,823.48</u>	

CAPITAL IMPROVEMENT FUNDS

<u>Financial Institution</u>	<u>Fund</u>	<u>Account Name</u>	Beginning 4/1/2022	April	May	June	Total of Deposits / (Withdrawals)	April	May	June	Interest	Ending 6/30/2022	WAM*
Logic	150	CO Series 2015- Proceeds	1.67	-	-	-	-	-	-	-	-	1.67	
	250	CO Series 2016 - Proceeds	2,747,388.70	-	-	-	-	947.29	1,893.78	2,666.64	5,507.71	2,752,896.41	
	210	CO Series 2019A - Proceeds	299,224.79	-	-	-	-	103.17	206.26	290.42	599.85	299,824.64	
	430	CO Series 2019B(TIRZ) Proceeds	147.57	-	-	-	-	0.03	0.04	0.13	0.20	147.77	
	110	General Fund Reserves	7,503,254.72	-	3,000,000.00	-	3,000,000.00	2,587.04	6,185.95	10,192.56	18,965.55	10,522,220.27	
	110	Unencumbered Reserves	250,219.19	-	-	-	-	86.26	172.44	242.87	501.57	250,720.76	
	210	CO Series 2021 - Proceeds	13,064,938.82	-	(3,451,330.88)	-	(3,451,330.88)	4,504.67	7,756.78	9,333.34	21,594.79	9,635,202.73	
	110	CLFRF Proceeds	1,278,491.68	-	-	-	-	440.80	881.26	1,240.90	2,562.96	1,281,054.64	
	150	CO Series 2021A	<u>12,140,959.48</u>	-	(218,211.35)	-	(218,211.35)	4,186.07	8,289.81	11,572.51	24,048.39	11,946,796.52	
Sub-total			<u>37,284,626.62</u>				<u>(669,542.23)</u>				<u>73,781.02</u>	<u>36,688,865.41</u>	2.49%
TOTAL - INVESTMENTS			<u>37,284,626.62</u>				<u>(669,542.23)</u>				<u>73,781.02</u>	<u>36,688,865.41</u>	
TOTAL - DEPOSITS AND INVESTMENTS			<u>42,544,444.80</u>				<u>(772,657.08)</u>				<u>85,901.17</u>	<u>41,857,688.89</u>	

* Weighted Average to Maturity (WAM)

Belen Peña

Finance Director

4th Quarter Investment Report- Fiscal Year 2022

OPERATING ACCOUNTS -

Financial

<u>Institution</u>	<u>Fund</u>	<u>Account Name</u>	Beginning 7/1/2022	Deposits/(Withdrawals)			Total Deposits / (Withdrawals)	Interest			Total Interest	Ending 9/30/2022	Int. Rate
				July	August	September		July	August	September			
First National Bank	999	Main Checking	5,163,269.41	(3,810,380.31)	287,849.60	2,998,045.65	(524,485.06)	3,063.52	3,417.44	4,332.94	10,813.90	4,649,598.25	0.62%
	110	Police Seizure Chapter 59	5,371.00	-	-	-	-	8.04	11.32	12.77	32.13	5,403.13	
	110	Money Market General Operations	183.07	-	-	-	-	0.26	0.40	0.43	1.09	184.16	
Sub-total			<u>5,168,823.48</u>				<u>(524,485.06)</u>				<u>10,847.12</u>	<u>4,655,185.54</u>	
TOTAL - DEPOSITS			<u>5,168,823.48</u>				<u>(524,485.06)</u>				<u>10,847.12</u>	<u>4,655,185.54</u>	

CAPITAL IMPROVEMENT FUNDS

<u>Financial Institution</u>	<u>Fund</u>	<u>Account Name</u>	Beginning 7/1/2022	Deposits / (Withdrawals)			Total of Deposits / (Withdrawals)	Interest			Total Interest	Ending 9/30/2022	WAM*
				July	August	September		July	August	September			
Logic	150	CO Series 2015- Proceeds	1.67	-	-	-	-	-	-	-	-	1.67	
	250	CO Series 2016 - Proceeds	2,752,896.41	-	-	-	-	3,866.65	5,061.78	5,619.72	14,548.15	2,767,444.56	
	210	CO Series 2019A - Proceeds	299,824.64	-	-	-	-	421.14	551.30	612.04	1,584.48	301,409.12	
	430	CO Series 2019B(TIRZ) Proceeds	147.77	-	-	-	-	0.26	0.31	0.30	0.87	148.64	
	110	General Fund Reserves	10,522,220.27	-	-	-	-	14,779.29	19,347.30	21,479.84	55,606.43	10,577,826.70	
	110	Unencumbered Reserves	250,720.76	-	-	-	-	352.13	461.02	511.79	1,324.94	252,045.70	
	210	CO Series 2021 - Proceeds	9,635,202.73	(1,794,108.33)	-	(1,705,327.26)	(3,499,435.59)	12,665.52	14,420.53	15,871.29	42,957.34	6,178,724.48	
	110	CLFRF Proceeds	1,281,054.64	-	-	-	-	1,799.34	2,355.48	2,615.11	6,769.93	1,287,824.57	
	150	CO Series 2021A	11,946,796.52	(203,123.83)	-	(677,550.35)	(880,674.18)	16,681.97	21,593.56	23,918.55	62,194.08	11,128,316.42	
Sub-total			<u>36,688,865.41</u>				<u>(4,380,109.77)</u>				<u>184,986.22</u>	<u>32,493,741.86</u>	2.48%
TOTAL - INVESTMENTS			<u>36,688,865.41</u>				<u>(4,380,109.77)</u>				<u>184,986.22</u>	<u>32,493,741.86</u>	
TOTAL - DEPOSITS AND INVESTMENTS			<u>41,857,688.89</u>				<u>(4,904,594.83)</u>				<u>195,833.34</u>	<u>37,148,927.40</u>	

* Weighted Average to Maturity (WAM)

Belen Peña

Finance Director



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

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

BACKGROUND:

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

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

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

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

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

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



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes – December 6, 2022

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Regular Meeting Minutes- December 6, 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 Regular Meeting Minutes- December 6, 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 REGUIAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
December 6, 2022

CALL TO ORDER

Mayor McShan called the meeting to order at 6:29 p.m.

ROLL CALL

Present: Theresa McShan, Mayor
Sue Brashar, Mayor Pro Tem
Joy Casnovsky, Council Member
Arthur Gibson III, Council Member
Chuck Swain, Council Member
Matthew Callahan, Council Member
Forest Dennis, Council Member

Absent:
Skyler Maldonado, Council Member
Al Rodriguez, Council Member

Mayor McShan stated that all members were present except for Mr. Maldonado and Mr. Rodriguez. Mayor Pro Tem Brashar made a motion to excuse Mr. Maldonado and Mr. Rodriguez. Mr. Callahan seconded the motion. All voted in favor. The motion carried.

Staff:
Thomas L. Mattis, City Manager
Amy Miller, Community Services Director
Michael Gonzalez, Public Works Director
Pam Sanders, Human Resources Director
David Harrell, Development Services Director
Belen Pena, Finance Director
Gena Curtis, Commander Elgin Police Department
Kaley Frye, Assistant Director EDC
Beau Perry, City Engineer
Sonia Browder, Communications Specialist

INVOCATION

Mr. Dennis provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor McShan 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 Granting A Specific Use For A Bed And Breakfast On Property Located At 1212 N. Main St. (LOT 40B ASHBY SUBDIVISION), City Of Elgin, Bastrop County, Texas; And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

There was no one who wished to speak under the Public Hearing Item. Mr. Mattis stated that this request was reviewed by the Planning and Zoning Commission and provided background on the ordinance.

PUBLIC COMMENT

There was no one who wished to speak under the public comment item.

CITY MANAGERS REPORT

1. Review And Consideration Of A Staff Proposal On The Allocation And Or Use Of 2021 American Rescue Plan Act (ARPA) Funds

Mr. Mattis stated that the City of Elgin received approximately \$2,500,000 in two installments. He stated that a portion of the funding will be used towards the police station and the remaining funds would be used towards Council's prioritized Capital Improvement Projects for Veteran's Park, Thomas Park, and Morris Park. Mr. Dennis made a motion in support of staff recommendations. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

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

Mr. Mattis provided an update on the infrastructure improvement projects. He stated that the generator is scheduled to be delivered in December which will provide an independent power supply to the water treatment plant and the wastewater system. Mr. Mattis discussed the progress and completion of the projects designated by the 2021A Certificates of Obligation. He provided an update on the new police station and the timeline for construction.

3. Discuss And Consider FY22-23 Nonprofit Funding Process

Mr. Mattis discussed the formation of a subcommittee to make a recommendation to Council for the distribution of non-profit funding. Mayor McShan asked for volunteers to join her on the

subcommittee. Ms. Brashar, Ms. Casnovsky, and Mr. Swain volunteered for the subcommittee. Mr. Mattis stated that he would extend the deadline by one week to turn in applications.

4. General Activity Report And/Or Project Update

Mr. Mattis expressed his gratitude for the Christmas Parade and the community events that took place on December 3rd. Mr. Mattis introduced the new Director of Finance, Belen Pena. Ms. Pena made remarks and expressed her excitement for this opportunity.

CONSENT AGENDA

1. City Council Regular Meeting Minutes - November 15, 2022

The minutes passed on the consent agenda.

2. City Council Special Meeting Minutes - November 22, 2022

The minutes passed on the consent agenda.

3. CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE ON MAIN STREET FROM LEXINGTON ROAD TO BRENHAM STREET; AND ON 2ND STREET, FIRST STREET, DEPOT STREET, CENTRAL AVENUE, AUSTIN STREET, BRENHAM STREET FROM MAIN STREET TO AVENUE B; AND ON AVENUE C FROM BRENHAM STREET TO 2ND STREET ON 2ND THURSDAYS, JANUARY 12, FEBRUARY 9, MARCH 9, APRIL 13, MAY 11, JUNE 8, JULY 13, AUGUST 10, SEPTEMBER 14, OCTOBER 12, NOVEMBER 9, DECEMBER 14, 2023.

This item passed on the consent agenda

4. A Resolution Of The City Of Elgin, Texas Authorizing An Amendment To The Aqua WSC Master Agreement For Transfer Of The Northside Meadows PDD Water CCN Service Area From Aqua WSC To The City Of Elgin And Making Certain Findings Related Thereto

The resolution passed on the consent agenda.

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, ESTABLISHING THE BOND AMOUNTS FOR ALL MUNICIPAL OFFICERS AND EMPLOYEES WHO RECEIVE OR PAY OUT ANY MONIES OF THE CITY

The resolution passed on the consent agenda.

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

NEW BUSINESS

1. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST ON PROPERTY LOCATED AT 1212 N. MAIN ST. (LOT 40B ASHBY SUBDIVISION), CITY OF ELGIN, BASTROP COUNTY, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Harrell answered questions regarding the specific use permit and the property. Discussion Followed. Mayor Pro Tem Brashar made a motion to grant the specific use permit for a bed and breakfast on the property located at 1212 N Main Street with the condition of a 5-year review for the property. Ms. Casnovsky 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 FOR UTILITY EXTENSIONS IN THE ELGIN BUSINESS PARK; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated that this is a routine authorization for utility extension in the EDC Business Park. Mr. Perry answered questions on the type of road being constructed. Mayor Pro Tem Brashar made a motion to approve the resolution. Mr. Swain 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 THE LANDOWNERS OF 1542 OLD McDADE RD. FOR REPLAT OF WATER WELL No. 10; AND MAKING CERTAIN FINDINGS RELATED THERETO.

Mr. Mattis stated that this is another CO funded project that is important to the City's water supply. He stated that both parties came to a mutual agreement on compensation. Mr. Perry discussed plat and easements that will be submitted to the Courthouse and TCEQ. Mr. Mattis stated that construction should begin during the first quarter of 2023. Mr. Dennis made a motion to approve the resolution. Ms. Casnovsky seconded the motion. All voted in favor. The motion carried.

4. AN ORDINANCE SETTING THE TIME AND PLACE OF THE 2023 REGULAR MONTHLY MEETINGS OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS PROVIDING FINDINGS OF FACT; AND PROVIDING FOR A SAVINGS CLAUSE

Mr. Mattis presented meeting dates and changes for Council Meetings for 2023. Mayor Pro Tem Brashar motioned to approve the ordinance. Mr. Callahan seconded the motion. All voted in favor. The motion carried.

EXECUTIVE SESSION

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

The City Council did not retire into Executive Session.

ANNOUNCEMENTS

Mayor McShan mentioned the City of Elgin staff, council & board Holiday Party. Ms. Miller mentioned Sip Shop & Stroll and upcoming Holiday events downtown.

ADJOURNMENT

Mayor McShan adjourned the meeting at 7:20 p.m.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Special Meeting Minutes – December 6, 2022

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Special Meeting Minutes- December 6, 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 Special Meeting Minutes- December 6, 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 SPECIAL MEETING
MAYOR'S OFFICE-FLEMING CENTER
404 NORTH MAIN STREET
December 6, 2022

CALL TO ORDER

Mayor McShan called the meeting to order at 5:30 p.m.

ROLL CALL

Present:

Theresa McShan, Mayor
Sue Brashar, Mayor Pro Tem
Joy Casnovsky, Council Member
Arthur Gibson III, Council Member
Chuck Swain, Council Member
Skyler Maldonado, Council Member
Matthew Callahan, Council Member
Al Rodriguez, Council Member
Forest Dennis, Council Member

Absent:

Skyler Maldonado, Council Member
Al Rodriguez, Council Member

Staff: Thomas L. Mattis, City Manager
Gena Curtis, Commander, Elgin Police Department
Kaley Frye, Assistant Director EDC

PUBLIC COMMENT

There was no one who wished to speak under the public comment item.

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.

1. Adjourn Into Executive Session Pursuant To Section §551.074 Personnel Matters: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee – City Attorney

Mayor McShan called the Council into Executive Session at 5:31 p.m. Mayor McShan adjourned the Executive Session at 5:56 p.m.

NEW BUSINESS

1. Discuss Learning Opportunities And Takeaways From The Texas Municipal League Conference Held On October 5-7

There was no discussion on the item.

ADJOURNMENT

Mayor McShan adjourned the meeting at 5:57 p.m.

Theresa Y. McShan, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION AUTHORIZING THE CONVERSION OF TWO (2) PART TIME LIBRARY CIRCULATION CLERKS TO ONE (1) FULL TIME CIRCULATION CLERK POSITION; AND TWO (2) PART TIME FRONT DESK REC CENTER STAFF TO ONE (1) ONE FULL TIME FRONT DESK REC CENTER STAFF.

DEPARTMENT: Human Resources/Community Services

PROPOSED ACTION: Approval of a Resolution authorizing the conversion of part time staff to full time staff assigned under the Community Services Department, Library and Recreation Divisions.

BACKGROUND: The Recreation Center and Library have continued to struggle in recruiting and retaining staff to meet the growing needs of the community due to limited availability and other scheduling challenges. With the increase in programing for both divisions, it is vital that we have dedicated staff to work these programs and continue to provide services at the levels citizens have come to expect. This conversion will not alter the number of FTEs previously authorized for the current Fiscal Year.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

ATTACHMENTS: (1) Resolution

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

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

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

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CONVERSION OF TWO (2) PART TIME LIBRARY CIRCULATION CLERKS TO ONE (1) FULL TIME CIRCULATION CLERK POSITION; AND TWO (2) PART TIME FRONT DESK REC CENTER STAFF TO ONE (1) ONE FULL TIME FRONT DESK REC CENTER STAFF.

WHEREAS, the Elgin City Council approves the conversion of part time staff to full time staff assigned under the Community Services Department, Library and Recreation Divisions; and

WHEREAS, the operations and scheduling within the divisions will be allocated to ensure continuous programming and more efficiently with less scheduling challenges; and

WHEREAS, the impact of this conversion has been shown to be cost neutral to the City.

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

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

Section 2. Authorization. The City Manager is hereby authorized to convert two part time rec center positions to one full time rec center positions, and two part time circulation clerks to one full time circulation clerk assigned to the Library, and such changes shall be reflected in the authorized position listing for the current fiscal year with available funding from the General Fund, as allocated to the divisions.

Section 3. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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

PASSED AND ADOPTED this 3rd day of January 2023.

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE FROM “R-2” SINGLE FAMILY AND GARAGE APARTMENT DISTRICT TO “C-2” GENERAL COMMERCIAL DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCEL 12934 (SMITH, J.S., LOT 86, ACRES 0.602) BEING DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, TX adopted in Ch. 46, Sec. 46-3, revised Code of Ordinances, City of Elgin, TX, 2013 and making this amendment a part of said official zoning map (518 S. Ave. D Rezoning from R-2 to C-2).

BACKGROUND: See attached staff report. Be aware this item was originally heard by the Council on November 15th and it was approved for rezoning. However, because the 200' notice had the incorrect Council date, this item has to be reheard and reconsidered by the Council.

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 October 24, 2022, meeting.

ATTACHMENTS: Staff Report, Application, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, Ordinance with Exhibit.

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

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

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

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



Development Service Department

STAFF REPORT

Rezoning from R-2 to C-2

Project #: 202200122

Date: October 7, 2022

Applicant: Zaherali Noor Charoliya

Representative: SAME

Hearing Dates: Planning & Zoning Commission – October 24, 2022
City Council – January 3, 2023

Location: 518 S. Ave. D (Bastrop Co. Appraisal District Parcel 12934)

APPLICATION SUMMARY

Recommendation by the Planning & Zoning Commission and consideration by the City Council of a rezoning consisting of 0.686 acres of land located along the eastside of FM 1704 near an existing convenience store (a change to the official zoning map). The proposal is to change the zoning from R-2 Single Family and Garage Apartment District to C-2 General Commercial District.

DEPARTMENT COMMENTS

Presently the site has a single-family home on it. The owner of the parcel is the owner of the convenience store to the south and their intention is to develop a parking lot to expand parking for the convenience store (see attachment 1). If the rezoning is granted, then the applicant has indicated they will demolish the home to expand the parking lot.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Elgin Main St. Land Use category. This categories' primary land usage is commercial retail and office (see attachment 2) according to the provided map and associated land use language. The proposed zoning category will allow for commercial as a use by right. When seeking a rezoning, the Commission/Council should consider the uses that could occur on the land by rezoning to another zoning category. There are many additional commercial uses and a subtraction of residential related uses.

See next page.

R-2 District (existing)	C-2 District (proposed)
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory buildings and uses customarily incidental.
Detached single-family dwelling.	Ambulance service, office, or garage.
Churches, but not including revival tents or arbors.	Antique Shop
Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.	Amusement enterprises
Public park and playground.	Applicant Shop
Library.	Arts School, gallery, or museum
Growing of farm products.	Artist's materials, supply studio.
Municipal use	Automobile parking lot.
Telephone exchanges.	Automobile retail gasoline service station
Home occupations.	Baby shop.
Transportation and utility easements, alleys and rights-of-way	Bakery goods store.
Garage apartment	Bank.
Duplex	Barbershop.
	Beauty shop.
	Billiard Hall
	Boat sales.
	Book or stationery store & Camera shop.
	Bus terminal
	Candy store.
	Cafe.
	Catering establishment.
	Cleaning, pressing, laundry collection agency.
	Clothing or apparel store.
	Commercial school or hall.
	Curio or gift shop.
	Department store.
	Drug store or fountain.
	Dry goods store.
	Dairy products or ice cream store.
	Delicatessen.

R-2 District (existing)	C-2 District (proposed)
	Dress shop.
	Feed and fuel store.
	Florist shop, greenhouse, nursery.
	Frozen food locker.
	Furniture repair and upholstery.
	Furniture store.
	Funeral parlor or mortuary.
	Golf course, miniature or practice range.
	Grocery store or supermarket.
	Hardware store.
	Heating, ventilating or plumbing supplies, sales and service.
	Hospital for small animals.
	Hotel.
	Ice storage locker plant, or storage house for food.
	Interior decorating store.
	Jewelry or notion store.
	Key shop.
	Laboratories, testing and experimental.
	Laundry.
	Leather goods shop.
	Lodge hall.
	Meat market.
	Medical facility.
	Messenger or telegraph service.
	Musical instrument sales.
	Newspaper or magazine sales.
	Novelty club.
	Nursery or garden supply store.
	Office business.
	Optometrists' sales and service.
	Pawn shop.
	Pet shop.
	Photographer studio.
	Pharmacy.
	Printing plant.
	Radio and television sales and service.
	Recreation center.
	Research laboratories.
	Restaurant.
	Sale of beer for off-premises consumption.
	Self-service laundry or dry cleaning.
	Sewing machine sales, instruction.
	Shoe repair shop.
	Sign painting shop.
	Sporting goods sales.
	Stocks and bonds broker.

R-2 District (existing)	C-2 District (proposed)
	Storage warehouse.
	Tailor shop.
	Theater.
	Travel store.
	Travel trailer park.
	Toy store.
	Variety store.
	Used automobile sales.
	Wholesale distributing center.

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

	R-2 (exist. zoning)	C-2 (proposed zoning)
Height	2.5 stories or 35 feet	50 feet.
Front Setback	25 feet; garage at 25 feet	0 feet.
Side Setback	7.5 feet for 1 story; 10 feet for more than 1 story	10 feet
Rear Setback	10 feet	10 feet
Lot Width	60 feet	0 feet
Lot Area	7,500 sq. ft.	0 sq. ft.
Impervious Cover on Lot	45% interior; 50% corner	0%

With the addition of many different uses there is a possibility these uses could be added in the future. However due to the lot size itself many of the potential negative uses such as an amusement enterprise, automobile retail service station, department store, grocery store, & travel store could not go to this site. Many of the uses in the C-2 zoning category would be a compliment to the Elgin Main St. Land Use. Also, the zoning will match the neighboring zoning to the south and the area has industrial zoning across the street (see attachment 3) which is more intense than a commercial zoning.

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

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. Staff Added Comprehensive Plan Exhibit 4.4
3. Staff Added Zoning Map
4. Ordinance with Exhibit

Attachment 1

Application

NON-PDD REZONING APPLICATION

Date: 08/24/2022

SITE INFORMATION

Project Address: 518 S Avenue D Elgin Tx 78621

Parcel Identification Number (if no address): _____

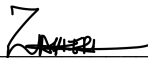
APPLICANT

Name: Zaherali Noor Charoliya

Postal Address: 4617 Port Bari Dr Leander Tx 78641

E-Mail Address: charoliyasaifali@gmail.com; Phone Number: 512-363-7627

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

	<u>Zaherali Noor Charoliya</u>	<u>08/24/2022</u>
Signature	Printed Name	Date

Project Description:

1. Demolition Of the existing single story residence
2. To build a Concrete Parking lot to extend parking for Mi Celine Mercado. The current parking lot is not enough the amount of clients we serve.
3. Entrance and exit for the 518 S Avenue D from northwest facing drive.
4. Zoning category: C-2



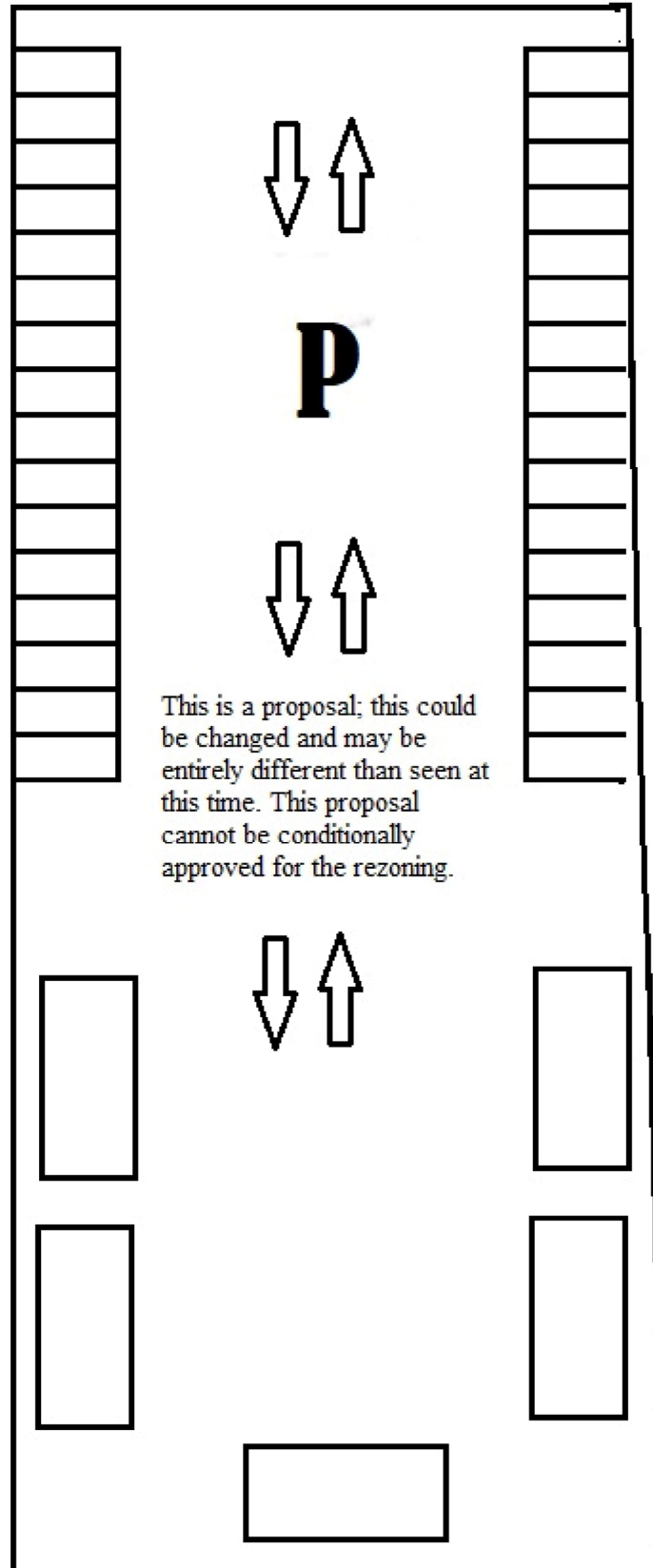
802 N. Ave. C
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com



Attachment 2

Staff Added Comprehensive Plan Exhibits



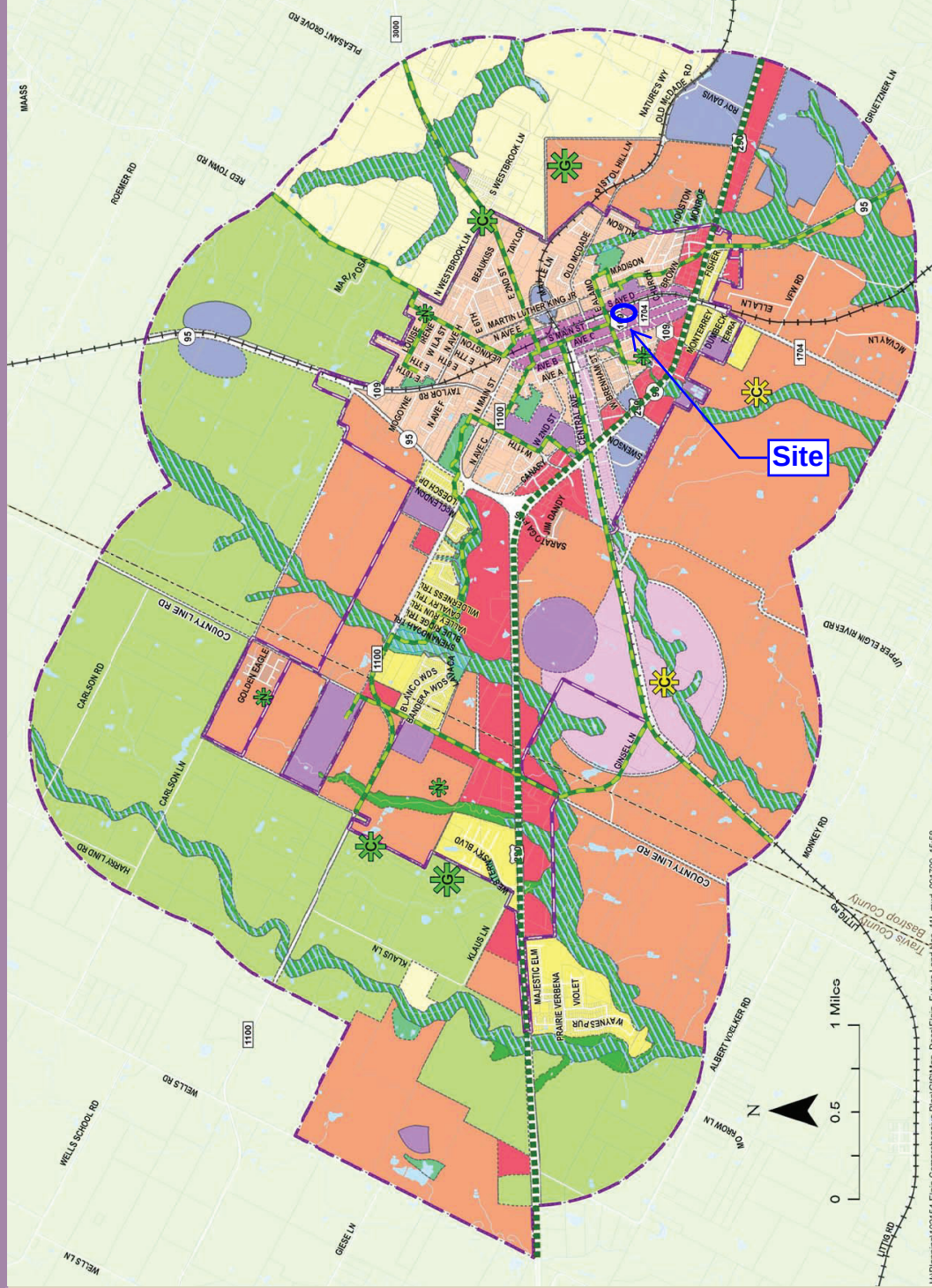
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

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

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



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



Main Street

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

Transect Zone: Urban Center (T5)

Primary Land Use: Commercial retail and office

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

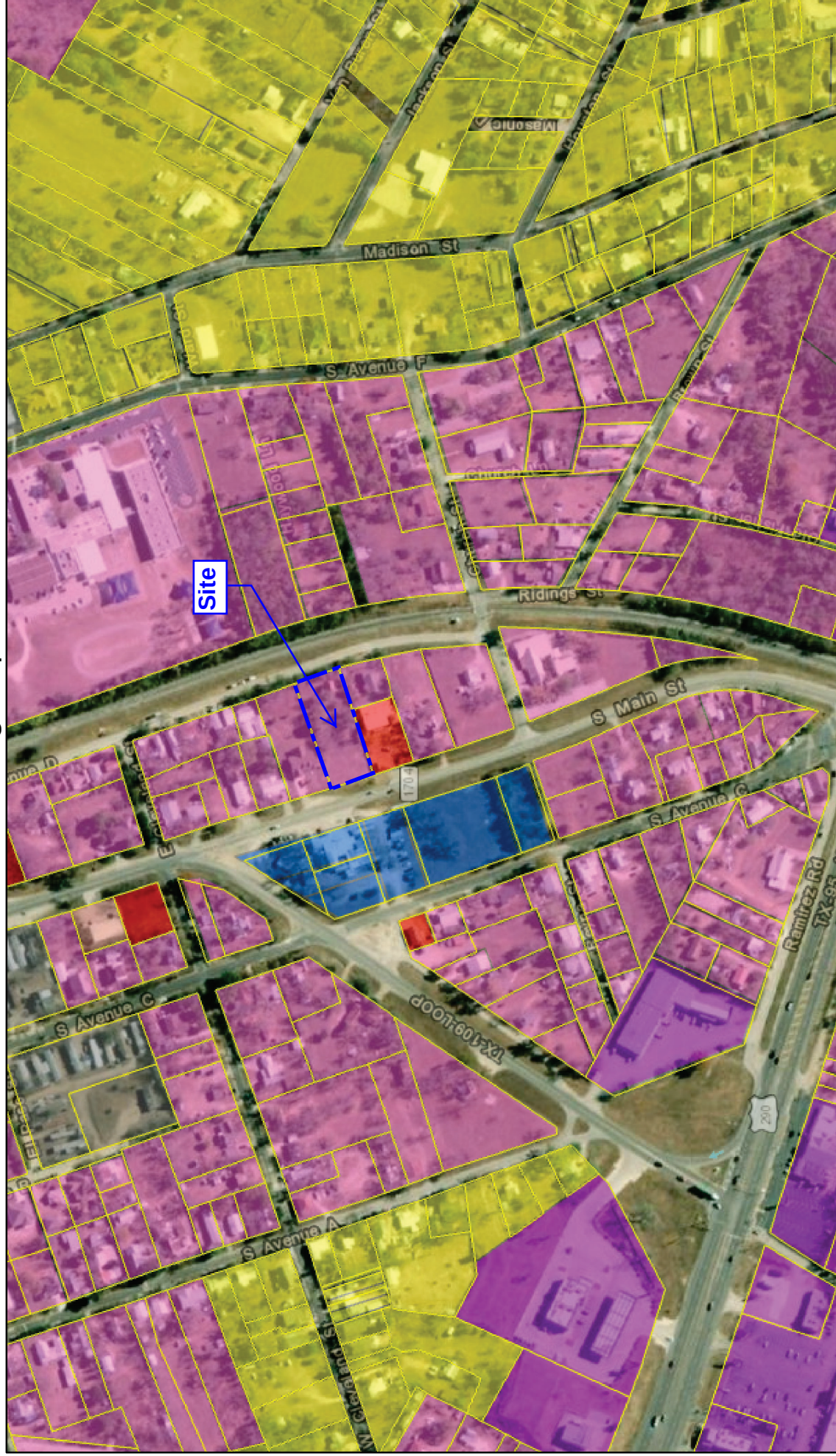
Residential Densities: Approximately 7 units per acre.

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

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

Attachment 3
Staff Added Zoning Map

Zoning Map

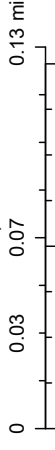


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Zoning

- C1 - Neighborhood Shopping District
- C2 - General Commercial District
- C3 - Highway Commercial District
- I - General Industrial District
- R2 - Single Family & Garage Apartment District
- R3 - Single Family/Two Family/Industrialized Housing District
- <all other values>

1:4,514



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

Attachment 4
Ordinance with Exhibit

ORDINANCE NO. 2023-01-03-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE FROM “R-2” SINGLE FAMILY AND GARAGE APARTMENT DISTRICT TO “C-2” GENERAL COMMERCIAL DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCEL 12934 (SMITH, J.S., LOT 86, ACRES 0.602) BEING DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from R-2 Single Family and Garage Apartment District to C-2 General Commercial District, and

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

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on October 24, 2022, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" is C-2 General Commercial District, and

WHEREAS, on January 3, 2023, after proper notification, the City Council held a public hearing on the requested zoning, and

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

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

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

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is rezoned from R-2 Single Family and Garage District to C-2 General Commercial District.

II.

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

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

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

READ, PASSED, and ADOPTED on first reading this the 3rd day of January 2023

THERESA Y MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

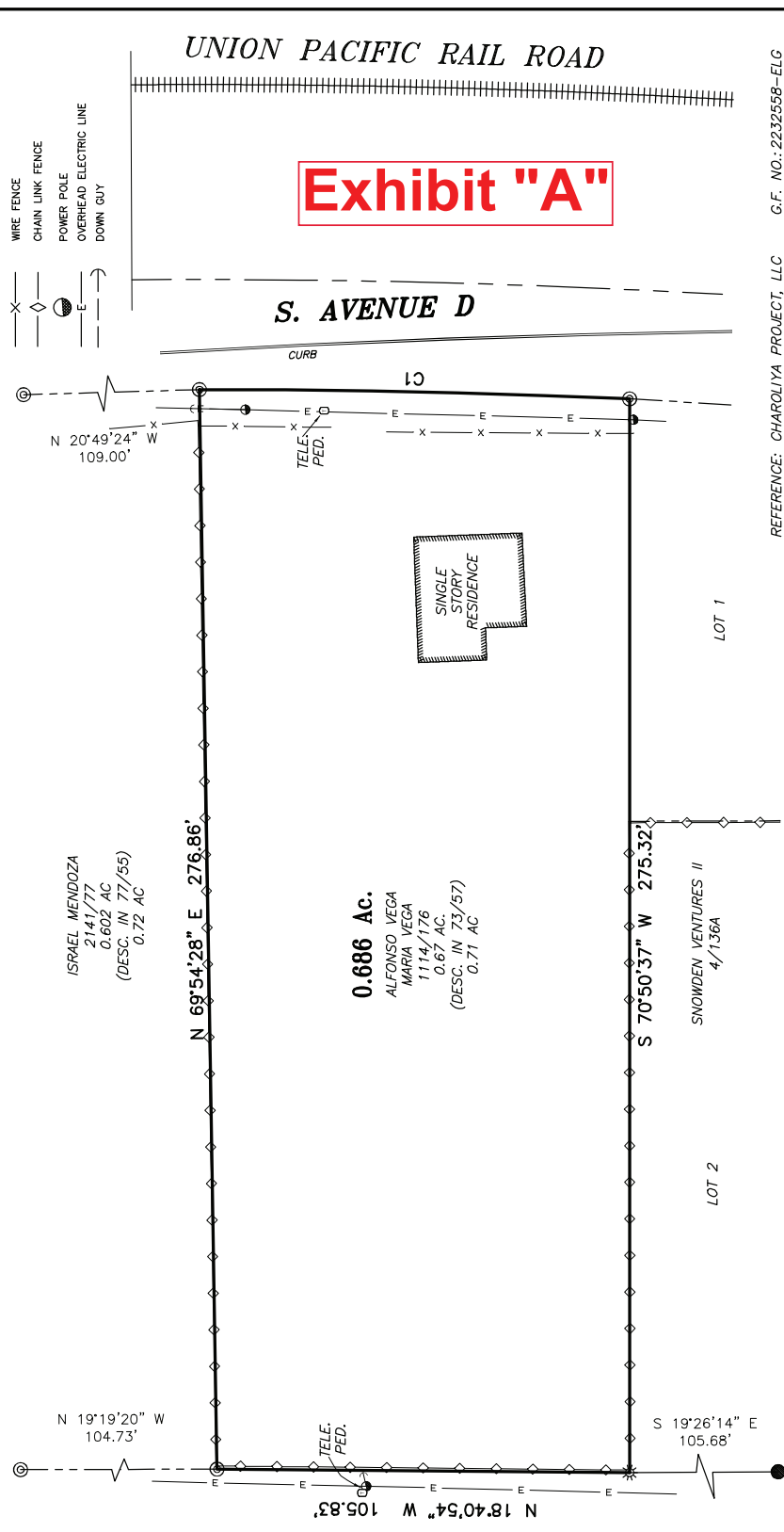
BEARINGS SHOWN ARE GRID NORTH BASED ON
GPS OBSERVATIONS FOR TEXAS STATE PLANE
COORDINATE SYSTEM "CENTRAL ZONE" NAD83.



CURVE TABLE			
CURVE	ARC	RADIUS	CHORD
C1	110.39'	2371.00'	110.38'

LEGEND

- 1/2" REBAR FOUND (UNLESS NOTED)
- IRON ROD W/CAP FOUND
- COTTON SPINDLE FOUND
- WIRE FENCE
- CHAIN LINK FENCE
- POWER POLE
- OVERHEAD ELECTRIC LINE
- DOWN GUY



UNION PACIFIC RAIL ROAD

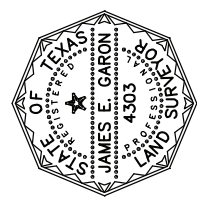
Exhibit "A"

S. AVENUE D

S. MAIN STREET

REFERENCE: CHAROLYA PROJECT, LLC G.F. NO.: 2232558-ELG
ADDRESS: 518 S. AVENUE D, ELGIN, TEXAS.
LEGAL DESCRIPTION: 0.686 ACRE; BEING A PORTION OF THE J.S. SMITH
ADDITION, MAP OR PLAT RECORDED IN CABINET 1,
PAGE 100B, P.R.B.C.T.; ALSO BEING IN THE
JONATHAN BURLESON SURVEY, ABSTRACT 18,
BASTROP COUNTY, TEXAS.

FIELD BOOK: B-687/44
FILE: S:\Countries\Bastrop\City of Elgin\J.S. Smith_Add\60722.dwg



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
Firm Reg. #10058400 & F-20386
185 McAllister Road
Bastrop, Texas 78602
(512) 303-4185
jgaron@austin.rr.com
www.jamesegararon.com

James E. Garon
JULY 27, 2022

TO THE OWNERS, LIEN HOLDERS AND INDEPENDENCE 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.

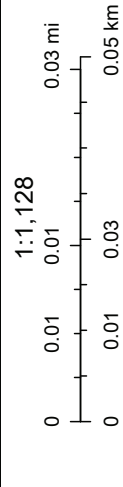
Site Map



10/7/2022, 7:47:24 PM

Abstracts ----- Lot Lines

Parcels ----- Bastrop Roads



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Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 36 SUBDIVISIONS, ARTICLE I. IN GENERAL; ARTICLE II. PROCESSING PROCEDURES; ARTICLE III. GENERAL REQUIREMENTS AND STANDARDS, DIVISION 1 GENERALLY & DIVISION 13 PARKLAND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending Chapter 36 (Subdivision), City Code.

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

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

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Staff recommends approval.

ATTACHMENTS: Staff Report & Ordinance.

☐ 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. 2023-01-03-??

AN ORDINANCE AMENDING CHAPTER 36 SUBDIVISIONS, ARTICLE I. IN GENERAL; ARTICLE II. PROCESSING PROCEDURES; ARTICLE III. GENERAL REQUIREMENTS AND STANDARDS, DIVISION 1 GENERALLY & DIVISION 13 PARKLAND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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

I.

That Chapter 36, Subdivisions, Article I In General, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-3 Definitions, *Lot, Flag & Tree, Significant* et. seq. which shall read as follows:

Sec. 36-3. Definitions.

Lot, flag ~~means a piece of land shaped like a flag with a narrow strip providing access to a street with the bulk of the property containing no frontage.~~ means a lot for which access is provided by a strip of land having a width at the front property line of less than 50% of the greatest width of the lot. A triangular or pie-shaped lot, typically found at the terminus of a cul-de-sac, shall not be considered a flag lot.

Tree, significant means native tree(s), as defined by Texas A&M Forest Service, which are a minimum of ~~eight~~ 10 caliper inches to 19 caliper inches. This shall not include any noxious or invasive species as defined by the state or any non-native species.

II.

That Chapter 36, Subdivisions, Article I In General, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-5 Application of Chapter, Subsection (f) Construction Before Final Plat et. seq. which shall read as follows:

Sec. 36-5. Application of chapter.

- (f) *Construction before final plat and subdivision construction plan approval prohibited.* No construction shall take place before the final plat and subdivision construction plans have been approved by the approval authority, notwithstanding early land clearing denoted under Section 36-36(s).

III.

That Chapter 36, Subdivisions, Article I In General, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-10 Applicant to Retain Certain Professionals, Subsection (b) Responsibilities of Landscape Architect & Subsection (c) Responsibilities of Irrigation Specialist, et. seq. which shall read as follows:

Sec. 36-10. Applicant to retain certain professionals.

- (b) *Responsibilities of landscape architect.* ~~If filing preliminary plats or subdivision construction plans,~~ 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.* ~~If filing subdivision construction plans, t~~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 and shall include both design and inspection as defined therein.

IV.

That Chapter 36, Subdivisions, Article II Processing Procedures, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-25 Pre-Application Meeting, Subsection (a) Required Meeting et. seq. which shall read as follows:

Sec. 36-25. Pre-application meeting.

- (a) *Required meeting.* A pre-application meeting is required prior to the submittal of concept plans, preliminary plats only requiring subdivision construction plans, final plats only requiring subdivision construction plans, re-plats only requiring subdivision construction plans, subdivision construction plans, and variances, unless otherwise waived by the City. All other processes not listed in this subsection are not required to meet for a pre-application meeting.

V.

That Chapter 36, Subdivisions, Article II Processing Procedures, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-29 Concept Plan, Subsection (d) Completeness Review, Subsection (e) Completeness Review Process, Subsection (f) Submittal Review Process Subsection (3) Second and Third Submittals & Subsection (4) Scheduling of Public Hearing, & Subsection (n) Tree Preservation Standards, et. seq. which shall read as follows:

Sec. 36-29. Concept plan.

- (d) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (c) within ~~ten business~~ 30 calendar days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.
- (e) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (f). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. ~~The applicant shall have one opportunity to submit information within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application. The process will continue in this format until deemed compliant by the administrator.~~
- (f) *Submittal review process.* Submittal review is as outlined below:
- (3) ~~Second and third Subsequent~~ *Subsequent* submittals. ~~The second and third Subsequent~~ submittals, if needed, shall be reviewed by the DRC within ~~30~~ 15 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).
- (4) *Scheduling of public hearing.* Upon the closing of all DRC comments or ~~reaching the third submittal~~ written demand to be set for hearing by the applicant, the plan will be scheduled for a public hearing.
- ~~(n) Tree preservation standards. The protection of significant and heritage trees in general, shall be considered in the layout of streets, 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.~~

VI.

That Chapter 36, Subdivisions, Article II Processing Procedures, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-30 Preliminary Plat, Subsection (c) Completeness Review, Subsection (d) Completeness Review Process, and Subsection (e) Submittal Review Process Subsection (3) Second and Third Submittals & Subsection (4) Scheduling of Public Hearing, & Subsection (n) Tree Preservation Standards, et. seq. which shall read as follows:

Sec. 36-30. Preliminary Plat.

- (c) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (b) within ~~ten business~~ 30 calendar days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.
- (d) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (e). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. ~~The applicant shall have one opportunity to submit information within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application. The process will continue in this format until deemed compliant by the administrator.~~
- (e) *Submittal review process.* Submittal review is as outlined below:
 - (3) ~~Second and third Subsequent~~ *submittals.* ~~The second and third Subsequent~~ submittals, if needed, shall be reviewed by the DRC within ~~30~~ 15 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).
 - (4) *Scheduling of public hearing.* Upon the closing of all DRC comments or ~~reaching the third submittal written demand to be set for hearing~~ by the applicant, the plan will be scheduled for a public hearing.

VII.

That Chapter 36, Subdivisions, Article II Processing Procedures, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-31 Final Plat, Subsection (c) Completeness Review Process, Subsection (d) Submittal Review Process Subsection (3) Second and Third Submittals & Subsection (4) Scheduling of Public Hearing, et. seq. which shall read as follows:

Sec. 36-31. Final Plat.

- (c) *Completeness review process.* The administrator shall initiate a completeness review of all information submitted within subsection (b) within ~~ten business~~ 30 calendar days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application. If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (d). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. ~~The applicant shall have one opportunity to submit information within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application. The process will continue in this format until deemed compliant by the administrator.~~
- (d) *Submittal review process.* Submittal review is as outlined below:

- (3) ~~Second and third Subsequent~~ *submittals*. ~~The second and third Subsequent~~ submittals, if needed, shall be reviewed by the DRC within ~~30~~ 15 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).
- (4) *Scheduling of public hearing*. Upon the closing of all DRC comments or ~~reaching the third submittal by written demand to be set for hearing by~~ the applicant, the plat will be scheduled for a public hearing.

VIII.

That Chapter 36, Subdivisions, Article II Processing Procedures, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-33 Amending Plat, Subsection (b) Completeness Review, Subsection (c) Completeness Review Process, Subsection (d) Submittal Review Process Subsection (3) Second and Third Submittals & addition of Subsection (4) Applicant Request for Additional Submittals, et. seq. which shall read as follows:

Sec. 36-33. Amending plat.

- (b) *Completeness review*. The administrator shall initiate a completeness review of all information submitted within subsection (a) within ~~ten business~~ 30 calendar days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.
- (c) *Completeness review process*. If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (d). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. ~~The applicant shall have one opportunity to submit information to address the noncompliance within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application. The process will continue in this format until deemed compliant by the administrator.~~
- (d) *Submittal review process*. Submittal review is as outlined below:
 - (3) *Second and third submittals*. The second and third submittals, if needed, shall be reviewed by the DRC within 15 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2). The administrator shall approve if no outstanding comments remain and deny if there are outstanding comments after the applicant has submitted for the third submittal~~-, notwithstanding subsection (4).~~
 - (4) *Applicant requests for additional submittals*. The applicant may request in writing for additional resubmittal reviews to resolve DRC comments. This request may be approved by the administrator in showing of good cause.

IX.

That Chapter 36, Subdivisions, Article II Processing Procedures, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-36 Subdivision Construction Plans, Certificate of Completion, and As-builts/Record Drawings, Subsection (f) Completeness Review, Subsection (g) Completeness Review Process, Subsection (h) Submittal Review Process Subsection (3) Second and Third Submittals & addition of Subsection (4) Applicant Request for Additional Submittals, addition of subsection (s) Early Land Clearing, et. seq. which shall read as follows:

Sec. 36-36. Subdivision construction plans, certificate of completion, and as-builts/record drawings.

- (f) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (e) within ~~ten-business~~ 30 calendar days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.
- (g) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (h). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. ~~The applicant shall have one opportunity to submit information to address the noncompliance within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application. The process will continue in this format until deemed compliant by the administrator.~~
- (h) *Submittal review process.* Submittal review is as outlined below:
 - (3) *Second and third submittals.* The second and third submittals, if needed, shall be reviewed by the DRC within ~~30~~ 15 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2). The DRC shall approve if no other outstanding comments remain and deny if there are outstanding comments after the applicant has submitted for the third submittal. notwithstanding subsection (4).
 - (4) Applicant requests for additional submittals. The applicant may request in writing for additional resubmittal reviews to resolve DRC comments. This request may be approved by the administrator in showing of good cause.
- (s) Early land clearing. In certain circumstances the administrator may approve early land clearing and grading associated with the subdivision construction plans independent from full approval at the administrator's discretion. The applicant assumes full risk associated with this early approval.

X.

That Chapter 36, Subdivisions, Article II Processing Procedures, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-37 Subdivision Variance, Subsection (c) Completeness Review Process, Subsection (d) Submittal Review Process Subsection (3) Second and Third Submittals & Subsection (4) Scheduling of Public Hearing, et. seq. which shall read as follows:

Sec. 36-37. Subdivision variance.

- (c) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (d). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. ~~The applicant shall have one opportunity to submit information to address the nonecompliance within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity~~

~~shall expire the application. The process will continue in this format until deemed compliant by the administrator.~~

(d) *Submittal review process.* Submittal review is as outlined below:

- (3) ~~*Second and third Subsequent submittals.*~~ *The second and third Subsequent* submittals, if needed, shall be reviewed by the DRC within ~~30~~ 15 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).
- (4) *Scheduling of public hearing.* Upon the closing of all DRC comments or ~~reaching the third submittal~~ written demand to be set for hearing by the applicant, the application will be scheduled for a public hearing.

XI.

That Chapter 36, Subdivisions, Article III General Requirements and Standards, Division 1 Generally, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-53 Roadway Adequacy Standards, Subsection (c) Traffic Impact Analysis Subsection (1) Submittal Standards & Subsection (2) Submission, et. seq. which shall read as follows:

Sec. 36-53. Roadway adequacy standards.

(c) *Traffic impact analysis.*

- (1) *Submittal standards.* Every development that will require subdivision construction plans and generates traffic in excess of 50 ~~average daily 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. In the event that 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.
- (2) *Submission.* An initial traffic impact analysis shall be submitted with the concept plan or preliminary plat when a concept plan is not required. An updated traffic impact analysis, if required by the administrator, shall be submitted with each final plat submitted for approval and shall be generally consistent with the initial traffic impact analysis. The initial traffic impact analysis shall be updated whenever the concept plan or preliminary plat is modified to authorize more intensive development.

XII.

That Chapter 36, Subdivisions, Article III General Requirements and Standards, Division 1 Generally, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-56 Tree Preservation for addition of Subsection (d) Tree Mitigation Removal Credit, et. seq. which shall read as follows:

Sec. 36-56. Tree preservation & mitigation removal credits.

(d) *Tree mitigation removal credits.* 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:

- (1) 50—99 removed tree inches will receive a 10% credit for all significant or heritage trees on-site.
- (2) 100-199 removed tree inches will receive a 20% credit for all significant or heritage trees on-site.
- (3) 200 < removed tree inches will receive a 30% credit for all significant or heritage trees on-site.
- (4) Credits with this section shall first be applied from the smallest trees to the largest trees for significant tree. If credits remain after all significant trees are counted, then from the smallest trees to the largest trees for heritage trees.

XIII.

That Chapter 36, Subdivisions, Article III General Requirements and Standards, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-58 Subdivision Walls, Division 1 Generally, Subsection (a) Walls Required, et. seq. which shall read as follows:

Sec. 36-58 Subdivision Walls

- (a) Walls Required. Where subdivisions are platted so that the back yards of residential lots are adjacent to a collector street, arterial street, ~~or~~ railroad, or less than 20 feet of open space adjacent to a collector street, arterial street, or railroad the developer shall construct walls between said back yards and said street, ~~or~~ railroad, or open space.

XIV.

That Chapter 36, Subdivisions, Article III General Requirements and Standards, Division 1 Generally, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-60 Postal Delivery System, Division 1 Generally, Subsection (b) Neighborhood Delivery and Collection Box Unit, et. seq. which shall read as follows:

Sec. 36-60. Postal delivery service.

- (b) *Neighborhood delivery and collection box units.* The developer shall provide for neighborhood delivery and collection box unit locations within the right-of-way or on lots as shown on the concept plan, preliminary and final plats in accordance with this section. The concept plan, preliminary and final plats shall show the neighborhood delivery and collection box unit locations as approved by the postal service. Approved neighborhood delivery and collection box unit locations shall also be shown on construction plans.

XV.

That Chapter 36, Subdivisions, Article III General Requirements and Standards, Division 13 Generally, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 36-60 Postal Delivery System, Division 1 Generally, Subsection (b) Neighborhood Delivery and Collection Box Unit, et. seq. which shall read as follows:

Sec. 36-370. Parkland standards.

- (c) *Dedication of parkland required.*
 - (7) Land located in a floodplain shall ~~not constitute more than 50 percent of the dedication be~~ prohibited.
- (d) *Dual park and storm drainage facility.* Use of park land within the area of a storm drainage facility is prohibited, ~~unless otherwise approved by the parks and recreation board~~.

XVI.

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

READ, PASSED, and ADOPTED on this 3rd day of January, 2023.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Development Services Department

STAFF REPORT

Modification of Ch. 36, City Code regarding Subdivisions.

Date: December 2, 2022

Hearing Date: City Council – January 3, 2023

REQUEST SUMMARY

City Staff is seeking to modify Chapter 36, Subdivision Code. These changes will allow for modifications to match State law, allow more Code flexibility, and strengthen regulations regarding postal boxes and parkland.

The changes are indicated below:

Sec. 36-3: Definitions: Modification to “Lot, flag” to clarify definition & modification to “Tree, significant” to change tree inches.

Sec. 36-5 Application of chapter: add notation to reference early land clearing.

Sec. 36-10 Applicant to retain certain professional: Removal of unnecessary language.

Sec. 36-25 Pre-application meeting: addition of language allowing City to waive this meeting.

Sec. 36-29 Concept plan:

1. Completeness Review: Revise timeframe to allow more time for review from 10 business days to 30 calendar days in accordance with State law.
2. Completeness Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete.
3. Submittal Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete. Also, revise to allow applicant to request to be set for hearing versus waiting to the 3rd submittal review. Also, reduce removal time from 30 to 15 calendar days in accordance with State law.
4. Tree Preservation Standards: Removal of tree preservation standards from here as this is better covered under the preliminary plat.

Sec. 36-30 Preliminary plat & Sec. 36-31 Final plat:

1. Completeness Review: Revise timeframe to allow more time for review from 10 business days to 30 calendar days in accordance with State law.
2. Completeness Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete.
3. Submittal Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete. Also, revise to allow applicant to request to be set for hearing versus waiting to the 3rd submittal review. Also, reduce removal time from 30 to 15 calendar days in accordance with State law.

Sec. 36-33 Amending plat:

1. Completeness Review: Revise timeframe to allow more time for review from 10 business days to 30 calendar days in accordance with State law.
2. Completeness Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete.
3. Submittal Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete. Also, revise to allow applicant to request more submittals in writing beyond 3rd submittal versus automatically administratively denying the plat.

Sec. 36-36 Subdivision construction plans, certificate of completion, and as-built/record drawings:

1. Completeness Review: Revise timeframe to allow more time for review from 10 business days to 30 calendar days in accordance with State law.
2. Completeness Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete.
3. Submittal Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete. Also, revise to allow applicant to request more submittals in writing beyond 3rd submittal versus automatically administratively denying the plat.
4. Early Land Clearing: New addition to allow for an applicant to request early land clearing as approved by the City to expedite construction, language pulled over from Site Development Code.

Sec. 36-37 Subdivision Variance:

1. Completeness Review Process: Revise process to eliminate expiration of application and replace with circular process of review and resubmittal until complete.
2. Submittal Review Process: Revise timeframe to allow less time for review from 30 calendar days to 15 calendar days in accordance with State law. Also, revise to allow applicant to request more submittals in writing beyond 3rd submittal versus automatically administratively denying the plat.

Sec. 36-53 Roadway adequacy standards: Revise a scrivener's error in order to say "total peak hour trips" & allows flexibility to revision of traffic impact analysis by administrator.

Sec. 36-56 Tree preservation & mitigation removal credits: Addition of Tree mitigation removal credits from Site Development Code, which allows for credits against removed tree inches.

Sec. 36-58 Subdivision walls: modifies Code to require subdivision walls when there is minimal open space separating the back of a residential lot from a roadway or railroad.

Sec. 36-60 Postal delivery service: modifies to require showing of postal box units on concept plans.

Sec. 36-370 Parkland standards: Modification to not allow floodplain to be used towards counting parkland requirements.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 48 SITE DEVELOPMENTS, ARTICLE IV. PROCESSING PROCEDURE & ARTICLE V. GENERAL DEVELOPMENT REQUIREMENTS AND STANDARDS, DIVISION 3 PARKLAND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending Chapter 48 (Site Developments), City Code.

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: Staff recommends approval.

ATTACHMENTS: Staff Report & Ordinance.

☐ 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. 2023-01-03-??

AN ORDINANCE AMENDING CHAPTER 48 SITE DEVELOPMENTS, ARTICLE IV. PROCESSING PROCEDURE & ARTICLE V. GENERAL DEVELOPMENT REQUIREMENTS AND STANDARDS, DIVISION 3 PARKLAND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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

I.

That Chapter 48, Site Developments, Article IV Processing Procedure, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 48-33 Completeness Review, Subsection (A) Timeframe for Review et. seq. which shall read as follows:

Sec. 48-33. Completeness review.

- (a) *Timeframe for review.* Once items have been submitted to the city, it shall have ~~1430~~ calendar days to review for completeness.

II.

That Chapter 48, Site Developments, Article IV Processing Procedure, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 48-34 Submittal Review, Subsection (3) Additional Submittals et. seq. which shall read as follows:

Sec. 48-34. Submittal review.

- (3) *Additional submittals; DRC reduced review time.* Shall follow the process established in subsection (1) and (2) until all DRC comments are addressed by the applicant to the satisfaction of the city. However, project shall be reviewed by the DRC within 15 calendar days of the applicant's submittal to the city.

III.

That Chapter 48, Site Developments, Article V General Development Requirements and Standards, Division 3 Parkland Standards, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 48-92 Parkland Standards, Subsection (b) Land Dedication, Subsection (4) Maximum Dedication of Parkland in a Floodplain et. seq. which shall read as follows:

Sec. 48-92. Parkland standards.

- (b) *Land dedication.* Shall follow the standards below:

- (4) ~~Maximum dedication of p~~Parkland in a floodplain prohibited. Land located in a floodplain shall not ~~constitute more than 50 percent~~ be used towards parkland requirements.

IV.

- A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.
- B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

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

READ, PASSED, and ADOPTED on this 3rd day of January, 2023.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Development Services Department

STAFF REPORT

Modification of Ch. 48, City Code regarding Site Developments.

Date: December 2, 2022

Hearing Date: City Council – January 3, 2023

REQUEST SUMMARY

City Staff is seeking to modify Chapter 48, Site Developments. These changes will allow for modifications to match State law and create better parkland standards. The changes are indicated below:

Sec. 48-33 Completeness Review: Modification of review timeframes to increase calendar days from 14 to 30.

Sec. 48-34 Submittal Review: Establishment of 15 calendar days as deadline for City review.

Sec. 48-92 Parkland Standards: Modification to not allow floodplain to be used towards counting parkland requirements.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR EXECUTE A LETTER OF AGREEMENT WITH MARK J. SCHROEDER OF TAYLOR, TEXAS APPOINTING HIM INTERIM CITY ATTORNEY OF THE CITY OF ELGIN IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

DEPARTMENT: City Manager

PROPOSED ACTION:

Approval of a Letter of Agreement with Mark J. Schroeder of Hejl & Schroeder of Taylor, Texas to serve as the Interim City Attorney of the City of Elgin.

BACKGROUND:

Under the requirements of the City Charter and the Texas Local Government Code, the City is compelled to appoint a City Attorney, or attorneys, licensed to practice law in the State of Texas, to serve as legal advisor to the city and to all officers and departments of the city. Mark J. Schroeder of Hejl & Schroeder has agreed to certain terms, conditions, and compensation to serve in this capacity.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Approval of the Resolution and Letter of Agreement as presented to appoint Mark J. Schroeder of Hejl & Schroeder of Taylor, Texas to serve as the Interim City Attorney for the City of Elgin; and direction to staff, if any, as appropriate.

ATTACHMENTS:

Resolution
Letter of 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 THE MAYOR EXECUTE A LETTER OF AGREEMENT WITH MARK J. SCHROEDER OF TAYLOR, TEXAS APPOINTING HIM INTERIM CITY ATTORNEY OF THE CITY OF ELGIN IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Elgin City Charter Article 5, Section 4 requires the City Council to appoint a City Attorney, or attorneys, licensed to practice law in the State of Texas, to serve as legal advisor to the city and to all officers and departments of the city; and,

WHEREAS, the Elgin City Charter Article 5, Section 4 further stipulates that the City Attorney shall represent the city or be responsible for the representation of the city in all cases; and,

WHEREAS, the Mayor and City Council have determined it to be in the interests of the City to appoint Mark J. Schroeder of Hejl & Schroeder of Taylor, Texas as the Interim City Attorney of the City of Elgin.

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 a Letter of Agreement with Mark J. Schroeder of Hejl & Schroeder of Taylor, Texas to serve as the Interim City Attorney of the City of Elgin; a copy of said Letter being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

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.

PASSED AND ADOPTED this 3rd day of January 2023

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

JENNIFER STUBBS, City Secretary

HEJL & SCHROEDER, P.C.
ATTORNEYS AT LAW
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(512) 365-2226 FAX
www.hejllawfirm.com

January 3, 2023

Via Electronic Mail

Mayor Theresa McShan
Elgin City Council
310 N Main Street
P.O. Box 591
Elgin, TX 78621

RE: Representation of the City of Elgin

Dear Mayor McShan:

I want to thank you and the City Council for the opportunity to represent the City of Elgin as its interim city attorney.

This letter is sent to confirm the engagement of my law firm as the attorneys for the City of Elgin, including Municipal Court. Within the next six months, the Council will evaluate the situation to determine whether or not to remove the interim designation.

Our fee for legal representation of the City will be at the hourly rate of \$250.00 per hour. I will bill my mileage at the standard IRS rate. My partner, Ted Hejl, an attorney with over 25 years of municipal law experience, will be assisting me from time to time. Trisha Copeland will be the primary legal assistant handling the City files.

We look forward to working with you and the Council. If you have any questions, please let us know.

Very truly yours,

HEJL & SCHROEDER, P.C.

Mark J. Schroeder

MJS:tlc

ACCEPTED BY:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas