



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 19, 2019
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT

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

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

VI. CITY MANAGERS REPORT

1. General Activity Report And/Or Project Update

Documents:

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

VII. NEW BUSINESS

1. Consideration Of Staff Recommendation On An Action Plan Related To An Area In The Southeast Quadrant Of The City Annexed In 2015 ("Annexed Area") And Related Matters

Documents:

[EX SUMMARY - ANNEXED AREA4.PDF](#)
[MEMANNEXEDAREA3119.PDF](#)

2. (Discussion Only) AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Documents:

[EXECUTIVE SUMMARY PARADE ORDINANCE .PDF](#)
[ELGIN PARADE ORDINANCE 3-14-19.PDF](#)
[CURRENT ORDINANCE ARTICLE_II___MARCHES PARADES RALLIES DEMONSTRATIONS.PDF](#)

VIII. 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

Documents:

[EXSUMMARY - EXECUTIVE SESSION2.PDF](#)

IX. RECONVENE

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

X. ANNOUNCEMENTS

XI. ADJOURNMENT

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

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before

Friday, March 15, 2019, in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez, City Secretary



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: Consideration of staff recommendation on an action plan related to an area in the southeast quadrant of the City annexed in 2015 (“Annexed Area”) and related matters

DEPARTMENT: City Manager

PROPOSED ACTION:

This item is to allow for further review and discussion of the item as stated; and direction to staff regarding same as may be deemed appropriate.

BACKGROUND:

Discussed at previous meetings; In December of 2015, the City completed an annexation of certain real property that is located on the southeast side of town. The total of all such property annexed at that time was 131 acres that contained a variety of existing land uses.

One, if not the, primary objectives of the annexation then was to prevent further expansion of the City of Bastrop’s jurisdiction. Aggressive annexation by other cities in the area was also common at that time; and it was also thought at the time that growth and development was imminent for that area.

Given the timing of the annexation, the City is now faced with issues related to the extension of sanitary sewer services and achieving substantial compliance with applicable law by the end of calendar year 2020.

Staff submitted a report for Council’s review and at the last Regular Meeting and now seeks direction moving forward.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Review and discussion of the item as stated; and direction to staff regarding same as may be deemed appropriate.

ATTACHMENTS:

3/1/19 Staff memorandum

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

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

Memorandum

Date: March 1, 2019

To: Mayor and City Council

Subject: City Services to Annexed Area



Last October, city staff initiated a review of current issues pertaining to the City's last involuntary annexation project. In 2015, approximately 212 acres located on the southeast side of town was annexed into the city limits. The area included the Texas Lost Pines Riding Club Arena, the Elgin Veterans of Foreign Wars Post 6115, and Bombshell Speed & Custom Shop, but the primary land use for the entire area was, and remains, single-family residential.

The annexation was done in compliance with state law; which ultimately compels the City to extend all city services to the area within five (5) years (consistent with the general level of services provided throughout the City). With one exception, the City has met the minimum requirement for the provision of such services, including law enforcement, trash/ recycling collection, street maintenance, planning, code enforcement, library, and other basic services (Water services are provided by the Aqua Water Supply Corporation.).

Wastewater/sanitary sewer services, however, have not yet been extended to the area; and, the City must now make a determination as to this final task - including if, how, and when wastewater services will be extended to this area as requested by the affected property owners.

As noted in the October staff report, this extension of wastewater services will represent a significant capital expense for the City. Said report also described a number of other challenges associated with this annexation; ultimately concluding that the City Council should pause to consider all current options and objectives before moving forward; including the possibility of dis-annexing some or all of the area:

"It should be noted that one (maybe the only) alternative . . . would be the possible dis-annexation of the area, returning it to Bastrop County's jurisdiction. Such an action would eliminate any concerns about capital costs or operational impacts. However, disannexation includes its own set of challenges and impacts – and would not be a simple task."

Throughout these most recent deliberations, the City Council and staff have discussed the overall situation in detail and have received new and/or updated information from various sources:

- This annexation required a commitment to extend services, however, no plans - nor funding – were developed at the time of the annexation to fulfill this obligation. Although a project was identified in the 2017 Five-Year Capital Plan, no funding for same was approved at that time (nor since).
- At the time of annexation, the primary objective of the City Council was largely to prevent further expansion north of the City of Bastrop's jurisdiction. Since then, however, state law has changed in such a way as to effectively eliminate this concern, as all cities are now essentially precluded from engaging in aggressive involuntary annexations.
- It was also thought that significant growth and development was imminent for that area at the time – a projection that has proven to be somewhat accurate – but only for a portion of the annexed area.
- Over the past few months, Council has received a variety of comments from citizens living in the area (who are presumed for the most part to be and/or represent property owners). A clear majority of those comments were in favor of some form of dis-annexation – although there are some residents/property owners who have also stated their desire to remain part of the City.

It is important to note in this regard, however, that even allowing for every comment heard or received, the Council has not yet heard from anywhere near the *majority* of the more than ninety (90) different owners of property that were included in this annexation.

- *Curbside Collection of Trash and Recycling* services have been provided to the area, but not uniformly to the entire annexed area and its residents. Some residents have stated that they have not received such services; and others have been allowed to decide for themselves whether or not they wanted these services; and yet others have apparently contracted with other service providers for trash collection – none of which complies with the applicable Ordinance and Franchise Agreement granted to the City’s designated service provider.

Moving forward, all residential properties that remain within the city limits will be (a) provided with the appropriate trash and recycling collection receptacles, (b) specifically designated as part of a regular weekly collection route, and (c) assessed a monthly fee for such services at the established rate. No other service providers will be permitted to provide trash collection services in the area.

- *Code Enforcement* remains an issue to be fully addressed within the annexed area - as it does throughout the City. All properties within this area were previously subject to county/rural standards; and the City has admittedly not been overly aggressive with code enforcement to this point in time.

However, the overall challenges associated with code enforcement within this area are no greater than in other parts of the City. The primary issues continue to be defining the desired level of enforcement and providing the resources required to achieve same. The efforts required to bring certain properties within the annexed area into full compliance with city codes will certainly require enhanced efforts and increased funding – but those same issues exist with various other properties and neighborhoods located throughout the City.

- *Land Development* within and adjacent to the annexed area continues to be an evolving situation. As noted previously, all development regulation of land within the annexed area had previously been maintained under county/rural standards, which are typically less stringent than cities. Essentially all development requirements (platting, subdividing, setbacks, parkland dedication, road construction, stormwater drainage, ROW donation, etc.) mandate higher minimum standards for projects within the City of Elgin than those located within unincorporated areas of Bastrop County. This situation has, and will continue to, pose certain challenges – and frustrations – for those property owners desirous of developing their property at the lower (and less expensive) standard.

- The *Trinity Ranch Municipal Utility District* (“MUD”) is a new major project that has recently come forward and represents a potentially impactful situation as it relates to the annexed area.

The City has executed a Letter of Intent with the developer of Trinity Ranch, a single-family residential MUD that is currently projected to include 1,600 residential units. Trinity Ranch will be located on 386 acres of land along Upper Elgin River Road. Although not currently adjacent, this project will be in close proximity to FM1704 within the annexed area. It seems quite likely that if a residential project the size and scope of Trinity Ranch were to be constructed at this location, significant servicing retail and/or supporting commercial business development would accompany it – and the logical location for that business development would be the FM1704 corridor.

In addition, Trinity Ranch will also be constructing a major expansion of the City’s wastewater collection system in support of its project. Given its proximity to the annexed area, city staff is hopeful that, through a partnership with Trinity Ranch, an alternative and more cost-effective extension of wastewater services to the annexed area can be accomplished.

- The initial staff report from last October stated that “total of all such property annexed . . . was 131 acres”, which is incorrect. The total number of land tracts annexed was 95; totaling just over 212 acres (and that number has now been revised to 197.5 acres, consistent with current tax records).

- Over the past three tax years (2016, 2017, & 2018), total City of Elgin property taxes assessed on those properties annexed as described herein was just under \$156,000.

Recommendation

Obviously, the overall challenge for the City at this time is to endeavor to achieve an appropriate balance of the various issues related to the current situation. It is the expressed, unanimous desire of the current City Council to be responsive to the citizens most directly affected by this situation. At the same time, however, Council also has an obligation to protect the overall interests of the City at large. It is with a focus on these two general issues that the following compromise plan of action is proposed:

I. Dis -Annexation

Based on the overall assessment of information discussed herein, the staff recommendation moving forward would essentially amount to “splitting the baby” as it relates to the overall territory annexed in 2015:

- *Retain all areas annexed in December, 2015* under Ordinance No. 2015-12-22-34 (as shown in the attached “Area 2”)
- *Dis-annex all areas annexed in August, 2015* under Ordinance No. 2015-08-04-22 (as shown in the attached “Area 3”), subject to the following.

With this approach, the railroad tracks/ROW would essentially become “the dividing line” and provide a natural boundary for the revised city limits. It would also provide the City with continued appropriate development control over the FM1704 corridor

In addition, including FM1704 as the only public roadway within the area to remain annexed would effectively eliminate any new road maintenance costs or responsibilities for the City – as this roadway is owned and maintained by the Texas Department of Transportation (TxDOT).

II. Settlement/Development Agreement

In exchange for agreeing to dis-annex all properties in “Area 3”, all benefitting property owners would be required to sign a settlement and/or development agreement similar to those previously executed but specifically stipulating that:

- The property would not be subdivided or otherwise developed.
- All development regulations and planning authority of the City would remain applicable (like all property located within the extraterritorial jurisdiction).
- Said property would only be used for single-family residential zoning uses and the owners would abide by single-family residential use requirements.
- No refund of property taxes or any other fees previously paid to the City would be sought.
- Any failure to abide by these conditions would constitute a petition for voluntary annexation.

Through this effort, the City would maintain its basic (and proper) control over any *significant* development that might occur in the future. Conversely, this compromise would provide property owners in this area with what many seem to desire: the ability to continue to live “as they are” without any control over current conditions – or taxation – by the City of Elgin.

An agreement of this type is essential to the City maintaining its development control over this area, as the existing extraterritorial jurisdiction (ETJ) can only be retained through a connection of property that is contiguous with the city limits.

III. Extension of Wastewater Services to “Area 2”

With the proposed dis-annexation of “Area 3 and the construction of the Trinity Ranch MUD, the extension of wastewater services to the remaining properties (“Area 2”) will be much more manageable and less expensive for the City.

Under this general scenario, the City Engineer's preliminary/conceptual cost estimate for design and construction of wastewater services to the properties currently identified as "Area 3" is \$2.2M.

Given the various development projects being discussed near or adjacent to the FM1704 corridor, however, various cost-sharing opportunities for this project may also be available to further reduce the City's investment in this project.

This proposed compromise would be in compliance with state law and the Elgin City Charter, as described by the City Attorney, insofar as certain procedural requirements are followed, to wit:

"Pursuant to Sec. 43.142 of the Texas Local Gov't code, Texas home rule cities are allowed to disannex an area in the city limits as may be provided by the Charter of said city. Elgin's charter states that the council may pass ordinances as may be "...expedient for the maintenance of good government, order and peace of the city."

The Charter further states that all such powers, whether expressed or implied, shall be exercised and enforced in the same manner prescribed by Charter; or when not prescribed herein, in such manner as shall be provided by ordinance or by the Council.

Pursuant to the charter and state law, the City shall hold two public hearings (after the provision of statutory notices) and thereafter act on an ordinance providing for the disannexation of the area in question."

Please let me know if you have any questions or would like to request additional information in this regard.



Thomas L. Mattis
City Manager

cc: Charlie Crossfield, City Attorney
Beau Perry, City Engineer
Doug Prinz, Director of Utilities
Melissa Lipiec, Planning and Development
Charles Cunningham, Director of Finance



Elgin City Council Meeting Agenda Item Executive Summary

ITEM:

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Community Development Department

PROPOSED ACTION: Discussion

BACKGROUND: The existing parade ordinance is very brief and outdated. The proposed ordinance provides a clear framework for how parades would be reviewed and considered for approval by the police chief. All parade organizers would have a consistent protocol to follow in setting up a parade. The ordinance addresses safety issues and organizational concerns such as parking, sanitation, and traffic control. Staff met with parade organizers in the community and reviewed the proposed ordinance. Organizers expressed overall support for the more detailed ordinance and voiced their support for all parades following similar rules. Organizers also requested support from parade entrants and the community in not throwing candy or other items from vehicles. This causes children to run into the vehicle lanes where the parade is traveling and greatly increases the potential for a tragic accident to occur. Participants are invited to walk the parade route and hand items directly to the attendees. Elgin has active parade requests from Juneteenth Festival committee for Juneteenth Festival June 7-8, Elgin Chamber of Commerce, Western Days Festival June 21-22, City of Elgin July 3 parade, American Legion,

Veterans appreciation Parade November 2 and Elgin Volunteer Fire Department Christmas Lighted parade December 7. The current parade ordinance lists permission required for a parade from the City manager or his designee with an appeal to City Council if permit is denied. The proposed ordinance would list the Police Chief or his designee with an appeal to city council if permit is denied. The proposed ordinance lays out clear guidelines for the denial or approval of a parade permit.

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION: Discussion.

ATTACHMENTS:

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

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

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

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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

I.

That Chapter 34, Article II, Sections 34-19 and 34-20, Code of Ordinances, City of Elgin, Texas are deleted in their entirety and are hereby replaced with the following:

ARTICLE II. – PARADES

Sec34-1. - Definitions.

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

Applicant means a person who has filed a written application for a parade permit.

Chief of Police means the Chief of Police or his designated representative.

Free Speech Rights means expressive activity protected by the First Amendment to the Constitution of the United States, provided that such activity is the primary purpose of the parade.

Parade means any assembly, march, demonstration, procession or motorcade upon public streets within the city consisting of three or more persons, animals, or vehicles (or any combination thereof) with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon public streets.

Parade permit means written approval from the chief of police or his designated representative for a parade.

Permittee means the person to whom a parade permit is granted pursuant to this article.

Public street means the entire width of the publicly owned right-of-way.

Sec. 34-2. - Permit required; exceptions.

- (a) *Required.* No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the city.
- (b) *Exceptions.* This section shall not apply to:
 - (1) Funeral processions.
 - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities, and will not interfere with the normal movement of traffic.
 - (3) A government agency acting within the scope of its function.

Sec. 34-3. - Filing period.

- (a) Except as provided below, an application for a parade permit shall be filed with the chief of police not less than 30 days nor more than 90 days before the proposed parade date.
- (b) Late applications, where good cause is shown and subject to the standards promulgated in section 34-96, may be considered when filed after the deadline prescribed herein.
- (c) An application for a parade, the primary purpose of which is to express Free Speech Rights, may be submitted not less than 5 working days not including holidays ~~days~~ before the proposed parade date.

Sec. 34-4 - Application for permit.

- (a) A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by the city, which shall be accompanied with an application fee as currently established or as hereafter adopted by resolution of the city council from time to time. In appropriate circumstances, the ~~City Manager~~ City Council shall have the authority to lower or waive the fee.
- (b) The application for a parade permit shall set forth the following information:
 - (1) The name, address, and telephone number of the person seeking to conduct such parade;
 - (2) If the parade is to be held for or by an organization, the name, address, and telephone number of the headquarters of the organization, and the name and address of the authorized representative of such organization;
 - (3) If the parade is to be held by or for any person other than the applicant, the applicant shall file a written statement from that other person showing authority to make the application;
 - (4) If the parade's primary purpose is to express Free Speech Rights, a detail description of the purpose of the parade;
 - (5) The name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
 - (6) The date when the parade is to be conducted;
 - (7) The time when such parade will start and terminate, including the time at which units of the parade will arrive in assembly area. Parades may be conducted only between the hours of 7:00 a.m. and 9:00 p.m. daily;
 - (8) The location by streets of the proposed parade route, the assembly area, the initial starting point and the disbanding area for the parade. If the assembly area, starting point and/or disbanding areas are located on private property, the applicant shall submit written permission for the holding of the activity from the owner or his authorized representative of the property;
 - (9) The proposed location for parking area. If the parking area is located on private property, the applicant shall submit written permission from the owner or his authorized representative for allowing parking on the property;
 - (10) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used;

- (11) The time at which units of the parade will arrive at the assembly area;
 - (12) The interval of space to be maintained between units in the parade;
 - (13) The approximate number of participants in the parade and, if applicable, the number and types of animals and vehicles or floats (including maximum height and length) which will constitute such parade;
 - (14) Any sanitation facilities which may be needed to keep the parade route and assembly areas clean and free from debris and waste;
 - (15) A description of any public facilities or equipment needed for the parade, including first aid stations or portable restrooms;
- Provide a copy of parade entry registration forms including requirements that no candy or other objects may be thrown from parade entries, all vehicles must be in working order and street worthy, all entries must follow traffic laws, and parade participants may walk the parade route and hand candy or other items directly to attendees.
- (16) Copies of permits and agreements ~~will~~ with all city departments other than the police department shall be included with the application for the parade permit; and
 - (17) Any other information which the chief of police shall find necessary under the standards for issuance, hereinafter set forth in section 34-96.

Sec. 34-5. - Standards for issuance of permit.

A parade permit will be issued if, upon review of the application, the chief of police finds that:

- (1) The parade will not substantially interrupt the safe and orderly movement of other traffic near its route;
- (2) The parade will not require the diversion of so great a number of police officers of the city to properly police the parade and the adjacent areas, including parking areas, as to prevent normal police protection of the city;
- (3) The parade will not require the diversion of so great a number of fire protection or emergency medical services (EMS) personnel so as to prevent these services to portions of the city other than that to be occupied by the proposed parade route and adjacent areas;
- (4) The concentration of people, animals and vehicles at assembly points of the parade will not unduly interfere with fire and police protection of, or EMS services to, areas near such parade and assembly area;
- (5) The parade will not interfere with the efficient response movement of firefighting equipment and services en route to a fire;
- (6) The parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route;
- (7) The conduct of the parade is not reasonably likely to cause injury to persons or property;
- (8) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
- (9) There are sufficient parking places near the site of the parade to accommodate the number of vehicles reasonably expected to be used in the parade or the applicant has made adequate arrangements for off-site parking and transfer of attendees and

participants; and

- (10) The applicant has secured the police services, if any, required under this Chapter.

Sec. 34-6. - Contents of permit.

Each parade permit shall state the following information:

- (1) Starting and ending time, including assembly time and cleanup time;
- (2) Minimum and maximum speed;
- (3) A description of the parade route and any assembly or disbanding areas;
- (4) Maximum and minimum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade; and
- (6) Such other information as the chief of police shall find necessary to the enforcement of this article.

Sec. 34-7. - Applicant parking requirements.

- (a) Applicant shall submit evidence that sufficient parking will be available to accommodate the projected number of participants and attendees with a ten percent surplus. If said parking is to be on private property adjacent to the parade, written evidence that the applicant has a right of possession of said property through ownership, lease, license, or other property interest must be provided. When the location is not an established parking area, a plan shall be submitted which will show how the needed parking will be achieved and arranged. The number of parking spaces and layout of parking area, including aisle widths, size of parking spaces and whether parking attendants will be provided, shall be included in the submittal.
- (b) When adequate parking is not available at or immediately adjacent to the site of the parade route, off-site parking may be used. Plans shall be submitted which will show how off-site parking and transfer of attendees will be accomplished.

Sec. 34-8. - Duties of permittee.

A permittee shall comply with all parade permit directions and conditions and with all applicable laws and ordinances.

Sec. 34-9. - Denial or revocation of permit.

- (a) The chief of police may deny a parade permit if:
 - (1) The parade will conflict in time and location with another parade or other special event for which a permit has already been granted;
 - (2) The applicant fails to comply with or the parade will violate an ordinance of the city or any other applicable law;
 - (3) The applicant makes or permits the making of a false or misleading statement or omission of material fact on an application for a parade permit;
 - (4) The applicant has been convicted of violating this article or has had a parade permit revoked within the preceding 12 months;

- (5) The applicant has previously failed to pay previous parade fees, police protection charges or other charges related to the parade;
 - (6) The applicant fails to provide proof of a license or permit required by this article or another city ordinance or by state law;
 - (7) The parade, in the opinion of one or more city departmental directors, would severely hinder or compromise the delivery or performance of normal services, including previously scheduled construction or maintenance services, or emergency services or constitutes a public threat;
 - (8) The applicant is unable or unwilling to pay any additional costs as may be required by the chief of police;
 - (9) The applicant fails to submit a complete application or fails to provide any additional information requested by the chief of police; or
 - (10) The proposed date or time for the parade or the location of the parade or parking for such parade would substantially interfere or disrupt the educational activities of a school when such school is in session.
- (b) The chief of police shall have the authority to deny or revoke a parade permit issued hereunder for failure to meet the standards for issuance as set forth in section 34-96.

Sec. 34-10. - Notice of rejection; appeal to city council.

The chief of police shall act upon an application for a parade permit within seven days after the filing thereof. If the chief of police does not approve the application, he shall mail to the applicant a notice of this action stating the reasons for the denial of parade permit within three days after the date of the denial. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The council shall hear the appeal as soon as practicable and its decision shall be final.

Where the primary purpose of the parade is the expression of Free Speech Rights, the application shall be granted or denied by the chief of police within 48 hours of receipt of the application. After a decision, the chief of police shall immediately notify the applicant orally and the city attorney in writing of the decision. If the decision is for denial of the permit, the applicant may, within 24 hours after receipt of said decision, appeal to the city manager, presenting facts why the denial should be reversed. The city manager shall make every effort to hear the appeal as soon as possible, and shall render a written decision to the applicant no more than 24 hours after the time of the appeal hearing.

Sec. 34-102. - Alternative permit.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the parade on a date, time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.

Sec. 34-11. - Tents and temporary structures.

Any parade which includes the use of a stage, seating, tent, canopy, or other temporary structure shall meet the requirements of the city's fire code and building code except that a separate permit is not required when a parade permit has been obtained. Fire lanes for emergency equipment must be provided and the site prepared in a manner so as not to be a fire hazard as determined by the fire chief.

Sec. 34-12. - Sanitary facilities.

Portable type sanitary facilities may be required if determined to be necessary by the chief of police, and an applicant shall be responsible for securing such facilities.

Sec. 34-13. - Animal waste.

Waste from animals used in any such parade shall be removed immediately, by parade organizer or his designee following the completion of such parade. Should animals be kept within the city limits at night, they shall be kept not less than 300 feet from any developed residential or commercial districts.

Sec. 34-14. - Water usage and disposal of wastewater.

- (a) Any parade or related activity desiring use of water from the city water system must coordinate with the utilities department to obtain a temporary meter. Deposit for the meter and payment for water used shall be in accordance with ordinances of the city.
- (b) An applicant shall submit a plan for the disposal of wastewater and the plan shall be approved by the utilities department.

Sec. 34-15. - Waste collection and solid waste dumpster.

An applicant shall be required to make arrangements for the collection of all waste resulting from such parade, and commercial solid waste dumpsters may be required if determined to be necessary by the chief of police. If required, an applicant shall make arrangements for the provision of such dumpsters with a commercial solid waste disposal company currently having a franchise agreement with the city.

Sec. 34-16. - Loudspeakers.

When loudspeakers will be used in conjunction with the parade, the location and orientation of speakers shall be indicated along with the planned hours of use. Speakers which are positioned so as not to adversely affect an adjacent residential district may be used between the hours of 7:00 a.m. and 9:00 p.m. when a parade permit has been obtained. The chief of police may modify the time limit for use of such speakers when good cause is demonstrated by the applicant. Any use of loudspeakers other than described shall first obtain the approval of the city council.

Sec. 34-17. - City authority over parking.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the parade route by posting signs to such effect. It shall be unlawful for any person to park or leave unattended any vehicle in violation of the parking restrictions.

Sec. 34-18. - Police services; costs.

- (a) The chief of police shall determine whether and to what extent police services are reasonably necessary for the parade for traffic control and public safety. The chief of police shall base this decision on the size, location, duration, time and date of the parade, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If additional police services for the parade are deemed necessary by the chief of police, he shall so inform the applicant for the parade permit. The applicant then shall have the duty to secure the police services deemed necessary by the chief of police. All police services shall be provided by the Elgin Police Department unless prior written approval is given by the Chief of Police for the use of outside agencies.
- (b) In the event the chief of police determines, upon a review of the application, that a parade may require the special attention and involvement of city personnel or facilities, the chief of police shall so notify the applicant. In such event, prior to the issuance of a parade permit, the applicant and the chief of police shall agree upon the cost of policing and cleaning and the closure of roads, and the applicant shall pay that amount to the city upon application. Prior to the issuance of a parade permit, the applicant shall agree in writing to pay any additional costs to the city within five days of the date upon which the city informs the applicant of the amount of such additional costs.

Sec. 34-19. - Offenses.

- (a) A person commits an offense under this article if he:
 - (1) Stages, presents, or conducts any parade without first having obtained a permit as herein provided;
 - (2) Participates in a parade for which the person knows a permit has not been granted;
 - (3) Knowingly fails to comply with any condition of the parade permit;
 - (4) Rides, drives, or causes to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the parade permit;
 - (5) Hampers, obstructs, impedes, or interferes with the parade, except when reasonably required for the safe and orderly conduct of the parade, or for the safety and welfare of the general public; or
 - (6) Drives between the vehicles or persons comprising a parade.
- (b) A culpable mental state is not required for the commission of an offense under this article.

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.

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

READ, PASSED, and ADOPTED on this ____ day of _____, 2019.

CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary

ARTICLE II. - MARCHES, PARADES, RALLIES AND DEMONSTRATIONS

Sec. 34-19. - Permission required.

It shall be hereafter unlawful for any march, parade, rally or demonstration to be held, begun, or staged, by cars or other motor or animal drawn vehicles, or on animals or foot, or by any means or mode of transportation whatsoever, by more than ten persons in or on the public streets, property or ways of the city, unless permission shall first have been secured from the city manager or his designee.

(Code 1990, ch. 4, § 1(A); Ord. No. 92-16, § IV 11-3-1992; Ord. No. 97-03-18-06, 3-18-1997;
Ord. No. 97-03-18-06, 3-18-1997)

Sec. 34-20. - Appeal.

If the city manager or his designee denies permission as stated in section 34-19, then the person or party so denied may, within ten business days after the denial, file a written appeal with the city council to consider granting or denying permission as stated in section 34-19. Any decision of the council shall be final.

(Code 1990, ch. 4, § 1(B); Ord. No. 92-16, § IV 11-3-1992; Ord. No. 97-03-18-06, 3-18-1997;
Ord. No. 97-03-18-06, 3-18-1997)

Secs. 34-21—34-43. - Reserved.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: 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

DEPARTMENT: City Council

PROPOSED ACTION:

Consider information presented in Executive Session.

BACKGROUND:

Under Texas Open Meetings law, there are seven exceptions that generally authorize closed meetings, also known as “Executive Sessions.” The exceptions include discussions involving: (1) purchase or lease of real property; (2) security measures; (3) receipt of gifts; (4) consultation with attorney; (5) personnel matters; (6) economic development; and (7) certain homeland security matters. However, any and all final actions, decisions, or votes of the Elgin City Council related to such Executive Session items will be made in an open meeting

BUDGET/FINANCIAL IMPACT:

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

RECOMMENDATION:

Consider information presented in Executive Session; and direction to staff, if any, as appropriate.

ATTACHMENTS:

None.

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

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