ELGIN CITY CITY COUNCIL MINUTES
August 6, 2024
6:30 PM

CALL TO ORDER
Mayor McShan called the meeting to order at 6:30 p.m.

ROLL CALL
Mayor McShan called roll call and stated that all council members were in attendance.

Present:
Theresa Y. McShan, Mayor
Arthur Gibson III, Council Member
Joy Casnovsky, Council Member
Chuck Swain, Council Member
YaLecia Love, Council Member
Al Rodriguez, Council Member
Matthew Callahan, Council Member
Forest Dennis, Council Member
Sue Brashar, Mayor Pro Tem

Staff:
Thomas L. Mattis, City Manager
Michael Gonzalez, Public Works Director
Chris Noble, Chief of Police
Amy Miller, Community Services Director
Beau Perry, City Engineer/Development Services Director
Mark Schroeder, City Attorney
Pam Sanders, HR Director
Sonia Browder, Media Specialist
Dodie Navejas, UB Customer Services Manager
Esmeralda Rangel, Assistant City Secretary
Todd Johnson, Commander
Aaron Crim, Commander

INVOCATION
Ms. Love 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. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS**
   Mayor McShan read the caption to the public hearing.

   Preston McGrew, 180 Mustang Dr Paige TX, stated that he was here to speak on behalf of ESD#3 as one of the petitioners. He noted that this ESD would increase property taxes, increase ambulances and stations across the county, and reduce response time.

   Mayor McShan closed the public hearing.

2. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP AND MAKING CERTAIN FINDINGS RELATED THERETO**
   Mayor McShan read the caption to the public hearing.

   Dan Kleiner, 106 East 11th St, wanted to vocalize his support for the project and how he believed it would positively impact our growing community and our downtown.

   Mayor McShan closed the public hearing.

PUBLIC COMMENT
There were no public comments.

CITY MANAGERS REPORT

1. **Review and Discussion of a City Charter Review Process**
   Mr. Mattis provided an update on the charter review process. He mentioned that Mr. Schroeder, the city attorney, recommended reaching out to a attorney who specializes in city charters to help the council gain a clearer understanding of the process and address any questions they may have.

2. **General Activity Report and/or Project Update**
   Mr. Mattis shared progress on various projects such as the finished Thomas Park, EDC improvements, CLR, and several other projects that are on track for completion.

CONSENT AGENDA

1. **City Council Regular Meeting Minutes-July 16, 2024**
   The minutes were approved on the consent agenda.

2. **City Council Work Session Meeting Minutes-July 27, 2024**
   The minutes were approved on the consent agenda.

3. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #6 AND #7 FOR VETERANS MEMORIAL PARK EXPANSION, AND MAKING CERTAIN FINDINGS RELATED THERETO.**
   The resolution was approved on the consent agenda.

4. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO USE SPECIFIC FUNDING, FOR REPAIRS TO THE HVAC SYSTEM AT 114 CENTRAL AVE, THE HISTORIC FREIGHT DEPOT AND MAKING CERTAIN FINDINGS**

RELATED THERETO.
The resolution was approved on the consent agenda.

5. **A RESOLUTION OF THE CITY OF ELGIN ADOPTING A DROUGHT CONTINGENCY PLAN AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND MAKING CERTAIN FINDINGS RELATED THERETO.**
   The resolution was approved on the consent agenda.

6. **CONSIDERATION OF A REQUEST BY ST. PETERS LUTHERAN CHURCH TO WAIVE THE FEES ASSOCIATED WITH RESERVING VETERANS MEMORIAL PARK FOR A NATIVITY SCENE DISPLAY December 1, 2024 THROUGH DECEMBER 29, 2024.**
   The request was approved on the consent agenda.

7. **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 FRIDAY NOVEMBER 1, 2024 FROM 5:00 PM TO 9:00 PM FOR DIA DE LOS MUERTOS.**
   The request was approved on the consent agenda.

8. **REQUEST TO CLOSE DEPOT STREET FROM MAIN STREET TO AVENUE B 2 PM TO 10 PM ON FRIDAY NOVEMBER 1, 2024 FOR DIA DE LOS MUERTOS AND TO CLOSE MAIN STREET FROM LEXINGTON TO DEPOT STREET FOR DIA DE LOS MUERTOS PARADE FROM 6:00 PM TO 7:00 PM ON FRIDAY, NOVEMBER 1.**
   The request was approved on the consent agenda.

9. **REQUEST FROM SACRED HEART CATHOLIC CHURCH TO WAIVE OPEN CONTAINER ORDINANCE FOR SATURDAY, AUGUST 31 from 2:00 PM TO MIDNIGHT AND SUNDAY, SEPTEMBER 1, 2024 10:00 AM TO 10:00 PM IN ELGIN MEMORIAL PARK AND TO WAIVE NOISE ORDINANCE FOR SUNDAY, SEPTEMBER 1, 2024 UNTIL 10:00 PM IN ELGIN MEMORIAL PARK.**
   The request was approved on the consent agenda.

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

NEW BUSINESS

1. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BASTROP COUNTY EMERGENCY SERVICES DISTRICT NO. 3; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS**
   Mr. Mattis provided an extensive presentation about all the details related to the ESD#3 petition. Mayor McShan gave each council member a turn to speak.

   Ms. Love voiced her concerns about Elgin citizens having taxation without representation. Mr. Swain was concerned about Elgin citizens who resided in Travis County and how this proposal would affect them. Mr. Gibson wanted citizens to know why the council did not have enough time to deliberate on this proposal. Mr. Mattis elaborated. Ms. Casnovsky stated her disagreement with the petition and how she felt Elgin was an afterthought. Mr. Callahan agreed with his fellow council members and voiced his worry about having so many unanswered questions and being rushed to make a decision. Mr. Rodriguez strongly agreed with his constituents that emergency services had to be upgraded, but he believed this wasn't the correct way. Mr. Dennis agreed with everything that had been said and voiced his concerns about Elgin 'not having a seat at the table'. Mayor Pro Tem Brashar stated that this proposal felt like they were drawing a division line between both counties that make up the city, she expressed this to the petitioners. Mayor McShan acknowledged and agreed with the council. She noted that they took an oath to look after every Elgin citizen and with so many unknowns to this petition, she didn't believe it would be the correct decision to accept this petition.

Ms. Love made a motion to deny the resolution in its entirety. Ms. Casnovsky seconded the motion. All voted in favor. The motion carried. The resolution was denied in its entirety.

2. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE KATY ELGIN, LP AND MAKING CERTAIN FINDINGS RELATED THERETO**

Mr. Mattis provided a refresher about the project and stated that under the current city code, this project did not meet the standard. Mr. Rodger provided a presentation to the council and addressed the main problem of adequate parking, which included an analysis that he believed showed that the amount of parking this project is providing is more than adequate for the space they are working on. Discussion followed.

Ms. Casnovsky made a motion to approve the resolution. Mr. Callahan seconded the motion. The vote was: Ms. Casnovsky-yes, Mr. Gibson-yes, Mr. Swain-no, Ms. Love-no, Mr. Callahan-yes, Mr. Rodriguez-no, Mr. Dennis-no, Mayor Pro Tem Brashar-no, Mayor McShan-yes. The motion did not carry.

3. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING AND ADOPTING THE 2024-25 FIVE-YEAR CAPITAL IMPROVEMENT PLAN, A REPORT ON ANTICIPATED CAPITAL EXPENDITURES AND PROJECTS FOR ALL MUNICIPAL OPERATIONS; AND PROVIDING FOR RELATED MATTERS**

Mr. Mattis provided an overview of the proposed capital improvement plan which included the council's top ten projects.

Mayor Pro Tem Brashar made a motion to approve the resolution. Ms. Love seconded the motion. All voted in favor. The motion carried.

4. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS PLACING A PROPOSAL ON THE SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 COUNCIL MEETING TO ADOPT A 2024 TAX YEAR PROPOSED PROPERTY TAX RATE THAT WILL NOT EXCEED THE NO NEW REVENUE TAX RATE OR THE VOTER APPROVAL TAX RATE NOR THE DE MINIMIS RATE FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; CALLING A PUBLIC HEARING ON THE PROPOSED PROPERTY TAX RATE TO BE HELD ON SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024 AT 6:30 PM**

Mr. Mattis provided comments and stated that this was a procedural item in every year's budget.

Mr. Swain made a motion to approve the resolution. Mr. Rodriquez seconded the motion. All voted in favor. The motion carried.

ANNOUNCEMENTS

Mayor McShan stated that there would be a council meeting every Tuesday this month. Ms. Miller stated there would be a CLR dedication, a community blood drive, and a western wear store grand opening. She also stated there were two buildings sold on Main Street which would become a dental practice and a hot sauce production company.

EXECUTIVE SESSION

1. **Adjourn into Executive Session pursuant to Section §551.071 Consultations with Attorney; to deliberate with legal counsel regarding pending or contemplated litigation: Citation Cause #2621-21 State of Texas vs. City of Elgin**
   Mayor McShan adjourned the Regular Meeting into Executive Session at 8:22 p.m.

RECONVENE

The City Council returned to the Dias at 8:54 p.m. Mayor McShan reconvened the regular meeting at 8:55 p.m. No action was taken.

ADJOURNMENT

Mayor McShan adjourned the meeting at 8:55 p.m.

Theresa Y. McShan
Theresa Y. McShan, Mayor

ATTEST:

Esmeralda Rangel
Esmeralda Rangel, Assistant City Secretary