

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, JULY 11, 2017**

CALL TO ORDER

Mayor Chris Cannon called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Chris Cannon, Mayor

Juan Gonzalez, Mayor Pro Tem
Mary Penson, Council Member
Susie Arreaga, Council Member
Daniel Lopez, Council Member
Phillip Thomas, Council Member
Jessica Bega, Council Member
Sue Brashar, Council Member
Neil Beyer, Council Member

Staff: Thomas L. Mattis, City Manager
Chris Bratton, Police Chief
Owen Rock, Economic Development Director
Buck LaQuey, Finance Director
Michael Gonzalez, Parks Director
Sandy Ott, Library Director
Gary Cooke, Planning Director
Amy Miller, Community Development Director

Mayor Cannon certified there was a quorum and all Council Members were present.

INVOCATION

Council Member Penson gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Chris Cannon led the Pledge of Allegiance to the United States and Texas Flags.

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City Manager Thomas Mattis stated that Council Member Lopez had been appointed to the Ward 3 place that was vacant due to Craig Fromme moving out of the city. He stated that Mr. Lopez had already taken the oath of office and was officially a member of the City Council but wanted to do the ceremony tonight. He stated that the seat would be up for election in November and again in May.

Mayor Cannon moved to the Public Hearing

PUBLIC HEARING

1. A Public Hearing on the Proposed 2017 City of Elgin Five –Year Capital Improvement Plan.

Mr. Mattis stated that the Council would be taking public comments and voting on a Five-Year Capital Improvement Plan in an effort to develop a long term Capital Planning exercise to address the various capital needs in the community. He stated the plan was on the city website for review or copies could be provided, and that the objective was to try to identify all of the capital needs. He stated that about \$65,000,000 in projects had been identified in the city, such as streets, utility, parks, community development and virtually every type of capital investment that needs to be addressed over the next 5 years, pending the availability of funds. Mr. Mattis stated that currently there was either under construction or funding in place for almost \$25,000,000 worth of projects, such as the rec center and drainage project that were included in the plan. He stated that there was about \$40,000,000 worth of projects that were identified that were needed that no funding was available for at this time, but was trying to get those addressed. He went over other projects on the other side of 290 that are expected to begin before the end of the year, such as wastewater expansion in partnership with the developer at Saratoga Farms, Lee Dildy Boulevard project, and the wastewater treatment plant, a big project but mandatory for the future. He stated that the good news about the \$25,000,000 worth of projects underway now, is that almost a third came from outside sources and the residents, tax payer and utility customers are paying two thirds of the cost associated with these projects. Mr. Mattis briefly went over other projects listed in the plan.

Before opening the Public Hearing Mayor Pro Tem Gonzalez administered the Oath of Office to Council Member Lopez.

Mayor Cannon asked that the record show that Council Member Lopez had taken his seat on the dais at 7:13 p.m.

Mayor Cannon recessed the regular meeting at 7:13 p.m. and opened the Public Hearing.

PUBLIC HEARING

1. A Public Hearing on the Proposed 2017 City of Elgin Five –Year Capital Improvement Plan.

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Patricia Alford spoke and stated she was curious about the plan and amount of money talked about which would eventually come from the people and asked how they were planning to accumulate these funds. She asked if it would be through grants or increase taxes to come up with all of this money.

Mr. Mattis responded that it was a yes to all, but the first step was identifying the need and \$40,000,000 was a huge burden that no one would think should be put on the tax payers, but as the money became available with growth, and encouraging business development, that at that point begin we could begin prioritizing the projects.

Marilyn Jones spoke and directed her comments to her representatives in Ward 1 and encouraged the Council to make the children a priority. She stated that she worked at Booker T Washington School and 15 to 30 children walk to school with no sidewalks. She asked the Council to revisit their shopping list and that this side of town was important too, and has historical value to the community. She thanked the Council for their efforts for the stop signs on her street and speed bumps.

Council Member Bega spoke and encouraged the residents to stay in touch about essentials that are important to their Ward and had spoken to people about the sidewalks and would like to see that bumped up on the list.

Theresa McShan spoke and stated that when she was on the Council several years ago Booker T Washington was on the list for sidewalks but there are still no sidewalks. She stated that with more residents and the schools, sidewalks were needed and important on the south side.

Mr. Mattis stated that the plan being considered tonight does have 4 different sidewalk projects in the downtown area, with one major project in the MLK area.

2. A Public Hearing on a proposed amendment to Chapter 46, Zoning Ordinance regarding camping, recreational vehicle, motor home, travel trailer, and other trailer restrictions.

Planning Director Gary Cooke gave a background on the proposed amendment stating that from time to time Planners review how the city is growing and how we want the growth to proceed, and in doing that they begin by looking at existing ordinances. He stated things such as definitions in the ordinance that do not place those definitions in the right place, and that this was the case in RV's and travel trailers. He stated they needed to take the definition and apply it to Manufactured Home Park Standards, and all that needed to be done was amend the ordinance to add these very specific things that say if you are going to create a travel trailer park, or RV park these are the minimum standards required in the corporate city limits. He stated that the Planning Commission recommends the amendments to the ordinance.

There were no comments on the amendment by the public.

Mayor Cannon closed the public hearing at and reconvened the regular meeting at 7:27 p.m.

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PUBLIC COMMENT

Patricia Alford spoke about the Elgin Flea Market and stated that a couple of months ago she loaded up her truck and headed to the park only to find no one there. She found out the flea market was not being held anymore and was curious who made the decision to discontinue this event. She stated it was a tradition, and an opportunity to meet people that came from out of town to shop there. She stated she heard trash was being left there and asked if the city would add dumpsters or possibly have people that needed community service hours clean up. She asked the Council to reconsider allowing them to continue their fellowship at the park.

Cindy Wood stated she was from Coupland and a teacher for 18 years, taught 5 years in Elgin and now taught in Thrall. She stated that in Copeland there is a picnic table at the park and people put their stuff there to sell. She stated that a preacher from Elgin had come there and told them that there were 80 vendors at the park, people that come are elderly, people give free bibles, and it would help businesses with people coming here and stopping to shop and eat downtown. She stated that it needs to continue for the fellowship provided by having the flea market.

Bobbie Bolen stated she also came to the park every first of the month and could not believe it was closed with no word to the community. She stated it is a community with all races, different abilities and with different things to sell. She asked the Council to reconsider and allow the flea market to continue.

PRESENTATIONS

1. Recognition of former City Council Member Craig Fromme.

Mr. Mattis stated that he could not be in attendance but would do it at a later date.

2. Presentation of the Annual Audit Report for the period ending September 30, 2016 by Brooks Cardiel, PLLC.

Mike Brooks, with Brooks Cardiel, presented the Annual Audit Report ending September 30, 2016.

CITY MANAGER'S REPORT

1. Review and Discussion of Elgin Flea Market Days.

Mayor Cannon asked the Council for their comments regarding the Flea Market before opening up the discussion and comments to the public.

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Council Member Penson spoke and stated she had been to the market days and that it is a lot of fun and fellowship. She stated that whatever anyone was looking for you could find at the market, and that she agreed with everyone that had spoken. She stated business was generated throughout the city due to the newcomers that visit the market. She agreed with the suggestion of bringing someone in to address the problem of trash being left and would like to see the Elgin Flea Market Days every first Saturday of the month continue.

Mayor Pro Tem Gonzales spoke and stated that they had heard from a large cross section of the community and they are overwhelmingly in favor of keeping it open. He stated he attended the last day and was surprised to see hundreds of people there. He stated that the flea market needed to stay.

City Manager Thomas Mattis spoke and stated he wanted to try to clarify a couple of things. He stated the staff's actions in this regard had been misinterpreted and misrepresented in a conversation that was had, most specifically the negativity they felt, which he said was not coming from Mrs. Krebs. He stated Mrs. Krebs was very nice and had written him a very nice letter and her interaction with him was very positive. Mr. Mattis stated the staff's job was to enforce the rules and compliance with the city ordinances. He stated the decision was made at his desk but did not feel the decision to cancel the event was ever made, which is not within the staff's discretion, but simply want people to comply with the rules. The event as it was being run did not comply with the rules as the ordinance requires. He stated he had written a memo two months ago explaining why this situation did not comply with our rules and that no one came forward and said they were willing to organize the event and comply with the rules according to the city ordinance. He stated this was not the city's flea market as some had referred to it, and, in the case of the flea market, the city was open to having a special agreement with anyone that wanted to come forward and comply with all the rules, and that the city was ready to move forward as soon as someone came forward with a proposal.

Council Member Brashar stated she was fine with the flea market but that the rules were not being followed. She stated that maybe the Friends of the Park because they are a 403c non-profit, could help to take care of the trash situation by taking some of the money and providing more trash bins and felt that the Friends of the Parks would be good stewards of the park. She stated she did not want the flea market to go away but the rules needed to be followed.

Council Member Bega spoke and asked if events or people were not following ordinances and if rules were being broken, how were they notified and given the opportunity to fix the issue before closing the flea market. She asked if any warnings were given telling them they were not following the rules and what they needed to do. She asked if second notices could be given and then have a discussion that if this continued then there was a possibility of shutting it down.

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City Manager Thomas Mattis responded that no notice such as a notice of violation had been issued. He stated the memo he sent mentioned that this closing was a temporary thing and that the staff had ongoing verbal discussions on what the conflicts were.

Council Member Arreaga spoke and asked if they could be reinstated on a probationary period to allow the citizen's to abide by the rules.

Mayor Cannon stated that the Council had the authority to enact staff to handle the situation and that Mayor Pro Tem Gonzalez had a motion prepared. He stated that there were citizens there to speak on this subject before the motion was made.

Council Member Bega spoke and stated that it was important that they all understand, as well as the organizers, that there will be a new set of rules and will understand when rules are agreed upon and per the ordinance before anything is reinstated if that is under consideration.

Council Member Beyer spoke and stated he wanted to understand what the conflict was. He asked who the organizers were, if it was entities or individuals, and who was in violation of the ordinance. He stated this was for profit and asked who was profiting from the flea market.

Mr. Mattis responded that it was an individual.

Council Member Beyer asked if the individual was present and someone replied that Ms. Krebs was.

Mayor Cannon asked Ms. Krebs if she would like to speak or answer questions. Ms. Krebs stated that she didn't want to take up a lot of time. She stated that there was a lot of confusion about this.

Council Member Beyer stated he wanted to get to the bottom of the confusion and understood this was not a permit issued for people to do this. He stated that his understanding was that the city was saying that she was violating an ordinance by doing what she is doing in the park. He asked what the major issues were that needed to be addressed. He stated he lived close to the park and he liked having the flea market. He stated he had concerns with the parking with construction of the rec center going on, with cars coming out into the street and concerns about hitting a child.

Mayor Cannon stated that twice before a fee structure had been decided but that it had never been applied to this event. He stated that what had occurred was a small city that was doing things a certain way, an event that was small and allowed to operate under a less professional manner than demanded, and grew with time. He stated he was looking for a resolution and asked to move forward and let the citizens speak.

Kay Silkenson spoke and stated that this was a long standing event and that the Council was underestimating how important this event was to the community.

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She stated that she would appreciate any efforts by the Council to organize either with Ms. Krebs or someone else. She stated she wished it had been done differently to let the people know about the violations giving people a chance to fix it and might have caused less confusion.

Jan Raby spoke and stated that everything she was going to say had already been said so she would not go over it again. She stated she appreciated the Mayor clarifying the problem that is going on. She stated that there were many people that relied on the flea market and that it was a service to the community. She asked the Council to reconsider and work together to get something done to help comply with the ordinances.

Ms. Krebs spoke and stated she thought there was a lot of misunderstanding and was very sorry for the confusion. She stated that when she started this a long time ago, about 1983 or 85 there was no money to buy banners or advertise, but just a small group of people and thought the city didn't even know about it. She stated that church members helped and she eventually took it over. She stated she looked over some ordinances and didn't find anything that said she did anything wrong. She stated that she provided a policy about the trash in English and Spanish and felt that the issue with the trash was dealt with. She stated she went around and cleaned up herself and then hired someone to help with the trash, so she didn't understand the trash issue.

Miguel, a student at the high school spoke and stated that he proposed that the Elgin High School students take it over and help manage it.

Mayor Pro Tem Gonzalez moved that city staff meet and come to an agreement with any group that wants to reinstate the flea market at the park. City staff should make this event a city sponsored event and provide resources such as trash pickup as done for other events. An agreement should be in place so that the flea market can be held the first Saturday in September.

Council Member Bega stated that for the city to engage in cleanup and things like that, they would need to discuss the logistics and asked if that was what she heard in the motion.

Mayor Pro Tem Gonzales replied that this event should be provided resources by the city as it does for all other events in the city.

Council Member Bega stated she didn't think trash was an issue and if the ordinances were followed the city would not have to spend much time, money or energy doing that, but if trash was left the expectation would be for staff enforce the ordinance.

Mayor Cannon asked Council Member Bega if she would second the motion as presented or offer an amendment.

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Council Member Bega replied that Mayor Pro Tem Gonzalez clarified the questions she had.

Mayor Cannon stated the motion failed for lack of a second.

Council Member Beyer moved to direct city staff to meet with any group, entity or individual and attempt to come to an agreement with any entity, individual or group that wants to reinstate the flea market in the park and try to do that by the first Saturday of September so the flea market could be active by that time. Council Member Penson seconds the motion. Motion carried by unanimous vote 9-0.

CITY MANAGER'S REPORT

2. Update and Review of Economic Development and Capital Improvements Projects

City Manager Thomas Mattis provided some pictures of the new parks maintenance building under construction and stated that the staff was very appreciative. He mentioned that concrete was being poured the next day for the rec center, and that progress on the Lee Dildy project was moving forward with a final sign off on the adjusted plan scheduled for Friday.

Mr. Mattis stated that the budget would be presented at the next meeting on August 1st and he would ask the Council to be ready to make a decision on the solid waste contract and that he had gotten feedback from some on the Council.

Mr. Mattis stated he wanted to acknowledge Laura and Michael for the improvements made to the Council Chambers.

3. Update on possible adjustments to rules for appointments and terms on City Boards and Committees.

4. Monthly Departmental Activity Reports – June

Mr. Mattis stated the Monthly Reports were attached and asked if anyone had any questions.

CONSENT AGENDA

1. AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 3; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND CONFLICTING ORDINANCES OR RESOLUTIONS

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2. Approval of a request to close Depot Street from Avenue C to Avenue B Thursday, October 26, Friday, October 27, Saturday, October 28, and Sunday, October 29 for the carnival at the 30th Annual Hogeye Festival.
3. Approval of a request for street closures for the 30th Annual Hogeye Festival on October 28, 2017.
4. Approval of a request to waive the open container ordinance for the 30th Annual Hogeye Festival sponsored by Elgin Main Street Board and the City of Elgin on Friday, October 27 from 6pm to 10pm on Depot Street for the Street Dance; from 5:00pm to 11:59 pm the area from Central Avenue to Depot Street from Main Street to Avenue A for the Gordon Swenson Memorial BBQ Pork Cook-off; and on Saturday, October 28 from 10:00 a.m. to 7:00 p.m. in the festival area: Loop 109 (Main Street) from Austin Street to Lexington, Central Avenue, Depot Street, 1st Street, 2nd Street and 3rd Street from the Union Pacific railroad tracks to Avenue A.
5. City Council Special Meeting Minutes - June 1, 2017
6. City Council Regular Meeting Minutes - June 6, 2017

Council Member Brashar moved to approve the Consent Agenda with the corrections to the minutes given to the City Secretary. Council Member Penson seconds the motion. Motion carried by unanimous vote 9-0.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING AND ADOPTING THE 2017 FIVE-YEAR CAPITAL IMPROVEMENT PLAN, A REPORT ON ANTICIPATED CAPITAL EXPENDITURES AND PROJECTS FOR ALL MUNICIPAL OPERATIONS FROM OCTOBER 2017 THROUGH SEPTEMBER 2022; AND PROVIDING FOR RELATED MATTERS

Council Member Penson moved to approve a Resolution of the City of Elgin approving and adopting the 2017 Five Year Capital Improvement Plan as presented and as may be amended. Council Member Bega seconds the motion. Motion carried by unanimous vote 9-0.

2. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING THE EXPENDITURE OF \$50,000.00 BY THE ELGIN ECONOMIC DEVELOPMENT CORPORATION FOR ALLAN TOLBERT'S 112-114 N. MAIN STREET AND 109 CENTRAL AVENUE BUILDINGS REMODELING PROJECTS AND MAKING CERTAIN FINDINGS RELATED THERETO

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Council Member Brashar moved to approve a Resolution by the City Council of the City of Elgin, Texas approving the expenditure of \$50,000 by the Elgin Economic Development Corporation for Allan Tolbert's 112-114 N. Main Street and 109 Central Avenue buildings remodeling projects and making certain findings of fact related thereto. Council Member Beyer seconds the motion. Motion carried by unanimous vote 9-0.

3. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ELGIN AND BFB ELGIN RETAIL PARTNERS, LLC AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Council Member Thomas moved to approve a Resolution by the City Council of the City of Elgin, Texas approving a Chapter 380 Economic Development Agreement as presented. Council Member Penson seconds the motion. Motion carried by unanimous vote 9-0.

4. AN ORDINANCE AMENDING CHAPTER 46, ARTICLES I, II, AND V, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING CHAPTER 46, SECTIONS 46-1, 46- 138, and 46-598; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

Council Member Brashar moved to approve the Ordinance as presented. Council Member Beyer seconds the motion. Motion carried by unanimous vote 9-0.

5. DISCUSSION AND ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN EXTENSION TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ELGIN, TEXAS AND NOVINGER RESOURCES, INC. FOR FIVE (5) YEARS.

Council Member Thomas moved to approve this extension with the amendment as presented. Council Member Penson seconds the motion. Motion carried by unanimous vote 9-0.

6. Discussion and possible action related to a funding request by the Capital Area Planning Council of Governments (CAPCOG) Clean Air Coalition in support of the regional air quality program.

Council Member Penson moved to authorize \$1065.00 funded for the regional air quality program by CAPCOG in 2017-18 and \$400.00 funded from 16-17. Council Member Thomas seconds the motion. Motion carried by unanimous vote 9-0.

7. Discussion and possible action regarding the appointment of Rosanna Abreo as a temporary replacement Municipal Court Judge.

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Council Member Penson moved to approve the appointment of Rosanna Abreo as a temporary replacement Municipal Court Judge. Council Member Brashar seconds the motion. Motion carried by unanimous vote 9-0

ANNOUNCEMENTS

Council Member Penson mentioned Sip, Shop and Stroll on Thursday night.

ADJOURNMENT

Mayor Cannon adjourned the City Council meeting at 9:19 p.m.

ATTEST:



Amelia Sanchez, City Secretary

APPROVED



Chris Cannon, Mayor