

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, FEBRUARY 6, 2018**

CALL TO ORDER

ROLL CALL

Present: Chris Cannon, Mayor
Juan Gonzalez, Mayor Pro Tem
Mary Penson, Council Member
Susie Arreaga, Council Member
Jessica Bega, Council Member
Daniel Lopez, Council Member
Sue Brashar, Council Member
Neil Beyer, Council Member

Mayor Chris Cannon certified there was a quorum and stated all members were present except for Council Member Thomas and called the meeting to order at 7:00 p.m. Mayor Cannon asked if everyone had received the message from Council Member Thomas, and all responded that they had.

Council Member Brashar moved to excuse Council Member Thomas's absence. Council Member Beyer seconds the motion. Motion carried 8-0.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Director of Finance
Patrick South, Police Chief
Sandy Ott, Library Director
Michael Gonzalez, Director Parks and Rec.
Doug Prinz, Utilities Director
Gary Cooke, Planning Director
Joe Parten, Public Works Director
Amy Miller, Community Dev. Director

INVOCATION

Council Member Penson gave the invocation.

CITY COUNCIL MEETING MINUTES

February 6, 2018 – Page 2

City Annex Council Chambers

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

Mayor Cannon recessed the Regular Meeting and opened the Public Hearing at 7:03 p.m.

PUBLIC COMMENTS ON A PROPOSED ZONING CHANGE REQUESTED BY SANDRA J. MENLEY, OWNER OF THE PROPERTY LOCATED AT 832 EAST 2ND STREET IN THE THOMAS CHRISTIAN SURVEY ABSTRACT NUMBER A20 AND BEING APPROXIMATELY 0.647 ACRES, TO CHANGE THE ZONING FROM R-2 SINGLE FAMILY AND DUPLEX DWELLING DISTRICT TO R-3 SINGLE FAMILY DWELLING DISTRICT.

With no one wishing to speak, Mayor Cannon closed the Public Hearing at 7:03 p.m.

PUBLIC COMMENT

Mayor Cannon opened Public Comments.

Aina Dodge spoke and stated she was not a city resident but was a county resident and her property was adjacent to the Elgin bridge. She stated she was opposed to moving the Old Wilbarger Bridge and read a statement she shared with Judge Pape. In the statement she mentioned the bridge was an integral part of the county as one of the few standing structures dating to the 1800's. She stated moving the bridge to Elgin was a good option if there were no other options, but that none had been explored and she would like to have that opportunity before the final decision is made.

Holly Taylor spoke about her ongoing concern about getting speed bumps in their County Line neighborhood. She stated they had been given various reasons for not being able to get speed bumps, and at one point they got a petition a few years ago but nothing ever came of it. She stated that there were many children in the neighborhood as well as grandparents pushing strollers and cars would come speeding through the streets. She asked what has to happen in order to get speed bumps.

Jon Beall spoke and stated he and his brother owned a farm in the Elgin ETJ and came before Council as president of the Wilbarger Creek Conservation Alliance. He stated he was there to speak about two things, the black prairie farmland and the storm water generated in the Wilbarger watershed. He stated their mission was to preserve farms, ranches and open spaces and during their five years they had been successful in preserving 1000 acres. He asked that Council be stringent in storm water regulation.

CITY COUNCIL MEETING MINUTES

February 6, 2018 – Page 3

City Annex Council Chambers

Courtney Young spoke and stated she lived in Austin but worked with Jon Beall and was also part of the Wilbarger Conservation Alliance. She stated she wanted to give a quick summary of another advocacy issue they are working on that had to do with industry moving into this area, and the effect on the community and wildlife. She stated an asphalt emulsion company recently constructed an asphalt facility off of old Hwy 20 that is just 10 miles from here and that the people that live there are being affected by fumes and traffic. She stated they have filed a wastewater permit to discharge their boiler blow down into Wilbarger Creek. The permit was denied, but she wanted to share the story and that people were concerned.

With no one else wishing to speak, Mayor Cannon closed the Public Comment period.

PRESENTATIONS

1. A PROCLAMATION DECLARING FEBRUARY 2018 AS NATIONAL AFRICAN AMERICAN HISTORY MONTH IN THE CITY OF ELGIN

Mayor Cannon read the Proclamation.

2. Employee of the First Quarter – Chris Watson

Sandy Ott, Library Director announced Chris Watson as the Employee of the First Quarter.

CITY MANAGER'S REPORT

1. Consideration and possible action responding to a proposal by Bastrop County to relocate the Old Wilbarger Bridge (Lower Elgin River Road Bridge) to city-owned property

Council Member Penson moved to deny a proposal by Bastrop County to relocate the Old Wilbarger Bridge to city-owned property. Council Member Brashar seconds the motion. Motion carried 8-0.

2. Review and discussion of a preliminary staff report on fees, access, operating policies and procedures of the new City of Elgin Recreation Center

Mayor Cannon stated that this item was the new proposed fees for the rec center but due to time constraints between meeting agenda preparation there was not enough time for everyone to review it. Mayor Cannon stated that he wanted to propose to Council about going back to 2 meetings a month, every first and third Tuesday of the month and moving this item to the second meeting in February, giving everyone time to review the fee schedule.

3. General Activity Report and Project Update

CITY COUNCIL MEETING MINUTES

February 6, 2018 – Page 4

City Annex Council Chambers

City Manager Thomas Mattis stated that the Public Works department cleaned up the ditch in front of Walmart as part of the program to get the corridor cleaned up. He also mentioned how successful the blood drive of two weeks ago had been, with 46 donations and 177 donations in four different blood drives. Mr. Mattis stated how well attended the Seton presentation had been and attended by a lot of people he did not recognize. He also reminded the Council about the Lee Dildy groundbreaking the next day.

4. Monthly Departmental Activity Reports – December

Mr. Mattis stated the departmental reports were attached and if anyone had questions to let him know.

CONSENT AGENDA

1. Review and consider certain street closures for the 4th annual Superhero 5K on Saturday March 10th, 2018 from 8:00 am to 12:00 pm
2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS ADOPTING A CODE OF CONDUCT POLICY REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND MAKING CERTAIN FINDINGS RELATED THERETO
3. City Council Regular Meeting Minutes - January 2, 2018

Council Member Brashar moved to approve the three Consent Agenda items with corrections to the minutes as provided to the City Secretary. Council Member Beyer seconds the motion. Motion carried 8-0.

NEW BUSINESS

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 TO R-3 SINGLE FAMILY DWELLING DISTRICT, THE PROPERTY BEING APPROXIMATELY 0.647 ACRE OUT OF THE THOMAS CHRISTIAN ABSTRACT NO. A20, CITY OF ELGIN, BASTROP COUNTY, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Council Member Brashar moved to approve the ordinance as written. Council Member Bega seconds the motion. Motion carried 7-1 with Council Member Arreaga voting no.

CITY COUNCIL MEETING MINUTES

February 6, 2018 – Page 5

City Annex Council Chambers

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS GRANTING, UPON FINAL EXECUTION BY THE MAYOR, AN AMENDED AND EXTENDED FRANCHISE AGREEMENT WITH REPUBLIC SERVICES FOR A SEVEN (7) YEAR TERM COMMENCING ON THE EFFECTIVE DATE; CONTAINING VARIOUS TERMS AND CONDITIONS WITH REGARD TO THE EXTENSION OF SUCH FRANCHISE; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO

Council Member Penson moved to approve the negotiated contract with Republic Services for the curbside collection of household trash recycling both waste and related services and the ordinance as presented. Council Member Lopez seconds the motion. Motion carried 8-0.

Discussion and possible action to appoint/re-appoint members to Committees/Commissions with expiring terms.

- Elgin Main Street Board
- Historic Review Board
- Board of Adjustments
- Building Standards Commission
- Planning and Zoning Commission
- Parks and Recreation Advisory Board
- Library Advisory Board
- Public Safety Advisory Committee

Mayor and Council discussed and agreed to go through and appoint or re-appoint members using the list provided by the City Secretary.

Parks and Recreation Advisory Board:

Council Member Penson moved to reappoint Debbie Gaston, Patti Tatum and Brad Kilgore to the Parks Board. Council Member Brashar second the motion. Motion carried 8-0.

Elgin Main Street Board

Council Member Brashar moved to reinstate the members with expired terms and add Charles McInnis for Dorothy McCarther's expired term. Council Member Beyer seconds the motion. Motion carried 8-0.

Elgin Historic Review Board

Council Member Bega moved to re-appoint Emily Koller, Melissa Cole and Ed Rivers to the Elgin Historic Review Board. Council Member Lopez seconds the motion. Motion carried 8-0.

CITY COUNCIL MEETING MINUTES

February 6, 2018 – Page 6

City Annex Council Chambers

Library Advisory Board

Council Member Brashar moved to re-appoint Michelle Austino and Christy Taylor, and waive the occupancy rule for Mary Kathleen Clark. Council Member Penson seconds the motion. Motion carried 7-1 with Mayor Pro Tem voting no.

Planning and Zoning Commission

Council Member Brashar moved to extend the terms of all that are on the board and nominate Rob Ryland to replace Geno Chavarria. Council Member Penson seconds the motion. Council Member Beyer moved to approve those that are up for re-appointment with the replacement of Jason Tatum for Geno Chavarria. Mayor Cannon stated that he would ask if there was a second on the motion. Council Member Lopez seconds the motion. Mayor Cannon stated that under parliamentary procedure the chair reserves the right to entertain any motion when given multiple, and has always gone with the first motion made unless the first motion is withdrawn. He asked Council Member Brashar if she wished to withdraw her motion and she replied “no”. Council Member Penson stated she wanted to withdraw her second and asked if she could do that. Mayor Cannon asked if anyone was willing to replace Council Member Penson’s motion. No one responded. Council Member Bega stated that she thought they needed clarification on the procedure on whether or not a second can be withdrawn. The Mayor then asked the City Attorney Charlie Crossfield if the second could not be withdrawn, and he agreed and suggested they go ahead and vote on the first motion. Mayor Cannon asked if there was a rule on what motion he went ahead for a vote with and the City Attorney replied that there was not. Mayor Cannon stated that they would go with the first motion as was tradition. He stated that there was a motion made by Council Member Brashar and a second by Council Member Penson. Motion failed 5-3 with Mayor Pro Tem Gonzalez, Council Members Arreaga, Penson, Lopez, and Beyer voting no and Council Members Brashar, Bega and Mayor Cannon voting yes.

Mayor Cannon stated there was a second motion by Council Member Beyer to appoint Jason Tatum to the Planning and Zoning Commission, with a second by Council Member Lopez. Motion carried 8-0.

Board of Adjustments

Council Member Brashar moved to re-appoint Lynn Cottle and Brenda Pena. Council Member Penson seconds the motion. Motion carried 8-0.

Building Standards Commission

Council Member Brashar moved to approve all of the renewals on the Building and Standards Commission and add Robert Ryland to replace Roy Pruneda. Council Member Arreaga seconds the motion. Motion carried.

Public Safety Advisory Committee

Council Member Brashar moved to re-appoint all members to the Public Safety Advisory Committee listed and leave the one vacancy for further review, and waive the occupancy rule for

Mike Walterscheidt. Council Member Lopez seconds the motion. Motion carried 7-1 with Mayor Pro Tem Gonzalez voting no.

CITY COUNCIL MEETING MINUTES

February 6, 2018 – Page 7

City Annex Council Chambers

City Manager Thomas Mattis asked if the Mayor would go back to the City Managers Report as he had forgotten that the Finance Director Charles Cunningham had a report to present to the Council. Mayor Cannon agreed.

Charles Cunningham, Finance Director provided an Investment report that was required to be prepared and presented to Council each year. He stated in the future it would be provided quarterly.

A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL CONTRACT WITH THE CAPITAL AREA EMERGENCY COMMUNICATIONS DISTRICT FOR PUBLIC SAFETY ANSWERING POINT (PSAP) MAINTENANCE, EQUIPMENT, AND TRAINING AND MAKING CERTAIN FINDINGS RELATED THERETO

Council Member Brashar moved to approve the resolution as presented. Council Member Beyer seconds the motion. Motion carried 8-0.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS TO AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE LOWEST RESPONSIBLE BIDDER THAT WILL PROVIDE ELECTRICAL ENERGY FOR THE CITY OF ELGIN BEGINNING ON OR ABOUT DECEMBER 1, 2018 AT THE LOWEST GUARANTEED RATE BY THE SELECTED BIDDER

Council Member Beyer moved to approve a resolution of the City Council of the City of Elgin, Texas to authorize execution of an agreement with the lowest responsible bidder that will provide electrical energy for the City of Elgin beginning on or about December 1, 2018 at the lowest guaranteed rate by the selected bidder Reliant Energy. Mayor Pro Tem Gonzalez seconds the motion. Motion carried 8-0.

A RESOLUTION OF THE CITY OF ELGIN, TEXAS TO CAST A VOTE FOR A PERSON TO SERVE ON THE BOARD OF DIRECTORS OF THE TRAVIS CENTRAL APPRAISAL DISTRICT

Council Member Bega moved to cast a vote for James Hamann. Council Member Beyer seconds the motion. Motion carried 5-3 with Council Members Beyer, Brashar and Arreaga voting no.

AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING AN ELECTION ON MAY 5, 2018 FOR THE PURPOSE OF ELECTING CERTAIN CITY OFFICIALS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING

CITY COUNCIL MEETING MINUTES

February 6, 2018 – Page 8

City Annex Council Chambers

AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS

AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATING TO SUCH CITY ELECTION.

Council Member Penson moved to authorize and approve the ordinance calling for a general election on May 5, 2018 for the purpose of filling expired terms. Council Member Beyer seconds the motion. Motion carried 8-0.

ANNOUNCEMENTS

Mayor Cannon asked if anyone had any announcements. Amy Miller announced that Dorothy McCarther, with Dorothy's Jewelry and Gifts was celebrating 25 years in business downtown and on Thursday at 5p.m. they were having a re-grand opening and Sip, Shop and Stroll was also on that night.

Council Member Beyer mentioned an art exhibit on Thursday night through weekend downtown.

Council Member Penson mentioned the Lee Dildy groundbreaking the next day.

EXECUTIVE SESSION

Recess the Regular Council meeting and call to order Executive Session in a closed session.

Mayor Cannon recessed the Regular Council Meeting at 9:30 with a five minute break.

Mayor Cannon adjourned into Executive Session at 9:49 p.m.

1. Adjourn into Executive Session pursuant to Section 551.071 consultation with the City Attorney to seek his or her advice on legal matters, to wit; Cause No. D-1-GN-17-006890, Bonnie Crankshaw vs. the City of Elgin

RECONVENE

Adjourn Executive Session and call public back in to Reconvene Regular Council meeting.

Mayor Cannon Adjourned the Executive Session and Reconvened into Regular Council meeting at 10:16 p.m.

ADJOURNMENT

Mayor Cannon adjourned the City Council meeting at 10:18 p.m.

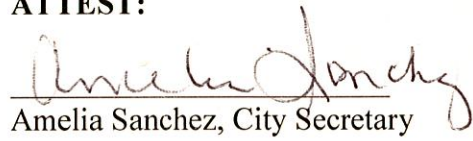
CITY COUNCIL MEETING MINUTES
February 6, 2018 – Page 9
City Annex Council Chambers

APPROVED

A handwritten signature in blue ink, appearing to read 'Chris Cannon', written over a horizontal line.

Chris Cannon, Mayor

ATTEST:

A handwritten signature in brown ink, appearing to read 'Amelia Sanchez', written over a horizontal line.

Amelia Sanchez, City Secretary