MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, APRIL 2, 2019

CALL TO ORDER

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

ROLL CALL

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

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

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Owen Rock, Economic Development Director
Patrick South, Chief of Police
Amy Miller, Community Development Director
Melissa Lepiec, Planning Department

INVOCATION

Council Member Thomas gave the invocation.

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

1. Public Hearing on a Zoning Change Request Submitted by Martha Flores for her Property at 700 Bull Run, Elgin, Bastrop County, Texas.

Mayor Cannon recessed the Regular City Council Meeting and opened the Public Hearing at 7:01 pm.

With no one wishing to speak Mayor Cannon closed Public Hearing at 7:02 pm. and re-opened the Regular City Council Meeting.

APPEAL HEARING

1. Hearing on an appeal filed on behalf of Building Owner Jose M. Arreola to reconsider a decision by the Building Official to uphold the Historic Review Board's decision to disapprove Window Replacement Plans for 19 North Main Street.

City Manager Thomas spoke and stated that representatives of the building owner at 19 N. Main Street had previously submitted plans for a remodeling project for which a permit was approved. He stated that the plans did not include plans for window replacements, and as per city code replacement of windows in the downtown area must be reviewed by the Historic Review Board. The Historic Review Board met to consider the proposed window replacement and denied the application for the windows determining that they did not meet the requirements of the Historic District Ordinance. He stated that the owner had submitted a Notice of Appeal as is his right to be heard by the City Council and that the Council ruling may uphold the denial, overrule and/or modify the building official's decision.

Mr.Yamil Hernandez, representing the owner of 19 N. Main Street, spoke and stated that the owners wanted to have a bigger and nicer place for Joseph's Steakhouse and to be a part of the city. He stated that the building looked really good and that they had a budget and timeline. He said the building had gone through a lot of transformations and had been modified from square to arched windows and that he could not match the windows. He stated the work had been done in the 60's with no permits or Historic Review. He stated they tried to match the windows but that some were changed to different sizes and shapes with a lot of damage to the inside. He stated as they started the renovations, they discovered a lot of water damage that was affecting the inside of the building. He stated that they went ahead and tried to do the best they could and repair the damage to the windows but did not realize that it would alter the outside of the building. He stated that now the building was safe and would stand a hundred or more years with no more water damage, and that they wanted to be here in Elgin for a long time.

Molly Alexander, Chair of the Historic Review Board, spoke and stated they are a Board of the City Council and that they uphold the Historic District Ordinance put in place in late 1989 -1990. She stated that they only review the exterior, alterations, or changes to the building in the designated or defined Historic district. Ms. Alexander stated she would first go through the process, and that one of the things they look at is Historic time period and work with property owners on external changes. She stated that when the application was filed in the Building Department if it had any exterior notations like windows, it would have come immediately to the

Historic Review Board and that they work with property owners to expedite projects and meet either once a month or on a special called basis. She stated they did not know any alterations of the windows would occur and passed other things for that property and then found out later that the windows had been replaced and then it came back to them. She stated that they met with the representative and everyone on the Board and provided three alternatives, one, that they did not meet the criteria and the windows did not meet the intent of the ordinance. Ms. Alexander stated that they make other property owners follow those guidelines and that the Board decided that it is difficult to say a mistake was made and it is okay for your mistake to go forward when other property owners have been held to a different standard. She stated that every other property owner who had come through to replace windows have been required to meet the guidelines of the Historic District. She stated the Board's unanimous decision was to not accept the application and to deny the permit. She stated that in the midst of that decision they offered two alternatives, to do it in phases, to do the front part of the windows first, because the windows on the front facing the street would have to mitigated as this is really the most important to the integrity of at least the front facing, then do the remaining windows at another time when the owner could afford to do it. She stated that they told the owner at the time of the meeting he could go through the appeal process before Council and he had chosen to do that and that is why they were here.

Mayor Pro Tem Bega asked if some of the original specs were not understood or known because of the variations over the years. She stated that she wondered if original specs were identified to help Mr. Hernandez understand the original specs for the newly installed windows.

Council Member Brashar responded that she did not think so because the windows were not in play which is the reason the work was stopped.

Mayor Cannon stated that he believed that the question was about the knowledge of the windows and the original specs of the building and that he did not intend to change the windows initially.

Mr. Hernandez responded that no they did not as their budget did not include the windows but when they realized the damage those windows had already done to the interior of the building and knew that they had to address this situation otherwise the building would continue to deteriorate.

Council Member Penson asked how much of a change it was and that what she was seeing it had progressed and changed before then so what difference was it making with these windows, and as he stated he had to change the windows because of the deterioration. She stated that before he got there those windows were already there and were no good.

Ms. Alexander responded that in the Historic District according to the Federal Interior Standards you have to match the opening of the window and there are two ways to do it. One is restoring the entire area with the window frame and the window, or to be compatible which allows it to be as close to that as possible and had Mr. Hernandez come to them knowing the exterior work was being done, they could have helped him understand.

Council Member Beyer asked Mr. Hernandez if they had someone that did code compliance for this project. Mr. Hernandez replied that they did hire an architect and they did the work.

Council Member Beyer asked if that person did not inform him that if they were changing windows on Main Street that he might have a Historic Board compliance problem.

Mr. Hernandez replied that this was after the fact when they got the order to stop work.

Council Member Gonzalez stated that he was raised two blocks from the Depot and that none of the store fronts look like they did and that he wanted to get this building back on the tax rolls and that when he drove down that street three and four times a day he did not look up at the windows, so he felt they needed to allow the appeal.

Council Member Penson moved to accept this appeal from Mr. Hernandez and allow the windows as they are and approve his window replacement plan as presented.

Council Member Lopez seconds the motion. Motion carried 6-3 with Council Members Beyer, Brashar, and Thomas voted no.

PUBLIC COMMENT

Mayor Cannon opened Public Comment.
With no one wishing to speak Mayor Cannon closed Public Comment.

PRESENTATION

Chief of Police Patrick South introduced five of his new Sergeants for the Elgin Police Department.

CITY MANAGER'S REPORT

1. Departmental Monthly Reports – February.

There were no questions or comments on the Departmental Reports.

2. General Activity Report and/or Project Update.

City Manager Thomas Mattis stated that there would be a meeting in two weeks, but more of a work session regarding some of the issues discussed in the last two weeks.

CONSENT AGENDA

Mayor Pro Tem Bega asked to pull item number 3 from the Consent Agenda.

1. Consider Request to Waive Open Container Ordinance for Juneteenth Festival June 7 from 6pm to 12:15am and on June 8th from 8am To 6pm.

2. Consider the Request to Waive Open Container Ordinance for Western Days Festival June 21 from 6pm to 12:15am and on June 22 from 8am to 8pm in Elgin Memorial Park.

3. Consider Application to Texas Department of Transportation for a Transportation Alternatives and Safe Routes to School Grant.

4. City Council Meeting Minutes - March 5, 2019.

5. Consider Authorizing the City Manager to Negotiate a Lease with the Capital Area Rural Transit Authority (CARTS) for a Bus Terminal at Avenue C and Central Avenue.

Council Member Brashar moved to approve items number 1,2,4, and 5 with corrections to the minutes. Council member Thomas seconds the motion. Motion carried 9-0.

Mayor Cannon returned to item number 3 that was pulled under the Consent Agenda.

3. Consider Application to Texas Department of Transportation for a Transportation Alternatives and Safe Routes to School Grant.

Mayor Pro Tem Bega stated she was glad to see this item on the Consent Agenda and hoped that this time it would be successful. She asked for an update from a meeting that was recently held.

Mr. Mattis stated that this was another application for more funds for sidewalks and a priority identified by Council and that many improvements had already been made regarding sidewalks to schools.

Council Member Penson moved to approve the application for a safe route to school grant. Council Member Bega seconds the motion. Motion carried 9-0.

NEW BUSINESS

1. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR A CHILD CARE CENTER AT THE PROPERTY LOCATED AT 700 BULL RUN ROAD IN SOPKO & KEELING SUBDIVISION, LOT 1, BEING APPROXIMATELY 0.5510 ACRES AND LOT 2 BEING APPROXIMATELY 0.5510 ACRES, 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 presented. Council Member Penson seconds the motion. Motion carried 9-0.

2. RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF THE ELGIN AND SOUTHSIDE MARKET AND B-B-Q, INC AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Penson moved to approve the Resolution as presented. Council Member Thomas seconds the motion. Motion carried 9-0.

3. Consider Request to Waive or Reduce Fees for the Juneteenth Festival and Parade.

Bettye Lofton, President of Elgin Juneteenth spoke and stated they were requesting a waiver or reduction in fees because they could not afford the fees. She stated they were a small group and they kept trying year after year to give back to the city and the community but that it was really costing them. She stated that if they could get the fees waived or drastically reduced it would really help them, or they might not be able to afford the parade.

Council Member Thomas moved to waive the fees for the Juneteenth Festival and Parade. Council Member Beyer seconds the motion. Motion carried 9-0.

4. Consider Request to Waive or Reduce Fees for Western Days Festival.

Gena Carter President of the Elgin Chamber of Commerce spoke and invited everyone to the Chamber Banquet on Thursday to honor the businesses in the community. She stated that she agreed with Ms. Lofton and understood there were costs to the city but that there were values as well. She stated it would be the fiftieth year for Western Days and this year they were partnering with the purple and white jubilee and planning a lot of activities. She stated that although there were costs to the city, she had numbers to show they were getting that back such as the hotels being full on those days and that it was hard but that it was important for the community.

Council Member Brashar moved to waive the fees for the Western Days Parade. Council Member Beyer seconds the motion. Motion carried 9-0.

ANNOUNCEMENTS

Council Member Beyer stated that this would be his last Council Meeting and thanked everyone for the opportunity and that he wanted to spend more time with his family.
Mayor Cannon reminded about the Chamber Banquet and Sip, Shop and Stroll, and early voting starting April 22nd.

Mayor Cannon recessed the Regular Meeting at 8:53 p.m. with a 5-minute break.

Council Member Beyer left the meeting at 8:53 p.m.

EXECUTIVE SESSION

Mayor Cannon Reconvened the Regular Council Meeting and Convened into Executive Session at 9:00 p.m.

Adjourn into Executive Session Pursuant to (A) Section §551.071 Consultations with Attorney; to Deliberate with Legal Counsel Regarding Pending or Contemplated Litigation: Bonnie Crankshaw V. City Of Elgin and Thomas Mattis, City Manager, in his individual Capacity and (B) Pursuant to Section §551.074 Personnel Matters: To Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee.

RECONVENE

Mayor Cannon Reconvened into the Regular City Council Meeting at 10:01 p.m.

No Action was taken in Executive Session.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 10:02 p.m.

Chris Cannon, Mayor

ATTEST:

Amelia Sanchez, City Secretary