MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, SEPTEMBER 17, 2019

CALL TO ORDER

Mayor Cannon called the meeting to order at 7:04 p.m.

ROLL CALL

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

Staff: Thomas Mattis, City Manager
Charles Cunningham, Finance Director
Michael Gonzalez, Parks Director
David Harrell, Planning Director
Patrick South, Police Chief
Amy Miller, Community Development Director

Mayor Cannon certified there was a quorum.

Mayor Cannon asked that the record reflect that Council Member Jones, Council Member Dennis and Council Member Arreaga were absent and notified the Mayor that they would not attend due to work travel and child illness.

Council Member Penson moved to excuse Council Member's Jones, Dennis and Arreaga's absence. Council Member Lopez seconds the motion. Motion carried. 6-0.

INVOCATION

Council Member Penson gave the invocation.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Mayor Cannon opened Public Comments and asked if anyone was in attendance to speak on the budget.

With no one wishing to speak, Mayor Cannon closed Public Comments.

PRESENTATION

1. Presentation of the Annual Audit Report for the Period Ending September 30, 2018 by BrooksWatson &Co. PLLC.

City Manager Thomas Mattis stated that this item was scheduled, but there were a couple of issues that came up at the last minute so they would be pushing the presentation to next week.

CITY MANAGERS REPORT

1. Review and Discussion of Upcoming City Council Meeting Schedule.

City Manager Thomas Mattis stated that a special meeting would be held next week, Tuesday the 24th for the final adoption of the Budget and Tax Rate. He stated that October 1st would be the regular scheduled meeting but that would be National Night Out, and the following Tuesday would be the night before the TML Conference that most of Council and some staff would be attending. He suggested moving the regular meeting to October 15th with only one meeting in October and getting back to the regular schedule in November. Mayor Cannon stated they would vote on that next week.

2. General Activity Report and/or Project Update.

City Manager Thomas Mattis stated that he had a meeting with the School Board and gave them a briefing on the growth and development that is anticipated in the coming years and they were very receptive and supportive. He stated they were appreciative to the Council being sensitive to the issues they must address.

Mr. Mattis stated they were hearing more discussion about Cap Metro and the Commuter Rail project that would come to Elgin, and he had met with the toll road people about planning related to the extension of the toll road down Manor that would serve the transportation needs with the growth in the community. He stated that the good news about Cap Metro was that Travis County had set aside some funds and is spearheading an effort to help Cap Metro develop a plan and move those issues forward about the future of the green line. He stated it was made clear that the Council is very supportive developing the project and doing our part to make that happen. Mr. Mattis stated that he had heard from Seton and they were trying to schedule their opening.

NEW BUSINESS

1. Discussion and Possible Direction to Staff Regarding the Highway Marker Currently Located within the Texas Department of Transportation (TxDOT) Right-Of-Way at the Intersection of Main Street and Taylor Road – Mayor Cannon.

Mayor Cannon stated that this item was put on the agenda due to conversations on social media and correspondence to his office, as well as to other Council Members about the marker in the ROW portion of Main Street and Taylor Road.

He stated that staff had gotten information from TXDOT that would give the city the ability to remove that marker in the event that Council sought one direction or another but had not been vetted by this Board and the information had not been discussed.

Comments from citizen's that signed up to speak.

1. Dr. Patricia Alford spoke and stated that her concerns were that anything placed on city or state property should represent everyone, what we believe and feel, and once that marker was approved it opened the way for other markers. She stated in the community she lived in represented many ethnic groups, not just any particular group, and while something may be history, there are things we do not want to advertise and make people feel a certain way and asked Council not to allow the placement of the marker.

2. Bailey Braden spoke and stated she had attended the last meeting a couple of weeks ago regarding this issue and comments were made about not knowing the marker was there, but she had lived here about seven years and had noticed it shortly after. She stated she and her husband walk to the park and see it all the time and they do not want it there but they felt that because they were renters they did not have a right to say anything, but now that it had been brought up and there was more community support they felt they did have the right to say something. She stated other people felt like she and her husband did, and that it was upsetting walking by it and asked the Council to consider removing it.

3. Dorothy Norred, President of the Texas Division of the United Daughters of the Confederacy, stated she was here to speak on the Jefferson Davis marker on Main and Taylor Road. She stated that the small piece of land the marker is on was once called the Jefferson Davis Park. She stated the marker was placed by William Owen's Chapter of the United Daughters of the Confederacy that was based here in Elgin. She stated the chapter was named after William Owens, a confederate veteran who lived with his family in Elgin, and that he and his wife and families are all buried in the Elgin cemetery. She stated that the marker is the property of the Texas Division of the United Daughters of the Confederacy and that they were given permission to place it in its current location in 1937. She stated the marker has been in this location for the past 82 years, their organization checks on it weekly, and would like for the marker to remain where it has been.

She stated that because the marker is their property, they wanted to be consulted prior to any action taken to have it moved or removed. She stated they had no advance notice that this marker was in peril and at this time did not have funds in their budget to find another location. She stated that if the City Council votes to have it removed, they are asking that the City Council postpone making a decision concerning this marker, and they would be more than happy to discuss this with TXDOT who owns the land that the marker is on and will work with the City Council to come to an agreeable conclusion.

4. Cristin Embree spoke and stated she had been a resident for seven years and walked past that monument many times, and as a historical archeologist she has an interest in understanding the history and context of this marker. She stated it was news to her that this was on the agenda until yesterday and was concerned it was on the agenda, although listed non-descriptive because members of the public who had not read the Courier would not know there was action proposed for a confederate marker. She stated she had worked with the Daughters of the Republic of Texas and other organizations and has a deep respect for the history but was urging City Council to open this to public discussion and not make a decision at this point without further discussion from the community. She stated she found in her research, Elgin was not the first little town to engage discussion on this particular Jefferson Davis highway markers and that Texas is leading in taking a look at these markers, what it means to people in the past and how people interpret it today. She stated that as a historian she would like there to be some sort of advisory council.

5.Dick Miller spoke and stated that on both sides of his family he is a southerner and because of his age he grew up in a separate and unequal culture. He stated that as a country, one of our greatest problem now is to overcome our separate and unequal past and move on to a future together. He stated that tonight the City Council is being asked to deal with a small reminder of our separate past. He stated a marker that was put up before he was even born by the United Daughters of the Confederacy and that he did not know anything about this marker or why it was set up or supposed to celebrate. He stated he did know that the Daughters of the Confederacy is an organization that remembers a past that was separate and unequal. He stated that a separate and unequal past can be a barrier to our going forward together, which we have to do. He stated we need to do this and did not think we needed to keep this marker as a reminder as our separated and unequal past.

6. Myriene Jack spoke and stated she was a historian and had lived in Texas as far back as the Texas Revolution. She stated that what was important to her and for her to ask the Council to consider is why is it important to remove a monument that has been established for over 80 years, and do we think that with the removal it will destroy or remove the feelings of hate toward one another. She stated that it would not and would cause more bad feelings between people, and it was hard to forget politicians who made Jim Crow Laws and those laws were well established in the minds of people who have and still have control over every one of us. She asked what removing a monument was going to do, and that it would not change hate.

She stated a monument is a stone with history written on it and there to remind us about political history and the reasons for bad laws made by politicians. She stated it is there to remind us of politicians that were in control of our history of slavery, it is there to serve as a reminder what we as human beings have gone through and not to continue making laws that continue to encourage hate toward one another. She stated that this monument should stay in its place not to remind us of a President that is considered a hero, but a President that was a politician who was just a man in control of the minds of people at that time. She stated that she wished Council would consider leaving the monument there to remind us that it is a stone of history and not a stone of hate.

Mayor Cannon called Sandra Giarrusso to speak next. She stated she was yielding her time to another speaker.

7. Byron Lawhorn spoke and stated that that his ancestors came to Texas before the Texas Revolution and his ancestor Thomas Nash came to Texas with a black wife to Gonzalez, Texas before Elgin existed. He stated that Elgin did not exist until after the Civil War and the monument did not represent real history but represented an attempt by the United Daughters of the Confederacy that was a child organization of the KKK. He stated that they may preach love and togetherness now, but their initial mission was not that. He stated that the monument was placed there as a racist statement and if you know the history of central Texas you will know that the placement of I35 was a racist statement. He stated that the only history that it represents is a reiteration post slavery, a reiteration the we still dominate and that is why he believed it should be removed. He stated that his ancestor Robert Houston was Sam Houston's grandfather and his cousin six times removed or so. He stated that the day before Texas voted to secede and to join the Confederate States, he gave a speech in Bastrop and he convinced the residents of Bastrop to vote against secession. He stated that we have a history here and understand our Tejano population has helped fight for Texas' liberty, and we understand the hard work the black people that we brought here to do our work for us; and that we should honor them in this town, and we cannot pass up an opportunity in Elgin's history to unite us and bring us together instead of letting a marker of division stand. He stated Elgin needs to look good in Central Texas to look like a united community and not have this blow up outside of our community. He thought the best course of action would be to swiftly, quietly remove it and do what we can to donated to their cause somewhere else or to a museum.

8. Debbie Wahrmund spoke and stated she has lived in this area around forty years and is still learning about the history, and thinks it is marvelous and important that we talk about the monument. She stated she had not noticed it because it was covered in leaves and if someone was checking on it, they would have pruned it a little bit. She stated she did not think it was necessary to leave the marker in its current place in order to learn and enjoy the history and context because that was what it was missing. She stated that by removing the cloak from the past we can build a great, united Elgin.

9. Randall Krapf spoke and stated he had spoken previously at the last meeting but wanted to add a few things. He wanted to reiterate that TXDOT had confirmed the Jefferson Davis Hwy name was never officially adopted or recognized by the State, the marker is not their property or involved with this; it does not have any record of its erection on its ROW, or on the TX Historical Commission's list of markers and therefore is not protected, and TXDOT has authorized the City to remove it if the City wishes. Mr. Krapf provided reading material on the group behind Confederate monuments that also built a memorial to the Klan, the Texas Ordinance of Secession, How Confederate propaganda ended up in the South's schoolbooks, articles by the Southern Poverty Law Center, and about Texas State University removing a Confederate monument. He stated he would like to ask the City leaders if this highway marker honoring the former Confederate President erected by the Daughters of the Confederacy during the shameful Jim Crow era is the best representation of our city today; as made newly visible on Main Street, our parade route, and only blocks from our largest parks hosting festivals for locals, visitors, and new residents. He urged the City Council to vote to remove this marker or add context confirming we no longer honor and support Confederate ideas.

Mayor Cannon stated that he would open discussion with the Council and that everyone had learned quite a bit with both sides having a healthy conversation. He stated that from a standpoint of the city, nothing had been found to prove its existence and the agenda item as listed is compliant with the law and that was as much as the city had to do officially.

City Manager Thomas Mattis spoke and stated that he wanted to give some information to the Council based on some of the comments that were made. He stated that this item was appropriately listed on the agenda as Mayor Cannon stated. He stated that by true definition that the marker was a highway marker viewed that way by TXDOT and under their rules they do not considerate a monument, they don't consider it a Confederate one. He stated that TXDOT had told the city in writing that they reached out to the Historic Commission and were told specifically that this marker is not part of the Historic Commission Marker Program and the Texas Historic Commission has no authority over that marker. He stated that as the Mayor said it is important to note there was no evidence he found that indicates that the city ever gave any approval to that marker being in that location. He stated that as in any state, TXDOT has exclusive unabated control of the ROW anywhere at any time. He stated that there is nothing that goes in the ROW even in the city limits the city has any control over, this was an issue controlled by TXDOT and approved by TXDOT, and it exists there today only because TXDOT approved it. He stated TXDOT has given the city authorization, in writing, to remove the marker and yet they have taken no responsibility for it but at the same time they believe anybody must have their approval or permission to do anything with it. He stated that to his knowledge and interaction with staff, there was never any kind of orchestrated effort on city staff's part to clear the brush there so it could somehow be seen.

Mayor Cannon asked for comments from the Council.

Mayor Pro Tem Bega stated that she was uncomfortable making any kind of decision this evening. She stated that not all the Council was present and the decision should be made by each member. She stated that she liked the idea of getting the citizen's involved to form an advisory committee. She stated they had heard from one person at the last meeting and then today from many folks. She stated she did not feel enough time had been spent on learning and if this is who represents everyone, then she wasn't sure they could make their decision in that manner by just accommodating a few. She stated she did not know if she liked being put in a position where they were caught off guard and this was not something they had known or sat on for a long time. She stated she needed to learn more to make an informed decision and it wasn't enough to hear from one person at one meeting and a few at the next.

Council Member Brashar stated that she agreed with what Mayor Pro Tem Bega said and she didn't believe it is a true representation of everybody because it wasn't broadcasted out to the city. She stated that if it was decided to take the monument down then she did think they needed to respect the Daughters of the Confederacy, since it is theirs, and work with them in getting it out correctly and the way they see fit because it is their marker.

Mayor Cannon stated there are legalities in removing the marker since it is not city property. Mayor Cannon stated that his recommendation would be to take no action tonight and have an ad hoc or action committee for discussion at a later time.

Council Member Penson stated that there had been a lot of discussion on social media and it was not very pleasant, and she did not know if some of those persons were in attendance that posted the negative comments. She stated she agreed coming back to it or forming a committee to be looked at deeper. She stated that tonight they had learned a lot of things since this was brought to their attention, she had read a whole lot and this highway marker wasn't marking anything so it could go a lot of ways. She stated she wanted to be respectful to everyone's feelings and come to a conclusion that everyone can live with.

Mayor Cannon stated that this item would be on the next regular meeting on October 15th.

Council Member Lopez asked that if Council could get a timeline of when the marker was placed.

Mayor Cannon stated that so far, he did not know of any factual timeline, but they could come up with something based on facts so far. Mayor Cannon stated they would continue with the agenda with no action on this item. Mayor Cannon recessed for a five-minute break.

Mayor Cannon reconvened the meeting at 8:07 p.m. and asked that the record reflect that the room had been alleviated to about 60% once we got to the budget.

2. (FIRST READING) AN ORDINANCE LEVYING AD VALOREM TAXES FOR THE MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY

OF ELGIN, TEXAS, FOR THE 2019-20 FISCAL YEAR; AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE 2019 TAX YEAR.

First Reading as required, of An Ordinance levying Ad Valorem Taxes for the Maintenance and Operation of the Municipal Government of the City of Elgin for the 2019-20 Fiscal Year. No action taken.

3. (FIRST READING) AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

First Reading as required of An Ordinance Approving and Adopting a Budget for the City of Elgin beginning October 1, 2019 and ending September 30, 2020. City Manager Thomas Mattis stated there were a few final tweaks that Charles Cunningham passed out (Copy of modifications attached) and to get it on the record that a few adjustments were made and to document these changes; although they were not significant they wanted it to be clear and on the record before Council finally adopts the budget. No action taken.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR EXECUTE AN AGREEMENT WITH AMANDA CARTER OF ELGIN, TEXAS APPOINTING HER AS JUDGE OF THE CITY OF ELGIN MUNICIPAL COURT IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Council Member Brashar moved to approve the Resolution as presented. Council Member Lopez seconds the motion. Motion carried 6-0.

ANNOUNCEMENTS

Amy Miller mentioned that on Thursday, September 19 Modern Cleaners would be celebrating for more than 50 years in operation with Senator Watson attending.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 8:31 p.m.

Chris Cannon, Mayor

ATTEST:

Amelia Sanchez, City Secretary