

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, OCTOBER 15, 2019**

CALL TO ORDER

Mayor Cannon stated he would move the Consent Agenda before the Public Hearings and under New Business item # 1 above the City Manger's report after the pledge.

Mayor Cannon called the meeting to order at 7:05 p.m.

ROLL CALL

Present: Mayor Chris Cannon

Jessica Bega, Mayor Pro Tem

Juan Gonzalez, Council Member

Susie Arreaga, Council Member

Daniel Lopez, Council Member

Brad Jones, Council Member

Forest Dennis, Council Member

Sue Brashar, Council Member

Mayor Cannon certified there was a quorum and stated that Council Member Penson had informed him she would not be in attendance due to medical issues.

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

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

INVOCATION

Council Member Brashar gave the invocation.

PLEDGE OF ALLEGIANCE

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

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Mayor Cannon stated this presentation was usually done with the City Manager's report, that it was a non-voting presentation, so it did not need to be listed. He stated the Citizen Spotlight of the third quarter was Dan Kliener and presented him with a plaque and \$100 gift card.

CONSENT AGENDA

1. PROCLAMATION FOR 32ND ANNUAL HOG EYE FESTIVAL.

Mayor Cannon invited people involved with Hogeye to come forward for a photo.

2. City Council Regular Meeting Minutes –September 3, 2019, September 17, 2019, Special Meeting - September 24, 2019 And City Council Workshop Meeting - July 24, 2019.

Council Member Brashar moved to approve the City Council Minutes of September 3, 17, 24 and July 24th Workshop. Council Member Bega seconds the motion. Motion carried 8-0.

NEW BUSINESS

Debbie Wahrmond spoke and stated that she was excited and appreciated the young people who have taken this on. She stated that she and her husband had been involved for many years and she hoped everyone would support the Farmers Market.

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELGIN PARK TERMS OF USE AGREEMENT WITH THE ELGIN FARMERS' MARKET; AND PROVIDING FOR RELATED MATTERS.

Council Member Dennis moved to approve the Resolution authorizing the City Manager to execute an Elgin Park Terms of Use Agreement. Council Member Bega seconds the motion. Motion carried 8-0.

Mayor Cannon recessed the regular meeting at 7:28 and opened Public Hearing.

PUBLIC HEARING

1. Public Hearing on a Specific Use Permit Request for 176 VFW Rd.

Steve Woody spoke and stated he was representing Tillman Infrastructure, AT&T Wireless and the VFW. He stated they were there to request a Specific Use Permit to construct a 220 ft. cell tower on the VFW's property located at 176 VFW Road. Mr. Woody referred to a book he passed out, stating tab one showed what the tower would look like with the dimensions to scale, self-supporting tower with no guide wires and accommodate four additional carriers other than AT&T Wireless. He stated tab two showed what the compound would look like from an aerial view, a

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100x100 lease area and they had signed a long-term lease with the VFW with a 12-foot road going back to the tower from VFW Road. He stated that the VFW tower's primary function is to provide AT&T Wireless with an antenna platform that will allow AT&T to serve their customers in Elgin and Bastrop County. He stated that the VFW tower was part of AT&T's nationwide high-rent relocation program that identifies high cost burdensome site leases and relocates their equipment to lower cost locations. He stated if the VFW tower was approved, AT&T would remove their equipment from the tower located at Ella Lane and relocate the equipment to the Tillman VFW tower. He stated AT&T and Tillman partnership will help ensure the citizens of Elgin will have access to the latest and greatest wireless communications available. Mr. Woody read part of a letter of support by Tim Brenner, Director Network Planning AT&T, as well as a letter from Gena Carter, President Elgin Chamber of Commerce.

City Manager Thomas Mattis stated that the disclaimer of this information being confidential he wasn't sure how it could be kept confidential when he was handing out the information. He stated he wanted it noted in the record that the city could not promise that since it was being discussed. Mr. Woody acknowledged that it was in a public hearing and would waive the notice of confidentiality. Mr. Mattis stated that they were public record now and wanted him to be aware of that. Mr. Woody stated that P&Z had stated the permit was good for five years and wanted to address that, and it would almost be a denial for them because they are in a long term relationship with the VFW; and he was asking there would not be a restriction like that put on any approval that it would just run as long as it was being used as a communication tower, and if it ever went away then the Specific Use Permit would go away at that point.

Bebb Francis spoke and stated he was the Attorney for SBA, which owns and operates the tower that will be a third of a mile away from the proposed Tillman Infrastructure tower. He asked whose best interest this tower was in, Tillman and AT&T, or the citizens of Elgin. He stated that AT&T is providing excellent service as Mr. Woody had just admitted, from its existing antennas on SBS's tower since 2012. He stated that since 2012 AT&T has had no less than 6 modifications, upgraded their equipment on the tower as late as last year and put on the primo top of the line equipment. He stated AT&T was on 8000 SBA towers and so far this year they have entered into lease modifications of 2000 times, and asked if that sounded like someone that does not want to do business with SBA. He stated there was a letter in the booklet confirming what he had just said and wanted to tell them this was all about what Mr. Woody said. In November 2017, AT&T and Tillman entered into a big press release saying they were going to target cities such as Elgin to come in and build towers as close as physically possible to existing towers just as Mr. Woody said, not to benefit or provide coverage but solely to relocate the antennas leaving a overbuilding situation. Mr. Francis spoke about the impact and referenced pictures in the book about how close this would be and the impact nationwide. He stated that this was a business plan to the detriment of the communities. He stated there was more detailed information in their booklet he provided to the Council.

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Jason Winborn Vice President for External Affairs for AT&T spoke in support of Tillman Infrastructure's Specific Use Permit. He stated AT&T is continuously working to provide the best possible service in the most responsible and cost-effective manner for the cities and customers we serve. He stated that with the new tower, AT&T will more rapidly deploy new services like 5G and First Net without incurring additional unnecessary tower leasing expenses making Elgin a prime candidate for new services. He stated SBA is acting like a landlord that will not let them leave and it was not a fair situation.

Kevin Connors from Mars, PA visiting friends from the VFW and a member of the VFW since 1973. He stated that when doing the charity work that this group does, you need all of the support you can get; and hoped the Council would support the VFW on this.

Rob Humphrey spoke and thanked the Council for the consideration of the placement of the VFW tower; and stated that as a nonprofit entity and having been here for a number of decades, the nominal fees that the Post is going to receive on a monthly basis from the tower owner will be more than tripled and returned to the community over time.

Charles Swain Commander of the VFW stated that this was strictly a business decision and were providing land for this and not using it for anything else. He stated no one at the VFW earned a salary and everyone volunteers. He stated that they had just established an ACC scholarship for veterans programs at the community college and they had just awarded their last scholarship in the last quarter; and they have made a decision to have that ongoing every semester as well as the American Legion joining them in this. He stated they do other scholarships and have so done for over 50 years. He stated they have 5 acres they plan to make a ball field on and will use the revenue they will get from this program to build this.

2. Public Hearing on an Ordinance Amending Chapter 46, Article II, Division 3, Section 46-85 (Board of Adjustment) Membership, Appointments, General Powers, Etc. in order to Reduce Membership from Seven (7) Regular Members to Five (5) Regular Members Plus One (1) Senior Alternate Member and One (1) Junior Alternate Member, Prescribe Order of Automatic Elevation, and when the Regular, Junior Alternate, and Senior Alternate Members can and cannot vote for an item before the Board of Adjustment; Repealing all other Ordinances and parts of Ordinances in Conflict Therewith; and Providing for a savings clause.

3. Public Hearing - A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING A STRATEGIC PARTNERSHIP AGREEMENT WITH THE BRICKSTON MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO

There were no speakers on Public Hearings #2 or #3. Mayor Cannon closed the Public Hearing at 7:59 pm.

PUBLIC COMMENT

Mayor Cannon opened Public Comment.

Randy Krapf spoke and stated he came to see if there was an update and had one thing he wanted to pass on. He stated he understood it was an uncomfortable discussion and he was just as uncomfortable reading the racist quotes from the Daughters of the Confederacy at the time and intent of those when those markers went in. He stated one thing that was said in the September meeting by the President of the Daughters of the Confederacy was that they claim ownership of the monument; so potentially a simpler discussion would be to ask them to provide whatever authorization they were given by whatever proper authorities to put a marker on public land on a permanent basis and that was difficult to fathom what legal instrument that would be. He stated they could be given a reasonable time frame to relocate it to private property and would not send a message of public support.

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

CITY MANAGER'S REPORT

1. Update and Discussion of the Bastrop-Travis Counties Emergency Services District No. 1 Proposed New Local Sales and Use Tax Set for the November 5 Ballot.

City Manager Thomas Mattis spoke and stated that he wanted to update the Council about an item that was previously discussed at a Special Meeting and wanted to make sure there were not any questions, or input or direction from Council. He stated it had to do with the ballot issue that is set for November 5th that the Bastrop-Travis County ESD #1 has placed on the ballot asking voters to approve sales tax that would collect a 2% sales tax that would go to the ESD and all of the city's ETJ; all of the areas surrounding the city that would prevent the city from future growth, growing into that area and being able to collect any sales tax from that area. Mr. Mattis spoke about substantial growth on the western side of town driving commercial and retail development, but if the measure passes, the 2% would be exclusively shared by the ESD and the County. Mr. Mattis stated they wanted people to understand the key issue and that it was an important issue for the future of the city. He stated that if anyone wanted more information, he had some he could provide.

2. Update on Various Issues Associated with an Area in the Southeast Quadrant of the City Annexed in 2015 ("Annexed Area") and Related Matters.

City Manager Thomas Mattis stated there was more updated details on the annexed area and we are ready to proceed with the engineering plans for the extension of sewer to Area 2, adjacent

to the FM 1704 corridor and included in the packets was a copy of the proposal by TRC to do the engineering, and be approximately \$280,000. He stated this was the last service the city had to provide to the area, as long as it was completed by the end of 2020 the city would be in compliance of the law.

3. General Activity Report And/or Project Update.

Mr. Mattis stated that there was a soft opening of the new city website and still being worked on. He stated it had a whole new look and everyone was excited about it, and the plan is on the November 5th meeting there would be a presentation. He also mentioned the Hogeye festival at the end of October and there would be the city information booth like we had last year, and informed Council he would be at a conference next week.

Mr. Mattis stated that on the highway marker that was mentioned earlier, the city was still in the process of gathering information and the plan would be to have it on the next agenda. He stated he wanted to respond to a comment made earlier and there was no question the marker was authorized by TXDOT for placement in that spot. He stated that they do not take responsibility for it, but the city has to get their permission to do anything with it.

4. Departmental Monthly Reports - August 2019.

There were no comments or questions on the Monthly Reports.

NEW BUSINESS

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AUTHORIZING A MASTER SIGNAGE PLAN FOR ASCENSION SETON LOCATED AT 200 ROY RIVERS ROAD (ELGIN BUSINESS PARK II, BLOCK B, LOT 3).

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

3. AN ORDINANCE AMENDING CHAPTER 42, ARTICLE IV. SOLID WASTE, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING CHAPTER 42 AND ADOPTING SECTION 42-277 REGARDING TRASH COLLECTION BY THE CITY; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

Council Member Gonzalez moved to approve the Ordinance as presented. Council Member Bega seconds the motion. Motion carried 8-0

4. AN ORDINANCE AMENDING CHAPTER 46, ARTICLE II, DIVISION 3, SECTION 46-85 (BOARD OF ADJUSTMENT) MEMBERSHIP, APPOINTMENTS, GENERAL POWERS, ETC. IN ORDER TO REDUCE MEMBERSHIP FROM SEVEN (7) REGULAR MEMBERS TO FIVE (5) REGULAR MEMBERS PLUS ONE (1) SENIOR ALTERNATE MEMBER AND ONE

(1) JUNIOR ALTERNATE MEMBER PRESCRIBE ORDER OF AUTOMATIC ELEVATION, AND WHEN THE REGULAR, JUNIOR ALTERNATE, AND SENIOR ALTERNATE MEMBERS CAN AND CANNOT VOTE FOR AN ITEM BEFORE THE BOARD OF ADJUSTMENT; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

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

5. Discussion and Possible Action to Appoint New Members to Serve on the Board of Adjustment.

Council Member Brashar moved to approve the appointments of Stephen Kylberg as Sr. Alternate and Darren Mogonye as Jr. Alternate to the Board of Adjustments. Council Member Gonzalez seconds the motion. Motion carried 8-0.

6. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO CONSTRUCT A 220 FOOT SELF-SUPPORTING TOWER (224 FOOT TO HIGHEST APPURTENANCE), A 100 FOOT BY 100 FOOT FENCED COMPOUND, ACCESS ROAD, AND NECESSARY UTILITY INFRASTRUCTURE AT THE PROPERTY LOCATED AT 176 VFW ROAD IN THOMAS GARRETSON SUBDIVISION, LOT A-178, BEING APPROXIMATELY 0.2296 ACRES, CITY OF ELGIN, BASTROP COUNTY, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Council Member Jones moved to approve the Ordinance as presented without the 5-year stipulation. Council Member Dennis seconds the motion. Motion carried 5-3 with Mayor Cannon, Council Members Brashar, Lopez, Jones, and Dennis voting yes, and Council Members Arreaga, Gonzalez, and Mayor Pro Tem Bega voting no.

7. A RESOLUTION OF THE CITY OF ELGIN, TEXAS NOMINATING UP TO FIVE PEOPLE TO SERVE ON THE BOARD OF THE BASTROP CENTRAL APPRAISAL DISTRICT; AND PROVIDING FOR RELATED MATTERS.

No action was taken on this item.

ANNOUNCEMENTS

Mayor Cannon mentioned Hogeye festival coming up.

ADJOURNMENT

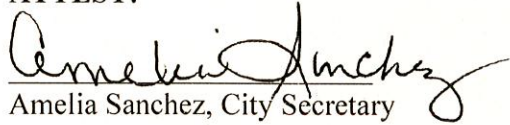
Mayor Cannon adjourned the City Council Meeting at 9:10 p.m.

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Chris Cannon, Mayor

ATTEST:



Amelia Sanchez, City Secretary