

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, NOVEMBER 5, 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
Juan Gonzalez, Council Member
Susie Arreaga, Council Member
Mary Penson, 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.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Patrick South, Police Chief
Amy Miller, Community Development Director
Michael Gonzalez, Parks Director
Sandy Ott, Library Director
David Harrell, Planning Director
Beau Perry, City Engineer

INVOCATION

Council Member Penson gave the invocation.

PLEDGE OF ALLEGIANCE

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

Mayor Cannon recessed the regular meeting at 7:02 and opened Public Hearing.

PUBLIC HEARING

Mayor Cannon opened the Public Hearing at 7:04 P.M.

1. 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 this item.

2. Public Hearing - An Ordinance Annexing Adjacent and Contiguous Territory to the City of Elgin, Texas, To Wit: 68.992 Acres of Land, lying in and being situated out of the Henry Martin Survey, Abstract 518 in Travis County, Texas and being fully described in Exhibit "A", Attached Hereto; Providing a Savings Clause and Repealing Conflicting Ordinances and Resolutions.

Randy Krapf spoke and stated this was the first time he heard about this but with the higher density request he hoped the city would require them to take adequate storm water retention measures. He stated that as we get more developed, storm water is an issue that we are not effectively handling as a city now, and with a zoning change to R-3 if it did not go as planned it could become a mobile home park.

There were no other speakers on this item.

3. Public Hearing - 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 as R-3 Single Family, Two Family, and Industrialized Housing District, the Property Being Approximately 68.992 Acres of Land and being described in Exhibit "A", attached hereto and Providing a Savings Clause and Repealing Conflicting Ordinances and Resolutions.

With no one else wishing to speak, Mayor Cannon closed the Public Hearing at 7:19 pm.

Mayor Cannon opened the regular meeting at 7:19 pm.

PUBLIC COMMENT

Mayor Cannon opened Public Comment.

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

PRESENTATION

1. Employee of the Fourth Quarter 2019.

Sandy Ott announced that Rodney Jarmon had been chosen as the Employee of the Fourth Quarter and presented him with a certificate.

CITY MANAGER'S REPORT

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.

City Manager Thomas Mattis stated that he had no new information and all the comments and information sent to him were included in the meeting packet except for a letter he received today and left a copy at the place on the dais. He stated there was another packet left at their places that he believed was a mix of information that had already been provided and some that may be new.

Randy Krapf spoke and stated he would like to provide further context and insight into the false narratives, the white supremacy that the UDC spreads throughout the south with its influence on school curriculum, endorsement and praise of the KKK, and the erection of markers and monuments honoring the dishonorable. He referenced a book titled *Ku Klux Klan the Invisible Empire* written by a UDC author and unanimously endorsed by the United Daughters of the Confederacy at the 1913 National Convention. He stated the book offers nothing but praise, admiration, justification and respect for the KKK. Mr. Krapf stated if there was doubt that this level of white supremacy was present in Elgin, he referenced a 1921 Elgin Courier article glorifying the KKK parade through Elgin. He stated that we can do better and it was time to move the marker honoring this confederate president.

Martha Hartzog spoke and stated she was representing the Texas Division of the United Daughters of the Confederacy. She stated that the Jefferson Davis marker is not on city property, does not belong to the city, nor to the Texas Highway Department, and belongs to the Texas Division, UDC. She stated in the 1900's it was recognized that a national highway system was needed, and in response, the US Congress asked national organizations to mark highways in their states. She stated Jefferson Davis was chosen not only because of his service to the Confederacy, but also to honor him as a US Congressman, a commander in the war with Mexico and as Secretary of the War Department for the United States. Ms. Hartzog asked that the original statement by President Norred be placed in the record which states "this marker is the property of the Texas Division UDC which received permission from the Texas Department of Transportation to place it in 1937 and the Texas Department of Transportation has no objection to the marker remaining on TXDOT land and the marker has been in this location for the past 82 years." She stated that should the City Council consider attempting to remove it, the UDC requests that it be consulted prior to any action.

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Barbara King spoke and stated she had been a resident of Elgin since 1970 and believed the monument should be removed. She stated it represented a history of hate, division, white supremacy, and sets a bad example for the children and young adults. Ms. King stated an example of this was Charleston Church massacre in 2015, and stated she referenced Wikipedia, where nine African Americans were killed during Bible study by a 21-year-old male white supremacist. She stated that he had espoused racial hatred in both a manifesto before the shooting and a journal after the shooting from jail and posted photos with emblems associated with white supremacy and the Confederate flag. She stated that following the murders, the South Carolina General Assembly voted to remove the flag from the State Capital. She stated that she hoped the City Council would vote to remove this symbol of hate and she knew removing this monument would not change the hate in people's heart, that only God could do that; by removing this symbol it will make a bold statement of the City of Elgin as part of the United States of America and a replica for which we stand one nation under God, indivisible, with liberty and justice for all.

Don Cyphers, Pastor of the Strait Gate Fellowship Church, spoke and stated he had been a resident for the past 30 years. He stated that in 1990 he was a student at St. Edwards University and when he was called to the Church here in Elgin, one of his Professors did some research on the history of Elgin. He stated that he was asked if he was sure he wanted to come to Elgin as it was once a slave quarters of this area along with Taylor and Georgetown, and the stigma of that is still lingering here. He stated the word stigma was still alive today and one meaning of the word was to get rid of. He stated he loved history and did not want to see it torn down; and history was a part of our culture and lives in the past, but by being a new day and growing community stigmas needed to be removed.

Cristin Embree spoke and stated that she had spoken before, she worked with the Department of Interior as an archeologist and her job is to go out and assess historic properties under laws that protect historic resources on federal properties. She stated her job is to look at things 50 years or older and make a judgement on if something is worthy of preservation, or something federal agencies can take action, then figure out if it is eligible for the National Register. She stated she understood the marker was not on City of Elgin property, but TXDOT has given Elgin the ability to move or not move it. She stated it was listed on the agenda, not as the Jefferson Davis Memorial Marker but as a TXDOT marker, and if people did not know the context of what had been going on, they would not know to come and speak. She stated she went to the Courier and dug up the 1937 article on this marker and in the two page spread there is nothing about honoring fallen veterans or fallen veterans of the confederacy and everything to do with quote 'honoring a beloved leader and perpetuating his memory, Jefferson Davis, honoring a hero soldier, scholar and statesman, a great chieftain.' She recommended everyone read the article; there was a lot of erroneous information in there, with the main focus being a memorial to Jefferson Davis, someone very racist and spoke openly about it.

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Adam King was up next to speak but stated he would yield his time to Cristin Embree.

William Russell spoke and stated our little town was too small to be racist, we could all come together and change our ways in Elgin. He stated the marker needs to go; when you speak about racists check out Bastrop and what is happening in 10 or 15 days, fixing to kill a boy there and we do not know if he killed the white lady or not. He stated the young fellow was slow, had known him all his life and he needed help. He stated there was much in Elgin and Bastrop County that needed to be changed and we could do it together. He stated he would like to see it moved.

Mayor Cannon stated he had an email from Ms. Johnson with the NAACP but was unable to locate it and asked Ms. Johnson if she would like to speak.

Ms. Johnson, President of NAACP Elgin branch 6174, spoke and stated that the monument of confederate symbols are reminders of our nation's history representing a time of horror and white problems with African American citizens. She stated these symbols today serve as inspiration and a rally to hate groups. The NAACP is asking the City of Elgin to rid and divorce itself from this racist past, remove symbols of terrorizing African Americans and people of color, and the marker should be removed.

Council Member Dennis stated he sent an email over the weekend reiterating that they had heard arguments on both sides of this issue and thought there was merits to both sides; their purpose here is to uphold the law where we have jurisdiction and thought that in this case they don't. He stated he lived on Main Street and the highway goes in front of his house; the gutter in his front yard is part of the right of way and it had taken him years to get that cleared out because the city could not do anything because it was in the state right of way. He stated the state is always hard and fast on everything except this because it is a controversial issue, they have said they are letting the city handle this. He stated he did not see the city as being the next in line to make the decision; first it was the states responsibility, second the Daughters of the Confederacy as they have claimed ownership of the marker, and the city at best was third.

Council Member Brashar stated that in her Ward it was a 50-50 toss up with people on both sides. She agreed with Council Member Dennis that this is a state thing and she could not help people like Ms. Simms on Second Street because it is a stated road and she would have to go to TXDOT and they do not do anything about it. She stated she was proud of being in a stage of inclusivity and in Elgin, Texas, there are a few, but there are a lot of us that love everybody. She stated that she sees that stone as a highway marker as TXDOT verified it was a highway marker, she did not associate it with veterans or anything other than that. She stated that what happened in 1913, or whenever anything was read, she could not control; she did not think that way, but they needed to see both sides because there are some people who have their ancestors who they are honoring. She stated that they all had been accused of being racist and wanted it on the record that they were not.

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Council Member Penson spoke and stated that she was born and raised in Elgin and all of her life when they came in from Taylor, that marker was covered with bushes, so she had never seen it. She stated that the bushes were so high they obstructed the view for traffic at the stop sign, since the sidewalk went in and all the bushes came down it is wide open to see. She stated that this marker, Jefferson Davis Highway Marker #20, never came into fruition, so it is not actually marking anything; it is there as a marker, but what is it representing. She stated it was not representing anyone's history, not representing anything but a time of the past where all of this hate and white supremacy was involved. She stated she had read a lot of material but you cannot make me feel and I cannot make you feel what I feel; it boils down to this Jefferson Davis Daughters of the Confederacy Highway Marker #20 is not marking a highway, so it should be removed.

Mayor Pro Tem Bega asked if ultimately the city has no jurisdiction, if it is decided to remove or keep it, were there any consequences or liability in having it removed that may come later.

City Manager Thomas Mattis stated that they do not know the answers to those questions, exactly how to pull it out of the ground, how to do traffic control or someone getting hurt in the process in doing something that is not on city property. He stated there is a provision in the law that cities are not able to use public resources to improve private property, so he would assume if the city is committed to doing this it could be figured out but has not discussed it that far. He stated if that was the direction, it would require another discussion on exactly how to remove it.

Council Member Lopez asked if TXDOT had shown any interest in working with the Daughters of the Confederacy or left it in the city's hands. He stated his concern was if they start getting in TXDOT right of way it will set a precedent for everybody, if the city gets involved in one right of way that would open up a door for the city to get involved in all of them. He stated that TXDOT does not want to make a decision and dropped it on the city, they could have solved this two months ago.

Mayor Cannon stated that TXDOT could stand up and come to the table but didn't think they would. He stated that one of the things he appreciated was the respectful approach and one compromise he was given was if there was funding interest from private entities locally to erect another monument next to it and preserve the history that is there, where it be Juneteenth or honoring Dr. King, or something to show the progression where we were and where we are now.

Council Member Penson moved to remove the Jefferson Davis marker. Council Member Gonzalez seconds the motion.

Council Member Dennis moved that considering the fact this is not on city property and the marker is not city property, the city doesn't have the reason to vote one way or the other to remove it and so no action should be taken.

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He stated that his motion was for the Council not to take action and to refer those back to the state to ask them through the proper channels to have that removed, in addition the city has options that the Mayor mentioned and he would like to follow up with those.

Mayor Cannon asked Council Member Dennis to restate the exact motion.

Council Member Dennis moved that the Council does not take action this evening and refer the interested parties back to the state for a definitive decision. Council Member Lopez seconds the motion.

Mayor Cannon stated that the first motion would be voted on and if passed it will be finalized, if it is not passed the second motion will be voted on as well.

Mayor Cannon asked if either motion would be withdrawn. No one withdrew their motion and Mayor stated they would vote on the first motion by Council Member Penson for removal and seconded by Council Member Gonzalez.

Council Member Penson, Bega, Arreaga, Gonzalez, and Mayor Cannon vote yes. Council Members Lopez, Jones, Dennis, and Brashar vote no. Motion carried 5-4.

Mayor Cannon stated staff would look into the removal and hear details at a future meeting, and the issue was closed.

2. Update on the City of Elgin Police Department/Code Enforcement Junk Vehicle Initiative.

City Manager Thomas Mattis stated that since this program started it has been very successful. He stated there were two points of confusion on being private property and someone that had a junk vehicle that they pulled it in their driveway made it private property; but as stated in the code if you can view a junk vehicle from the public right of way it is considered a public nuisance, and for that reason it falls under the code. Mr. Mattis provided a report from the Police Department that identified 200 vehicles or more under our code that were in violation, and that 192 vehicles had been brought into compliance voluntarily. He stated that only 28 vehicles had to be towed.

3. Quarterly Financial Report – Fourth Quarter 2018-19

Finance Director Charles Cunningham provided the Fourth Quarter Financial Report.

4. Departmental Monthly Reports – September.

Finance Director Charles Cunningham discussed some of the changes in the format he was proposing to the monthly reports. He stated there were at least 15 pages of reports and some of the information was repeated. He stated the format was designed to compare the month to month of the prior year to the current year and that would give them an idea of what is happening.

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He stated that if they were interested in pursuing this further, next month there would be complete information. He stated that for the next couple of months while the new format is being worked on, the monthly reports would be provided in the same way as before and asked for feedback.

5. Review and Discussion of City Council Meeting Schedule.

City Manager Thomas Mattis stated that usually there is no second Council meeting in December but that there would be a second meeting on November 19th, the next one on December 3rd and proposed cancelling the second meeting in December, with the next meeting being on January 7th.

Council Member Penson mentioned the Region 10 meeting on December 3rd in Bryan in case any Council Members wanted to go to that. Mayor asked how many planned to attend and no one did.

6. General Activity Report And/or Project Update.

City Manager Thomas Mattis stated that on the next agenda he would like to get the Community Support for the Non-Profit grants on the agenda to get direction from Council on how to distribute the funds.

He stated they continued to work on the de-annexation but are having some difficulty with the laws changing so much and because in his and the City Attorney's time in the business they had not done a de-annexation, but they are still working on it.

He stated Hogeye was a great success and mentioned the City Christmas party was on December 13th.

CONSENT AGENDA

1. Consideration of a Request by the Elgin Volunteer Fire Department for Street Closures in Support of the Annual Elgin Lighted Christmas Parade
2. Consideration of a Request by the Elgin Volunteer Fire Department to Waive Fees Associated with the Annual Elgin Lighted Christmas Parade
3. City Council Regular Meeting Minutes – October 15, 2019.

Council Member Dennis asked to pull item #3.

Council Member Brashar moved to approve items 1 and 2 on the Consent Agenda. Council Member Penson seconds the motion. Motion carried 9-0.

Council Member Dennis stated that on the roll call on the minutes there was a copy and paste issue and needed to replace Phillip Thomas with Brad Jones and Neil Beyer with Forest Dennis.

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Council Member Dennis moved to approve the minutes with corrections. Council Member Brashar seconds the motion. Motion carried 9-0.

NEW BUSINESS

1. An Ordinance Annexing Adjacent And Contiguous Territory To The City Of Elgin, Texas, To Wit: 68.992 Acres Of Land, Lying In And Being Situated Out Of The Henry Martin Survey, Abstract 518 In Travis County, Texas, And Being Fully Described In Exhibit "A", Attached Hereto; Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Council Member Brashar moved to table this item. Council Member Penson seconds the motion. Motion carried 9-0.

2. 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 As R-3 Single Family, Two Family, And Industrialized Housing District, The Property Being Approximately 68.992 Acres Of Land And Being Described In Exhibit "A", Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Council Member Penson moved to table this item. Council Member Dennis seconds the motion. Motion carried 9-0.

3. An Ordinance Assigning Newly Annexed Property to City Council Ward Area No. 3; Providing for a Severability Clause and Providing an Effective Date; Providing a Savings Clause and Repealing Conflicting Ordinances and Resolutions.

Council Member Penson moved to table this item. Council Member Lopez seconds the motion. Motion carried 9-0.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, PROVIDING SUPPORT AND COMMENTS FOR EXTENDING US HIGHWAY 290 EAST TOLLWAY – PHASE IV; AND RECOGNIZING THE RECENT POPULATION INCREASES IN THE AREA, THE NUMBER OF MOTORISTS NOW UTILIZING US HIGHWAY 290 EAST AND THE EFFECTS ON LOCAL TRAFFIC AND CITIZENS OF THE CITY; AND PROVIDING FOR RELATED MATTERS.

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

5. 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.

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

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL ENGINEERING SERVICES ENGINEERS TO UPDATE THE CITY'S GIS WEBMAP FOR THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AND THE UTILITIES AND STREET DIVISIONS OF THE PUBLIC WORKS DEPARTMENT AND MAKING CERTAIN FINDINGS RELATED THERETO.

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

7. A RESOLUTION TO ADOPT A WRITTEN INVESTMENT POLICY AND INVESTMENT STRATEGY REGARDING THE INVESTMENT OF CITY FUNDS
NOVEMBER 5, 2019

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

8. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AND APPROVING THE ELGIN PUBLIC SAFETY ADVISORY COMMITTEE AMENDED BYLAWS AND STRATEGIC PLAN 2019-20; AND REPEALING RESOLUTION NO. 2004-10-05-16.

Mayor Pro Tem Bega moved to approve the Resolution as presented. Council Member Lopez seconds the motion. Motion carried 9-0.

9. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, CASTING ITS VOTES FOR THE BASTROP CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

No action was taken on this item.

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ANNOUNCEMENTS

Council Member Jones mentioned early voting on Prop one.

Mayor Cannon mentioned that Amy Miller was awarded the Susan Campbell Professional Excellence award. Council Member Penson announced that CAMPO was having an open house at Sip Shop and Stroll next Thursday.

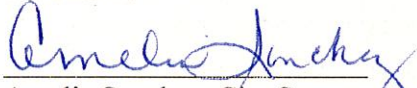
ADJOURNMENT

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

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

Chris Cannon, Mayor

ATTEST:

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