

MINUTES
ELGIN CITY COUNCIL SPECIAL EMERGENCY VIRTUAL MEETING
CITY COUNCIL CHAMBERS ANNEX, 310 NORTH MAIN STREET
Wednesday, July 1, 2020

CALL TO ORDER

Mayor Cannon called the meeting to order at 4:31 p.m.

ROLL CALL

Present: Chris Cannon, Mayor
Jessica Bega, Mayor Pro Tem
Mary Penson, Council Member
Daniel Lopez, Council Member
Brad Jones, Council Member
Sue Brashar, Council Member
Forest Dennis, Council Member
Juan Gonzalez, Council Member
Susie Arreaga, Council Member

Mayor Canon certified there was a quorum and stated that Council Member Arreaga was absent.
Council Member Arreaga arrived at 4:33 p.m.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Michael Gonzalez, Parks Director
Patrick South, Chief of Police
Amy Miller, Community
David Harrell, Planning Director
Charlie Crossfield, City Attorney

INVOCATION

Council Member Lopez gave the invocation.

Mayor Cannon stated that staff would be reading the public comments that were sent by email.

PUBLIC COMMENT

City Manager Thomas Mattis read the following comments.

1. Jeff Asmussen - I contacted Bastrop city manager and council about an aggressive customer at Lowes Garden Center disrespecting social distancing and masks accosting me for wearing one.

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Not only did they institute a policy I pointed to per the Governor's declarations allowing city and county self-regulations to be instituted, they did so and contacted our city and Smithville too. Thank you for taking our city's health and wellness seriously. This should de-fang the "political" nature of the debate as well.

2. Randy Krapf - This email is sent to serve as public comment for 7/1/20 Council Meeting on below agenda item. Face masks have been proven in studies to effectively control the spread of coronavirus and have been successfully used in other areas for that purpose. Considering the current local infection rates, I full support the proposed City Ordinance as written with stated face mask requirements and would like to thank the City of Elgin for taking this proactive measure to safeguard our community during this pandemic.

3. Jennifer Spills - I support the emergency ordinance for making the wearing of face masks mandatory in Elgin, Texas. Thank you for keeping our community safe.

4. Tommy and Sandy (Murphree) McCullough - To the Mayor and other officials: Tommy and I want to offer full support for establishing a mask requirement for everyone (children and adults) who are in any kind of public place. I would hope that the mayors and county judge would work together on this requirement for Bastrop County. The ramifications of ignoring the facts could be disastrous. We need to be safe, not sorry. The community will continue to support the businesses affected and we can pull together to get through this. Elgin's history has endured two World Wars, pandemics, polio, droughts, depressions and other difficult times.

5. Jason Tatum - I believe that it is necessary to require masks and social distancing in all businesses and community gathering areas. We need to close down playground equipment and sport courts. We need to STEP UP TO, not STEP ASIDE FOR the people in this community who say me first and me above others. If we really are OTOTOF we better start acting like it. We need to work together so that we can make a difference and keep our community safe from this very real and terrible virus. Wearing a mask now is the right thing to do. We will need enforcement of this order. We need to have a clear understanding of how we will enforce the ordinance and who will do the enforcing. To require something and then not enforce it puts a huge strain on the citizens who obey the law and creates opportunities for conflict that we must avoid. It is important that we allow people to have access to our businesses and community at large. We can support our community and be safe at the same time by practicing social distancing responsibly and supporting the businesses that make every effort to keep you safe while they serve you. From the hike and bike trails and parks to the coffee shops and hair salons. We can all do better and demand better safety and health practices. Wear a mask. Social distance. Have hand washing and sanitizing be a top priority.

6. Joy Casnovsky - I write to you today to urge you to enact mask-wearing *requirements* in Elgin. "Encouraging" mask-wearing among Elginites is not enough. The City of Elgin has some of the highest rates of Covid-19 in Bastrop County, and it's time that we enact common sense public health requirements like other towns surrounding Elgin like Bastrop, Taylor, Smithville, Round Rock and Hutto (to name a few).

7. Monica Nava-Barker - I'm not so much worried about the mask requirement controversy as I am the hand washing and sanitizing. I own a coffee shop on Main Street, Chemn Cafe, and I've experienced many people who do in fact wear masks upon entering and while in the shop, but there are too many who do not wash and sanitize their hands upon entering and leaving and I feel that this is just as important if not more. We have a hand sanitizer pump at a table upon entering and encourage everyone to use it,

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as well as selling small bottles and I would like to request this be mandatory stations as well as any other considerations for public safety.

8. Derrek Davis - I support the emergency ordinance for making the wearing of face masks mandatory in Elgin, Texas. However due to recent stories about certain businesses in town, I would like to see penalties applied to businesses who specifically seek to not follow the ordinance or require patrons to wear face masks where they are closed down for a minimum of 10 days for first offense, 20 for second and 30 for third and all subsequent offenses. Thank you for keeping our community safe.

9. Juanita Valarie Neidig - We have to protect our community and data shows we haven't done everything we could. Since COVID19 started, Elgin has been a leader in positive cases for Bastrop County. There should be no downplaying to wearing masks. This is not political; this is a health and human issue! Our city and county leaders can help take the guesswork out of what our local business owners can do and all be on the same playing field, all have the same rules, all know what we're going to do moving forward and enforce it properly. The main reason to wear face coverings is not to protect ourselves, it's to protect others from our spreading COVID should we have it but not realize it. We must slow down the spread. Lots of uncertainty remains about this virus. Yet face coverings have been certified to help, which gives us a small way of saving lives and saving our economy. Texas has four of the top five positivity rates in America over those seven days (As of June 30th, 2020). Austin is our neighbor and Elgin & Austin citizens intermingle each other everyday! Again, while we don't know a lot about COVID19, we know Cloth face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice. ***This is called source control.*** ALL evidence points to this being an effective way to mitigate the spread of COVID 19. MAKE PEOPLE WEAR MASKS and TELL OUR LOCAL LEADERS THEY SHOULD BE WEARING THEM TOO! Lead by example.

10. Anne W. Spanyers - PLEASE require everyone to wear face masks.

11. Beth Rolingson - I am **Beth Rolingson**, director of Advocacy Outreach. We work with a broad range of Elgin and Bastrop County residents on a daily basis and I strongly recommend that the City mandate the wearing of face masks in all public places and businesses at this time. I don't have to cite the scientific research as I know our City leaders are aware that it is a fact that the wearing of masks works to slow and prevent COVID. We are in a very dangerous situation, currently, with our proximity to Austin/Travis County and our own hot spot in Elgin. The lack of a requirement that residents wear masks has contributed to the current spike and put us all at risk: I have personally encountered one person who tested positive for COVID within the last week and two others who were definitely exposed at their jobs and because of that I must work from home for a period of time. The lack of clarity on whether a person must wear a mask has resulted in everyone interpreting for themselves and has created a chaotic environment. I have avoided going into any place of business in Elgin and I make a longer drive to grocery stores where masks are required. This can't be good for Elgin, economically. We rely on leadership to guide us and at this time it is important that our City requires residents to protect each other through mask wearing. Thank you.

12. Benjamin Casey - I wish to express my support in favor of a mandatory mask requirement for the City of Elgin. I am the head pharmacist at Elgin Medicine Shop and have monitored the COVID issue since it first started in China. As soon as it hit the US, I implemented safety measures at our pharmacy;

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we do not allow any non-employees inside the store, and all employees are required to wear masks & gloves and maintain distance from customers. Payment transactions are made over the phone when possible, and if cash must be exchanged the cash is quarantined for 1 week before being handled. I have gone to great lengths to protect the community from the spread of the virus. I was greatly disheartened when Gov. Abbott made his decision to open up as soon as he did. I worried that this would lead to a spike in infections and another shutdown requirement. I hoped I was wrong, but the past few days have sadly proved my intuition was right once again. All of the hardship and sacrifice that we have all had to endure for the past few months has been essentially for nothing. The damage has been done. There is significant community spread. Masks MUST be made mandatory, and violations MUST be readily handled with appropriate consequences. I know the population of my patients. I know most of them are okay with following the rules, but I also know many of them will not. The only way we can get a handle on this virus is if we act together; it only takes a few violators to continue the spread. It is unfortunate that Gov. Abbott and other political leaders have emboldened some people to act as if a mask requirement is an infringement of their human rights, and as a result it is going to be difficult to enforce. I hope that the City of Elgin is prepared to handle the inevitable conflicts that lay ahead. If these actions are not taken and enforced rigorously, this virus will NOT leave our community.

13. Laura Handon - Please, please do the right and obvious thing for our safety by simply requiring people to wear masks in public. Elgin has WAY too many cases for its size. I live in McDade and in Elgin but as of today when I found Bastrop requires mask wearing and Elgin still does not, I plan to drive the extra distance to spend in Bastrop. My friends out here feel the same. Thank you.

14. Kelly Scaletta - To the Council and Mayor Cannon, It is imperative that we require every member of our community to wear masks while in public buildings. As you know, COVID cases are spiking in Texas. They are also rising quickly in our small corner of it. As of June 24, according to the Elgin Courier, we had 213 cases of coronavirus in the 78621 zip code (including the Travis portion). As of today, there are 130 in Elgin, 66 in 78621 unincorporated and 79 in the 78621 portions of Travis. That's a total of 278. That's an increase of 65--over 30 percent--in just one week. I recognize that the mask question has become politicized. But masks are not political. The virus is not political. Wearing a mask is a moral issue, and it is immoral to refuse to wear one. Would you wear a mask if you *knew* you had coronavirus? Of course, you would. Because that would be the moral thing to do. But the problem with this virus is you can have it and not know it yet. You can spread it *without knowing it*.

If you didn't wear a mask because you didn't think you had it, and it turned out you spread it, how is it any less immoral to not wear it knowing you *could* have it? Everyone must assume they have it. The idea of wearing one is *not* to keep from catching it. It is to keep from spreading it. I also want to point out a difference between two things. There are presymptomatic people and asymptomatic people. There are a lot of reports conflating these two things together. To be presymptomatic means you have the disease, and you will become symptomatic, but just haven't had symptoms yet. Asymptomatic means you had the disease and recovered, but never had symptoms. From my reading, I understand asymptomatic people can't spread the disease (but may catch it again). Presymptomatic people who do end up becoming symptomatic are *at their most contagious* in the two days before they show symptoms. A person who refuses to wear a mask could unintentionally be making people in our little neck of the woods sick. That's why it is imperative and moral for every person to wear a mask if they're inside. All the real science indicates this. I hope the council can recognize this and set aside the hysterics about how masks make people sick. That is very rare and never fatal. We've had over 125,000 people in our country die of coronavirus.

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These are not equally weighted concerns, and Elgin should not risk the lives of some citizens because of the inane ranting YouTube-schooled junk scientists. Rather, the Council should direct such people to the facts. There are numerous fact checks available on the Internet. Also, as to the whole "freedom" aspect of this. I agree that people have the freedom to not wear masks. They can do that outside of public buildings. There is no "freedom" to be a public danger which is why we restrict people's "freedom" to do things like drink and drive.

I apologize if this is too long. I have one lung and don't want to die because someone who lives in Elgin thinks it's inconvenient to put on a mask when they go into HEB.

15. Dr. Jodi Duron - Thank you for the opportunity to submit my comments related to the ordinance requiring face coverings for individuals during this public health crisis. First and foremost, I wish to express my support for this ordinance, in the best interest and safety of our city and communities. Importantly, since the inception of COVID-19, what we have learned is that COVID-19 can be spread by people who are asymptomatic and do not know that they are infected. While this can create an added stress and threat to our personal safety and health, what we now know, based on the most recent research and science, is that one of the best and most effective methods for mitigating the spread of this virus is to implement universal face covering practices. Health authorities are now consistently reporting the following:

- ☐ Face coverings are likely to reduce the spread of the virus when widely used by people in public settings, especially by those who may already be infected. (Reference CDC guidelines)

- ☐ Evidence continues to mount on the importance of universal face coverings in interrupting the spread of COVID-19. (Reference American Academy of Pediatrics)

- ☐ Face coverings are a critical preventive measure and are most essential in times when social distancing is difficult. (Reference CDC and WHO)

Since April, we have seen the numbers in our county escalate from 18 confirmed cases to 439, including 6 deaths. Elgin (78621) carries the majority of the positive cases and reported deaths in Bastrop County within the combined incorporated and unincorporated areas of our city. This is a health crisis that requires action. Representing Elgin ISD, we face a similar challenge in needing to protect the safety and well-being of the families, staff, and communities we serve. To that end, we have recently announced our intent to require face coverings (masks and/or shields) for all students and staff when we return to school in August. This is not an easy decision, but we believe it is the right thing to do at this critical juncture. The bottom line is this. Unless and until we all do our part to protect ourselves and those around us, we will not be returning to normal anytime soon. Making these small adjustments to our daily behaviors and routines – such as wearing a face covering in public – will benefit us all in the long-term by providing added protections to mitigate the spread of the virus. It will also allow us to return to some sense of normalcy, sooner than later. This is a matter of public health and safety for all. Therefore, I respectfully request that you adopt the requirement of wearing face coverings, as defined in the ordinance. Thank you for your consideration and thank you for your leadership and service to our great City of Elgin during these uncertain times.

Mayor Cannon asked that the record show that Council Member Arreaga arrived at 4:33 p.m.

16. John Allgood - I would like to know why the government of Elgin is so bent on taking away my freedoms. If I don't want to wear a mask at work or other places I shouldn't have to. Others can wear masks to protect themselves (If you really believe masks protect you). Half the people I see don't wear them properly and I have heard that you initially touch your face more with a mask than without. In addition, there is no eye protection with a mask.

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As I understand it there is about 88K people in Bastrop County and between 9-10K in Elgin. The information I found shows the deaths are at 6 for Bastrop county. There are 440 cases in Bastrop County and 195 cases in Elgin. I don't know if that means there are that many today or since this all started. But assuming it is all now then .5% of the county has the Covid. In Bastrop county 1.36% of the ones with Covid have died from it. That is sad for those that have died but why all the PANIC? If 20-30% of the people had the virus and 40-50% of those were dying then let's panic but not for 1.36% of the **sick people**. Probably the number of people who have it is even higher which means the percent who die from it is even lower. And if the deaths are for older individuals, then maybe they died from something else and the organization knowing that if they classify a death as a covid death they could get paid more money from the government, they may inadvertently classify the cause of death as covid instead of another cause which may have been more relevant to the death. I think those who are susceptible to it should be free to take precautions but I don't understand why you want to take my freedoms away when the numbers are so low? Thank you for your service.

17. Margo Kirkpatrick - I would like to submit a comment by email to the Elgin City Council regarding the New Business on the 7/1/2010 Agenda that an emergency ordinance be adopted requiring the wearing of face coverings and repealing of any conflicting ordinances and resolutions.

18. Phyllis Ballon – Vote yes!

19. LaNaye Geiser – Please vote to wear face masks.

20. Kristin Broadus - City of Elgin I am a resident and a nurse. I take care of COVID ICU patients. I am a liability to the public. I would like to express my strong opinion and recommendation that enforcing the wearing of face coverings for businesses, their staff, and their patrons, should be mandated. CDC masking recommendations The pandemic and its effects in Texas and especially ours and surrounding counties is apparent. I understand the need to continue business operations for the benefit of the city and its residents. We can do this safely. Those that disagree should not be permitted to put the rest of us at risk. I currently only shop in other counties that mandate face coverings. I would rather put money into our economy but cannot do it and feel safe. Please strongly consider the safe and most viable option for the health, safety, and viability of our county and all concerned. Thank you.

21. Layla Emerson - Please require face masks when people are in public. Elgin has the highest case count in Bastrop county and it has been proven that the use of face masks, used in conjunction with other means of slowing the spread, is effective. The wearing of masks should not be politicized, this is not an ideological argument, the disease does not choose who to infect based on political affiliation. Mask wearing is the easiest and kindest thing a person can do to support our community. Thank you for your consideration in protecting the health and safety of the residents of Elgin and surrounding communities.

22. Sandy Doughty - I fully support wearing face masks for all. The virus is spread by contact through coughing and sneezing and face masks help contain those bodily fluids. It is also spread by people who have it but have no symptoms, so those people are spreading it without knowing they have it. If everyone was required to wear a mask the spread of the virus would diminish, and we would not continue to overwhelm hospitals. We also would not continue to put hospital staff, first responders, police and people with compromising conditions at risk.

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23. Cristin Embree -Adam King - I, Cristin Embree and my husband Adam King, are in support of the city enacting a mandate requiring businesses to enforce social distancing and mask-wearing among its customers.

24. Ashely Smith - As owner of Clever Tiger art gallery, Jack's Cowerking, and as a concerned citizen, I would like to convey my support of a mask ordinance. The gallery has been closed to the public since 1st lockdown and we are unable to open since myself and many patrons are at risk and numerous individuals are not respecting social distance and mask rules. The few private lessons that I have had in the gallery have required locked door because people continuously attempt to come inside without masks. It has also been brought to my attention that some Elginites do not believe that the virus is real. This is very concerning and for the last month, my serious medical conditions have not been treated because of the overwhelming volume of covid patients in central Texas. Please consider a mask ordinance for businesses so that we may slow the spread, keep the community safe, and reopen to the public.

25. Mary Scaletta - To the Mayor and Council of the City of Elgin, I write in support of the measure to make masks in public mandatory. I don't know if anyone will speak out against them in this meeting but if social media is any indication of what might be said, here are my arguments against what many—although a minority—are expressing. As to the point that being mandated to wear a mask is taking away our freedom. We are mandated to do many things in society such as wear clothes in public, wear seatbelts, wear helmets on motorcycles and bikes, walk in crosswalks and not J-walk, etc. It is not unprecedented to have regulations for the sake of public safety. Many of those regulations I stated are mostly for the safety of the individual doing them. But as you know, the wearing of masks is more for the safety of others and thus should be even more important to be mandated by you. This complaint about the taking away of freedom by wearing a mask also does not speak to the freedoms then taken away from the people who aren't able to be around people who don't wear masks. My husband is 53 but has one lung. He is essentially on what feels like house arrest because we've both agreed that he is not allowed to go anywhere in public, especially to places where people aren't wearing masks. As to the point that masks will make you sick. Masks are not ideal but to me the temporary discomfort and temporarily not being able to breathe in the normal air that we have without the mask is far more preferable than getting the disease and—much more important to me—than spreading the disease. That said I am mindful of the workers that have to spend full shifts in masks. While I still feel the mandate is necessary, I hope that businesses can be encouraged to give workers more breaks to be able to go outside and breathe fresh, uncontaminated air. I also think businesses need to be encouraged to think creatively about solutions so that employees don't have to constantly be wearing masks like having cashiers encased in plexiglass similar to the way gas stations sometimes do for their workers' safety. I stand on the side of mandating masks because if you look at the data of the countries that mandated them from the beginning versus those that didn't and now the data coming out between the states that are mandating them versus the states that are not, the difference is vast and abundantly clear. Masks save lives! What's also clear is that people will not wear them always unless they are mandated. And because of that, your votes on this issue literally hold our lives in your hands. I beg you to stand with saving lives and vote to mandate the wearing of masks in the public places and stores of the city of Elgin.

26. Damian Clark - We must flatten this curve. In Texas 6975 people were tested positive for Covid-19 YESTERDAY. I fully and wholly support an Ordinance requiring the wearing of face coverings in response to safety concerns related to the COVID-19 pandemic.

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NEW BUSINESS

1. AN EMERGENCY ORDINANCE PURSUANT TO ARTICLE III, SECTION 13 OF THE ELGIN HOME RULE CHARTER, THIS IS AN EMERGENCY ORDINANCE DECLARING THAT A PUBLIC HEALTH EMERGENCY EXISTS BECAUSE OF THE WORLD-WIDE COVID-19 PANDEMIC; ESTABLISHING REQUIREMENTS RELATED TO THE POSTING OF A PUBLIC NOTICE BY COMMERCIAL ENTITIES AND THE WEARING OF FACE COVERINGS AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Council Member Brashar moved to approve the Emergency Ordinance as presented. Council Member Lopez seconds the motion. Motion carried 9-0.

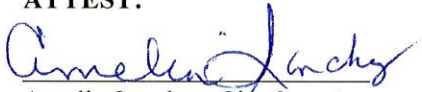
ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 5:49 pm.



Chris Cannon, Mayor

ATTEST:


Amelia Sanchez, City Secretary