MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
March 15, 2022

CALL TO ORDER

Mayor Ramirez called the meeting to order at 6:31 p.m.

ROLL CALL

Present: Ron Ramirez, Mayor
Arthur Gibson III, Council Member
Jessica Bega, Council Member
Matthew Callahan, Council Member
Sue Brashar, Mayor Pro Tem
Forest Dennis, Council Member

Absent: Skyler Maldonado, Council Member
Susie Arreaga, Council Member
Thomas Ibis, Council Member

Mayor Ramirez stated that Councilmember Arreaga and Councilmember Ibis are traveling. Councilmember Maldonado is stuck at work. Mayor Pro Tem Brashar made a motion to excuse the absences. Mr. Callahan seconded the motion. All voted in favor. The motion carried. Mayor Ramirez stated there was a quorum.

Staff: Thomas L. Mattis, City Manager
Mysty Nauck, Acting Chief Financial Officer
Pamela Sanders, HR Director
Amy Miller, Community Development Director
Jennifer Stubbs, City Secretary
Michael Gonzalez, Public Works Director
David Harrell, Dev. Services Director
Chris Noble, Chief of Police
Beau Perry, City Engineer
Owen Rock, ED Director

INVOCATION

Mayor Ramirez provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Ramirez led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America and Pledge of Allegiance to the Texas Flag.

PUBLIC HEARING

1. Public Hearing On An Ordinance Adding Chapter 48, Site Development, Revised Code Of Ordinances, City Of Elgin, Texas 2013 Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; And Providing For A Savings Clause.

No one wished to speak under the Public Hearing Item. Mr. Mattis stated this is a routine update for development code changes according to State Law.

PUBLIC COMMENT

There was no one who wished to speak under the public comment item.

CITY MANAGERS REPORT

1. Elgin Sesquicentennial Update

Ms. Debbie Cartwright, Co-Chair of the 150th Committee, provided a brief report and update on all the projects the committee is working on. She stated the committee has divided up into smaller groups to focus on different projects. She stated that an Art Walk is upcoming on Saturday, May 21st in downtown Elgin. The Founder's Day events will be on August 20th, the Lighted Christmas Parade & Time Capsule on Saturday, December 3rd, and a New Year's Eve Celebration on Saturday, December 31st.

2. 2021 Racial Profiling Report

Mr. Mattis stated this is an Annual Report required every year. This Report has been completed and submitted as required and is available on the record for the public. Chief Noble answered questions of the Council.

3. Discussion And Possible Direction To Staff Regarding Potential Neighborhood Traffic And Safety Upgrades At Certain Locations Throughout The City

Mr. Mattis stated the city had made temporary improvements on locations for about a year and he stated this item was to determine if these would be permanent solutions. The recommendation for South Avenue A at Loop 109 Intersection is to remove the temporary barriers and to straighten out the roadway to create a "T" intersection, and stripe traffic lanes, with the coordination from TxDOT. The recommendation at Hillside Dr. at Old McDade Rd. is to remove the temporary barriers and keep new signage in place, the No Left Turn sign to be removed, and move up the eastbound Old McDade stop sign at E. Brenham. The recommendation at Ramirez Rd./South Ave. C/Main Street is to remove the temporary barriers, eliminate the current prohibition of no-thru traffic on S. Ave. C, reduce and define cul-de-sac area, create a conventional two-way traffic through striping, and consider closing Ramirez Rd. at S. Ave C. Discussion followed. Mr. Dennis made a motion to proceed with South Ave A and Hillside. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

4. January – February Report For Planning & Zoning Commission.

Mr. Mattis stated this is a quarterly report from the Planning & Zoning Commission. There were no questions.

5. Monthly Reports By Department

Mayor Ramirez stated this report looks very similar to the last report. There was no discussion on the item.

6. General Activity Report And/Or Project Update

There was no discussion on this item.

CONSENT AGENDA

1. City Council Regular Meeting Minutes – March 1, 2022

The item passed on the Consent Agenda.

2. A RESOLUTION BY THE CITY OF ELGIN, TEXAS SUSPENDING THE MAY 2, 2022 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS -SOUTH TEXAS DIVISION TO IMPLEMENT INTERIM GRIP RA TE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2020 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

The resolution passed on the Consent Agenda.

Mayor Pro Tem Brashar made a motion to approve the Consent Agenda as presented. Ms. Bega seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING AN AMENDMENT TO THE AQUA WSC MASTER AGREEMENT FOR TRANSFER OF THE CREEK'S CROSSING DEVELOPMENT WATER CCN SERVICE AREA FROM AQUA WSC TO THE CITY OF ELGIN AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is a project the Council recently approved with Aqua Water through a mutual partnership to acquire water within the city. Mr. Mattis stated this will create better consistency between City's Water and Wastewater CCN and will help the city have a more active role in commercial development. Mr. Mattis stated that the transfer fee is $3,900 and the action item tonight is to approve the acquisition of Aqua Water. He stated the next item is to amend the Creek's Crossing Development Agreement to require the developer to pay the city for the costs. Discussion followed.

Mayor Pro Tem Brashar made a motion to approve the Resolution as presented and discussed. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT AND DEVELOPMENT PLAN WITH CREEK CROSSING LAND PARTNERS LLC AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this agreement is adding a new paragraph stating that the developer will pay $3,900 per acre. Total costs will not exceed $265,320.90 for the entirety of the development. Ms. Bega made a motion to approve the Resolution as presented. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

3. AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 6.990 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178 IN BASTROP COUNTY TEXAS AND BEING FULLY DESCRIBED IN EXHIBIT "A", INCLUDING ADJACENT RIGHT-OF-WAY AND RAILROAD RIGHT-OF-WAY, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Mattis stated this is a routine annexation property that was involved with the annexed area Council dealt with a few years ago. Mr. Mattis answered questions of the Council. Ms. Bega made a motion to approve the Resolution as presented and discussed. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

4. AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 1; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Mr. Mattis stated this is assigning the property just previously annexed to Ward 1. Mayor Pro Tem Brashar made a motion to approve the Ordinance as presented. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

5. AN ORDINANCE VACATING, ABANDONING, AND CLOSING A PORTION OF A STREET AND/OR ALLEY IN THE BLOCK 37 SUBDIVISION, WITHIN THE CITY OF ELGIN, TEXAS, PURSUANT TO SECTION 311.007, TEXAS TRANSPORTATION CODE, V.A.T.S., PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

Mr. Mattis stated these next few items are for the County Line Road Project. He stated that funding is in place and the design and engineering are 90% complete. Mr. Mattis stated this means that the project is ready to bid. Mr. Mattis stated there are 6 parcels of land needed to move forward with the project. He stated that 4 of the parcels have reached agreements. 2 parcels have not and are requesting to move forward with Eminent Domain. Mr. Mattis stated that staff have reached out to all the property owners. Mr. Mattis stated that Parcel 1 is needed from the School District and the city has had regular meetings. Mr. Mattis stated there is an alley that exists and is needed to be closed and vacated. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Ordinance as presented. Ms. Bega seconded the motion. All voted in favor. The motion carried.

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 3 WITH ERASMO AND ORALIA BENITEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is Parcel 3 and is divided into two separate lots. Ms. Benitez agreed to the $25,000. Mr. Callahan made a motion to approve the Resolution as presented. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

7. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 4 WITH ISMAEL GONZALEZ IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this is a tract next to Ms. Benitez and $25,000 is the agreed upon price. Mr. Dennis made a motion to approve the Resolution as presented. Ms. Bega seconded the motion. All voted in favor. The motion carried.

8. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE CONTRACT COUNTY LINE ROAD – PARCEL 5 WITH FAUSTO C. MARTINEZ AND MARIA SAUCEDO IN SUPPORT OF THE COUNTY LINE ROAD PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis stated this tract is going north on County Line Road and the agreed upon price is $30,000. Ms. Bega made a motion to approve the Resolution as presented. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY’S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS (PARCEL 2 – GUERRERO)

Mr. Mattis stated this is the first tract next to Peppergrass. Mr. Mattis stated that Ms. Guerrero has not responded to the proposed price of $21,000 which is the appraised value. Mr. Mattis stated this is delaying the project and the city wants to avoid going to Court. Mayor Ramirez stated that the city is not trying to take away someone's house or barn, just trying to acquire a 25 ft strip of land. Mayor Ramirez stated that without the land, we cannot continue with this project. Mayor Ramirez stated that the city hopes to come to an agreement before having to go to Court. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Resolution as presented. Ms. Bega seconded the motion. The vote was: Mayor Pro Tem Brashar- yes, Mayor Ramirez- yes, Ms. Bega-yes, Mr. Gibson-yes, Mr. Callahan-no, and Mr. Dennis-yes. The motion carried.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS (PARCEL 6 – LUNDGREN)

Grant Hennig, 1116 Robin Road, stated that he is shocked by the vote that just happened. Mr. Hennig stated that Ms. Lundgren is 91 years old and has lived in Elgin for a long time. Mr. Hennig stated Ms. Lundgren makes money off this land and asked the Council to not take her land.

Mr. Mattis stated this is the largest tract. Mr. Mattis stated the city and Ms. Lundgren's attorney are going back and forth on the price and he does not think the city will go to Court. Mayor Ramirez stated this is about the price of the land. Discussion followed. Ms. Bega made a motion to approve the Resolution as presented. Mayor Pro Tem Brashar seconded the motion. The vote was: Ms. Bega-yes, Mr. Gibson-yes, Mr. Callahan-no, Mr. Dennis-yes, Mayor Pro Tem Brashar- yes, and Mayor Ramirez- yes. The motion carried.

11. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND SARAH "MAIN STREET" O'BRIEN FOR SESQUICENTENNIAL PROJECT MANAGEMENT SUPPORT.

Mr. Mattis stated the 150th committee has interviewed candidates and they are ready to execute an agreement. Mr. Dennis stated they asked for an RFQ for a consultant, and this was originally approved in the budget. Mr. Dennis stated there were several applicants Mr. Dennis stated they found an excellent candidate who has experience in exactly what the City of Elgin is doing. Discussion followed. Ms. Bega made a motion to approve the Resolution. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

12. AN ORDINANCE ADDING CHAPTER 48 SITE DEVELOPMENT, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS 2013 REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

Mr. Mattis stated this is a routine item that will get the code up to date. Mr. Mattis stated this will not affect any current or past projects. Mayor Pro Tem Brashar made a motion to approve the Ordinance. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

13. AN ORDINANCE AMENDING CHAPTER 26, CODE OF ORDINANCES (2013 EDITION), CITY OF ELGIN, TEXAS, REGARDING MUNICIPAL COURT FEES, FUNDS AND COURT COSTS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Mattis stated this item is mandated by the Legislature. He stated this is bringing practices in compliance with State Law. Mr. Callahan made a motion to approve the Ordinance. Ms. Bega seconded the motion. All voted in favor. The motion carried.

14. Discussion And Consideration Of Establishing A Tax Ceiling Freeze In The FY22-23 Annual Budget For City Property Taxpayers Over The Age Of 65 And Direction To Staff As Appropriate – Councilmember Brashar

Grant Hennig, 1116 Robin Road, stated this is a great idea and asked for the Council to consider this in the next budget cycle.

Stephanie Lippke, 1112 N. Main, stated that she is glad that this is being addressed tonight. Ms. Lippke stated there is plenty of money left over for infrastructure from development fees. Ms. Lippke stated the city needs to double or triple the exemption.

Mr. Mattis stated the Council has considered this request previously. Mr. Mattis stated that the city has a responsibility to check the finances on the impact of this tax freeze. Mayor Pro Tem Brashar stated that she requests to have staff come back to see if this can be added to the budget. Discussion followed. Ms. Bega made a motion to approve giving staff options on the tax freeze. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

15. Discussion Regarding Minimum Lot Size For New Single-Family Homes And Direction To Staff As Appropriate – Councilmember Brashar

Stephanie Lippke, 1112 N. Main, stated that she is glad the Council is discussing this. She stated we need to discuss PDD’s which are affecting the lot sizes. Ms. Lippke stated we need more Council oversite.

Mr. Mattis this is an item Mayor Pro Tem Brashar brought forward. Mr. Mattis stated this discussion has come up over the last few months. Mayor Pro Tem Brashar stated that now is the time for staff to come back with new proposed lot sizes. Mayor Pro Tem Brashar stated we are good with starter homes in Elgin. Discussion followed. Mr. Mattis stated that he recommends reviewing this with the city’s legal counsel. There was no action taken.

EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

Mayor Ramirez stated the Council would not be retiring into Executive Session.

ANNOUNCEMENTS

Ms. Bega stated we are moving into a critical time and that she has been observing some of the Council candidates in the audience who have been making comments during the meeting. Ms. Bega asked for the council candidates to act as you belong here.

ADJOURNMENT

Mayor Ramirez adjourned the meeting at 8:39 p.m.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary