

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
June 7, 2022

CALL TO ORDER

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

ROLL CALL

Present: Theresa McShan, Mayor
Arthur Gibson III, Council Member
Joy Casnovsky, Council Member
Matthew Callahan, Council Member
Sue Brashar, Mayor Pro Tem
Forest Dennis, Council Member
Skyler Maldonado, Council Member
Al Rodriguez, Council Member
Chuck Swain, Council Member

Mayor McShan stated all were in attendance and there was a quorum.

Staff: Thomas L. Mattis, City Manager
Amy Miller, Community Development Director
Jennifer Stubbs, City Secretary
Michael Gonzalez, Public Works Director
Chris Noble, Chief of Police
Beau Perry, City Engineer
David Harrell, Dev. Services Director
Pam Sanders, HR Director

INVOCATION

Mr. Dennis provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor McShan 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 To Eliminate Low Level Marijuana Enforcement

Analisa Garcia, 701 W 11th Street, stated that she believes in this initiative to legalize low levels of marijuana and there is a lot of support in the community. Ms. Garcia stated that she hopes we can vote on this in November.

Courtenay Paris, 506 Lexington Road, stated that she is in support of the Ordinance to decriminalize low level marijuana enforcement and was involved in the effort to collect signatures. Ms. Paris stated there is broad support for this petition. Ms. Paris asked that the Council consider moving this forward for voting in November.

Taylor Christian, 317 McClenden Drive, stated she was part of the signature collection and she found there were many reasons people support this initiative. Ms. Christian stated that she hopes we will see this on the ballot in November.

PUBLIC COMMENT

There were no public comments.

PRESENTATION

1. Proclamation Declaring June 19, 2022, As Juneteenth Day Of Observance In The City Of Elgin.

Mayor McShan read the proclamation and presented it to members of the Juneteenth Committee.

NEW BUSINESS

1. AN ORDINANCE TO ELIMINATE LOW-LEVEL MARIJUANA ENFORCEMENT

Mayor McShan moved New Business Item Number 1 before the City Manager's Report. Mr. Mattis stated this item is for an initiative petition submitted and certified by the City Secretary under the City Charter. Mr. Mattis stated that the Ordinance will either be approved by the Council or on the ballot. Mr. Mattis invited Chief Noble up to the dais. Chief Noble stated that staff has been vocal about our belief that decriminalization is where the city is headed. Chief Noble stated that he cannot support the Ordinance as written. Chief Noble stated that the Ordinance is too restrictive, and it interferes with the police department's ability to investigate other felony crimes. Chief Noble stated that he cannot support this document as is but supports it philosophically. Mr. Mattis stated there is time for Council to decide before they are compelled to act. He stated that the Council cannot amend the Ordinance that was submitted. Mr. Mattis stated this will go on the ballot in May if the Council votes the Ordinance down. Mayor Pro Tem Brashar stated she was on board originally, but the Ordinance goes up to Class A which allows up to four ounces of marijuana. Mayor Pro Tem Brashar stated that a quarter of a pound is not for personal use and there is no mention of age. Mayor Pro Tem Brashar stated as it is written currently, she would say no. Chief Noble stated that it does not address schools, events, or usage. Ms. Casnovsky stated that she feels like she must make a choice without knowing what other cities have passed. Mr.

Rodriguez stated that he is not opposed philosophically but that other substances have become gateways to other problems. Mr. Rodriguez stated that he is not ready to decide but if he had to, it would be a no. Discussion followed. Mr. Dennis asked that the Council put the decision off to the next regular meeting in July. No action was taken.

CITY MANAGERS REPORT

1. Presentation Of The Proposed 2022 City Of Elgin Five-Year Capital Improvement Plan

Mr. Mattis presented the Capital Improvement Plan to the Council. He stated this plan is focused on major infrastructure in the city and is a strategic long-term planning tool. Mr. Mattis stated that this will be available online and at the Library for viewing. Mr. Mattis stated that in the last 5 years, the city has invested almost 25 million dollars directly back into capital improvements and infrastructure. Discussion followed. Mr. Mattis stated that staff have identified and ranked 50 million dollars worth of projects that do not have funding currently. Mr. Mattis stated that according to the budget calendar, the Council is set to vote on this item at the second meeting in July.

2. Monthly Reports By Department

There was no discussion on this item.

3. General Activity Report And/Or Project Update

Mr. Mattis invited Ms. Miller up to the dais. Ms. Miller encouraged the audience to sign up for the e-newsletters. She stated that Juneteenth and Western Days are coming up. Ms. Miller stated there are new signs around town for the self-guided Black History Tour.

CONSENT AGENDA

1. City Council Special Meeting Minutes – May 17, 2022

The minutes passed on the consent agenda.

2. City Council Regular Meeting Minutes-May 17,2022

The minutes passed on the consent agenda.

Mayor Pro Tem Brashar made a motion to approve the Consent Agenda with the minor corrections that were sent to the City Secretary. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. AN ORDINANCE TO ELIMINATE LOW-LEVEL MARIJUANA ENFORCEMENT

This item was discussed earlier in the meeting after the presentation item.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING A DEVELOPMENT AND CONSENT AGREEMENT WITH ATX ELGIN DEV, LLC & BRIARWOOD MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO.

Mr. Mattis stated this is a Development and Consent Agreement and staff is ready to recommend for approval. Mr. Mattis stated that this is the first proposed in city Municipal Utility District (MUD). There are approximately 772 single-family lots, 19 acres of mixed-use development, 33 acres of open space and parkland, 600 ft of walking trails, and a private amenity center. This MUD will make a significant pedestrian access to Neidig Elementary School as a part of the Development Agreement. This developer will contribute \$1.5 million to the County Line Road project and will donate 1.36 acres of necessary Right-of-Way along the County Line Road which will help transportation improvements in the city. Mr. Mattis stated that the developers will construct an arterial road that connects FM1100 to Creek's Crossing and HWY 290. The developers will also construct a collector road that connects the new arterial road to County Line Road. Mr. Mattis invited Mr. Perry up to the dais to discuss the arterial road map created by TRC and traffic concerns. Mr. Perry stated that this arterial road map is shown to developers to help with their planning process. Discussion followed. Ms. Casnovsky asked for a confirmation that there would be sidewalks. Mr. Mattis confirmed that there will be sidewalks. Mr. Mattis stated that there will be no annexation or ward assignment because this MUD resides within the city limits. Mr. Callahan made a motion to approve the Resolution. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried. Mr. Mattis invited Mark Janik with Ashton Gray Development up to the dais. Mr. Janik stated the team is excited about this project and to work in Elgin. He stated the team is going to build a large concrete trail surrounding the beautiful trees.

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE SUBMISSION OF A FEMA DR-4485 HAZARD MITIGATION ASSISTANCE GRANT APPLICATION TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT; COMMITMENT OF FUNDING; AND AUTHORIZING THE MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN CONNECTION WITH THE FEMA DR-4485 HAZARD MITIGATION ASSISTANCE GRANT

Mr. Mattis stated that the item is connected to the Council's commitment to upgrade the city's emergency power supply systems primarily for water and wastewater production. Mr. Mattis stated that a year ago, the city received money from the Certificates of Obligation to upgrade the systems. Mr. Mattis stated that staff applied for a grant in response to the winter storm in an attempt to save 1 million dollars that could be used in other ways as a part of the CO program. Mr. Mattis stated that staff received a notification from the state that said they had not funded any programs and asked for cities to reapply. Mr. Mattis stated that staff is ready to reapply for the grant but there is also money available to spend that was planned for this project. Mr. Mattis stated that he thinks the city has a great chance of receiving the grant but that it would not be ready for this winter. Mr. Mattis stated that the staff recommendation is to move forward with the grant application. Mr. Mattis invited Mr. Perry up to the dais. Mr. Perry stated that Elgin's system is unique with wells on their own power supply that are miles away from the city. He stated that a generator or portable generator is required at each well and booster station before the water gets pumped into the water

towers. Mr. Perry stated that if the city were to have a generator at the plant tomorrow, another power outage is possible because Pistol Hill will not have a generator until 2024. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Resolution. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

4. Election Of The Mayor Pro-Tem By City Council

Mr. Mattis stated that this is a routine item and charter requirement, following the seating of the new City Council. Mr. Dennis made a motion to elect the current Mayor Pro Tem as continuing Mayor Pro Tem, Sue Brashar. Mr. Maldonado seconded the motion. All voted in favor. The motion carried.

EXECUTIVE SESSION

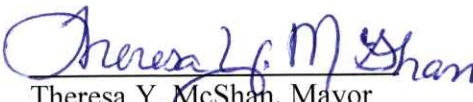
The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government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

ANNOUNCEMENTS

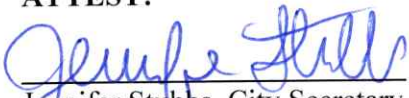
Mayor McShan invited those in attendance to attend the Juneteenth celebration on Juneteenth.

ADJOURNMENT

Mayor McShan adjourned the meeting at 8:22 p.m.


Theresa Y. McShan, Mayor

ATTEST:


Jennifer Stubbs, City Secretary