

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
July 5, 2022

CALL TO ORDER

Mayor McShan called the meeting to order at 6:32 p.m.

ROLL CALL

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

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

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
Pam Sanders, HR Director
David Harrell, Development Services Director

INVOCATION

Mayor McShan 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 The Proposed 2022 Five-Year Capital Improvement Plan

There was no one who wished to speak under the Public Hearing Item. Mr. Mattis stated the Council had a worksession over the Five-Year Capital Improvement Plan and copies of the plan are available online or at the Library. Mr. Mattis stated that there will be a Resolution to take formal action approving the Five-Year Capital Improvement Plan at the next meeting.

2. Public Hearing On An Ordinance Annexing Adjacent And Contiguous Territory To The City Of Elgin, Texas To Wit: 34.74 Acres Of Land, More Or Less, Out Of The Henry Martin Survey, No. 65, Abstract No. 518, In Travis County, Texas (Travis Co. Appraisal District #467330), Including Adjacent Right-Of-Way, And Being Fully Described In Exhibit "A" Attached Hereto; Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions

Mr. Mattis stated that this is a routine voluntary annexation that will be Eagles Landing Phase 5. There was no one who wished to speak under the Public Hearing Item.

PUBLIC COMMENT

Taylor Christian, 317 McClendon Drive, stated that there were some questions about if this was the same Ordinance as San Marcos and Austin and she stated that it was. Ms. Christian stated that there was another comment about 4 ounces and that it is not an arbitrary amount. She stated that it was a misdemeanor and is below a felony. Ms. Christian stated public consumption and driving under the influence are separate laws, this is just addressing possession. Ms. Christian stated that a 14-, 15-, or 16-year-old should not have a criminal record, and making an arrest is not the best option.

Stefanie Franciotti, 210 MLK Drive, thanked the Council for their victories. Ms. Franciotti stated there is a racial bias in the enforcement of marijuana laws and provided some statistics. Ms. Franciotti stated that an arrest can have a profound influence on a young person's life and health. Ms. Franciotti stated that putting teens in jail for smoking pot and expecting prisons to parent them is an expensive and an ineffective solution.

Tiffany Finley, 136 Spence Ln, stated that she is excited it's Parks & Recreation month and thanked the Council for being supportive of the parks as we grow.

PRESENTATION

1. A PROCLAMATION DECLARING JULY AS NATIONAL PARKS AND RECREATION MONTH IN THE CITY OF ELGIN

Mayor McShan read the Proclamation and presented it to Tiffany Finley, Parks & Recreation Advisory Board Vice-Chair, and Elizabeth Marzec, Recreation Center Manager.

CITY MANAGERS REPORT

1. General Activity Report And/Or Project Update

Mr. Mattis stated that the County Line Road project will have a groundbreaking ceremony soon. He stated that there were three bid proposals submitted for the Elgin Police Department and the Committee will review them this week. Mr. Mattis asked the Council to be ready to act on the 5 Year Capital Improvement Plan at the next meeting. He stated that there will be a worksession this month regarding Boards and Commissions and to please let the City Secretary know a date for Ward meetings.

CONSENT AGENDA

1. City Council Regular Meeting Minutes - June 21, 2022

The minutes passed on the consent agenda.

2. City Council Worksession Meeting Minutes - June 22, 2022

The minutes passed on the consent agenda.

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR TEMPORARY CLOSURE OF STATE RIGHT OF WAY

The resolution passed on the consent agenda.

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

NEW BUSINESS

1. AN ORDINANCE TO ELIMINATE LOW-LEVEL MARIJUANA ENFORCEMENT

Mr. Mattis provided comments about the petition that was submitted to the City Secretary and stated that this was discussed at previous meetings. He stated that the petitioners' committee would like the petition to move forward as presented. Mr. Mattis stated the City Attorney has reviewed the Ordinance and there were provisions that were not in the Austin version of this Ordinance. Mr. Mattis stated that the general conclusion of this Ordinance is that it is a legal filing and is up for the Council to decide to adopt the Ordinance or leave it up to the voters in November. Discussion followed. Mr. Callahan stated that he would vote no on this. Mayor Pro Tem Brashar stated that four ounces is not a usable amount as presented and she would be happy to work with anybody. Mr. Rodriguez stated he is in the business of kids and has formal education in substance abuse studies.

He stated that as a person of color, he is aware of the barriers that people of color face in society. Mr. Rodriguez stated that this issue is a larger societal issue and would love to see a dialog to address concerns that will protect the children and protect those who have a need to use marijuana. Ms. Casnovsky stated that there should be some dialog with the petitioner's committee in hopes of coming to a compromise. Mr. Dennis stated that he has a hard time accepting that this is a low-level drug, and his family has been impacted by marijuana use. He stated he cannot support this and if the petitioners are not willing to negotiate in any way, go ahead and vote tonight, and let the people decide in November. Mayor McShan stated that this affects everyone differently and we are missing the whole boat. She stated the issue is why people are smoking and we must get to the root of why. Discussion followed. Mr. Dennis made a motion to move this Ordinance before the voters in the November election. Mayor Pro Tem Brashar seconded the motion. The vote was: Mr. Dennis- yes, Mayor Pro Tem Brashar- yes, Mayor McShan- yes, Ms. Casnovsky- yes, Mr. Gibson III - yes, Mr. Swain- yes, Mr. Maldonado- yes, Mr. Callahan- yes, Mr. Rodriguez-no. The motion carried. Mr. Mattis stated that the ballot does not become official until the Council orders the Election, leaving an opportunity for a compromise with the petitioners' committee.

2. AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 34.74 ACRES OF LAND, MORE OR LESS, OUT OF THE HENRY MARTIN SURVEY NO. 65, ABSTRACT NO. 518 IN TRAVIS COUNTY, TEXAS, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

Mr. Mattis stated that this is for Eagles Landing Expansion, Phase 5, and provided comments. He stated that this item was recommended for approval by the Planning & Zoning Commission. Mayor Pro Tem Brashar made a motion to approve the Ordinance as presented. Mr. Swain seconded the motion. All voted in favor. The motion carried.

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 FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS

Mr. Mattis provided comments and answered questions of the Council. Mayor Pro Tem Brashar made a motion to approve the Ordinance as presented. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

4. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND STUDIO 1619 FOR PROFESSIONAL SERVICES FOR VETERANS MEMORIAL PARK EXPANSION

Mr. Mattis stated that this is a project funded through the Certificates of Obligations which was approved and issued last year. Ms. Miller provided comments and a brief presentation on the project. Mr. Mattis provided three different options for design services and answered questions of

the Council. Discussion followed. Mr. Gibson III made a motion to approve the resolution as presented, not to exceed the \$159,000 using option 2. Mr. Rodriguez 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.

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

ANNOUNCEMENTS

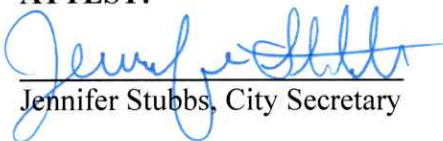
Ms. Miller invited those in attendance to Friday Nights in the Park and the Founder's Day event on August 20th. Mayor McShan and Mr. Mattis asked for the Council to give feedback to Ms. Stubbs about a date for a worksession to discuss Boards & Commissions. Mr. Dennis encouraged the Council to rank their projects for the 5 Year Capital Improvement Plan. Mayor Pro Tem Brashar invited those in attendance to the Watermelon Festival in McDade this Saturday.

ADJOURNMENT

Mayor McShan adjourned the meeting at 7:50 p.m.


Theresa Y. McShan, Mayor

ATTEST:


Jennifer Stubbs, City Secretary