

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
September 6, 2022

CALL TO ORDER

Mayor McShan called the meeting to order at 6:30 p.m.

ROLL CALL

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

Absent: Matthew Callahan, Council Member

Mayor McShan stated that all members were present with the exception of Council Member Callahan.

Staff: Thomas L. Mattis, City Manager
Jennifer Stubbs, City Secretary
Amy Miller, Community Development Director
Michael Gonzalez, Public Works Director
Chris Noble, Chief of Police
Pam Sanders, HR Director
Marty Coursey, Interim CFO
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 FY22-23 Annual Budget

Mr. Mattis provided information. No one wished to speak under the public hearing item.

2. Public Hearing On The Proposed FY22-23 Tax Rate

Mr. Mattis provided information. No one wished to speak under the public hearing item.

3. Public Hearing On An Appeal Of A Denial For Project #202200090: A Replat For “Replat Of Lot 6A, Elgin Business Park”, Located On A Parcel Of Land Known By The Bastrop County Appraisal District As Parcel 84631, To Remove A Buffer Note On An Existing Plat.

Mr. Rock provided information and discussed provisions in the draft contract.

JoEllen Mayfield, 12322 Triple Creek Drive, stated she was opposed to this and has three homes that would be negatively impacted.

4. Public Hearing On 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 From C-3 (Highway Commercial District) To R-3 (Single Family, Two Family, And Industrialized Housing District) On Saratoga Farms Sec. 6, Blocks F & H, And Block G, Lots 1-12 And Being Described In Exhibit “A”, Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Mr. Mattis provided information and stated this is an administrative corrective action by the Council to formally correct the zoning into compliance with the zoning code.

Carlyn Ward, 101 Whitney Drive, stated she was in support of making the change to residential.

5. Public Hearing On 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 Planned Development District (PDD), The Property Being Approximately 34.72 Acres Of Land, More Or Less, Out Of The Henry Martin Survey Number 65, Abstract Number 518 In Travis Co., TX And Being All Of A Called 34.72 Acre Tract, As Conveyed Hagn Family Partnership, Recorded In Volume 13334, Volume 0050, Official Public Records Of Travis Co., TX, Said Tract Being More Particularly Described In Exhibit “A”, Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Mr. Mattis stated this is for Phase 5 of Eagles Landing residential development.

Richard Voight, P.O. Box 2816, stated he is representing Mr. Rolland Carlson's family. He stated we are not opposed to it but wanted to address the property downstream. He stated he hopes any runoff will be addressed and hopes to review construction drawings.

Mayor McShan stated the public hearings are closed.

PUBLIC COMMENT

Jo-Ann Capers, 110 Jefferson Cove, stated she would like to find out what the City Council and the Mayor have accomplished in the last 100 days in office and wanted to know if there was an evacuation plan. Ms. Capers asked for periodic reports from the City Council.

PRESENTATION

1. A PROCLAMATION AUTHORIZING RECOGNITION OF SEPTEMBER AS CAPCOG PREPAREDNESS MONTH

Mayor McShan read the proclamation and presented it to Mr. Dennis.

CITY MANAGERS REPORT

1. #ETX150 SESQUICENTENNIAL UPDATE

Ms. O'Brien provided an update and thanked the volunteers who were a part of the Founder's Day event. She provided an updated expense report and provided information on upcoming events. Ms. O'Brien asked for the City Council to consider giving an additional \$15,000 for there to be fireworks at the New Year's Eve Glowing into 2023 event. Mr. Mattis stated the contract will come back to the City Council. Discussion followed. Mr. Dennis made a motion to direct staff to look at contracting for \$15,000 and bring back to Council. Mayor Pro Tem Brashar seconded the motion. Discussion followed. The vote was: Mr. Dennis- yes, Mayor Pro Tem Brashar-yes, Mayor McShan-yes, Ms. Casnovsky-abstain, Mr. Gibson-yes, Mr. Swain-yes, Mr. Maldonado-yes, and Mr. Rodriguez-yes. The motion carried.

2. General Activity Report And/Or Project Update

Mr. Mattis stated that the next City Council meeting is on September 27th.

CONSENT AGENDA

1. City Council Regular Meeting Minutes August 16, 2022

The minutes passed on the consent agenda.

2. City Council Worksession Meeting Minutes - August 23, 2022

The minutes passed on the consent agenda.

3. CONSIDER WAIVING FEES FOR COSTS ASSOCIATED WITH STREET CLOSURES AND PARK RENTAL FOR THE ELGIN ISD HOMECOMING COMMUNITY PARADE AND PEP RALLY WEDNESDAY SEPTEMBER 14, 2022

The item passed on the consent agenda.

4. CONSIDERATION OF A REQUEST BY ST. PETERS LUTHERAN CHURCH TO WAIVE THE FEES ASSOCIATED WITH RESERVING VETERANS MEMORIAL PARK FOR A NATIVITY SCENE DISPLAY NOVEMBER 27, 2022 THROUGH DECEMBER 26, 2022

This item was removed from the consent agenda and placed under new business.

5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ECS SOUTHWEST, LLP OF AUSTIN, TEXAS FOR GEOTECHNICAL ENGINEERING SERVICES RELATED TO THE VETERAN'S MEMORIAL PARK EXPANSION PHASE 1 PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

The resolution passed on the consent agenda.

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ECS SOUTHWEST, LLP OF AUSTIN, TEXAS FOR GEOTECHNICAL ENGINEERING SERVICES RELATED TO THE ELGIN POLICE DEPARTMENT STATION PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO

The resolution was removed from the consent agenda and placed under new business.

7. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING A NEW PLAN REVIEW, INSPECTION SERVICES, AND JURISDICTION SERVICES AGREEMENT BETWEEN THE CITY OF ELGIN AND ARCH TECHNICAL SERVICES (Dba ATS ENGINEERS, INSPECTORS, & SURVEYORS) FOR THE CONTINUATION OF BUILDING AND FIRE RELATED SERVICES AND MAKING CERTAIN FINDINGS RELATED THERETO

The resolution passed on the consent agenda.

8. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ELGIN, TEXAS (CITY) AND TOCKER FOUNDATION FOR THE ELGIN COURIER DIGITIZATION GRANT

The resolution passed on the consent agenda.

Mayor Pro Tem Brashar made a motion to approve all items with the exception of 4 & 7 on the consent agenda with the corrections to the minutes. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. CONSIDERATION OF A REQUEST BY ST. PETERS LUTHERAN CHURCH TO WAIVE THE FEES ASSOCIATED WITH RESERVING VETERANS MEMORIAL PARK FOR A NATIVITY SCENE DISPLAY NOVEMBER 27, 2022 THROUGH DECEMBER 26, 2022

Mr. Dennis stated that he appreciates St. Peters Lutheran, and he thinks this event is a good thing. He provided background information on the Nativity and stated there are other events happening that do not have fees waived. He stated waiving this fee is setting a precedent moving forward. Discussion followed. Mr. Dennis made a motion to not grant the waiver, we charge appropriately according to the ordinance, and they consider a shorter period for their reservation. Ms. Casnovsky asked what a short period means. Discussion followed. Mr. Dennis stated he amends that part of a shorter period for the reservation. Ms. Casnovsky seconded the motion. The vote was: Ms. Casnovsky-yes, Mr. Gibson-no, Mr. Swain-yes, Mr. Maldonado-no, Mr. Rodriguez-no, Mr. Dennis- yes, Mayor Pro Tem Brashar-no, Mayor McShan-no. The motion failed. Mr. Maldonado made a motion to move forward with this as read. Mr. Gibson seconded the motion. The vote was: Mr. Maldonado-yes, Mr. Rodriguez-yes, Mr. Dennis- yes, Mayor Pro Tem Brashar-yes, Mayor McShan-yes, Ms. Casnovsky- no, Mr. Gibson- yes, and Mr. Swain-yes. The motion carried.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING A NEW PLAN REVIEW, INSPECTION SERVICES, AND JURISDICTION SERVICES AGREEMENT BETWEEN THE CITY OF ELGIN AND ARCH TECHNICAL SERVICES (DbA ATS ENGINEERS, INSPECTORS, & SURVEYORS) FOR THE CONTINUATION OF BUILDING AND FIRE RELATED SERVICES AND MAKING CERTAIN FINDINGS RELATED THERETO

Mr. Mattis provided information, stated that some of the ATS fees have increased, and answered questions of the council. Mr. Swain made a motion to approve. Mr. Maldonado seconded the motion. All voted in favor. The motion carried.

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS PLACING A PROPOSAL ON THE SEPTEMBER 27, 2022 COUNCIL MEETING TO ADOPT A 2022 TAX YEAR PROPOSED PROPERTY TAX RATE THAT WILL EXCEED THE NO NEW REVENUE TAX RATE BUT DOES NOT EXCEED THE VOTER APPROVAL TAX RATE NOR THE DE MINIMIS RATE FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; CALLING A PUBLIC HEARING ON THE

PROPOSED PROPERTY TAX RATE TO BE HELD ON SEPTEMBER 27, 2022 AT 6:30 PM

Mr. Mattis stated that this is to make a declaratory statement about the tax rate and to certify for the record there is a second Public Hearing on September 27th. Mayor Pro Tem Brashar made a motion to approve New Business Item 1 as stated. Mr. Dennis seconded the motion. All voted in favor. The motion carried.

4. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS APPROVING AND ADOPTING A PROPOSED BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023, AND PROVIDING THAT EXPENDITURES FOR SAID BUDGET SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET

Mr. Mattis provided information on Cost-of-Living scenarios and answered questions of the council. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Ordinance and to set and approve the Municipal Budget for the 2022-2023 Fiscal Year. Ms. Casnovsky seconded the motion. The vote was: Mayor Pro Tem Brashar- yes, Mayor McShan-yes, Ms.Casnovsky-yes, Mr. Gibson-yes, Mr. Swain-yes, Mr. Maldonado-yes, Mr. Rodriguez-yes, and Mr. Dennis-yes. The motion carried on an 8-0 vote.

5. AN ORDINANCE LEVYING TAXES FOR MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ELGIN, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE 2022 TAX YEAR

Mr. Mattis stated the proposed budget is predicated on a reduction to just under \$.544664/\$100 valuation which is a 17% reduction in the tax rate over a two-year period. Mayor Pro Tem Brashar made a motion to approve the Ordinance and that the property tax rate be decreased by the adoption of a tax rate of \$0.180353 for the Debt Rate per one hundred dollars of assessed value, which is effectively in total a 3.98% decrease in the tax rate. Mr. Gibson seconded the motion. Discussion followed. The vote was: Mayor Pro Tem Brashar-yes, Mayor McShan-yes, Ms. Casnovsky-yes, Mr. Gibson-yes, Mr. Swain-yes, Mr. Maldonado-yes, Mr. Rodriguez-yes, and Mr. Dennis-yes. The motion carried 8-0.

6. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, AMENDING THE TRAFFIC CODE BY DESIGNATING BALLAST DRIVE IN THE PEPPERGRASS RESIDENTIAL SUBDIVISION AS A NO PARKING ZONE FROM 7:00AM THROUGH 5:00PM MONDAY THROUGH FRIDAY; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS

Mayor Pro Tem Brashar left the dais at 8:12 p.m.

Michael Johnson, 14016 Ballast Drive, stated he wanted to voice his favor and was the first resident of Peppergrass. He thanked his neighbor for getting this ball moving on this.

Mayor Pro Tem Brashar returned to the dais at 8:14 p.m.

Doreen Sims, 14004 Ballast Drive, stated she was in favor of this ordinance and asked if holidays could be excluded. She stated that there was a hit and run on her street and she was able to catch the license plate number. Ms. Sims asked for there to be an ongoing conversation about this issue.

Mr. Mattis stated that the city does not currently have the staff needed to monitor this parking problem. The idea to restrict parking was presented to Ms. Tammy Dunn. Staff felt it was appropriate to restrict parking from 7:00 AM to 5:00 PM and most residents who live on this street signed a petition. Mr. Mattis stated that the staff supports the ordinance as presented. Discussion followed about the issue of moving to another street. Mr. Rodriguez stated that the school district fully supports this. Discussion followed. Mr. Rodriguez made a motion to approve the Ordinance. Ms. Casnovsky seconded the motion. The vote was: Mr. Rodriguez-yes, Mr. Dennis-yes, Mayor Pro Tem Brashar-yes, Mayor McShan-yes, Ms. Casnovsky-yes, Mr. Gibson-yes, Mr. Swain-yes, and Mr. Maldonado-no. The motion carried.

7. Appeal Of A Denial For Project #202200090: A Replat For “Replat Of Lot 6A, Elgin Business Park”, Located On A Parcel Of Land Known By The Bastrop County Appraisal District As Parcel 84631, To Remove A Buffer Note On An Existing Plat.

Scott Mackay, 839 Central Avenue, stated he is here tonight to ask for support for the denial and is here to support the community. Mr. Mackay stated that the original intent of the business park was for light industry and an initiative for businesses to hire people. He stated that the 100-foot buffer was negotiated because intrusion was not wanted from residences into an industrial complex. He stated that retail has crept in which has caused more lighting and noise. Mr. Mackay stated that having separation from two lands uses is valuable.

Mr. Mattis provided information and recommended that the council grant this appeal. He stated this is an important opportunity to support a business to expand its parking and for the city to no longer have responsibility or maintenance of the property. He stated that formal approval for the agreement will come back to the council. Mr. Mattis and Mr. Rock answered questions of the council. Mayor Pro Tem Brashar made a motion to approve item number 5 as stated. Mr. Maldonado seconded the motion. The vote was: Mayor Pro Tem Brashar-yes, Mayor McShan-yes, Ms. Casnovsky-yes, Mr. Gibson-no, Mr. Swain-yes, Mr. Maldonado-yes, Mr. Rodriguez-yes, and Mr. Dennis-yes. The motion carried.

8. 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 FROM C-3 (GENERAL HIGHWAY DISTRICT) TO R-3 (SINGLE FAMILY, TWO FAMILY, AND INDUSTRIALIZED HOUSING DISTRICT) ON SARATOGA FARMS SECTION 6, BLOCKS F & H, AND BLOCK G, LOTS 1-12 (AND BEING DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO) AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

Mr. Mattis stated this is a cleanup item and provided information. Mr. Dennis made a motion to approve the ordinance. Mr. Rodriguez seconded the motion. All voted in favor. The motion carried.

9. 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 PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY BEING 34.72 ACRES OF LAND, MORE OR LESS, OUT OF THE HENRY MARTIN SURVEY NUMBER 65, ABSTRACT NUMBER 518 IN TRAVIS CO., TX AND BEING ALL OF A CALLED 34.72 ACRE TRACT, AS CONVEYED HAGN FAMILY PARTNERSHIP, RECORDED IN VOLUME 13334, VOLUME 0050, OFFICIAL PUBLIC RECORDS OF TRAVIS CO., TX, SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

Mr. Mattis stated that this is for the expansion of Eagles Landing and provided information. He answered questions of the council. Mayor Pro Tem Brashar made a motion to approve item number 7 under new business as stated. Mr. Swain 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.

The Council did not retire into Executive Session.

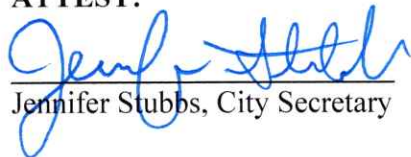
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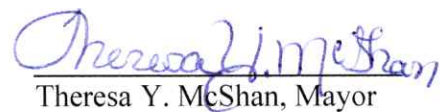
Mayor Pro Tem Brashar wished Mr. Dennis a happy birthday. Ms. Miller invited the public to sip, shop, and stroll.

ADJOURNMENT

Mayor McShan adjourned the meeting at 9:01 p.m.

ATTEST:


Jennifer Stubbs, City Secretary


Theresa Y. McShan, Mayor