

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
October 11, 2022

CALL TO ORDER

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

ROLL CALL

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

Absent: Al Rodriguez, Council Member

Mayor McShan stated that all members were present with the exception of Mr. Rodriguez and that Mr. Gibson would be late. Mr. Dennis made a motion to excuse Mr. Rodriguez. Mayor Pro Tem Brashar seconded the motion. All voted in favor. The motion carried.

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
David Harrell, Development Services Director

INVOCATION

Mr. Swain 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 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 Land From “R-1” Single Family Housing District To “R-3” Single Family, Two Family, And Industrialized Housing District Located On Parcels Of Land Known By The Travis Co. Appraisal District As Parcels 358800, 358801, 358802, Located Between Carlson Ln. & Carlson Rd. Across From Eagles Landing Ph. 2 (Being A 52.76 Acre Tract Out Of The Henry Martin Survey Number 65, Abstract 518, Travis Co., TX), Being More Described In Exhibit “A”, Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Mr. Mattis provided information. There was no one who wished to speak under the public hearing item.

2. Public Hearing On An Ordinance Granting A Specific Use Permit For A Wireless Communications Facility (WCF), Self-Enclosed Monopole, In A Residential Zoning District On Property Located At 405 N. Highway 95 (A20 CHRISTIAN, THOMAS, ACRES 1.2730), City Of Elgin, Texas, Bastrop County, Texas, And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Mr. Mattis stated the action was rescheduled for November 15th.

Julia Davis, 1109 Robin Road, asked the Council to vote against the cell tower.

Amy Meyer, 1210 N. Avenue F, stated the Planning & Zoning Commission voted unanimously against the WCF. She stated this would be an issue for those who visit Elgin Memorial Park. Ms. Meyer stated that because of a law passed in 2012, these poles can be modified with extra height and antennas without public input. Mr. Gibson arrived at 6:39 p.m. Ms. Meyer stated there were other alternatives for the cell tower to be located.

Pennie Blake, 1208 N. Avenue F, asked the Council to vote against the cell tower. She stated that the Council needs to promote public health, safety, morals, general welfare, and preserve places in areas of historical, cultural, or architectural importance and significance. Ms. Blake stated that AT&T tried to scare you by citing the 1996 Telecommunications Act and stated that you can deny this in writing based on environmental racism over 20% depreciation of property values of homes. She stated that the residents she talked to have normal cell reception. Ms. Blake stated there is a petition and is prepared to fight this. She asked the Council to vote no for this location and to find a safer place for the cell tower.

Leonard Blake, 1208 N. Avenue F, asked the Council to vote against any WCF in any residential area. Mr. Blake stated over the course of 1990 to 2020, 75% of studies have shown long exposure to low-frequency waves causes oxidative damage to the cells which slows the ability to repair and push out the chemicals in the systems. He stated it opens the blood-brain barrier which is only

supposed to get proteins to your brain to keep it running but in this case, it will open up to allow toxins into the brain. Mr. Blake stated there are not enough studies done to prove how safe 5G is.

Carl Herring, 100 Park Street, stated that he agreed with what everyone else said. He stated that we just do not need it in a residential area and there are better places and safer places for it. Mr. Herring asked for the Council to vote against this.

Debra Herring, 100 Park Street, asked for the Council to not place a cell tower in a residential area.

Chris Meyer, 1210 N. Avenue F, asked for the Council to vote against the wireless communication facility. Mr. Meyer stated that he would not have purchased his home if the cell tower were there. He stated that it affects property value and comes with many health risks. He stated that there is an open space right across Highway 95 that Amy spoke of.

Mr. Mattis stated that there was a typo in the agenda packet and that this is a business proposal. He stated that the city has an absolute duty to give the applicant an opportunity if they comply with the rules. Mr. Mattis stated that this is not a project the city has requested but one that the business has requested. He stated that it is not appropriate for the city to negotiate different locations for a project like this. Mr. Mattis stated that if this ordinance is approved, the item will still need to go to the Board of Adjustments.

PUBLIC COMMENT

No one wished to speak under the public comment item.

PRESENTATION

1. A PROCLAMATION DECLARING OCTOBER 20-22, AS HOGEYE FESTIVAL WEEKEND IN THE CITY OF ELGIN

Mayor McShan read the proclamation and presented it to Stacey Wilhite. Mr. Maldonado left the meeting at 7:00 p.m. because he was not feeling well.

2. Austin Community College 2022 Bond Proposal Presentation

Dr. Chris Cervini and Dr. Barbara Mink, Austin Community College, provided a presentation on the 2022 Bond proposal and answered questions of the Council.

CITY MANAGERS REPORT

1. General Activity Report And/Or Project Update

Mr. Mattis stated that there is a new customer-friendly approach to Code Enforcement. He stated that there will now be door hangers. He stated that there will be a vehicle sweep in the city. Mr. Mattis stated that the sidewalk project the city received a grant for has been completed but the other piece of the project was a Texas Department of Transportation project. He stated that the

project will start this week. Ms. Miller provided additional information on the project. Mr. Mattis stated that the restroom project is finishing up and is hopeful on November 15, the construction contract will be ready for the police station. Mr. Mattis provided an update on the upcoming city council meeting calendar. There will be a meeting on Tuesday, October 25, Tuesday, November 15, and Tuesday, December 6.

CONSENT AGENDA

1. City Council Regular Meeting Minutes September 27, 2022

The minutes passed on the consent agenda.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, ADOPTING A WRITTEN INVESTMENT POLICY AND INVESTMENT STRATEGY REGARDING THE INVESTMENT OF CITY FUNDS TO BE EFFECTIVE OCTOBER 12, 2022 AND PROVIDING FOR RELATED MATTERS

The resolution passed on the consent agenda.

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE PROFESSIONAL SERVICES FEES WITH FGM ARCHITECTS INC. RELATED TO THE ELGIN POLICE DEPARTMENT STATION PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

The resolution passed on the consent agenda.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE PROFESSIONAL SERVICES FEES WITH BASELINE SURVEYORS - DCCM RELATED TO THE ELGIN POLICE DEPARTMENT STATION PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

The resolution passed on the consent agenda.

5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH JAMAR ROOFING AND SHEET METAL FOR CONSTRUCTION SERVICES RELATED TO THE ELGIN MEMORIAL PARK RESTROOM 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 JL3 CONSTRUCTION

SERVICES LLC FOR CONCRETE SERVICES RELATED TO THE ELGIN
MEMORIAL PARK RESTROOM PROJECT; AND MAKING CERTAIN
FINDINGS RELATED THERETO

The resolution passed on the consent agenda.

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

NEW BUSINESS

1. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR A WIRELESS COMMUNICATION FACILITY (WCF), SELF-ENCLOSED MONOPOLE, IN A RESIDENTIAL ZONING DISTRICT ON PROPERTY LOCATED AT 405 N. HWY 95 (A20 CHRISTIAN, THOMAS, ACRES 1.2730), CITY OF ELGIN, TEXAS, BASTROP COUNTY, TEXAS, AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Mattis stated that he would be happy to provide any information. This item was removed from the agenda and no action was taken.

2. 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 LAND FROM “R-1” SINGLE FAMILY HOUSING DISTRICT TO “R-3” SINGLE FAMILY, TWO FAMILY, AND INDUSTRIALIZED HOUSING DISTRICT LOCATED ON PARCELS OF LAND KNOWN BY THE TRAVIS COUNTY APPRAISAL DISTRICT AS PARCELS 358800, 358801, & 358802, LOCATED BETWEEN CARLSON LN. & CARLSON RD. ACROSS FROM EAGLES LANDING PH. 2 (BEING A 52.76 ACRE TRACT OUT OF THE HENRY MARTIN SUVEY NUMBER 65, ABSTRACT 518, TRAVIS CO., TX), BEING MORE DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Mr. Mattis provided information. This item was removed from the agenda and no action was taken.

3. AN ORDINANCE CHANGING THE NAME OF “SHARECROPPER DRIVE” TO “HACIENDA ESTATES DRIVE” WITHIN THE HOMESTEAD ESTATES SUBDIVISION; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Ms. Casnovsky stated that she brought this to the Mayor and the City Manager because she thought that Sharecropper Drive was not an appropriate name. Mr. Mattis stated that the developer tried to stick with a theme and that the developer had no resistance to the name change. He stated that there are currently no occupied homes.

Ms. Casnovsky made a motion to approve the ordinance. Mr. Gibson 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 with the exception of Mayor Pro Tem Brashar retired into Executive Session at 7:37 p.m. to discuss Personnel Matters pursuant to Chapter 551.074. Mayor Pro Tem Brashar entered Executive Session at 7:39 p.m. The Council returned at 8:02 p.m. Mayor McShan reconvened the regular meeting at 8:03 p.m. No action was taken.

ANNOUNCEMENTS

Mayor Pro Tem Brashar stated that Hogeye is right around the corner.

ADJOURNMENT

Mayor McShan adjourned the meeting at 8:04 p.m.

ATTEST:


Jennifer Stubbs, City Secretary


Sue Brashar, Mayor Pro Tem