

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, MARCH 5, 2019**

CALL TO ORDER

Mayor Cannon called the meeting to order at 7:02 p.m.

ROLL CALL

Present: Mayor Chris Cannon

Jessica Bega, Mayor Pro Tem

Mary Penson, Council Member

Juan Gonzalez, Council Member

Susie Arreaga, Council Member

Phillip Thomas, Council Member

Sue Brashar, Council Member

Mayor Cannon certified there was a quorum and asked that the record show Council Member Arreaga and Council Member Lopez were absent. He stated he had heard from Council Member Arreaga and Council Member Lopez, and both had asked to be excused. He stated Council Member Arreaga was not in town yet and Council Member Lopez had a commitment at the Fire Station.

Council Member Brashar moved to excuse Council Members Arreaga, Council Member Lopez and Council Member Beyer. Council Member Penson seconds the motion. Motion carried 6-0.

Staff: Thomas L. Mattis, City Manager

Charles Cunningham, Finance Director

Amy Miller, Community Development Director

Michael Gonzalez, Parks Director

Melissa Lipiec, Planning

Chief Patrick South, Police Department

INVOCATION

Council Member Thomas gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Cannon led the Pledge of Allegiance to the United States and Texas Flag.

PUBLIC COMMENT

Mayor Cannon opened Public Comment.

Bill Carlson, of 1415 FM 1704, spoke and stated the Council would be discussing the de-annexation and providing services along 1704, McVay, Ella, VFW and Sayers Road that were annexed back in 2015. He stated no one wanted to be annexed and that some persons signed development agreements. He stated that in December no one stated that they wanted to be annexed, and that they had asked for development agreements but had not been offered any. He stated people lost their homes because the Council did not listen to them the last time, and that taxes jumped up and people could not afford to live in Elgin anymore. He stated that the city had been given a chance to fix this and asked if this time they would listen to the people south of town or were they going to move forward on something else.

With no one wishing to speak Mayor Cannon closed Public Comment.

PRESENTATION

Mayor Cannon presented the Citizens' Spotlight Award for the First Quarter 2019 to Pete Bega.

1. Report by the Sustainable Food Center (Austin) on a Study for Regional Food Hub Issues.

Sue Beckwith and Adrienne Haschke provided a presentation of a Feasibility Study for a Central Texas Food hub. Sue Beckwith stated that the report was available for anyone that was interested.

CITY MANAGER'S REPORT

1. Presentation of the 2018 Elgin Police Department Racial Profiling Report – EPD Chief Patrick South.

Chief Patrick South provided a City of Elgin Department 2018 Racial Profiling Report and the Elgin Police Department Annual Report 2018 as prepared by Alex De Carmen, Ph.D.

2. Elgin receives National Accreditation for Main Street Program.

Amy Miller, Community Development Director and Ed Rivers spoke about the Elgin Main Street Program receiving the National Accreditation. Ms. Miller stated that Elgin had been a National Accreditation Main Street City since 1998 and spoke about the vision and mission which were on handouts to Council. She stated that the Main Street program is a national program, a national

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business model to re-develop and re-revitalize downtown, relies on a huge amount of effort and partnerships and is tied to historic preservation. She stated that national accreditation cannot be achieved unless you are committed to historic preservation in your community. She stated that what you are saying when you participate in the program is that these old buildings have a significance that cannot be replaced, that they provide a level of infrastructure, and if they were renovated, they could become businesses creating jobs, developing sales tax and providing services to the community. Ms. Miller acknowledged volunteers and Ed Rivers, President of the Main Street Board in attendance.

Mr. Rivers spoke and commended the Council for adopting the program years ago and supporting it all these years.

3. Recognition of City Parks & Recreation Department's receipt of the 2019 Lone Star Recreation Programming Achievement Award by the Texas Recreation and Park Society (TRAPS).

Michael Gonzalez, Director of Parks and Recreation spoke about the TRAPS program, (Texas Recreation Parks Society), and stated that the program educates parks departments all across the state with two days of education sessions to help make Parks and Rec departments better. Mr. Gonzalez stated that they were recognized for a Class 4 Lone Star Recreation and Achievement Award.

4. Departmental Monthly Reports – January

There were no questions on the monthly reports.

5. General Activity Report and/or Project Update.

No report.

CONSENT AGENDA

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CLOSURE OF CERTAIN BANK ACCOUNTS IN PROSPERITY BANK AND TRANSFERRING ACCOUNT BALANCES TO CORRESPONDING ACCOUNTS IN FIRST NATIONAL BANK AND MAKING CERTAIN FINDINGS THERETO.

2. Request by the Elgin Volunteer Fire Department to waive the Open Container Ordinance and Park Curfew in Elgin Memorial Park for the 31st Annual BBQ Cook-Off.

3. AN ORDINANCE ACKNOWLEDGING RECEIPT OF "CERTIFICATE OF UNOPPOSED STATUS" PURSUANT TO SECTION 2.052 TEXAS ELECTION CODE; DECLARING UNOPPOSED CANDIDATES TO BE ELECTED TO THEIR RESPECTIVE

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OFFICES AND CANCELLING THE MAY 4, 2019 GENERAL ELECTION FOR WARDS 1, 2, AND 4; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES.

4. City Council Regular Meeting Minutes - February 5, 2019.

Council Member Brashar moved to approve the Consent Agenda with corrections to the minutes. Mayor Pro Tem Bega seconds the motion. Motion carried 7-0.

Mayor Cannon asked that the record reflect that Council Member Arreaga had arrived at 7:06 pm.

NEW BUSINESS

1. DISCUSSION AND CONSIDERATION OF A POLICY TO ESTABLISH AND CODIFY OBJECTIVES AND BEST PRACTICES FOR DETERMINING THE TARGETED-MINIMUM LEVELS OF UNRESTRICTED CASH BALANCES FOR THE CITY AND TO ASSIST ALL CONCERNED PARTIES IN UNDERSTANDING THE CITY'S APPROACH TO FUND BALANCE MAINTENANCE.

Council Member Penson moved to approve the Policy to establish and codify objectives and best practices for determining the targeted minimum levels of unrestricted cash balances for the city and understanding Fund Balance Maintenance. Council Member Thomas seconds the motion. Motion carried 7-0.

2. AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF ELGIN, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019A; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES.

Council Member Brashar moved to approve the Ordinance as written. Council Member Penson seconds the motion. Motion carried 7-0.

3. AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF ELGIN, TEXAS COMBINATION TAX AND TAX INCREMENT REINVESTMENT ZONE NUMBER ONE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019B; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN TAX INCREMENT REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE

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SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES.

Council Member Penson moved to approve the Ordinance as written. Council Member Thomas seconds the motion. Motion carried 7-0.

Mayor Cannon stated that he would skip to item number 5.

4. (Discussion Only) Staff Report on various issues associated with an Area in the Southeast Quadrant of the City Annexed in 2015 (“Annexed Area”) and Related Matters.

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING A MASTER SIGN PLAN FOR SOUTHSIDE CENTER LOCATED AT SOUTHSIDE MARKET SUBDIVISION, BLOCK A, LOTS 1-4.

Council Member Thomas moved to approve the master site plan with the added variance for sign number four and to approve the addition of the drive thru. Council Member Bega seconds the motion. Motion carried 7-0.

Mayor Cannon moved back to item #4.

4. (Discussion Only) Staff Report on various issues associated with an Area in the Southeast Quadrant of the City Annexed in 2015 (“Annexed Area”) and Related Matters.

City Manager Thomas Mattis spoke and stated that this item was something that had been discussed a few times in the last 3 or 4 months and he assumed Council had a chance to review the report he sent the day before. He stated one of the issues in this area was confusion and understanding of what was said before and what is being said now, and he was trying to utilize all of the same exhibits, maps and documents that were used back then. He stated that the new report has tried to provide clarification of items that have come forward in the process since Council has begun discussions and information including feedback from some of the residents. He stated that the main issue was the final extension of all services which would be wastewater. He stated most of the residents wanted to be dis-annexed although some did want to stay in and receive city services. He stated some things that came out in the report were that curbside recycling and trash collection had been confusing and sporadic out there and that the city contributed to that. He stated it was something that started out well intended but created a situation where property owners were told by staff the city would work with them as they changed over the collection of trash. He stated that somewhere it was interpreted that all of the owners out there would just decide if they wanted trash collection, and that was not the case. He stated he did not think the city had been uniform in how it had done the collection route, or how trash receptacles had been provided to every residential property which the city is required to do. He stated that not every property owner had

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been paying for trash collection service out there which they have to do, so moving forward whoever stays in the city will get trash cans and start getting billed. He stated that they are not permitted to have someone else pick up their trash and can only use the trash provider that is franchised with the city. He stated code enforcement was another issue out there that needed to be addressed but that he was satisfied there was not an issue out there any different than any other issue we have in town. He stated land development was another issue, meaning that if individual land owners want to subdivide their property, there were several requirements for submissions for anything in the city. Mr. Mattis spoke about Trinity Ranch with nearly 1600 homes that is a piece of property basically one property away from connecting to 1704. He stated that the recommendation he was going to make would be that the city retain all the areas that were annexed along the lines of the two different annexations, one done in August and one in December, that the city keeps all the areas annexed in December which is labeled as area two on the map and consider de-annexing with certain stipulations all of the property that was annexed in August know as area three. He stated the railroad tracks was a dividing line, and the property east of the railroad tracks is what the city is proposing for this dis-annexation, and the property west of the railroad tracks would stay in the city limits. He stated that in exchange for the dis-annexation all the property owners out there would sign a similar development agreement as the other did, which was in line with the feedback that the city heard back from them. He stated that basically the concept is that as long as they keep doing what they are doing, just living there, not sub-dividing, not developing their property, and not changing it from single family use, they would continue to stay outside the city limits forever, but if they ever change the use of the land that would constitute an automatic petition for annexation back into the city. Mr. Mattis stated the wastewater service would still need to be extended to area two down FM 1704, but it would not be a lot cheaper to extend down there as it would be to extend the entire area, but with the development opportunities that it is thought will exist along 1704 there would be more opportunities for cost sharing. Mr. Mattis stated that what the 2.2 million would contemplate is basically it would be a little cheaper to run the line down and put in a lift station and that would create access for anything else that would happen, and a better investment for the city in the long run. Mr. Mattis stated that no action needed to be taken by Council other than giving direction to staff, if they were ready to say they endorsed the report as no new information would be coming.

Council Member Thomas stated it should be decided when they wanted to bring this to a vote to say this is the path Council wants to go in, say yes or no to this plan and that needed to be done sooner than later. He stated that maybe at the next meeting it be on the agenda to vote on, or the meeting after that.

Council Member Brashar stated she would go with staff's recommendation. Mayor Pro Tem Bega stated if staff was ready that it might as well go on the next agenda for a vote.

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING AN ENCROACHMENT AGREEMENT BETWEEN EDDIE AND MARIA RODRIGUEZ AND THE CITY OF ELGIN FOR THE PROPERTY LOCATED AT 405 NORTH AVENUE E AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE TO EXECUTE THE AGREEMENT.

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Council Member Brashar moved to approve the Resolution as presented. Council Member Person seconds the motion. Motion carried 7-0.

ANNOUNCEMENTS

Mr. Mattis mentioned the Council Meeting schedule and stated that the next meeting would be on March 19. He stated that the ESD had reached out to him and invited him to come and speak to them about all of the developments that were happening on the same night. He stated he had agreed to do that, and that he thought this was a rare opportunity, but was concerned about it being on the same night as the Council meeting Mayor Cannon suggested asking if they could postpone it for another time.

Mayor Cannon stated that that he was supposed to have a paper copy of the evaluation form for the City Manager for Council and that he would have it in their mailbox tomorrow as well as an electronic one.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 9:53 p.m.

Chris Cannon, Mayor

ATTEST:

Amelia Sanchez, City Secretary