

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, DECEMBER 4, 2018**

CALL TO ORDER

Mayor Cannon called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Mayor Chris Cannon

Jessica Bega, Mayor Pro Tem

Juan Gonzalez, Council Member

Susie Arreaga, Council Member

Mary Penson, Council Member

Phillip Thomas, Council Member

Neil Beyer, Council Member

Sue Brashar, Council Member

Mayor Cannon certified there was a quorum and stated for the record that Council Member Lopez was absent. Council Member Thomas moved to excuse Council Member Lopez absence due to his attendance at the end of the year meeting at the Fire Department. Council Member Brashar seconds the motion. Motion carried 8-0.

Staff: Thomas L. Mattis, City Manager

Charles Cunningham, Finance Director

Owen Rock, ED Director

Amy Miller, Community Development Director

Michael Gonzalez, Parks Director

Doug Prinz, Utilities Director

Beau Perry, City Engineer

INVOCATION

Council Member Thomas gave the invocation.

PLEDGE OF ALLEGIANCE

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

Mayor Cannon recessed the regular meeting at 7:03 and opened the Public Hearing.

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PUBLIC HEARING

Mayor Cannon opened the Public Hearing at 7:04 P.M.

1. PUBLIC HEARING - AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO

With no one wishing to speak Mayor Cannon closed the Public Hearing at 7:05 pm.

Mayor Cannon opened the regular meeting at 7:05 pm.

PUBLIC COMMENT

Mayor Cannon opened Public Comment.

Greg Wiecek spoke and stated he was looking at adopting the TX Transportation Code 551.404 and that it would help the truck route too. He stated it deals with vehicle and traffic and allows golf carts and other vehicles of its type through Main Street and other areas. He stated the he had sent letters to most Council Members telling them what Transportation Code 551.404 says and they were asking Council to adopt an ordinance allowing travel with golf carts on any road within the 35mph or less as long as they had the proper equipment on the cart like signs, mirrors, head and tail lights and a parking brake. He stated this would be good for the for visitors to the city and asked that it be on next month's agenda.

With no one else wishing to speak Mayor Cannon closed Public Comments.

PRESENTATION

1. Presentation of New Parks and Recreation Employees.
 - Elizabeth Marzec – Program Manager
 - Rodney Jarmon – Parks Maintenance

Michael Gonzalez, Parks Director introduced two newly hired Parks and Rec employees.

Mayor Cannon presented the 4th Quarter Citizen's Award to Marge Carlson and stated she was not in attendance. Mayor Cannon stated that she would be invited back at next month's meeting.

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2. Award Presentation for the Elgin Downtown Zoning Overlay from the Texas Downtown Association.

Ed Rivers spoke regarding the Elgin Downtown Zoning Overlay. He spoke about how in the past buildings were built narrow and deep. He stated some of the problems were that people owned the buildings a long time and there was no incentive for them to spend money on the buildings due to no demand for rentals. He stated the ones that were rented were rented the way they were, because they did not want to spend money to renovate. In order to make these buildings more valuable to the owners of the buildings and to the downtown, the idea came up about a zoning overlay for a section of downtown. He stated that under the current regulations under the historical district you could not have residential on the first floor only on the second floor. After some back and forth discussions it was agreed upon to allow the owners of the buildings to construct residential living up to 50% of the rear of the building and went through the Historical Commission and other Boards of the city with the Council doing their work on it and finally passed. He stated what you see in the past three years was partly a result of the zoning overlay. Amy Miller stated that there are many businesses and types of uses that are allowed with this zoning overlay district that might not be here otherwise and eliminating special use permits.

CITY MANAGER'S REPORT

1. (Discussion Only) Appointment/Re-Appointment of Members to Committees/Commissions with Expiring Terms.

- Board of Adjustments
- Building Standards Commission
- Economic Development Corporation
- Historic Review Board
- Library Advisory Board
- Elgin Main Street Board
- Planning and Zoning Commission
- Parks and Recreation Advisory Board
- Public Safety Advisory Committee

City Manager Thomas Mattis stated this item was for discussion only and spoke about the ordinance that was adopted last year changing the process for the appointment and re-appointment of members to Boards and Commissions and making the appointments in January of each year. He stated they received the required information from the City Secretary regarding terms that are expiring, and people who would like to be re-appointed. Mr. Mattis stated that one of the issues used to be that staff would have recommendations and list those names on the agenda and that would not be done anymore. He stated this item would be on the January agenda for action.

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2. Review and Discussion of City Council Meeting Schedule through January.

City Manager Thomas Mattis brought up for discussion the City Council meeting schedule and stated the first Tuesday in January was New Year's Day so if they moved the meeting to the 8th there would still be time to have a second meeting in January.

Council Member Penson moved to reschedule the January 1st meeting to January 8th. Council Member Thomas seconds the motion. Motion carried 8-0.

3. Consider Appointing a Steering Committee to Develop a Historic Preservation Strategic Plan.

City Manager Thomas Mattis stated that this was an ad hoc committee to help guide this Historic Preservation Strategic Plan and that Amy Miller had provided in the packet individuals willing to serve. From the Elgin Historical Association, John Smith; Historic Review Board, Rob Ryland, and Emily Koller; Main Street Board Theresa McShan; Mary Christian Burleson Foundation, John Stabile; and from Bastrop County Historical Commission, Cindye Ginsel.

Council Member Brashar moved to create a Steering Committee to develop a Historic Preservation Strategic Plan and to appoint the members presented. Council Member Penson seconds the motion. Motion carried 8-0.

4. Monthly Departmental Activity Reports - October.

There were no questions or discussion on the monthly reports.

CONSENT AGENDA

1. Consider waiving the Open Container Ordinance on Main Street from Lexington Road to Brenham Street; and on 2nd Street, First Street, Depot Street, Central Avenue, Austin Street, Brenham Street from Main Street to Avenue C; and on Avenue C from Brenham Street to 2nd Street on 2nd Thursdays January 10, February 14, March 14, April 11, May 9, June 13, July 11, August 8, September 12, October 10, November 14, December 12 from 5pm to 8pm for Sip Shop and Stroll.

2. City Council Meeting Minutes - November 6, 2018.

Council Member Brashar moved to approve the Consent Agenda with correction to spelling of her name. Council Member Beyer seconds the motion. Motion carried 8-0.

NEW BUSINESS

1. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS SETTING THE PER DIEM AND RELATED COMPENSATION FOR THE MAYOR AND MEMBERS OF CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY

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CLAUSE; DECLARING AN EFFECTIVE DATE AND MAKING CERTAIN FINDINGS RELATED THERETO

City Manager Thomas Mattis stated that this was an item they had been speaking about for the last few months adjusting compensation levels for the Mayor and Council, which is currently seventy-five dollars a month for the Mayor and fifty dollars a month for the Council. He stated that it had been quite a while since the compensation levels had been adjusted, and at the last meeting Council reviewed the initial proposed ordinance and Council directed some clarification to changes and were included here. He stated that section two of the ordinance originally talked about two hundred dollars a month pay to the Mayor plus fifty dollars a month services allowance and Council decided it would be simpler to consolidate that into two hundred fifty dollars a month, and Council would be one hundred fifty dollars, with these being the changes in the ordinance. He stated that section four which discussed when the compensation would increase, and as shown to say that the increased compensation would begin with the first pay period in June 2019 after the next election. He stated that as the Charter provides citizen's have the power of referendum and can force any ordinance, they do not agree with to go to a vote which is why the Charter stipulates any adjustments in compensation needs to be done by ordinance.

Council Member Bega spoke and restated that she was not opposed to any increase for this Council, but that she personally would not accept the increase and would leave her pay at fifty dollars a month.

Council Member Penson moved to approve the Ordinance as written. Council Member Thomas seconds the motion. Motion carried 7-1 with Council Member Beyer voting against.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS EVIDENCING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF DEBT, AND MAKING CERTAIN FINDINGS RELATED THERETO

Council Member Beyer moved to approve the Resolution as presented. Council Member Thomas seconds the motion. Motion carried 8-0.

3. (Discussion Only) AN ORDINANCE ESTABLISHING AND REGULATING A TRUCK TRAFFIC ROUTE WITHIN THE CITY OF ELGIN, TEXAS; PROHIBITING TRUCK TRAFFIC ON LOOP 109/MAIN STREET; PROVIDING PENALTIES FOR THE VIOLATION THEREOF BY A FINE OF NOT MORE THAN \$500; AND PROVIDING FINDINGS OF FACT; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE

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City Manager Thomas Mattis stated this was an item discussed in detail at the last meeting about a possible development of a truck route and preventing trucks from traveling down through Main Street and keeping them on 290. He stated Council does have the ability to restrict truck traffic even though it is a state highway, and that there was a procedural process to go through with TXDOT and Department of Motor Vehicles to get their approval for the truck route. He stated once that is approved Council will need to pass an ordinance to formally designate and to make it lawful to restrict traffic in that way. He stated the process of finalizing the details on the exhibit was ongoing, and ultimately Council would have to pass an ordinance similar to the one to be discussed this evening. H stated it was not ready for adoption and that there were some details that they needed to talk about now. He stated the basic guidelines from TXDOT for establishing a truck route in their manual and he felt the City would have no problem complying with each of the segments by requiring the trucks to stay on 290. Mr. Mattis stated he requested information from TXDOT and used information he received to draft an ordinance. Mr. Mattis stated he just needed to know going forward if this was the right path and that he would continue to accept their feedback and work on making the submission as soon as possible.

4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS RESCINDING ANY PREVIOUS ORDINANCE, RESOLUTION, ORDER, OR DECREE THAT AUTHORIZED THE TAXATION OF FREEPORT GOODS AND GRANTING A FREEPORT TAX EXEMPTION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

Council Member Brashar moved to approve the Ordinance as presented. Council Member Penson seconds the motion. Motion carried 8-0.

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE SELECTION AND AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE 2018 UTILITY IMPROVEMENTS PROJECT (TXCDBG CONTRACT NO. 7218012) TO BLACKROCK CONSTRUCTION TEXAS, LLC DBA BRCT, LLC; AND AUTHORIZING THE CITY MANAGER AND/OR THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE TO EXECUTE THE CONTRACT.

Council Member Penson moved to approve the Resolution adding 25% allowance for change orders. Council Member Brashar seconds the motion. Motion carried 8-0.

6. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH LLOYD GOSSELINK ROCHELLE & TOWNSEND OF AUSTIN, TEXAS FOR LEGAL SERVICES RELATING TO THE CITY'S PROTEST OF THE LOWER COLORADO RIVER AUTHORITY PUMPING

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PERMIT APPLICATION BEFORE THE LOST PINES GROUNDWATER CONSERVATION DISTRICT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Council Member Thomas moved to approve Resolution as presented. Council Member Penson seconds the motion. Motion carried 8-0.

ANNOUNCEMENTS

Mr. Mattis mentioned the Christmas party on Friday.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 8:18 p.m.

Chris Cannon, Mayor

ATTEST:

Amelia Sanchez, City Secretary