

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
September 22, 2020

CALL TO ORDER

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

ROLL CALL

Present: Chris Cannon, Mayor
Jessica Bega, Mayor Pro Tem
Mary Penson, Council Member
Forrest Dennis, Council Member
Juan Gonzalez, Council Member
Susie Arreaga, Council Member (Virtual)
Brad Jones, Council Member

Mayor Canon certified there was a quorum and stated that Council Member Lopez, and Council Member Brashar had notified him that they would not be in attendance.

Council Member Penson moved to excuse Council Member Lopez and Council Member Brashar. Council Member Gonzalez seconds the motion. Motion carried 7-0.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Finance Director
Michael Gonzalez, Parks Director
Pam Sanders, HR Director
Amy Miller, Director Community Development

INVOCATION

Pastor Byron Greene gave the invocation.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Mayor Cannon stated that since the pandemic started the process for citizens comments had changed and allowed for citizens to email their comments to be read at the meeting. There were several emails from different individuals with the same statement and their names would be read.

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Mayor Cannon read the statement:

“I support the Concerned Citizens of Elgin and respectfully request the City Council vote yes for an external independent investigation of Chief of Police Patrick South and City Manager Thomas Mattis.”

Submitted by:

1. Tiffany Wall
2. Cyndee Graham
3. Jennifer Gerloff
4. Marilee Murphy
5. Ryan Simpson
6. Ashley Phillips
7. Cristian Bretfelean
8. Lysa Hillestad
9. Nancy Smith
10. Tommy Williams
11. George Parsons
12. Alvina Thompson
13. Ronnie Hardi
14. Vivian Lippke
15. Cynthia M Burton
16. Arletta White
17. Kurt Simmons
18. Zac Chandler
19. Brad Burchfield
20. Matthew Callahan
21. Ariel Weaver

The following are emails sent in to be read at the meeting.

Good morning Ms. Sanchez,

Below is a comment I would like to have read on my behalf for tomorrow’s council meeting.

“My name is Dee Holman, and I am a member of the Concerned Citizens of Elgin (CCOE).

I respectfully request that the City Council vote ‘Yes’ in favor of an independent, external investigation into any improper actions of Chief of Police Patrick South and any efforts to conceal these actions by City Manager Tom Mattis.

For the record, I do not know either of these men personally; therefore, this is not in the interest of a personal vendetta or witch hunt. My concerns stem solely from information gathered from PIR requests.

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This information, without any commentary, direction, or opinion from another person, has troubled me greatly. I feel that there has been more than enough evidence from these documents to support a claim of unethical behavior from the chief in our police department. It is imperative that each citizen in our city feel comfortable with those in charge of protecting and serving us. As it stands, I personally cannot say that I currently have that confidence.

Please take action to delve into and uncover any impropriety in order restore public confidence in our police department.”

Thank you,
Dee Holman

Ms. Sanchez,

I want to express my concern to the city council over the PIR requests I have received and the information contained in the audios and videos I have watched on Facebook. It is clear to me that there is something seriously amiss with the way Chief Patrick South has been running his department. The City Manager Tom Mattis is either covering for South or he is absolutely clueless to what is going on in departments under his control. Either of which are serious problems from the person in control of the city finances.

Which brings to another concern of mine after reading Linda Menchen's letter to the editor in the Elgin Courier last week. I too want to voice my concerns on who asked City Manager Tom Mattis and the City Council to grow Elgin exponentially by courting large residential developments? The City does not have the infrastructure to support this growth. Where are the businesses needed to support the number of people coming to Elgin? Where are the restaurants, big box stores, schools, recreation and parks needed to support the 1000's and 1000's of new homes you are bringing to Elgin.

The growth is clearly going to raise taxes because there isn't the business growth to help offset personal taxes. The City Council needs to answer for Tom Mattis and their support of turning our small town into a city growing out of control.

Sincerely,

Richard L. Lewis

Good afternoon Ms. Sanchez,

I would like to have this statement read at tomorrow's city Council meeting.

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My name is Lisa Fuller and I am a Concerned Citizen Of Elgin.
I believe there is more than ample evidence to justify an independent external investigation into the actions of Elgin's Chief of Police and our City Manager. I am also The President of Elgin's Police Academy Alumni Association and have been an avid supporter and advocate of Elgin Police Department along with being hands-on in many projects. In my opinion, my first hand observation of misconduct, dishonor and disrespect leads me to believe this investigation is vital to the integrity of law-enforcement and will shape the future of the City Of Elgin.
The leaders of our city should be held to the standards they hold the citizens to, the claim in their mission statement. Justice, accountability, integrity.
I implore you to do what is right, not what is easy. Please vote yes to expedite this investigation and end all speculation.
Let the evidence speak for itself.

Sincerely,
Lisa Fuller

City Council Members,

There are so many red flags that have been brought up through public information requests. You as the elected officials of the City of Elgin should be very concerned. This is not personal. Just one of these concerns is about the liability of the Chief of Police driving recklessly at extreme rates of speed which is supposed to be reserved for peace officers rushing to aid someone in grave danger. Driving at those rates of speed and recklessness on personal business in a city vehicle violates every City of Elgin Personnel Vehicle Policy.

Why is Chief South still driving a city vehicle? Did you not just ask the City Marshall to resign due to improper use of a City of Elgin Vehicle?

Why is City Manager Tom Mattis covering up this incident and the many HR complaints filed by former and current EPD officers?

Again, this isn't personal. It is the job of the City Council to listen to citizens and make informed decisions based on facts not feeling. I am respectfully asking y'all to vote yes to an independent informal investigation based on the formal complaint filed here tonight.

Sincerely,
David Lippke

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Mayor Cannon then continued with citizens comments for citizens that signed up to speak in person.

Celena Mangus spoke and stated that people are basing things as fact with no research into the Police Department and she urged people to look at the past and how things are now. She stated that the Police Department reputation had grown and there was an increase in conviction rates, and that sex, family crimes and other violent crimes are handled professionally and with respect for the victims. She urged everyone to look at all of the details and not just what is being posted on social media by former employees.

Brian McKinney spoke and stated that in June he had seen an online post inviting concerned citizens to a meeting about the Elgin Police Department. He stated that they discussed that many members of the Police Department had been fired after many years of service and other long-standing officers had filed complaints recounting a toxic work environment. He stated a red flag to him was the fact that the officer replacing A.C. Taylor had been forced to resign at another Police Department for harassment. He stated tht he learned that Chief South had fired the Canine Officer and removed her from her trainer and given her to another officer. He stated that in his opinion any investigation needed to be conducted by an unbiased third party for the morale of the Elgin Police Department and the benefit of the community.

Randy Starr spoke and stated that he got in on this group to see what was going on, and that most everyone know that he spent a lot of time at the Police Department back when Chief Bratton was here and he had seen things he did not care to repeat. He stated that in the last three years he had seen changes and that he felt it boiled down to one thing and that is that when you get a new manager, a new Chief or manager of a pest control office and want to make changes some people will agree and some will disagree. Mr. Starr stated he experienced it at his office daily and people need to decide to stay or go with the change. He stated he was for an independent investigation if wrong doing was proven but that it takes a lot of money for an investigation and he did not necessarily want his tax dollars being blown for something that is not necessary.

Chris Wall, a former Patrol Sergeant with the Elgin Police Department spoke and stated that there was a lot of speculation on what had been going on at the Police Department with lots of rumors and social media posts. He spoke about how he was physically threatened, belittled, and directed to dishonestly change an Internal Affairs Investigation report. Mr. Wall spoke about meeting with the HR Director, the City Manager and his Attorney after he submitted a formal complaint on Chief South, and that after describing what had taken place during the incident with himself and the Chief the City Manager asked him what he wanted him to do to make this right. He stated the City Manager asked if he wanted the Chief fired and he stated that he responded that he did not, but he felt the Chief needed help. He stated that in the past year he saw signs of distress in the Chief with gradual outward tantrums and displays of anger which were getting more frequent. Mr. Wall stated that he was not a disgruntled employee and only wanted the City Manager to get Chief South the help he needs.

Lysa Hillestad spoke and stated that Chief Taylor was an incredible leader within our community for 15 1/2 years who was focused on a proactive community-oriented approach when dealing with matters concerning everyone her in Elgin. She stated Chief Taylor was available to address concerns and would follow through with promises he made, and that she felt he was betrayed by

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this city. She stated that the current Chief does not live in Elgin but also lacks support and concern for the citizens of Elgin and had been brought to light in the alleged speeding incident reported by two counties where he reportedly was driving in excess of a hundred miles an hour in a city vehicle. She stated that a Marshall had been fired by the City Manager for driving a city vehicle on his personal time. Ms. Hillestad asked the City Council to do what is right facilitating an investigation to the ethical and professional practices of Chief South, his current administration, and the City Manager for allowing total disregard to go unnoticed.

Stephanie Lippe spoke and stated this was a formal complaint against Chief Patrick South and City Manager Thomas Mattis and that these were the Elgin Police Department regulations in the City of Elgin personnel policy updated July 1, 2020. She stated violations committed by Chief South and City Manager Thomas Mattis the documents in this complaint support non-compliance with the City of Elgin and Elgin Police Department regulations. She stated there was loss of public integrity and lack of oversight on the part of the City Manager, and that Chief South violations or the regulations exposed severe problems and stability of the Department. Ms. Lippke stated that Chief South has allegedly stolen time from the city, transferred retired Officer Siva canine in violation of Texas Government Code and Elgin citizen complaint process, allegedly forced changes of an internal affairs investigative document, complaints from two separate law enforcement agencies for his reckless driving in excess of 100 mph. Ms. Lippke stated that the Concerned Citizens of Elgin are respectfully requesting the City Council obtain an external investigation by either the Texas Ranges or an independent agency specializing in government corruption investigations.

Steven Ward spoke and stated that one of the challenges to a growing city is adjustment whether its infrastructure or whatever it may be. He stated that when he first heard of Chief South, he did some digging to find out who he is and that he had started meeting with him one on one. He stated that the challenges that he heard people have with him seem to be related to the fact of a new organization structure, how he handles policies and how he conducts the police department. He stated he had spoken to some officers and some of the complaints seemed more policy and some seemed like it was personal and more like a witch hunt. He stated he had lived here for 48 years and that Elgin was growing and it will never be like it used to be and that if we did not modernize the police department the city would be in trouble. Mr. Ward stated that we finally have a fully staffed police department, structure that is needed and the person leading that we need. He stated we should look at the work being done and judge him on that and not on mostly unfounded concerns.

Greg Long, Pastor of Cowboy Church spoke and stated he was here as a citizen and that he met Chief South just after he came to Elgin and stood with him as they celebrated the life of one of the beloved officers, Officer Silva for his funeral service in his church. He stated he had sought his counsel as Chief had sought his and that it was their desire to see Elgin as a unified community and come together to build on our rich history. He stated he found Chief South firm and fair and that the Chief has made decisions that have been unpopular he suspected he was doing his job. He asked the Council to gather the information and to set aside some funds to hire a trained personal coach to work with the leaders and department officers on the field.

Pastor Byron Green spoke and stated that he was disturbed how people can readily tear down and discredit someone who is new to the city. He stated that yes decisions had been made that were not pleasing to a whole lot of people and that he was almost 100 percent sure that ever decision that even Chief South had to think about some of them. He stated he had been dealing with the police department here in Elgin for 22 years with good moments and some bad. He stated that in those 22 years he had never had a Chief call him and ask him to sit down and look at the practices, policies, and procedures of the police department so we can make it better for all. He stated that that he read posts and saw videos one post really disturbed him because the very people trying to tear down the Chief want to bring back Phil Taylor. He stated that he did not have an issue with Phil Taylor until recently when he spewed a racist post on Facebook. He stated that if you have the wrong idea of what Black Lives Matter means you are going down a road that is totally wrong. He stated that when you have someone trying to make it right for all you will have people that will not be pleased with the efforts he has put forth. He stated he was pleased with Chief South's efforts and that it might be better to let the man complete what he has started and if it fails then Council will make a decision but if it succeeds what a great city we will have.

Ron Ramirez spoke and stated that the Council needed to take what was being said and do their due diligence and make a decision. He stated it was not fair to anyone or the Chief to just sit back and nothing. He stated that he was glad the Chief reached out to Pastor Green and again asked the Council to do their job so that the city could move on.

Lysa Hillestad returned to the podium and stated she wanted to address what she heard about racism and stated that she had grandchildren who are mixed. She stated her grandson took off running as a police officer passed by their house and he said that he was afraid because of the color of his skin and police are mean to all of us right now and that was racism.

CITY MANAGERS REPORT

1. Update on City of Elgin Coronavirus (COVID-19) Pandemic Response and/or Impacts.

City Manager Thomas stated that the city had been under a modified threat level 4 for the last few months and a decision had been made to extend the same plan for another three weeks. He stated a couple of changes the primary issues stated the same. He stated that the council meeting had been virtual and now would be on a case by case basis with a change stating meeting are in person and virtual. He stated that the library would go to a modified or limited opening beginning October 13th and starting September 21st opening on a limited basis the computer room workstations and study rooms by appointment only. He stated that the Rec Center is now open including the fitness room but only by appointment. Mr. Mattis stated that staff would begin thinking about opening fully in the next 30 days or so and would continue to rely on input from the Council or the public.

2. Review and Discussion of the Official City of Elgin Holiday Schedule for the Period of October 1, 2020 through September 30, 2021.

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Mr. Mattis stated that last year was the first time that the process of having Council formally adopt an ordinance that details the city holiday schedule for the year. He stated this was done by calendar year last year and now staff was trying to get this as part of the routine process to be consistent with the fiscal year and because the holiday schedule has a direct impact on the budget this would be the appropriate time to set the schedule. He stated Council had received some input about potentially adding holidays and that staff was ready to with an ordinance for Council possibly at the next meeting but had added it for input from Council. Mayor Pro Tem Bega spoke and stated that Chery Reese attended and spoke at the last meeting about some holidays she wanted the city to consider and that the Council discussed coming back and discussing options for those holidays, Juneteenth in particular. She asked if staff would have an option to swap out one of their holidays for a holiday like Juneteenth. She stated she understood the limitations of assigning holidays but maybe an option could be provided to staff and Council could come back and discuss what those options might be. Mr. Mattis stated that he just wanted to make sure that Council was in agreement about having that conversation before having it with staff.

3. General Activity Report and/or Project Update.

City Manager Thomas Mattis stated that with the Covid situation there were no plans for National Night Out and that Halloween events would be modified and advising people on how to do that safely. He stated that the Halloween parade will also be cancelled, and that Amy Miller would be working with downtown businesses to come up with a modified version of that.

Mr. Mattis stated that he wanted to talk about the upcoming council meeting schedule and that the Charter compels the Council to adopt by ordinance a meeting schedule of the regular meetings and it was done this year in January. He stated officially the requirements are to have one regular meeting, so our official schedule reflects one meeting the first Tuesday of every month. He stated this was before Covid and the Council at the time made the decision to move the October 6th meeting to October 13th because we were planning to have National Night Out, and the November 3rd meeting moved to November 10th due to election day, so these meetings would probably be virtual. Mr. Mattis stated that the canvass of the election could be done on November 10th and then in December we would be back on a regular schedule.

CONSENT AGENDA

1. City Council Virtual/In Person Meeting Minutes, August 18, 2020 Meeting Minutes, September 1, 2020 Meeting Minutes, and September 8, 2020 Meeting Minutes.

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

NEW BUSINESS

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AWARDING BIDS TO ALPHA PAVING INDUSTRIES LLC. FOR CONSTRUCTION OF

ROAD IMPROVEMENTS AND A PARK TRAIL IN THE AMOUNT OF \$55,410.82; AND MAKING CERTAIN FINDINGS RELATED THERETO; AND MAKING CERTAIN FINDINGS RELATED THERETO.

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

2. AN ORDINANCE AMENDING CHAPTER 44, ARTICLE II CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING DIVISION ONE, RESIDENTIAL REQUIREMENTS, NON-RESIDENTIAL AND MULTIFAMILY RESIDENTIAL REQUIREMENTS, AND IRRIGATION; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Council Member Dennis moved to have Planning and Zoning Commission review this and make a recommendation. Mayor Pro Tem Bega seconds the motion. Motion carried 7-0.

3. AN ORDINANCE TO UPDATE THE COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2019-09-24-15 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH NEW CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.

No action was taken on this item.

ANNOUNCEMENTS

Mayor Pro Tem Bega mentioned that she and City Manager Thomas Mattis had toured areas of Ward 1 to look at some items that needed attention. She stated she wanted to commend staff for doing a bang-up job and last week at some of our main corridors now that school has started. She stated they did a really good job on very basic items and that the sidewalks were almost where you could not walk on them due to the grass and weeds.

Mayor Cannon recessed the regular meeting at 8:43 p.m. and stated they would take a 5-minute break before convening into Executive Session.

Mayor Cannon convened into Executive Session at 8:52 p.m.

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EXECUTIVE SESSION

Convene into Executive Session Pursuant to Section 551.004 Personnel Matters to deliberate the Appointment, Employment, Evaluation, Reassignment of Duties, Discipline or Dismissal of a Public Officer or Employee.

Council Member Jones left the Executive Session at 9:43 pm.

RECONVENE

Mayor Cannon reconvened into the regular meeting at 10:40 pm.

No action was taken during Executive Session.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 10:40 pm.

Chris Cannon, Mayor

ATTEST:

Amelia Sanchez, City Secretary