

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

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

Daniel Lopez, Council Member

Phillip Thomas, Council Member

Neil Beyer, Council Member

Sue Brashar, Council Member

Mayor Cannon certified there was a quorum.

Mayor Cannon stated that Council Member Penson and Arreaga would not be in attendance.

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

Staff: Thomas L. Mattis, City Manager

Charles Cunningham, Finance Director

Amy Miller, Community Development Director

Michael Gonzalez, Parks Director

Sandy Ott, Library Director

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 Public Hearing.

PUBLIC COMMENT

Mayor Cannon opened Public Comment.

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

PRESENTATION

1. Employee of the First Quarter 2019 Presentation

Sandy Ott, Library Director announced that Jamie Hicks was voted Employee of the First Quarter 2019.

CITY MANAGER'S REPORT

1. Review and Discussion of Letter of Intent signed by the City Manager with Harris & Straub regarding the Proposed Trinity Ranch MUD Development.

City Manager Thomas Mattis spoke and stated this was the next major development letter of intent and that the process was to take the first step for documenting on the record what the proposed development is for, what the plan is and how the city and developer have reached an agreement in principle on a development that may occur. He stated that Council has yet to approve anything and would not until the development agreement is ready and that this step enables Council and the general public to be clear about what is being discussed for complete transparency. Mr. Mattis went over the size and scope of the project and stated that a change had been made in their development plan that was to reduce the lot size and increase the number of lots, and that the concept plan includes 1600 single family homes, 7 acres of public parkland, 23 acres of open space, 5 acres of private amenity space and that the developers agree to donate 2 acres for a public safety site, and maintain comprehensive deed restrictions common to most master planned communities. He stated the language in the letter of intent is comparable to what have been seen in others. He stated that city agrees in this case the utilization of an existing MUD, that water service would be provided by Aqua Water Supply Corporation, 50 total acres for park and recreation facilities and that about half of that would be outside the 100 year flood plain. Mr. Mattis stated that the developer would stipulate as we process the plan, they will either agree to accept some of that park as public park land owned and operated by the city or they will pay the five hundred dollar per lot fee. He stated one issue is that they have agreed to convey land for a public safety site and a stipulation they asked for is that within five years their commencing construction on the project that construction should be started on some kind of project on the public safety site, if not then the land would be conveyed back to them for one dollar. The city will agree not to annex the property until the debt is paid off. He stated that as stated in the agreement and will be in the LOI that as a MUD the developer is responsible for all cost associated with the building and developing of the project with no cost for initial construction to the city. He stated that they would be accessing the city's sewer plant and are

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almost a common boundary to the sewer plant so they would not have the infrastructure cost associated with extending wastewater services to their development, but that the plant capacity would have to be increased, and that the development agreement as stipulated in the LOI they will be responsible for purchasing capacity within the plant and paying for the expansions. He stated they would make an advance payment each time they file a plat based on a per lot basis and that would calculate what they need to purchase. He stated another issue with this development was access, and that the prior owner was concerned about inadequate access to a development of this size given where it is located. He stated that this developer intends to achieve access prior to development through Swenson Boulevard, with another entrance at Upper Elgin Road. He stated that as far as support for public schools the developer had no plans to provide a site for public schools on the property but have agreed to pay a fee of two hundred dollars per house as they get a building permit. Mr. Mattis stated introduced representatives of Harris and Straub in attendance. He concluded the presentation and stated that no action was required from Council at this time.

2. Update on various issues associated with an area in the Southeast Quadrant of the city annexed in 2015 (“Annexed Area”) and related matters.

Bill Carlson spoke on this item and stated that the city split the 2015 annexation talking about it as two parts and he remembered it annexed as a single phase and now being shown as two parts. He stated all had seen the plans for the possible required delivery of sewer service on SH 95, Old Sayers, Ella and VFW which the city is still trying to decide if they want to invest in that or if they can move forward with it. He stated so far, he had seen no plans for the required services for 1704 and McVay Lane, and if they exist those who live on 1704 would like to see the plans available on the city’s webpage. He stated that the City Manager had stated the de- annexation was a complicated process, and taxpayers would like to understand the process and what is so complicated about it. He asked if this was in the tax payers’ best interest to spend millions of dollars on services based on the ad valorem taxes and unless something significant changes it would take twenty, thirty or more years for Elgin to break even for the money being spent.

City Manager Thomas Mattis stated that he did not have anything to report and that he was working to develop a plan with the City Engineer and City Attorney.

Mr. Mattis spoke about where the Trinity Ranch development would be located, where the city limits were and wanted to bring attention to a tract that was owned by a separate individual that has contacted the staff about a possible commercial development on this 20-acre tract. He stated the common boundary on the west side with Trinity Ranch and fronts on 1704 and once this development is factored in that could be happening in that area a commercial development would work well with 1600 homes in that area. Mr. Mattis stated that tract fronting 1704 was already in the city limits and that seemed to support discussions with the City Engineer that it may be the

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correct thing for the city to try to keep the 1704 corridor in the city limits for business development purposes.

3. 1st Quarter Investment Report - Fiscal Year 2019

Charles Cunningham, Finance Director provided the 1st Quarter Investment Report for Fiscal Year 2019.

4. Departmental Monthly Reports – December

There were no questions on the monthly reports.

5. General Activity Report and/or Project Update.

Mr. Mattis stated work continues with the LCRA pumping permit with Lost Pines District and had met with them last week and that Council Member Brashar had agreed at his request to be the Council Rep working with the staff and outside legal Counsel on this issue.

He spoke about the FM 1100 engineering project, a project that TXDOT is starting to move forward in the way of public discussion and they have asked us to help in that way and that Amy Miller is representing the city in that regard.

He stated there had been conversations lately and media coverage regarding the commuter rail project. He stated that he, Own Rock and Molly Alexander and Amy Miller had met with the Executive Director of Cap Metro a couple of weeks ago. He stated he wanted to make sure we continue to project the right message from Council's standpoint with a consistent message of being very much interested in commuter rail coming to Elgin and having a train stop and station out here. He stated that we do have a Charter amendment issue we have to take on and then the issue of supporting the Cap Metro district and the taxation that would come with that, and before taking any of that on we want to understand that this very tangible project in the eminent future, we are not interested in supporting that effort of going through a Charter change and supporting the district just based on possibly of some day the project may come.

Mr. Mattis also mentioned that the city was on the verge of having our wholesale water agreement with Aqua Water Supply Corporation done and ready to sign in the near future.

He also mentioned the Point Rider project, and that this was one on Avenue A and Central. He stated Council had seen this before and thought it went away but now is back and had reached an agreement with the owner about purchasing the city's property. Mr. Mattis stated that the plan of for a development district project would come forward in the very near future.

CONSENT AGENDA

1. Request by Friends of Elgin Parks to Waive the Open Container Ordinance in Veterans' Memorial Park for the Spring Music Series.

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2. Request from Jodie Lopez for Temporary Street Closures for the 5th Annual Run to Cure Diabetes 1K and 5K.
3. City Council Special City Council Meeting Minutes, November 27, 2018 and the City Council Regular Meeting Minutes, January 8, 2019.

Council Member Brashar moved to approve the Consent Agenda. Council Member Thomas seconds the motion. Motion carried 7-0.

NEW BUSINESS

1. 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.

Forest Dennis spoke and stated that in October he spoke on this item representing himself, wife and neighbors, business owners and the Historic Mainstreet District and over two hundred concerned residents who felt it was time to do something about the hazard that was imposed by large increased truck traffic. He stated he was speaking tonight for all to say thank you for working with TXDOT for a solution.

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

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE CONTRACT WITH CHRISTOPHER SWENSON AND EMILY B. SWENSON TO ACQUIRE CERTAIN REAL PROPERTY FOR THE LOCATION OF THE CENTRAL WASTEWATER LIFT STATION AND MAKING CERTAIN FINDINGS RELATED THERETO.

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

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS CONSENTING TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS BRICKSTON MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO.

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

4. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, ANNEXING TERRITORY ADJACENT AND CONTIGUOUS TO THE EXISTING EXTRATERRITORIAL JURISDICTION INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ELGIN, TEXAS, FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE EXTRATERRITORIAL JURISDICTION OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF THOSE RESIDING IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ELGIN, TEXAS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; AND PROVIDING AN EFFECTIVE DATE.

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

5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL ENGINEERING SERVICES TO COMPLETE A REVIEW AND UPDATE OF UTILITY IMPACTS FEES AND MAKING CERTAIN FINDINGS RELATED THERETO.

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

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS TO ADOPT USE OF NEW VOTING EQUIPMENT PER SECTION 123.001 (B) OF THE TEXAS ELECTION CODE.

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

7. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, CALLING AN ELECTION ON MAY 4, 2019 FOR THE PURPOSE OF ELECTING CERTAIN CITY OFFICIALS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; PROVIING FOR OTHER MATTERS RELATING TO CITY ELECTION.

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

ANNOUNCEMENTS

Mayor mentioned Sip Shop and Stroll next week.

ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 8:29 p.m.

ATTEST:

Chris Cannon, Mayor

Amelia Sanchez, City Secretary