

**MINUTES  
ELGIN CITY COUNCIL  
REGULAR MEETING  
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET  
TUESDAY, APRIL 16, 2019**

**CALL TO ORDER**

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

Mayor Cannon stated that Council Member Beyer had stated at the last meeting that he would not be in attendance for this meeting, and Council Member Thomas had advised he would not attend due to a family event.

**ROLL CALL**

Present: Mayor Chris Cannon  
Jessica Bega, Mayor Pro Tem  
Mary Penson, Council Member  
Daniel Lopez, Council Member  
Sue Brashar, Council Member  
Susie Arreaga, Council Member  
Juan Gonzalez, Council Member

Mayor Cannon certified all members were present and there was a quorum.

Mayor Cannon stated that Council Members Beyer, Thomas and Arreaga were not present but that Council Member Arreaga would be late.

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

**Staff:** Thomas L. Mattis, City Manager  
Charles Cunningham, Finance Director  
Owen Rock, Economic Development Director  
Amy Miller, Community Development Director  
Joe Parten, Director of Public Works

**INVOCATION**

Council Member Penson gave the invocation.

## CITY COUNCIL MEETING MINUTES

April 16, 2019 – Page 2

City Annex Council Chambers

### **PLEDGE OF ALLEGIANCE**

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

Mayor Cannon stated that they would be moving to New Business right after the Public Comments.

### **PUBLIC COMMENT**

Mayor Cannon opened Public Comment.

Harry Davis spoke and stated he was going to build a home in Elgin Rolling Meadows on a five-acre tract. He stated they were the first ones to build there and he was told that he had to put in 175 feet of sidewalk and that he had to have engineered plans. He stated he understood what the city was trying to do, but his home builder was being held up with no permit until he got the sidewalk issue resolved. He stated he was asking the City Council for help in getting the permit and that he would get the sidewalk plans as soon as he can.

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

### **NEW BUSINESS**

1. Quarterly Financial Report - Second Fiscal Year Quarter 2018-19.

Finance Director Charles Cunningham presented the Second Fiscal Year Quarterly Report.

2. A RESOLUTION OF THE CITY COUNCIL 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.

Council Member Penson 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 STATING THE CITY'S INTENT TO CONTINUE TO SUPPORT THE CAPITAL AREA COUNCIL OF GOVERNMENTS REGIONAL AIR QUALITY PROGRAM.

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

Mayor Cannon asked that the record reflect that Council Member Arreaga arrived at 7:02 pm.

## CITY COUNCIL MEETING MINUTES

April 16, 2019 – Page 3

City Annex Council Chambers

4. A RESOLUTION OF THE CITY COUNCIL FOR WATER CONSERVATION PLAN AND UTILITY PROFILE.

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

5. AN ORDINANCE AMENDING CHAPTER 42, ARTICLE VII, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING DROUGHT CONTINGENCY PLANNING; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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

6. A RESOLUTION BY THE CITY OF ELGIN, TEXAS, RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY ENTEX, SOUTH TEXAS DIVISION TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

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

Mayor Cannon stated that they would Convene into Executive Session and recessed the Regular Meeting at 7:26 pm.

### **EXECUTIVE SESSION**

1. Adjourn into Executive Session Pursuant to Section §551.087 Deliberation Regarding Economic Development Negotiations: To Deliberate the Offer of a Financial or other Incentive to a Business Prospect.
2. Pursuant to Section §551.074 Personnel Matters: To Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee.

Mayor Cannon Reconvened into the Regular City Council Meeting at 7:54 pm. with no action taken during Executive Session.

Mayor Cannon returned to the General Discussion Items on the agenda.

## CITY COUNCIL MEETING MINUTES

April 16, 2019 – Page 4

City Annex Council Chambers

### **GENERAL DISCUSSION**

1. Review and General Discussion of the Provisions of City Code Article V – Junk Vehicles and City Policies, Procedures, and/or Issues related to the Enforcement of same.

City Manager Thomas Mattis stated that this was an item that had been discussed before and that bulk trash, junk vehicles, general grass mowing, and parades, all were things the city has dealt with in the past. He stated the focus by staff and Council has been to respond to citizens requests and be responsive to the feedback. He stated that small cities like Elgin had been able to provide services at that level on an individualized basis and not always applying the rules to the feedback or situation, which has created confusion and inconsistency about city policies. He stated that from the staff's prospective they would be discussing taking a more consistent disciplined approach that would apply to everyone in town and wanted to be sure that the Council was on board with taking that approach.

Mr. Mattis stated that the first category was junk vehicles and that in the past it had been complaint oriented and those were addressed one at a time as they occurred, and an example was where several junk vehicles were on the same block, but the city only went after one because there was only one complaint made about a particular one, which led to the type of inconsistency that was confusing to the public. He stated another issue was a junk vehicle being parked on private property or on the street, and that if it was on the street that was a Police enforcement issue, if it was on private property then that was a Code Enforcement issue. He stated that what staff was proposing was to do a comprehensive sweep of the entire city addressing these issues where the Police Department and Code Enforcement would be out there side by side addressing these issues one property at a time, one neighborhood at a time and that people would be notified in advance. Mr. Mattis stated that Assistant Chief Taylor would be heading this but was out of town this evening.

2. Review and General Discussion of the Provisions of City Code Article II – Weeds, Wild Growth, and Unsanitary Conditions and City Policies, Procedures, and/or Issues related to the Enforcement of same.

Mr. Mattis stated that there were a couple of issues with weeds, grass and mowing in town. He stated that again more consistency was needed on how private property is being mowed and a change regarding right of way maintenance. Mr. Mattis stated that they would discuss the basic rules for mowing and the code that talks about giving 7 days' notice, and that although the code gives the city the authority to issue citations, the city had not done that.

## CITY COUNCIL MEETING MINUTES

April 16, 2019 – Page 5

City Annex Council Chambers

Mr. Mattis provided a list of chronic violators who have never mowed their own yard and only mowed when city staff had it done. He stated that was almost \$10,000 out of pocket for the city to maintain these properties. Mr. Mattis stated that with the mowing season coming up it was staff's goal to be more aggressive and consistent in its enforcement practices. Mr. Mattis spoke about the city mowing right of way and some of the larger areas were not the city responsibility but continued to mow to keep it nice. Mr. Mattis stated that they created two lists, the first are the ones that still serve the public purpose, and the second is a list of properties that staff had on their regular routine and had mowed them but that there was no reason to separate those from the requirement everyone else has in town, to mow the property all of the way to the pavement. Mr. Mattis provided slides to show every location that he stated should coincide with the list provided to Council. Mr. Mattis stated that he wanted to be sure that what staff is doing is consistent with what Council wants, and that if Council decided they were fine with the mowing of all of the areas that was the kind of direction staff was looking for. Mr. Mattis stated staff was ready to move forward and they would continue to mow all of the areas and wait for further direction from Council.

### 3. Review and General Discussion of Recommendations Regarding Management of Public Parking Spaces within the Downtown Area and Related Enforcement Actions.

Mr. Mattis stated that with a lot more activity downtown there had been complaints about parking and concerns about inappropriate parking downtown and PD had started a more aggressive enforcement effort by issuing tickets and surprised people with the amounts of the fines. He stated that this issue was complicated because the only person that can assess those fines is the Judge and was not a Council decision and that the ordinance could be modified but only the maximum amount could be set and the Judge would get to assess that. Mr. Mattis stated that he had asked Amy Miller to meet with the Main Street Board discuss this topic with them, they discussed it and she was here to give them feedback she got.

Amy Miller, Communications Director spoke and stated she had visited with business owners downtown and there was clear agreement that illegal parking needed to be ticketed, but there was a lot of concern about how high the tickets were and confusion as to why the tickets were being issued now. She stated the Main Street Board asked the Design Committee to do some research with a variety of communities to see what their fee schedules were with quite a bit of ranges. She stated that there were lower fines than the one hundred to two hundred dollars the City of Elgin was issuing starting in January. She stated the Design Committee recommended to the Main Street Board to consider a maximum of \$50 for typical violations for anything that is not a handicap parking space, such as parking in front of a fire hydrant, fire lane type parking, too close to a crosswalk, or parking with only one or no stripes. The Main Street Board discussed it and still felt the lower dollar amount would still serve the purpose of addressing that it is illegal parking and give people an incentive to park appropriately.

CITY COUNCIL MEETING MINUTES

April 16, 2019 – Page 6

City Annex Council Chambers

Mr. Mattis stated that the Judge Carter had met with the Police Chief and that Judge Carter was on board with the general feeling that the fines were too much, but it required people to go to the court and meet with the Prosecutor and they would reduce the fine, and the ones that did not come in and speak to the Judge may have paid the whole fine. Mr. Mattis stated that that is the message for everyone that if you get a ticket you must come forward to have the fine reduced. Mr. Mattis stated that he would convey to the Judge that the consensus was there is general support for trying to establish those tickets at \$50 other than handicapped and fire hydrant parking violations.

4. AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

There was no action on this item but scheduled to be brought back for action at the next meeting.

**ANNOUNCEMENTS**

Amy Miller announced a new holiday event with the Chamber. Mayor Pro Tem Bega mentioned the second community cleanup on Saturday. Mayor Cannon stated that the Chamber Banquet was a great success and was very pleased. Mr. Mattis mentioned he had attended the McDonalds celebration and was a very nice event, and that the city and school district were given a check for \$2500.

**ADJOURNMENT**

Mayor Cannon adjourned the City Council Meeting at 9:25 p.m.

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Chris Cannon, Mayor

**ATTEST:**

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Amelia Sanchez, City Secretary