

MINUTES
ELGIN CITY COUNCIL REGULAR VIRTUAL MEETING
CITY COUNCIL CHAMBERS ANNEX, 310 NORTH MAIN STREET
August 4, 2020

CALL TO ORDER

Mayor Cannon called the meeting to order at 6:00 p.m.

ROLL CALL

Present: Chris Cannon, Mayor
Jessica Bega, Mayor Pro Tem
Mary Penson, Council Member
Susie Arreaga, Council Member
Juan Gonzalez, Council Member
Brad Jones, Council Member
Sue Brashar, Council Member
Forest Dennis, Council Member

Mayor Canon certified there was a quorum and that Council Member Lopez was absent.

Council Member Penson moved to excuse Council Member Lopez. Council Member Dennis seconds the motion. Motion carried 8-0.

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

INVOCATION

Council Member Penson gave the invocation.

PUBLIC HEARING

Mayor Cannon recessed the Regular Meeting and opened the Public Hearing at 6:03 pm.

1. Project # 202000338: Public Hearing on an Ordinance Granting a Specific Use Permit for a Medical Facility Use on Property Located at 902 W. 2nd St in A18 BURLESON, JONATHAN, ACRES 17.8900, (HIGH SCHOOL), being Approximately 17.89 Acres, City of

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Elgin, Bastrop County, Texas; and Providing for a Savings Clause and Repealing Conflicting Ordinances and Resolutions.

City Manager Thomas Mattis stated that the following emails were received:

From Robert Allen:

Members of Council,

I realize that the special use request is a fait accompli by this time as I have rarely seen a Council force the abandonment of this much investment in a project even when the investment was made illegally and never when even the most tentative of permission was obtained. Watching the traffic going past my home on Robin Street to the campus, however, I wished to express my gratitude to the Council, and the P&Z Commission before them, that the traffic impacts to the neighborhood were at least recognized and taken seriously by Council and Commission in their discussions. I am glad that the Commission took up my suggestions regarding limiting parking on W. 10th alongside the campus that I trust will be included in the final measure to be passed by Council as it impacts both safety and infrastructure protection. I still believe that there was a better place on the lot for the building to be sited but the tardiness of the application did not leave time for consideration of alternatives, nor even the most minor of delays caused by a glitch in agenda postings. I do not wish to leave with my opposition being expressed to the activity the special use request is for, rather my opposition has been, and is, to the specific location which is not the most advantageous for the activity and is the among the most problematic for neighborhood. I only wish that the ISD had considered the neighborhood when selecting the location on the campus and had a more robust community engagement.

From Angela Bailey:

To whom it may concern:

While I have no specific objections to the clinic proposed, I do have questions about traffic flow in that area. The reopening of the flex campus appears likely to add additional traffic problems in an area that is already congested during school opening and closing hours. What plans exist to alleviate or control traffic patterns in this area to ensure student safety as well as access to homes on the surrounding streets?

From RR Allen to Planning and Zoning Commission:

City of Elgin Planning & Zoning Commission,

My name is Robert Allen and I reside at 104 Robin Street. I oppose the granting of the special use request for a number of reasons.

1. The intensification of overall activity on the site by the proposed use is not compatible with the adjacent residential neighborhood. As long as the medical use was occupying

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unused space in the existing school building and the activity was entirely focused away from the neighborhood with all traffic for the medical use entering and exiting from the W. 2nd St. collector, there was no net impact on the neighborhood. The residents of the cemetery were unlikely to be bothered. The current proposal completely changes that.

2. The proposed location forces additional traffic down the local streets in the residential area. I know from experience and years of observation that contrary to logic, a significant portion of the traffic accessing the west side of the school site travels down Robin Street, sometimes at speeds that are in excess of the posted limit, other times at speeds that may not be technically in excess of the posted limit but that are nonetheless inappropriate for a one block-long residential side street where kids, people walking their pets and/or their babies, and old people like me are trying to walk around and live their lives.

3. Although looking at a map it may look like the site is close to the highway and other commercial zoning, the practical reality is that it is isolated from highway traffic and other commercial uses. Despite staff's comments about commercial/industrial type uses on the site, which are just school support services that are not open to the public and not subject to zoning control, almost all one can see when standing on the site of the proposed medical use are school things, churches, a very well-maintained vacant lot that is overflow parking for the Lutheran church, and houses. Part of the convenience store at the intersection of W. 11th and Highway 290 is visible at the end of Lark St. The tops of the light standards in the HEB parking lot are visible and at certain spots the HEB sign and parts of its roof can be seen. Highway 290 can be seen, but because of the grade separation, it cannot be accessed and it and the Lutheran church block most view of the commercial activity along the highway. The Lutheran church is in commercial zoning, but shows no sign of planning to move. Incrementally locating a public use activity in the middle of an area with no other public use is not a proper application of special use permits.

4. It is unclear where the additional parking spaces would be located or how the immediate site would drain. It appears likely that some folks will choose to park along W. 10th St. As W. 10 St. has no curb and gutter the drainage is already bad and has recently been made worse by the installation of the AT&T cable to the school. Parking along W. 10th St. would cause deterioration of the road edges on both side and increase maintenance costs for the City of Elgin. The pavement is fairly narrow and any parking that took up even part of the pavement could easily cause occasional congestion, especially if there were more traffic activity in the immediate vicinity. A considerable amount of traffic uses Lark Street and W. 10th as a bypass to get around the four-way stop at W. 2nd St. and W. 11th St. If that traffic starts experiencing congestion due to parking along W. 10th, some of it will likely revert to coming down Robin St. as it did before Lark St. was given a good smooth pavement a few years ago. There are still too many folks that use Robin St. to avoid the four-way stop if they see any traffic at it once they come around the curve on W. 11th St. These folks are usually in a hurry and we don't need any more vehicles in a hurry added back onto Robin St.

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5. Medical use special permits in residential zones are normally only used to allow nursing homes to exist in residential type settings or occasionally to allow doctor's offices as adaptive reuse of large residential buildings, especially on busy streets that have become somewhat undesirable for standard residential purposes. Plunking down prefab medical office buildings in residential zoning is not really an appropriate application of the special permit. It is allowed by the ordinance but so is allowing a motor raceway in residential zoning. Would any of you want that? I cannot imagine how that ever got in ordinance. Now I note that while a motor raceway can receive a special use permit in any district a horse track apparently cannot. A store selling beer can receive a special use permit in any district but if the store does not sell beer it fails to qualify. Apparently the writers of the ordinance liked to drink beer and drive fast. Perhaps they were NASCAR fans. The special use portion of the Elgin Zoning Ordinance really needs some work.

6. If it is imperative to have the medical use on this site, it would be more appropriate to site it on the north side of the lot next to where the technology office is. Of course, the school district, as most districts in my experience have done, chose to do what is most convenient for them without regard to the surrounding neighborhood. School districts, both boards and administrative staff, tend to have a very narrow focus and are unaccustomed to being subject to zoning considerations. In this case, the specific use request has been left to the last minute, with no time to implement alternate considerations. The very tone of the application is such that if their request, as submitted, is not approved then the medical use will go away to the detriment of the community thereby putting the onus on the City to approve the request. This is an improper way to do business. If the request had been submitted in a timely manner, and the ISD knew in plenty of time that they needed to move the medical use, then a more appropriate location could have been negotiated in time for any necessary utilities to be extended.

If this request is approved, the City of Elgin should at least mitigate the traffic effect on the residents of Robin Street by installing speed humps to prevent additional traffic from traveling at an unsafe speed down Robin Street. I have previously appeared before the City Council, with the support of all the residents of Robin Street to request this.

Mayor Cannon closed the Public Hearing at 6:04 pm and re-opened the Regular Meeting.

PUBLIC COMMENT

There were no public comments.

CITY MANAGERS REPORT

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

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City Manager Thomas Mattis stated that there was nothing new to report on the Coronavirus response and remained at a modified Threat Level IV. He stated he left this item on the agenda for questions or comments from Council and that on August 31st staff would reassess the situation. He stated he had received information that the County would be opening a testing site at Seton Elgin.

2. Quarterly Financial Report - Third Quarter 19-20 April – June.

Finance Director Charles Cunningham stated he was available for comments or questions.

3. General Activity Report and/or Project Update.

City Manager Thomas Mattis stated that he had no reports.

CONSENT AGENDA

1. City Council Virtual Regular Meeting Minutes – July 7, 2020.

Council Member Penson moved to approve the July 7, 2020 meeting minutes. Council Member Arreaga seconds the motion. Motion carried 8-0.

NEW BUSINESS

1. Project #202000338: An Ordinance Granting A Specific Use Permit For A Medical Facility Use On Property Located At 902 W. 2nd St In A18 BURLESON, JONATHAN, ACRES 17.8900, (HIGH SCHOOL), Being Approximately 17.89 Acres, City Of Elgin, Bastrop County, Texas; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Council Member Dennis moved to approve the Ordinance as presented. Council Member Dennis restates the motion to include the stipulation from P&Z. Council Member Jones seconds the motion and seconds the amended motion. Motion carried 8-0.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING A DEVELOPMENT AND CONSENT AGREEMENT WITH BASTROP TRINITY INVESTORS, LLC, BTR DEVELOPMENT, INC., ELGIN MUNICIPAL UTILITY DISTRICT NO. 1 AND ELGIN MUNICIPAL UTILITY DISTRICT NO. 2 AND MAKING CERTAIN FINDINGS RELATED THERETO

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

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3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS APPROVING AND ADOPTING THE 2020 FIVE-YEAR CAPITAL IMPROVEMENT PLAN, A REPORT ON ANTICIPATED CAPITAL EXPENDITURES AND PROJECTS FOR ALL MUNICIPAL OPERATIONS FROM OCTOBER 2020 THROUGH SEPTEMBER 2025; AND PROVIDING FOR RELATED MATTERS.

Mayor Pro Tem Bega moved to approve the Resolution as presented. Council Member Penson seconds the motion. Motion carried 8-0

4. CONSIDER A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS AUTHORIZING EXECUTION OF A LEASE WITH CAPITAL AREA RURAL TRANSIT AUTHORITY (CARTS) FOR 201 CENTRAL AVENUE.

Council Member Brashar moved to approve the Resolution 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 SUBMISSION OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE STATE INFRASTRUCTURE BANK COVID-19 RESPONSE; AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE APPLICATION FOR FINANCIAL ASSISTANCE FROM THE STATE INFRASTRUCTURE BANK COVID-19 AND MAKING CERTAIN FINDINGS RELATED THERETO

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

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE MAIN STREET FUND; AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Council Member Penson moved to approve the Resolution as presented. Mayor Pro Tem Bega seconds the motion. Motion carried 8-0.

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, DETERMINING THAT AN AREA OF THE CITY CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND CONSTITUTES A BLIGHTED AREA.

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Council Member Penson moved to approve the Resolution as presented. Mayor Pro Tem Bega seconds the motion. Motion carried 8-0.

8. A RESOLUTION TO ALLOW FOR AN EXTENSION OF THE APPROVED DEVELOPMENT AGREEMENT BETWEEN THE CITY AND NOVINGER RESOURCES, INC. IN ACCORDANCE WITH SECTION 6.01 OF THE DEVELOPMENT AGREEMENT.

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

9. AN ORDINANCE OF THE CITY OF ELGIN, TEXAS, AMENDING ORDINANCE NO. 2020-01-21-04, THE ORDER OF THE MAY 2, 2020 ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING CERTAIN OFFICIALS.

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

10. Presentation of the Proposed FY2020-21 City of Elgin Annual Operating Budget.

City Manager Thomas Mattis stated that the budget is a zero-based balanced budget and a comprehensive review of existing programs, operations, and services. He stated this budget had no proposed increase in property taxes or basic utility rates, no deficit spending or utilization of fund balance for operating expenses. He stated that all fund expenditures were under 19 million dollars. Mr. Mattis stated that the City of Elgin finds itself in unique and unprecedented times entering the new fiscal year with the growth from a small rural town to a full service city with four projects in construction now and 3 more beginning soon which will result in over 3800 new homes at total build-out. Mr. Mattis stated that the city has faced various challenges over the past four year but due to decisions made by the Council these issues have been addressed and the city operations are on sound financial ground, and anticipated the current fiscal year to end with and operating surplus in both the General and Utility Funds. Mr. Mattis discussed all of the General Funds Revenues, and new to the budget, the Internal Services Department to distribute existing operational resources related to information technology and facilities management, staffing of 6 proposed positions, employee compensation, utility rates and Capital Projects /Debt Planning. (complete copy of proposed budget is on the city website.)

ANNOUNCEMENTS

City Manager Thomas Mattis mentioned the Circle Brewery groundbreaking on August 21st and hoped all could attend.

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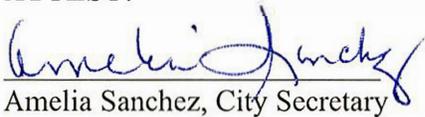
ADJOURNMENT

Mayor Cannon adjourned the City Council Meeting at 7:16 pm.



Chris Cannon, Mayor

ATTEST:



Amelia Sanchez, City Secretary