

REGULAR COUNCIL MEETING – February 12, 2018

The City Council of the City of La Grange met in Regular Session on Monday, February 12, 2018 in the City Hall Council Chambers at 155 E. Colorado St. with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Councilmember Deborah Bradley, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Ken Taylor, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Staff present: City Manager Shawn Raborn, Chief of Police David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Tex Paul Parker, Bob Schmidt, Tom & Robin Hudson, Mary Ann Powell, Shirley Hudson, and others.

Mayor Moerbe called the meeting to order. Pastor Dennis Hill of The Remnant Church gave the invocation.

Under Petitions, Mary Ann Powell addressed the council regarding various street signage. Tex Paul Parker addressed the council regarding Internet Fraud.

The first item was an update on TTHM aeration removal test project. As background, a pilot test was conducted last year that demonstrated that aeration is an effective method in reducing TTHM in the distribution system. In the pilot test with single pass aeration we achieved between a 58% to 72% reduction in TTHM. Mr. Bob Schmidt with O'Malley Strand Associates addressed the council regarding this project. We are to the point of having the equipment installed. The TTHM in the upper pressure plane of the city's water system are needing to be reduced. All of the water which goes into the upper pressure plane passes through the Horton Street ground storage tank and this is the ideal location for the TTHM removal. Therefore, the aeration equipment consisting of a floating submersible pump and spray nozzle will be installed inside the ground storage tank at the Horton Street Pump Station. The aeration system includes an air blower to provide forced head space ventilation and it will be installed outside the ground storage tank.

The next item was to discuss and or consider awarding bid for TTHM Removal to J&K Utility Services in the amount of \$186,501.48. Bids for this project were received on January 30, 2018. There were three bids received and they are as follows: 1) J & K Utility Services LLC, Creedmore, Texas in the amount of \$186,501.48; 2) Mercer Controls, Edna, Texas in the amount of \$188,519.48.; 3) TTE, LLC, Spicewood, Texas in the amount of \$198,519.48. It is the opinion of Mr. Schmidt that the low bidder, J & K Utility Services, LLC, is qualified and experienced in this work. Therefore, based upon review of the bids it is the recommendation of O'Malley Strand Associates that the bid be awarded to the lowest bidder, J & K Utility Services, LLC of Creedmore, Texas, for their Base Bid in the amount of \$186,501.48. Staff is in agreement with the recommendation of O'Malley Strand & Associates, and also requests council approval of the low bid submitted by J & K Utility Services in the amount of \$186,501.48 to provide and install

aeriation equipment at the Horton Street Booster Station. The project will be funded out of bond proceeds. During discussion regarding this project it was noted that J & K Utility Services, LLC has worked as a sub-contractor previously on some city projects. It was also noted that Mercer Controls, will be providing part of the services for this project which includes the installation of motors to be sure that the pressure does not decrease in the upper plane when the booster station is brought down to have the equipment installed. Councilman Taylor inquired on the safety rating of J & K Utility Services, LLC and the subcontractors, he requests this information prior to voting on this matter. Mr. Schmidt indicated that he will look into this and provide the information to the city. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilmember Busch to accept the bid of J & K Utility Services, LLC contingent upon the safety rating coming back as satisfactory. Motion carried 7-1 with Councilman Taylor voting against the motion.

The next item was to discuss and or consider blocking off the square for La Grange Uncorked. For safety of the public, the Advisory Board of La Grange Main Street is requesting permission for the closing of the inner parking area by the north entrance of the courthouse which will be utilized for registration and a music tent for Uncorked. They are requesting that beginning at 5:00 pm on Friday, February 16, 2018 that they be allowed to begin blocking off the proposed street. The La Grange Uncorked Wine and Food Festival will be held on Saturday, February 17, 2018. **MOTION** Councilmember Weishuhn, **SECOND** Councilman Taylor to approve this request. Motion carried.

At 6:28 PM as pursuant to Section 551.071 Consultation with Attorney, council went into Executive Session for consultation with City Attorney regarding Tom Hudson, Individually and Jator, Inc. vs City of La Grange, TX No. 2017V-053.

At 6:56 PM Council went into Open Session. There was no action required at this time.

The next item was the presentation of Racial Profiling data by La Grange Police Department as required by Article 2.132 Texas Code of Criminal Procedures. Chief David Gilbreath presented the report to the council. The report covers the time period from January 1, 2017 through December 21, 2017. As indicated by the Tier 2 data provided, the La Grange Police Department does not have a problem regarding racial profiling practices. The continuing effort to collect police contact data will assure an on-going evaluation of the La Grange Police Departments practices. **INSERT #1**

The next item was to discuss and or consider approval of January 2018 minutes. **MOTION** Councilman Janca, **SECOND** Councilmember Zbranek to approve the minutes. Motion carried.

Chief of Police Update

During the month of January the department responded to 225 calls which included alarms, CPS investigations, and others. They worked 10 minor accidents, received 50 animal control complaints, made 1 DWI arrest, 3 for warrants and 1 for possession of Marijuana. The department wrote 47 traffic citations and 21 warnings.

City Manager Update

The bulk pick up which was held a few weeks earlier had lots of participation from the residents. This past weekend the Fayette County Community Theatre held performances of *Barefoot In The Park*. All performances were very well attended and received positive reviews.

On March 3rd, there will be a La Grange Day of Service in which debris will be picked up at the manufactured home parks. Many groups will come together to hand pick up the debris which is at the manufactured home parks. This is being done thru the long-term recovery team. As part of the Private Property Debris Removal, the city will be able to provide roll-off dumpsters for this.

Mornings with Main Street was held last week and this was very well attended. Mayor Moerbe noted that some business owners thanked the City EDC & Main Street Department for the assistance they had received in starting up their businesses here. The Home Program which had been applied for has received approval for the monies related to the program. This is an application type process for owner occupied homes which will be replaced up to a \$100,000 home.

Please keep the family of Ben Boettcher in your prayers, Mr. Boettcher was the architect on the Casino Hall Project and he passed away last week.

The Active Project Reports was then reviewed by City Manager Raborn. City employee Bo Janda attended a TxDOT Regional meeting, it looks like we are still on schedule for the new bridge in 2020 (Highway 71 Bridge). Money is set aside at this time so that in 2022 the existing bridge could be rehabbed (Highway 71 Bridge). The new bridge should be to the south of the existing bridge and due to this fact work has not been done to the boat ramp. A program that is in the informative stage is the Community Development Block Grant Program-DR project. The 78945 zip code is included at this time so it appears that this area will benefit from the program. LCRA Step Forward Program will take place on April 6th and as part of their program, the city pool house at Kruschel Park will be painted. FEMA was in La Grange last week to verify repair/replacements following Hurricane Harvey. The city has received reimbursement from TML for city property damages which were submitted to TML as a result of Hurricane Harvey.

At 7:18pm a **MOTION** was made by Councilmember Zbranek, with a **SECOND** by Councilman Eilert that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

Janet Moerbe, Mayor

REGULAR COUNCIL MEETING – February 26, 2018

The City Council of the City of La Grange met in Regular Session on Monday, February 26, 2018 in the City Hall Council Chambers at 155 E. Colorado St. with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Councilmember Deborah Bradley, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Ken Taylor, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Staff present: City Manager Shawn Raborn, Chief of Police David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Jackie Skelton, Allison Shimek, Jason McBroom, Tom Hudson, Kenny Couch, Joy Cameron and others.

Mayor Moerbe called the meeting to order. Dr. Jerry Hurst of The First Presbyterian Church gave the invocation.

Under Petitions, Tom Hudson addressed the council regarding law suit about signage.

The first item was a Report on Library Activities, Projects and Accomplishments. Library Director Allison Shimek gave an update on the current activities, projects and recent accomplishments. The library, in addition to the traditional services they provide look for new ways to service their patrons. The Fayette Public Library Museum & Archives was selected to participate in the Young Adult Library Services Association and Association for Rural and Small Libraries, Future Ready with the Library project in October 2017. They were one of twenty-three libraries to be selected for this. The project goal is to partner and develop college and career readiness programs for middle school students. In December 2017 the library was named one of America's Star Libraries by *Library Journal* which is one of the trusted and respected nationwide publications for the library community. There were only 11 Star Libraries named in Texas and 259 named nationally and our library was one of these. *Library Journal* compares U.S. public libraries with their spending peers based on per capita measures of service output, including circulation, e-circulation, library visits, program attendance, and public internet computer use. In December 2016 a Tocker Foundation grant was received in the amount of \$36,915 to support the digitization and hosting of historical Fayette County newspapers. Their grant funded the digitization of *The La Grange Journal* (1880-1965), *The Fayette County Record* (1910-1912, 1924-1965), *The Flatonia Argus* (1898-1965), *The Schulenburg Argus* (1877-1878), and other special edition newspapers. As a result, approximately 35,000 pages will be digitized by the University of North Texas' Digital Newspaper Program and then hosted on The Portal to Texas History. These newspapers will be searchable from any computer or device with internet

connection and access is free. It is anticipated that this project should be completed by mid-2018. The library also started the planning process to construct a permanent Story Walk in Heritage Park outside of the Library. This is an innovative and fun way for children and adults to read outside. A storybook will be deconstructed, scanned, enlarged, and printed on aluminum signs attached to stations. Each station will hold a two-page spread of the storybook and as readers walk from station to station they are able to complete the book and engage in activities that support reading comprehension along the way. The La Grange ISD welding students are constructing the 20 steel stations and a sign company will print the aluminum signs to attach. The first book for this project is *How Rocket Learned To Read*. The library is very proud and honored to be recognized on a national level, however they realize that this would not be possible without the patrons of the library. Congratulations from the Mayor and Council was extended to the library for their accomplishments.

At 6:12 PM as pursuant to Section 551.071 Consultation with Attorney, council went into Executive Session for consultation with City Attorney regarding Tom Hudson, Individually and Jator, Inc. vs City of La Grange, TX No. 2017V-053, and Consultation with City Attorney regarding the employment of outside counsel in Tom Hudson, Individually and Jator, Inc. vs. City of La Grange, TX No. 2017V-053.

At 6:26 PM Council went into Open Session.

The next item was to discuss and or consider authorizing staff to engage outside legal counsel to assist in Tom Hudson, Individually and Jator, Inc. vs. City of La Grange, TX No. 2017V-053. **MOTION** Councilmember Weishuhn, **SECOND** Councilmember Busch to authorize staff to proceed. Motion carried.

The next item was to discuss and or consider blocking off the square for Movie Nights on the Square. The Advisory Board of La Grange Main Street is requesting permission for the closing of the following parking section to accommodate Movie Nights on the Square (Friday, June 15, 2018, Friday, June 22, 2018, and Friday, July 20, 2018) for the safety of the public. The inner parking area by the north entrance of the courthouse which will be utilized for the movie screen and equipment. They would like to begin having the spaces blocked off the proposed streets at 5:00 pm for each Movie Night evening. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilmember Zbranek to approve this request. Motion carried.

The next item was to discuss and or consider resolution and take any necessary action to adopt Civil Right Policies and Procedures for the 2017 TxCDBG La Grange contract #7217249. The city was recently awarded a Community Development Block Grant in the amount of \$300,000 to upgrade water lines in the area bounded by North Jefferson, Roitsch, Guadalupe and North Jackson. This project will assist in improving water service and fire protection to this area of town. As part of the grant process we are required to affirm a number of policies related to civil rights. Policies to be reaffirmed include 1) Citizen

Participation Plan and Grievance Procedures. 2) Section 3 Program Resolution. 3) Excessive Force Resolution. 4) Section 504 Resolution and Grievance Procedures. 5) Code of Conduct Policy. 6) Fair Housing Ordinance. The project is currently in the design phase and should go out for construction by the end of the year with construction the first quarter of 2019.

MOTION Councilmember Weishuhn, **SECOND** Councilman Janca to take action to adopt policies and procedures for the Block Grant Fund. Motion carried. **Insert #1**

The next item was to discuss Harvey CDBG-DR and Mitigation grant funding. City Manager Raborn gave an update on the Community Development Grant-Disaster Recovery (CDBG) and Texas Hazard Mitigation Grant Program (HMGP). The goal for tonight is to start an education process for this. The timeline of the CDBG-DR funding is as follows: the President declares a disaster. A special appropriation is made from congress. HUD allocates funds to impacted states or counties and publishes the rules for how the funds may be used in the Federal Register. The state or local agency responsible for the funds drafts an action plan outlining how the funds will be spent. In Texas, the General Land Office (GLO) is responsible for this step. The action plan is the first critical responsibility of the GLO. The action plan is posed for public comment for 7 to 30 days. The time for public comment depends on the regulations set by HUD. The GLO must respond to each comment before HUD will approve the action plan. The action plan is sent to HUD for approval. Even though HUD's own regulations give a 60-day limit, approval of the action plan by HUD has taken as long as five months in previous events. The GLO cannot begin taking action to spend funds on projects until approval is granted. Once the action plan is approved, the GLO works with the Councils of Government (COGs) on a method of distribution of the funds to eligible local government entities. The GLO updates local officials in affected communities throughout the process, but at this point these communications relating to proposed actions transition from hypothetical to quantifiable. Following Hurricane Ike, the action plan outlined the distribution of funds through the Councils of Government (COGs). This allowed for better local control of funds, while maintaining the necessary state oversight of the program. Although the COGs must wait for the action plan to be approved before submitting an official Method of Distribution, the GLO will begin working with them long before to ensure that no time is wasted in the recovery process. The GLO begins procurement of services and environmental assessments. Before construction, local authorities are required to follow newly federally enacted procurement standards. With each project, federal guidelines require an environmental assessment. These two steps can take an additional 60-90 days. When the General Land Office has the process in place, we, the city, will begin developing a Needs Assessment. One unique feature is that the CDBG-DR monies can be used a match for another Federal Grant. The needs assessment must include a minimum of 30% to be allocated to housing. There are now several activities which can be done towards housing; however monies may not be seen for 18 months. The Texas Hazard Mitigation Grant Program (HMGP) is to provide funding to prevent future loss of property. It is possible that the city might do a RFP for an outside firm to come in which specialized in this type of service, to work on the needs assessment. The needs assessment will then need to be prioritized and reviewed for an allocation to be granted. The allocation will be a percentage of the needs assessment and this will give you a direction plan. This will be submitted to the GLO and HUD will consider approval and then you will begin

implementation. City Manager Raborn has started the preparation of a Notice of Intent to be submitted as related to the HMGP. This will be submitted shortly and will be reviewed. After review it is anticipated that they would entertained an application for the HMGP.

The next item was to discuss and or consider preliminary replat request from Jesus Soto., Jr. to replat his property located at 433 & 435 S. Ellinger Rd., into one lot. Mr. Soto submitted a request to replat 433 & 435 S. Ellinger Rd., into one (1) lot. It his intention to build a home in the center of these two lots across the property line. There were 15 letters sent to property owners within a 200' radius of this address asking if the owners were in favor of or opposed to the request. There were nine letters returned in favor of granting the request, no letters were received in opposition of the request, and six were not returned. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilman Taylor to approve the preliminary replat. Motion carried.

The next item was to discuss and or consider approval of the Certification of Unopposed Candidates. Discutir y/o considerar la aprobacion del Certificado de Candidatos Sin Oposicion. The 2018 City Officers Election was called on January 22, 2018. Friday, February 16th was the last day to file for a place on the ballot, and Tuesday, February 20th was the last day for a write-in candidate to declare candidacy. The following candidates are unopposed for the corresponding positions. Kathy Weishuhn-Councilmember Ward 1; Deborah Blanchette Bradley-Councilmember Ward 3; John Eilert-Councilmember Ward 4. Therefore, the attached Certification of Unopposed Candidates should be approved. El 22 de enero de 2018, el Consejo Municipal autorizó la Orden de Elección del Consejo Municipal. El viernes, 16 de febrero de 2018, fue el último día para solicitar un lugar en la boleta; además, el 20 de febrero de 2018 fue el último día para declaraciones de candidatura para candidatos por escrito. Los siguientes candidatos no tienen oposición en los distritos que corresponden: Kathy Weishuhn-Consejal Distrito 1; Deborah Blanchette Bradley-Consejal Distrito 3; John Eilert - Consejal, Distrito 4. Por lo tanto, el Certificado de Candidatos Sin Oposición adjunto con la presente deberá ser aprobado. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilmember Zbranek to approve the Certification of Unopposed Candidates. Motion carried. **Insert #2**

The next ítem was to disucss and or consider cancelling the May 5, 2018 City Officers Election for Councilmember Ward 1, Councilmember Ward 3, and Councilmember Ward 4. Discutir y/o considerar la posibilidad de cancelar la Elección de los Oficiales de la Ciudad del 5 de mayo de 2018 por los siguientes oficiales; Concejal Distrito 1, Concejal Distrito 3 y Concejal Distrito 4. **MOTION** Councilman Taylor, **SECOND** Councilman Janca to cancel the May 5, 2018 City Officers Election for Councilmember Ward 1, Councilmember Ward 3, and Councilmember Ward 4. Motion carried. **Insert #3**

The next item was to discuss and or consider sign request from Fayette Savings Bank. Fayette Savings Bank is in the process of trying to obtain a variance to the City of La Grange sign ordinance with regard to the number of signs allowed at 111 E. Travis Street. As part of the variance request process, property owners within 200' of the location are given the opportunity to express their opinion regarding the variance request. Staff is requesting council direction on the proposed variance. As a property owner, council can vote in favor, against, or not take action. **MOTION** Councilman Taylor, **SECOND** Councilmember Busch to No Vote (no action). Motion carried.

City Council Committee Reports

The Airport Board met the previous Tuesday. There have been major improvements at the airport recently and as a result, they will be holding a “Grand Rededication” very soon. Additional information regarding this will be provided.

The Beautification Committee awarded Yard of the Month to the McCoy family at 144 E. Milam St.

Main Street hosted Uncorked the weekend of the February 17, and the event was sold out.

Chief of Police Update

The new patrol cars and the equipment for the cars has been ordered. It is anticipated to have one of the vacant positions in the department filled within the week.

City Manager Update

We have been notified by Republic Services that the residential customers who had been receiving their services on Wednesday will now receive them on Thursday. Staff sent letters to the customers notifying them of the change.

The City of Bastrop will host the TML Region X Meeting on March 7th.

At 6:55pm a **MOTION** was made by Councilmember Weishuhn, with a **SECOND** by Councilmember Zbranek that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

Janet Moerbe, Mayor