

## **REGULAR COUNCIL MEETING – January 14, 2019**

The City Council of the City of La Grange met in Regular Session on Monday, January 14, 2019 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 David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Robbye Meyer, Mark Meyer, Jeff Markey, Travis Hardaway, Mike Mabry, Sarah Mabry, Marilyn Descours, Mary Ann Powell Tom Hudson, Shirley Hudson, Kim Newton, C. Welker, Kyle Shimpock, Larry Jackson, Harvey Busch, Shirley Thrasher, Nancy A, Ken Dernehl, Neale Rabensburg, Brandon Schielack, and others.

Mayor Moerbe called the meeting to order. Councilmember Deborah Bradley gave the invocation.

Under petitions Marilyn Descours, Sarah Mabry, Mike Mabry DVM, Mary Ann Powell, Shirley Hudson, Ken Dernehl, and Tom Hudson addressed the council.

### **CONSENT AGENDA**

Discuss and or consider approval of December 2018 minutes.

A motion was made by Councilman Eilert and seconded by Councilman Janca to approve the Consent Agenda Item as presented. Motion passed.

### **REGULAR AGENDA**

The next item was a report from Mr. Arnold Romberg – City Representative to the Fayette County Appraisal District.

The next item was a presentation by Arx Housing Initiatives and Bouldin Communities regarding proposed La Grange Springs Development. The following item was a review of Texas Department of Housing and Community Affairs Housing Tax Credit Program. Ms. Robbye Meyer and Mr. Jeff Markey appeared before council to review the proposed property development under the Texas Department of Housing and Community Affairs Housing Tax Credit (HTC) Program. The developer submitted a preliminary application to TDHCA on January 9<sup>th</sup> for the development with the final application due March 1<sup>st</sup>. In order for the development to move forward the developer will need to obtain support from the city for the proposed development. A resolution which would be required in the application was also provided for review. Staff presented this item to council for information only at this time and will be back at a later date for consideration.

The next item was to discuss and or consider approval on Second Reading of an Ordinance Amending Chapter 13, Utilities, Code Of Ordinances, City Of La Grange, Texas,

As Recodified On January 8, 2007, By Amending Article 13.02, Water, Division 2. Rates And Charges, By Increasing Certain Fees, Rates And Charges, Including Bulk Water Sales Charges, Disconnection And Reconnection Of Service Fees, Connection Charges, Outlet Charges; By Amending Article 13.03, Sewers, Division 1. Generally, By Increasing Rates And Charges, Including Outlet Charges And By Amending Division 2. Industrial Wastes Increasing The Charges For Control Of Admissible Wastes Charges; By Amending Article 13.04, Electric Service, Division 2. Rates And Charges, By Clarifying When Re-Connections Will Occur, And By Increasing Rates And Charges, Including Disconnection And Reinstatement Of Service Charges And Connection Charges; Authorizing The City To Collect Same; And Providing For An Effective Date. This is the second and final reading of an ordinance to modify utility connection, reinstatement fees and utility tap fees. The council approved the ordinance on first reading at the December 10<sup>th</sup> meeting. In reviewing our current connection and reinstatement charges it was determined that we are not recouping the cost to provide the service. The cost to reinstate service includes the time it takes staff to physically go to the service location and equipment used to perform the service. We have calculated the cost is \$40.00 to provide the service. In determining the cost to install a new meter we evaluated all costs associated with the installation. The costs included staff time, equipment usage, back fill material, pavement repair and the meter. We have calculated the cost is \$750.00 to install a ¾ inch water meter and \$500.00 to install a sewer 4 inch tap. The sewer rate is lower due to the fact that the actual installation of the sewer tap is completed by a licensed plumber. **MOTION** Councilman Eilert, **SECOND** Councilman Janca to approve this ordinance on second reading. A roll call vote was taken: Councilmember Busch for, Councilmember Bradley for, Mayor Pro tem Cernosek for, Councilman Eilert for, Councilman Janca for, Councilman Taylor for, Councilmember Weishuhn for, Councilmember Zbranek for. Motion carried 8-0. Attachment #1

The next item was to Discuss and or Consider approval on First Reading of An Ordinance Of The City Council Of The City Of La Grange, Texas, Amending Chapter 2 – Animal Control, By Adding Certain Definitions To Section 2.01.001 To Be Realigned To Include Said Definitions In The Alphabetical Scheme Thereof; Amending Section 2.02 By Adding New Sections 2.02.006 – 2.02.008, Of the City Of La Grange Code Of Ordinances, Establishing Regulations Dealing With The Care And Control Of Animals Within The City, Including Regulations Dealing With Unlawful Dog Restraint, Providing A Criminal Penalty of \$500.00 For The First Offense And The Penalty Provisions Of The Penal Code Of Class B Misdemeanor For Each Subsequent Conviction, Confirming Texas Open Meetings Act Compliance, Providing An Effective Date. Staff brought back for council consideration an ordinance that would prohibit the unlawful restraint of dogs. Unlawful restraint is defined as a means to keep a dog outside and unattended under certain circumstances, including extreme weather conditions that unreasonably limits the dog's movement. The ordinance mirrors state law. **MOTION** Councilmember Weishuhn, **SECOND** Councilmember Busch to approve this ordinance on first reading. A roll call vote was taken: Councilmember Busch for, Councilmember Bradley for, Mayor Pro tem Cernosek for, Councilman Eilert for, Councilman Janca for, Councilman Taylor for, Councilmember Weishuhn for, Councilmember Zbranek for. Motion carried 8-0.

The next item was to Discuss and or Consider approval on First Reading of An Ordinance Amending The Zoning Ordinance, Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Code Of Ordinances Of The City Of La Grange, Texas, Section 9. District B-Business Or Commercial District, Subsection 9-1, Use Regulations, By Adding Two New Subsections Under Subsection 9-1, Subsections (J.1) And (K.1), To Allow for Alcohol, Beer, Wine, And Mead Manufacture, With Certain Limitations, By Further Amending Section 11. District I-Industrial, Subsection 11-1. Use Regulations, By Repealing Subsection (Q)(3) And Renumbering Any Additional Subsections Under Subsection Q In Sequential Numbering; Confirming Texas Open Meetings Act Compliance, Providing An Effective Date. Staff is requesting council approval to modify the zoning ordinance to allow for the production of alcohol in a commercial or industrial district. The current zoning ordinance prohibits alcohol manufacture in the city. We are currently working with a brewer that is interested in opening a brewery in the community and the change in zoning is needed to allow for the project to move forward. The following sections will be added to the zoning ordinance: (J.1) Alcohol manufacture (Business or Commercial District and Industrial District but not in the Historic District.) and (K.1) Beer, wine and Mead manufacture (Business or Commercial District and Industrial District, including Historic District.) Staff recommends approval. **MOTION** Councilman Eilert, **SECOND** Mayor Pro tem Cernosek to approve this ordinance on first reading. A roll call vote was taken: Councilmember Busch for, Councilmember Bradley for, Mayor Pro tem Cernosek for, Councilman Eilert for, Councilman Janca for, Councilman Taylor against, Councilmember Weishuhn against, Councilmember Zbranek for. Motion carried 6-2.

The following item was to discuss and or consider approval of a Resolution authorizing the submission of a Hurricane Harvey Community Development & Revitalization CDBG-DR Application to the General Land Office. Staff requests council approval of a resolution authorizing the submission of a CDBG-DR application to the GLO for infrastructure funding. **MOTION** Councilman Janca, **SECOND** Councilmember Busch to approve staff's request. Motion carried. Attachment #2

The following item was to discuss and or consider selection of a Grant Administrator for the GLO Hurricane Harvey application and project administration. The next item was to discuss and or consider selection of an Engineer to enter into contract negotiations for the GLO Hurricane Harvey application and engineering services. We have been allocated funds from the Texas General Land Office to undertake infrastructure activities. We now can proceed with the submittal of a formal application for the infrastructure funding. Staff recently issued a request for consultant/management and engineering services to assist in the development and management of the Infrastructure Assistance grant. We received one proposal for management services and four proposals for engineering services. The Management proposal was submitted by Langford Community Management Services. The Engineering firms that submitted proposals included BEFCO Engineering, Strand Engineers, Separation Systems Consultants and TRC Engineers. We have utilized the services of Langford Community Management Services on numerous grants and staff is recommending Langford Community Management Services to assist in the development of the application. An evaluation committee was formed to review the Engineering firms and was comprised of

Frank Menefee, Andy Blaha and Shawn Raborn who independently reviewed and scored the proposals. The ranked result of the scoring process was BEFCO Engineering, Strand Engineers, TRC Engineers and Separation Systems Consultants. The first three firms can all do the job requested. Staff recommends the selection of BEFCO Engineering as the project engineer. We have utilized the services of BEFCO in the past on Community Development applications and are currently the engineer for the Texas Department of Emergency Management mitigation grant application. **MOTION** Councilmember Weishuhn, **SECOND** Mayor Pro tem Cernosek to accept staff's recommendation on both the grant administrator and the engineer for the GLO Hurricane Harvey application and engineering services. Motion carried.

The next item was to discuss and or consider re-appointment and new appointments to the Fayette Public Library Museum Archives Advisory Board. The Fayette Public Library Museum Archives Board of Directors is composed on nine members who are appointed by the City Council. The Board serves as an advisor to the library staff in the operation and maintenance of the library. Current members of the Board are: Elva Keilers Arlene Zapalac, Sally Garrett, Jeff Kelly, Neale Rabensburg, Kathy Carter, Nicole Ramirez, Milton Schmidt, and Suzy Romberg. The Library Board recommends that Kathy Carter, whose term expired on December 31, 2018, be re-appointed for a three-year term. Due to the passing of board member Milton Schmidt and the resignation of Suzy Romberg, the Library Board has two positions available. The Library Board recommends that Gregory Walker and Brianne Bernsen be appointed for a three-year term beginning on January 1, 2019. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilmember Weishuhn to approve the board's recommendations. Motion carried.

The next item was to discuss and or consider appointment of Fireman's Pension Board. Included on the Fireman's Pension Board is one member from the city council of the City of La Grange. Currently Councilmember Violet Zbranek is council representative on the board. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilmember Busch to appoint Violet Zbranek as council representative. Motion carried.

The next item was to discuss and or consider approval of Final Replat request at 429 E. Fannin St. owned by Jeffrey Jr. & Charis Olchesky. A replat request was received from Jeffrey Jr. & Charis Olchesky, the owners of 429 E. Fannin Street. They desire to purchase 10' of property from their neighbor. City Council gave preliminary approval on November 13, 2018 to have the lot replat for the additional 10 feet. **MOTION** Councilmember Eilert, **SECOND** Councilman Janca to approve the replat request. Motion carried.

The next item was to discuss and or consider final replat request from Keilers & Keilers LLC, 254 W. Milam & 223 S. Main St., A request was received for a replat from Keilers & Keilers LLC, owners of 254 W. Milam & 223 S. Main Street to create an additional legal lot. The City Council gave preliminary approval on November 13, 2018. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilman Taylor to approve the replat request. Motion carried.

#### Tourism Grant Committee

The next item was to discuss and or consider approval of allocation of Tourism Grant Funds. Tourism Committee Chair Busch reported that the committee met earlier to review two funding requests. The requests were from Bugle Boy Foundation in the amount of \$10,000 and The Best Little Cowboy Gathering in Texas in the amount of \$8,500. After review, the committee recommends that council fund the request from the Bugle Boy Foundation in the amount of \$10,000 and the request from The Best Little Cowboy Gathering in Texas in the amount of \$7,500. **MOTION** Councilmember Busch, **SECOND** Councilman Janca to approve the committee's recommendations. Motion carried.

#### City Council Committee Reports

The Library Board met the previous Tuesday, Mrs. Bernsen & Mr. Walker are anticipated to be a great benefit to the board. Councilman Taylor commended the Library for the new Career Cruising program.

#### Chief Of Police Update

The new body & vehicle cameras should be installed very soon. The department will participate in the Step program with TxDOT in which over time is reimbursed thru TxDOT. This is a result of the drastic increase in accidents occurring in the City of La Grange. They will be looking for 5 things, speed, cell phones, safety belts, child safety, and DWI. Recently there were 4 vehicle burglaries. There have also been reports of someone knocking on house doors and then leaving. Chief Gilbreath reminded everyone if you notice something happening, to call the department at that time, don't wait till the next day. Dollar General was also burglarized.

#### City Manager Update

The bulk pick up will be held on January 26<sup>th</sup>. As part of the LCRA Step forward Program there will be painting done at White Rock Park. Electrical work is still needing to be done for the Splash Pad Project.

At 7:15 PM as pursuant to Section 551.074 Personnel Matters 1. Annual Review of City Manager Shawn Raborn council went into Closed Executive Session.

At 8:10 PM Council went into Open Session. No action was needed.

At 8:11 PM a **MOTION** was made by Councilman Eilert, with a **SECOND** by Councilmember Weishuhn that the meeting be adjourned. Motion carried.

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Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

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Janet Moerbe, Mayor

## REGULAR COUNCIL MEETING – January 28, 2019

The City Council of the City of La Grange met in Regular Session on Monday, January 28, 2019 in the City Hall Council Chambers at 155 E. Colorado St. with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Councilmember Deborah Bradley and Councilman Ken Taylor were absent. Staff present: City Manager Shawn Raborn, Chief David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Jackie Skelton, Sarah Mabry, Mike Mabry, Phil Oestreich, Robbye Meyer, Kyle Shimpock, Harvey E. Busch, L.H. Mueller, Shirley Hudson, Joy Cameron, Steve Cameron, Ralph Rosenberg, J. Paul Bruhn, Chris Dringenberg, Richard Chernosky, Cleo Wenske, Larry Jackson, Ken Dernehl, Jesse McDaniel, Nancy Applebe, Tom Hudson Billy Beth Baker and others.

Mayor Moerbe called the meeting to order. Pastor J. Paul Bruhn of First United Methodist Church gave the invocation.

Under petitions Ken Dernehl and Mike Mabry addressed the council.

### REGULAR AGENDA

The first item was a report on proposed Hope Hill Development located at 808 Horton Street by Fayette County Area Disaster Recovery Team. Mr. Larry Jackson, President of the Fayette County Area Disaster Recovery Team (FCDART), requested to appear before council to address council on the proposed Hope Hill Development. (A copy of the presentation is included.) Attachment #1 Following the presentation council had additional questions regarding the development. Ms. Joy Cameron assisted Mr. Jackson with providing information related to the questions.

The next item was to discuss and or consider approval of request to vacate existing Meadow Hill Subdivision plat on 22.95 acre property owned by the Fayette County Area Disaster Recovery Team located at 808 Horton Street. The owner of the property at 808 Horton Street is requesting council approval to vacate the existing plat that was approved by council on April 13, 2015. (A copy of the letter is included.) Attachment #2 After vacating the plat the owner of the property would have to begin the platting process over to subdivide the property. In this case the owner has submitted the preliminary plat for council consideration and it is included as part of this council meeting. **MOTION** Councilman Eilert, **SECOND** Councilmember Weishuhn to vacate the existing plat. Motion carried 4-2 with Councilmember Busch and Councilmember Zbranek voting against.

The next item was to discuss and or consider approval of preliminary plat of the Hope Hill Subdivision being a 22.95 acre property owned by the Fayette County Area disaster Recovery Team located at 808 Horton. A preliminary plat was received from Mr. Miguel Gonzales, P.E. who is representing the owner of Hope Hill subdivision located at 808 Horton Street. The new subdivision is located within both the city limits and the ETJ of the City of La Grange and is governed by our subdivision ordinance. The development consists of 59 single-family residential lots, 1 multi-family lot and 2 common amenities. A letter from Mr. Gonzales

was included in the council packet and an updated letter was presented at the meeting. Attachment #3 The development has not requested any variances to the city subdivision ordinance. The approval of the preliminary plat does not guarantee approval of final plat but just authorizes the property owner to proceed to the development of the final plat. Chris Dringenberg who works with Mr. Gonzales was in attendance to answer questions from the council. It was noted that the preliminary plat only includes 58 single-family residential lots. **MOTION** Councilmember Busch, **SECOND** Councilmember Zbranek to table this item. Motion carried 4-2 with Councilman Eilert and Mayor Pro tem Cernosek voting against.

The next item was a review of Texas Department of Housing and Community Affairs Housing Tax Credit Program. The following item was to discuss and or consider resolution in support of proposed La Grange Springs Development. This item is being brought back for review of the proposed La Grange Springs Development. La Grange Springs is envisioned to be a 56 unit rental property developed under the Texas Department of Housing and Community Affairs Housing Tax Credit (HTC) Program. The development will be located near the intersection of US Highway 77 North and FM 2145 just inside the city limits of La Grange. The developer submitted a preliminary application to TDHCA on January 9<sup>th</sup> for the development with the final application due March 1<sup>st</sup>. In order for the development to move forward the developer will need to obtain support from the city for the proposed development. A resolution that is required in the application was included in the council packet for review Staff contacted communities that have properties owned or managed by Ms. Robbye Meyer and Mr. Jeff Markey. Communities contacted included Brenham (Jefferson Square Apartments)- stated to be nice apartments with very few problems; Lockhart (Lockhart Springs) under construction at this time; Caldwell is not under construction as of this time, waiting for land control; Montgomery- stated to be nice apartments with no problems. Ms. Meyer addressed the council and provided information regarding the project. **Motion** Councilman Janca, **SECOND** Councilmember Weishuhn to approve the resolution. Motion carried 5-1 with Councilmember Busch voting against. Attachment #4

The next item was to discuss and or consider approval on Second Reading of An Ordinance Amending The Zoning Ordinance, Chapter 14, Zoning Exhibit A, Zoning Ordinance, Code Of Ordinances Of The City Of La Grange, Texas, Section 9. District B-Business Or Commercial District, Subsection 9-1, use Regulations, By adding Two New Subsections Under Subsection 9-1, Subsections (J.1) And (K.1), to Allow for Alcohol, Beer, Wine, And Mead Manufacture, with Certain Limitations, By Further Amending Section 11. District I-Industrial, Subsection 11-1. Use Regulations, By Repealing Subsection (Q)(3) And Renumbering Any Additional Subsections Under Subsection Q in Sequential Numbering; confirming Texas Open Meetings Act Compliance, Providing An Effective Date. This item was pulled.

The next item was to discuss and/or consider and take appropriate action on Order Calling for Election of City Officers. Discutir y/o considerer y tomar acción apropiada sobre la autorización para La Orden de Elección de Consejo Municipal. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilmember Weishuhn to approve Order Calling for Election of City Officers. Motion carried.

The next item was a report on Active Projects. This item was included in the City Manager's Update.

#### CONSENT AGENDA

Discuss and or Consider approval on Second Reading of An Ordinance Of The City Council Of The City Of La Grange, Texas, Amending Chapter 2 – Animal Control, By Adding Certain Definitions To Section 2.01.001 To Be Realigned To Include Said Definitions In The Alphabetical Scheme Thereof; Amending Section 2.02 By Adding New Sections 2.02.006 – 2.02.008, Of the City Of La Grange Code Of Ordinances, Establishing Regulations Dealing With The Care And Control Of Animals Within The City, Including Regulations Dealing With Unlawful Dog Restraint, Providing A Criminal Penalty of \$500.00 For The First Offense And The Penalty Provisions Of The Penal Code Of Class B Misdemeanor For Each Subsequent Conviction, Confirming Texas Open Meetings Act Compliance, Providing An Effective Date. A **MOTION** was made by Councilman Eilert, **SECOND** by Councilman Janca to approve the Consent Agenda Item as presented. A roll call vote was taken: Councilmember Busch for, Councilmember Bradley absent, Mayor Pro tem Cernosek for, Councilman Eilert for, Councilman Janca for, Councilman Taylor absent, Councilmember Weishuhn for, Councilmember Zbranek for. Motion carried 6-0.

#### Chief of Police Update

The equipment has been installed for the new in car videos. One business has had a truck, trailer, and ATV taken.

#### City Manager Update

Active Projects include the LGISD project- working with the contractor to set the new 2000kVA transformer and the sewer lines. H&C Construction is back in town working on the Madison, Camp, and other areas. They will also work on Milam and Meyer which had cuts made for the school project. Survey work is underway on the replacement of the trunk sewer line going to the plant. Began working with Cutright & Allen on restroom facilities at White Rock Park. The equipment has been received and installed for the in-car video systems and the deployment of body worn cameras. Bulk pick up was this past weekend.

At 7:25 PM a **MOTION** was made by Councilman Janca, with a **SECOND** by Councilmember Zbranek that the meeting be adjourned. Motion carried.

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Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

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Janet Moerbe, Mayor