

SPECIAL COUNCIL MEETING – November 13, 2018

The City Council of the City of La Grange met in Special Session on Tuesday, November 13, 2018 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, Councilman Ken Taylor, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Councilmember Deborah Bradley was absent. Staff present: City Manager Shawn Raborn, Chief David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Mike Mabry, DVM, Tom Hudson, Ken Dernehl, Larry Jackson, Harvey E. Busch, John Banks, Dan Romo, Neale Rabensburg, Charlo Wharton and others.

Mayor Moerbe called the meeting to order. Councilman Pat Janca gave the invocation.

Under petitions, Mike Mabry, DVM, Ken Dernehl, Larry Jackson, and Tom Hudson addressed the council.

The first item was to discuss and or consider contract for Court fines and Fees Collection Services with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. The following item was to discuss and or consider an ordinance authorizing imposition of the statutory 30% collection fee to defray costs of collecting delinquent fines, fees, court costs, and other debts pursuant to Article 103.0031 of the Texas Code of Criminal Procedures. Staff is presenting for your consideration an agreement with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. to provide municipal court and fee collection services. The services provided will be in addition to our current procedure of submitting outstanding failure to appear warrants and unpaid tickets to OmniBase Services of Texas. OmniBase is a statewide database service for cities that once a ticket is entered into the system limits the ability of the individual with a failure to appear warrant to renew their driver's license. We have not utilized the services of an active collection service agency for the past several years and staff believes that we have an opportunity to utilize the services of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. as another tool to collect our outstanding fines. The firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. is represented locally by Mr. John Banks who serves as the delinquent tax attorney for the Fayette County Appraisal District. City Manager Raborn has discussed the services provided by Perdue with Mr. Moring the Chief Appraiser and they are very satisfied with the service provided. Council was provided with a copy of the contract for services with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. and an ordinance that will allow for the additional 30 percent service fee to be added to the amount due. All costs associated with the collection of the outstanding fines are paid by the individual who received the citation and failed to take care of the issue in a timely manner. Mr. Banks and Mr. Dan Romo addressed the council regarding these two items. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilmember Weishuhn to approve contract for court fines and fees collection services with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. Motion carried. **MOTION** Councilman Taylor, **SECOND** Councilman Janca to approve an ordinance authorizing imposition of the statutory 30% collection fee to defray costs of collecting delinquent fines,

fees, court costs, and other debts pursuant to Article 103.0031 of the Texas Code of Criminal Procedures on first reading. 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 for, Councilmember Weishuhn for, Councilmember Zbranek for. Motion carried 7-0.

The next item was an overview of the platting process. Asst. City Manager Menefee reviewed the process with council.

The next item was to discuss and or consider preliminary replat request from Jeffrey Jr. & Charis Olchesky, 429 E. Fannin St. A replat request was received from Jeffrey Jr. & Charis Olchesky, the owners of 429 E. Fannin St. they would like to purchase 10' of property from their neighbors Donald & Marciel Mashmeyer in order for the Olchesky's to have a larger back yard. Both lots do meet the City Ordinance lot size requirements. There were 20 letters sent to property owners within a 200' radius of the Olchesky's address asking if the owners were in favor of or opposed to the subdivision request. There were eight (8) letters returned in favor of granting this request, one (1) letter that was not marked, and eleven (11) letters not returned. **MOTION** Councilman Janca, **SECOND** Councilman Eilert to approve the preliminary replat request. Motion carried.

The next item was to discuss and or consider preliminary replat request from Keilers & Keilers LLC, 254 W. Milam & 223 S. Main St. A request was received for a variance and replat from Keilers & Keilers LLC, owners of 254 W. Milam & 223 S. Main St. to create an additional legal lot in order to build another house on their property. A variance is being requested for the rear setback line at 254 W. Milam St. which would be required should council grant approval of the replat request. This request was approved by the Board of Adjustments contingent on council approval of the replat request. All lots would meet the required lot size. This replat request creates an additional lot on the S. Main St. side of the property. There were 20 letters sent to property owners within a 200' radius of this address asking if the owners are in favor of or opposed to the subdivision request. There were eight (8) letters returned in favor of granting this request, five (5) letters that were opposed to granting this request, and seven (7) letters not returned. **MOTION** Councilman Eilert, **SECOND** Mayor Pro tem Cernosek to approve the preliminary replat request. Motion carried.

The next item was to discuss modifications to utility connection and reinstatement fees. Staff is in the process of reviewing the cost of utility services we provide that are above and beyond the base utility service fees. In reviewing our current connection and reinstatement changes we have determined that we are not recouping the cost to provide the service. In determining the cost to provide the service we evaluated the time it takes staff to physically go to the service location and equipment used to perform the service. We have calculated the cost of \$40 to provide the service. There is an average of 412 water connections and 540 electric service connections per year and the increase in fees would generate approximately \$10,800 per year based on the historical average. This item is being

presented for informational purposes at this time and will be brought back for formal consideration at a later date.

The next item was to discuss modifications of utility tap fees. Staff is in the process of reviewing the cost of services we provide that are above and beyond the base utility service fees. In reviewing our current tap fees we have determined that we are not recouping the cost to provide the service. The fees that are being proposed will more closely represent the cost to provide the service. Staff also conducted a survey of area communities and shared this with council. In determining the cost to provide the service we evaluated all costs associated with the installation of a meter. The costs included staff time, equipment usage, back fill material pavement repair and the meter. The cost has been calculated to be \$750.00 to install a water meter and \$500.00 to install a sewer tap. The sewer rate is lower due to the fact that the actual installation of the sewer tap is completed by a licensed plumber. In 2017 there were 11 water taps and 9 sewer taps made. Based on the previous year the new rates would result in \$6,540 in additional revenue. This item is being presented for informational purposes at this time and will be brought back at a later date for formal consideration.

The next item was to discuss and or consider awarding the engineering services contract for the preparation of the City of La Grange's 2019-2020 TxCDBG Community Development Fund Application and subsequent contract implementation is application is funded. Staff recently issued a Request for Qualifications for Preliminary engineering services and design engineering services related to our proposed 2019 CDBG grant application. We evaluated proposals from four engineering firms to serve as the project engineer for the CDBG project. The firms that submitted proposals included BEFCO Engineering, TCE Engineers, Separation Systems Consultants and TRC Engineers. The evaluation committee was comprised of Frank Menefee Jr., Mayor Moerbe and Shawn Raborn who independently reviewed and scored the proposals. The ranked result of the scoring process was BEFCO Engineering, TCE Engineers, TRC Engineers and Separation Systems Consultants. Staff recommends the selection of BEFCO Engineering as the project engineer. The city has utilized the services of BEFCO in the past on Community Development applications and have been satisfied with the services provided. **MOTION** Councilman Eilert, **SECOND** Councilmember Zbranek to approve staff's recommendation. Motion carried.

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

Chief Of Police Update

Mayor Moerbe thanked Chief Gilbreath and all of the force for their dedication and self-sacrifice for all that they have been through this past week and the prayers of the council have been with all of you. You are all a great service to us. Chief Gilbreath then noted that there was an incident which happened on November 1st, in which one city officer was cut at one location and one county officer was shot at another location. City officers received mutual aid from many other agencies during this occurrence. This incident is being

investigated by the Texas Rangers which is normal protocol for such events. Please keep deputy CJ Lehmann and his family in your prayers.

There has also been a large number of counterfeit bills being presented in La Grange at this time.

City Manager Update

Due to the weather forecast for the day of Halloween, the Main Street staff moved Trick or Treat on the Square to November 1st.

Schmeckenfest preparations are underway, this event is the first Thursday in December.

Yesterday was the first day for bills to be filled for the 86th State of Texas Legislation Session, there were close to 500 bills filed. Indications are that this legislation session will be a challenging one for cities.

The Railroad plans to work on the crossing over Beefhead Ditch. Information will be brought back to council regarding this project. Frank Menefee is working with the railroad on this project and doing a great job.

The active projects report was then reviewed. It was noted that the equipment has been installed for the TTHM project on Horton Street. The BacT sample was taken and we are waiting on the results to be returned. Work continues on the CDBG project the tie in of the new line is being worked on and the line installation should be completed within the next few weeks. Staff is coordinating the reclaiming of the impacted streets with H&C Construction. Following review by Dunham engineering the Stand Pipe will not be rehabbed at this time. The recommendation is to replace the structure in 5 years. Well Station G Project will include the replacement of the Aerator and support structure and the rehabbing of the well. The weather has affected the project at the Randolph Recreation Center. Watts Pools has begun work on the slash pad portion of the project. Weather permitting the playscape installation is scheduled to begin the week of November 19. Technology upgrades are being reviewed for the police department which include updated in-car video systems and the deployment of body worn cameras. The TDEM-Mitigation application has been submitted.

Mr. Charlo Whorton completed a Request to Speak Form following the start of the council meeting. He addressed the council at this time.

At 7:27 PM as pursuant to Section 551.072 Real Property, council went into executive session to discuss the following matters: 1) Discuss and or consider acquisition of real property. 2) Discuss and or consider the sale and/or conveyance of City owned real property.

At 7:46 PM Council went into Open Session. There was no action required at this time.

At 7:47 PM a **MOTION** was made by Councilmember Weishuhn, with a **SECOND** by Councilman Taylor that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

Janet Moerbe, Mayor

REGULAR COUNCIL MEETING – November 26, 2018

The City Council of the City of La Grange met in Regular Session on Monday, November 26, 2018 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, Councilman Ken Taylor, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Councilmember Deborah Bradley was absent. Staff present: City Manager Shawn Raborn, Chief David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Sarah Mabry, Tom Hudson, Ken Dernehl, Harvey E. Busch, Larry Jackson, Roger Bippert and others.

Mayor Moerbe called the meeting to order. Councilmember Kathy Weishuhn gave the invocation.

Under petitions, Ken Dernehl and Sarah Mabry addressed the council.

The first item was to discuss and or consider on second reading an Ordinance Providing For A Fee To Defray Costs Of Collecting Delinquent Fines, Fees, Court Costs, and Other Debts Pursuant To Article 103.0031 Of The Texas Code Of Criminal Procedure. Staff presented on second reading the ordinance authorizing the imposition of the statutory 30% collection fee to defray the cost of collecting delinquent fines. The ordinance was approved on first reading at the November 13th council meeting. All costs associated with the collection of the outstanding fines are paid by the individual who received the citation and failed to take care of the issue in a timely manner. **MOTION** Councilmember Weishuhn, **SECOND** Mayor Pro tem Cernosek to approve this ordinance on second reading. 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 for, Councilmember Weishuhn for, Councilmember Zbranek for. Motion carried 7-0. Attachment #1

The next item was to discuss and or consider the reappointment of Violet Zbranek as a Director of TexGas I for an additional term to expire on August 15, 2024. Staff is requesting that Violet Zbranek be reappointed to the TexGas I Board of Directors with a term, to expire on August 15, 2024. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilman Taylor to approve the reappointment. Motion carried.

The next item was to discuss and or consider the reappointment of Mary Voss and Monette Taylor as Directors of TexGas II for an additional term to expire on August 15, 2024. Staff is requesting that Mary Voss and Monette Taylor be reappointed as Directors of TexGas II for an additional term to expire on August 15, 2024. **MOTION** Councilman Eilert, **SECOND** Councilman Janca to approve reappointments. Motion carried.

The next item was to discuss and or consider the reappointment of Cliff Gage and Mayor Moerbe as directors of TexGas III for an additional term to expire on August 15, 2024. Staff is requesting that Cliff Gage and Mayor Moerbe be reappointed as directors of TexGas III for an additional term to expire on August 15, 2024. **MOTION** Councilmember Weishuhn, **SECOND** Councilmember Zbranek to approve reappointments. Motion carried.

The next item was to discuss and or consider authorizing staff to enter into an agreement with Tania Glenn and Associates for clinical advisor services in connection with traumatic events associated with the La Grange Police Department. Staff is requesting council authorization to enter into an agreement with Tania Glenn and Associates for clinical advisory services related to traumatic events associated with activities of the La Grange Police Department. Members of the La Grange Police Department recently utilized the services of Ms. Glenn after the recent officer involved shooting. The services were provided under an agreement that Ms. Glenn has with Fayette County and they offered the service to our staff. The officers that utilized the services of Ms. Glenn indicated that they were valuable and helpful in dealing with the situation. Staff is recommending approval of support services. The agreement can be terminated with a 30 day notice. **MOTION** Councilmember Weishuhn, **SECOND** Councilman Janca to approve the agreement. Motion carried. Attachment #2

The next item was to discuss and or consider authorizing staff to coordinate with Union Pacific to close the 200 block of North Jackson during construction of railroad bridge at North Jackson and East LaFayette Street. Staff is requesting council authorization to close the 200 block of North Jackson during construction of the railroad bridge replacement project located at the intersection of North Jackson and LaFayette Street. We have not received the exact date when construction will begin but it is anticipated that the project will take 30 days to complete. Prior to construction beginning the city will need to reroute the electric circuit that runs over the project location. Upon completion of the project the electric circuit will be place back. Union Pacific is responsible for the costs associated with the line relocation and payment has been received for the work to be completed. **MOTION** Councilman Taylor, **SECOND** Councilmember Busch to approve staff's request. Motion carried.

Chief of Police Update

Chief Gilbreath expressed thanks for letters to the department following the officer involved shooting which occurred earlier in November. Chief Gilbreath also expressed thanks for council approval of the agreement with Tania Glenn and Associates. The prior month's police department was reviewed, some items mentioned included that there were 21 accidents, 5 assaults, 4 burglaries, 3 school zone violations, 9 CPS investigations, and 57 animal control calls. November has also been a very active month as well.

City Manager Update

The sales tax report was reviewed with council. Shop Small Saturday was well attended in La Grange. Multiple city departments are very busy decorating and making preparations for

Christmas. The Randolph Recreation Center will host Breakfast with Santa on December 8th. The Historic Casino Hall is booked for many events and parties in December.

At 6:31 PM a **MOTION** was made by Councilman Janca, 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