

## REGULAR COUNCIL MEETING – September 14, 2015

The City Council of the City of La Grange met in Regular Session on Monday, September 14, 2015 in the City Hall Council Chambers with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Councilmember Deborah Bradley, Mayor Pro tem John Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Arnold Romberg, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Staff present: City Manager Shawn Raborn and City Secretary Lisa Oltmann. Visitors: Jeff Wick, DiAnn Schlabach, and Brookshire Outland.

The Pledge of Allegiance was recited and Pastor J. Paul Bruhn of the First United Methodist Church gave the invocation.

Under Public Petitions Brookshire Outland addressed the council regarding placing a plaque at the park to honor former City of La Grange employee Sherman Griffin who lost his life in 2007 after being attacked by bees while mowing the park.

The first item was a Public Hearing on the Proposed Tax Rate. The Public Hearing was opened at 6:05 PM. This is the second of two public hearings regarding the proposed tax rate. Staff is proposing to set the tax rate at .2157, which is .009 above the effective rate of .2067. There being no one present to comment, the Public Hearing was closed at 6:06 PM.

The next item was to discuss and or consider final replat request regarding 1403 Carroll Ln owned by the Bernice Weishuhn Estate and the adjacent lot owned by Leroy Baca ET AL to sub-divide these two (2) lots into three (3) lots. The City of La Grange has received a request from Leroy C. Baca representing the owners of adjoining properties owned by the Bernice Weishuhn Estate at 1403 Carroll Ln, and the adjacent property facing Carroll Ln owned by Leroy Baca ET AL to sub-divide these two (2) lots into three (3) lots. Council gave preliminary approval to this request at the August 24, 2015 meeting. **MOTION** Councilmember Violet Zbranek, **SECOND** Councilman Arnold Romberg to approve this request. Motion carried.

The next item was to discuss and or consider preliminary replat request from Howard Konetzke & Vicki Konetzke to sub-divide 917 N. Jackson Street into two (2) lots. The City of La Grange has received a request from Howard Konetzke & Vicki Konetzke the owners of 917 N Jackson Street to sub-divide this lot into two (2) lots. Lot 1 would be approximately 70.00' X 173.99', lot 2 would be approximately 137.50' X 173.69'. Both lots would meet the requirements regarding lot size. Letters were sent to all property owners within a 200' radius of this location to see if they were in favor of or opposed to granting this request. There were eight (8) letters returned in favor of granting this request, there were three (3) letters returned not in favor of granting this request, and there were three (3) letters which were not returned. **MOTION** Councilman

Romberg, **SECOND** Councilman Pat Janca to approve the preliminary replat. Motion carried.

The next item was to discuss and or consider contract for assessment and collection services with the Fayette County Appraisal District. The contract with the Fayette County Appraisal District will expire on December 31, 2015. Staff recommends that the city renew the contract for assessment and collection services for 2016 and 2017. **MOTION** Councilmember Violet Zbranek, **SECOND** Councilman Janca to approve staff's recommendation. Motion carried. Insert #1

The next item was to discuss and or consider approval of August, 2015 minutes. **MOTION** Councilman Janca, **SECOND** Councilman Janca to approve the minutes. Motion carried.

#### City Council Committee Reports

Main Street hosted the Patriot Day Ceremony on Saturday.

The Beautification Committee awarded Yard of The Month to William Bishop & Julia Ardery at 209 E. Fannin.

#### Tourism Committee

The Tourism Committee met prior to the council meeting and discussed and considered seven (7) requests as follows:

1. Texas Czech Heritage & Cultural Center in the amount of \$6,000 for advertising the Heritage Festival and Muziky to be held on October 16-17, 2015.
2. Texas Czech Heritage & Cultural Center in the amount of \$2,500 for paying for an appearance of Chet Garner at the Heritage Festival and Muziky to be held on October 16-17, 2015.
3. La Grange Main Street-Uncorked in the amount of \$8,000 for advertising Uncorked.
4. Colorado Valley Quilt Guild in the amount of \$3,500 to advertise the quilt show which will be held February 26-27, 2016.
5. Texas Quilt Museum in the amount of \$9,524 for advertising in the AAA Texas Journeys and Texas Highways magazines 3 times. This request is for 50% of the total cost.
6. Texas Quilt Museum in the amount of \$4,586 to be used to place billboards on I-10, Hwy 290, & Hwy 71. These billboards would run for 24 weeks and this request is for 50% of the total cost.
7. Polka Lovers Club of America in the amount of \$5,000 for advertising the Annual Mayfest event on November 21<sup>st</sup>.

It is the recommendation of the committee, that council fund the request as follows:

1. Texas Czech Heritage & Cultural Center in the amount of \$3,500 for advertising the Heritage Festival and Muziky to be held on October 16-17, 2015.
2. La Grange Main Street-Uncorked in the amount of \$7,000 for advertising Uncorked.
3. Colorado Valley Quilt Guild in the amount of \$3,500 for advertising the Quilt Show to be held February 26-27, 2016.
4. Texas Quilt Museum in the amount of \$9,524 for advertising in AAA Texas Journeys & Texas Highways magazines.
5. Polka Lovers Club of America in the amount of \$1,000 for advertising the Annual Mayfest event provided the event is open to the public.

The committee recommends denying the request from Texas Czech Heritage & Cultural center in the Amount of \$2,500 to pay for the appearance of Chet Garner. They also recommend tableing the request from Texas Quilt Museum in the amount of \$4,586 for billboards. **MOTION** Mayor Pro tem John J. Cernosek, **SECOND** Councilmember Weishuhn to fund these requests as recommended by the Tourism Grant Committee. Motion carried.

The next item was a Public Hearing on the Budget. The Public Hearing was opened at 6:15PM. The proposed total 2015-2016 Budget is \$12,415,699 with the General Fund at \$3,115,671; the Utility Fund at \$9,120,500, and the Debt Service Fund at \$179,528. There being no one present to comment, the Public Hearing was closed at 6:17 PM.

The next item was to discuss and or consider on First Reading of an Ordinance making appropriations for the support of the City of La Grange for the fiscal year beginning October 1, 2015 and ending September 30, 2016; appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; and adopting the annual budget of the City of La Grange for the 2015-2016 fiscal year which includes the General Fund, the Utility Enterprise Fund and the La Grange Economic Development Corporation Budget. **MOTION** Councilmember Weishuhn, **SECOND** Mayor Pro tem Cernosek to approve this ordinance on first reading. . A roll call vote taken: Councilmember Busch in favor, Councilmember Bradley in favor; Mayor Pro tem Cernosek in favor; Councilman Eilert in favor; Councilman Janca in favor; Councilman Romberg in favor; Councilmember Weishuhn in favor; and Councilmember Zbranek in favor. The motion carried by a vote of 8-0.

The next item was to discuss and or consider on First Reading of an Ordinance levying Ad Valorem taxes for use and support of the Municipal Government of the City of La Grange, Texas for the 2015-2016 Fiscal year; providing for apportioning each levy for specific purposes; providing when taxes shall become due and when same shall become delinquent if not paid; providing for the levy and collection of occupation taxes. Staff is presenting for council consideration an ordinance establishing the tax rate to

support the FY 2015-2016 annual budget. A property tax rate of \$.2157 per \$100 valuation is proposed to fund the FY 2015-2016 Budget. Of this rate, \$.1509 will be for maintenance and operations. The balance of \$0.648 is for debt service. **MOTION** Councilmember Weishuhn, **SECOND** Councilman Romberg to approve this ordinance on first reading. A roll call vote taken: Councilmember Busch in favor, Councilmember Bradley in favor; Mayor Pro tem Cernosek in favor; Councilman Eilert in favor; Councilman Janca in favor; Councilman Romberg in favor; Councilmember Weishuhn in favor; and Councilmember Zbranek in favor. The motion carried by a vote of 8-0.

The next item was to discuss and or consider Second Reading of An Ordinance Amending Chapter 13, CODE OF ORDINANCES, CITY OF LA GRANGE, TEXAS, As Recodified on January 8, 2007, By Amending Article 13.02 Section 13.02.031 Subsection (1)(A) Establishing and Fixing The Charges and Fees For Water Service Furnished To Residential Locations Within The City Limits Based On Water Usage And/Or Conservation; By Amending Article 13.02 Section 13.02.031, Subsections (2)(A) And (2)(B) Establishing And Fixing The Charges And Fees For Water Service Furnished To Commercial Locations For Single Businesses And Multi-Business Buildings, Respectively, Within the City Limits Based On Water Usage And/Or Conservation; Authorizing The City To Collect Same; And Providing For An Effective Date. Staff is proposing to increase the base residential water rate from \$22.56 to \$23.46 per month. The change is based on a four percent increase to recognize the debt service required to develop the new water field development project. The volumetric rate for residential water service will increase seven cents per thousand gallons based on the volume of water used. With the proposed rate modification we are still below the average rates for cities our size in the State of Texas according to the annual TML water survey. The average bill for cities our size with a monthly consumption of 5,000 gallons is \$33.94 compared to \$29.37 in La Grange. We also compare favorably with cities our size with a monthly water consumption of 10,000 gallons, \$53.13 compared to \$29.33 in La Grange. Insert #2

The next item was to discuss and or consider Second Reading of An Ordinance Amending Chapter 13, CODE OF ORDINANCES, CITY OF LA GRANGE, TEXAS, As Recodified On January 8, 2007 By Amending Article 13.03 Section 13.03.001 Subsection (a) Establishing And Fixing The Charges And Fee For The Sewer Service Furnished To Certain Residential Locations; By Amending Chapter 13, Article 13.03, Section 13.03.001 (a)(1)(B) By Amending The Rate For The Use Of Standard Fixtures In A Single Dwelling Within The City Limits; By Amending Chapter 13, Article 13.03, Section 13.03.001 (1)(2)(B) By Amending The Rate For The Use Of Standard Fixtures In A Single Dwelling Outside the City Limits; And By Amending Chapter 13, Article 13.03, Section 13.03.001 (a)(3)(B), By Amending The Rate For The Use Of Water In Excess Of 3,000 Gallons To Commercial Locations; And Authorizing The City To Collect Same; And Providing For An Effective Date. As part of the budget process this year staff is proposing to increase waste water rates by 2 percent. Staff is proposing to increase the

base residential waste water rate from \$10.76 to \$10.97 per month. The volumetric rate for residential wastewater service will also change by 2 percent or six cents per thousand. The current rate charged our commercial customers for waste water service is a base rate of \$11.26 for the first 3,000 gallons of water used and a \$1.81 fee per thousand gallons of water in excess of three thousand gallons per month. The proposal is to increase the base rate to \$11.49 and to increase the volumetric rate from the current \$1.81 to \$1.85 per thousand gallons in excess of the 3,000 minimum. With the proposed rate modification we are still below the average rates for cities our size in the State of Texas according to the annual TML waste water survey. The average bill for cities our size with an average consumption of 5,000 gallons is \$26.95 compared to \$17.41 in La Grange. Insert #3

The next item was to discuss and or consider on Second Reading An Ordinance Amending Chapter 13, CODE OF ORDINANCES, CITY OF LA GRANGE, TEXAS, As Recodified On January 8, 2007, By Amending Article 13.04 Section 13.04.031, Subsection (1)(B) and (2)(B) Establishing And Fixing The Charges And Fees For Electric Service Furnished To Residential And Master Meter Dwelling Units; By Amending Article 13.04 Section 13.04.031, Subsections 3(C) Establishing And Fixing The Charges And Fees For Electric Service Furnished To Commercial Locations, Based On Electric Usage; Authorizing The City To Collect Same; And Providing For An Effective Date. As part of the budget process this year, staff is proposing to modify the electric customer charge. The customer charge will increase from \$8.00 per month to \$8.50 per month. This is the sixth change in the electric customer charge in the last twenty-three years. The rate change is needed to keep pace with inflation and due to the overall cost increases in providing this service. **MOTION** Councilman Romberg, **SECOND** Councilman Janca to approve these three ordinances on second reading. A roll call vote taken: Councilmember Busch in favor, Councilmember Bradley in favor; Mayor Pro tem Cernosek in favor; Councilman Eilert in favor; Councilman Janca in favor; Councilman Romberg in favor; Councilmember Weishuhn in favor; and Councilmember Zbranek in favor. The motion carried by a vote of 8-0. Insert #4

#### Chief of Police Report

There were no major incidents during the Fayette County Fair.

There have recently been 2 burglaries, one at Break-Away Auto Glass and one at La Marina Restaurant.

National Night Out will be held on October 6<sup>th</sup>, at this time there are 3 parties scheduled in town.

#### City Manager Report

Seitel Inc. will begin work in town within the next few weeks. Staff is working with Seitel to make sure they provide information to the citizens to keep them informed.

City Manager Raborn expressed his thanks and appreciation to Emergency Management Coordinator Travis Anderson and Fire Chief Frank D. Menefee, Jr. for all they did in working with the Fayette County Fair Association in making preparations for their event.

City Manager Raborn also expressed thanks and appreciation to all of the city staff that assisted with set-up and clean-up of the Fair Parade.

Sales tax was down for the month.

City Manager Raborn then reviewed the active project report with council. Work is being done to obtain the required easements for the new water well at Station B.

At 6:35 PM as pursuant to Section 551.072 Real Property, council went into closed executive session to discuss and or consider acquisition of real property on Mode Lane.

At 6:40 PM Council went into Open Session.

**MOTION** Councilmember Weishuhn, **SECOND** Councilmember Zbranek to authorize staff to proceed with the purchase of property. Motion carried.

At 6:41PM a **MOTION** was made by Councilmember Weishuhn, with a **SECOND** by Councilman Eilert 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 – September 28, 2015**

The City Council of the City of La Grange met in Regular Session on Monday, September 28, 2015 in the City Hall Council Chambers with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Councilmember Deborah Bradley, Mayor Pro tem John Cernosek, Councilman John Eilert (arrived while meeting was in progress), Councilman Pat Janca, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Councilman Arnold Romberg was absent. Staff present: City Manager Shawn Raborn, City Secretary Lisa Oltmann, and Chief of Police Jackie Skelton. Visitors: Jeff Wick.

The Pledge of Allegiance was recited and Student Minister Jonathan Hernandez of Second Baptist Church gave the invocation.

The first item was to discuss and or consider a request to close streets for Trick or Treat on the Square and Schmeckenfest. The Advisory Board of La Grange Main Street is requesting permission for the closing of the following street sections to accommodate Trick or Treat on the Square (Friday, October 30 and Schmeckenfest (Thursday, December 3) for the safety of the public. 1. The entry to North Washington Street at Travis. 2. 100 & 200 blocks of West Colorado Street at Hwy 77 North to the intersection of North Washington. 3. Travis Street (Highway 71 Business) from Highway 77 West to Water Street. Traffic will be detoured one block south to West Crockett to South Water, then back onto Travis. 4. One half of the 200 block of North Washington to the Prosperity Bank parking lot entrance. We would like to begin blocking off the proposed streets at 3:30pm for Trick or Treat on the Square and 4pm for Schmeckenfest. TxDOT has reviewed and approved the closures regarding Highway 71 & 77. **MOTION** Councilmember Kathy Weishuhn, **SECOND** Councilmember Violet Zbranek to approve this request. Motion carried.

The next item was to discuss and consider award of bid for Ground Storage Tank B. On September 15, 2015 bids were received for improvements at Well Station B. Mr. Jimmy Dunham, P.E. of Dunham Engineering recommends awarding of the project to the low bidder M.K. Painting for their base bid of \$156,000 + Additive Bid Item #1 for \$4,000 for a total award of \$160,000. M.K. Painting is a specialty contractor that has rehabilitated several water storage tanks under the supervision of Dunham Engineering. Dunham Engineering states that M.K. Painting has always done an excellent job and they highly recommend M.K. Painting for award of the contract. Staff concurs with the recommendation of Mr. Dunham to award the bid to M.K. Painting the low bidder in the amount of \$160,000. This project was included in the Water Department Capital Project Budget. **MOTION** Mayor Pro tem John J. Cernosek, **SECOND** Councilmember Zbranek to approve staff's recommendation. Motion carried. **INSERT #1**

The next item was to discuss and or consider a request from Mr. Joe Marshall for the city to share in the cost to repair due to sewer backup. In August, staff presented information regarding a recent sewer claim submitted by Mr. Joe Marshall. As indicated before, staff concurs with our insurance provider in that we are not liable for the claim due to the fact that the sewer line problem was not caused by a wrongful act of city staff. Due to the plight of the homeowner in this situation council may consider a good will payment to the homeowner. Staff is proposing that the following guideline be utilized when reviewing claims of this nature: a) financial assistance not to exceed \$2,000 per event; b) the claim must be submitted within 60 days of the event; c) we receive a release of claim and liability from the claimant prior to the disbursement of payment; and d) the council shall approve the requests. Utilizing the proposed guideline, staff is recommending that council approve \$2,000 towards the claim submitted by Mr. Marshall once the proper documentation has been submitted and release signed. During discussion council noted at the TML Conference Legal Q & A session items such as this request had

been discussed. It is the recommendation of the TML attorneys that cities strictly follow the Texas Torts Claim Act (TTCA) and deny payment of these types of requests, as cities have immunity for damaged sewer lines when they did not do anything which might have caused the problem. After lengthy discussion, **MOTION** Councilmember Weishuhn, **SECOND** Councilman Pat Janca that The City of La Grange follow the recommendation of TML and deny the claim. Motion carried.

The next item was to discuss and or consider award of the annual fuel bid. Fuel bids were received and opened on September 8, 2015. Bids were received from Colorado County Oil and Arnold Oil Company out of Austin. The vendor's mark-up per gallon above the weekly OPIS rack price are Colorado County Oil – Unleaded Gasoline \$0.10/gal; Diesel-\$0.125/gal (additional \$0.01/gal for diesel additive). Arnold Oil Co.- Unleaded Gasoline \$0.0832/gal; Diesel \$0.1132/gal. Colorado County Oil is our present supplier and they have been furnishing the fuel for seven years. Arnold Oil is the low bidder, but staff has questions about their bid and has requested additional information relating to their benchmark price when adding their mark-up per gallon. As of September 21, 2015, staff has not heard back from Arnold Oil. The city purchases approximately 27,000 gallons of unleaded gasoline and 7,600 gallons of diesel annually. The price difference between the two bidders will amount to approximately \$550.00 annually based on historical consumption. However, since staff still has some unanswered questions about Arnold Oil's bid, and the difference in price is minimal, staff recommends the bid for fuel be awarded to Colorado County Oil. **MOTION** Councilmember Weishuhn, **SECOND** Councilmember Deborah Bradley to approve staff's recommendation. Motion carried.

The next item was to discuss and or consider a Mural Assistance Program. Mayor Moerbe noted that this item was for discussion purposed only at this time. The La Grange Main Street Advisory Board is requesting Council approval of the proposed Mural Assistant Grant Program. The purpose of the Mural Grant Program is to provide financial and design assistance to applicants to paint murals in the community. This program has been modeled after a similar program in San Marcos. Currently we do not have any requests for funding but wanted to develop a program that would encourage the future installations of murals in the community. Council discussed this item and had questions regarding who actually awards final approval and who might have editorial privileges. Councilman Arnold Romberg was unable to attend the council meeting, but has some questions regarding the proposed assistance program. These concerns are included in these minutes. **INSERT #2**

The next item was to discuss and or consider on Second Reading an Ordinance making appropriations for the support of the City of La Grange for the fiscal year beginning October 1, 2015 and ending September 30, 2016; appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; and adopting the annual budget of the City of La Grange for the 2015-2016 fiscal year which includes



the General Fund, the Utility Enterprise Fund and the La Grange Economic Development Corporation Budget. The total budget for FY 2015-2016 is \$12,415,699. This amount includes a General Fund of \$3,115,671, Utility Fund of \$9,120,500, and Debt Service Fund of \$179,258. **MOTION** Councilmember Weishuhn, **SECOND** Councilman Janca to approve this ordinance on second reading. A roll call vote taken: Councilmember Busch in favor, Councilmember Bradley in favor; Mayor Pro tem Cernosek in favor; Councilman Eilert absent; Councilman Janca in favor; Councilman Romberg absent; Councilmember Weishuhn in favor; and Councilmember Zbranek in favor. The motion carried by a vote of 6-0. **INSERT #3**

The next item was to discuss and or consider on Second Reading an Ordinance levying Ad Valorem taxes for use and support of the Municipal Government of the City of La Grange, Texas for the 2015-2016 Fiscal year; providing for apportioning each levy for specific purposes; providing when taxes shall become due and when same shall become delinquent if not paid; providing for the levy and collection of occupation taxes. Staff is presenting for council consideration an ordinance for the second and final reading establishing the tax rate to support the FY 2015-2016 annual budget. A property tax rate of \$.2157 per \$100 valuation is proposed to fund the FY 2015-2016 budget. Of this rate, \$.1509 will be for maintenance and operations. The balance of \$.0648 is for debt service. **MOTION** Councilmember Zbranek, **SECOND** Councilmember Bonnie Busch to approve this ordinance on second reading. A roll call vote taken: Councilmember Busch in favor, Councilmember Bradley in favor; Mayor Pro tem Cernosek in favor; Councilman Eilert absent; Councilman Janca in favor; Councilman Romberg absent; Councilmember Weishuhn in favor; and Councilmember Zbranek in favor. The motion carried by a vote of 6-0. **INSERT #4**

The next item was to discuss and or consider preliminary replat of 1143 E. Fannin St. owned by Brandon Diggs. This item will be brought back at the next meeting as it should have been listed for final approval. Preliminary approval had previously been granted.

The next item was to discuss and or consider final replat of 917 N. Jackson Street owned by Howard Konetzke & Vicki Konetzke. Preliminary approval for this request was granted on September 14, 2015. **MOTION** Councilman Janca, **SECOND** Councilmember Busch to grant final approval for this replat request. Motion carried.

#### Chief of Police Update

National Night Out will be on October 6<sup>th</sup>. During the past 5 days there have been reports of a burglary, a robbery, and an unauthorized use of a motorcycle. The Police Department is actively working on these items.

Councilman John Eilert arrived at the meeting.

City Manager Update

La Grange ISD decided at their last board meeting to continue the current transportation services and will continue to drop off students at the Randolph Recreation Center for the after school Program this school year. La Grange ISD Superintendent Dr. Randy Albers has announced that he will be retiring at the end of the school year. Seal coating is scheduled to begin on Thursday, October 1<sup>st</sup>.

At 6:49PM a **MOTION** was made by Councilman John 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