

REGULAR COUNCIL MEETING – August 11, 2014

The City Council of the City of La Grange met in Regular Session on Monday, August 11, 2014 in the City Hall Council Chambers with the following members present: Mayor Janet Moerbe, Councilmember Deborah Bradley, Councilman John Eilert, Councilman Pat Janca, Councilman Calvin Kuehn, Councilman Arnold Romberg, Councilmember Kathy Weishuhn, and Councilmember Violet Zbranek. Mayor Pro tem John J. Cernosek was absent. Staff present: City Manager Shawn Raborn, City Secretary Lisa Oltmann, and Corp. Travis Anderson. Visitors: Jeff Wick, Ryan Beard, Rob Reyes, Robbie Hamilton & Korin Burnett.

The Pledge of Allegiance was recited and Councilmember Kathy Weishuhn gave the invocation.

Under Public Petitions, Robert Ryan with Texas Disposal System addressed the council regarding Solid Waste and Recycling services which could be provided by TDS.

The first item was a presentation on a Seismic Survey Project. Robbie Hamilton with Seitel presented to council information regarding the Seismic Survey Project. Seitel is currently performing seismic work in Fayette and surrounding counties. They are gathering data regarding hydrocarbons. This information is then compiled and sold to Oil companies. It is their desire to gather this data within the city limits of La Grange as well as the surrounding area. They anticipate being in La Grange around the October-December time frame for approximately 30-45 days.

The next item was to discuss and or consider approval of seismic lease agreement with Seitel. Staff presented for discussion purposes an agreement to allow Seitel Data to conduct seismic surveying of city owned property and city streets. The agreement proposes a fee of \$30 per acre and covers 217.68 acres for a total payment of \$6,530.04. This agreement was drafted by City Attorney Angela Beck and was modeled after an agreement developed by the City of Bryan, Texas. This item will be brought back at the next council meeting for formal consideration.

The next item was to discuss and or consider a resolution authorizing signatories on the Texas Community Development Block Grant Program Contract Number 713279. Staff is requesting council authorization to designate Mayor Janet Moerbe, City Manager Shawn Raborn, Mayor Pro tem John J. Cernosek, and City Secretary Lisa Oltmann to sign documents related to the Texas Community Development Block Grant Project. **MOTION** Councilmember Violet Zbranek, **SECOND** Councilmember Kathy Weishuhn to approve staff's request. Motion carried. **INSERT #1**

The next item was to hold a Public Hearing on the Texas Parks and Wildlife Small Community Grant Program application submission. The Public Hearing was opened at

6:35 PM. In reviewing the 2010 Parks Master Plan, there were elements listed which would improve the parks within the City of La Grange. Water Splash Pads were listed as an element which would be advantageous to the City of La Grange. The proposed playground and splash pad would be known as Randolph Park and would be adjacent to the Randolph Recreation Center. It park would include a community garden, a pavilion, a splash park, a play scape and picnic tables. The Public Hearing closed at 6:42 PM.

The next item was to discuss and or consider a resolution authorizing staff to submit a Texas Parks and Wildlife Local Park Grant application to develop a playground and splash pad adjacent to the Randolph Recreation Center. Staff is requesting council authorization to approve a resolution authorizing the City of La Grange to submit an application to Texas Parks and Wildlife for the development of a playground and splash pad. The playground and splash pad would be located on the property adjacent to the Randolph Recreation Center and would be used in conjunction with the after school program and the summer recreation program. The program would require a fifty percent match and the application is due August 31st. The maximum grant amount is \$75,000 and will require a local match of \$75,000 which will be budgeted in next year's Capital Improvement Fund budget. Grant award notification is not expected until January of 2015. **MOTION** Councilmember Weishuhn, **SECOND** Councilmember Zbranek to approve staff's request. Motion carried. **INSERT #2**

The next item was to discuss and or consider a resolution to prevent mining and drilling on city property being utilized for a Texas Parks and Wildlife development project. As part of the process to submit the Texas Parks and Wildlife grant application, we must assure the Texas Parks and Wildlife Department that we will not allow mining or drilling on the proposed park property. **MOTION** Councilmember Zbranek, **SECOND** Councilman Arnold Romberg to approve a resolution preventing mining and drilling on city property being utilized for a Texas Parks and Wildlife Park Development Project. Motion carried. **INSERT #3**

The next item was to discuss and or consider a preliminary request from Gerald & Barbara Tieken to combine two lots into one at the corner of Overbay & Lindert St. A request was received from Gerald & Barbara Tieken to combine two of the lots they own at the corner of Overbay & Lindert into one lot. Each individual lot is a substandard lot and by combining the two separate lots into one, a 150.50' X 80.06' lot would be created and this would allow a home to be either built or moved onto the lot. It is the intention of the Tieken's to have the lots combined into one and then sell the property. There is a prospective buyer who would then place a home at this location. Staff sent letters to all property owners within 200 feet of the proposed lot. There were a total of seventeen (17) letters sent out. Of these seventeen (17) there were seven (7) returned which were in favor of the replat request. There were ten (10) letters which were not returned. **MOTION** Councilman John Eilert, **SECOND** Councilmember Weishuhn to approve the preliminary replat request. Motion carried.

The next item was to discuss and or consider approval of minutes for July, 2014. **MOTION** Councilman Romberg, **SECOND** Councilmember Deborah Bradley to approve the minutes as presented. Motion carried.

City Council Committee Reports

Main Street will hold the Patriots Day Ceremony which will be on Saturday, September 13 on the Fayette County Courthouse Lawn. This event is to show support of the local Firefighters, EMS, and Police Officers.

The Beautification Committee awarded the Yard of the Month to Thomas & Allison Borgstedt at 240 E Guadalupe.

Chief of Police Report

Corp. Anderson presented the report to council. There are a few burglary cases under investigation including those which occurred at Sonic and the Travis Street United Methodist Church. This past weekend there were several mail boxes which were damaged in the Horton Street and Guy Street area.

City Manager Report

Sales tax was up 7% from this same period as last year.

Utility sales for both water and electricity were down from this same time last year.

Main Street hosted Movie Night on July 25th. There were approximately 300 people in attendance. It was held on the square in downtown La Grange.

The Recreation Center held their sign up for the afterschool program on Wednesday August 6th. There are already 33 of the 45 slots filled. It is anticipated that the public swimming pool will be open for 2 more weekends.

The La Fayette Apartments at 428 W La Fayette were up for Sheriff's Sale, there were no bids on this property. City Manager Raborn & City Attorney Beck are reviewing as the best way to proceed with this property as a result of the fire which occurred at the apartments shortly before the Sheriff's Sale.

Live Air has installed 2 of the 5 cabinets as per the agreement between the City of La Grange and Live Air.

Bids are currently out for the Weikel/Schiller (Lynnwood) Ditch.

Fire Chief Frank Menefee, Jr. along with 7 additional members of the La Grange Volunteer Fire Department recently attended Fire School in College Station. Chief Menefee was an instructor at the school.

Councilman Kuehn was excused from the meeting.

The next item was the review of the 2014-2015 FY Budget with City Council. City Manager Raborn presented the City of La Grange, Annual Operating Budget for Fiscal Year 2014-2015. The budget reflects the ongoing mission of the La Grange City Council to maintain cost effective programs while continually focusing on preserving and

enhancing the quality of life that is enjoyed by all La Grange Citizens. The proposed budget for the 2014-2015 Fiscal Year is service driven and balanced. The proposed budget is 5.30 percent higher than the 2013-2014 adopted city budget. The majority of the increase is due to the recognition of the \$275,000 Community Development Block Grant we have been awarded and will receive in FY 2014-2015. The total budget is \$12,196,766, the Utility Budget is \$9,080,260; the General Fund Budget is \$2,946,426, and the Debt Service Fund Budget is \$170,080.

The next item was to discuss and or consider Proposed Tax Rate and schedule public hearings. Staff is proposing to set the tax rate at .2157, which is the current tax rate. The proposed budget does make a 2.1% Consumer Price Index adjustment to the current waste water rate and a four percent increase in the base water rate. Staff is proposing public hearings to be held on August 25 at 6:00 PM, and September 8 at 6:00 PM. **MOTION** Councilman Eilert, **SECOND** Councilmember Weishuhn to approve staff's proposal. Motion carried.

At 8:00 PM a **MOTION** was made by Councilmember Zbranek, with a **SECOND** by Councilman Janca that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

Janet Moerbe, Mayor

REGULAR COUNCIL MEETING – August 25, 2014

The City Council of the City of La Grange met in Regular Session on Monday, August 25, 2014 in the City Hall Council Chambers with the following members present: Councilmember Deborah Bradley, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Calvin Kuehn, Councilman Arnold Romberg, Councilmember Kathy Weishuhn, and Councilmember Violet Zbranek. Mayor Janet Moerbe was absent, and in her absence, Mayor Pro tem Cernosek presided over the meeting.. Staff present: City Manager Shawn Raborn and City Secretary Lisa Oltmann. Visitors: Jeff Wick, Adolfo Garza, Gary Gauci, and Rob Reyes.

The Pledge of Allegiance was recited and Pastor Jeff Marshman of the First Baptist Church, gave the invocation.

Under Public Petitions, Gary Gauci with Republic Services addressed the council. Republic Services is the current provider for garbage service, they began servicing the city in 1993. Mr. Gauci stated they would like to continue to provide this service, they would/could also provide recycling service every 2 weeks, offer quarterly bulk pickup service, and adjust/reduce commercial service pricing. He also stated that they have a good working relationship with the city.

First item on the agenda was to hold a public hearing on the Proposed Tax Rate. The Public Hearing was opened at 6:11 P.M. City Manager Raborn stated that the proposed tax rate be .2157 which is the preceding year's tax rate. There being no one present to comment, the Public Hearing was closed at 6:12 P.M.

The next item was to discuss and or consider a preliminary request from Adolfo & Veronica Garza to subdivide 758 S. Washington into 2 lots. If subdivided, these 2 lots would meet the requirements for lot size within the City of La Grange. The lot facing S. Washington would be 81' X 165.2'. The lot at the corner of Live Oak & S. Main would be 81' X 164.10'. There were twelve letters sent out to property owners within 200 feet of the lot proposed to be subdivided. Of these twelve, eight were returned in favor of the replat request, two were returned opposed to the replat request, and two were not returned. **MOTION** Councilman Calvin Kuehn, **SECOND** Councilman Pat Janca to approve the preliminary plat request. Motion carried.

At 6:14 PM as pursuant to Section 551.071 Consultation with City Attorney about pending or potential litigation and claims, settlement offers, or attorney-client privileged matters council went into Executive Session concerning real property located at 428 W. LaFayette, La Grange, Fayette County, Texas, commonly known as The LaFayette Apartments.

At 6:28 PM Council went into Open Session. Mayor Pro tem Cernosek stated that there is no action required at this time.

The next item was to discuss and or consider charge off of delinquent utility accounts. The accounts being considered for charge offs are uncollectible accounts for the period ending July 31, 2014. The dollar amount for this period is \$14,268.51 and the number of uncollectible accounts has increased from the prior period from 46 to 62. Office staff collected \$8,760,508 out of a total sales of \$8,774,776 which is a collection rate of 99.8%. A total of 37,066 bills were prepared and mailed for the period and 37,004 of these were collected and paid in full. Out of an average of 3,089 bills per month, there is an average of 370 which remain unpaid after the 15th of the month. On the 26th day of the month the Utility office staff prepares a list of accounts which remain unpaid. An average of 40 accounts are left unpaid are dispatched to be disconnected. The office staff works diligently to collect all unpaid bills. They maintained an excellent an outstanding record by collecting 99,8% of all bills mailed for the twelve month period covered in this

report. This has been made possible by their adhering to our established disconnect policy. Enforcement of this policy is not always a pleasant job and therefore the office staff and disconnect servicemen are to be highly commended for their hard work and dedication. City Manager Raborn noted that these uncollectible accounts are transferred to bad debt and should any of these individuals apply for service on our utility lines at a later date, these amounts are still due and payable. Councilmember Zbranek also emphasized that they do an excellent job in order to have a collection rate of 99.8% and should be commended. **MOTION** Councilmember Weishuhn, **SECOND** Councilman John Eilert to approve the charge offs as presented. Motion carried.

The next item was to discuss and or consider approval of seismic lease agreement with Seitel Data. This agreement is being brought back for council consideration, it would allow Seitel Date to conduct seismic surveying of city owned property and city streets. The agreement proposed a fee of \$30 per acre and covers 217.68 acres for a total payment of \$6,530.04. The agreement was drafted by the City Attorney and was modeled after an agreement developed by the City of Bryan. City Manager Raborn noted that he would also request that a communications plan be required from Seitel stating how they will notify the citizens of their plans and who the contact person would be for them. **MOTION** Councilmember Weishuhn, **SECOND** Councilmember Bradley to approve the proposed agreement with the modification to require a communication plan from Seitel Data. Motion carried.

The next item was to Discuss and or Consider First Reading of An Ordinance of the City Council Of the City Of La Grange, Texas, Amending Chapter 1, General Provisions, Of the CODE OF ORDINANCES, CITY OF LA GRANGE, TEXAS By Adding A New Article, Article 1.13, Entitled "City Owned Recreational Facilities, Entertainment Venues, Meeting Facilities And Parks," And Establishing A Curfew On All City Owned Recreational Facilities, Entertainment Venues, Meeting Facilities and Parks Between The Hours Of 12:01A.M. And 6:00 A.M.; Prohibiting Any Person From Going To Or Being Upon Any Such City Owned Park Or Recreational Facility During Said Hours; Providing Exceptions For City Sponsored Recreational, Entertainment, Meeting And Park Events, And For Such Events Sponsored By Persons Or Organizations For Which City Has Pre-Approved the Extended Hours Of The Event During The Prohibited Hours And Has Pre-Approved Such Security Measures to Be Provided By Such Persons Or Organizations In Order To Ensure The Public Health, Peace, Safety and Welfare Of Persons In Attendance At Such Events; Providing That Any Person Who Violates Or Fails To Comply With This Ordinance Shall Be Guilty Of A Class C Misdemeanor; Providing For A Penalty Of A Fine Not To Exceed Five Hundred Dollars (\$500.00) For The Violation Hereof; And Establishing An Effective Date. Staff presented for council consideration an ordinance that will establish a curfew on city owned parks and facilities. The ordinance establishes a curfew from 12:00 a.m. until 6:00 a.m. on city parks and facilities. The ordinance does allow for extended hours at events held at City owned facilities with prior authorization. **MOTION** Councilman Romberg, **SECOND** Councilmember Weishuhn to approve this ordinance on first

reading. A roll call vote was taken: Councilmember Bradley in favor; Councilman Eilert in favor; Councilman Janca in favor; Councilman Kuehn in favor; Councilman Romberg in favor; Councilmember Weishuhn in favor; and Councilmember Zbranek in favor. The motion carried by a vote of 7-0.

The next item was a staff review of the 2014-2015 Annual Budget. Staff reviewed with council the Annual Operating Budget for Fiscal Year 2014-2015. The budget reflects the ongoing mission of the La Grange City Council to maintain cost effective programs and services at current levels, while continually focusing on preserving and enhancing the quality of life that is enjoyed by all La Grange Citizens. The total budget is \$12,196,766. The General Fund is \$2,946,426; Utility Fund \$9,080,260; and the Debt Service Fund \$170,080.

The next item was to discuss and or consider first 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 \$21.69 to \$22.56 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 La Grange is 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 \$32.40 compared to \$28.23 in La Grange. We also compare favorably with cities our size with a monthly water consumption of 10,000 gallons, \$50.43 compared to \$37.68 in La Grange.

The next item was to discuss and or consider first 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 (a)(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 2.1 percent. The change is based on the CPI index for the period June 2013 to June 2014 and is needed to keep pace with inflation and the overall cost of providing this service. Staff is proposing to increase the base residential waste water rate from \$10.54 to \$10.76 per month. The volumetric rate for residential wastewater service will also change by 2.1 percent or six cents per thousand. The current rate charged our commercial customers for waste water service is a base rate of \$11.04 for the first 3,000 gallons of water usage and a \$1.78 fee per thousand gallons of water in excess of three thousand gallons per month. The proposal is to increase the base rate to \$11.27 and to increase the volumetric rates from the current \$1.78 to \$1.81 per thousand gallons in excess of 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 \$26.58 compared to \$17.08 in La Grange.

The next item was to discuss and or consider on First 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.

MOTION Councilmember Weishuhn, **SECOND** Councilman Romberg to approve the above three (3) ordinances on first reading. A roll call vote was taken: Councilmember Bradley in favor; Councilman Eilert in favor; Councilman Janca in favor; Councilman Kuehn in favor; Councilman Romberg in favor; Councilmember Weishuhn in favor; and Councilmember Zbranek in favor. The motion carried by a vote of 7-0.

City Council Committee Reports

Main Street will host the Patriots Day Celebration on Saturday, September 13th.

City Manager Report

Fall Cleanup will once again include the “Shred it” program allowing citizens to have documents shredded.

The After School Program at the Randolph Recreation Center began today as it is the first day of school for LGISD.

Street repair in the city of La Grange has been delayed till mid-late September.

At 6:57 PM a **MOTION** was made by Councilmember Weishuhn, with a **SECOND** by Councilman Eilert that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

John J. Cernosek, Mayor Pro tem