

## REGULAR COUNCIL MEETING – March 10, 2014

The City Council of the City of La Grange met in Regular Session on Monday, March 10, 2014 in the City Hall Council Chambers with the following members present: Mayor Janet Moerbe, Councilman Harvey Busch, Mayor Pro tem John Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Calvin Kuehn, Councilman Arnold Romberg, Councilmember Kathy Weishuhn, and Councilmember Violet Zbranek. Staff present: City Manager Shawn Raborn, Chief of Police Jackie Skelton and City Secretary Lisa Oltmann. Visitors: Pastor Sue Beall, Deborah Bradley, and Jason McBroom.

The Pledge of Allegiance was recited and Pastor Sue Beall, of St. Paul Lutheran Church gave the invocation.

Under Petitions, Jason McBroom addressed the council. He is the owner of property located at 102 W Travis St. Live Air Network had recently installed line in this area. Mr. McBroom stated that this work was actually done on his property without his permission. He is talking with Live Air to remedy this situation, but wanted the council to aware that this had taken place.

The first item was to discuss and or consider approval of Certificate of Unopposed Candidates. Discutir y/o considerer la aprobacion del Certifacado de Candidatos Sin Oposicion. The 2014 City Officers Election was called on January 27, 2014. Friday, February 28<sup>th</sup> was the last day to file for a place on the ballot as well as the last day for a write-in candidate to declare candidacy. As of 5 P.M. on Friday, February 28, 2014, the following candidates were unopposed. Kathy Weishuhn-Councilmember Ward 1; Violet “Patsy” Zbranek-Councilmember Ward 2; Deborah Blanchette Bradley-Councilmember Ward 3; John Eilert-Councilmember Ward 4. **MOTION** Councilman Calvin Kuehn, **SECOND** Councilman Arnold Romberg to approve the Certification of Unopposed Candidates. Motion carried. **INSERT #1**

The next item was to discuss and or consider an order canceling the May 10, 2014 City Officers Election. Discutir y/o considerer Orden Cancelando Election del 10 de mayo de 2014 Para Oficiales Municipales. **MOTION** Councilman Pat Janca, **SECOND** Mayor Pro tem John Cernosek to approve the order. Motion carried. **INSERT #2**

The next item was to discuss and or consider amending Chapter 11 of the Code of Ordinances by adding a new Section 11.03.011, thereby expanding collection of the City of La Grange’s Hotel Occupancy Tax to the City’s extraterritorial jurisdiction. The City currently levies a Hotel Occupancy Tax (HOT) in its city limits at the maximum of seven percent (7%) as set forth in Section 11.03.002 of the City of La Grange Code of Ordinances. Upon further research of the Tax Code, Section 351.0025 authorizes a city with a population of less than 35,000 to impose a Hotel Occupancy Tax in its

Extraterritorial Jurisdiction (ETJ), so long as the combined state, county and city HOT rate is 15% or less which also includes any limited purpose districts in the City's ETJ. Currently, Fayette County does not levy a HOT, and with the statewide HOT rate at 6% (Texas Code § 156.052), when combined (state plus city equals 13%), the City's HOT is below the 15% threshold, thus allowing the city to extend its 7% into its ETJ. The ETJ for the City of La Grange is ½ mile. At this point in time, if approved, the tax would not have any financial impact. The tax would allow for the compensation from hotels in the future that may be located in the ETJ and would benefit inadvertently from city tourism advertising. **MOTION** Councilmember Kathy Weishuhn, **SECOND** Councilman Romberg to approve this ordinance on first reading. A roll call vote was taken with the following results: Councilman Busch in favor; Mayor Pro tem Cernosek 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 8-0.

The next item was an update on Live Air Networks right-of-way usage request. Staff presented to council for discussion a Network Hut License Agreement with Live Air Networks. As part of the build out of the fiber to the home network, Live Air is requesting to place fiber connection cabinets at five locations around town in the public right-of-way.

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

#### Tourism Committee

Councilman John Eilert reported that the Tourism Grant Committee met earlier in the day and received an update from Stacey Norris regarding the activities of the La Grange Visitors Bureau as well as reviewed requests from the Texas Czech Heritage & Cultural Center for advertising their Slavnost/May Fest Celebration, the Fayette County Fair Association for advertising the 2013 Fayette County Fair and a request for advertising the 2014 Fayette County Fair, as well as a request from *The Fayette County Record* for printing & distribution of the 2014 Fayette County Visitors Guide. **MOTION** Councilman Eilert, **SECOND** Councilmember Weishuhn to fund the requests as follows as recommended by the Tourism Grant Committee:

- 1) Texas Czech Heritage & Cultural Center in the amount of \$1,750 for advertising the Slavnost/May Fest Celebration.
- 2) Fayette County Fair Association in the amount of \$10,000 for advertising the 2013 Fayette County Fair.
- 3) Fayette County Fair Association in the amount of \$10,000 for advertising the 2014 Fayette County Fair.
- 4) Table the request from *The Fayette County Record* for printing & distribution of the 2014 Fayette County Visitors Guide.

Motion carried.

City Council Committee Reports

The Library Board met last week and circulation is still on a positive note.

Main Street will host the Uncorked, wine tasting, event downtown this Saturday. Tickets are available at this time.

Beautification Committee awarded Yard of the Month to Stanley & Belinda Gillum at 1031 N. Madison.

Chief of Police Update

Crime Stoppers is offering a reward for information related to the break ins at A Prime Self Storage.

An aggravated assault occurred at La Marina.

City Manager Update

City Wide Spring Clean Up will be March 17-22, 2014.

Bids are due tomorrow on both the Casino Hall Project as well as the Electrical Distribution Project.

This weekend in addition to the Uncorked event, The Best Little Cowboy Gathering will also be held at the Fayette County Fair Grounds March 13-16.

The Main Street Design committee is reviewing the plans from Brasher Motor Company.

At 6:30 PM a **MOTION** was made by Councilman Kuehn, with a **SECOND** by Mayor Pro tem Cernosek 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 – March 24, 2014**

The City Council of the City of La Grange met in Regular Session on Monday, March 24, 2014 in the City Hall Council Chambers with the following members present: Mayor Janet Moerbe, Councilman Harvey Busch, Mayor Pro tem John Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Calvin Kuehn, Councilman Arnold Romberg, Councilmember Kathy Weishuhn, and Councilmember Violet Zbranek. Staff present: City Manager Shawn Raborn, Chief of Police Jackie Skelton and City

Secretary Lisa Oltmann. Visitors: Jeff Wick, Seth Gunn, Henry Gunn, Deborah Bradley and Pastor Jeff Marshman.

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

The first item was a presentation of the City of La Grange Annual Audit Report. The following item was to discuss and or consider acceptance of the City of La Grange Audit Report. The auditor, Greg Trlicek was unable to attend the meeting, so these two items will be presented at the next council meeting.

The next item was to discuss and or consider a request from Brasher-Gunn to encroach into the public right-of-way. This item is being brought back for additional discussion. A request was received from Brasher-Gunn Chevrolet to encroach into the public right-of-way for the purpose of installing a new entrance façade in the sidewalk in the front of the existing building located at 108 W. Colorado. Staff has been working with Brasher-Gunn on renovations to the façade of the dealership for the past two years and they are now ready to proceed with the improvements. The Main Street Design Committee has been involved in the process and will be taking one final review before they are ready to recommend the proposed changes to council. Seth Gunn and Henry Gunn from Brasher-Gunn were in attendance at the meeting. Seth Gunn addressed the council regarding their request. General Motors is requesting that all of their dealerships have the same appearance. They are very firm in requiring all dealerships to have the same entry portal. This portal would encroach upon the city sidewalk; individuals would still be able to walk on the sidewalk under the entry portal. If this request would be denied, Brasher-Gunn would either be required to move from the current location in downtown La Grange, or face the chance that General Motors would not renew their franchise fee when it is up for renewal. This franchise fee is renewed every ten years. As part of the required upgrade, Brasher-Gunn would be installing all new windows, flooring, and restroom facilities. They were able to persuade General Motors to allow them to redo the stucco on the upper front of the building instead of adding metal panels. This will allow the building to go back to the appearance it had in the 1940's-1950's with the exception of the entry portal. **MOTION** Mayor pro-tem John Cernosek, **SECOND** Councilman Arnold Romberg to approve the request from Brasher-Gunn to encroach on the public right-of-way. Motion carried.

The next item was to discuss and or consider the dismissal of Municipal Court cases from 1990-1995. In 1998, with the approval of the City Council, City Attorney/Municipal Court Prosecutor Angela Beck sought dismissal of 6,619 cases that were pending in the Municipal Court of the City of La Grange for tickets written prior to January 1, 1990. Thereafter, the Municipal Court Judge signed an order dismissing those cases. In 2000, the OmniBase system was developed whereby municipalities could send information through this system relating to cases in which defendants failed to make an

appearance after having been issued a ticket. The City of La Grange has participated in this system since its inception. The system allows the Texas Department of Public Safety to put holds on renewals of drivers' licenses until outstanding cases are disposed of by the license holder. Prior to the institution of this system, there was no effective way for small municipalities to dispose of these outstanding tickets that resulted in disposition, and therefore, the capture of revenue for the City and the State of Texas when the license holders pled guilty or no contest to the outstanding tickets and warrants. At the time we began our participation in the OmniBase system, we were able to go back and input 5 years of outstanding tickets and cases for failure to appear into the OmniBase system. That period included cases beginning on January 1, 1995. Thus, as a result of the prior dismissal and the institution of the OmniBase system which allowed us to go back 5 years to 1995, the City still had several hundred cases for the period January 1, 1990 through December 31, 1994 that had not been disposed of by plea or trial. Subsequent to our participation in the OmniBase system the La Grange Police Department made effort to contact the defendants who had failed to come to court or otherwise take care of their tickets for the referenced 1990-1994 period. This did result in a number of the cases for this last period being disposed of and yielding some revenue for the City. However, there is no effective way remaining to the City to dispose of the 732 cases that remain without disposition for this period that will result in revenue capture for the City. Accordingly, Mrs. Beck is seeking the Council's consent to filing a motion to dismiss these 732 cases at the next Court setting after this March 24, 2014 City Council Meeting. The proposed motion and order are included in these minutes. **MOTION** Councilman Romberg, **SECOND** Councilman Calvin Kuehn to approve the request of consent to file a motion to dismiss the mentioned 732 Municipal Court cases from January 1, 1991-December 31, 1994. Motion carried. **Insert #1**

The next item was to discuss and or consider awarding a bid to Power Line Services for the electric construction project. Staff is recommending that the electrical distribution project be awarded to Power Line Services of Houston in the amount of \$319,440. The total project cost in \$550,000 and will be funded out of Capital Improvement Funds and the Electric Department Capital Funds. The project includes: three phase rebuild of the Bluff line, reconductor Crockett Street from Main to Franklin, rebuild Horton Street line from Von Minden to E. Travis and rebuild Pearl Street line from Horton to N. Jackson. The letter from Mr. Larry Krenek with Lamar Technical Services recommending Power Line Services is attached. **MOTION** Councilman Kuehn, **SECOND** Councilman Romberg to approve staff's request. Motion carried. **Insert #2**

The next item was to discuss and or consider a request from First Baptist Church to close Lester Street to traffic for Easter Service. A request was received from Pastor Jonathan L. Smith of the First Baptist Church in La Grange to close the portion of Lester Street between the VA Clinic and the First Baptist Church on Sunday, April, 20, 2014 from 8:30AM-12:30PM. **MOTION** Councilmember Kathy Weishuhn, **SECOND** Councilman Pat Janca to approve this request. Motion carried.

The next item was to discuss and or consider on second reading An Ordinance of the City Council Of The City Of La Grange, Texas Amending Chapter 11, Of The CODE OF ORDINANCES, CITY OF LA GRANGE, TEXAS By Adding A New Section, Section 11.03.011, Thereby Expanding The Collection Of The City Of La Grange's Hotel Occupancy Tax To The City's Extraterritorial Jurisdiction; Providing For Severability; And Providing for An Effective Date Hereof. This is the second reading of the ordinance making changes to the hotel occupancy tax ordinance that was passed by council on first reading on March 10th. The City currently levies a Hotel Occupancy Tax (HOT) in its city limits at the maximum of seven percent (7%) as set for the in Section 11.03.002 of the City of La Grange Code of Ordinances. Upon further research of the Tax Code, Section 351.0025 authorizes a city with a population of less than 35,000 to impose a Hotel Occupancy Tax in its Extraterritorial Jurisdiction (ETJ), so long as the combined state, county and city HOT rate is 15% or less which also includes any limited purpose districts in the City's ETJ. Currently, Fayette County does not levy a HOT, and with the statewide HOT rate at 6% (Texas Code § 156.052), when combined (state plus city equals 13%), the City's HOT is below the 15% threshold, thus allowing the city to extend its 7% into its ETJ. The ETJ for the City of La Grange is ½ mile. At this point in time, if approved, the tax would not have any financial impact. The tax would allow for the compensation from hotels in the future that may located in the ETJ and would benefit inadvertently from city tourism advertising. **MOTION** Councilmember Kathy Weishuhn, **SECOND** Mayor Pro-tem Cernosek to approve this ordinance on second reading. A roll call vote was taken with the following results: Councilman Busch in favor; Mayor Pro tem Cernosek 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 8-0. **INSERT #3**

The next item was a review of the Active Project Report. City Manager Raborn reviewed the report with council. The water department is in the process of locating any water loss in the system. It appears that the Weikel Schiller Ditch Improvement project will end at the LGISD bus barn due to easement issues further down. Staff has been working to resolve this easement issue which has delayed the project. Krueger Construction is reviewing bids which were received on the Casino Hall Restoration project. Staff anticipates presenting the project or discuss at the April 14<sup>th</sup> meeting. Regarding the Railroad Quiet Zone project, the concerns from Union Pacific have been addressed as well as having the required Notice Of Intent having been sent to BNSF Railway due to the fact they have operating rights over the Union Pacific rail line. Staff is now required to wait an additional 60 days for a possible response from BNSF. There continues to be problems with obtaining a clear title on the 2 tracts of property located adjacent to the Randolph Recreation Center on Pearl Street which the city is in the process of purchasing. Work continues to resolve this issue.

City Manager Report

Farmers Market on the Fayette County Courthouse lawn continues on Saturdays. La Grange Uncorked which was cohosted by La Grange Main Street was sold out. The Best Little Cowboy Gathering event was also well attended. Sales Tax was up 6%.

At 6:30 PM a **MOTION** was made by Councilmember Weishuhn, with a **SECOND** by Councilman Kuehn 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