

REGULAR COUNCIL MEETING – May 12, 2014

The City Council of the City of La Grange met in Regular Session on Monday, May 12, 2014 in the City Hall Council Chambers with the following members present: 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. Mayor Janet Moerbe was absent. Staff present: City Manager Shawn Raborn, Asst. City Manager Frank D. Menefee Jr., Chief Jackie Skelton and City Secretary Lisa Oltmann. Visitors: Jeff Wick, Joyce Johnson, Dorothy Conner, Eddie L. Henry, E. Moore, Lorenzo Crosby Jr., Nelson Darden, Ida Mae Darden, Kevin Von Minden, Debbie Busch, Sandy C. Scott, S. Kelly, John Pineda, Bonnie Busch, Ella Pineda, and Jeff Kelly.

Mayor Pro tem John Cernosek presided over the meeting.

The Pledge of Allegiance was recited and Dr. Jerry Hurst, of The First Presbyterian Church gave the invocation.

The first item was to discuss request from Mr. Jeff Kelly to have a street named in honor of Dr. Martin Luther King, Jr. Mr. Kelly is proposing renaming State Highway 77 in town as a Memorial Highway in recognition of Dr. King. City Manager Raborn reviewed information regarding the Texas Memorial Highway System with council. Under the Memorial Highway designation program signs are installed at both ends of the road segment that is being designated. The physical addresses of the businesses or resident would not change from what it currently is. Ms. Marek, with the TxDOT Yoakum District, estimates the cost to design and install the signs for this designation at \$2,000. The cost is bore by the requesting entity and must be remitted prior to the project starting. Historically, the City of La Grange has not renamed streets or facilities in honor of individuals and that precedent has served the community well. Mr. Kelly addressed the council; he stated that he would like to have Hwy 77 from city limit to city limit of La Grange named in honor of Dr. Martin Luther King, Jr. After discussion, council asked City Manager Raborn to gather additional information on this item including who would maintain the signage, and if there might be a possibility of a city street receiving an honorary dedication. Council also noted that there had been a request at an earlier time for Brown Street adjacent to the KC Hall in La Grange to be renamed as Columbus St. Council at that time denied the request. This item will be brought back for additional discussion and/or consideration.

The next item was the presentation of a plaque to Councilman Harvey Busch in recognition of service as a Councilman for the City of La Grange. Mayor Pro tem presented the plaque to Councilman Busch and thanked him for his years of service and dedication to the City of La Grange. Councilman Busch was a councilman from 2000-2014.

The next item was to discuss and or consider a preliminary request regarding the replatting of Ellinger Road Subdivision. Staff is bringing back for consideration a new request from Mr. William Karisch to replat the property located along Ellinger Road. The proposed development will not include public streets but rather private driveways in order to not have to adhere to the city street design requirements. Staff has met with Mr. Karisch and BEFCO Engineering to review the design and have identified a couple of outstanding concerns. Staff believes that the private driveways can stay at 24 feet, they should however have to adhere to our subdivision guidelines regarding placement and the requirement of curb and gutter. Staff is also proposing that the main entrance while still considered a private drive be designed in accordance with the city ordinance that requires a city street width of 60 feet with a minimum pavement width of 42 feet. Assistant City Manager Menefee reviewed the request with council. He noted that this must meet the subdivision requirements with the City of La Grange. The duplexes in this proposed plat, do meet the required setbacks. It is his recommendation that the main entrance off of Ellinger Road have the 60 foot width with a minimum pavement width of 42 feet. It is also recommended that curb and gutter be required through the entire project. Kevin Von Minden with BEFCO Engineering then addressed council. He stated that Mr. Karisch will retain ownership of the entire subdivision. Council then discussed this request, one of the major concerns is that even if Mr. Karisch does not intend to sell the individual duplexes, there is no guarantee that in several years this option might be considered differently. Drainage is also another concern. Following discussion, **MOTION** Councilmember Kathy Weishuhn, **SECOND** Councilman Arnold Romberg that the preliminary replat be approved subject to the main entrance off of Ellinger Road meeting the required 60 foot width with a minimum pavement width of 42 feet, curb and gutter being placed on all driveways and entrances through the entire project, and the plat must include language stating that the subdivision cannot subdivided and sold as individual duplexes. Motion carried.

The next item was to discuss and or consider a request from Combined Community Action on modified permitting fees. Combined Community Action has submitted a request to waive permit fees for the replacement and upgrade of HVAC systems at Cactus Oaks Apartments. The request to waive the permit fees was received the day the permit was obtained. The contractor has already paid for the permit and completed the work. The total value of the permit to replace the 32 HVAC units was \$1,320. Staff is recommending that the request to waive the permit fee be denied given that the request was not made in a timely manner, all inspections have been made and due to the fact that that the permit fee has already been paid. **MOTION** Councilmember Weishuhn, **SECOND** Councilmember Violet Zbranek to approve staff's recommendation. Motion carried.

The next item was to discuss and or consider a rate request from CenterPoint Energy Entex. The following item was to discuss and or consider a Resolution by The

City Of La Grange, Texas, (“City”) Responding To The Application of CenterPoint Energy Entex, South Texas Division To Increase Rates Under The Gas Reliability Infrastructure Program; Suspending The Effective Date Of This Rate Application For Forty-Five Days; Determining that The Meeting At Which The Resolution Was Adopted Complied with The Texas Open Meetings Act; Making Such Other Findings And Provisions Related To The Subject; And Declaring An Effective Date. As discussed in April, CenterPoint Energy Entex is proposing to increase the current base residential gas rate by \$1.00 per month effective May 30, 2014. Entex is framing the issue as a gas reliability infrastructure program (“GRIP”) adjustment and not as a rate increase. The end result is that the customer bill will increase from the current rate of \$16.89 to \$17.89. Staff is recommending that council suspend the rate for 45 days in accordance with the rules governing rate adjustments. The new rate will then go into effect on July 14, 2014. **MOTION** Councilmember Weishuhn, **SECOND** Councilman Pat Janca to approve staff’s recommendation. Motion carried.

The next item was to discuss and or consider proposed FY 2014-2015 Budget Schedule. This item was for discussion purposes only. It was noted that the second reading and adoption of the budget and the tax rate would on September 22, 2014.

The next item was to discuss and or consider approval of minutes for April, 2014. **MOTION** Councilman John Eilert, **SECOND** Councilmember Zbranek to approve the minutes. Motion carried.

City Council Committee Reports

The Library Board met on Tuesday, May 6th.

Main Street will host the Flag Day Celebration on Saturday, June 14th at 9:00 A.M. on the Fayette County Courthouse Lawn.

The Fire Department hosted a Fireman’s Memorial Day Program which was well attended and those in attendance were very pleased with the program.

Mayor Pro tem Cernosek, along with Councilman John Eilert attended the 175th anniversary of Methodism in La Grange Celebration on Sunday. Mayor Pro tem Cernosek presented a proclamation on behalf of the City.

The Beautification Committee awarded Yard Of The Month to Ron & Cherie Neighbors at 304 S Washington St.

Utility Manager Report

The contract documents for the electrical overhead project which includes, Horton St., Guadalupe St., Crockett St., N. Franklin St., as well as the Bluff line should be completed shortly.

City Manager Report

The May 27th Council Meeting will be held at the Randolph Recreation Center. Sales tax was up for the month, the utility usage reports were reviewed.

At 6:40 PM a **MOTION** was made by Councilman Harvey Busch, with a **SECOND** by Councilmember Weishuhn that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

John J. Cernosek, Mayor Pro tem

SPECIAL COUNCIL MEETING – May 27, 2014

The City Council of the City of La Grange met in Special Session on Tuesday, May 27, 2014 at the Randolph Recreation Center Main Meeting Room located at 653 E. Pearl St. with the following members present: Mayor Janet Moerbe, Councilmember Deborah Bradley, Mayor Pro tem John Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Calvin Kuehn, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Councilman Arnold Romberg was absent. Staff present: City Manager Shawn Raborn, City Secretary Lisa Oltmann, Chief of Police Jackie Skelton, and Main Street Manager Stacey Norris. Visitors: Jeff Wick, George Burton, Kevin Von Minden, Bill Karisch, Bill Jones, Brad Cutright, and others .

The Pledge of Allegiance was recited and Councilman Calvin Kuehn gave the invocation.

The first item was to administer the Oath of Office to the newly elected Council Members. On March 3rd, 2014 council approved the Certificate of Unopposed Candidates and then canceled the May 10, 2014 City Officer's Election. Individuals taking office are Kathy Weishuhn-Ward 1; Violet "Patsy" Zbranek-Ward 2; Deborah Bradley-Ward 3; and John Eilert-Ward 4.

The next item was to discuss and or consider selection of a Mayor Pro tem. **MOTION** Councilman John Eilert, **SECOND** Councilman Calvin Kuehn to nominate and elect John J. Cernosek as Mayor Pro tem. Motion carried.

The next item was to discuss and or consider affirming the current plat of the Ellinger Road Subdivision. Over the past several months staff has presented a number of proposed modifications to the existing Ellinger Road Subdivision plat. The owner and the prospective buyer are now going to utilize the plat that was approved in 2006. Staff is requesting council to affirm the existing plat as the plat of record. **MOTION** Mayor Pro

tem Cernosek, **SECOND** Councilman Pat Janca to affirm the current plat of record as the plat of the Ellinger Road Subdivision. Motion carried.

The next item was to discuss and or consider a request from the owners of the property located at 124 N. Washington to encroach into the public right of way. In 2012, the City of La Grange adopted the “Historic Preservation District Ordinance” for the Fayette County Courthouse Historic District. The Historic District Ordinance put in place a process that must be utilized when changes are proposed to structures in the Historic District. The review process charges the Main Street Board as the governing body to review changes to structures and to determine if the changes are appropriate. The proposed changes to the façade of this address included raising the level of the canopy and adding two posts with decorative metal arches. The Main Street Board has reviewed the proposed changes to the façade and agreed with the owner regarding changing the height of the canopy but voted to deny the addition of the decorative metal arches from the design. The Board was aware that while it approved the height of the canopy, it did not have the authority to allow for the encroachment into the public right of way for the installation of the posts as presented in the design. A request was received from Lorie Learned-Burton, President of Barfield, Youens, and Lowe a general Partnership which owns 124 N. Washington to encroach on the city sidewalk for the construction of a new awning. Mr. George Burton represented the partnership at the city council meeting. Mr. Burton noted that the engineer they had used stated that the walls could not support an awning and therefore the posts are necessary to have an awning at this location. Mr. Bill Jones, a member of the Main Street Board then spoke regarding this item. Council then reviewed the request at length. **MOTION** Councilmember Violet Zbranek, **SECOND** Councilmember Deborah Bradley to approve this request to encroach into the public right of way. Motion carried 6-1 with Councilmember Weishuhn voting in opposition.

The next item was to discuss and or consider an appeal from the owners of the property located at 124 N Washington regarding the actions of the Main Street Board. In 2012, the City of La Grange adopted the “Historic Preservation District Ordinance” for the Fayette County Courthouse Historic District. The Historic District Ordinance put in place a process that must be utilized when changes are proposed to structures in the Historic District. The review process charges the Main Street Board as the governing body to review changes to structures and to determine if the changes are approved. In the event the owner is dissatisfied with the decision of the Main Street Board, they may appeal the decision to the City Council. A request was received from George Burton, representing Barfield, Youens, and Lowe, the owners of the property located at 124 N. Washington St. to appeal the decision of the Main Street Board regarding their request to include decorative metal arches in the design as part of the renovation to the building façade. The appeal is being made in accordance with the procedures established for obtaining a Certificate of Appropriateness for improvements in the Historic District. The Main Street Board reviewed the proposed changes and voted to deny the addition of the decorative metal arches from the design. The Board felt that the proposed decorative

metal arches between the columns were not representative of any Texas or German vernacular architecture and were merely “contemporary decorative elements” and made no contribution to the historic context of the building. This decision is now being appealed to city council. Council discussed this request at length. Mr. Burton, Stacey Norris, Main Street Manager; Councilmember Kathy Weishuhn, Mr. Brad Cutright all spoke regarding this request. **MOTION** Councilmember Kathy Weishuhn, **SECOND** Councilman John Eilert to uphold the decision of the Main Street Board and deny the metal work. Motion carried 4-3 with Councilmember Bradley, Councilman Kuehn, and Mayor Pro tem Cernosek voting in opposition.

City Council Committee Reports

The Flag Day Celebration will be on Saturday, June 14th.

City Manager Report

The budget workshop will be held on June 23rd as part of the regular council meeting. The Summer Recreation program will begin next week.

At 6:58 PM a **MOTION** was made by Councilmember Zbranek, with a **SECOND** by Councilmember Weishuhn that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

Janet Moerbe, Mayor