

MEMORANDUM

TO: Mayor and City Council

FROM: Shawn Raborn, City Manager

DATE: March 22, 2019

SUBJECT: City Council Meeting

Attached is your information packet for the Monday, March 25, 2019, City Council Meeting. If you have any questions about a particular item, please contact me.

**NOTICE OF REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF LA GRANGE, TEXAS**

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code notice is hereby given that a Regular Meeting of the governing body of the City of La Grange, Texas, will be held on the 25th day of March, 2019 at 6:00 P.M. in the City Hall Council Chambers at 155 E. Colorado St., La Grange, Texas.

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PETITIONS

SUBJECTS TO BE CONSIDERED FOR DISCUSSION AND/OR ADOPTION, APPROVAL, AMENDMENT, RATIFICATION OR OTHER ACTION AT SUCH MEETING INCLUDE:

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Council may act on with one single vote. The Mayor or a Councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular agenda.)

REGULAR AGENDA

- Pg. 1 - 1. Swear in Calvin Kuehn as Council Member Ward 3.
- Pg. 2 - 2. Public Hearing on the City of La Grange Curfew Ordinance.
- 3. Discuss and or Consider adoption of the current City of La Grange Curfew Ordinance.
- Pg. 9 - 4. Discuss and Consider approval of A Resolution Of The City Council Of La Grange, Texas, Authorizing The Submission Of A Community Development & Revitalization Hurricane Harvey Housing Application To The General Land Office; And Authorizing The Mayor And/Or City Manager To Act As The City's Executive Officer And Authorized Representative In All Matters Pertaining To The City's Participation In The Community Development & Revitalization Program.
- Pg. 11 - 5. Discuss and or Consider appointment of Presiding Judge, Alternate Judge, EVBB Presiding Judge and EVBB Alternate Judge and setting the salary as relates to the City Officers Elections to be held on May 4, 2019.

CITY COUNCIL COMMITTEE REPORTS

- 1. Airport Board
- 2. Senior Citizen
- 3. Library Board
- 4. Recreation Center Advisory Board
- 5. Tax Appraisal Board
- 6. Main Street Board
- 7. Beautification Committee
- 8. General Services Committee

CHIEF OF POLICE UPDATE

Review of Current issues and projects
Monthly Report

CITY MANAGER UPDATE

Review of Current issues and projects

The Council may take final action on any of the before mentioned matters while convened in open session pursuant to Chapter 551 of the Texas Government Code; it may also take certain action in executive session on competitive electric matters pursuant to Section 551.086. The Council may also meet in closed Executive Session, pursuant to Section 551.071, to receive advice from legal counsel (consultation with attorney) on any items listed in this notice.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact,

Pg. 12 -

Lisa Oltmann at 979/968-5805 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.

More information on the above listed matters is available from the City of La Grange - Office of the City Manager at 968-5805.

Posted at 4:00 P.M. on this the 22nd day of March, 2019.



Lisa Oltmann, City Secretary

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Calvin Kuehn, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of City of La Grange, Councilmember Ward 3 of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of Texas

County of Fayette

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name

MEMORANDUM

TO: Mayor and City Council

FROM: Shawn Raborn, City Manager

DATE: March 22, 2019

SUBJECT: Public Hearing on the City of La Grange Curfew Ordinance

Discuss and or Consider adoption of the current City of La Grange Curfew Ordinance

Texas Local Government Code Sec 370.002 requires the governing body of a home-rule municipality to review a juvenile curfew ordinance at least every three years; and to conduct a public hearing to review the juvenile curfew ordinance's effects on the community and on the problems the juvenile curfew ordinance was intended to remedy.

After conducting the public hearing required by Texas Local Government Code Section 370.002, the City Council should make a determination if it would be in the best interest of the community to readopt the juvenile ordinance. The proposed ordinance is attached.

Attachments:

1. Public Hearing Notice
2. Section 370.002 Local Government Code
3. Curfew Ordinance

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of La Grange will conduct a public hearing in the Council Chamber at City Hall, 155 E Colorado, La Grange, Texas during the regular City Council meeting beginning at 6:05 p.m. on Monday, March 25, 2019.

Purpose of said public hearing is pursuant to Section 370.002 of the Local Government Code, which requires a public hearing to be held every third year after adoption of the curfew ordinance, to review the curfew ordinance, its effects on the community and on problems the ordinance was intended to remedy, review the need to continue the ordinance and abolish, continue or modify the ordinance.

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE
TYPE OF LOCAL GOVERNMENT

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND
COUNTY HEALTH AND PUBLIC SAFETY

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR
ORDINANCE. (a) Before the third anniversary of the date of
adoption of a juvenile curfew ordinance by a general-law
municipality or a home-rule municipality or an order of a county
commissioners court, and every third year thereafter, the
governing body of the general-law municipality or home-rule
municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the
community and on problems the ordinance or order was intended to
remedy;

(2) conduct public hearings on the need to continue
the ordinance or order; and

(3) abolish, continue, or modify the ordinance or
order.

(b) Failure to act in accordance with Subsections (a)(1)-
(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31,
1995.

ARTICLE 8.02 MINORS

Division 1. Generally

Secs. 8.02.001–8.02.030 Reserved

Division 2. Curfew^{i*}

Sec. 8.02.031 Definitions

Chief of police. The chief of police of the city or a designated representative.

Curfew hours. The period beginning at 12:01 a.m. and ending at 6:00 a.m. from Monday through and including Friday and beginning at 1:00 a.m. and ending at 6:00 a.m. on Saturday and Sunday. The time shall be determined by the prevailing standard of time observed at that hour by the public in the city. The time then observed by the police department's dispatcher (the county sheriff's office) shall be prima facie evidence of true and correct time.

Direct route. The shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

Emergency. Means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Minor. A person who is under seventeen (17) years of age.

Parent. A person who is:

- (1) A natural or adoptive parent of another person;
- (2) A court-appointed guardian of another person or the public or private agency with whom the minor has been placed by a court; or
- (3) At least twenty-one (21) years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.

Public place. Any street, alley, highway, sidewalk, playground, park, plaza, building or other place used by or open to the public. The term "street" includes the legal right-of-way including but not limited to the traffic lanes, curb, sidewalk, whether paved or unpaved, parkway and grass plots or other grounds found within the legal right-of-way of a street.

Remain. To:

- (1) Linger, stay behind, tarry, loiter, idle, to continue and to stay unnecessarily

upon the streets, including the congregating of groups of minors or of interacting minors in which the streets are not being used for ordinary or serious purposes such as passage or going home; or

- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

The term “remain” will be construed in conjunction with section 8.02.032, to assure that this division is construed as a curfew ordinance proscribing loitering or remaining and not proscribing mere presence or being.

(Ordinance adopting Code)

Sec. 8.02.032 Offenses

(a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the city between the hours of 12:01 a.m. and 6:00 a.m. on Monday through Friday and 1:00 a.m. and 6:00 a.m. on Saturday and Sunday.

(b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit, or by insufficient control allow or permit, the minor to be in violation of the curfew imposed in subsection (a) above.

(c) Violations of this section shall be punishable as provided in section 8.02.035 of this division.

(Ordinance adopting Code)

Sec. 8.02.033 Defenses

It is a defense to prosecution under section 8.02.032 of this code that:

- (1) The minor was accompanied by his or her parent or guardian.
- (2) The minor was accompanied by an adult designated by his or her parent or guardian.
- (3) The minor was on an errand made necessary by an emergency.
- (4) The minor was attending a school, religious, or government-sponsored activity or was traveling to or from a school, religious, or government-sponsored activity.
- (5) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment.

- (6) The minor was on a sidewalk of the place where he or she resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be on the sidewalk of a next-door neighbor not communicating an objection to the police officer.
- (7) The minor was on an errand directed by his or her parent or guardian.
- (8) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route.
- (9) The minor was engaged in, participating in, or traveling to or from any event, function, or activity for which the application of the curfew would contravene his or her rights protected by the Texas or United States Constitution.
- (10) The minor was married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(Ordinance adopting Code)

Sec. 8.02.034 Enforcement procedure

(a) Any police officer, upon finding a minor in violation of section 8.02.032 of this division, shall take the necessary steps to determine whether the minor is remaining in a public place in the city limits in violation of section 8.02.032 and whether any exceptions under section 8.02.033 apply to the actions or activities of the minor. Upon such a finding, the officer shall determine the name and address of the minor and the name and address of his or her parent(s) or guardian(s). A warning notice shall be issued to the minor, who shall be ordered to go home by the most direct means and route. A letter shall be sent to the parent(s) or guardian(s) of the minor advising of the fact that the minor was found in violation of this division, and soliciting cooperation in the future.

(b) Provided that, if a police officer shall find a minor in violation of section 8.02.032 who has once previously been so found and warned as in subsection (a) above, the officer shall again record the name and address of the minor and his parent(s) or guardian(s), shall issue a second warning notice and shall direct the minor to go home by the most direct means and route. A second letter shall be sent to the parent(s) or guardian(s) of the minor scheduling a person-to-person conference with the chief of police, the parent(s) or guardian(s), and the child concerning this curfew ordinance and the city's expectation and requirement for parental control.

(c) Any police officer, upon finding a minor in violation of section 8.02.032, who has twice previously been found in violation and issued warnings as provided for in subsections (a) and (b) above, shall issue a citation to the minor and may take appropriate enforcement action against the minor in accordance with sections 51.03 and 51.08 of the

Texas Family Code and section 8.07 of the Texas Penal Code. In addition, a complaint will be filed against the parents in municipal court for violation of section 8.02.032(b) hereof. The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this division by either the minor or by any parent or guardian.

(Ordinance adopting Code)

Sec. 8.02.035 Penalties

(a) Any minor violating the provisions of this division shall be guilty of a class C misdemeanor as defined in the Texas Penal Code and shall be punished by fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and may be subject to appropriate action by a juvenile court in accordance with sections 51.03 and 51.08 of the Texas Family Code and section 8.07 of the Texas Penal Code.

(b) A parent of a minor violating the division shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(c) In assessing punishment for either a parent or a child, the municipal court judge is encouraged to consider the community service program.

(Ordinance adopting Code)

[†] State law references—Review of juvenile curfew order or ordinance, V.T.C.A., Local Government Code, sec. 370.002; children taken into custody for violation of juvenile curfew or order, Tex. Code Crim. Proc., art. 45.059.

MEMORANDUM

TO: Mayor and City Council

FROM: Shawn Raborn, City Manager

DATE: March 21, 2019

SUBJECT: Discuss and approve a resolution authorizing the submission of a Hurricane Harvey Community Development & Revitalization CDBG-DR Application to the General Land Office

In January, the council approved a resolution to submit a CDBG-DR application for infrastructure funding. Staff is now requesting council to approve a resolution that will also allow for the submission of an application for CDBG-DR funds for housing activities. The GLO CDBG-DR housing funds will be used as the local match requirement in the TDEM Buyout/ Acquisition program grant that we submitted back in October of 2018.

We are actively working on finalizing the CDBG-DR infrastructure application and are planning to submit by the end of April.

Staff is requesting council approval of a resolution authorizing the submission of a CDBG-DR application to the GLO for housing funding.

Attachment:

Resolution under consideration

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF LA GRANGE, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT & REVITALIZATION HURRICANE HARVEY HOUSING APPLICATION TO THE GENERAL LAND OFFICE; AND AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT & REVITALIZATION PROGRAM.

WHEREAS, the City Council of La Grange desires to develop a viable urban community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interest of La Grange to apply for funding under the Community Development & Revitalization Grant Program;

NOW THEREFORE, BE IT RESOLVED;

Section 1. That a Community Development & Revitalization Grant Program application is hereby authorized to be filed with the Texas General Land Office for funding consideration under the Community Development & Revitalization Grant Program; and

Section 2. That the application be for the Hurricane Harvey General Land Office allocated grant funds to the City of La Grange through the Method of Distribution to carry out Housing Activities; and

Section 3. That the City Council directs and designates the Mayor and/or City Manager as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the Community Development & Revitalization Grant Program.

Passed and approved this 25th day of March, 2019.

Janet Moerbe
City Mayor

Lisa Oltmann
City Secretary

TO: Mayor and City Council

FROM: Lisa Oltmann, City Secretary

DATE: March 22, 2019

SUBJECT: Discuss and or Consider appointment of Presiding Judge, Alternate Judge, EVBB Presiding Judge and EVBB Alternate Judge and setting the salary as relates to the City Officers Elections to be held on May 4, 2019.

Terri Hefner, the County Elections Administrator has contacted Eufemia Galindo, Denise Speckels, Gale Mersiovsky, and Audrey Huenefeld to inquire if they would be willing to be the Presiding Judge, Alternate Judge, the EVBB Judge, and the EVBB Alternate Judge of the City Officers Elections to be held on May 4, 2019.

If approved, Ms. Galindo would be the Presiding Judge, Ms. Speckels would be the Alternate Judge, Ms. Mersiovsky would be the EVBB Judge, and Audrey Huenefeld would be the EVBB Alternate Judge. It is recommended that the Presiding Judge receive \$15.00 per hour and all other workers receive \$10.00 per hour.

La Grange Police Department

Monthly Report February 2019

CALLS FOR SERVICE	February	YTD	VIOLATIONS	TRAFFIC		WARNING	YTD WARNINGS
				CITATIONS	YTD CITATIONS		
Alarms	17	29	Alcohol Related		1		
Assaults	5	11	Disorderly Conduct				
Agency Assist	14	23	Drug Related Violations		1		
Burglary	1	4	Drivers License	9	18	1	3
CRIMINAL MISCHIEF/TRES	6	10	CELL PHONE				
Citizen Assist	8	28	No Insurance	5	11		
CPS Referral	3	10	License Plate Violations				
Civil Matters	6	9	Minor Related				1
Disturbance/DOC	16	31	Handicapp Parking	1	2		
			Ordinance Violations				
Fraud	2	6	Red Light/Stop Sign	6	9	14	31
General Complaints	13	29	Right of Way Violations	1	5		2
Harassment	2	4	Signal Intent/Turning				1
Inquest	1	3	School Zone Violations	1	1	9	13
Juvenile Complaint	2	6	Seat Belt Violations		1		
MHMR	3	7	Lane Violations	2	9		1
Prowler/Knocking	1	2	Speeding	23	40	32	62
SUSPICIOUS ACTIVITY	21	45	Equipment Violations	3	3	21	67
THEFT	5	14	EXPIRED REG.	3	4	2	2
911 Hangups	2	5	Total	54	105	79	183
Theft/Auto	1	2	ACCIDENTS	February	YTD		
WELFARE CONERN	4	13	Minor	14	25		
			Major				
Total	133	291	Total	14	25		
Community Report				February	YTD		
Animal Control				59	129		
Funeral/Business Escort				22	50		
BUSINESS CHECKS				52	144		
Public Relations				8	14		
TRESPASSING				5	14		
Terroristic Threat				2	2		
Traffic Control/Hazard				6	6		
Total				154	359		
ARRESTS					February		
Driving While Intoxicated					1		
Driving While License Invalid with Previous Conviction-No Drivers License					1		
Local Warrants & Out of County Warrants					3		
Possession of Controlled Substance					1		
Possession of Marijuana					1		
Public Intoxication					1		
Total					8		
CRIMINAL INVESTIGATIONS DIVISION				February	YTD		
Cases Opened				10	19		
Cases Closed				4	10		
Cases Under Investigation				5	9		
				19	38		