

## REGULAR COUNCIL MEETING – August 14, 2017

The City Council of the City of La Grange met in Regular Session on Monday, August 14, 2017 in the City Hall Council Chambers at 155 E. Colorado St. with the following members present: Councilmember Bonnie Busch, Councilmember Deborah Bradley, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Ken Taylor, Councilmember Kathy Weishuhn, and Councilmember Violet Zbranek. Mayor Janet Moerbe was absent. Staff present: City Manager Shawn Raborn, Chief of Police David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Jeff Wick, Tom Hudson, Kimberly Cruz, Stephanie Heyman, James Lewis, Brittany Herdler, Melinda McCoy, Brigitte Stage, Jaimie Patton, Catherine S , Joan Schenker, Rebecca Schenker, LaDominique Fenix, Shawn & Gina Wallace and others.

Mayor Pro tem Cernosek called the meeting to order. The Pledge of Allegiance to the United States and Texas was recited and Councilman Ken Taylor gave the invocation.

Under petitions James Lewis with La Grange Youth Football spoke to the council in regards to the youth football desiring to be able to use Lep Field for their games.

A Public Hearing was opened at 6:12 PM regarding the rezoning of property owned by Fayette County located at 1721 N. Von Minden from Residential to Public. There being no one present to comment, the Public Hearing was closed at 6:14 PM.

The next item was to discuss and or consider a request from Fayette County to rezone property located at 1721 N. Von Minden from Residential to Public. A request was received from Fayette County to have the zoning changed at 1721 N. Von Minden from residential to public. This location is for the proposed new EMS Headquarters and Station One. There were 5 letters sent out to the property owners within a 200' radius of this address. Four letters were returned, three were in favor of having the zoning changed, one was opposed and one was not returned. The Zoning Commission met on July 19, 2017 and is recommending that the zoning be changed from residential to public. **MOTION** Councilman Pat Janca, **SECOND** Councilman Ken Taylor to approve this rezone request. Motion carried.

The next item was to discuss and or consider a request from Fayette County to waive permit fees for the construction of the new EMS Facility. A request was received from Fayette County that the city waive the permit fees associated with the construction of the EMS facility. The building permit fee associated with the improvements is \$2,212 based on an estimated construction budget of \$1,500,000. The mechanical, electrical and plumbing permits are estimated to total \$2,250. The fee waiver request is estimated to total \$4,462. **MOTION** Councilmember Violet Zbranek, **SECOND** Councilman John Eilert to approve this request. Motion carried.

The next item was to discuss and or consider removing the local sales tax exemption on telecommunication services. State law exempts telecommunication services from local sales taxes, but allows the governing bodies of local taxing jurisdictions to override the exemption by voting to impose sales tax on these services. According to Section 321.210 of the Texas Tax Code, the governing body of a municipality may repeal the application of the sales tax exemption for telecommunication services sold within the municipality. Telecommunication services include: Landline telephone services, long distance calls within Texas, Voice Over Internet Protocol (VoIP) (i.e. using the internet to make calls), calls that are not itemized (i.e. unlimited long distance service), mobile phone service. To date, the City of La Grange has not repealed the local sales tax exemption on telecommunication services. As a result, the City is limited in applying its local sales tax to telecommunication services. Currently, 516 cities have removed the sales tax exemption for telecommunication services. The procedure for repealing the sales tax exemption on telecommunication services and placing the city's sales tax on telecommunication services are as follows: 1.) The city council adopts an ordinance to repeal the local sales tax exemption on telecommunication services. 2.) The vote on the ordinance is entered into the minutes of the governing body. 3.) The City Secretary sends a copy of the ordinance to the State Comptroller. 4.) After the State Comptroller receives the notice, one full calendar quarter must elapse. The repeal of the exemption then takes effect and the tax is imposed on the first day of the next calendar quarter. If adopted and submitted by September 30<sup>th</sup> the exemption will be repealed on January 1, 2018. **MOTION** Councilman Taylor, **SECOND** Councilman Janca for staff to proceed to remove the local sales tax exemption on telecommunication services. Motion carried.

The next item was to discuss and or consider a resolution appointing Mr. Arnold Romberg to the Fayette County Appraisal District Directors. Mr. Romberg is the current representative for the City of La Grange on the Tax Appraisal District Board of Directors. Mr. Romberg is willing to continue to serve in this capacity. **MOTION** Councilmember Kathy Weishuhn, **SECOND** Councilmember Zbranek to approve Mr. Romberg's appointment to the Tax Appraisal District Board of Directors. Motion carried. **Insert #1**

The next item was to discuss and or consider a 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, 2017. Staff recommends that the city renew the contract for assessment and collection services for 2018 and 2019. **MOTION** Councilmember Zbranek, **SECOND** Councilman Taylor to approve staff's recommendation. Motion carried. **Insert #2**

The next item was to discuss and or consider future use of the current AMEN facility. As has been discussed, the AMEN organization will be vacating it's facility at 805 Mode Lane later this year. The initial plan was to put the building up for sale to be moved. City Manager Raborn was recently contacted by representatives of the Optimist

Club expressing an interest in leasing the property for the organization's meeting facility. The Optimist Club currently utilizes the meeting room at the Optimist Ball Park under a joint lease with the Friends of Baseball from the City of La Grange. The current lease of the Optimist Ball Park expires at the end of this year. Staff is requesting council authorization to proceed with the development of a lease agreement with the La Grange Optimist Club to utilize the AMEN building. **MOTION** Councilman Taylor, **SECOND** Councilmember Bonnie Busch to have staff proceed forward with the development of a lease agreement with the La Grange Optimist Club to utilize the AMEN building. Motion carried.

The next item was to discuss and or consider approval of July 2017 minutes. **MOTION** Councilmember Zbranek, **SECOND** Councilman Janca to approve the minutes. Motion carried.

#### City Council Committee Reports

The Beautification Committee awarded Yard of the Month to Jim and Portia Parker at 622 N. Washington.

#### Chief of Police Update

Chief of Police David Gilbreath informed the council that La Grange has not had any Exhaust or Carbon Monoxide complaints/issues with the Police Interceptor Utility Vehicles as some other departments have had. However, Ford Motor Company will check all vehicles and seal off the rear of the vehicle where exhaust can enter. The police department has had a variety of calls the past few weeks ranging from shots fired, burglary of a home, burglary of a vehicle, family violence and CPS referrals.

#### City Manager Update

The city is also gearing up for the start of school with the street department repainting cross walks and restriping by the school, and the recreation center holding sign up for the after school programs. The city was in the funding on the recent CDBG grant for water lines on North Madison & North Monroe.

The next item was a staff review of 2017-2018 FY Budget with City Council. City Manager Raborn presented the proposed budget to council. This 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 2017-2018 Fiscal Year is service driven and balanced. The proposed budget is 3.76 percent lower than the 2016-2017 adopted city budget. The 2016-2017 budget was higher due to the drilling of the water well on North Main Street. Staff is proposing to set the tax rate at .2093, which is the current tax rate. The proposed budget does make a four percent adjustment to the base

water rate and a two percent CPI increase in waste water rates and the pass through of the three percent residential sanitation rate increase from Republic Services. Overview of the FY 2016-2017 Operating Budget:

	Budget 2016-2017	Budget 2017-2018
Total Budget	\$12,886,344	\$12,401,584
Utility Budget	\$ 9,437,500	\$ 8,931,362
General Fund	\$ 3,257,192	\$ 3,266,133
Debt Service Fund	\$ 192,212	\$ 204,089

The next item was to discuss and or consider proposed property tax rate and schedule public hearings. Staff is proposing to set the tax rate at \$0.2093 per \$100 valuation. The Fayette County Appraisal District has certified taxable value of \$305,564,186 for the 2017 Certified Taxable Value and \$8,034,157 for the 2017 value pending ARB approval for a total of \$313,598,343. Staff is proposing the following Public Hearing Schedule: First Hearing August 28, 2017 at 6:00 pm at La Grange City Hall, 155 E. Colorado, La Grange, Texas. Second Public Hearing September 11, 2017 at 6:00 pm at La Grange City Hall, 155 E. Colorado, La Grange, Texas. **MOTION** Councilman Eilert, **SECOND** Councilman Taylor to approve staff’s proposals for the tax rate and the Public Hearing Schedule. Motion carried.

At 7:03PM a **MOTION** was made by Councilmember Zbranek, with a **SECOND** by Councilman Janca 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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John J. Cernosek, Mayor Pro tem

### **REGULAR COUNCIL MEETING – August 28, 2017**

The City Council of the City of La Grange met in Regular Session on Monday, August 28, 2017 in the City Hall Council Chambers at 155 E. Colorado St. with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Councilmember Deborah Bradley, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, and Councilmember Violet Zbranek. Councilman Ken Taylor and Councilmember Kathy Weishuhn were absent. Staff present: City Manager

Shawn Raborn, Chief of Police David Gilbreath, and City Secretary Lisa Oltmann.  
Visitors: Jeff Wick and Erin Murray.

Mayor Moerbe called the meeting to order. The Pledge of Allegiance to the United States and Texas was recited and Councilmember Deborah Bradley gave the invocation.

Mayor Moerbe stated that as a result of Hurricane Harvey, the council meeting would be condensed. Mayor Moerbe then extended compliments to city staff and members of the Volunteer Fire Department for all of the preparation work as related to Hurricane Harvey, along with all of the work that they have done as a result of the hurricane. The preparation efforts began late last week, and during the weekend work continued as a result of the various effects Hurricane Harvey had on La Grange and this work will continue for quite some time. The city has employees who care and they are to be commended. The police department did a great job with the evacuation process and blocking off of the streets. Travis Anderson has done a great job with coordination of the disaster efforts. The churches and the community have been busy doing volunteer work. The water department has been working feverishly as some of the city's water wells are not able to function at this time. Hurricane Harvey did have a much larger impact on La Grange than what had originally been predicted.

A Public Hearing was opened at 6:06 PM on the proposed tax rate. This is the first of the two public hearing on the tax rate. Staff is proposing that the rate be set at .2093 which is the current tax rate. There being no one present to comment, the public hearing was closed at 6:07 PM.

The next item was to discuss and or consider a resolution extending the moratorium on the issuance of permits for an additional forty-five (45) days on the issuance of permits for the construction and/or erection of any double-wide manufactured home outside of a licensed Mobile Home Park within the City Limits of La Grange.

The following item was to discuss and or consider a resolution of the City council of the City of La Grange, Texas extending the moratorium on the issuance of permits for forty-five (45) days on the issuance of permits for the construction and/or erection of any industrialized (Modular) single-family or and/or two-family dwellings within the City Limits of La Grange. After discussion, **MOTION** Councilman John Eilert, **SECOND** Councilman Pat Janca to table these two items till the next meeting. Motion carried.

The following item was to discuss and or consider on first on first reading An Ordinance Amending Chapter 11, Taxation, Of The Code Of Ordinances, City Of La Grange, Texas, By Adding A New Article 11.04 Telecommunication Services Tax Relating To Taxation Of Telecommunications Services; Repealing The Application Of The Exemption Provided For In Section 321.210 Of The Texas Tax Code; Providing For

Notification To The Comptroller Of The State Of Texas; Providing That No Such Tax Provided For Hereunder Shall Serve As An Offset To Or To Reduce Any Amount Payable By Any Provider Of Telecommunications Services Pursuant To Any Franchise, Street Use Ordinance, Statute Or Any Other Imposition Of The City Of La Grange; Providing For An Effective Date And Other Matters Related Thereto. Staff is bringing back for formal consideration an ordinance that will remove the telecommunication services exemption from local sales taxes. According to Section 321.210 of the Texas Tax Code, the governing body of a municipality may repeal the application of the sales tax exemption for telecommunication services sold within the municipality.

Telecommunication services include: Landline telephone services; Long distance calls within Texas; Voice Over Internet Protocol (VoIP) (i.e. using the internet to make calls); Calls that are not itemized (i.e. unlimited long distance service); Mobile phone service. To date, the City of La Grange has not repealed the local sales tax exemption on telecommunication services. Currently, 516 cities have removed the sales tax exemption for telecommunication services. Staff recommends approval of the attached ordinance. **MOTION** Councilman Janca, **SECOND** Mayor Pro tem John J. Cernosek to approve this ordinance on first reading. A roll call vote was taken, Councilmember Busch in favor, Councilmember Bradley in favor, Mayor Pro tem Cernosek in favor, Councilman Eilert in favor, Councilman Janca in favor, Councilman Taylor absent, Councilmember Weishuhn absent, Councilmember Zbranek in favor. Motion carried 6-0.

The next item was to discuss and consider for thirty (30) days of the emergency disaster declaration issued on Friday, August 25, 2017. **MOTION** Councilmember Zbranek, **SECOND** Mayor Pro tem Cernosek to approve the extension for thirty (30) days of the emergency disaster declaration issued on Friday, August 25, 2017. Motion carried.

The next item was to discuss and consider implementing such measures necessary to protect the public health and welfare as a result of the damages caused by Hurricane Harvey and its aftermath. City Manager Raborn updated the council regarding Hurricane Harvey. The Colorado River has crested this afternoon around 1:40 PM at 54.22 feet. It is anticipated that by Wednesday it would be down to 40 feet. On Sunday morning a mandatory evacuation was issued for the area from Water Street to the river. A robo call was sent out with this information and officers went door to door. There is no none loss of life from Hurricane Harvey. The fire department did have a few calls regarding evacuations/rescues. At this time it is estimated that there were 37 businesses as well as 250 residents impacted by the event. A Boil Water Notice has been issued due to low water pressure. The city has 5 of the seven water wells are inoperable at this time. When calls were received regarding low water pressure the water department turned off 13 valves below Water Street. If the water system does regain pressure, the boil water notice would still be in effect until water testing has been completed and required results are received. The electrical system held up well during the event, there were a few isolated outages. This afternoon the pole was swept away on which our service lines for

our customers on the bluff was attached to. They city is working with Fayette Electric Cooperative, Inc. and their contractor to have a new line built for partial power so customers can be brought back online. The sewer plant did not go under water, it is still working. Council also wanted to commend the local radio station for doing a great job as they are passing along updated information to individuals as it is available.

At 6:40PM a **MOTION** was made by Councilmember Zbranek, with a **SECOND** by Councilmember Bradley 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