

REGULAR COUNCIL MEETING – February 11, 2019

The City Council of the City of La Grange met in Regular Session on Monday, February 11, 2019 in the City Hall Council Chambers at 155 E. Colorado St. with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Ken Taylor, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Councilmember Deborah Bradley was absent. Staff present: City Manager Shawn Raborn, Sergeant Justin Koehne, and City Secretary Lisa Oltmann. Visitors: Samantha Marin, Phil Oestreich, Bob Heath, Valarie Bernard, Larry Jackson, Carol M., Richard Chernosky, Sarah Mabry, Kim Pickens, Mike Mabry, DVM, Dixie Launius, Harvey E. Busch, Tom Hudson, Kellie Smith, Ken Dernehl, Brandon Schielack, Marilyn Descours, Candy O'Meara, Joy Cameron, Belly B. Baker, Neale Rabensburg, Miguel Gonzales Jr., and others.

Mayor Moerbe called the meeting to order. Pastor Candy O'Meara of St. Paul Lutheran Church gave the invocation.

Under petitions Sarah Mabry, Samantha Marin, Valarie Bernard, Ken Dernehl, and Kellie E. Smith addressed the council.

CONSENT AGENDA

Discuss and or consider approval of January 2019 minutes.

A motion was made by Mayor Pro tem Cernosek and seconded by Councilmember Zbranek to approve the Consent Agenda Item as presented. Motion passed.

REGULAR AGENDA

The next item was a to discuss and or consider approval of preliminary plat of the Hope Hill Subdivision being a 22.95 acre property owned by the La Grange Area Disaster Recovery Team located at 808 Horton Street. Staff brought back for council consideration the preliminary plat of the Hope Hill Subdivision located at 808 Horton Street. We have received the preliminary plat from Mr. Miguel Gonzales, P.E. who is representing the owner of the Hope Hill Subdivision located at 808 Horton Street. The new subdivision is located within both the city limits and the ETJ of the City of La Grange and is governed by our subdivision ordinance. The development consists of 58 single-family residential lots, 1 multi-family lot and 2 common amenities. An updated letter from Mr. Gonzales is attached (attachment #1) that outlines the proposed development. The development has not requested any variances to the city subdivision ordinance. The approval of the preliminary plat does not guarantee approval of final plat but just authorizes the property owner to proceed to the development of the final plat. We are currently within the 30 day period for consideration of the plat as required by the ordinance and state law. The application was determined complete when it was considered by council at the January 25th meeting. The council has until February 26th to approve or deny the plat. If a decision is not made by the February 25th meeting, the applicant may withdraw the application and resubmit; the council can approve the preliminary plat or deny the preliminary plat. If no action is made within the required 30

day period the plat is considered administratively approved. **MOTION** Councilmember Weishuhn, under section 10.02.005 approval, that we approve the preliminary plat as it met all the requirements. **SECOND** Councilman Eilert. Motion passed 5-2 with Councilmember Busch and Councilmember Zbranek voting against.

The next item was to discuss and or consider approval of Resolution on 2019 CDBG application authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Community Development Fund; and authorize 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 Block Grant Program. The City of La Grange is currently in the process of developing a grant application to submit to the Texas Department of Agriculture Office of Rural Affairs for funds under the Texas community Development Program. Staff is proposing to submit a grant application to upgrade the water lines on North Washington Street from Pearl to Northline and on Northline from North Main to Roitsch. This project will assist in improving water service and fire protection to this area of town. The total cost of this project is estimated to be \$345,000, with \$300,000 being provided by grant funds and a local match of \$45,000. The local match funds are proposed to be provided by \$45,000 included in the FY 2019-2020 capital improvement fund budget. If we are successful in receiving the grant the local funds will not need to be available until the fall of 2020. A resolution authorizing the submission of the grant request was attached for council consideration. We should receive notification of funding award by September. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilman Taylor to approve resolution. Motion carried. (Attachment #2)

The next item was to discuss and or consider authorizing staff to auction items that are no longer needed or obsolete. Staff is requesting council authorization to dispose of various obsolete items. These items will be added to GovDeals our on-line auction site or as part of a future local Duncan auction. Items include 1) Animal Control Dept. Vehicle – with reserve- 2006 Ford F250 with 108,075 miles 2) Wastewater Dept. Vehicle regular cab LWB pick-up truck 2006 GMC 1500 with 89,094 miles 3) Electric Dept. Vehicle 2009 F350 4WD flatbed with 68,285 miles 4) Water Dept. vehicle 1999 International 4700 dump truck with 19,174 miles. **MOTION** Councilmember Weishuhn that we approve the disposition of these items. **SECOND** Mayor Pro tem Cernosek. Motion carried.

The next item was a presentation of Racial Profiling data by La Grange Police Department as required by Article 2.132 Texas Code of Criminal Procedures. The attached report (Attachment #3) on racial profiling, the breakdown is from all the traffic stops that were conducted by the La Grange Police Department in 2018. The data was collected from January 01, 2018 through December 31, 2018. This report clearly defines that the La Grange Police Department does not have issues with racial profiling. The continuing effort of the La Grange Police Department to collect data on racial profiling, will assure an on-going evaluation of the La Grange Police Department practices.

The next item was to discuss and or consider awarding bid for police vehicles. The City of La Grange is purchasing two (2) police vehicles for the LGPD. Chief Gilbreath and

Purchasing Agent Gary Skalka opened bids and the results are as follows: Oviedo Dodge submitting model Durango Pursuit in the amount of \$28,600 each for a total of \$57,200, and La Grange Ford-Lincoln submitting model Ford Explorer Interceptor in the amount of \$40,614 each for a total of \$81,228. Oviedo Dodge failed to meet all the requirements as outlined in the vehicle specifications. Chief Gilbreath and Purchasing Agent Skalka are in agreement that the City of La Grange award the bid to La Grange Ford in the amount of \$81,228 for the two vehicles. **MOTION** Councilmember Weishuhn that we approve staff's recommendation to accept the bid of La Grange Ford. **SECOND** Councilman Janca. Motion carried.

City Manager Update

It was noted that the sales tax for the December sales was up 12% over last year. Electric sales is up slightly, but is basically flat for the year. Water sales is up from last year. The GLO Multi-Family Housing Program is still reviewing applications. The project which includes 504 W La Fayette is currently the first project and a project in Lockhart is the second project. (This was done by dates.) These are still in the review process, nothing has been awarded. Street repair work continues, once reclaiming is completed on the north side of town the crew will move to Milam Street to reclaim where the water and sewer lines were installed for the school project. The completion is very dependent upon the weather conditions. Vail Street will not be repaired until the school is finished with their project, so the street work could possibly be done in the spring of 2021. Next Tuesday, the City Manager has a close-out meeting with FEMA scheduled and this will conclude all of the work with FEMA. Final testing is being done on the Splash Pad Project, fencing is being put in place, and grass will be installed as soon as the weather permits it to be harvested. At the Commissioners Court meeting held this morning, Rio Texas gave a presentation, City Manager Raborn has reached out to Ms. Pickens with Rio Texas and she will give a presentation to council at a later date. The La Grange Springs Development Project is still waiting to hear what transpires in Bastrop with the project there.

At 6:30 PM a **MOTION** was made by Councilmember Weishuhn, with a **SECOND** by Councilmember Zbranek that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

Janet Moerbe, Mayor

REGULAR COUNCIL MEETING – February 25, 2019

The City Council of the City of La Grange met in Regular Session on Monday, February 25, 2019 in the City Hall Council Chambers at 155 E. Colorado St. with the following members present: Mayor Janet Moerbe, Councilmember Bonnie Busch, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Ken Taylor, Councilmember Kathy Weishuhn and Councilmember Violet Zbranek. Councilmember Deborah Bradley and Councilman Pat Janca were absent. Staff present: City Manager Shawn Raborn, Chief

David Gilbreath, and City Secretary Lisa Oltmann. Visitors: Calvin Kuehn, Tom Hudson, Travis Hardaway, Sarah Mabry, Mike Mabry, Ken Dernehl, Justin Lopez, John R., Kimberly Newton, Harvey E. Busch, Marilyn Descours, Buster Hill, Larry Jackson, Londa Gaskins, Jesse McDaniel, Richard Chernosky, Neale Rabensburg, Kellie Smith, Billye Beth Baker and others.

Mayor Moerbe called the meeting to order. Pastor Justin Lopez of First Baptist Church gave the invocation.

Under petitions Sarah Mabry, Larry Jackson, and Tom Hudson addressed the council.

CONSENT AGENDA

Discuss and or consider approval of blocking off the square for Movie Nights on the Square. The Advisory Board of La Grange Main Street is requesting permission for the closing of the following parking section to accommodate Movie Nights on the Square Friday, June 14, 2019 (The Sandlot), Friday, June 2, 2019 (Honey I Shrunk The Kids) and Friday, July 19, 2019 (The Grinch) for the safety of the public. Area requested to be closed is the inner parking area by the north entrance of the courthouse which will be utilized for the movie screen and equipment. Blocking off the proposed streets starting at 5:00 p.m. for each Movie Night Evening.

A **Motion** was made by Councilmember Zbranek, **Second** by Councilmember Weishuhn to approve the Consent Agenda Item as presented. Motion passed.

REGULAR AGENDA

Discuss and or consider resignation of Ward 3 Councilmember Deborah Bradley. Councilmember Bradley submitted her signed resignation to Mayor Moerbe on February 14th. The council has 30 days to make an appointment to fill the unexpired term. The appointment will be until May 4th, which is the next uniform election date. **Motion** Councilmember Busch, **Second** Councilmember Zbranek to accept the resignation. Motion carried.

The next item was to discuss and/or consider and take appropriate action on Order Calling for Special Election of City Officers Councilmember Ward 3. Discutir y/o considerar y tomar acción apropiada sobre la autorización para La Orden de Elección Especial de Consejo Municipal Consejal Distrito 3. **Motion** Councilman Eilert, **Second** Councilmember Busch to approve this item. Motion carried.

The next item was to discuss and consider approval of appointment process to fill the vacant Ward 3 position until the position is filled following the May 4th Special Election. Staff is proposing the following schedule to fill the unexpired term of Councilmember Bradley. The council has 30 days to fill the vacancy of the council. Proposed schedule- Publish notice in Fayette County Record March 1st and March 5th; Post on City website- February 26th; Accept letters of interest until March 7th; Consider appointment at March 11th meeting; Swear in new Councilmember March 25th; Appointed Councilmember serves at the March 25, April 8, April 22, and May 13 Meetings; Appointed councilmember serves until

May 28th; Newly elected Councilmember sworn into office at May 28th council meeting. **Motion** Councilmember Weishuhn, **Second** Councilman Taylor to approve the schedule. Motion carried.

The next item was a public hearing on amending zoning ordinance to the following items to the list of approved uses in a commercial zoned district by adding the following sections (J.1) alcohol manufacture (Business or Commercial district and Industrial District but not in the Historic District) and (K.1) Beer, Wine and Mead manufacture (Business or Commercial district and Industrial district including Historic District). The Zoning Commission has reviewed and is recommending that the zoning ordinance be amended to allow for the production of alcohol in a commercial or industrial district. This Public Hearing was opened at 6:18 pm. Following public comment, the hearing was closed at 6:23 pm.

The next item was to discuss and or consider approval on Second Reading of an Ordinance Amending The Zoning Ordinance, Chapter 14, Zoning, Exhibit A, Zoning Ordinance, Code Of Ordinances Of The City Of La Grange, Texas, Section 9. District B-Business Or Commercial District, Subsection 9-1, Use Regulations, By Adding Two New Subsections Under Subsection 9-1, Subsections (J.1) And (K.1), To Allow for Alcohol, Beer, Wine, And Mead Manufacture, With Certain Limitations, By Further Amending Section 11. District I-Industrial, Subsection 11-1. Use Regulations, By Repealing Subsection (Q)(3) And Renumbering Any Additional Subsections Under Subsection Q In Sequential Numbering; Confirming Texas Open Meetings Act Compliance, Providing An Effective Date. Staff is presenting for second reading an ordinance to allow for the production of alcohol in a commercial or industrial district. The current zoning ordinance prohibits alcohol manufacture in the city. The following sections will be added to the zoning ordinance: (J.1) Alcohol manufacture (Business or Commercial District and Industrial District but not in the Historic District). (K.1) Beer, Wine and Mean manufacture (Business or Commercial District and Industrial District, including Historic District.) **Motion** Councilmember Zbranek, **Second** Councilmember Weishuhn to approve this ordinance on second reading. A roll call vote was taken: Councilmember Busch for, Mayor Pro tem Cernosek for, Councilman Eilert for, Councilman Janca absent, Councilman Taylor against, Councilmember Weishuhn for, Councilmember Zbranek for. Motion carried 5-1.
Attachment #1

The next item was to discuss and or consider approval of extending time frame to consider final plat of the Hope Hill Subdivision being a 22.95 acre property owned by the La Grange Area Disaster Recovery Team located at 808 Horton. Council recently approved the preliminary plat of the Hope Hill Subdivision located at 808 Horton Street. We are currently within the 30 day period for consideration of the plat as required by the ordinance and state law. The application was determined complete when it was considered by council at the January 25th meeting. The council has until February 26th to approve, deny or agree to extend the consideration period with the owner. Staff requested from the owner and they have submitted a request to waive the 30 day approval period. The owner has requested that council formally consider the final plat on or before April 30, 2019. The time extension will allow for the engineer to complete the final plat and staff to review the final plat before

submitting to council for consideration. **Motion** Mayor Pro tem Cernosek, **SECOND** Councilman Eilert to approve this request. Motion carried.

The next item was to discuss and or consider approval of the Certification of Unopposed Candidates. Discutir y/o considerar la aprobacion del Certificado de Candidatos Sin Oposicion. The 2019 City Officers Election was called on January 28, 2019. Friday, February 15th was the last day to file for a place on the ballot, and Tuesday, February 19th was the last day for a write-in candidate to declare candidacy. The following candidates are unopposed for the corresponding positions. Ken Taylor-Councilmember Ward 1; John “Honza” Cernosek-Councilmember Ward 2; Bonnie B. Busch-Councilmember Ward 3. El 28 de enero de 2019, el Consejo Municipal autorizó la Orden de Elección del Consejo Municipal. El Viernes, 15 de febrero de 2019, fue el último día para solicitar un lugar en la boleta; además, el 19 de febrero de 2019 fue el ultimo día para declaraciones de candidatura para candidatos por escrito. Los siguientes candidatos no tienen oposición en los distritos que corresponden: Ken Taylor-Consejal Distrito 1; John “Honza” Cernosek-Consejal Distrito 2; Bonnie B. Busch-Consejal, Distrito 3. **Motion** Councilmember Weishuhn, **Second** Councilmember Zbranek to approve the Certification of Unopposed Candidates. Motion carried.

City Manager Update

The La Grange Springs Development Project is no longer an active project. The reclaiming of Milam Street & Meyer Street is scheduled for the week of March 11th weather permitting. The asbestos removal for Second Chance is scheduled for March 6th. Purdue & Brandon is up and running with the collections process related to the police department.

At 6:30 PM as pursuant to Section 551.071 Consultation with City Attorney, 1. Consultation with City Attorney regarding Tom Hudson, Individually and Jator, Inc. vs. City of La Grange, TX No. 2017V-053, and Section 551.074 Personnel Matters, discuss and or consider annual review of City Manager council went into Closed Executive Session.

At 7:30 PM Council went into Open Session. No action was needed.

At 7:31 PM a **MOTION** was made by Councilman Eilert, with a **SECOND** by Councilmember Busch that the meeting be adjourned. Motion carried.

Lisa Oltmann, City Secretary

These Minutes Approved by City Council on:

Janet Moerbe, Mayor