

## REGULAR COUNCIL MEETING – November 10, 2014

The City Council of the City of La Grange met in Regular Session on Monday, November 10, 2014 in the City Hall Council Chambers with the following members present: Mayor Janet Moerbe, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Calvin Kuehn, Councilman Arnold Romberg, Councilmember Kathy Weishuhn, and Councilmember Violet Zbranek. Councilmember Deborah Bradley was absent. Staff present: City Manager Shawn Raborn, Chief of Police Jackie Skelton, and City Secretary Lisa Oltmann. Visitors: Jeff Wick, Charlie Ripper, Ed Collins, Regina Keilers, Joanna Prihoda, and Rev. J. Paul Bruhn.

The Pledge of Allegiance was recited and Rev. J. Paul Bruhn of the First United Methodist Church gave the invocation.

Under Public Petitions, Mr. Charlie Ripper addressed the council asking if modifications could be made to enhance the sound system within the chamber to assist those in need.

The first item was to discuss and or consider holding a public hearing on the establishment of a Veterans Memorial Highway. **MOTION** Calvin Kuehn, **SECOND** Councilmember Kathy Weishuhn to hold a public hearing at the next council meeting. Motion carried.

The next item was to discuss and or consider a preliminary replat from Fayette County Habitat For Humanity for property located at 936 E. Camp Street. A request was received from Fayette County Habitat For Humanity to subdivide 936 E. Camp Street into 3 lots. Lot 1 would be approximately 60' X 110'; Lot 2 would be approximately 85' X 153'; Lot 3 would be approximately 85' X 132' plus an additional 2,754' facing Pearl Street. Staff sent letters to all property owners within 200' of the lot proposed to be subdivided. There were a total of thirty-four (34) letters sent out. Of these thirty-four (34) there were four (4) returned which were in favor of the replat request. There were four (4) which were not in favor of the replat, one (1) was returned with no vote, and there were twenty-five (25) letters which were not returned. The main objections of those opposed to this request was the number of homes, they stated that there should be a maximum of 2 homes; another concern was the shared driveway on Pearl St. Mr. Ed Collins, Mrs. Regina Keilers, and Mrs. Joanna Prihoda, all members of the board of directors for Habitat For Humanity spoke to the council regarding the Habitat For Humanity program and the needs for habitat homes. Rev. J. Paul Bruhn also spoke in support of Habitat For Humanity. Council voiced concern with having a shared driveway on Pearl Street, and the one lot not having any street frontage. They inquired if the area facing Pearl Street could be divided so each lot would have street frontage. The board members from Habitat said that this modification could be made. **MOTION** Councilman Arnold Romberg, **SECOND** Councilmember Violet Zbranek to approve the preliminary

replat contingent of the driveway property being divided between the two lots which would have access from Pearl Street. Motion carried.

The next item was to discuss and or consider rezoning of one tract from residential to commercial located at 777 Roitsch Lane. A request was received from the Clarence & Leona Roitsch Estate to have the zoning changed on a 1.0 acre tract of property from residential to commercial. Letters were sent to the 3 other property owners within the 200' radius of this location asking if they were in favor of or opposed to granting the request to have the zoning changed from residential to commercial. One owner was opposed, one was in favor and one did not reply. The Zoning Commission held a Public Hearing/Meeting to review this request on Wednesday, November 5<sup>th</sup>. It is the recommendation of the zoning commission that this request be denied. Some of the main concerns from the zoning commission were that there is opposition from an adjacent property owner, as well as the fact that if it were changed to commercial, any type of business that is allowed in commercial zoning could be placed there and this could be detrimental to the neighborhood. **MOTION** Councilmember Zbranek, **SECOND** Councilman Kuehn that this request be denied as recommended by the Zoning Commission. Motion carried.

The next item was to discuss and or consider bid for property not sold at sheriff's sale at 428 W. La Fayette. Staff is requesting council approval of the bid submitted by the city to obtain the Fayette County Tax Appraisal District Trust property located at 428 W. La Fayette Street. **MOTION** Councilmember Weishuhn, **SECOND** Councilman Pat Janca to approve staff's request. Motion carried.

The next item was to discuss and or consider designation of a Railroad Quiet Zone. Staff is bringing back for council discussion the implementation of the Railroad Quiet Zone. We have held two public hearings on the development of the quiet zone and the views expressed by the community have been mixed. As discussed previously, to implement the quiet zone the city will have to install safety improvements at all grade crossings. The safety improvements that are being proposed will require the installation of a non-transversible medians at all grade crossings. The cost as been estimated at \$45,000 for this to be done. Staff is proposing that council take no action at this time and staff will continue to monitor the literature and current trends regarding the quiet zone issue. **MOTION** Councilman Janca, **SECOND** Councilmember Weishuhn to approve staff's proposal. Motion carried.

The next item was to discuss and or consider on First Reading An Ordinance Amending Chapter 13, Garbage And Trash, Code Of Ordinances, City Of La Grange, Texas, As Recodified On January 8, 2007 By Amending Chapter 13, Section 13.05.014, By Decreasing The Rates For Premises Other than Residences Utilizing Containers Of A Capacity Of 96 Gallons As Set Forth In Subsection (2); By Amending Section 13.05.014 By Decreasing the Rates For Residences And Premises Other Than Residences For The

Collection, Pick Up And Hauling Of Tree Limbs, Brush And Cuttings As Set Forth In Subsection (5) Of Section 13.05.014; And By Amending Chapter 13, Sections 13.05.015, 13.05.016 And 13.05.017 By Repealing Same; And Providing For An Effective Date. Staff is presenting for council consideration on first reading an ordinance that will reduce solid waste utility rates for commercial customers that will go into effect with the January 1<sup>st</sup> bill. The commercial base rate will be decreased and frozen for the next three years in accordance with the recently approved solid waste agreement with Republic Services. The base residential rate will remain the same at \$21.74 per month. The residential rate will include the new recycling service and quarterly bulk curbside pickup. The additional residential cart charge will increase by fifty-one cents per month from \$5.87 to \$6.38 per month. The residential rate includes solid waste collection once a week, curbside recycling every other week, quarterly curbside bulk collection, two free brush collections a year and three cleanup opportunities a year. In addition after a holiday three extra bags, boxes or bundles that are outside the cart are collected at no additional charge. Holidays include New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas. **MOTION** Councilman John Eilert, **SECOND** Councilmember Zbranek to approve this ordinance on first reading. A roll call vote was taken: Councilmember Bradley absent; 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 7-0.

The next item was to discuss and or consider the appointment of Violet Zbranek as a Director of Texas Municipal Gas Acquisition and Supply Corporation I for a term to expire on August 15, 2018.

The next item was to discuss and or consider the appointment of Violet Zbranek as a Director of the Texas Municipal Gas Acquisition and Supply Corporation III for a term to expire on August 15, 2020.

The next item was to discuss and or consider the appointment of Violet Zbranek to the Board of Directors of MuniGas for a term to expire on June 15, 2015. Mr. Harvey Busch has expressed his desire to resign from the Texas Municipal Corporation Boards. Staff is requesting that Ms. Violet Zbranek be appointed to fill the terms held by Mr. Busch. **MOTION** Councilman Kuehn, **SECOND** Councilman Janca to approve staff's request. Motion carried. **Attachment #1**

The next item was to discuss and or consider the reappointment of Bill Jones to the Board of Directors for Tex Gas III for a term to expire on August 15, 2020. Staff is requesting that Bill Jones be reappointed to the Tex Gas III Board of Directors with a term to expire on August 15, 2020.

The next item was to discuss and or consider reappointment of Glen Pape to the Board of Directors for Municipal Acquisition and Supply Corporation for a term to

expire on June 15, 2020. Staff is requesting council approval of the reappointment of Glen Pape to the MuniGas Board of Directors with a term to expire on June 15, 2020.

The next item was to discuss and or consider the reappointment of Janet Moerbe to the Board of Directors for Tex Gas II for a term to expire on August 15, 2020. Staff is requesting that Janet Moerbe be reappointed to the Tex Gas II Board of Directors with a term to expire on August 15, 2020. **MOTION** Councilmember Weishuhn, **SECOND** Councilman Romberg to approve staff's recommendations for the above three reappointments. Motion carried. **Attachment #2**

The next item was to discuss and or consider on second and final reading An Ordinance Of The City Council Of The City of La Grange, Texas Amending Chapter 4, Business Regulations, Article 4.04, Peddlers And Solicitors, Of The Code Of Ordinances, City Of La Grange, Texas, By Repealing Same And Thereafter Completely Replacing The Current Article 4.04, As Set Forth Herein, Thereby Expanding And Clarifying The Requirements For Conducting Solicitations By Peddlers, Solicitors, Itinerant Vendors And Handbill Distributors, Within The Corporate Limits Of The City Of La Grange, Texas; Providing For A Penalty For The Violation Hereof Not To Exceed \$500.00; Providing For Severability; And Providing For An Effective Date Hereof. **MOTION** Councilman Kuehn, **SECOND** Councilmember Zbranek to approve this ordinance on second and final reading. A roll call vote was taken: Councilmember Bradley absent; 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 7-0. **Attachment #3**

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

#### City Council Committee Reports

Main Street will host Schmeckenfest on Thursday, December 4<sup>th</sup>. There will be additional activities for kids this year as well as the Wassail Tasting and fund raiser booths from various organizations.

The Beautification Committee awarded Yard of the Month to Kathie & Bill Bailey at 606 S. Washington Street.

#### City Manager Report

The city will begin putting up the downtown Christmas Decorations on November 17<sup>th</sup> so they will be up and ready for Schmeckenfest. The Quilt Museum will have the lighting of the quilt wall on Thursday, November 13<sup>th</sup>. Sales Tax was up 2.16% for the month.

At 6:40 PM a **MOTION** was made by Councilmember Weishuhn, with a **SECOND** by Councilman Eilert 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 – November 24, 2014**

The City Council of the City of La Grange met in Regular Session on Monday, November 24, 2014 in the City Hall Council Chambers with the following members present: Mayor Janet Moerbe, Councilmember Deborah Bradley, Mayor Pro tem John J. Cernosek, Councilman John Eilert, Councilman Pat Janca, Councilman Calvin Kuehn, Councilman Arnold Romberg, and Councilmember Violet Zbranek. Councilmember Kathy Weishuhn was absent. Staff present: City Manager Shawn Raborn, Chief of Police Jackie Skelton, and City Secretary Lisa Oltmann. Visitors: Jeff Wick, Charlie Ripper and John D. Marburger.

The Pledge of Allegiance was recited and Councilman John Eilert gave the invocation.

The first item was a Public Hearing on designation of a Veterans Memorial Highway. Mayor Moerbe opened the Public Hearing at 6:01PM. The proposed memorial highway would be from city limits to city limits on Highway 71 and would be designated Veterans Memorial Highway. The Public Hearing was closed at 6:06 PM.

The next item was to discuss and or consider extending lease of office space within the La Grange Police Station located at 243 S. College to the Texas Department of Public Safety for office space. Staff is requesting council approval to extend the lease with the Texas Department of Public Safety (DPS) for office space at the police station. The city entered into a lease agreement with DPS twelve years ago and the arrangement has been very beneficial to both parties. This would be for the lease of 3 offices and the term would be from January 1, 2015-December 31, 2017. **MOTION** Councilmember Violet Zbranek, **SECOND** Councilman Pat Janca to approve staff's request. Motion carried. **INSERT #1**

The next item was to discuss and or consider and take action on recommendation of City Manager to appoint Frank Menefee, Jr. as Associate Municipal Court Judge to hear one case, to wit: State of Texas v. Kathleen E. Linn; Cause No 79271; Municipal Court, City of La Grange, Fayette County, Texas; on December 11, 2014 at 2:30 PM. Judge Schultz has advised the Court Clerk that he has recused himself he will not, therefore, be able to sit as Municipal Court Judge due to a perceived conflict of interest in the following La Grange Municipal Court case currently set before the court on Thursday, December 11, 2014 at 2:30 PM: State of Texas v. Kathleen E. Linn; Cause No. 79271; Municipal court, City of La Grange, Fayette County, Texas. A request was made that the City Manager recommend to Council that they appoint a member of City staff who is a qualified voter in the City of La Grange to sit as Associate Municipal Court Judge for one day, December 11, 2014, to hear evidence in one case to be tried to the court, to wit: State of Texas v. Kathleen E. Linn; Cause No. 79271; Municipal Court, City of La Grange, Fayette County, Texas in accordance with the requirements of the City Charter. *City of La Grange Texas Home Rule Charter*, Article V. Municipal Court, Section 5.02 (a) and (b) state as follows: Section 5.02 Judge of the Municipal Court.

(a) The Judge of the Municipal Court shall be a qualified voter of the City, and shall hold office at the pleasure of the City Council, and shall receive such salary as may be fixed by ordinance of the City Council.

(b) In the case of disability or absence of the Judge of the Court, the City Council **shall appoint a qualified successor.**

It is the opinion of City Attorney Angela Beck that the recusal by the Judge constitutes an absence of the Judge of the Municipal Court at the trial set for the referenced cause. It is further her opinion that the City Council has the statutory authority to appoint another qualified voter of the City, including any City Staff member who is a qualified voter of the City, to act as Associate Municipal Court to sit and hear evidence in this one case. No other qualification is specified in the Charter. Moreover, no additional compensation needs to be paid to such a staff member as such a staff member would already be receiving his or her salary during the time set for the trial of this case. **MOTION** Councilmember Zbranek, **SECOND** Mayor Pro tem John J Cernosek to appoint Frank Menefee, Jr. as Associate Municipal Court Judge to hear one case, to wit: State of Texas v. Kathleen E. Linn; Cause No 79271; Municipal court, City of La Grange, Fayette County, Texas; on December 11, 2014 at 2:30 PM. Motion carried.

The next item was to discuss and or consider appointments to the Main Street Board. The Main Street Board is requesting that Gary Niesner and Danielle Holladay be appointed to the Main Street Board. Gary Niesner will replace Bill Jones and Danielle Holladay will replace Krystal Kollaja. The Advisory Board would like all terms to begin on January 1, 2015. **MOTION** Councilman Janca, **SECOND** Councilman Arnold Romberg to approve the Main Street Board's request. Motion carried.

The next item was to discuss and or consider appointment to the Fire Pension Board. One member of the city council is appointed as a representative on the Fireman's Pension Board. Councilmember Violet Zbranek is the current representative. **MOTION** Councilman Calvin Kuehn, **SECOND** Mayor Pro tem Cernosek to reappoint Councilmember Zbranek as council representative on the Fireman's Pension Board. Motion carried.

The next item was to discuss and or consider setting the 2015 City of La Grange Holiday schedule. **MOTION** Councilman Romberg, **SECOND** Councilman Janca to approve the 2015 Holiday Schedule as presented. Motion carried. **INSERT #2**

The next item was to discuss and or consider resolution cancelling the December 22<sup>nd</sup> City Council Meeting. **MOTION** Mayor Pro tem Cernosek, **SECOND** Councilman Janca to approve the resolution cancelling the December 22<sup>nd</sup> City Council Meeting. Motion carried. **INSERT #3**

The next item was to discuss on Second and Final Reading An Ordinance Amending Chapter 13, Garbage And Trash, Code of Ordinances, City Of La Grange, Texas, By Amending Chapter 13, Section 13.05.014, By Increasing The Rates For Residences Utilizing Garbage Containers Of A Capacity of 96 Gallons As Set Forth In Subsection (1) of Section 13.03.015, By Amending Chapter 13, Section 13.05.014, By Decreasing the Rates For Premises Other Than Residences utilizing Containers Of A Capacity Of 96 Gallons As Set Forth In Subsection (2); And Providing For An Effective Date. Staff presented for council consider on second reading an ordinance that will reduce solid waste utility rates for commercial customers that will go into effect with the January 1<sup>st</sup> bill. The commercial base rate will be decreased and frozen for the next three years in accordance with the recently approved solid waste agreement with Republic Services. The base residential rate will remain the same at \$21.74 per month. The residential rate will include the new recycling service and quarterly bulk curbside pickup. The additional residential cart charge will be increased by fifty-one cents per month from \$5.87 to \$6.38 per month. The residential rate includes solid waste collection once a week, curbside recycling every other week, quarterly curbside bulk collection, two free brush collections a year and three cleanup opportunities a year. In addition after a holiday three extra gabs, boxes or bundles that are outside the cart are collected at no additional charge. Holidays include New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas. **MOTION** Councilman Eilert, **SECOND** Councilman Romberg to approve this ordinance on second and final reading. A roll call vote was taken: Councilmember Bradley 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 absent; and Councilmember Zbranek in favor. The motion carried by a vote of 7-0. **INSERT #4**

Chief Of Police Report

There have been a higher than normal number of wrecks within the past few weeks  
There were 2 burglaries within the city the past few weeks.  
Patrolman Bryan Corb has resigned from the City of La Grange as he has accepted the position of Chief of Police in Richwood, Texas.

City Manager Report

Schmeckenfest will be on Dec. 4<sup>th</sup> The Rotary Club will have children's games at the event.

Main Street is sponsoring a Small Business event on November 29<sup>th</sup>.

Stand & Poor's has upgraded the City's rating to AA.

At 6:20 PM a **MOTION** was made by Councilman Kuehn, with a **SECOND** by Councilmember Zbranek 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