

**Minutes of a Meeting of the
Governing Body of the
City of Georgetown, Texas
Tuesday, April 9, 2019**

The Georgetown City Council will meet on Tuesday, April 9, 2019 at 6:00 PM at the Council Chambers at 510 W 9th Street, Georgetown, Texas.

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Regular Session

(This Regular session may, at any time, be recessed to convene an Executive Session for any purpose authorized by the Open Meetings Act, Texas Government Code 551.)

A. Call to Order

Mayor Dale Ross called the meeting to order at 6:07 PM. All Councilmembers were in attendance: Mayor Dale Ross, Anna Eby, Councilmember District 1, Valerie Nicholson, District 2, John Hesser, District 3, Steve Fought, Councilmember District 4, Kevin Pitts, Councilmember District 5, Rachael Jonrowe, Councilmember District 6 and Tommy Gonzalez, Councilmember District 7.

Staff in attendance: David Morgan, City Manager; Laurie Brewer, Acting City Manager; Charlie McNabb, City Attorney; Jim Briggs, General Manager of Utilities; Wayne Reed, Assistant City Manager; Mike Babin, Deputy General Manager of Utilities; Seth Gipson, Management Analyst; Sofia Nelson, Planning Director; Chris Foster, Resource Mgt. Manager; Octavio Garza, Public Works Director; Travis Baird, Real Estate Services Manager; Jim Kachelmeyer, Real Estate Services Coordinator; Andreina Davila-Quintero, Current Planning Manager; and Karen Frost, Deputy City Secretary. James Foutz,

Invocation was given by Gary Whitbeck, Wesleyan Homes

Pledges of Allegiance were led by Councilwoman Eby

Comments from the Mayor

- Proclamation of National Day of Prayer was presented to Ann Wilkes
- Proclamation for Telecommunicator Week was presented to Jen Kelley and other representatives from the Police Department
- Proclamation of Lineman's Appreciation Day was presented to the City Electric Department representatives

Council Regional Board Reports – Pitts reported he went to the CAMPO meeting for the Mayor and there was nothing to report specific to Georgetown.

Announcements – Frost reported on the upcoming election dates, the Easter Egg Hunt, Nature Day at Garey Park and the Red Poppy Festival.

Presentation of RP3 Award -- Jim Briggs, General Manager Utilities and Glenn W. Dishong, Utility Director offered congratulations to all city staff in the electric department, linemen, technical services, training, engineering and support staff that made this national award possible. Mike Westbrook and Casey Lane submitted the application for this award. The award was presented to the Mayor.

Action from Executive Session:

Motion by Hesser to appoint James Kachelmayer as the Assistant City Attorney to begin on or before April 22, 2019. Second by Nicholson. Approved 7 – 0.

Motion by Hesser to approve a 10% merit increase in David Morgan's annual salary as City Manager effective May 6, 2019. Second by Nicholson. Approved 7 – 0.

Motion by Hesser to authorize the Mayor to sign an amendment to the employment agreement of David Morgan consistent with the terms agreed upon in executive session. Second by Nicholson. Approved 7 – 0.

Motion by Hesser to authorize the City Manager to negotiate an amendment to the contract for purchase of the Municipal Hall Building at 101 E. 7th St. with 3M Square One, Ltd. on the terms discussed in executive session; and, to authorize the Mayor to execute the documents necessary to amend said contract. Second by Nicholson. Approved 7 – 0.

Motion by Hesser to authorize the purchase of easement rights across Parcels 6 & 7 for the Berry Creek Interceptor Project, from the owners of said Parcels, on the terms discussed in Executive Session; and to authorize the Mayor to execute all necessary documents. Second by Nicholson. Approved 7 – 0.

Mayor reported that the City advertised in the newspaper the City Council would be holding a first reading on an ordinance to hold a public hearing to amend the City's 2030 Comprehensive Plan to incorporate the City's first Solid Waste Master Plan. The public hearing will now be held on May 14, 2019.

Mayor also reported Item E is pulled from the Consent Agenda and will be posted at a later date.

Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine that may be acted upon with one single vote. An item may be pulled from the Consent Agenda in order that it be discussed and acted upon individually as part of the Regular Agenda.

- B. Consideration and possible action to approve the **minutes** of the Special, Workshop, and Regular Meetings held on Tuesday, March 26, 2019 -- Karen Frost, Deputy City Secretary
- C. Consideration and possible action to approve the **Medical Wellness contract to Frontline Medical** – John Sullivan, Fire Chief
- D. Consideration and possible action to approve an **Interlocal Agreement with the Lower Colorado River Authority (LCRA) for technical services** concerning Electric Transmission, Control and Substation facilities – Glenn W. Dishong, Utility Director
- E. Consideration and possible action to appoint **Virginia Hahn as Chair of the Commission on Aging** and to appoint **Terri Michelle** as a **regular member** of the Commission -- Mayor Dale Ross

Hesser moves to approve the consent agenda with the exception of item D. Item E is pulled. Second by Fought. Approved 7 – 0.

Item D was presented by Dishong. Hesser asked why the city is executing this contract at this time. Dishong explained this is to keep the contract language up to date. It will also insure the city is getting

the best costs for pricing through this contract. This gives the city the backup services needed to operate the substations.

Motion by Hesser to approve an Interlocal Agreement with the Lower Colorado River Authority (LCRA) for technical services concerning Electric Transmission, Control and Substation facilities. Second by Pitts. Approved 7 – 0.

Legislative Regular Agenda

- F. Consideration and possible action to accept the **Bloomberg Philanthropies Mayor's Challenge Grant** in the amount of **\$1,000,000.00** -- Jack Daly, Assistant to the City Manager, Chris Foster, Resource Management and Integration Manager, and Mike Babin, Deputy General Manager of Utilities (continued from the March 12, 2019 City Council Meeting)

Daly explains that he is still working with the attorneys and Bloomberg to finalize this contract and asks for postponement.

Motion by Jonrowe to postpone this item until a contract is completed. Second by Fought. Approved 7 – 0.

- G. **Public Hearing and First Reading of an Ordinance** on a request for a **Special Use Permit (SUP)** for the specific uses of 1) “Bar, Tavern, or Pub”, and 2) “Event Facility” within the Mixed-Use Downtown (MU-DT) zoning district, for the property located at **718 S Austin Ave**, bearing the legal description of 0.14 acres consisting of the south one-half (1/2) of Lot 8, and the East one-fourth (1/4) of Lots 6 and 7, Block 41, of the City of Georgetown, to be known as Barrels & Amps -- Nat Waggoner, Long Range Planning Manager

Nelson presented the staff report. P&Z recommends approval and finds that it complies with the criteria for standards. She read the caption.

Mayor opened the Public Hearing and with no one coming forth, closed the hearing.

Jonrowe asked Nelson why the applicant came to be classified as a bar, tavern or pub. Nelson explained there are definitions in the Code which identified the type of use and sales. Jonrowe clarified that if this is approved, it would “block” any others for applying for a bar designation within 750 feet and have implications of that action. Jonrowe also asked about the parking requirements. Nelson responded that parking is based on the seating which has not been established yet, but once established P&Z recommends that the business must provide half of that required parking.

Pitts asked about the 750 feet from an existing bar, tavern, pub dancehall or nightclub according to the Code. He asked about consequences of violating this. McNabb said they can be cited for violation of the code if sales exceed the zoning allowance. Pitts stated he feels the code is too restrictive and is in conflict with the Comprehensive Plan. Nelson says this change requires a UDC code change and is on the list for review in this next year. Gonzalez says the code definitely needs to be addressed. Fought suggests this be reviewed sooner rather than later.

Pitts moves to approve the SUP as recommended by Planning and Zoning Commission. Second by Fought. Approved 6 – 1. (Jonrowe opposed.)

- H. Consideration and possible action to approve a contract with Burns & McDonnell Engineering Company, Inc., of Austin, Texas in the amount of \$896,400.00 for Architectural and Engineering Design Services for a new Transfer Station -- Eric Johnson, CIP Manager

Motion by Gonzalez, second by Fought to approve a contract with Burns & McDonnell Engineering Company, Inc., of Austin, Texas in the amount of \$896,400.00 for Architectural and Engineering Design Services for a new Transfer Station.

Larry Brundidge spoke with his concern about the storage of water and says that the transfer station could affect the water quality in this area. Putting it too close to the river is a problem and he suggests building a reservoir. He asks for them to delay their action.

Pitts asked why the scoring of the RFP was not presented. Johnson explained that this was a Professional Services Agreement and pricing was not identified until negotiations began. The professional services were chosen based on their qualifications, not price as per state law.

Vote on the motion. Approved 7 – 0.

- I. Consideration and possible action to approve a **Resolution** adopting the **2019 Water Conservation Plan** and all the plan elements as required by the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ) to maintain compliance with the Texas Administrative Code Title 30, Chapter 288 -- James Foutz, Marketing and Conservation Manager and Leticia Zavala, Customer Care Director

Foutz explained this was discussed at a workshop and read the caption.

Motion by Jonrowe, second by Gonzalez to approve the 2019 Water Conservation Plan. Approved 7 – 0.

- J. **First Reading** of an **Ordinance** amending Title 13, Chapter 13.15. Section 13.15.040 of the Code of Ordinances titled “**Water Use Requirements**” modifying the current irrigation schedule to more effectively manage the City’s water resources and maintain compliance with the Texas Administrative Code Title 30, Chapter 288 -- James Foutz, Marketing and Conservation Manager/Leticia Zavala, Customer Care Director

Foutz explained this was discussed at a workshop and read the caption.

Motion by Jonrowe, second by Gonzalez to amend the Water Use Requirements modifying the current irrigation schedule to more effectively manage the City’s water resources. Approved 7 – 0.

- K. **First Reading** of an **Ordinance** amending Title 13, Chapter 13.16 of the Code of Ordinances titled “**Drought Contingency Plan**” modifying the current plan triggers and incorporating additional regulatory language -- James Foutz, Marketing and Conservation Manager/Leticia Zavala, Customer Care Director

Foutz explained this was discussed at a workshop and read the caption.

Motion by Jonrowe, second by Gonzalez to amend the Drought Contingency Plan as described. Approved 7 – 0.

- L. Consideration and possible action regarding the Texas Department of Transportation’s **Safe Routes to School Program** call for projects published February 8, 2019 and submission of a **Preliminary Application** for various projects within the City of Georgetown. – Ray Miller, Transportation Planning Coordinator

Miller explained the recommendations and gave the guidelines used to determine the recommendations. Staff met with GISD regarding areas they would like to see improved connectivity. The recommendation is for Annie Purl Elementary School Connectivity for \$514,000.00 in sidewalks. They also recommend sidewalks near Frost Elementary and Benold Middle School for \$510,000.00. Council wants to insure this will be consistent with the city’s comprehensive 2030 Plan and other planned projects. Miller assured them if the projects get preliminary approval, the contracts will come back before Council for further review.

Motion by Nicholson, second by Jonrowe to approve the recommendation for the submission of a Preliminary Application for various projects within the City of Georgetown relating to the TxDOT Safe Routes to School Program. Approved 7 – 0.

- M. Consideration and possible action on a **proposed TxDOT noise barrier** along the northbound Frontage Road of IH-35 near Old Airport Road – Ray Miller, Transportation Planning Coordinator

Miller gave the presentation. He explained the proposed noise barrier and the reasons for it. This needs to be processed through TxDOT for review of possible impact on other properties. They also consider traffic management, and noise abatement of traffic on IH 35. One of the property owners is an established child care facility and the other a single-family residence. Miller read the caption.

Gonzalez wanted to know what the property owners wanted. Miller said one property owner was for this and the other was not. This is a TxDOT driven and funded project.

Motion by Jonrowe, second by Pitts to approve a noise barrier along the northbound frontage road of IH 35 near Old Airport Road. Approved 7 – 0.

- N. **Second Reading** of an Ordinance **amending** Chapter 2, Review Authority, Chapter 3, Applications and Permits, Chapter 4, Zoning Districts, and Chapter 16, Definitions, of the **Unified Development Code (UDC)** regarding the rules, standards and regulations of the **Historic Districts** (Amendment No. 2) -- Sofia Nelson, CNU-A, Planning Director

Nelson gave a quick summary of previous discussion and explained the recommendation based on the approvals given at the first reading of the ordinance. She listed the proposed UDC amendments.

Nelson read the caption.

Richard Cutts, Elm Street, wants to thank Council, UDC, P&Z and residents who have supported this process. Urges

Amanda Parr, Old Town resident, thanks the council for the support and reads the comments from Linda McCalla who was not able to speak. She spoke about the creation of the beautiful and charming Old Town and how important the preservation of the downtown is to the character of the town. They appreciate the protection of even the low priority homes in the historic districts.

Ross Hunter, Walnut Street, speaks to the requirement of a regular majority instead of a super majority for an appeal of HARC approved items. He is concerned about the misinterpretation of the change. He wants council to remove the super-majority overturn requirement.

Paulette Taylor, W. 8th Street, appreciates the importance of the advisory boards and the protection those boards give to the properties. Asks the Council to approve the ordinance. They want to continue to have a say in their community.

Larry Olson, thanks the Council, and explained the last direction that was given by the council was to approve the recommendation of P&Z, and that is not what is in the proposal and the change regarding the appeal was not changed at that time. He does not want the super-majority requirement changed and asks them to keep the current language.

Michael Walton, E 15th Street, appreciates the time that has been given and all the work that has gone into making this change to protect the downtown are

Motion by Fought to amend Chapter 2, Review Authority, Chapter 3, Applications and Permits, Chapter 4, Zoning Districts, and Chapter 16, Definitions, of the Unified Development Code (UDC) regarding the rules, standards and regulations of the Historic Districts (Amendment No. 2). Second by Hesser. Fought states he appreciates all the comments and work that has gone into this process.

Jonrowe moves to amend Section 13.13.080D to restore the original language. Second by Eby. McNabb explains that the majority of the “appellate body” as described in the code is eight people and the majority of that is five. Majority of the Council is five. He suggests using the appellate body language. Council deliberated with McNabb to identify the language they wanted for the results they wanted.

Fought explained he thought council wanted the simple majority, without counting the Mayor. Jonrowe wants the higher threshold of approval at Council level. Fought wants to give residents the option to appeal as well.

Eby asked what the original recommendation of UDCAC and P&Z were. Nelson stated there were several discussions but nothing was directed regarding this specific language. Fought stated he is entirely for the ordinance whichever way this goes at this point. Pitts and Hesser want a 4-3 vote.

Vote on Amendment, 2 -5 (Nicholson, Hesser, Fought, Pitts and Gonzalez against, motion fails.)

Motion by Pitts to amend Section 13.13.080D to use the language that is presented by McNabb and staff with the Councilmembers as one word, indicating four votes required to overturn an appeal. Second by Fought. Approved 5 – 2. (Jonrowe and Eby opposed.)

Jonrowe thanked everyone and said that the discussions will continue and she hopes this is just the beginning to protect the neighborhoods that were here long before most people in the room.

Vote on original motion. Approved 7 – 0.

- O. **Second Reading** of an Ordinance on a request to **rezone** approximately **0.23 acres** out of **Unit 2 Dawn St** Ext of the Williams Addition, also being out of the Nicholas Porter Survey, Abstract No. 497, located at **2302 Dawn Drive**, from the Office (OF) to Residential Single-Family (RS) zoning district -- Sofia Nelson, Planning Director

Nelson read the caption.

Motion by Nicholson to approve, second by Hesser. Approved 7 – 0.

Project Updates

Project updates and status reports regarding current and future transportation and traffic project; street, sidewalk, and other infrastructure projects; police, fire and other public safety projects; economic development projects; city facility projects, city technology projects and downtown projects including parking enhancements, city lease agreements, sanitation services, and possible direction to city staff -- David Morgan, City Manager

No updates. Nicholson asked if anyone affected by the Atmos evacuation had applied for signage. Morgan reported yes, the fee waivers had been utilized and appreciated.

Public Wishing to Address Council

On a subject not posted on the agenda: An individual may address the Council at a regular City Council meeting by contacting the City Secretary no later than noon on the Wednesday prior to the Tuesday meeting, with the individual’s name and a brief description of the subject to be addressed. Only those persons who have submitted a timely request will be allowed to speak. The City Secretary can be reached at (512) 930-3651.

- At the time of posting, no persons were signed up to address the City Council

Executive Session

In compliance with the Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the items listed below will be discussed in closed session and are subject to action in the regular session.

Sec. 551.071: Consultation with Attorney

Advice from attorney about pending or contemplated litigation and other matters on which the attorney has a duty to advise the City Council, including agenda items

Sec. 551.072: Deliberations about Real Property

- Sale of Property-Old Municipal Building, 101 E. 7th St-Travis Baird, Real Estate Services Manager
- Berry Creek Interceptor- Shell Property Acquisition -- Travis Baird, Real Estate Services Manager

Sec. 551.086: Certain Public Power Utilities: Competitive Matters

- Purchased Power Update -- Jim Briggs, General Manager of Utilities

Sec. 551.074: Personnel Matters

City Manager, City Attorney, City Secretary and Municipal Judge: Consideration of the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal

- City Manager

Adjournment

Motion by Fought, second by Hesser, to adjourn the meeting. Mayor Ross adjourned the meeting at 8:13 pm.

Approved by the Georgetown City Council on _____

Date

Dale Ross, Mayor

Attest: City Secretary