

**Minutes of the Meeting of the Governing Body
of the City of Georgetown, Texas
Tuesday, March 22, 2011**

The City Council of the City of Georgetown, Texas, met in Regular Session on the above date with Mayor George Garver presiding.

Council Present:

Danny Meigs, Bill Sattler, Pat Berryman, Dale Ross, Tommy Gonzalez

Council Absent:

Gabe Sansing, Patty Eason

Staff Present:

Paul E. Brandenburg, City Manager; Mark Sokolow, City Attorney; Jessica Brettle, City Secretary; Micki Rundell, Chief Financial Officer; Jim Briggs, Assistant City Manager; Kevin Russell, Director of Human Resources and Civil Service; Elizabeth Cook, Community Development Director; Jordan Maddox, Principal Planner; Bridget Chapman, Assistant City Attorney; Rachel Saucier, Assistant City Secretary; Mark Miller, Transportation Services Manager; Edward G. Polasek, Transportation Services Director; Thomas R. Benz, Systems Engineering Director; David Thomison, Water Services Manager; Paul Elkins, Energy Services Manager; Glenn Dishong, Utility Director; Carla Benton, Planner II; Mike Elabarger, Planner III; Tamera Baird, Chief Plans Examiner; Dave Hall, Director of Inspections and Building Official; Terry Jones, Support Services Director;

Minutes

Regular Session - To begin no earlier than 06:05 PM

(Council may, at any time, recess the Regular Session to convene an Executive Session at the request of the Mayor, a Councilmember, or the City Manager for any purpose authorized by the Open Meetings Act, Texas Government Code Chapter 551.)

A Call to Order

Pledge of Allegiance

Comments from the Mayor

- Welcome and Meeting Procedures
Mayor presented two boy scouts with honorary pins from the City.

City Manager Comments

No comments

Action from Executive Session

There was no action out of Executive Session.

Public Wishing to Address Council

On a subject that is posted on this agenda: Please fill out a speaker registration form which can be found on the table at the entrance to the Council Chamber. Clearly print your name and the letter of the item on which you wish to speak and present it to the City Secretary on the dais, preferably prior to the start of the meeting. You will be called forward to speak when the Council considers that item.

On a subject not posted on the agenda: Persons may add an item to a future City Council agenda by contacting the

City Secretary no later than noon on the Wednesday prior to the Tuesday meeting, with the subject matter of the topic they would like to address and their name. The City Secretary can be reached at 512/930-3651.

- B - As of the deadline, no persons were signed up to speak on items other than what was posted on the agenda.

Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. 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.

- C Consideration and possible action to approve the **minutes** of the Workshop, Regular Council Meeting and Special Session held on Tuesday, March 8, 2011 -- Jessica Brettle, City Secretary

Sattler said he had a correction to the March 8, 2011 minutes, Item W. He mentioned that in addition to the friendly amendment stated in the minutes the quarterly report should also include information on the consultants and engineering that the city hired during that quarter. He read how he thinks the statement should read: "Sattler made a friendly amendment that the Council receive a quarterly report on any purchases and usage of engineers and consultants that do not go to Council for approval during the quarter."

- D Consideration and possible **acceptance of the Assistance to Firefighters Grant (AFG) for \$42,500 for safety and wellness equipment** -- Robert Fite, Fire Chief

- E Consideration and possible action to **appoint Gene Facey to the Zoning Board of Adjustment as Chairmain** to fill a vacancy -- George Garver, Mayor

Berryman thanked Gene Facey for his service and added they have served the City well on the Planning and Zoning Commission.

Motion by Berryman, second by Meigs to approve the consent agenda in its entirety, including comments to Item E and corrections to the minutes. **Approved 5-0** (Sansing, Eason absent)

Legislative Regular Agenda

Council will individually consider and possibly take action on any or all of the following items:

- F **Public Hearing** for the **voluntary annexation** into the city limits of **182.762 acres** out of the Barney C. Low Survey, for the **Bourn Tract**, located on the **south side of CR 111 and east of IH-35** -- Jordan J. Maddox, AICP, Principal Planner and Elizabeth A. Cook, Community Development Director

Maddox described the item and said this is the second public hearing for this voluntary annexation.

Public Hearing was opened at 6:18 PM

No persons were present to speak.

Public Hearing was closed at 6:18 PM

No action was required on this item.

- G **Public Hearing** for the **voluntary annexation** into the city limits of **9.48 acres** out of the Joseph Fish Survey, Abstract 232, located adjacent to and for a **future of phase of the existing Heritage Oaks subdivision** -- Jordan J. Maddox, AICP, Principal Planner and Elizabeth A. Cook, Community Development Director

Maddox described the item and said this is the second public hearing for a future phase of the Heritage Oaks development. He said the Ordinance will return at the first Council meeting in April.

Public Hearing was opened at 6:19 PM

No persons were present to speak.

Public Hearing was closed at 6:19 PM

No action was required on this item.

- H **Public Hearing** and possible action on a **Special Use Permit to allow a Civic Use** per UDC Section 5.03.010 in the RS, Single Family Residential District, in Williams Addition, Unit 1, Block 2, Lots 1, 2, 3 and 4, located at **202, 204, 210 Central Avenue and 1603 Williams Drive** -- Carla Benton, Planner II and Elizabeth Cook, Community Development Director

Benton described the item and said this is a permit request for the combination of these four lots to be redeveloped for Fire Station #2. She described the development area for Council. She said the current site has fire station two, a residence and five driveway access points. She noted the change to the new fire station will move the building closer to Williams Drive with two driveway access points. She said the driveway onto Williams Drive will be the emergency exit for the fire trucks. She noted the regular traffic will exit and enter from Central. She said this development is in a special area overlay plan that has been set up for the transition of a residential area along Williams Drive, which was done in the 1980s. She said almost all of the residents have been changed over to a non-residential use. She said there are no major heritage trees at this location. She said they sent out 25 notices, they received one written response expressing concern about having a light at the intersection. She said others spoke in support of this and felt it as a positive change in the area. She noted at the Planning and Zoning Commission meeting, there were three speakers and this item is being recommended with unanimous approval.

Public Hearing was opened at 6:25 PM

No persons were present to speak.

Public Hearing was closed at 6:25 PM.

Sattler asked Benton said if the applicant wants to make a change to the conceptual plan that has been proposed, they would need to come back to Council for approval.

Motion by Meigs, second by Berryman to approve the special use permit. **Approved 5-0** (Eason, Sansing absent)

- I **Public Hearing and First Reading** of an Ordinance **Rezoning 3.169 acres** from AG Agriculture District, to C-1, Local Commercial District), for **HEK Business Park**, Block A, Lot 1 (s/pt), to be known as **HEK Business Park – Phase II**, located at **4745 Williams Drive** -- Mike Elabarger, Planner III and Elizabeth A. Cook, Director of Community Development

Elabarger said this is a request to rezone a 3.169 acre property located at 4745 Williams Drive. He showed Council a graphic demonstrating the existing property.

He said there were no issues that concerned staff or the Planning and Zoning Commission with this rezoning. He read only the caption of the Ordinance on first reading after having satisfied the requirements of the City Charter.

Public Hearing was opened at 6:30 PM

No persons were present to speak.

Public Hearing was closed at 6:30 PM

Motion by Sattler, second by Meigs to approve the Ordinance on first reading. **Approved 5-0** (Eason, Sansing absent)

- J Status update of the **Unified Development Code, Chapter 10** requirements for **Temporary Real Estate and home builder Open House Signs**, adopted November 23, 2010 -- Tamera Baird, Chief Plans Examiner and Dave Hall, Director of Inspection Services

Baird described the item and said this process took over a year to complete and she described the process the council and staff went through in order to study and address the issues of temporary and a open house signs. She spoke about the many public hearings and meetings held on this subject. She said staff brought all of this back to Council at the August 10 workshop. She noted, at this meeting, Council gave direction to staff to make a UDC language change to allow for open house off-premise signs. She said staff met with home builders and

agents regarding this change to inform them of future elimination of these signs. She said they continued on this track and came up with a new UDC section (10.07.040) that addresses temporary open house signs for open houses and model homes. She noted this was taken to two separate public workshop and meetings. She said P&Z recommended approval of this unanimously. She said there were a couple more meetings to approve this issue. She said, on February 2, there was a presentation to provide builders and realtors with the changes. She noted, at this meeting, staff outlined the implementation timeline for the regulations. She noted staff was also advised to send out mailers as reminders of the effective date of the change. She described the many meetings staff had with the local realtors. She said, based on past direction, it is time to initiate enforcement of the off-premise signs with the April 4 deadline. She said they have prepared the letter and are prepared to send this out.

Brandenburg said he would like to compliment Tamera Baird and Dave Hall for their hard work on this issue. He said the input staff received from developers, builder and realtors has been very important to the process. He said, given the state of the economy, it may be best to hold off on the enforcement of this issue for right now as long as it is not a major violation affecting the health, safety or welfare of citizens. He said we could potentially bring this back in December or after the first of the year. He said he does not see any harm in doing this at this time. Brandenburg said an Ordinance is out there and this would be to direct staff to not enforce it.

Motion by Berryman, second by Meigs to postpone this item until the first council meeting in January 2012 for review. **Approved 5-0** (Eason, Sansing absent)

- K Discussion and possible action regarding the **appointment of an Americans with Disabilities Act (ADA) Coordinator, City ADA Task Force**, and direction to staff regarding the **development of a Transition Plan** to address City compliance with the Americans with Disabilities Act -- Paul E. Brandenburg, City Manager and Dave Hall, Director of Inspections and Building Official

Brandenburg said this is in response to a Resolution passed back in 1992 that spoke about the Americans with Disabilities Act. He said, in reviewing the City's records, it has come to the City's attention that some of the policies in the Resolution have not been enforced. He said this item would tighten this up and added it would create an ADA coordinator for the City as well as a task force. He noted they are asking for direction from Council to move forward, come back to Council with the appointment of a coordinator, to look at the creation and structure of a task force to determine the initial acts required to implement a transition plan to bring the City into compliance.

Motion by Berryman, second by Gonzalez to approve the item. **Approved 5-0** (Eason, Sansing absent)

Berryman said she hoped whoever is the coordinator will look into making improvements to recreation center to accommodate for people with disabilities. Brandenburg said there is two sides to this issue dealing with both public and private developments.

Speaker, Stephanie Blanck, said she recently retired from the Georgetown Independent School District. She noted she adopted Georgetown in 1980. She said she has seen this community throughout many changes and most significantly the demographics. She said the City has many citizens with motor and cognitive challenges. She said she comes before the council respectfully to add a disability advisory board similar to other boards in the city. She said the committee would provide an annual report to the City Council on this issue. She spoke about a similar committee that exists in the City of Austin.

Speaker, Dawn Jennings, said she is the mother of a man who has autism but she also works with special education as the parent liaison. She said, when they moved here in 1997, the quality education for special education and children with disabilities in the schools drew them in. She said, what is disheartening is the services available for adults with disabilities. She noted Georgetown is a City of excellence, but it needs to raise the bar in this area. She said it is not only the right thing to do, but it is the law.

Mayor thanked these folks for their comments. Sattler complemented the two speakers on the work they have done in the community to benefit those with disabilities. He said he would highly recommend they both be appointed to any committee regarding ADA compliance and people with disabilities.

- L Presentation and discussion regarding **Georgetown's 2010 Census population and demographic data** -- Jordan J. Maddox, AICP, Principal Planner and Elizabeth A. Cook, Community Development Director

With a Powerpoint Presentation, Maddox went through the census population and demographic data. He spoke about the importance of the census and said it will determine the population, guide redistricting, funding sources and requirements, operational responsibilities, business and development location, city demographics and it

helps to determine planning projections and needs. He said the census noted the total population is 47,400 and the city and the extra-territorial jurisdiction total is about 68,821. He said this is a 67% increase from 2000. He noted the over-18 population has had a slight increase. He said the household size is data that has not been released yet but they are expecting it will decrease.

He said 50,000 is an automatic trigger for several things. He said it is a threshold that had a lot of both funding and operational implications. He said the City is awaiting direction regarding whether the City can keep its seat on the Capital Area Metropolitan Planning Organization (CAMPO) board as well as information on urbanized area distinction, traffic signal operations from TXDOT and TCEQ Phase II stormwater rules. He said with CDBG money, the city could have been an entitlement City if it was over 50,000, but that is on hold for now. He added ETJ expansion is also on hold. He said the law firm we are working with is gathering the data and preparing for the redistricting process.

Berryman asked if there was a way for the City to selectively pick out certain signals that are problems in the City. Briggs said the City has taken over the signals at Williams Drive and Austin Avenue. He noted the signals at the intersection of Main and University, Austin and University, Scenic, the Frontage Roads, Maple and Lakeway are the ones that the City does not have control of. Berryman asked and Briggs said the light at the HEB is still on the state system. Briggs said traffic signalization is very challenging and added the City really has to be able to have all of them to put it in an effective system. He said selective use would not help all that much. It remains a challenge and something that the City consistently works on with Texas Department of Transportation. There was much discussion. No action was required.

- M Consideration and possible action to approve an **economic incentive agreement between San Gabriel River Place Partners and the City of Georgetown** -- Micki Rundell, Chief Financial Officer and Paul E. Brandenburg, City Manager

Rundell said there are three different items before you this evening, each as a component of a larger deal, to provide incentives related to an upscale dining development and event venue at 100 Austin Avenue. She described the incentive agreement for public improvements related to electric and water infrastructure. She said the second agreement is between the San Gabriel River Place Partners and the Downtown Tax Increment Reinvestment Zone (TIRZ) and will go toward many improvements related to sidewalks and amenities along the right of way. She said the last agreement is between the San Gabriel River Place Partners and the Georgetown Transportation Enhancement Corporation for \$507,000 for traffic improvements as well as a signal at Austin Avenue and 2nd Street. She said, in all cases, it was approved at the GTEC meeting and added it was approved by the downtown TIRZ board as well. She said she would be happy to answer questions.

Mayor asked and Rundell said, on the two agreements that went to advisory groups, they were approved by those groups. Sattler asked about the fee waivers in the economic incentive agreement. Rundell said the City will not have to replace those waivers using our budget and added those are revenues the city has not recognized. She noted it would be a net wash. Sattler asked and Rundell said we have not done this same type of deal before. She noted they have done the Monument as well and, in both cases, they were done for public improvements. Brandenburg said 4A money went toward the Loading Dock and the Thai Restaurant on 7th Street as well. Gonzalez asked and Rundell said all of this is for public improvements and not for the private business. Ross said and Rundell agreed every dollar will go toward an asset that the City will own. Rundell said the developer will actually put in all of these improvements themselves. Ross asked and Rundell said the City will only pay money and reimburse the developer provided they live up to the terms of the agreement.

Speaker, Henry Knipper, said he sees Monument Cafe is the same owner as this development. He noted when he started a business in Old Town, he did not receive help from the City. He said his other friend did not receive any help either. He asked how someone can go about getting help like this development is getting. He said it appears to him that it's all about who you know in order to get what you want from the City. He asked that the City either give everyone the same tax breaks or don't do it at all.

Speaker, Byron Raynie, said he believes the City needs to have planned growth. He said he is happy the City has various growth mechanisms, but he questions why you would want to spend \$1 million for this kind of venue. He said he understands this will go toward infrastructure improvements but it is going toward the project so they can do the deal. He said it seems, with this amount of money, there needs to be more information provided to the public. He said there needs to be a more comprehensive.

Speaker, John Marler, said he is here to explain what he sees as a run-around of an official board of the City. He said GEDCO has rejected this project. He noted the paper work does not hold muster when you look at it. He said he has nothing against Rusty Winkstern, and he would like to have restaurants here, but he does not see everyone represented by a million dollar outlet. He said we have not done this for any other restaurant. He

said the reality is we need a subcommittee of council members and business men to look over these documents. He said he is here to suggest that the city either table this item or vote against it.

Speaker, Karin Truxillo, said she has a question about it being infrastructure and that the City will reimburse Rusty once it is done. She asked how this plays into the master plans for downtown. She asked if the City would continue this infrastructure all the way into the square or if that is a possibility. She said she is concerned if the infrastructure can continue to downtown.

Motion by Gonzalez, second by Meigs to approve the economic incentive agreement.

Rundell said, on the exhibits that were given to this, there is a line called impact fees. She said those are actually meter fees and the final copy will have that change included with it.

Meigs asked and Cook said this area is in the downtown overlay district and it is specifically addressed in the master plan. She noted this is part of the plan for the sidewalks to connect through the downtown area. She added the plan also mentioned the downtown TIRZ funds could be used for these improvements as well. She said this is the beginning of the gateway entrance of the downtown square area to the river and it is part of the master plan. Brandenburg said the main emphasis is to the west side and added the east side is a little bit of a problem due to topography. Gonzalez asked if the City has reimbursed for sidewalks and the right of ways for businesses in the past. Cook said Tamiro Plaza, the condos on Main Street and the original Monument are all projects that have been done this way in the past. Sattler asked and Rundell said, every year, a certain amount of overhead is done for infrastructure improvements and there will be no changes to fees or rates imposed upon the public.

Berryman said she does not think this will be a positive impact on the other restaurateurs in the downtown area. She noted many of them are struggling. She said having the Monument go in with an unfair advantage has not worked well for the other restaurateurs and it has not worked out well now. She said this will set another precedent and added it is the same group involved in both instances. She said she thinks the City has rushed to quickly into this and hasn't looked at the money close enough. She said some of the obvious things that have concerned her is that, in the last agreement with the Monument folks, they never lived up to the terms of the agreement. She said they told the city they would build a class A office building and organic market and added they were going to plant plants for the top of their roof. She noted none of this has actually happened. She said she has some issues about this and she can not support this. She noted she hopes she is wrong because she hopes they are successful. Sattler said he questioned about 50 people out in Sun City about the project and added those people are probably going to be a big user of this. He said their biggest concern is why are we doing this for them but not others in the downtown area. He said he is going to be reflecting his vote by what his constituents have said on this issue.

Gonzalez said there is no GEDCO money for the private business but, he added, what has been approved is money for public improvements that would have to be done regardless. Ross said he heard a comment earlier about slowing this down. He said there have been more than enough public items on this issue and added this item has been approved and discussed by many of the City boards. He said he is going to vote for this and added he thinks this is the right time. He noted, at the end of the day, the City will gain public improvements out of this agreement.

Vote on the motion: Approved 3-2 (Berryman, Sattler opposed) (Eason, Sansing absent)

- N Consideration and possible action to approve an **agreement between San Gabriel River Place Partners and the Downtown Tax Increment Reinvestment Zone (TIRZ)** for an amount not to exceed **\$212,363 for infrastructure improvements** which will further the implementation of the Downtown Master Plan -- Micki Rundell, Chief Financial Officer and Paul E. Brandenburg, City Manager

Motion by Gonzalez, second by Meigs to approve the agreement.

Brandenburg asked and Rundell explained where the TIRZ money comes from and said it is not from property tax dollars. She defined a tax increment investment zone and said it was established in 2005. She added it sets a floor rate and all commercial property taxes that go into that rate go into the fund. She said, to date, there is about \$370,000 in TIRZ funds to benefit the downtown area. She explained GTEC funds as well. She noted it is from the .5 cent sales tax collected for 4B. Ross asked and Rundell said the tax she is talking about is commercial and not residential. Sattler asked and Rundell said this is the first time the TIRZ has been used.

Berryman said and Rundell agreed the TIRZ is a slow moving fund. Rundell described the area the TIRZ covers. Ross said the reason this is slow growing is that, as time goes on, it is a geometric progression. Rundell

said the value of this project will also help to repay the TIRZ. Sattler asked and Brandenburg explained why this was not used before. He said it was a small amount of money that has been slowing growing, no one has requested it and it is only for the implementation of the master plan. Ross said, by building this project, there will be more money in the TIRZ in the long run.

Vote on the motion: Approved 3-2 (Berryman, Sattler opposed) (Eason, Sansing absent)

- O Consideration and possible action to approve a **performance agreement between San Gabriel River Place Partners and the Georgetown Transportation Enhancement Corporation (GTEC)** in an amount not to exceed **\$507,000 for transportation improvements** -- Micki Rundell, Chief Financial Officer and Paul E. Brandenburg, City Manager

Motion by Gonzalez, second by Meigs to approve the agreement.

Sattler asked and Rundell said there is on street parking for this project. Cook said the project will have an on site parking lot but, as part of their improvements, they will also included public parking spots adjacent to their property. Sattler asked and Cook said the seating for this project is about 300. Berryman asked and Rundell said another GTEC public hearing on this issue has been scheduled for April 20. Rundell said funds can not be expended until 60 days after that public hearing. Berryman asked and Cook clarified there will be parking both on site as well as on street parking. Berryman asked and Cook said she does not have a copy of the site plan so she is not sure what the parking is like. Berryman said it bothers her that staff does not have this information. Winkstern said there are 63 parking spots and accommodations for 300. Cook said, in the downtown area, the parking requirement is not the same as other places in the City. She said the idea is to use the street and to try to get people to walk. Brandenburg described other parking regulations downtown. Sattler asked and Cook said, for on-street parking, there is competition for all spaces. Ross asked and Rundell said this came forwarded from GTEC with a 7-0 vote.

Vote on the motion: Approved 3-2 (Berryman, Sattler opposed) (Eason, Sansing absent)

- P Consideration and possible direction to staff regarding the **method to be used for construction of Fire Station 2** -- Terry Jones, Support Services Director and Micki Rundell, Chief Financial Officer

Jones described the item and said, at the last meeting, Council authorized staff to move forward with the construction of Fire Station 2. He noted, in the past, Council has expressed interest in the design-build process and staff is ready to move forward if it is council's wish. Brandenburg said staff is wanting action to move forward.

Ross asked, if the City does design-build, are there enough support people to make it happen. Jones said there is enough help.

Motion by Berryman, second by Ross to move forward with the Design Build construction method.

Gonzalez asked and Jones said his recommendation for this would be to use the design build method, though staff will move forward with whatever Council prefers. Meigs asked and Jones said the benefit of using this method is that it's quicker and you have one person you hold responsible for the entire project, which raises quality. Jones said this is also smaller than some of the projects the City has done. Mayor asked and Jones said, in today's economy, you will find people low balling you and then coming back with a change order to bring the price back to where it should have been originally. There was much discussion regarding the various construction methods. Briggs said, with this being a commercial application, you will probably gain more benefits with the design-build process. Sattler asked and Jones said the timetable would be two months to find a firm and then hopefully be done by this time next year.

Vote on the motion: Approved 5-0 (Eason, Sansing absent)

- Q Consideration and possible action to **amend the contract with BRW Architects, Inc. to add the Fire training facility component** in an amount not to exceed **\$86,430.00** -- Terry Jones, Support Services Director and Micki Rundell, Chief Financial Officer

Jones said, at the March 8 meeting, Council voted to added the fire training facility components to the contract and Fire Station 2 project. He described what is included in this additional component.

Motion by Gonzalez, second by Meigs to approve the amendment.

Sattler asked and Jones said the \$86,430.00 amount is considerably less than what architectural fees usually are.

Approved 5-0 (Eason, Sansing absent)

R Forwarded from the Georgetown Transportation Advisory Board (GTAB):

Consideration and possible action to **approve Task Order No. KCI-11-001** with Kennedy Consulting, Ltd., of Georgetown, Texas, for **professional engineering services** related to the **design to reconstruct the connection between the IH 35 Southbound Frontage Road and Southfork Drive** in an amount not to exceed **\$70,015.00** -- Thomas R. Benz, P.E., Systems Engineering Director and Edward G. Polasek, AICP, Transportation Services Director

Benz described the item and said this is a project that the City has taken on to fix a problem that TXDOT developed during their construction of the southbound frontage road. He described this problem that needs to be addressed. He said the City had executed an Advanced Funding Agreement with TXDOT and that is funding the design of this project. He said there is a slight modification to the task order that the consultant had talked to the legal department about. He noted legal agreed with this change. Ross asked and Benz said these folks are from Georgetown and they office here.

Motion by Meigs, second by Berryman to approve the task order. **Approved 5-0** (Eason, Sansing absent)

S Forwarded from the Georgetown Transportation Advisory Board (GTAB):

Consideration and possible action to award a contract for the **2010 Street Rehabilitation – Pavement Rejuvenation Project** to Cholla Pavement Maintenance, Inc., of Apache Junction, Arizona, in the amount of \$ **283,210.00** -- Mark Miller, Transportation Services Manager and Edward G. Polasek, AICP, Transportation Services Director

Miller described the item and said it is part of the 2010-2011 street rehabilitation project. He said the product to be used is a preventative maintenance product called road overcoat. He said it makes the road black again, it seals small cracks and it provides the road with UV protection. He said this will replace the normal crack filling process and the city would like to give it a try. He noted this process will have to be repeated every four years or so. He said it was unanimously approved by the GTAB Board.

Gonzalez asked and Miller confirmed the city would have to spend this amount every four years but added this process covers a very large area of the city. Miller said this does not extend the wear life and added he would not put this in areas where you have a lot of movement on rocks. Miller said there is a cost savings in that he can go another four years without having to repave the roads completely. Berryman said when you drive down the street and see those squiggly black lines, it is unattractive. She said she thinks this is a good idea. Miller said they give the appearance of a healthy street maintenance program. There were many questions about the different types of processes that could be used for road improvements. Ross thanked Miller for taking care of the intersection of 17th and Ash last month.

Motion by Berryman, second by Ross to approve. **Approved 5-0** (Eason, Sansing absent)

T Forwarded from the Georgetown Utility System (GUS) Advisory Board:

Consideration and possible action to approve the contract for the **2006 Annexation Phase III** to QRO Mex Construction Co., Ltd. of Granite Shoals, Texas in the amount of **\$700,875.28** -- Thomas R. Benz, P.E., System Engineering Director and Glenn W. Dishong, Utility Director

Benz said this is Phase III of the final phase of the 2006 annexation plan and noted this is for water improvements. He described the item and its cost. He said this is to extend services to certain properties and it will install waterlines in the area near Westinghouse Road and Wildflower.

Motion by Meigs, second by Gonzalez to approve the contract. **Approved 5-0** (Eason, Sansing absent)

U Forwarded from the Georgetown Utility System (GUS) Advisory Board:

Consideration and possible action to **award the City's annual Water and Wastewater Pipe and Fittings blanket order**, Bid No. 201107 to the various bidders for an estimated amount of **\$128,228.63** -- David Thomison, Water Services Manager and Glenn W. Dishong, Utility Director

Thomison described the item and said this is the city's annual water and wastewater pipe and fittings. He said five bidders responded to this item and the recommendation from staff was to accept the bids from the five bidders. He listed the five bidders to Council. Mayor asked and Thomison said this total amount is going to multiple bidders.

Motion by Meigs, second by Berryman to approve the item. **Approved 5-0** (Eason, Sansing absent)

Ross asked and Thomison said these companies are in the central Texas area.

- V **Forwarded from the Georgetown Utility System (GUS) Advisory Board:**
Consideration and possible action to **renew contracts for the Electric System Underground Construction & Maintenance** and the **Electric System Trenching & Conduit Installation Labor** to Pedro S.S. Services, Inc. of Austin, Texas, in the estimated amount of **\$477,000.00** -- Paul Elkins, Energy Services Manager and Glenn W. Dishong, Utility Director

Dishong described the item and said this item is a renewal of an existing contract that is allowed by the contract. He said the renewal is through the end of the fiscal year. He said this contract is used for labor only for the installation of underground electric distribution facilities. He said the item was approved unanimously by the GUS Board. Ross asked and Thomison said the bidders are in the Georgetown area.

Motion by Ross, second by Berryman to approve the renewals. **Approved 5-0** (Eason, Sansing absent)

- W **Forwarded from the Georgetown Utility System (GUS) Advisory Board:**
Consideration and possible action to award the **Tree Trimming and Vegetation Management Bid** to National Tree Expert Company, Inc. of Burnet, Texas, in the estimated amount of **\$180,000.00** -- Paul Elkins, Energy Services Manager and Glenn W. Dishong, Utility Director

Dishong described the item and said this will go toward clearing the right of ways and power lines of the trees. He said there were only two bids to evaluate and added National Tree was the lowest price as well as the most responsive bid. He noted this award was approved by the GUS Board unanimously.

Motion by Berryman, second by Gonzalez to approve.

Ross asked and Dishong said there is an arborist on staff with this company. Ross asked and Dishong said he is unsure if staff is monitoring the tree trimming process. Sattler said the GUS Board saw this item and were told that there is an arborist on their staff but it is unclear as to whether or not that person will be on the job but they will be monitoring how the cuts are done. He said the estimated amount for GUS is \$150,000 and \$30,000 is to be used for the urban forester for trimming trees in the City parks. Dishong described the requirements for the contract for the Council. Ross said he is satisfied with Sattler's response. Mayor asked and Brandenburg confirmed the city has an urban forester on staff and he described her responsibilities throughout the city. Brandenburg noted, normally when we hear complaints, it is normally with LCRA or TXDOT issues and not the City.

Vote on the motion: Approved 4-0 (Berryman absent from the dais) (Eason, Sansing absent)

- X **Forwarded from the Georgetown Utility System (GUS) Advisory Board:**
Consideration and possible action to **approve Task Order MEI-11-005** with McCord Engineering, Inc. of College Station, Texas, for **professional services related to current Unforeseen Capital Improvement Projects** for the City of Georgetown's **Electrical System** for an amount not to exceed **\$600,000.00** -- Thomas R. Benz, P.E., System Engineering Director and Glenn W. Dishong, Utility Director

Benz described the item and said this is for new residential, commercial or new services that come up through the development process. He said this is a not to exceed amount and there is an estimate of sixty projects for this coming year.

Motion by Gonzalez, second by Sattler to approve. **Approved 4-0** (Berryman absent from the dais) (Eason, Sansing absent)

- Y Consideration and possible direction to staff regarding **revisions to the bylaws of the City's Boards and Commissions** -- Rachel Saucier, Assistant City Secretary; Jessica Brettle, City Secretary; Skye Masson, Legal Assistant and Bridget Chapman, Assistant City Attorney

Chapman described the item for the City Council. She noted this is a joint project between legal and the City Secretary's office and added they are trying their best to standardize the bylaws for all of the City's Boards and Commission. She noted staff has provided Council with a bylaw template and she said she would like for Council to look in their packet for the bylaws, the charter provisions and boards and commissions and provide any direction to staff as needed. She said she would like to go through the template and highlight the items that may be of concern for them. She said, after the twenty sets of bylaws have been prepared, staff will come back to Council with those for approval. Mayor asked and Bridget said she hopes that all bylaws have consistency in compliance with state law and the city's ordinances.

Motion by Berryman, second by Gonzalez to approve the revisions. Approved 5-0 (Sansing, Eason absent)

Z Discussion and possible action on the **attendance requirements for Council appointed Boards and Commissions** -- Pat Berryman, Councilmember District 5

Berryman complimented Rachel Saucier and Jessica Brettle for their hard work with the Boards and Commissions. She spoke about the need to have an interview process in order to speak to any applicants or re-applicants about their experience and board standing. She suggested that Council consider having an interview as well as the amount of service given to that committee. She noted it would be good to hear why certain members were absent from more than 25% of the Board members. She said there may be personal reasons why that person could not make the meetings. Mayor said the current attendance policy is set in a way that there are no exceptions to absences. He said the question to Council is whether or not to change that practice.

Motion by Berryman that staff get some feedback from the people who did not meet the attendance requirements as to why they were not able to make the meetings.

Chapman said staff is suggesting some language to amend the attendance Ordinance. She read the suggested language which states that members are required at 75% of the board meetings and that excessive absenteeism would be subject to council action. She added staff is suggesting a change to the Ordinance language to say that once someone has exceeded the allowable absences, staff will alert council and put it as an agenda item so that council will have the opportunity to consult with the chair of the committee and/or the member and interview them at that time and then determine what action would be appropriate under the circumstances. Brettle clarified how this process would occur. Sattler said he likes what he has heard because it is specific, has direct action and can take care of it right away. Sattler asked and Chapman said this change would be in the actual Ordinance. She said the Ordinance is where the 75% attendance requirement exists. Gonzalez said he thinks there should also be some language that addresses subcommittee and other special meetings that are not regularly scheduled. He noted these other meetings should count in the attendance percentage as well. Berryman asked that there be some notification given to each Board member once they have reached that attendance cusp. She said she has to keep remembering that this is a volunteer board of people that are taking time away from their personal lives to serve. Chapman asked and Gonzalez confirmed that a member should still get credit for a regularly scheduled meeting that are canceled or rescheduled. Berryman noted, if there are additional meetings and subcommittees the member has served on, that staff should keep note of that. Chapman asked and Gonzalez said all regular meetings should be counted for the attendance policy. Sattler asked and Chapman said this would apply to all board members, including the City Council. Mayor said there are 135 citizens that sit on committees and he is not sure it is the best way to use the talent of the elected officials to interview board members because of attendance issues. Mayor asked and Chapman said staff will go back and change the language in the bylaws and then bring the final documents back to Council for approval. **Berryman withdrew her motion** in anticipation of the final version of the documents.

Ross said, back when Gary Nelson was Mayor, you had alternates to Board. He said the thought back then was, if you sign up, you should show up. He noted he is not comfortable with evaluating people's absences and he does not want to determine what is or is not an excused absence. Meigs agreed and said he does not think it is Council's job to determine excused absences. He said he likes the idea of a Board member receiving notice. Gonzalez said he thought this was considered during the appointment process, but it would be good for members to receive a warning if they are approaching the limit. Berryman said she would like for those members to be able to interview with the Council during the Boards and Commissions process in order to explain why they were absent from the meetings. She said her point is there could be a justifiable reason for absences and she would like to determine this during an interview process during the normal appointment process. Mayor suggested that, prior to that process beginning, it may be a good idea for the Council to go through the list of applicants and determine who they would like to interview. Saucier said, from her experience through the last two appointment process, she gets to know each of the applicants pretty well. She noted, based on the requirements of each board, not all applicants would be eligible to serve according to their

experience. She said Council could choose from the sub-pool of applicants to interview. She continued to explain how the Council could narrow down the pool of applicants to choose from for an interview.

No action was taken.

AA Discussion and possible action on the City Council **Boards and Commissions appointment process for 2012**
-- Pat Berryman, Councilmember District 5

Berryman spoke about people who resign from Boards and asked that Council receive notification of a vacancy on the Board in case a member know of someone in their district who would like to submit an application. She said it would be good for council to be part of the process to at least submit names. Mayor said nine times out of ten, the names that council sees to fill those vacancies have already been in the pool that council reviewed and studied during the normal appointment process. Berryman suggested that the vacant position be posted so Council can be aware of it and can tell some of their constituents about the opportunity. Brettle said staff does post job vacancies but can notify council when a vacancy occurs as well. Brettle clarified the change to the attendance policy once more. Brandenburg asked why we have a policy at all if they can only remove members when the appointment process comes up. Berryman said that is how it has been done previously. There was much discussion about the attendance policy. Berryman asked and Brandenburg said the Mayor is the person who removes members throughout the year. Ross said he does not see how this is an issue with how it is currently in that there are normally only two or three absence issues each year. Meigs said staff is on track with the new wording but added he just wants to add that Council be notified. Mayor clarified the intent of the discussion.

No action was taken.

BB **Second Reading** of an Ordinance pertaining to the **election letter to ATMOS Energy Corporation as to franchise fees on franchise fees** --Mark Sokolow, City Attorney

Sokolow read only the caption of the Ordinance on second reading. **Motion** by Sattler, second by Ross to approve **Ordinance 2011-08. Approved 5-0** (Sansing, Eason absent)

CC **Second Reading** of an Ordinance to **make changes** to the City's Personnel Policy #220 on **Overtime: Non-Exempt Employees** -- Kevin Russell, Director of Human Resources & Civil Service

Russell read only the caption of the Ordinance on second reading. **Motion** by Ross, second by Gonzalez to approve **Ordinance 2011-09. Approved 5-0** (Sansing, Eason absent)

DD **Second Reading** of an Ordinance establishing the **classification and number of positions (Strength of Force)** for all the City of Georgetown Fire Fighters and Police Officers pursuant to Chapter 143 of the Texas Local Government Code pertaining to Civil Service -- Kevin Russell, Director of Human Resources & Civil Service

Russell read only the caption of the Ordinance on second reading. **Motion** by Berryman, second by Ross to approve **Ordinance 2011-10. Approved 5-0** (Sansing, Eason absent)

EE **Second Reading** of an Ordinance amending **Section 10.16.075 temporary parking restrictions and modifying Section C of the Code of Ordinances establishing special event fire lanes** on the west side of streets running north and south between Martin Luther King Jr. Street and College Street and the north side of street running east and west between University Avenue and 2nd street -- Mark Miller, Transportation Services Manager, Edward G. Polasek, AICP, Transportation Services Director

Miller read only the caption of the Ordinance on second reading. **Motion** by Gonzalez, second by Ross to approve **Ordinance 2011-11.**

Ross asked and Miller said there is a newsletter that goes out to folks in the area in order to notify them of these parking changes throughout the year whenever an event occurs downtown. Miller continued to describe the many ways staff notifies the public when these restrictions are put in place.

Vote on the motion: Approved 5-0 (Sansing, Eason absent)

Adjournment


The meeting was adjourned at 08:50 PM.

Approved:



Mayor George Garver

Attest:



City Secretary Jessica Brettle