

**Minutes of the Meeting of the Governing Body
of the City of Georgetown, Texas
Tuesday, April 12, 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:

Patty Eason, Gabe Sansing, Danny Meigs, Bill Sattler, Pat Berryman, Dale Ross, Tommy Gonzalez

Council Absent:

All Council Present

Staff Present:

Paul E. Bradenburg, City Manager; Mark Sokolow, City Attorney; Jessica Brettle, City Secretary; Jim Briggs, Assistant City Manager; Micki Rundell, Chief Financial Officer; Elizabeth Cook, Community Development Director; Kimberly Garrett, Parks and Recreation Director; Mike Peters, Information Technology Director; Valerie Krefer, Principal Planner; Dave Hall, Director of Inspections and Building Official; Terry Jones, Support Services Construction Manager; Robert Fite, Fire Chief; Lorie Lankford, Controller; Laurie Brewer, Finance Director; Jordan Maddox, Principal Planner; Mike Elabarger, Planner III

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
- Presentation regarding the new Looping System in the Council Chambers

Mayor introduced Mike Peters, Information Technology Director, and spoke about how he will tell the audience about the new video system and looping system that has recently been installed in the Council Chambers. Peters said he would like to take a moment to talk about the new video system which will stream the council meetings live online as well on the City's public television station, Channel 10. He said they have installed the new system, but are testing it for right now to make sure all of the bugs are out before it goes live. He said the first meeting to be streamed on the internet will be at the first meeting in May. He add the department is also introducing another technological advancement in the Council Chambers with a looping system. He introduced Soriya Estes to the Council. Estes spoke about the new loops that are some of the first in central Texas recently installed in this room. She said she is with Estes Audiology Hearing Center and has teamed with the Georgetown Sertoma Club to equip the Council chambers and the Library with a hearing loop system. She said a hearing loop system is a loop in the ceiling that transmits audio directly into their hearing aids. She said there will be a sign put up in the back of the room as well as cards that show how exactly the citizens can activate the coil. Mayor said it is especially important for people to use their microphones now that this system has been

installed.

City Manager Comments

May 14, 2011 Election

Red Poppy Festival

Mandatory Water Restrictions

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 and Regular Council Meeting held on Tuesday, March 22, 2011 and the Boards and Commissions subcommittee meetings held on January 26 and 28, 2011 -- Rachel E Saucier, Assitant City Secretary and Jessica Brettle, City Secretary
- D Consideration and possible action on a **License to Encroach for University Terrace, Lot 3**, to allow a **wastewater line to encroach into the public right-of-way**, located at **1202 Peach Tree Lane** -- Carla Benton, Planner II and Elizabeth A. Cook, Community Development Director
- E Consideration and possible action to approve the **purchase of Brocade data switch equipment from Dell, Inc.** for an amount not to exceed **\$92,700** -- Mike Peters, Information Technology Director
- F Consideration and possible action to approve a **Resolution expressing official intent to reimburse net costs for the purchase of land and construction of fire stations** in an amount not to exceed \$350,000 with proceeds from bonds that will be issued at a later time -- Laurie Brewer, Finance Director and Micki Rundell, Chief Financial Officer
- G Consideration and possible action to approve a **Resolution finding public convenience and necessity and authorizing eminent domain proceedings**, if necessary, for the **acquisition of a 20' permanent water line easement** (Parcels A17 and A46), a **20' permanent wastewater line easement** (Parcel A17 Parts 2, 3 and 4), and **25' temporary construction easements** adjacent thereto, from **Howard Neal Landry**, to effectuate certain public utility infrastructure improvements in connection with the **2006 Annexation Utility Improvement Project** -- Terri Calhoun, Real Estate Services Coordinator, and Thomas R. Benz, P.E., Systems Engineering Director
- H Consideration and possible action to authorize **application for a matching grant from the United States Tennis Association** for the **addition of permanent Quick Start lines on two tennis courts** at the Georgetown Tennis Center in the amount of **\$600** -- Traci Stengle, Special Services Superintendent; Kimberly Garrett, Parks and Recreation Director and Randy Morrow, Director of Community Services
- I **Forwarded from the Convention and Visitors Bureau Board (CVBB):**
Consideration and possible action regarding the recommendation by the Convention and Visitors Bureau Board for the approval of an allocation of **\$2,000.00 in Hotel Occupancy Tax (HOT) funds to the Georgetown High School Soccer Booster Club**, for help in the cost of promoting and facilitating the Texas UIL State Soccer Torunament -- Cari Miller, Tourism Manager and Randy Morrow, Community Service Director
- J Consideration and possible action to authorize the City Manager to **execute an engagement letter for legal**

services with the firm of Almanza, Blackburn & Dickie, LLP -- Paul E. Brandenburg, City Manager

Motion by Sansing, second by Berryman to approve the consent agenda in its entirety. **Approved 7-0**

Legislative Regular Agenda

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

- K **Public Hearing and First Reading of an Ordinance amending the Unified Development Code (UDC)** Chapter 2 "Review Authority", Chapter 3 "Applications and Permits", Chapter 4 "Zoning Districts", Chapter 6 "Residential and Agricultural Zoning Districts: Lot, Dimensional and Design Standards", Chapter 7 "Non-Residential Zoning Districts: Lot, Dimensional and Design Standards", Chapter 9 "Off-Street Parking and Loading", Chapter 11 "Environmental Protection", and Chapter 16 "Definitions"; repealing Chapter 8 "Landscaping and Buffering"; and adding a new Chapter 8 "Tree Preservation, Landscaping and Fencing -- Valerie Kreger, AICP, Principal Planner and Elizabeth A. Cook, Community Development Director (**action required**)

Kreger said this is the last list of amendments from the 2008-2009 process regarding landscaping and tree preservation. She described the largest amendments and the changes being made by these. She highlighted the major points in these amendments. She spoke about Chapter 8 and the consolidation of fencing requirements as well as heritage tree removal and permits. She spoke about putting technical terms in the appendix of the development manual. She described the sections and requirements that are being removed by these amendments. She said there are some new tree preservation incentives and she described those incentives for the Council. She continued to describe the amendments to Council. She spoke about the amendment concerning administrative exceptions and said, with this change, certain exceptions can be approved by the director. She described clarifications made to the heritage tree section as well as the section concerning protected critical root zone. She spoke about appeals and how the amendments will clarify that the appeals of the urban forester will go to the director and, from there, it is an administrative decision and would go to the Zoning Board of Adjustment for appeal. She continued to describe the proposed amendments and said the only elements that are not being changed are heritage tree size and protected tree size. She complemented the task force on their work on these amendments.

Kreger read only the caption of the Ordinance on first reading after having satisfied the requirements of the City Charter.

Public Hearing was opened at 6:36 PM

Speaker, Rachel Hagan, said she is addressing the tree preservation portion of the Ordinance. She said she moved to Georgetown eight years ago because of the beauty the City maintained. She is asking that Council preserve the beauty of Georgetown. She said she hopes that Council be stewards of Georgetown and consider how these changes will effect the City in the future. She said trees are an investment and she hopes they can be preserved.

Speaker, Agnes Plutino, said she has worked very hard with a wonderful city staff and added she is there to urge Council to adopt this ordinance as written but in the event any changes are necessary, please send it back to the task force for further study.

Speaker, David Bost, said he lives in Round Rock, is a landscape architect and has been since 1981. He said he was privileged to be a part of the task force and added the tree preservation portion of the Ordinance is the most important part. He said the Ordinance recognizes the differences between the more heavily vegetated sites and the more open sites. He said this tree preservation amendments make a fair mix of restrictions and incentives for the development of sites in Georgetown. He said the street trees section has been removed from the ordinance. He said the parking lot portion of the Ordinance makes a good effort toward eliminating the island effect. He also expressed his opinion of the buffer yard and fencing amendments. He commended City staff and added they have put in a lot of time and effort.

Speaker, Bruce Barton, said he thanked Council for creating this task force and allowing for many people to be involved in the creation of the amendments. He said there were people from many different backgrounds that attended the task force meetings. He said he would appreciate it if Council could pass this Ordinance. He noted, however, he feels all appeals need to be going to the City Council because the Zoning Board of Adjustment does not have much latitude and appeals from that Board goes to the district court which should not be necessary. He noted these amendments have been well thought out and are an improvement to what we currently have.

Public Hearing was closed at 6:45 PM

Motion by Sansing, second by Eason to approve the Ordinance on first reading.

Sattler commended staff and said he feels everyone carried out an excellent program. He asked about Section 8.04.040, Subsection 8, number 4 regarding shade trees and the need for areas to be free from other structures such as utility poles. He asked in the matter of safety, if a parking lot needed some lighting, if that provision could be appealed. Kreger said she is sure an appeal would be possible. Cook said staff could clarify this process before the second reading of the Ordinance. Sattler mentioned Section 8.04.050, Subsection B, number 1 regarding landscaping and fencing not being allowed in a landscaped area. He asked what would happen if someone needed a security fence on their property. Kreger spoke about setbacks and how it would affect fencing on a property and added staff can look at this as a possible scenario to be approved under an administrative exception. Sattler asked about the definition of tree standards and from where staff draws those standards. Cook said preferred tree lists with sizes and ranges are listed in the City's current development manual. She noted the technical details are in the development manual.

Sattler spoke about Section 8.07.070, Non-Residential Fences. Sattler said he had a questions regarding barbed wire, Subsection F., Number 2. saying the barbed wire should extend inward or straight up. Sattler said, if it extends inward, it does not give much protection as if it extended outward. He asked why this is spelled out. Kreger said she does not know the answer to that question. Sattler continued and said he thinks all landscape appeals should come to Council as opposed to the Zoning Board of Adjustment (ZBA). He said the ZBA is an appointed Board and is not elected. He said a denial by the ZBA could create a huge delay in a development and can get very expensive. Berryman made a suggestion that the appeal go to the Director of Community Development first and then it can come to Council after that. Sattler agreed. Sansing asked and Kreger said the appeals process would apply to both commercial and residential developers. Sansing said he thinks the ZBA should be able to take care of the appeals of individual homeowners and commercial development appeals come to the Council. Sattler congratulated the committee and staff for a job well done.

Eason said she would like to speak against this suggested change, in that the ZBA is not involved in the politics that exists at the City Council level. She noted she thinks the appeals need to stay out of the political realm in dealing with the City's code. Ross said she disagrees with Eason. He said the entire appellate process from the urban forester all the way through should be seen by Council if it can not be seen by Elizabeth first. He said the problem is ZBA is not a board of equity and added it is a board of interpretation. He said Council is an elected body and is accountable to the citizens and the ZBA is not accountable to anybody. Gonzalez said he thinks anytime Council can avoid additional litigation for some of these appeals, it is best that Council see these appeals before it goes to the courts and spend the unnecessary monies. He said he thinks these changes are good.

Motion to amend by Sattler, second by Gonzalez that any appeal of these UDC standards be appealed with the department head and, if it can not be resolved at that level, it comes to Council for review. He added this amendment to the appellate process will be for commercial and residential development only and appeals from individual homeowners would go to the ZBA.

Kreger asked and Sansing clarified the motion is for every individual homeowner and not residential development in general. Sokolow referred to a chart located in Exhibit A of the Council's packet. He said the chart shows all of the appeals and added he wants to make certain Council clarifies what they are trying to do. Cook proposed that Council go to page 1, Exhibit C where it talks about appeals. She suggested a change on how to incorporate the proposed amendment in this section. She spoke about adding a sentence that specifies that the appeals of the Director going to the City Council. Cook and Mayor addressed how individual homeowners will be different in this section.

Eason said she would like to challenge that and said, if they are going to allow commercial activity be appealed to the City Council, she does not see why they would not put on individual residents a more onerous process and challenge by making them go to the ZBA. She said she thinks this amendment should include residential homeowners as well. Gonzalez said the difference is individual homeowners do not have the same criteria that developers do, so the scope of what can be appealed should be smaller. Ross agreed with Eason and said that all people should be treated equally. He said separating the appeals into categories would make it more confusing. He said it should be fair and equal for everyone. Ross **made a friendly amendment** that all appeals should be treated equally and residential homeowners should not be separate from the amended process. **Berryman agreed with the friendly amendment.**

Sansing referred to Section 8.01.020 Authority, Subsection B and asked about why the urban forester should be involved in the appeals process. Eason said the forester is the expert and trees are the main part of her job.

Berryman said perhaps it would be wise for the Council to know that there is a whole lot of responsibility and pressure being put on one person. She noted she would like for this section to say either planning and development or the urban forester. She continued to speak about how the City acquired an urban forester. She said, before she came, the planning and development department took control of these issues. She would like to amend that the authority be put on planning and development or the urban forester so that the forester can get extra help when needed. Eason asked and Cook said the urban forester is the technical expert on this and added she is not going to make a critical decision on tree issues without getting the urban forester's expertise. She said she does not want to have to make all the decisions on these issues. She said, in these new amendments to the Ordinance, there are a lot more options for people to be able to have more flexibility in the trees on their property. She said having the urban forester to be able to make technical decisions will save both her and the Council time as it is the urban forester's expertise.

Brandenburg said he has been speaking with the urban forester's current director about whether or not it would be proper to have the forester in the Planning and Development department. Berryman said, in this Ordinance, they are relying heavily on the urban forester and added she is not even in the planning and development department. She noted she thinks this will hold things up if we put all of the responsibility on this one person. Sansing said the tax payers are picking up too big of a tab right now to pay someone like the urban forester that amount of money to do what the position does. Mayor reviewed the current motion to amend.

Vote on the motion to amend as friendly amended once: Approved 7-0

Vote on the entire motion as amended: Approved 7-0

- L **Presentation and discussion of the Initial Assessment regarding the need to redistrict the City Councilmember Districts based on recently issued 2010 Census Data -- Paul E. Brandenburg, City Manager**

Mayor reviewed the item and said David Mendez made a presentation at the Workshop on redistricting. He introduced Mendez to the audience. Mendez said, what he presented at the work session, was a review of the bound report provided to Council regarding an initial assessment of the Census data that was received. He said he reported to the Council that the districts are out of balance. He noted the population of the City as reported by the Census is 47,186. He added, when split among the seven council district, each district should have 6,341 persons. He said District 4 is twice as large as an ideal district should be. He noted District 6 is also 30% under-populated. He said the City must redistrict to bring the city back into compliance and to bring the districts back into balance. He said, at the Workshop, he proposed criteria and guidelines to be used during the process. He said these policies will be discussed in the next two items. He described the resolutions encapsulated in items M and N. He said the report given to council is fairly detailed and includes a glossary of terms and it is suitable to be part of the City's website. No action was required by Council on this item.

- M **Discussion and possible action to approve a Resolution adopting criteria for use in the Redistricting 2011 process -- Paul E. Bradenburg, City Manager**

Mendez described the resolution. He said this would adopt redistricting criteria to be used during the redistricting process and he read the criteria for the Council.

Motion by Berryman, second by Sansing to approve the Resolution, with the deletion of item 7.

Speaker, Byron Raynie, said this country is based on a one person, one vote principle. He said all of the elected governmental bodies should be based on that concept. He spoke about the people of District 4 being under-represented. He said it seems the process is being unnecessarily complicated to discourage citizen involvement. He said the proposed criteria appear to be for the purpose of protecting the incumbents. He noted the nine criteria seem to be all of the same weight and, if that is so, it is an injustice. He said the number one criteria should be that every district should have the same amount of people and should outweigh all others. He spoke about how each criteria should be given different weight according to its importance. He made suggestions for which criteria should be given more or less weight.

Berryman referred to item 7 in the list of criteria and said Council should be bigger than that and it should not consider themselves and preserving incumbencies in this process. She said Council should look at the City as a whole and, if it infringes on an incumbent, then that's how it should be. Sansing agreed with that. Mayor noted he believes the Charter spells out that an effort should be made to preserve the existing council member in his or her current district. Sokolow said this criteria is pretty much standard set and added it is not tailored specifically for Georgetown. Ross asked and Mendez agreed these guidelines are not binding but are just a roadmap that will guide the Council through this process. Mendez said these guidelines are something the courts have accepted as the prerogative of the council to start drawing from the basic plan that current exists.

He said, as far as constituent incumbent relationships, the courts have recognized that redistricting is an intrinsically political process and there is recognition given to the fact that voters brought all of you to the table and there is a relationship that exists between the council and the voters that elected them. He said it is Council prerogative to remove any of those guidelines. Ross said it just depends on what matters to each Council member and each member can determine how much weight or importance to give to each criteria. Sokolow read the section of the charter regarding redistricting and what occurs if a Council member is drawn out of a district boundary. Mayor asked and Sokolow said the criteria does not violate or conflict with anything in the Charter. Berryman asked and Sokolow said making a change in any of the criteria does not violate the Charter either. Brandenburg repeated these are just guidelines and criteria to follow.

Vote on the motion: Approved 7-0

- N Discussion and possible action to approve a **Resolution establishing guidelines for persons submitting comments and specific redistricting proposals** -- Mark Sokolow, City Attorney and Paul E. Brandenburg, City Manager

Mendez described this item and said the basic guidelines and rules are that the proposed plans must be submitted in writing to the council and must be legible. He said any plan must show the total voting population or voting data based on the 2010 census data. He noted plans should redistrict the entire city of Georgetown. He added the plans should conform to the criteria the Council adopted and a person submitting a recommendation can demonstrate how their plan conforms to those criteria as well. He continued to review the guidelines included in the Resolution. He said any comments and proposals will be accepted until the close of the public hearing the city will establish this summer.

Motion by Meigs, second by Berryman to approve the Resolution. **Approved 7-0**

- O Discussion and possible action to **develop the structure of and authorization for the appointment of a Charter Review Committee** per Council action on January 25, 2011-- Paul E. Brandenburg, City Manager

Mayor asked and Brandenburg clarified any charter revisions would probably be on the ballot for the Election in May of 2012. He said, on January 25, 2011, the City Council took affirmative action to create a charter review committee. He said, in accordance with the previous council action, Council needs to determine the structure of the appointments to the committee and the process for the committee. He made recommendations on how the committee could be structures and reviewed a proposed process.

Ross said he does not see any great urgency on this considering the many items Council will have to deal with over the next few months. **Motion** by Ross, second by Berryman to delay taking a vote on this until June or July.

Sansing said he is disappointed in that because he has been trying to get this going for a year and a half. He noted he would like to personally see this moving forward and added it should have happened long before now. He noted Council will not have to deal with this process directly in that the committee could start working on charter related items instead. Ross asked and Sansing said he would like for Council to at least form a committee and move forward with the process. Ross asked and Sansing described some of the changes he would like to see reviewed. Ross asked and Brandenburg said a Charter review was done in 2003 and he said it took about a year and a half. Eason said she thinks that is the best argument for moving forward with this.

Ross withdrew his motion.

Motion by Berryman, second by Sattler to postpone this item until the end of September 2011.

Berryman said she would like to postpone this because of the upcoming redistricting process. She said if this City tries to do this simultaneously, it will take up too much time and the council will end up rushing through these issues. She said she thinks the charter should have equal time and attention and the council should not do it concurrently with the redistricting process. She noted it seems the Council is rushing in to do these things.

Meigs said he understands the reasoning about not wanting to rush into this but he thinks it is appropriate to begin the process tonight because it will take at least a year to work through. He noted he does not foresee anything happening until after the election anyway. Meigs said he does not see establishing guidelines as a drain on the council's time. He said he does not see that the committee will have to start tomorrow. Berryman said, with the timeline given, Council would be doing this while the redistricting process is happening as well.

She said she would like to get the redistricting in place by the end of August and then look at the charter review after that is done. Eason said the Council will be working on the redistricting issue and the committee will be the people working on the charter, not the council. She said it is different people working on each issue. Gonzalez said he sees that Council has already approved the process and he does not see a problem with talking about this and getting it started. He said he thinks it's okay to talk about this now. Berryman said both of these topics will get a lot of people in the City concerned and interested and added it is inappropriate to force our citizens to take interest in these two issues simultaneously. She asked, if there is nothing burning about this, why are we doing this now. She said there are going to be disagreements about this and about redistricting and it is a better idea to go through one process at a time.

Vote on the motion: Approved 4-3 (Sansing, Meigs, Eason opposed)

- P Discussion and possible action to **appoint an Americans with Disabilities Act (the ADA) Coordinator and City ADA Task Force** to develop 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 described the past discussion and action taken on this issue. He said there are three parts to this item and they are to appoint the Director of Inspections as ADA Coordinator, appoint an ADA task force with a limited time and scope in order to put together a transition plan to bring the City in compliance with the Americans with Disabilities Act and, lastly, to assemble a list of issues related to ADA that need to be address. He listed the proposed members to be appointed to the committee. He spoke about the staff members that will be working with the committee as well. Mayor asked and Brandenburg said it would be good for any Council member to recommend to him people to appoint to the committee. He noted it would be good to have that pool of people to pick from. Brandenburg said he would come back to Council with those appointments. He said it would be good to have three separate motions for this item.

Motion by Berryman, second by Gonzalez to appoint the Director of Inspections as the ADA Coordinator for the city. **Approved 7-0**

Motion by Meigs, second by Berryman to appoint an ADA Task Force composed of Stephanie Blanck, Dawn Jennings, Dr. B. Gayle Twiname and two citizens to be recommend by the City Council to the City Manager and will be confirmed at a future City Council meeting. **Approved 7-0**

Motion by Gonzalez, second by Berryman that the task force be charged to develop a transition plan and to address the City's compliance with the American's with Disabilities Act and to report back to Council.

Sansing said Texas provides its own ADA standards before the nation developed standards. He noted if the city adds citizens to a committee, it would be beneficial that those people attend trainings and classes on ADA regulations. Gonzalez said a resume of the appointees would also be valuable. **Vote on the motion: Approved 7-0**

- Q **Forwarded from the General Government and Finance Subcommittee (GGAF):**
Consideration and possible action to **authorize staff to solicit qualification statements from architectural firms** for the purpose of **designing an amphitheater** -- Terry Jones, Support Services Director and Micki Rundell, Chief Financial Officer

Jones described the item and said this is for an amphitheater to be placed on the old football field in San Gabriel Park. He noted this is for the design architect only and not for the construction. He said the GGAF subcommittee bring only the design process forward to the council.

Speaker, Betty Jukes, said she appreciates the council and votes to give everyone a raise. She said she would like to speak to this project because she has worked with Randy Morrow. She said she wants to speak of the importance of performance and visual arts to the people of Houston and how that demonstrates how Georgetown needs to looking forward to building up the arts in the community.. She said they need to be looking toward what will bring the most people to the city and she said she looks forward to working with the council on the amphitheatre.

Motion by Sansing, second by Sattler to approve.

Ross said he thinks it will be helpful to look for local architects for this project. **Approved 7-0**

- R **Forwarded from the General Government and Finance Subcommittee (GGAF):**

Consideration and possible action to award the bid for vehicles to Sam Pack's Five Star Ford of Carrollton, Texas in the amount of \$100,355.00 -- Terry Jones, Support Services Director and Micki Rundell, Chief Financial Officer

Jones described the item for council.

Motion by Ross, second by Gonzalez to approve.

Mayor asked and Jones said this is independent of the state bidding process. **Approved 7-0**

S Forwarded from the General Government and Finance Subcommittee (GGAF):

Consideration and possible action to approve a fee increase for BRW Architects because of increases in civil engineering fees for the Fire Station 5 project in the amount of \$38,750.00 -- Terry Jones, Support Services Construction Manager and Micki Rundell, Chief Financial Officer

Jones described the item and said this is a request from the architect for an increase in civil engineering fees to cater to the local engineering fees. He said the GGAF committee denied this request and recommended that council go with the lower bidder.

Motion by Sansing, second by Sattler to follow GGAF's recommendation and turn down the fee increase and go with the architect that is not local but has a lower cost.

Gonzalez asked and Jones said the qualifications of the local firm are the same according to the architect. Meigs said the GGAF subcommittee discussed this and staff said both bids were identical. Ross said he is not buying into this and added something must be off because of the cost difference. Ross said he does not feel comfortable with this process. Sansing said he would be glad to give a history of this and it will expose some things that people won't like. Sansing said the committee voted to use BRW and there were people on this Council who voted to sink that bid because it was not a local firm. He said the engineer was contacted by staff to try and use a local architect. He said the fee went up was because there was enough pressure from Council to use a local firm. Ross gave an example and said, if you have a CPA firm in Brenham, their fees will be pretty similar in Georgetown. He said, when you get these bids in and there is a fee that is much more than another bid, there is something wrong with the lower bid if it is so much less. He said he questions the bid. There was much discussion.

Vote on the motion: Approved 7-0

T First Reading of an Ordinance amending Section 10.16.035 and Section 10.16.040 Parking Restrictions (action required) -- Mark Sokolow, City Attorney

Mayor left the dais.

Sokolow read only the caption of the Ordinance on first reading after having satisfied the requirements of the City Charter. Fite said this is to ease the parking restrictions on Martin Luther King between 3rd and 8th streets because of the County parking garage closure. He noted the City will still maintain the fire lane and passability of the fire apparatus with this Ordinance. Brandenburg said this will be brought back in six months to review again and see if there are any issues. Sansing asked and Fite said the County made sure contact the neighbors nearby and discussions were held.

Motion by Gonzalez, second by Berryman to approve the Ordinance on first reading. **Approved 7-0**

U First Reading of an Ordinance amending the 2010/11 Annual Operating Plan Element (budget) due to conditions that resulted in excess fund balance at the end of fiscal year 2009/10 and projects related to May 2011 certificates of obligation bond issue; appropriating the various amounts thereof; and repealing all ordinances or parts of ordinances in conflict therewith (action required) -- Lorie Lankford, Controller and Laurie Brewer, Finance Director

Lankford described the item and said Brandenburg reviewed the items to be amended in the Workshop earlier this afternoon. She listed the items in this budget amendment. She spoke about unfreezing the Deputy City Manager position, bond election education, employee pay adjustments and the bonus program, clean up expenses after the flood, funding of an allocation for the Arts and Culture program, the construction of Fire Station 2, the fire training element for Fire Station 5 as well as a truck for Fire Station 5 and the cost to offset higher fuel costs. Lankford read only the caption of the Ordinance on first reading after having satisfied the

requirements of the City Charter.

Speaker, Jane Estes, said she would like to support this budget amendment and the funds to go toward the arts in the City. She said she would also like to represent a community based art group that is moving forward with the vision of an arts center.

Speaker, Betty Jukes, said she wants to stress how important the arts are to the City. She noted, in Houston, all of the major corporations that moved to the area based one of their criteria as the arts in the community as an important reason to move there. She said cultural arts is an important part of the City and will draw a lot of people to Georgetown in the near future.

Motion by Meigs, second by Gonzalez to approve the Ordinance on first reading.

Sattler asked and Rundell said this budget amendment does not impact the tax rate at this time. She confirmed the only tax rate would be due to the money and bonds that were already approved by the voters. Sattler said he just wanted to get that into the record. Sansing said he thinks he is glad things are looking up in the economy but he feels it is still a little early to be funding any of this stuff. He said he does not think it wise to spend the money at this time. He noted he would also like to see the City Manager trimming the excess personnel from the city staff. Gonzalez asked and Rundell said the majority of these funds have already been realized and this is just appropriating the excess fund balances from the previous fiscal year. **Vote on the motion: Approved 6-1 (Sansing opposed)**

- V **First Reading** of an Ordinance for the voluntary **annexation** into the city limits of **183.14 acres** out of the Barney 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 (**action required**)

Maddox described the item and read only the caption of the Ordinance on first reading after having satisfied the requirements of the City Charter.

Speaker, Paul Lanahan, gave a presentation to the City Council regarding the location of this land and what type of development could be done in that area. He said he met with many parties back at the end of 2010 who are interested in using this land for future development. He said this presentation is similar to what was given to them at this time. There was much discussion.

Motion by Sansing, second by Meigs to approve the Ordinance on first reading. **Approved 7-0**

- W **Second Reading** of an Ordinance on a **Rezoning of 3.169 acres** from AG, Agricultural 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, Community Development Director (**action required**)

Elabarger described the item and said staff had a favorable recommendation and it was approved unanimously by the Planning and Zoning Commission. He read only the caption of the Ordinance on second reading.

Motion by Sansing, second by Berryman to approve **Ordinance 2011-13**. **Approved 7-0**

Motion by Ross, second by Berryman to adjourn.
Meeting adjourned at 8:35 PM

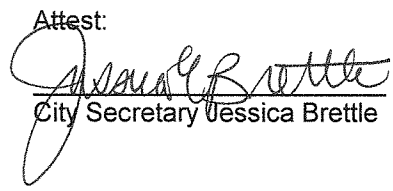
Adjournment

The meeting was adjourned at 08:35 PM.

Approved:


Mayor George Garver

Attest:


City Secretary Jessica Brettle