



Minutes of the Meeting of the Governing Body of the City of Georgetown, Texas Tuesday, January 27, 2009

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, Keith Brainard, Bill Sattler, Pat Berryman, Dale Ross, Ben Oliver

Council Absent:

All Council present.

Staff Present:

Paul E. Brandenburg, City Manager; Patricia E. Carls, City Attorney; Micki Rundell, Director of Finance and Administration; Jim Briggs, Assistant City Manager for Utility Operations; Clay Shell, Interim Fire Chief; Elizabeth Cook, Interim Community Development Director; Jessica Hamilton, Assistant City Secretary; Leticia Zavala, Controller; Tommy Garcia, Planner II; Jordan Maddox, AICP, Planner III; Robbie Wyler, Historic District Planner; David Morgan, Police Chief; Ed Polasek, AICP, Principal Planner; Kimberly Garrett, Director of Parks and Recreation; Glenn Dishong, Water Services Director

Minutes

Regular Session - To begin no earlier than 06:06 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

City Manager Comments

He will be holding Customer Service Training to all City of Georgetown employees this week.

The City will hold elections for City Council seats for Districts 1, and 5 on May 9, 2009. The first day to file for candidacy is February 6, 2009, and the last day to file for candidacy is March 9, 2009.

The City celebrates the Grand Opening of the new Recreation Center on Saturday, January 31. Ceremonies start at 10 a.m. followed by facility tours and demonstrations. Memberships also will be on sale at the Grand Opening. Regular use of the facility begins on Monday, February 2.

K Discussion and possible action regarding **adoption of standardized contracts** for use in retaining outside counsel for **transactional or litigation legal services** -- Paul E. Brandenburg, City Manager and Trish Carls, City Attorney

Brandenburg reviewed the item and listed the many items and categories that standard contracts include. He noted using these forms will standardize the working relationship with outside counsel. Brainard asked and Carls said she is in approval of these forms. **Motion** by Brainard, second by Ross to approve the item. **Approved 7-0**

L **Consideration and possible action on the Legal Services Subcommittee report** -- Dale Ross, Councilmember District 6

Ross reviewed the item. **Motion** by Ross, second by Sansing **that an in-house City Attorney, Assistant City Attorney and a Paralegal be hired to replace the current outsourced law firm of Carls, McDonald and Dalrymple, LLP, and that City Council request the Mayor to write a letter, no later than February 1, 2009, to Carls, McDonald, Dalrymple, LLP indicating the purpose of the letter is to provide (90) ninety day written notice to terminate the current contract, and that the Mayor will appoint a three member subcommittee to conduct a job search for the City Attorney position.** He added the subcommittee would submit full hiring recommendations to the Council for consideration as soon as practical and he moved that City Council direct the City Manager to begin using outside legal counsel for any new legal issues that would impact either economic development legal issues or utility department legal issues.

Sansing said he disagrees with appointing a subcommittee and would rather hire a firm to find a City Attorney. **Eason said she is concerned about this item and would prefer to postpone it.** She added she thinks this is too much information to deal with in such a short period of time. She added she would like to hear what staff would have to say in response to this information. She noted this is a huge shift with a lot of money involved and there has not been enough time to study the implications of this recommendation. She added she has concerns about how the numbers have been calculated. **Motion** by Eason, second by Oliver **that a full 60 days and a minimum of two workshops made up of the full City Council be held in order to study this issue. Denied 5-2** (Sansing, Brainard, Sattler, Ross, and Berryman opposed) Brandenburg spoke about hiring an outside firm to search for an Attorney. He said that route would be fairly time consuming and it is quite expensive. Brainard made a **friendly amendment** to the original motion that the subcommittee bring recommendations back to Council. Ross approved the amendment.

Oliver said he feels this is being rushed and he is opposed to this motion. He noted municipal law is a very specialized area which requires interpretation, judgement, and critical skills. He said Council has experienced problems with previous contracts and he finds it to be very important to hire a person who has substantial experience in municipal law. **He said Council will not get the depth and breadth of experience needed from paying counsel \$130,000 a year.** Oliver said he thinks the City is much better off on a contract basis so the City can get diverse and deep expertise without trying to grow its own Municipal lawyer. Oliver said, if the lawyer is meshed in with the community, it will influence judgement. He feels the City is better served by getting service from a firm who has expertise in municipal law. Eason said she was a member of a City Board when the City had an in house attorney and it did not work out well. She added it is more difficult to get rid of an employee of the City. She noted, in the long run, the City saves money by having competent legal counsel. She thinks this is the wrong way to go and she is shocked that the majority of Council is confident with the information given. Sansing said he has been told by others that it is more thrifty to have outside counsel and that has been the one concern he has had with this issue. **Vote on the motion as amended: Approved 5-2** (Oliver, Eason opposed)

Mayor recommended the legal services hiring subcommittee be made up of Ross, Sattler, and Oliver. Oliver denied the recommendation of membership. Brainard said he likes the current counsel and his vote is based on fiscal savings and that the City would be better served having legal service located here in town. Oliver said, as the Council moves forward with this, it is important to get the City Manager involved in an appropriate manner. **Mayor recommend Brandenburg be the third member of the hiring subcommittee in place of Oliver.**

M Discussion and possible action to approve recommendations from the Social Service and Youth Program Funding