

The La Vernia City Council held a Regular City Council Meeting on October 9, 2014 at 6:30 p.m. at the City Hall, La Vernia, and Texas.

Item No. 1. Call to Order Mayor Robert Gregory called the meeting to order at 6:30 p.m. Council members present were Marie Gerlich, Randy Leonard, Harold Schott, Eloi Cormier, and Jennifer Moczygemba. Staff members present were City Secretary-Treasurer Angela Cantu, City Administrator Yvonne Griffin, La Vernia Municipal Development District Director Jennifer Kolbe, and Police Chief Bruce Ritchey. City Attorney Charles Zech was also in attendance.

Item No. 2. Pledge of Allegiance and Invocation The Pledge of Allegiance was recited and Councilwoman Moczygemba gave the invocation.

Item No. 3. Citizens to be heard none.

Item No. 4. Consent Agenda Councilwoman Moczygemba made a motion to approve the consent agenda and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 5.A. Presentation Elaine Stephens with the La Vernia Historical Association; Terrie Leonard with the La Vernia Foundation for the Arts; and Pascall Bippert, Clay and Mary Bordner, and Shelley Henderson with the La Vernia Shoestring Productions were in attendance to discuss declaring the month of November as "Arts Appreciation Month."

Item No. 7.B. Discussion/Action Elaine Stephens & Kip Workman gave an update on the La Vernia's Veterans Memorial. The flag is imprinted in the monument. Mr. Workman stated that we are about three weeks out from the technical plans and it will be built in stages. Councilwoman Moczygemba asked if the foundation is a step up from the ground and Mr. Workman stated that it is but it will be handicap accessible. He also stated that when viewed from above it will look like a star with each point will representing a different branch of the armed forces (Air Force, Army, Coast Guard, Marine Corps, and Navy).

Item No. 7.C. Discussion/Action Elaine Stephens & Barbra Mcgore with the Greater La Vernia Chamber of Commerce gave a report on the La Vernia Wild West Hammer Fest. Ms. Stephens stated that, of the participants, 377 pre-registered; 49 were guests (wounded warriors); 34 registered the day of the event for a total of 460 participants. Some riders came from Canada and Colorado. There were lots of compliments on safety personnel and the Police Department. There was lots of cooperation with the adjoining counties. Both Ms. Stephens and Ms. Mcgore, on behalf of the Chamber, wanted to thank Chief Ritchey and personnel as well as to everyone who helped out at all of the rest stops. Ms. Mcgore stated that they are looking for ways to improve to make next year's ride bigger and better. City Attorney Zech stated that while he was not able to participate he knew of some co-cyclists that did participate and shared positive comments with him.

Item No. 7.D. Discussion/Action Mayor Gregory stated that the parks foundation will not continue with the annual BBQ Cook Off. City Administrator Griffin had an idea of establishing a parks commission and looking for volunteers to serve on this committee. Mayor Gregory explained that he will use the park foundation email list to send out survey regarding whether or not the cook off should be a sanctioned event. The survey will also determine if we can move it to a cooler time of year. The money generated will still go to the park. Ms. Mcgore asked if the cook off and Hammer Fest could be merged together to have one big fundraising event in some

way. City Administrator Griffin will provide a sample ordinance of a parks and recreation board. Mayor Gregory will be sending out the survey and we may have a workshop between now and the next regular meeting to discuss. Councilwoman Moczygemba asked with the limited pool of volunteers, can we go outside of the city limits to fill the committee and Mayor Gregory stated that he felt we could. Mayor Gregory asked Mr. Don Rackler, who was in attendance, for his opinion on the cook off. Mr. Rackler stated that they only participate because it is here and feels that 75% of the participants feel the same. Councilwoman Moczygemba made a motion to work on a draft of an ordinance for a parks and recreation commission and Councilman Schott seconded. **Motion carried 5 – 0.**

Item No. 7.F. & G. Discussion/Action Mayor Gregory stated that a draft of the La Vernia Municipal Development District (MDD) agenda was sent out and there are two items that concerned him, items #11 and #13. Regarding item #13, when we went through the MDD budget, it was suggested to have joint meeting with Council and the MDD to see if it is the direction the City should go and feels that this item is arbitrary to Council's direction. Regarding item #11, while Mayor Gregory appreciates the tenacity however he questions the judgment. This is not about the MDD Director's job performance however the excessive percentage of pay increases with tax payer dollars feels inappropriate. Mayor Gregory, speaking directly to Director Kolbe, stated that yes we want you here in the capacity of MDD Director, however, the question for the Council is can we afford it. Director Kolbe stated that regarding the agenda, it is drafted by staff and sent to the President and Vice President of the Board for approval. Some of the items were on there because members of the board asked her to put them on there. There are no provisions regarding what it takes to put and keep an item on the agenda in the bylaws. Mayor Gregory stated that according to the Texas Open Meetings Act, the only way this discussion can take place is to have it on an agenda and done in this forum. Director Kolbe stated that these items were put on the agenda to help avoid confusion in the future so it did not create an adversarial position therefore being able to move forward in the same direction. Mayor Gregory stated that is why this item is on this agenda, to eliminate the confusion. He also stated that while he never wants a board member to feel like they are not appreciated, he feels it raises concerns when these items appear on an agenda. By replacing the Board with the Council everyone is on the same page. We can also expand the Board to have Council as well as other members to serve as the MDD Board. Director Kolbe, regarding the point of separate boards, the Council has other issues to address and most communities that are successful have MDD Boards that are made up by business owners because they understand the needs associated with bringing new business to town. Mayor Gregory does not dispute that, however, his concern is about the decision making process. Councilmember Leonard stated that the MDD Director was directed by the City Council and MDD Board that she would be entitled to the same pay increase as everyone else in the City. Councilman Leonard read a statement regarding compensation and thought the issue was resolved. He stated that he spoke with City Zech who informed him he was asked for a recommendation for new legal counsel. He feels that Director Kolbe's actions have caused division between the Council and MDD Board. Director Kolbe explained that she was not able to seek or receive legal counsel regarding the interlocal agreement between the City and the MDD Board because Attorney Zech represents both the City and the MDD, it is a conflict of interest. Councilman Leonard stated that while he appreciates Director Kolbe's work she gets paid. She gets more benefits than any other City employee and it appears that she is not appreciative. Speaking directly to Director Kolbe, Councilman Leonard stated that he will not let her hold the Council hostage. He stated that he also thought she would be a little more humble and if this Council does not take action he will not go through another minute about her compensation and he will resign tonight. Director

Kolbe, humbly, stated that there is an interlocal agreement and bylaws that were adopted and we need to get together and agree on which rules we are going to play by for the future of the community. Mayor Gregory spoke with Attorney Zech and asked if there have been any other issues to have the need for separate counsel and there have been none. He also stated that Denton Navarro Rocha Bernal Hyde and Zech have been good to us. Also, we can't justify salary increases the way they are going nor does he feel it appropriate to spend tax dollars to pay another attorney to fight the City over a trivial item. Mayor Gregory told Director Kolbe that he does not want to lose her but needs to know that she wants to work here for what we can pay. Director Kolbe stated that she does. Councilman Schott stated that he feels that the budget meeting at the MDD Office was an eye opener. He feels that the MDD believes that they do not have to include the Council on their decisions and regarding the way the budget was presented with pay increases were like writing a blank check. Councilman Schott feels that prior to the arrival of the MDD Director, the MDD did help fund some projects. Based on the list of accomplishments by the MDD Director he does not feel that there has been any item that has produced revenue. The MDD has adopted a lack of communication with Council and thinks we can do more good by sharing information between the two boards. While he appreciates the time and effort Director Kolbe has put in he feels like we are butting heads and nobody came to work here to get rich, everyone knows the funds we have available. Director Kolbe stated that the budget has been done the same way for the past three years with broad line items so action can be taken quickly when a prospect comes along. Councilwoman Moczygemba stated that she feels the meetings should be moved to a location where more of the public can interact. Also regarding the salary, she is surprised to know members of the MDD Board haven't asked about how raises have gone in the past. Director Kolbe explained that the MDD exists to increase the tax base. The meetings are confidential and until executed legal documents have been signed they need to be kept quite based on code of ethics for economic development professionals. She explained that while she has not inked a big deal, she has been diligently working on infrastructure to bring in businesses. Mayor Gregory stated that when it comes to some of the projects the failure to close the deal has been cost of land. Councilwoman Gerlich stated that she has mixed feelings about the Council being the MDD.

Mayor Gregory stated regarding Item 7.G. he recommends the Council take no action. Regarding Item 7.F., unfortunately it has taken this venue to make it very clear as to the Councils direction, but would like Council to decide what is next. Councilwoman Gerlich asked when the next meeting is scheduled for and Director Kolbe stated it is scheduled for November 13th. Mayor Gregory asked for a motion and none were made. Mayor Gregory thanked Director Kolbe for her continued effort. Director Kolbe stated that she feels there are things to be done to improve communication between the Boards.

Item No. 6.A. Ordinance Mayor Gregory discussed ORDINANCE NO. 100914-01 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING TO CHAPTER 6, OF THE CITY OF LA VERNIA'S CODE OF ORDINANCES TO ADOPT A CONTRACTOR REGISTRATION FEE; PROVIDING SEVERABILITY, CUMULATIVE AND REPEALER CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE. Mayor Gregory asked Mr. Rackler his opinion on the subject. Mr. Rackler stated that he thought it was a good idea to ensure you are dealing with professionals in the trade but it can be hard sometimes to do a job in a small city. Mr. Robert Allen stated that the majority of contractors don't have insurance. City Attorney Zech stated that is the point of registration. In order to pull a permit to do work you have to be registered to work within the City. Mr. Rackler asked if there are going to be a list of requirements and City Administrator Griffin stated the application states what is needed in order

to register. Councilwoman Moczygemba made a motion to approve Ordinance No. 100914-01 and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 6.B. Ordinance City Administrator Griffin explained ORDINANCE NO. 100914-02 AN ORDINANCE ESTABLISHING A CITY ETHICS POLICY AND PROVIDING AN EFFECTIVE DATE. She explained that everyone would need to sign including all of the Council members, board members, and employees. Councilwoman Moczygemba made a motion to approve Ordinance No. 100914-02 and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

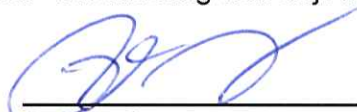
Item No. 7.A. Discussion/Action Mayor Gregory discussed that there will be a change order on the detention pond for the back wash. We may need to have a special meeting because we are coming to a close to the end. Councilwoman Gerlich asked about the timeline and Mayor Gregory stated we are still looking at some time in November.

Item No. 7.E. Discussion/Action City Administrator Griffin wants to set up a meeting with the personnel policy committee and department heads within the next two weeks.

Item No. 8. Items Specific to Future Line Items on the Agenda There were no items requested for future agendas at this time.

Item No. 3. Citizens to be Heard Mr. Don Rackler came to the meeting a little late but asked if he could still address the Council. He requested a four way stop sign at Dry Hollow and Canfield as well as if that part of the City could get a mosquito spray in that area. There is also an issue with curb at his residence on Canfield that he would like to get resolved.

Item No. 9. Adjourn With no further business Councilman Schott made a motion to adjourn and Councilwoman Moczygemba seconded. The meeting was adjourned at 8:09 p.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary-Treasurer

