

The La Vernia City Council held a Regular City Council Meeting on June 12, 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 Moczygamba. Staff members present were City Secretary-Treasurer Angela Cantu, Public Works Director Jason Mills, and Police Chief Bruce Ritchey.

**Item No. 2. Pledge of Allegiance and Invocation** The Pledge of Allegiance was recited and Mayor Gregory Richter gave the invocation.

**Item No. 3. Citizens to be heard** There were no citizens to be heard.

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

**Item No. 6.D. Discussion/Action** Mayor Gregory explained that it is time to appoint a Municipal Court Judge. He explained that Judge Dickie Jackson has been our Municipal Court Judge and would like to continue as such. Councilman Schott made a motion to approve Dickie Jackson as the City of La Vernia Municipal Court Judge and Councilman Leonard seconded. **Motion carried 5 – 0.**

**Item No. 6.E. Discussion/Action** Mayor Gregory explained that it is time to appoint an Associate Municipal Court Judge. He explained that Judge Jim Burdette has been our Associate Municipal Court Judge and would like to continue as such. Councilman Leonard made a motion to appoint Jim Burdette as the City of La Vernia Associate Municipal Court Judge and Councilman Schott seconded. **Motion carried 5 – 0.**

**Item No. 6.C. Discussion/Action** Mayor Gregory explained due to the untimely passing of Roger Miller the City's position on the FELPS Board of Trustees is vacant. He stated that Sharon Tanneberger has volunteered to fill the position. Councilwoman Moczygamba made a motion to appoint Sharon Tanneberger to the FELPS Board of Trustees and Councilman Cormier seconded. **Motion carried 5 – 0.**

**Item No. 6.B. Discussion/Action** Mayor Gregory explained that it is time to appoint a Mayor Pro-Tem. He stated that he would like to keep Councilman Leonard in this position. Councilwoman Moczygamba made a motion to appoint Councilman Leonard as Mayor Pro-Tem and Councilman Cormier seconded. **Motion carried 5 – 0.**

**Item No. 7.A. Resolution** Mayor Gregory explained that Keller Custom Signs submitted an application for a sign permit on April 22, 2014 that was denied based on La Vernia City Code of Ordinances: Chapter 26-110 Permitting Regulations, (1) Signs on property in other than residential areas, b. Commercial Complex. 2. Signs on the façade or on the side of a building identifying a business within a commercial complex may not exceed 48 square feet. Keller Custom Signs submitted a variance request on May 19, 2014. Mr. JD Keller explained that the proposed sign is 100 square feet. Councilman Leonard stated that he feels that a single commercial building should be identical to the complex regulations. He also stated that he believes that item #2 contradicts what we said in item #1 of the ordinance. He does not believe that a variance is necessary. Councilman Leonard stated that he feels the intent of the Council,





at the time this portion of the ordinance was enacted, was any sign on the building itself should not have size restrictions. He asked Mr. Keller if the proposed sign is larger than Life Check's sign. Mr. Keller stated that it is similar. Councilman Leonard stated that it is common sense to allow for this sign in order for the cohesiveness of the complex and City. Mayor Gregory stated that he would recommend, given the way the language reads, we vote on the resolution, and come back and make necessary changes to ordinance. He also feels that Keller Custom Signs variance fee should be refunded. In order for RESOLUTION NO. R061214-01 A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS AUTHORIZING A VARIANCE TO THE CITY'S SIGN REGULATIONS SECTION 26-110 1.B.2 TO ALLOW FOR A 188 SQUARE FOOT SIGN TO BE LOCATED AT 13857 U.S. HWY 87 WEST the Council needs to find the following to be true:

- (1) The variance will not authorize a type of sign which is specifically prohibited by this chapter;
- (2) The variance is not contrary to the goals and objectives outlined by the city;
- (3) The variance is not contrary to the public interest;
- (4) Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the sign regulations would result in unnecessary hardship. The hardship is not self-induced or common to other similarly-classified properties. The hardship is not based purely on financial or economic reasons;
- (5) The spirit and purpose of the sign regulations will be observed and substantial justice done; and
- (6) The applicant has not sought a variance from the city council within the past 12 months.

After answering in the affirmative Councilman Leonard made a motion to approve Resolution No. R061214-01 and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

**Item No. 6.G. Discussion/Action** Councilman Leonard stated that he and Councilwoman Gerlich have started to make some general changes to the personnel policy. He would like to set up a workshop review the changes and try to get approved next month. Mayor Gregory suggested that the committee enlist a couple employees for their input as well. No action was taken on this item.

**Item No. 6.H. Discussion/Action** Mayor Gregory explained why this item is on the agenda. He stated that we allow for accessory building but feel that the language is not clear if it should match main structure or needed to be masonry. Councilman Leonard stated that he thought every new commercial building should be masonry regardless of if it is an accessory building or not unless it is in the overlay district. He also feels that if you want to make it clearer, a non-conforming building section needs to be identified in the ordinance. Any pre-existing building becomes a non-conforming use. A clause will need to be added to state that new buildings will have to be masonry. Planning and Zoning Commissioner Martin Poore stated that it already says that in Chapter 38-404 and does not feel that it needs to be amended any further. Councilman Cormier stated that as long as the accessory building is attached it does not have to have masonry according to the ordinance. P & Z Commissioner Poore stated that he thought that Bluebonnet Street was in the overlay district. City Secretary Cantu stated that with the exception of a couple of houses, Bluebonnet Street is commercial therefore it was not necessary to include it in the overlay district. Councilman Leonard asked if there is anything about articulation and P & Z Commissioner Poore stated there is not in regards to accessory





structures. Mayor Gregory stated that we looked for four different opinions and need to figure out how to adjust. P & Z President Gordon Bake stated that he felt that the intent was to maintain the continuity of the area and not have a masonry building next to a clapboard home. He does not feel that would look good. P & Z Commissioner Poore stated that he believed that Bluebonnet Street should have been in the overlay district all along. City Secretary Cantu stated that the overlay district only applies to residential structures. Councilman Leonard stated that we need to think about how this will come up in the future and that he thought the intent was to end up with all masonry. P & Z Commissioner Dianell Recker agrees with P & Z Commissioner Poore and feels that if you let one person not follow the rules then you will have to let all everyone. Councilman Leonard asked if even if the accessory structure is tied to the house it would have to be a like structure. Councilwoman Moczygamba stated that it does not specify that, it only states that it would not have to follow the masonry standards. Councilman Leonard stated that we knew this was going to be painful when the ordinance was passed but now we need to enforce it. Mayor Gregory stated that we have a couple of choices we can have them stucco the structure, have them attach it, or add this street to the overlay. P & Z Commissioner Poore asked if a variance could be requested and Councilman Leonard stated that a variance would not fit this situation and they need to comply with the ordinance. Mayor Gregory stated that he will send a letter to let them know what they will need to do. No further action was taken on this item.

**Item No. 6.A. Discussion/Action** Council entered into executive session at 7:22 p.m. under Texas Government Code §551.072, deliberation about real property. Council returned from executive session at 8:10 p.m. No action was taken on this item.

**Item No. 5.A.-D. Staff/Council Updates** Mayor Gregory gave an update on signs and building permits. Police Chief Ritchey stated that the repeater tower was put up and handheld radios are working much better. He also stated that he would like to have some "No Left Turn" signs installed on FM 775 along with ordinances to enforce them before next school year. Public Works Director Mills stated that his department has worked a lot of leaks. He also stated that he will be enlisting the help of the boy scouts to help maintain flower beds in the City Park. City Secretary Cantu gave an update on all of the upcoming events.

**Item No. 10. Items Specific to Future Line Items on the Agenda**

**Item No. 11. Adjourn** With no further business Councilman Cormier made a motion to adjourn and Councilman Leonard seconded. The meeting was adjourned at 8:19 p.m.

  
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Robert Gregory, Mayor

  
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Angela Cantu, City Secretary-Treasurer



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