

The La Vernia City Council held a Regular City Council Meeting on September 12, 2013 at 6:30 p.m. at City Hall, La Vernia, 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, John Richter, and Jennifer Moczygemba. Staff member present were City Secretary-Treasurer Angela Cantu, Public Works Director Jason Mills, Police Chief Bruce Ritchey, and Code Enforcement Officer/Special Projects Coordinator Janet Thelen. City Attorney Jameene Banks was also present.

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

Item No. 3. Citizens to be Heard

- 1) Harold Schott – came to discuss masonry requirements for the upcoming zoning ordinance.
- 2) David Graham – here for merit badge for his Eagle Scout

Item No. 4.A. – H. Consent Agenda Councilwoman Moczygemba made a correction to spelling of Goertz Hall in the ZBOA minutes. Councilman Cormier made a motion to approve the consent agenda and Councilman Leonard seconded. **Motion carried 5 – 0.**

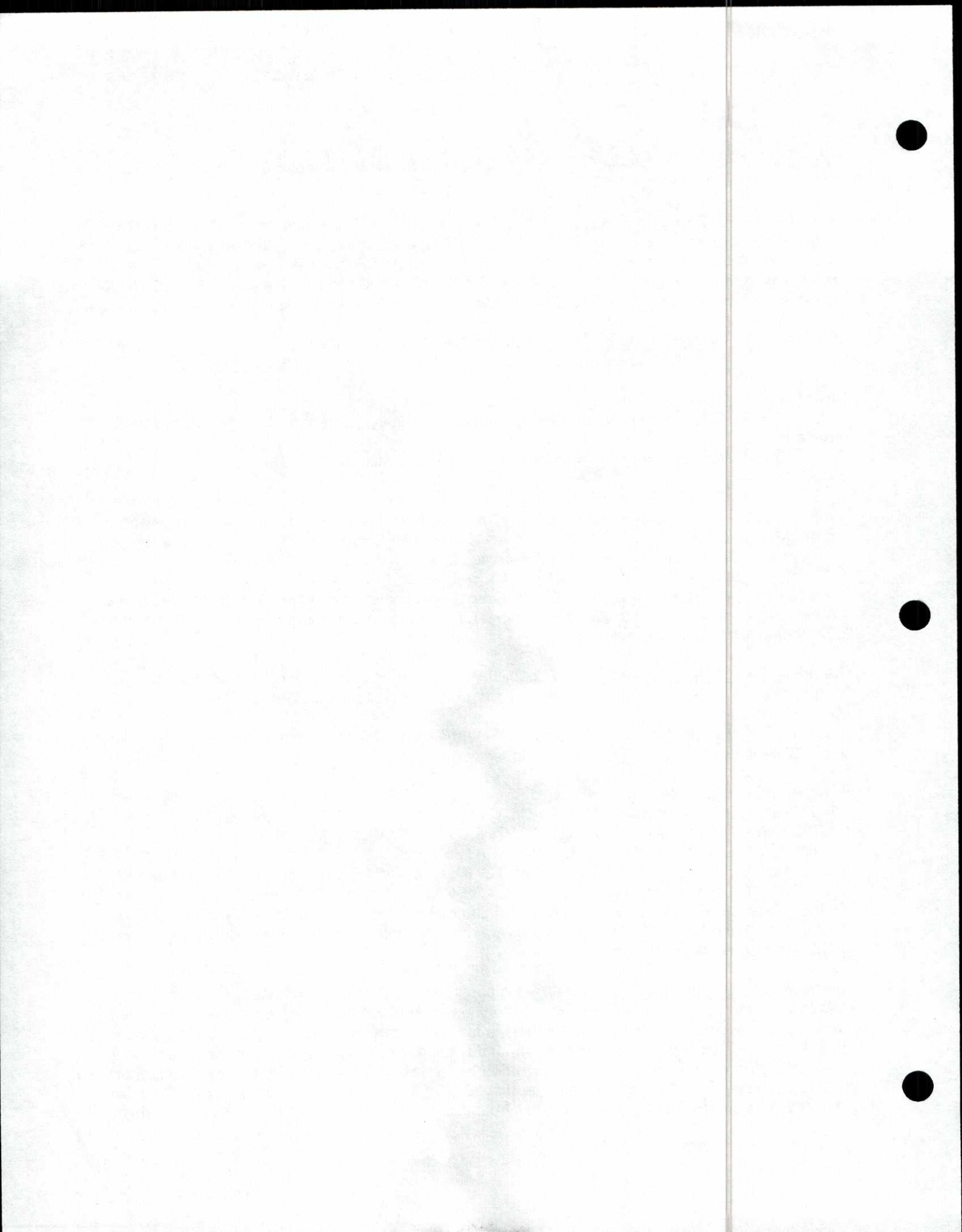
Item No. 5.A. Proclamations Mayor Gregory presented a proclamation to the Susanna Dickinson Chapter of the Daughters of American Revolution proclaiming September 17 through 23, 2013 as Constitution Week.

Item No. 6.A. Public Hearings A public hearing on the 2013 – 2014 Fiscal Year budget was opened at 6:43 p.m. With no citizens to be heard it was closed at 6:44 p.m.

Item No. 6.B. Public Hearings A public hearing on the 2014 Tax Rate was opened at 6:44 p.m. With no citizens to be heard it was closed at 6:45 p.m.

Item No. 7.A. Public Hearings and Ordinances A public hearing on ORDINANCE NO. 091213-01 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING ZONING CODE CHAPTER 38 AND THE CITY'S OFFICIAL ZONING MAP PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF GENERAL RESIDENCE DISTRICT (R-2) TO RETAIL DISTRICT (C-1) 130 BLUEBONNET ROAD, CITY OF LA VERNIA, LOT 350, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE was opened at 6:46 p.m. Dana Hyde presented an informal drawing of the proposed parking lot and spoke to council regarding her intentions to open a retail store. The public hearing closed at 6:48 p.m.

Item No. 7.B. Public Hearings and Ordinances Mayor Gregory explained Ordinance No. 091213-01 and stated that the Planning & Zoning Commission was in favor of this change last year. Councilwoman Gerlich stated that she is in favor of making this change and disappointed that there is not more property on this street that is changing. Councilman Leonard asked about the parking as drawn on the diagram provided by Ms. Hyde and Councilwoman Moczygemba stated that the site plan is not being approved just the change in zoning. Councilwoman Moczygemba made a motion to approve Ordinance No. 091213-01 and Councilman Cormier



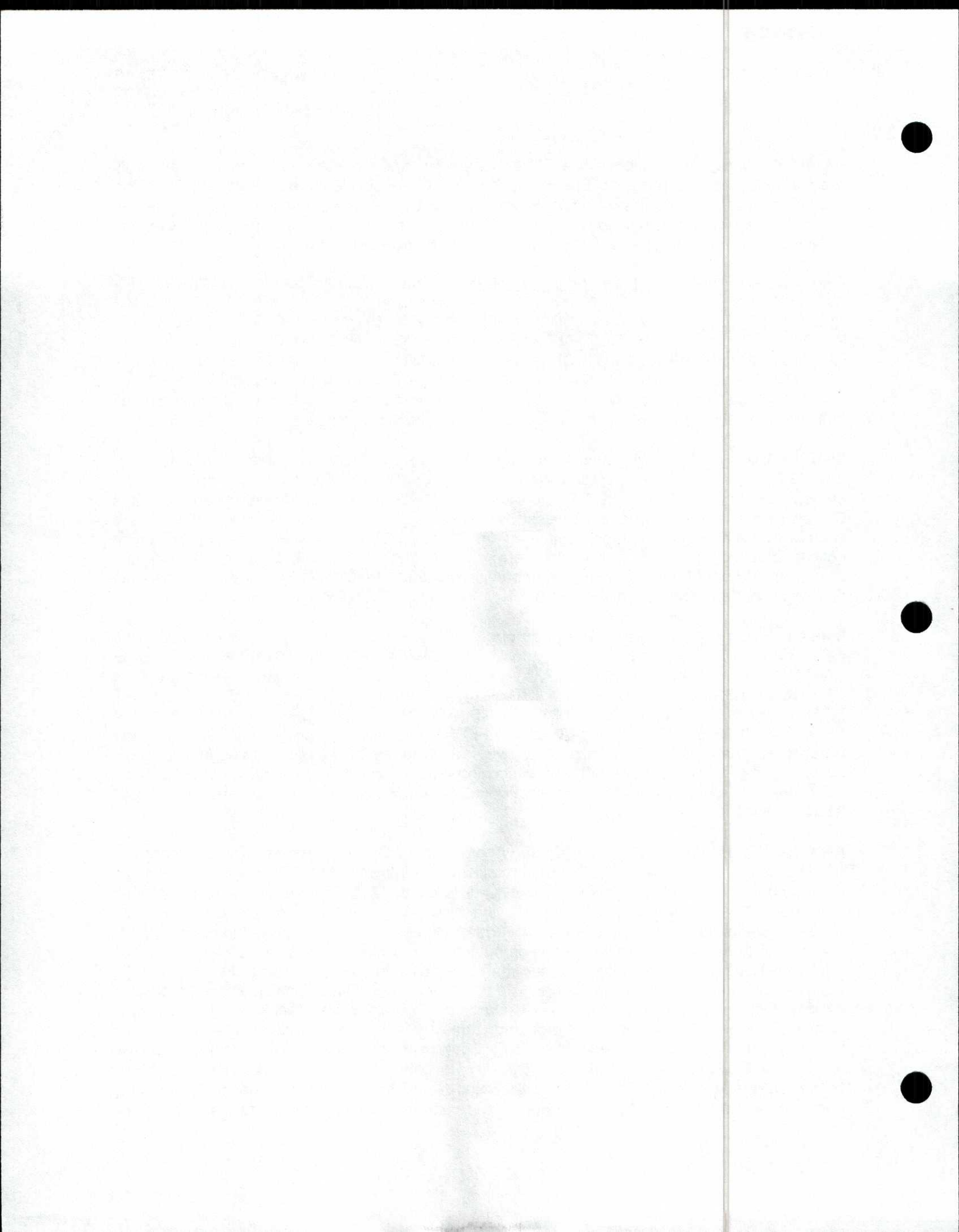
seconded. Code Enforcement Officer Thelen stated that seven letters were sent out and only one was returned in opposition. She also stated that the opposition does not equal 20% of the total area needed to require a super majority vote of by the Council to approve this change. There was an additional property owner that was in opposition of the change however his property is not in the required vicinity to have a vote. **Motion carried 5 – 0.**

Item No. 7.C. Public Hearings and Ordinances A public hearing on ORDINANCE NO. 091213-02 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING ZONING CODE CHAPTER 38 AND THE CITY'S OFFICIAL ZONING MAP PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF GENERAL COMMERCIAL DISTRICT (C-2) TO RETAIL DISTRICT (C-1) 12366 US HWY 87 W., CITY OF LA VERNIA, LOT 263, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE was opened at 6:56 p.m. Sherry Logan spoke regarding the property stating that she would like to put a home on the property. The public hearing was closed at 6:58 p.m.

Item No. 7.D. Public Hearings and Ordinances Mayor Gregory explained Ordinance No. 091213-02. Councilwoman Gerlich asked why the proposed change is C-1 and not R-1 if the property owner would like to build a home. Code Enforcement Officer Thelen stated that if it is C-1 a home is allowed and it can be used for something else in the future without the need to change the zoning again. Code Enforcement Officer Thelen also stated that of the seven notices that were sent out only four were returned and all were in favor of the change. Councilman Leonard made a motion to approve Ordinance No. 0291213-02 and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

Item No. 7.E. Public Hearings and Ordinances A public hearing on ORDINANCE NO. 091213-03, AN ORDINANCE AMENDING ORDINANCE NO. 120910-01, THE COMPREHENSIVE ZONING REGULATIONS OF THE CITY OF LA VERNIA; ARTICLE I. IN GENERAL, ARTICLE II. ZONING DISTRICTS, ARTICLE III. PERMITTED USES, AND ARTICLE IV. SUPPLEMENTAL REGULATIONS, AND THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE was opened at 7:02 p.m. Mary Bordner who has lived in ETJ for about 30 years shared her thoughts regarding possible new subdivisions in newly annexed property explaining that she would like Council to adopt at least 75% masonry requirement, however she would prefer 80% to 100% masonry. The public hearing was closed at 7:08 p.m.

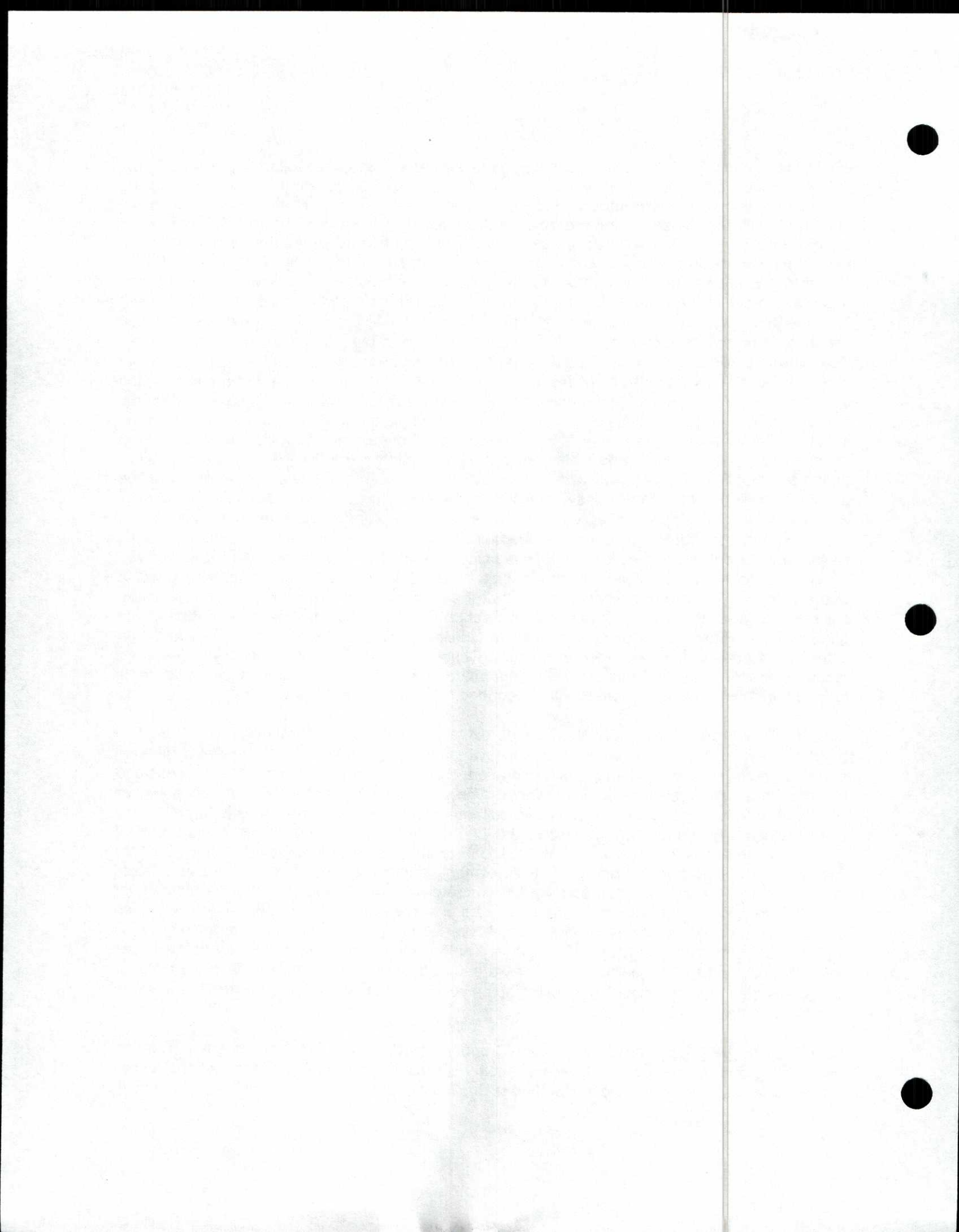
Item No. 7.F. Public Hearings and Ordinances Mayor Gregory explained Ordinance No. 091213-03 and asked for a motion to discuss the ordinance. Councilwoman Moczygemba made a motion to discuss and consider Ordinance 091213-03 and Councilman Cormier seconded. Councilman Leonard questions the three story buildings and Code Enforcement Officer Thelen stated that originally the La Vernia Volunteer Fire Department told us they would not be able to service a three story building but we later found out that they can so that portion will be changed to accommodate. Councilman Leonard asked about the section under R-1 (1) after a minimum of three foot masonry. Code Enforcement Officer Thelen stated that is the wording that she is going to clean up. Councilman Leonard stated that under R-1 (2), after listening to everyone at the first joint workshop that was held he feels that if we are going to go to masonry then it should be higher than 75%. Councilwoman Gerlich stated that she would like to applaud Councilman Leonard and would like to see the masonry requirement be 100%. Mayor Gregory stated that the Planning & Zoning Commission made the concession to come down and in his opinion 90% masonry is a good number. Councilman Leonard stated that he



would like to consider 80% - 85% masonry and under R-1 (3) believes Chihuahua Street should not be included due to the revitalization project the Municipal Development District is heading up. Councilwoman Moczygemba stated that Forest Street is pretty much all masonry so we may want walk the streets a bit more before a final decision is made as to which parts of town are excluded from the masonry requirements. Councilman Leonard stated that under R-1 (5) he feels should go to Council or the Zoning Board of Adjustment for approval. City Attorney Banks stated that statutorily the ZBOA has the authority but it needs to be removed from site plan processes which is Planning & Zoning. Councilman Leonard stated that he doesn't want to see all of the plans just the ones that deviate from ordinance. He also stated that he has not studied commercial recommendation of 75% but feels that there is other material that can be used. Councilwoman Moczygemba stated that we allow for glass and Councilman Leonard stated that he would like to make sure that we are not too restrictive. Councilman Leonard questioned the masonry requirements on an industrial structure. Code Enforcement Officer Thelen stated that the requirement is for the office area only and not the whole structure and if the office is in the middle of the building then masonry is not required. Councilman Leonard stated that he is opposed to temporary buildings. City Attorney Banks stated that if you only want to allow temporary buildings for specific uses such as classrooms then we need to make sure the definition explains what constitutes a classroom and have the definition state literally exactly what we want to allow but make sure that the language is broad enough to cover any type of institution that you want to. Councilman Leonard stated that he would like to allow temporary classrooms for public or parochial schools and City Attorney Banks asked what it is that you are allowing school to do. Councilman Leonard said that it would be to alleviate when overcrowding when needed. City Attorney Banks stated that the description in the "whereas" clause before this section needs to be descriptive enough to set up the legislative reasoning for that particular portion. Councilman Leonard stated that he would like to see a limitation of two years and if an extension is needed they will need to come to Council for an extension. On Mayor Gregory's recommendation Councilwoman Moczygemba made a motion to lay this ordinance on the table for a future date and Councilman Richter seconded. **Motion carried 5 - 0.**

Item No. 8.A. Ordinances Mayor Gregory explained amending Ordinance No. 106, The Right-of-Way Construction Ordinance to be known as the Right-of-Way Management Ordinance to include definitions and Oil and Gas Exploration. Code Enforcement Officer Thelen explained that there has been a seismic survey request. She stated that she spoke with the City engineer who is concerned that the sewer pipe can collapse. She has also spoken with City Attorney Charlie Zech who suggested we tweak the current ordinance. The Texas Department of Transportation has already approved a permit but we are not ready to proceed. Mayor Gregory asked what the time frame is and Code Enforcement Officer Thelen stated that TX Dot is ready to go. Councilwoman Moczygemba asked if a moratorium can be enacted. Code Enforcement Officer Thelen stated that a moratorium cannot be enacted at this time. Councilwoman Gerlich asked what the purpose of this activity is and Mayor Gregory stated that they are looking for oil and/or natural gas. Code Enforcement Officer Thelen stated that there is a pretty defined area of what they want to look at but feels that we should have some protections in place. Mayor Gregory stated that he would suggest that no action be taken at this time and that more investigation needs to be conducted.

Item No. 9.A. Discussion/Action Mayor Gregory stated that he received an email from the EPA stating that they are going to sign the letter of recommendation to accept second lowest bidder so we can move on. Next, Southwest Engineers will set up a pre-construction meeting.



Councilman Leonard asked about the construction documents on the filtration system and Mayor Gregory stated that those have not been discussed yet.

Item No. 9.B. Discussion/Action Mayor Gregory stated that this item is related to a previous agenda item from this meeting. He stated that this type of exploration can do a lot of damage and feels that staff needs to do more research. Councilwoman Moczygemba asked what if citizens are getting approached and Code Enforcement officer Thelen stated that we have had one already approached. Councilman Leonard stated that they can do anything they want on their property. Mayor Gregory stated that the only action to be taken at this time is for staff to gather more information on this subject.

Item No. 10.A. Staff/Council Updates Police Chief Ritchey said that it has been a slow quite month. The amount of tickets written has remained the same. There are temporary marques in place for no cell phone use in parking lot while on school property during school hours that will remain for two weeks.

Item No. 10.B. Staff/Council Updates Public Works Director Mills stated that there have been a couple of leaks on DL Vest, a leak behind the one stop, a leak on corner of Chihuahua & Seguin, and a leak in front of the school. He also stated that he hired a new guy, Ryan Ritchey and Matt Mergele got his herbicide license.


Item No. 10.C. Staff/Council Updates Code Enforcement Officer Thelen stated that there has been lots of construction. The Lutheran Church is moving forward and the Church of Christ finished their drainage study and will be finishing driveway. Micah Point is currently on hold due to issues with financing. There are homes in Silverado that are going up rapidly. Development at 102 San Antonio is also on hold due to parking issues.

Item No. 10.D. Staff/Council Updates City Secretary Cantu reviewed the list of upcoming dates and stressed the importance of attendance at the Special City Council Meeting on September 26th.

Item No. 11. Items Specific to Future Line Items on the Agenda We should see some construction on the well projects by the next regular council meeting. There will be an Agenda 21 at a presentation on a future agenda. Councilman Leonard stated that there will be a discussion/action item at the September 26th meeting to approve the MDD budget. Code Enforcement Officer Thelen stated that we may need to revisit the sign ordinance again on banner flags.

Item No. 12. Adjourn With no further business Councilman Cormier made a motion to adjourn and Councilman Leonard seconded. The meeting was adjourned at 8:29 p.m.


Robert Gregory, Mayor


Angela Cantu, City Secretary-Treasurer



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