

The La Vernia City Council held a Regular City Council Meeting on February 12, 2015 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, Harold Schott, Eloi Cormier, Jennifer Moczygemba, and Mark Doege. Staff members present were Code Enforcement Bobby Caldwell, City Secretary-Treasurer Angela Cantu, City Administrator Yvonne Griffin, MDD Director Jennifer Kolbe, and Police Chief Bruce Ritchey.

Item No. 2. Pledge of Allegiance and Invocation The Pledge of Allegiance and Texas Pledge were recited and Councilwoman Moczygemba 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 accept the consent agenda and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

Item No. 5.A. Presentation Chief Ritchey presented the Public Safety Award for National Night Out 2014 plaque to Mayor Gregory and the Council. Chief Ritchey also thanked Chuck and Linda Patty, LV Volunteer Fire Department, La Vernia EMS, and Mr. Levi McBee for their participation and hard work in putting this event together every year. He also thanked citizens for their attendance stating without them this event would not be such a success.

Item No. 5.C. Presentation Bob Cohen, commZoom Fiber Optic Cable, explained their services including a local origination tv channel. Mr. Cohen stated that their company would like to be active in the community and pending agreements with the local utility companies would be available by June or July of 2015.

Item No. 6.A. Public Hearings/Ordinances The public hearing to receive public comments regarding the re-zoning of the 28.199 acres of undeveloped land located at the southwest corner of US 87 and FM 1346, La Vernia, TX 78121 from present classification of RA Single-Family Agricultural to C-2 General Commercial was opened at 6:59 p.m. With no comments from the public, the hearing was closed at 7:00 p.m.

Item No. 6.B. Public Hearings/Ordinances Mayor Gregory explained ORDINANCE NO. 021215-01 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 RESIDENTIAL AGRICULTURAL DISTRICT (R-A) TO GENERAL COMMERCIAL DISTRICT (C-2) 28.199 ACRES OF UNDEVELOPED LAND LOCATED AT THE SOUTHWEST CORNER OF US 87 AND FM 1346, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE. Mayor Gregory stated that the P&Z made a recommendation to approve the ordinance. Councilman Schott made a motion to approve Ordinance No. 021215-01 and Councilwoman Moczygemba seconded. **Motion carried 5 – 0.**

Item No. 7.A. Ordinances Mayor Gregory explained ORDINANCE NO. 021215-02 AN ORDINANCE CALLING FOR A MUNICIPAL ELECTION ON SATURDAY, MAY 9, 2015 FOR THE CITY OF LA VERNIA, WILSON COUNTY, TEXAS; ESTABLISHING THE PROCEDURE

FOR THE GENERAL MUNICIPAL ELECTION FOR THE PURPOSE OF ELECTING THREE (3) ALDERMAN FOR A TWO (2) YEAR TERM; DESIGNATING THE LOCATION OF POLLING PLACE; PROVIDING FOR DESIGNATION OF OFFICERS FOR SUCH ELECTION; SETTING THE RATE OF PAY FOR THE ELECTION CLERKS; PROVIDING FOR THE MAXIMUM NUMBER OF ELECTION CLERKS; AND DESIGNATION OF THE EARLY VOTING BALLOT BOARD. City Secretary Cantu stated that there are three seats available, Councilman Doege, Councilwoman Gerlich, and Councilwoman Moczygemba, and should the need for an election arise we will use high school students as the clerks and am looking to have Ms. Elaine Schnitz and Yesenia Robles as Judge and Alternate Judge for Election Day. If the school needs to hold an election it will become a joint election splitting the costs. The Hospital Board will be sharing the space as a polling place. Councilman Cormier made a motion to approve Ordinance No. 021215-02 and Councilman Schott seconded. **Motion carried 5 – 0.**

Item No. 8.A. Resolutions Mayor Gregory explained RESOLUTION NO. R021215-01 A RESOLUTION IN SUPPORT OF AFFORDABLE RENTAL HOUSING AT THE 400 BLOCK OF FM 1346, LA VERNIA, TEXAS 78121. Councilman Schott made a motion to approve Resolution No. R021215-01 and Councilman Cormier seconded. Mayor Gregory stated that the Council has been looking at this project for about four months and been on field trips to vet the project as well as held public workshops where the public was invited to listen to presentations by the developers and property management representatives. He explained that this came up because the City was approached last year by a similar company. Unfortunately, there was a lack of information provided by the developers and the Council did not feel comfortable supporting a project without all of the facts. He asked council if they were interested in vetting a project of this nature. He stated that he has been very impressed and proud of the Council's due diligence and thoughtfulness in their research throughout this process. This type of housing would fill a void in our community. He also wanted to express that this is not Section 8 housing but instead it is based on the median income of Wilson County. There is also a lengthy process of rules and regulations as well as background checks that are done every year for every resident over the age of 18. If a market value complex came in then the cost of dirt along with the cost of the development would have to be figured into the rents which would make them un-rentable by our citizens that get paid \$15 an hour for example. Mayor Gregory has spoken with other cities that have allowed these properties and have had favorable comments regarding them. The newspaper as well as the Council and City staff went on the field trips and everyone was impressed with what we saw. Mayor Gregory stated that he would recommend moving forward with passing the Resolution in support of the project. He also stated that by passing the Resolution it does not guarantee the project, it is just a necessary step in being eligible to be awarded the points to earn the credits necessary. Councilwoman Gerlich asked please explain where the funds come from if it is not a Section 8 housing development. Teresa Shell with Cayetano Villas stated that the IRS has approximately \$60,000,000 in available tax credits. These credits are awarded to the development that is the highest ranking. Investment groups come together and purchase the credits. This type of development is the polar opposite of Section 8 housing. Mayor Gregory stated that one of the things that needs to be kept in mind is that the developers will be involved in this property for a minimum of 35 years. He would also like our citizens to understand that he and that Council do not make this decision lightly. Mayor Gregory stated that he would recommend moving forward with passing the Resolution No. R021215-01. **Motion carried 5 – 0.**

Item No. 8.B. Resolutions Mayor Gregory explained RESOLUTION NO. R021215-02 A RESOLUTION OF FINANCIAL SUPPORT OF AFFORDABLE RENTAL HOUSING AT THE 400 BLOCK OF FM 1346, LA VERNIA, TEXAS 78121. Councilwoman Moczygemba made a motion to approve Resolution No. R021215-02 and Councilman Schott seconded. **Motion carried 5 – 0.**

Item No. 8.C. Resolutions Mayor Gregory explained RESOLUTION NO. R021215-03 A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS IN SUPPORT OF JBSA-RANDOLPH AND EXPANSION OF LOCAL GOVERNMENT CODE CHAPTERS 397 AND 397A. Councilwoman Gerlich made a motion to approve Resolution No. R021215-03 and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 9.A. Discussion/Action Mayor Gregory stated that the testing on the new well has been completed. He also stated that Jeremy Davenport let him know the SCADA system will be getting installed in the coming weeks. Mayor Gregory would like to set a tentative date for the ribbon cutting to which dignitaries and everyone involved with the project will be invited to for March 10th.

Item No. 9.B. Discussion/Action Mayor Gregory stated that Mr. Callaway has assured him that the current contract we have can be extended and the price per acre foot would be \$108. If the Council would need to amend the current contract with Canyon Regional Water Authority (CRWA) we will pay \$779 per acre foot. Mayor Gregory asked for a motion to approve amending the current CRWA contract. The item died for lack of a motion.

Item No. 9.C. Discussion/Action City Administrator Griffin went out and got three different bids for food inspectors, Monty McGuffin, Edwin Baker with Wilson County, and Bureau Veritas. Mayor Gregory stated that we verified the requirements to be a licensed sanitarian and we have no way around it, the rates are going to increase. Councilwoman Moczygemba asked for City Administrator Griffin's recommendation. City Administrator Griffin stated that she is recommending Monty McGuffin. Councilman Schott asked what would happen if there are continued violations and if Mr. McGuffin has any enforcement powers. City Secretary Cantu stated that yes we do and they are in the ordinance. Mayor Gregory stated there is a specific trigger point of demerits that require specific actions. Councilwoman Gerlich asked if he will check grease traps as well. City Administrator Griffin stated that he does. Councilwoman Moczygemba asked about temporary events and City Administrator Griffin stated they are included. City Administrator Griffin also pointed out that Wilson County does not charge for violation inspections whereas Mr. McGuffin does. Councilman Schott made a motion to approve Monty McGuffin as the City's food inspector and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 9.D. Discussion/Action Mayor Gregory stated that we are having more and more people beginning projects without getting the proper permits. City Administrator Griffin stated that other cities double permit fees. She stated that several cities follow the guidelines that Universal City set out which is \$200 per violation but in all cases the violator is told to stop until the proper permits are pulled. Mayor Gregory stated that he would not recommend following Universal City's lead. Councilman Schott stated that he does not believe that everyone knows that a permit is needed and maybe we can do something to get the word out. Councilwoman Gerlich agreed. Mayor Gregory stated that we can put out notices on the City's website and Facebook page as well as add this to the cards that go out for the Spring Clean-Up. City

Administrator Griffin stated that this is just a directional item to see if Council would like to see an ordinance brought back to fine violators. Mayor Gregory stated that we will do some education and will bring this item back in April.

Item No. 9.E. Discussion/Action Mayor Gregory explained that this item appeared on the Planning & Zoning Commission's last agenda. This is basically to bridge communication between the P&Z and the Council. He asked for a volunteer. Councilwoman Moczygemba stated that she enjoyed her time on the P&Z Commission and would be happy to volunteer. Councilman Cormier made a motion to appoint Councilwoman Moczygemba as the City Council liaison to the Planning & Zoning Commission and Councilman Doege seconded. **Motion carried 5 – 0.**

Item No. 9.F. Discussion/Action City Administrator Griffin stated that this is one of the holidays that will be in the new personnel policy. Councilman Schott made a motion to approve Presidents Day as an additional City holiday and Councilwoman Moczygemba seconded. **Motion carried 5 – 0.**

Item No. 9G. Discussion/Action Mayor Gregory explained that it is time to schedule our annual Spring Clean-Up. He stated that Public Works Director Mills suggested changing the dates to March 7th through 15th the week of Spring Break. Councilman Cormier approved March 7th through 15th as the dates for the annual Spring Clean-Up. **Motion carried 5 – 0.**

Item No. 5.B. Presentation City Auditor, Phil Armstrong with Armstrong, Vaughn, and Associates, P.C, gave a summary of the 2013 – 2014 Fiscal Year Audit. The debt service was flat compared to the prior year however several liabilities were paid off. The general fund is healthy with eleven months of operating expenses in our reserves. The water sewer account is down slightly due to the well projects but is still healthy with 13 months of operating expenses in our reserves. The year ended \$376,000 better than anticipated in the general fund. The Municipal Development District did well for the year as well. TMRS (retirement system) has not been highlighted in the past however with some changes in TMRS rules Mr. Armstrong wanted to point out that we are in a better position than most cities due to the modest plan we have and it will not affect us in a negative way.

The Council entered into executive session at 7:48 p.m.

Item No. 10.A. & B. Executive Session Council entered into Executive Session at 7:48 p.m. pursuant to Local Government Code §551.086 of the Open Meetings Act. Tex. Gov't Code to discuss and deliberate the offering of a financial incentive to a business prospect that the City seeks to have located within the City Limits and pursuant to Local Government Code §551.074 of the Open Meetings Act. Tex. Gov't Code to discuss the job performance of the City Secretary.

Council returned from Executive Session at 8:41 p.m.

Item No. 10.C. Executive Session Based on the discussion from Executive Session Councilman Schott made a motion to approve a financial incentive package to a business

prospect that the City seeks to have located within the City Limits and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 11. Items Specific to Future Line Items on the Agenda The following items will appear on future agendas:

- 1) An extension of the Callaway contract;
- 2) A possible financial advisor
- 3) Personnel policy
- 4) An ordinance regarding double permitting fees.

Item No. 12. Adjourn With no further business Councilman Schott made a motion to adjourn and Councilman Cormier seconded. The meeting was adjourned at 8:50 p.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary



