

The La Vernia City Council held a Regular City Council Meeting on January 9, 2014 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, Eloi Cormier, John Richter, and Jennifer Moczygamba. Staff members present were City Secretary-Treasurer Angela Cantu, Public Works Director Jason Mills, and Police Chief Bruce Ritchey. City Attorney Jameene Banks was also present.

**Item No. 2. Pledge of Allegiance and Invocation** The pledge was recited and Pastor Bob Palin gave the invocation.

**Item No. 3. Citizens to be Heard** The following citizens signed up to make comments at the meeting:

1. Fred Pierdolla – no comments at this time.
2. Jeff Pierdolla – no comments at this time.
3. Forrest Pierdolla – no comments at this time.
4. Keith Johanson – stated that he was against the 85% masonry requirement.

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

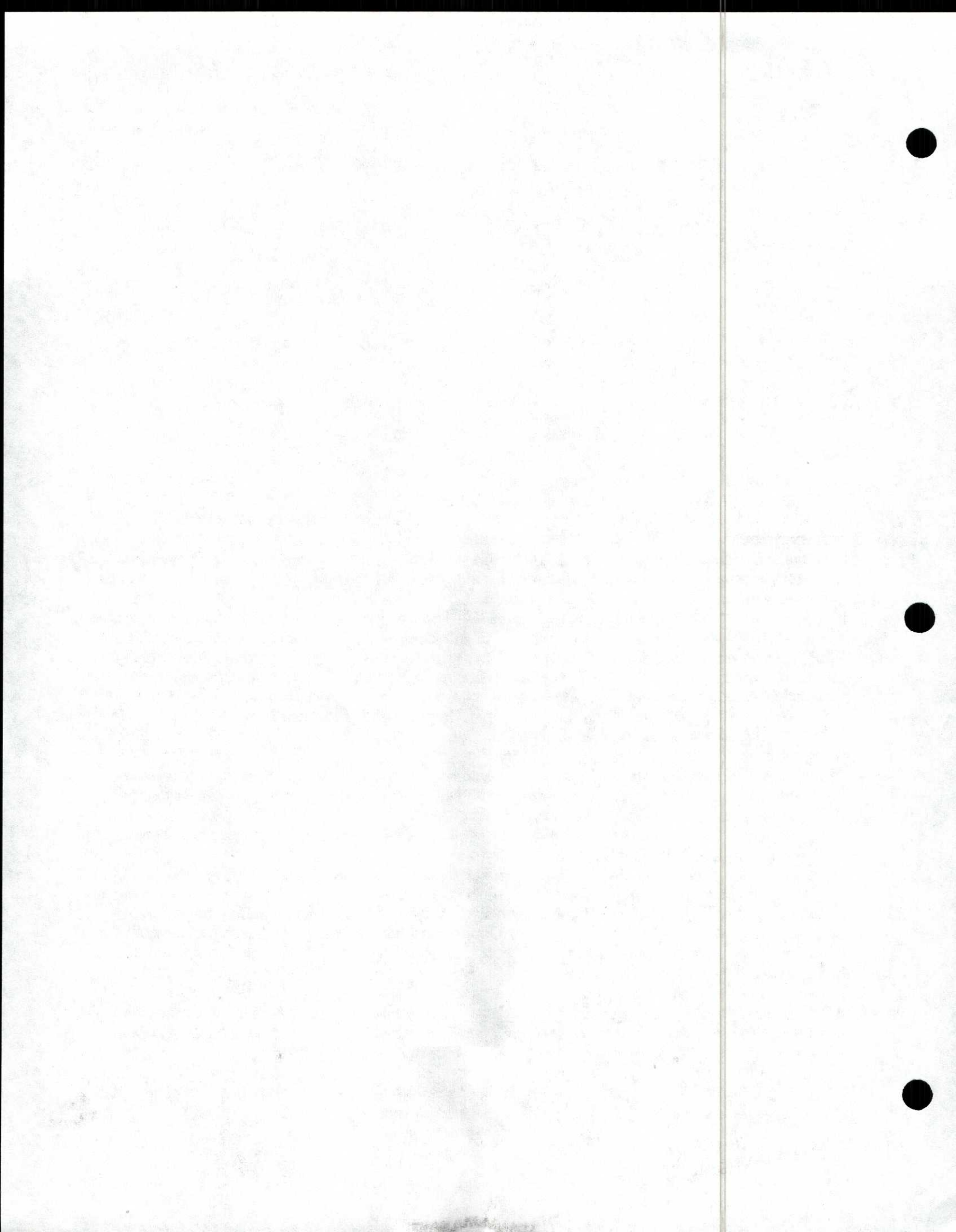
**Item No. 5.A. Public Hearing and Ordinance** The public hearing to receive testimony and comments regarding proposed amendments to the comprehensive zoning regulations of the City of La Vernia, including Article I., (entitled "In General"), Article II., (entitled "Zoning Districts"), Article III., (entitled "Permitted Uses"), and Article IV., (entitled "Supplemental Regulations") was opened at 6:40 p.m. and the following citizens made comments.

1. Jeffery Pierdolla – feels that the masonry requirements are too strict.
2. Fred Pierdolla – no comments at this time.
3. Forrest Pierdolla – no comments at this time.
4. Keith Johanson – again Mr. Johanson wanted express his feelings towards the masonry requirement. He stated that he feels that this will limit the ability of small businesses and middle income people to live in the city limits.
5. Butch Allen – feels that the masonry requirements are too strict to be able to bring businesses into the city.

Mayor Gregory stated that he spoke with a builder and there is only a \$10,000 to \$12,000 increase. Councilman Leonard stated that he has heard from commercial investors who are looking for more standards. But there are also ways to get variances based on corporate design. Mayor Gregory stated that the City Council and the Planning and Zoning Commission have looked at both sides and have taken public input into consideration. With that the public hearing was closed at 6:58 p.m.

**Item No. 5.B. Public Hearing and Ordinance** The public hearing to receive testimony and comments from the public regarding the proposed amendment to the City's Official Zoning Map to include within the Old Town Overlay District (OT) was opened at 6:59 p.m. and the following citizens made comments.

1. Roger Miller - stated that he is against the overlay districts and that he feels that everyone should be required to follow the same set of rules.



2. Butch Allen – questioned the 85% masonry requirement for a home on stilts.

Councilman Leonard stated that the only thing that the overlay district does is exempt those in it from the masonry requirement. Councilwoman Gerlich used the flood of 1998 as an example of the good of the overlay districts and how they are meant to protect and help the citizens who have been here for a long period of time.

3. Jeffery Pierdolla – stated that he doesn't believe that insurance would cover enough to rebuild.

Councilman Leonard stated that the negative side of passing the overlay district is that your neighbor could build a barn and live in it. With that the public hearing was closed at 7:12 p.m.

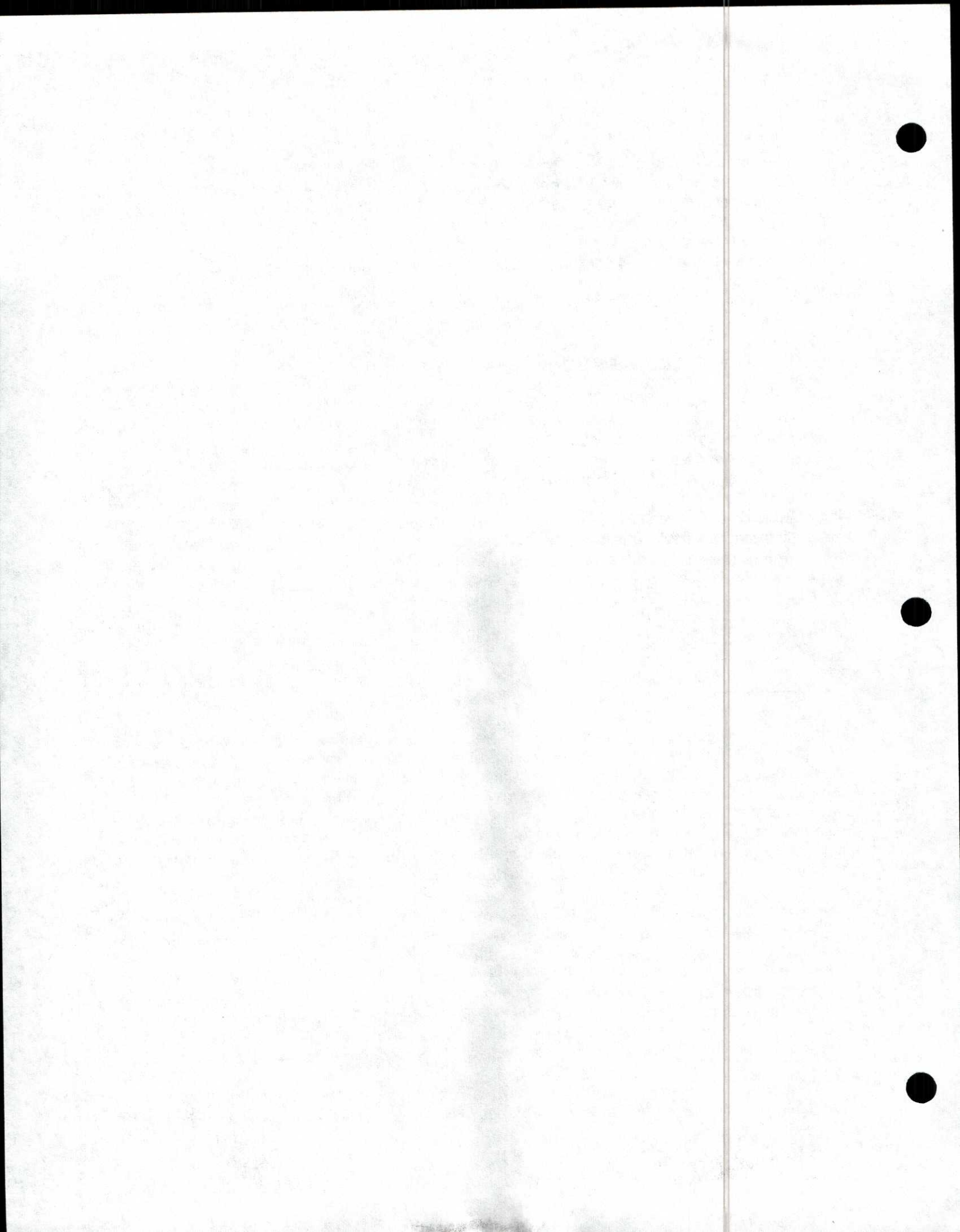
**Item No. 5.C. Public Hearing and Ordinance** Mayor Gregory explained the ordinance amending the comprehensive zoning regulations of the City of La Vernia, including Article I., (entitled "In General"), Article II., (entitled "Zoning Districts"), Article III., (entitled "Permitted Uses"), and Article IV., (entitled "Supplemental Regulations") which includes the proposed adoption of the Old Town Overlay District (OT), and amending the City's official zoning map to include the "listed streets" within the Old Town Overlay District. Councilman Leonard made a motion to discuss and Councilman Richter seconded. Councilman Leonard gave a few clerical corrections to the ordinance. He also asked if the OT does not pass will that have to be taken out of the ordinance. Attorney Banks stated that it will not need to be removed. Mayor Gregory suggested that this item be laid on the table so that there could be another public hearing vote later in the month. Councilwoman Moczygemba made a motion to lay the proposed comprehensive zoning ordinance on the table and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

**Item No. 6.A. Discussion/Action** Mayor Gregory stated that the pump test will be completed on the well project tomorrow. He stated that the water report came back stating that the water is harder than expected but better quality. There was a reminder that the bids for the filter plant and elevated storage tank will be opened on February 19<sup>th</sup>.

**Item No. 6.B. Discussion/Action** Mayor Gregory stated that we still need to appoint a representative to the FELPS Board of Trustees. Mr. Marlin Tannenberger stated that there are approximately 13 or 14 meetings annually that start at 8 am on the last Wednesday of every month, unless it is a special meeting. Attorney Banks also stated that the representative cannot be a current council member. Mayor Gregory asked Roger Miller if he was interested and he said that he would if that is what the Council wanted. Councilman Richter made a motion to appoint Roger Miller to serve as the City's FELPS Board of Trustees representative and Councilman Cormier seconded. **Motion carried 5 – 0.**

**Item No. 6.C. Discussion/Action** City Secretary Cantu stated when the policy to pay police officers double time and a half for select holidays they were working eight hour shifts and a specific number was put in the policy. She stated that she would like to remove the specific hour and replace it with the term "double time and a half" the policy will not need to be changed if the department goes back to eight hour shifts. Councilwoman Moczygemba made a motion to approve amending the Employee Personnel Handbook to correct the amount of time given to the Police Department employees who work on Thanksgiving Day, Christmas Day, and New Year's Day and Councilman Cormier seconded. **Motion carried 5 – 0.**

**Item No. 6.D. Discussion/Action** Councilwoman Moczygemba made a motion to enter in to executive session and Councilman Richter seconded. The Council went into executive session



under Texas Government Code Section 551.071 (Consultation with Attorney) at 7:49 p.m. Council returned from executive session at 8:08 p.m. Based on the discussion in executive session no action will be taken at this time.

**Item No. 6.E. Discussion/Action** Mayor Gregory stated that he would like to hold off on this item until a later date.

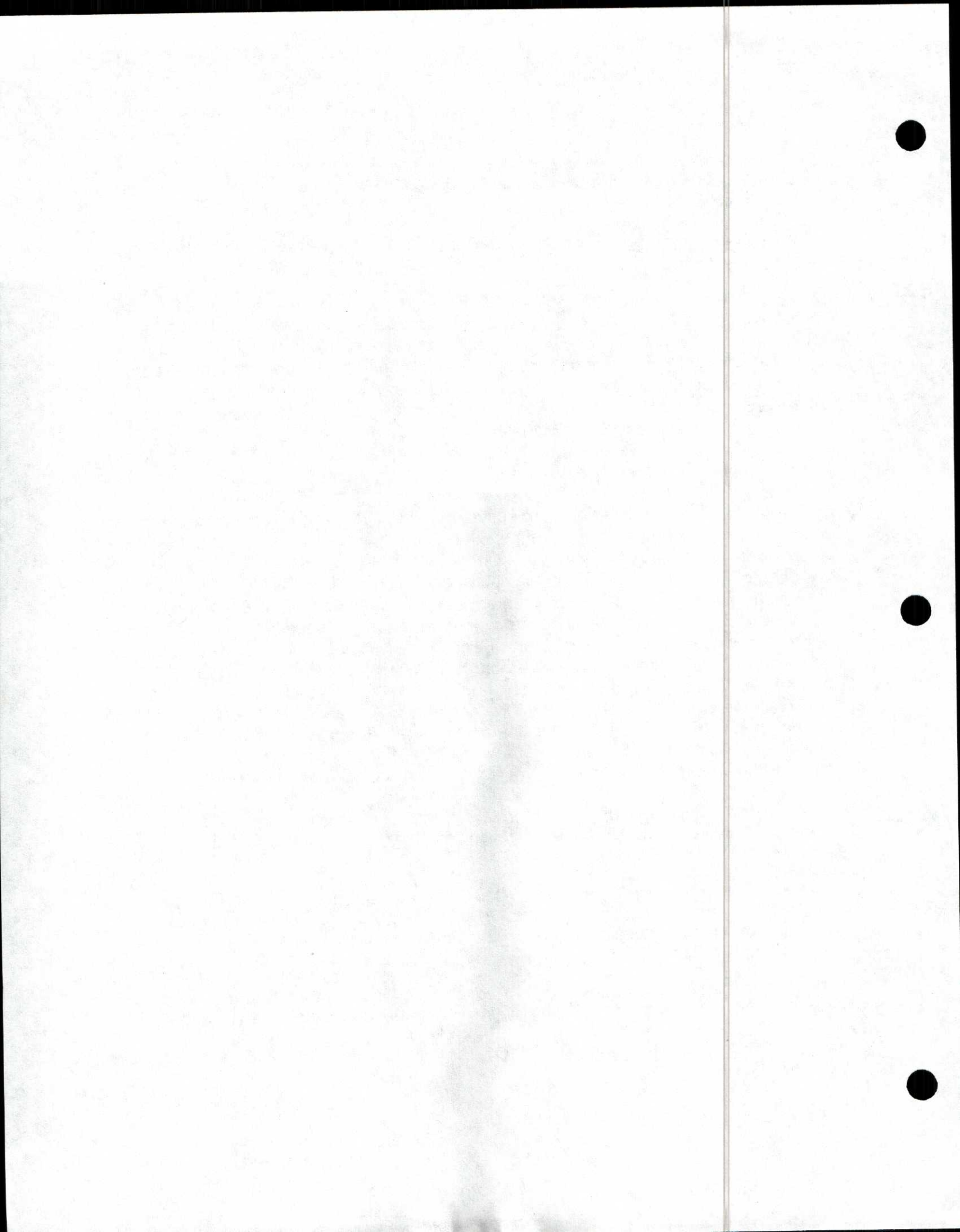
**Item No. 6.G. Discussion/Action** Mayor Gregory stated, regarding the letter that Councilman John F. Richter sent regarding the proposed Old Town District and the La Vernia Municipal Development District that both the City Council and Planning and Zoning Commission have worked very hard and diligently on the comprehensive zoning ordinance. At the last workshop everyone was asked if there was any confusion about the contents of the ordinance and everyone stated they were in agreement. The letter that was sent and subsequently put in the newspaper caused a lot of panic and confusion. Councilman Richter stated that he researched Old Town Districts and found out other things are added to these and wanted to make sure the public was aware of what was going on. Mayor Gregory asked what would lead him to believe that there may be conflicts with D. Bradford Beck sitting on the MDD Board. Councilman Richter said that he has heard from citizens that they felt it was a conflict of interest and he wanted to be sure everyone was aware of it. Councilman Leonard said as the Vice President of the MDD nothing unethical is going on and he takes offense to the implication of same. He also commented that Mr. Beck had nothing to do with the overlay district. Mayor Gregory also stated that ultimately he is responsible for the other boards and would hope that the Council and citizens have the confidence in him to ensure that the all activities are above board. He explained how disappointed he is in how this whole thing was handled. He would like to see Councilman Richter fix this situation in the same manner in which it was created. Councilwoman Gerlich stated that she was disappointed in seeing the letter in the newspaper. She stated she wished Councilman Richter would have called anyone of the other councilmembers to answer any questions he may have had.

**Item No. 7.A. Staff/Council Updates** Mayor Gregory stated that H & H Liquors is ready to open. Councilman Cormier asked if the sign ordinance expanded into the ETJ and Mayor Gregory stated that it does.

**Item No. 7.B. Staff/Council Updates** Chief Ritchey stated that there were 58 calls last month. There has been no damage to the city park lately but unfortunately the crowd of kids has moved over to the storage units. The police department is working on getting a traffic light at FM 775 and FM 1346.


**Item No. 7.C. Staff/Council Updates** Public Works Director Mills stated that there were lots of leaks. Also they are in the process of getting a new fire hydrant at Silverado and Warren.

**Item No. 7.D. Staff/Council Updates** City Secretary Cantu reviewed the upcoming calendar.



**Item No. 8. Items Specific to Future Line Items on the Agenda** We will need to have a workshop on the oil and gas ordinance. There will also be a Special City Council meeting on January 30<sup>th</sup>.

**Item No. 9. Adjourn** With no further business Councilman Leonard made a motion to adjourn and Council Cormier seconded. The meeting was adjourned at 8:35 p.m.

  
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Robert Gregory, Mayor

  
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Angela Cantu, City Secretary-Treasurer



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