

The La Vernia City Council held a Workshop on October 24, 2012 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 D. Bradford Beck, Randy Leonard, Bobby Richter, Eloi Cormier, and John Richter. Staff member present were City Secretary-Treasurer Angela Cantu, Police Chief Bruce Ritchey, and Code Enforcement Officer/Project Coordinator Janet Thelen.

**Item No. 2. Pledge of Allegiance** The Pledge of Allegiance was recited.

**Item No. 3.A. Discussion/Action** Mayor Gregory explained that this item will be tabled due to lack of information

**Item No. 3.B. Discussion/Action** Mayor Gregory explained that we don't have all of the information yet therefore this item will need to be tabled as well and hope to have the information by the next regular council meeting. As soon as we receive the information we will get it out to the council. Councilman Cormier asked if the property has been annexed into the city limits and Mayor Gregory stated that has not been however that is the ultimate goal.

**Item No. 3.C. Discussion/Action** Mayor Gregory explained that while he is not necessarily in favor of a smoking ordinance, he does see the pros and cons and would like to hear Council's opinions on the subject. Councilman Beck stated that as the Municipal Development District Board President he has been having discussions with potential business and they would like to see some kind of smoking ordinance. Comparisons have been done and these types of ordinances do not hurt businesses. He stated that some of the businesses have stated that one of the problems they see is that clientele will not come due to smoke. He stated that he personally would be in favor of a very strict ordinance in order to protect others from second hand smoke. Councilman J. Richter asked if this type of decision should be left up to the business owner. He stated that we already restrict smoking at City Hall and feels that a smoking ordinance for the rest of the City would be unconstitutional therefore the decision should be left up to the people. He stated that most businesses already have no smoking policies in place so we need to let people that own the business run as them see fit. Councilman Leonard stated that over 500 cities have some kind of no smoking ordinance and of the ordinances that have been challenged in court none have been overturned based on constitutionality. Councilman B. Richter stated that this item had been addressed years ago and it did not pass. He stated that businesses have the right to enforce a no smoking policy if they want. Susan Richter, resident of La Vernia and business owner, stated that she had sent email to some of the councilmembers that basically said that here business does not allow smoking and she has never had any problems with the issue. She stated that she understands the Councilmembers who are in favor of this type ordinance however she does not feel that council has the right to make that decision and does not believe another ordinance is needed. She also stated that if businesses are requesting these types of restrictions then they are just looking for the easy way out. Mayor Gregory stated that from what he has seen a no smoking ordinance is starting to become the norm. Councilman Leonard stated that the Council is in a position to decide where smoking is and is not allowed. He explained that as the governing body of a local government, the Council has to set rules that may not be popular but are necessary. Mayor Gregory stated that the staff has put together some language that the Council can decide what they do and do not want to see in a possible ordinance. Councilman J. Richter stated again that he feels the Council should not be making these decisions for the

business owners. Councilman Leonard stated that while Councilman J. Richter has a right to his opinion he feels that he is representing the citizens who are in favor of a no smoking ordinance. Councilman J. Richter suggested tabling the discussion so that more public input can be obtained. Councilman Beck stated that staff has supplied a "menu" to pick and choose what we would like to see in an ordinance and he would like to continue with that plan. After reviewing the menu that was presented to Council, a possible smoking ordinance was put together and will be before Council for approval at the Special Meeting that will take place on Thursday, October 25, 2012.

**Item No. 3.D. Discussion** Councilman Beck suggested that this item be tabled for a later date.

**Item No. 3.E. Discussion** Mayor Gregory explained that there are still outstanding invoices from Bain Medina Bain regarding the City's well projects. Councilman Beck asked who we contracted to complete the work and Councilman Leonard replied that we hired LBG Guyton who then sub-contracted Bain Medina Bain who in turn subcontracted Grubb Engineering, Inc. Councilman Beck asked if LBG Guyton was the reason we have already spent about 10% of the funds we have for this project on something we cannot use. Councilman Leonard stated that while the designs are oversized, he feels that we should still pay the outstanding invoices. Councilman Cormier asked if there is anything we can use from the designs to this point and Councilman Leonard stated that we may be able to use the pipeline. Councilman Cormier suggested we pay for what we can use. Councilman Beck stated that he feels that since we have already paid LBG Guyton then Bain Medina Bain needs to work it out with them. He then asked if we have consulted with the City Attorney and Mayor Gregory stated that City Attorney Charlie Zech stated that if the City would like we can wait till a demand letter is sent and deal with it then. He then stated that he will contact the attorney again and give review the options now that he has a better understanding of how Council would like to proceed with this matter.

**Item No. 4. Adjourn** Councilman Beck made a motion to adjourn and Councilman Cormier seconded. With no further business, the meeting was adjourned at 9:37 p.m.

  
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Robert Gregory, Mayor

  
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Angela Cantu, City Secretary-Treasurer

