

The La Vernia City Council held a Regular City Council Meeting on January 10, 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 D. Bradford Beck, Randy Leonard, Bobby Richter, Eloi Cormier and John Richter. Staff member present were City Secretary-Treasurer Angela Cantu, Code Enforcement Officer/Special Projects Coordinator Janet Thelen, 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 an invocation was given by Mayor Gregory.

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

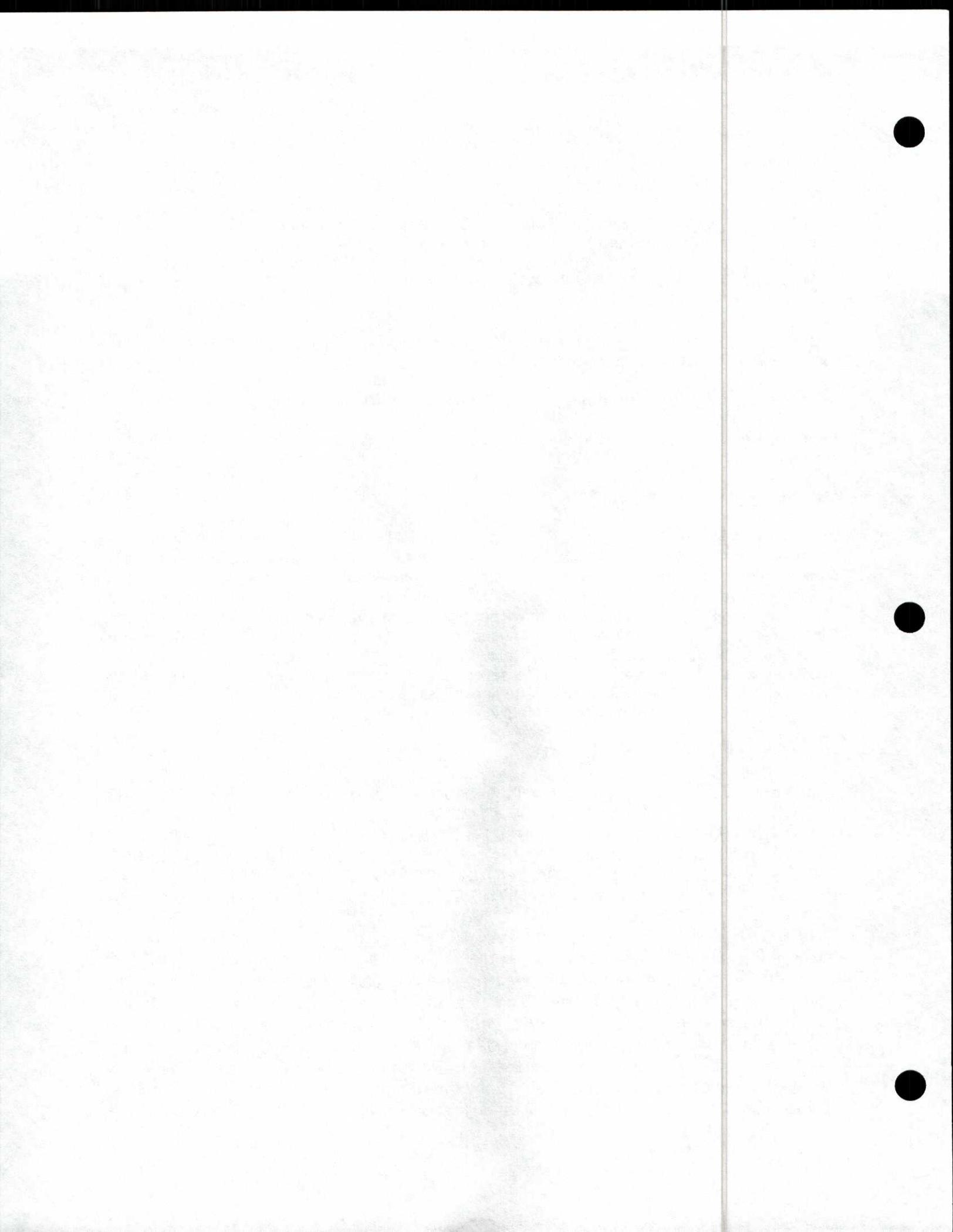
Item No. 4.A. – C. Consent Agenda Councilman Beck made a motion to approve the consent agenda and Councilman B. Richter seconded. **Motion carried 5 – 0.**

Mayor Gregory skipped to Item 8.C.

Item No. 8.A. Discussion/Action City engineer Rick Myrick was in attendance to discuss stormwater issues. Mayor stated that he would like to discuss this matter in a workshop. Mr. Myrick stated that he agrees a workshop would be a good idea. Councilman Beck stated that hydrology is very difficult to understand without an engineering degree and Mr. Myrick stated that he would like to get a direction from council on which way to proceed with updating the City's current ordinance. Mayor Gregory stated that if we can clarify our ordinance and have a more defined set of criteria for developers to follow then we should be able to cut down on engineering fees that get passed on to the developers. Mayor Gregory asked if a workshop can be put together would Mr. Myrick be able to attend and Mr. Myrick stated that he would and that he would begin to draft a starting point for discussion in the workshop.

Mayor Gregory then skipped to Item 6.C.

Item No. 6.C. Ordinance Mayor Gregory explained Ordinance No. 011013-06 AN ORDINANCE ESTABLISHING A CITY WIDE SOLID WASTE COLLECTION, TRANSPORTATION AND DISPOSAL PROGRAM; REQUIRING MANDATORY PARTICIPATION IN THE PROGRAM; PROHIBITING THE COLLECTION, CONVEYANCE AND TRANSPORT OF RESIDENTIAL, HOUSEHOLD, COMMERCIAL AND INDUSTRIAL REFUSE AND SOLID WASTE WITHIN THE CITY LIMITS OF LA VERNIA WITHOUT A FRANCHISE AGREEMENT; PROVIDING FOR A PENALTY FOR VIOLATION THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE. Councilman Cormier asked if the elderly or disadvantaged could file an exemption. Royce Gray from IESI stated that if a customer does not want to use the carts then they do not have to. Councilman Cormier asked if they did not use the cart would they still be charged and Mr. Gray stated that would be a council decision. Councilman J. Richter stated that he thought this was an all or nothing kind of deal and Mr. Gray stated that there is usually a small percentage of citizens that are exempt. Mayor Gregory stated that he feels that we need to either decide to approve or deny the ordinance as a whole. Councilman B. Richter stated that a survey was taken a few years ago and the citizens were not



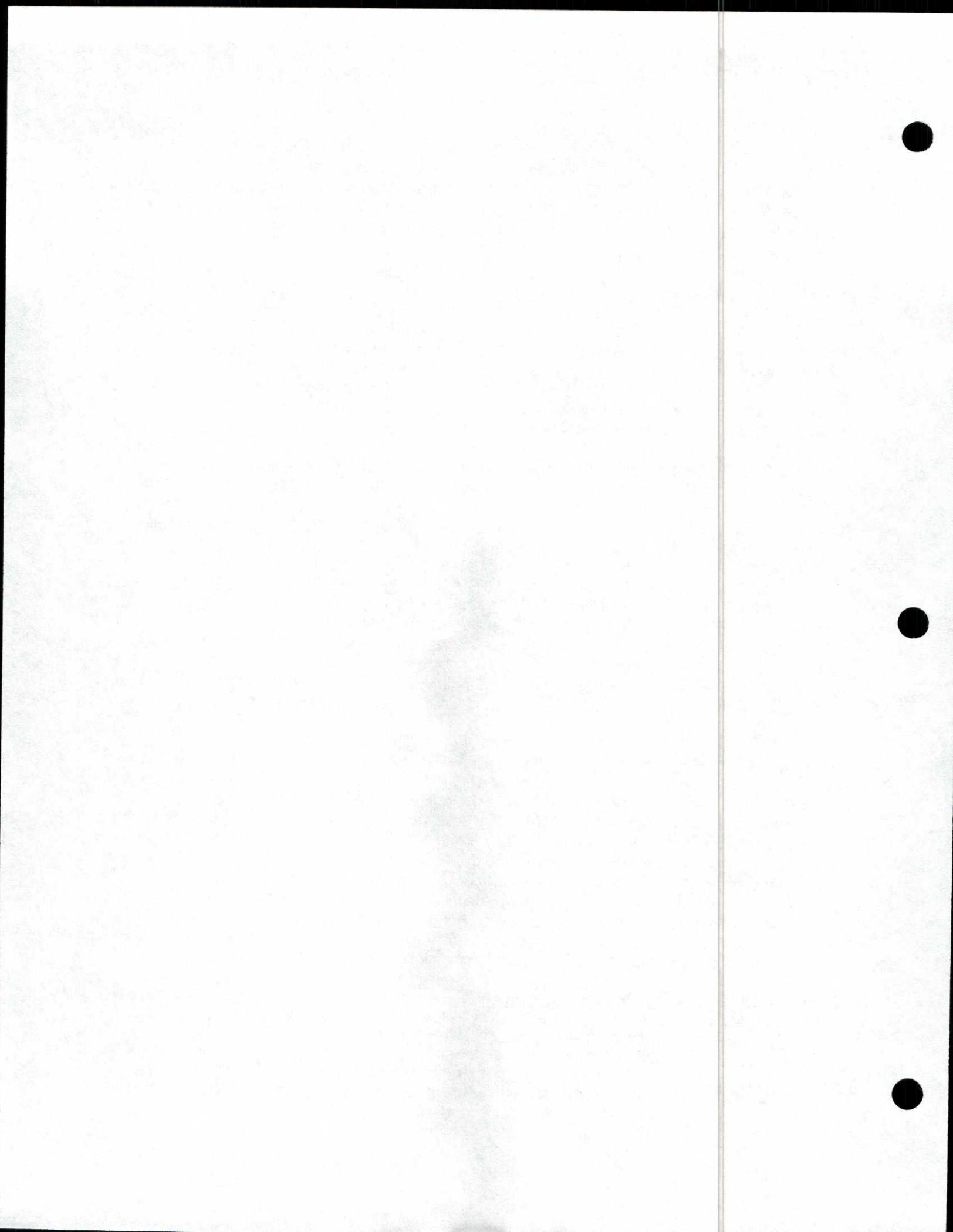
interested. Mayor Gregory stated that he looked at that survey from 2008 and of the 100 responses 36 were in favor and 46 were against. Councilman Beck made a motion to approve Ordinance No. 011013-06 and Councilman Leonard seconded. **Motion denied 2 – 3** with Councilmen Beck and Leonard in favor and Councilmen Cormier, B. Richter, and J. Richter against.

Item No. 5.A. Public Hearing and Ordinance The public hearing regarding the proposed zoning changes from present classification of C-2 (General Commercial District) to C-1 (Retail District) for 313 W. Chihuahua Street, 109 Nicholson Street, 115 Nicholson Street, 209 Nicholson Street, 211 Nicholson Street, 213 Nicholson Street, and 219 Nicholson Street, La Vernia, Texas opened at 7:04 p.m. Planning and Zoning Commission Chairwoman Jennifer Moczygemba stated that the P & Z Commission is in favor of the change. She stated that of the 27 notices that were sent out only five were returned and of those four were in favor and one was against. The public hearing was closed at 7:05 p.m.

Item No. 5.B. Public Hearing and Ordinance Mayor Gregory explained Ordinance No. 011013-02 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING THE LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING MAP, PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF C-2 (GENERAL COMMERCIAL DISTRICT) TO C-1 (RETAIL DISTRICT) FOR 313 W. CHIHUAHUA STREET, 109 NICHOLSON STREET, 115 NICHOLSON STREET, 209 NICHOLSON STREET, 211 NICHOLSON STREET, 213 NICHOLSON STREET, AND 219 NICHOLSON STREET, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE. Councilman B. Richter asked if 313 Chihuahua Street was correctly added to this ordinance and Code Enforcement Officer Thelen stated that is the way the property is addressed. Councilman Leonard asked about the new owner of 115 Nicholson and Code Enforcement Officer Thelen stated that he was informed of the change and is in favor of it. Councilman Leonard made a motion to approve Ordinance No. 011013-02 and Councilman Beck seconded. **Motion carried 5 – 0.**

Item No. 5.C. Public Hearing and Ordinance The public hearing regarding the proposed zoning changes from present classification of C-1 (Retail District) to R-2 (General Residential District) for 100 Micah Point Road, 104 Micah Point Road, 108 Micah Point Road, 109 Micah Point Road, 112 Micah Point Road, 113 Micah Point Road, 117 Micah Point Road, 121 Micah Point Road, 125 Micah Point Road, and 129 Micah Point Road, La Vernia, Texas was opened at 7:12 p.m. Chairwoman Moczygemba stated that P & Z recommends this change. She stated that the lots in the front of the property will remain C-1 (commercial) and the lots in the back will be changed to R-2 (multifamily). Councilman B. Richter asked if residential can go anywhere and Chairwoman Moczygemba said that we do not have cumulative zoning so it cannot. She also stated that the property developer was the only one to respond to the notices and they were in favor of the change. The public hearing was closed at 7:15 p.m.

Item No. 5.D. Public Hearing and Ordinance Mayor Gregory explained Ordinance No. 011013-03 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING THE LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING MAP, PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF C-1 (RETAIL DISTRICT) TO R-2 (GENERAL RESIDENTIAL DISTRICT) FOR 100 MICAH POINT ROAD, 104 MICAH POINT ROAD, 108 MICAH POINT ROAD, 109 MICAH POINT



ROAD, 112 MICAH POINT ROAD, 113 MICAH POINT ROAD, 117 MICAH POINT ROAD, 121 MICAH POINT ROAD, 125 MICAH POINT ROAD, AND 129 MICAH POINT ROAD, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE. Councilman B. Richter made a motion to approve Ordinance No. 011013-03 and Councilman Cormier seconded.

Motion carried 5 – 0.

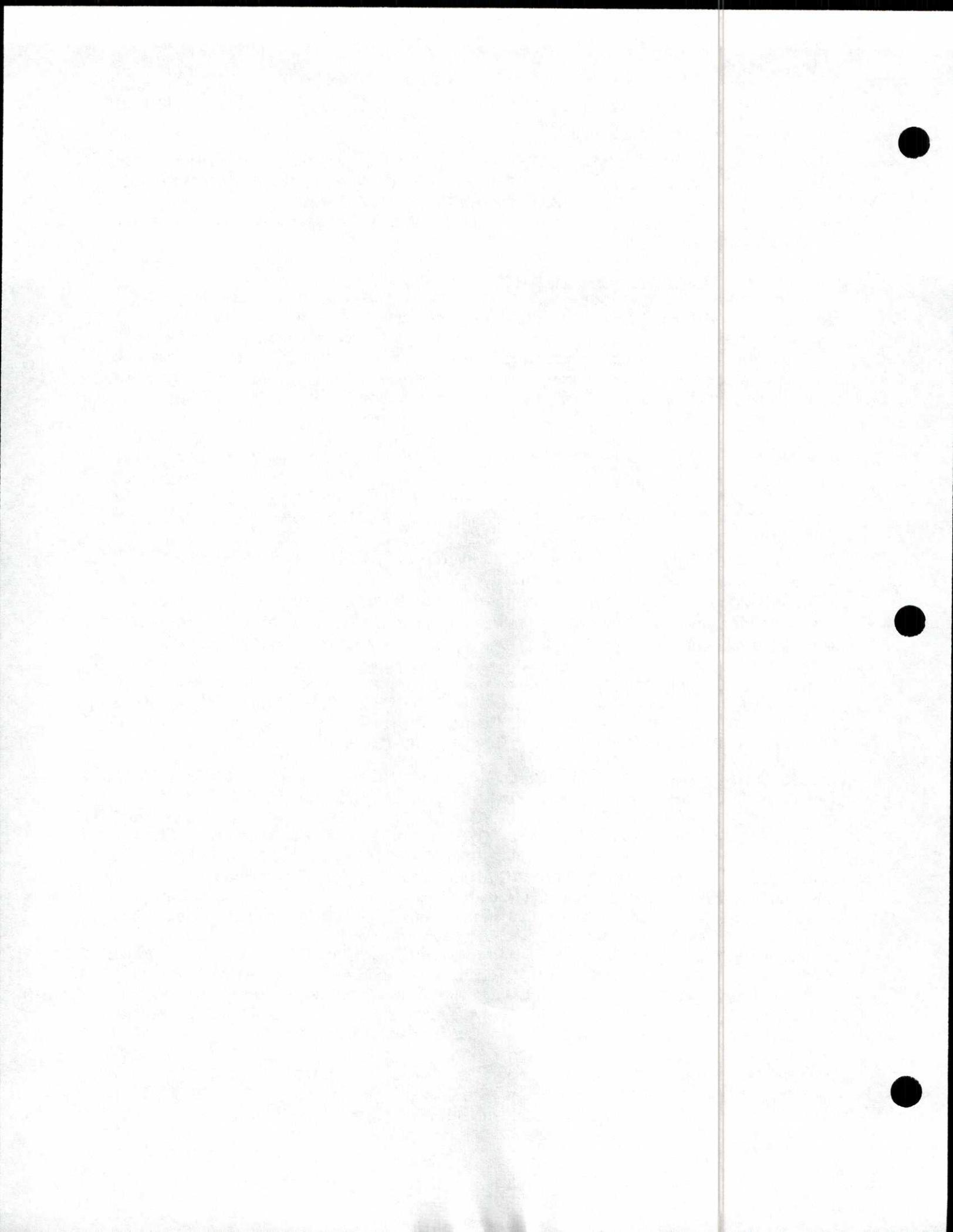
Item No. 5.E. Public Hearing and Ordinance The public hearing regarding amending the La Vernia Code of Ordinances Chapter 38-Zoning, Article IV.-Supplemental Regulations, Section 38-404 Exterior Construction Standards, amending 38-404(c) Commercial Standards and adopting 38-404(d) Residential Standards regarding masonry requirements was opened at 7:16 p.m. Chairwoman Moczygemba stated that of the P & Z Commissioners one abstained from the vote because he wanted to see more stringent requirements, basically 100% masonry. Councilman J. Richter asked if this was regarding only new construction and Chairwoman Moczygemba stated that it was. The public hearing was closed at 7:18 p.m.

Item No. 5.F. Public Hearing and Ordinance Mayor Gregory explained Ordinance No. 011013-04 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING, ARTICLE I. SECTION 38-104 DEFINITIONS AND ARTICLE IV. SUPPLEMENTAL REGULATIONS SECTION 38-404 EXTERIOR CONSTRUCTION AND ARCHITECTURAL STANDARDS; PROVIDING A PENALTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Councilman J. Richter asked if the ordinance was just regarding commercial construction. Mayor Gregory stated that this ordinance proposes increasing masonry requirement to 90% on both commercial and residential construction. This item was tabled to be discussed in a workshop.

Item No. 6.A. Ordinances City Secretary Cantu explained Ordinance No. 011013-01 AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF LA VERNIA, TEXAS FOR THE 2012 – 2013 FISCAL YEAR. Councilman Leonard made a motion to approve Ordinance No. 011013-01 and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 6.B. Ordinances Mayor Gregory explained Ordinance No. 011013-05 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 6 BUILDING REGULATIONS, ARTICLE IV. FLOOD DAMAGE PREVENTION ADDING SECTION 6-417 AUTHORIZING THE ADOPTION OF FEES AND RATE SCHEDULE FOR FLOOD DAMAGE PREVENTION; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Councilman Beck asked if this was regarding all new construction and Code Enforcement Officer Thelen stated that it does. Councilman J. Richter stated that he thought FEMA had the guidelines set. Code Enforcement Officer Thelen stated that the City has to review the documents. Councilman J. Richter asked if we charge the developer to review the plans and Code Enforcement Officer Thelen stated that we do. Councilman B. Richter asked if it is a requirement that we charge. Mayor Gregory stated that the charge is simply to cover the cost of doing the research. Councilman Beck made a motion to approve Ordinance No. 011013-05 and Councilman Cormier seconded. **Motion carried 4 – 1** with Councilman B. Richter against.

Item No. 7.A. Resolution Mayor Gregory explained Resolution No. R011013-01 A Resolution of the City of La Vernia, Texas establishing a fee schedule related TO Floodplain development permit fees and, associated eNGINEERING and LEGAL FEES and fees for



variance relief; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; and providing an effective date. Code Enforcement Officer Thelen stated that the standard fee for this type of review is \$25.00. Councilman Beck made a motion to approve Resolution No. R011013-01 and Councilman Cormier seconded. **Motion carried 4 – 1** with Councilman B. Richter against.

Item No. 8.A. Discussion/Action Mayor Gregory asked council if they were ok with the letter that the attorney prepared to send to Bain Medina Bain regarding the outstanding invoices and Council agreed. Mayor Gregory also explained that he would like to have a workshop to discuss the three different options that have been provided by Southwest Engineers.

Item No. 8.B. Discussion/Action Mayor Gregory explained that we need to see if we should advise the Impact Fee Advisory Committee to review new projects. Code Enforcement officer Thelen stated that with some of the items outlined in the comprehensive plan have not been studied. She also stated that we did not set aside any funds in this budget cycle to perform these studies which will cost about \$25,000. Mayor Gregory stated that he spoke with another financing source to help cover the costs of this study as well as the infrastructure. Councilman Beck asked if there was still a real estate person on the committee. Code Enforcement Officer Thelen stated that Kathy Crisp is on the committee which currently only meets once a year. She stated that she will look into whether or not more real estate representatives can serve.

Item No. 9.A. Staff/Council Updates Police Chief Ritchey stated that the Police Department has been chosen by CopSync to participate in a one year program where we have their software and all we have to pay for are the ticket writers.

Item No. 9.B. Staff/Council Updates Public Works Director Mills stated that there have been several leaks and the department will start some of the valve replacement during the week of spring break.

Item No. 9.C. Staff/Council Updates Code Enforcement Officer Thelen stated that she has been very busy.

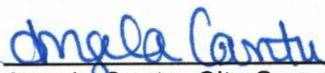
Item No. 9.D. Staff/Council Updates City Secretary Cantu stated that we will need to have a Special Meeting next week and would like to see which days would be best for the Councilmembers.

Item No. 10. Items Specific to Future Line Items on the Agenda There were no items specific to future agendas.

Item No. 11. Adjourn With no further business Councilman B. Richter made a motion to adjourn and Councilman J. Richter seconded. The meeting was adjourned at 7:59 p.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary-Treasurer



1/23/2013