

The La Vernia City Council held a Regular City Council Meeting on September 11, 2014 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 6:33 p.m. Council members present were Marie Gerlich, Randy Leonard, Harold Schott, Eloi Cormier, and Jennifer Moczygemba. Staff members present were City Secretary-Treasurer Angela Cantu, City Administrator Yvonne Griffin, La Vernia Municipal Development District Executive Director Jennifer Kolbe, 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 a moment of silence was observed in honor of the 13th anniversary of 9/11.

Item No. 3. Citizens to be heard The following citizens spoke to council:

1) Audrey Lewis, Assistant District Attorney (ADA), came to discuss the Children's Alliance of South Texas.

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

Item No. 5.A. Proclamations Mayor Gregory read the proclamation that was presented to Dora Wyatt at the Annual Lutheran Church Festival on August 22, 2014.

Item No. 6.A. Presentation ADA Lewis continued with her presentation explaining programs and services the Children's Alliance of South Texas offers to La Vernia law enforcement, families, and children affected by child abuse. Mayor Gregory asked how the Council can help. Ms. Nancy Turner stated that the biggest way to help would be to spread the word. Councilwoman Moczygemba asked when the main fundraiser is and ADA Lewis stated it will be in February. Councilwoman Gerlich asked if she heard correctly that there is only one interview. ADA Lewis stated that is correct. Councilwoman Gerlich asked if there is training involved for volunteers. ADA Lewis stated that there is training and they need volunteers for everything from making copies to sitting with children.

Item No. 7.A. Public Hearings A public hearing regarding the 2014 – 2015 Fiscal Year Budget was opened at 6:58 p.m. Mayor Gregory explained that an additional \$28,000 was added to the engineering budget for a street and drainage impact fee study to be completed by M & S Engineering. Councilwoman Moczygemba asked if this is in addition to the \$40,000 we had in engineering and City Administrator stated yes it is. With no other comments to be heard the public hearing was closed at 7:00 p.m.

Item No. 7.B. Public Hearings A public hearing regarding an ordinance levying a tax rate for the City of La Vernia for the tax year 2015 was opened at 7:01 p.m. With no citizens to comment the public hearing was closed at 7:02 p.m.

Item No. 8.A. Ordinance Mayor Gregory explained ORDINANCE NO. 091114-01 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING CHAPTER 6, ARTICLE II OF THE CITY OF LA VERNIA'S CODE OF ORDINANCES TO ADOPT UPDATED INTERNATIONAL CODES GOVERNING BUILDING STANDARDS IN THE CITY; PROVIDING

SEVERABILITY, CUMULATIVE AND REPEALER CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE. Greg Hallmark with Bureau Veritas explained the benefits of adopting the latest codes and how this could help lower the ISO rating for citizens insurance. He also stated that the State legislature mandated that all cities adopt the 2009 International Energy Code but by adopting 2012 we are more than covered. Councilwoman Moczygemba made a motion to approve Ordinance No. 091114-01 and Councilman Schott seconded. **Motion carried 5 – 0.**

Item No. 8.B. Ordinance Mayor Gregory explained that the fees for services provided by Bureau Veritas needs to be adopted by Resolution. He explained RESOLUTION NO. R091114-01 A RESOLUTION OF THE CITY OF LA VERNIA MODIFYING THE CITY'S FEE SCHEDULE FOR BUILDING PERMITS AND PLAN REVIEWS; AND ESTABLISHING AN EFFECTIVE DATE. Councilman Schott asked how the customer will be billed and Mr. Hallmark explained that the Bureau Veritas will bill the City and the City should bill the customer before the plan review and permits issued. City Administrator Griffin explained that we did not set the rates at what Bureau Veritas recommended, we went a bit lower. She also explained that if we do not adopted these rates we will be stuck with some big fees. Mr. Hallmark explained that some cities adopt a 30% and 40% administrative fee. Councilwoman Moczygemba asked if the 25% administrative fee that we suggested is enough. City Administrator Griffin explained that it is 25% for residential building permits and plan review and 40% for commercial building permits. Councilwoman Moczygemba made a motion to approve Resolution No. R091114-01 and Councilman Cormier seconded. Councilwoman Gerlich asked if we have anything in mind to let builders know of the status of the project and City Administrator Griffin stated that after we collect the fees and submit the plans there is a system to keep track of the status of the project. **Motion carried 5 – 0.**

Item No. 9.A. Discussion/Action Mayor Gregory explained that the skid assembly will take place around October 3rd. Floresville Electric Light and Power System (FELPS) needs to relocate their connection due to the location of the flood plain. The manway covers have not been pulled yet but will be getting done soon. There are only a few more things that need to be done to complete the flush tank. The Texas Water Development Board conducted an inspection and everything is looking good so far. Councilwoman Moczygemba asked if we have an estimated date to bring the well on line and Mayor Gregory stated that we are looking at November 1st, hopefully.

Item No. 9.B. Discussion/Action Councilman Leonard explained the La Vernia Municipal Development District (MDD) 2014 – 2015 Fiscal Year budget. He also explained that when the MDD Executive Director was hired the City Attorney, Charlie Zech drew up an interlocal agreement between the City and the MDD. Mayor Gregory explained that there were two areas of conversation from the City's last budget workshop regarding wages, specifically promoting the part time employee to full time as well as the amount of increase for the director, and the sign grant program. Mayor Gregory asked if the Council would like to go into executive session to discuss personnel and wages. Councilman Leonard stated that based on the interlocal agreement, anything in the MDD budget is up to Council discretion with the exception of the Director's compensation. Councilwoman Moczygemba asked if that meant the Council has no control of the Executive Director's salary and Councilman Leonard stated that is correct.

Councilman Schott asked how much of an increase is being proposed and Councilman Leonard stated that the Executive Director would receive a 10% increase and the part time employee would be made full time and receive a 3% increase. Mayor Gregory asked about the land acquisition line item. Councilman Schott stated that he was not aware of a stipulation in the interlocal agreement regarding the Executive Director's salary and he has a hard time giving a 3% to all city employees and one person 10% increase. Councilwoman Gerlich stated that she has a hard time comparing apples and oranges and need to keep in mind what her responsibility is and the interlocal agreement sheds a little light on how to look at things. Both Councilwoman Gerlich and Councilwoman Moczygemba stated they also have a hard time explaining a 10% increase for only one employee. Councilman Cormier asked why the Council would be required to approve a MDD budget if the MDD Board can do anything you want. Councilman Leonard stated that the only area the Council does not have say over, according to the interlocal agreement, is the Executive Director's compensation. The MDD's bylaws state that the Council appoints Board members and approves the final budget. Councilwoman Moczygemba asked if the Council does not approve their budget then they can go ahead and give the raise anyway. MDD Executive Director Kolbe stated that the Council approved the bylaws as well as the amendments to the bylaws. Councilwoman Moczygemba asked if the interlocal agreement can be changed. The motion by Councilwoman Gerlich and seconded by Councilwoman Moczygemba to approve the 2014 – 2015 La Vernia MDD budget **failed with a vote of 2 - 3**. Councilwoman Gerlich and Councilman Leonard voted in favor and Councilman Cormier, Councilwoman Moczygemba, and Councilman Schott voted against.

Item No. 9.C. Discussion/Action Mayor Gregory suggested renewing the contract for Customer Service Inspections (CSI's) with Charlie Trowbridge in the event that Bureau Veritas is not used to complete CSI's. Councilman Schott made a motion to renew the contract with Charlie Trowbridge for CSI's and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 9.D. Discussion/Action Police Chief Ritchey explained that the taser policy that the Police Department has created has already been through a review by the City Attorney. Councilman Leonard made a motion to approve the La Vernia Police Department's Taser Policy and Councilman Schott seconded. **Motion carried 5 – 0.**

Item No. 9.E. Discussion/Action Councilman Leonard stated that he has had several people ask about a fall clean-up. City staff has checked the contract and found that we have up to two clean-ups available with a total of 18 roll off containers and we only use 8 for the Spring Clean-Up. Staff suggested the dates of October 16th through October 19th as the first Fall Clean-Up. Councilwoman Gerlich made a motion to approve a Fall Clean-Up from October 16th through October 19th and Councilman Leonard seconded. **Motion carried 5 – 0.**

Item No. 9.F. Discussion/Action Councilman Leonard made a motion to discuss hosting baseball tournaments at the City Park in conjunction with the La Vernia Little League and Councilman Schott seconded. Mayor Gregory stated that we have already had the one tournament in the City Park. While there were some issues with the tournament there was an economic bump so any tournaments in the future we would need to make sure we manage properly. He stated that he would like Council's blessing and trust to plan better to accommodate the people coming in for a tournament. Martin Poore with the La Vernia Little League stated that he wants to make sure there is insurance coverage so both the Little League and the City are covered. They would also like to pass any fees associated with hosting these types of events are passed on to the tournament sponsors. Councilwoman Gerlich stated that

the park itself is not totally a Little League park and would like to know how much was the rest of the park will be affected, how much was the neighborhood will be inconvenienced, and what kind of control over the size of the event (parking issues, etc) will we have. Mr. Poore stated that while the players will be using the fields of course there are other children that attend these events and will be throughout the park. As for the neighborhood, the only complaints the Little League received were regarding the trash on Monday and he will make the commitment that issue will not happen again. As for the size, the City will have total control. There can be stipulations on a set size, if that is what the Council would like. Councilwoman Gerlich asked about the lights and Mr. Poore stated that the lights were out earlier than they normally are for regular Little League game. Councilwoman Moczygemba stated that she likes the idea as long as we are able to manage properly. This type of event could have a big economic impact that would be wonderful for the City. Councilman Leonard stated that we can set the fee structure in such a way that it is manageable. He also asked Mr. Poore if the tournament organizers were happy with the location and Mr. Poore stated that he received good feedback especially stating that other attendees enjoyed the park was available and it was not just a baseball complex. Councilwoman Gerlich asked Mr. Poore how many tournaments he would anticipate hosting and Mr. Poore stated that the organizers would like to use our facility for one of the venues for their monthly tournaments. Mayor Gregory stated that this could be another tool to lure a hotel to our community and he would ask the Council to trust him to develop a fee schedule. MDD Executive Director Kolbe stated that youth sports complexes allowable expense by a MDD under the Local Government Code due to their huge economic impact on a community. Mr. Poore stated that local kids could also participate in the tournament. He also stated from the tournament that was held the organizers paid \$15,000, \$10,000 of which was donated to the City, for the one tournament. Mayor Gregory stated that he would like to move quickly and would like direction from Council. Councilman Leonard amended his motion to allow Mayor Gregory to bring back a fee schedule for Council's approval to host tournaments in the City Park and Councilman Schott seconded. **Motion carried 5 – 0.** The original motion **carried 5 – 0.**

Item No. 9.H. Discussion/Action Mayor Gregory explained that County Road 342 is awful and he had someone come around and look at some of the areas that need to be paved. The first estimation will cost approximately \$115,000. He will get a scope of work together and send out to another couple of contractors for bids. Councilman Schott asked how much money is available in the Street Maintenance and Repair Fund and City Administrator Griffin stated that there is just over \$200,000. Mayor Gregory stated that he would like direction from Council to move forward on this item. Councilwoman Moczygemba made a motion to move forward with a repaving project using funds from the Street Maintenance and Repair account and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

Item No. 9.G. Discussion/Action Mayor Gregory stated that he met with the Bauman's and since such little water will be produced, they do not want the discharge. There will be more information regarding re-directing the line to come in the future. No action was taken at this time.

Item No. 9.I. Discussion/Action Mayor Gregory stated that we put money in the 2014 -2015 Fiscal Year Budget for a part-time Code Enforcement Officer. Councilman Leonard stated that he would like to add \$20,000 to have someone take care of signage, grass, and grease traps. Councilwoman Moczygemba stated that she feels we are definitely in need of this position. Councilman Leonard stated that he thinks we need to at least go and see what is out there. Councilwoman Moczygemba asked if we need to wait until the new budget is approved and

Councilman Leonard stated we only need to wait to hire until the new budget is approved. Councilman Schott made a motion to approve hiring a part-time code enforcement officer in the 2014 – 2015 Fiscal Year and Councilman Leonard seconded. **Motion carried 5 – 0.**

Item No. 9.J. Discussion/Action City Administrator Griffin stated that she received a copy of the estimated cost of \$47,000 to complete the Capital Improvement Plan and/or Impact Fee Study. The Impact Fee Advisory Committee will need to meet. Councilwoman Moczygemba made a motion to approve the scope of work with the City Engineer, CEC, for services with the Capital Improvement Plan and/or Impact Fee Study and Councilman Leonard seconded. **Motion carried 5 – 0.**

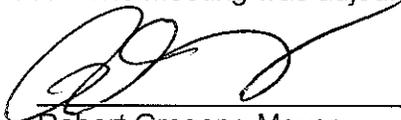
Item No. 9.K. Discussion/Action City Administrator Griffin stated that we should piggyback a Capital Improvement Plan meeting with the transportation and drainage meetings and would like to do a Town Hall meeting. More information with dates will be coming. No action was taken at this time.

Item No. 9.L. Discussion/Action City Administrator Griffin stated that we need to find a real estate, retail, and/or construction person from community to sit on the Board. Also, since we assess fees from the ETJ we can have a member of the Board from the ETJ. Mayor Gregory stated that we will need to see who we can appoint to this Board. No action was taken at this time.

Item No. 10. Items Specific to Future Line Items on the Agenda The following items will appear on future agendas:

- 1) City Administrator Griffin stated that the proposal from M & S Engineering from Tom Turk will need to be discussed.
- 2) City Administrator Griffin stated that we will need to discuss a contract regarding copy and print services for the City.
- 3) Councilman Leonard would like to discuss and approve the personnel policy.
- 4) Councilman Leonard would like to see an ordinance requiring contractors to be registered to perform work in the City.
- 5) Councilman Leonard would like to see an ordinance regarding underground utilities.

Item No. 11. Adjourn With no further business Councilwoman Moczygemba made a motion to adjourn and Councilman Cormier seconded. The meeting was adjourned at 8:23 p.m.


Robert Gregory, Mayor


Angela Cantu, City Secretary-Treasurer

