

The La Vernia City Council held a Regular City Council Meeting on March 13, 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 6:30 p.m. Council members present were Marie Gerlich, Randy Leonard, John Richter, and Jennifer Moczygemba. Councilman Eloi Cormier was not in attendance. 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 in attendance.

Item No. 2. Pledge of Allegiance and Invocation The Pledge of Allegiance was recited and Councilman Leonard gave the invocation.

Item No. 3. Citizens to be heard Terri Leonard came to speak to Council in favor of a recycling program to be included in the City's weekly trash services.

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

Item No. 5.A. – D. Staff/Council Updates Staff updates were presented.

Item No. 8.F. Discussion/Action Mr. Greg Hallmark with Bureau Veritas gave the Council information regarding their duties for both commercial and residential building permits, plan review, etc. He stated that their fees are based on the valuation of the project. Councilwoman Gerlich asked if Bureau Veritas requires certification from contractors and Mr. Hallmark stated that they require state licenses for electrical, plumbing, and mechanical work which also requires them to have the necessary insurance. He also stated that some cities require their professionals to register with the City. Councilwoman Moczygemba asked if they have oil and gas inspectors and Mr. Hallmark said that they do. Councilman Leonard asked how long it takes to get inspected after a request has been sent. Mr. Hallmark said that as long as the request is made before 5 pm they can be inspected next day because they have an inspector who lives here in La Vernia. Councilman Leonard asked if they enforce City ordinances and Mr. Hallmark stated that as long as the City ordinances are not less restrictive than the International Building Code. Councilman Leonard asked what happens if a big item is missed and Mr. Hallmark stated that if the inspector misses something it does not excuse the builder/contractor from following the codes. Councilman Leonard asked if the City would collect the fee and then pass it on to Bureau Veritas. Mr. Hallmark replied yes, usually the fees are collected at the time the applications are submitted. He also stated that when we sign a contract with them we do not pay any fees to them unless we use them and to get out of the contract a 90 day notice is all that is required. Councilwoman Moczygemba made a motion to move forward with a possible contract with Bureau Veritas for their services and Councilman Richter seconded. **Motion carried 4 – 0.**

Item No. 7.D. Resolution Clarence Littlefield, Southwest Engineers, explained RESOLUTION NO. R031314-04 A RESOLUTION OF THE CITY OF LA VERNIA, ACCEPTANCE OF WORK ON WATER WELL NO. 6 EPA SAAP GRANT XP-00F39101, SWE PROJECT NO. 0200-022-12. He stated that this is the documentation needed to accept the work completed by J & S Water Wells. Councilman Leonard made a motion to approve Resolution No. R031314-04 and Councilwoman Gerlich seconded. **Motion carried 4 – 0.**

Item No. 8.A. Discussion/Action Clarence Littlefield, Southwest Engineers, explained the bid process for the filtration plant. He stated based on the bids received, Southwest Engineers recommend J & K Utility Services. Mayor Gregory asked about the timeline and Mr. Littlefield stated that it should take about 180 days. Mr. Littlefield also pointed out this would be the end of the grant money. Mayor Gregory stated that he spoke with Jim Gilley who suggested that we take the additional \$140,000 needed from the City's savings.

Item No. 6.B. Ordinances Mayor Gregory explained ORDINANCE NO. 031314-02 AN ORDINANCE AMENDING ORDINANCE NO. 111209-02 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 WASTES WITHIN THE CITY LIMITS OF LA VERNIA WITHOUT A FRANCHISE AGREEMENT; PROVIDING FOR A PENALTY FOR VIOLATION THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE. Councilwoman Moczygemba asked if the construction waste would be exclusive as well and Mayor Gregory stated that he felt it should be. Royce Gray, IESI/Progressive Waste, stated that while yes they would like all of the City's waste, they will leave it up to the Council. Mr. Gray also stated that we can get this part done now and discuss construction waste later. Councilwoman Gerlich asked what the time frame would be to get the residents the roll out containers. Mr. Gray stated that as soon as he has the list of residents they can get all of the containers out by May 1, 2014 Councilman Richter made a motion to approve Ordinance No. 031314-02 and Councilwoman Gerlich seconded. **Motion carried 4 – 0.**

Item No. 6.A. Ordinances Mayor Gregory explained ORDINANCE NO. 031314-01, AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING THE CITY'S CODE OF REGULATIONS, ADOPTING RULES REGULATING SUBSURFACE PETROLEUM AND NATURAL GAS DRILLING WITHIN THE TERRITORIAL LIMIT OF THE CITY; PROHIBITING SURFACE DRILL SITES ON CITY OWNED PROPERTY AND PARKS; ESTABLISHING PROCEDURES FOR THE ISSUANCE OF SUBSURFACE DRILLING PERMITS; REQUIRING A PERMIT AND THE PAYMENT OF AN ANNUAL REGISTRATION FEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING CUMULATIVE REMEDIES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A PUBLICATION CLAUSE; PROVIDING A REPEALER AND SETTING AN EFFECTIVE DATE stating that this was the ordinance that was discussed in the earlier City Council Workshop. Councilman Leonard made a motion to approve and Councilwoman Moczygemba seconded. **Motion carried 4 – 0**

Item No. 7.A. Resolutions Mayor Gregory explained RESOLUTION NO. R031314-01 A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS TO CONTRIBUTE MATCHING FUNDS TO THE FLORESVILLE ELECTRIC LIGHT AND POWER SYSTEM FOR THE 2014 SUMMER YOUTH PROGRAM stating that last year we contributed these funds to the Challenger Program of the La Vernia Little League. Councilwoman Moczygemba asked what they purchased and Councilwoman Gerlich stated they bought equipment. Councilwoman Moczygemba stated that she suggest we do the same this year as well. Councilwoman Gerlich stated that she would like to donate the funds to the La Vernia Little League in general. Councilman Leonard made a

motion to approve Resolution No. R031314-01 and donate the funds the La Vernia Little League Councilman Richter seconded. **Motion carried 4 – 0.**

Item No. 7.B. Resolutions Mayor Gregory stated that Resolution No. R031314-02 will be discussed at the next Regular City Council meeting.

Item No. 7.C. Resolutions Mayor Gregory explained RESOLUTION NO. R031314-03 A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS APPOINTING TO CANYON REGIONAL WATER AUTHORITY ONE MEMBER TO THE BOARD OF MANAGERS FOR A ONE YEAR TERM OF OFFICE stating that he would like to keep Public Works Director Mills on this board. Councilwoman Moczygemba made a motion to approve Resolution No. R031314-03 and Councilman Richter seconded. **Motion carried 4 – 0.**

Item No. 8.B. Discussion/Action Mayor Gregory explained that this item will be discussed at a Zoning Board of Adjustment meeting next Wednesday, March 19th at 1:00 p.m.

Item No. 8.C. Discussion/Action Mayor Gregory explained that Mr. Koepf would like to deed the street back to the City. City Attorney Banks stated that there may be some procedures that we may need to follow in order to complete this action. Councilwoman Moczygemba made a motion, pending legal review, to move forward with re-deeding the street to the City to have it realigned and Councilwoman Gerlich seconded. **Motion carried 4 – 0.**

Item No. 8.D. Discussion/Action Police Chief Ritchey stated that during the past month the officers have been monitoring the Silverado Hills Subdivision. Of that time 80% was dedicated to speeding violations of which there were none and 20 % was dedicated to stop sign violations and 11 tickets were issued. No action was taken at this time.

Item No. 8.E. Discussion/Action City Secretary Cantu stated that after Councilman Bobby Richter passed away there was some discussion about getting a memorial bench to honor him. Public Works Director Mills asked if he could build the bench. Councilman Leonard made a motion to allow the Public Works Department to build a bench to honor Councilman Bobby Richter and Councilman J. Richter seconded. **Motion carried 4 – 0.**

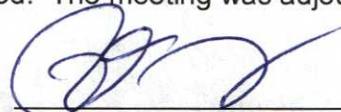
Item No. 9.A. Discussion/Action and Resolution Mayor Gregory stated that while he understands that there were many complaints regarding Mr. Joe Cicherski's health inspections he questioned whether or not these complaints have ever been told to Mr. Cicherski so they could be corrected. After a meeting with Mr. Cicherski it was determined that he had not been informed of the issues. Mayor Gregory stated that he only felt it was fair to allow him the opportunity to correct the problems and we can re-visit the issue at a later date if necessary. Councilwoman Moczygemba asked about the fees that have already been paid and Mayor Gregory stated that the difference would be refunded to the businesses. Councilwoman Gerlich asked about the contract that was signed with Bureau Veritas and Mayor Gregory stated that it has not been signed yet therefore it is not an issue. Mayor Gregory also stated that he is going to draft a letter to the businesses letting them know was going on and while the fee will not be as much as it was with Bureau Veritas it will increase because Mr. Cicherski is increasing his fee. Councilman Leonard asked if he checks the grease traps and City Secretary Cantu stated

that he does not but Bureau Veritas only checked the log to see if they were being cleaned according to schedule. Councilman Leonard stated that he would like to see the inspection reports in the packets and he feels that we should not double his fee. Mayor Gregory stated that he will negotiate the fee with Mr. Cicherski.

Item No. 9.B. Discussion/Action and Resolution This item will be discussed at the Special meeting on Wednesday, March 19th.

Item No. 10. Items Specific to Future Line Items on the Agenda There are no items specific to future line items on the agenda.

Item No. 11. Adjourn With no further business Councilwoman Moczygemba made a motion to adjourn and Councilman Richter seconded. The meeting was adjourned at 8:19 p.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary-Treasurer

