

The La Vernia City Council held a Regular City Council Meeting on April 10, 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, Eloi Cormier, and Jennifer Moczygemba. Councilman John Richter was not in attendance. Staff members present were Municipal Court/Utility Billing Clerk Paula Burgess, City Secretary-Treasurer Angela Cantu, 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 Councilwoman Moczygemba gave the invocation.

Item No. 3. Citizens to be heard The following citizens addressed the Council:

- 1) Pascalle Bippert – commerce in La Vernia.
- 2) Crystal Kiolbassa – mobile vending units.

Item No. 4. Consent Agenda Councilwoman Moczygemba made a motion to approve the consent agenda and Councilman Cormier seconded. Councilman Leonard pointed out that there were a few things that needed to be addressed. The HEB Property Tax was paid twice this year and this issue will be corrected. As for Bank Service Charges, Councilman Leonard has contacted the bank and will look into the increase in our services. **Motion carried 4 – 0.**

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

Item No. 6.A. Public Hearing and Ordinances Mayor Gregory opened a public hearing to receive public comments regarding the proposed change of zoning district classification from present classification of R-2 (General Residence) to C-2 (General Commercial) for City of La Vernia, Lot #404, located at 117 Bluebonnet Road, La Vernia, Texas 78121 at 6:43 p.m. With no comments made the public hearing was closed at 6:43 p.m.

Item No. 6.B. Public Hearing and Ordinances Mayor Gregory explained ORDINANCE NO. 041014-01, AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING ZONING CODE CHAPTER 38 PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF GENERAL RESIDENCE DISTRICT (R-2) TO GENERAL COMMERCIAL DISTRICT (C-2) 117 BLUEBONNET ROAD, CITY OF LA VERNIA LOT 404, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE. Planning and Zoning Commissioner Gordon Bake stated that the Commission approved the change because it fits the other properties on that side of the street. Councilman Leonard asked how many 100 foot notices were sent out. City Secretary Cantu stated that eight went out and none were received back. Councilwoman Moczygemba made a motion to approve Ordinance No. 041014-01 and Councilman Cormier seconded. **Motion carried 4 – 0.**

Item No. 6.C. Public Hearing and Ordinances Mayor Gregory opened a public hearing to receive public comments regarding the proposed change of zoning district classification from present classification of R-2 (General Residence) to C-2 (General Commercial) for City of La Vernia, Lot #349, located at 128 Bluebonnet Road, La Vernia, Texas 78121 at 6:46 p.m. With no comments the public hearing closed at 6:46 p.m.

Item No. 6.D. Public Hearing and Ordinances Mayor Gregory explained ORDINANCE NO. 041014-02 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING ZONING CODE CHAPTER 38 AND THE CITY'S OFFICIAL ZONING MAP PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF GENERAL RESIDENCE DISTRICT (R-2) TO GENERAL COMMERCIAL (C-2) 128 BLUEBONNET ROAD, CITY OF LA VERNIA, LOT 349, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE. Planning and Zoning Commissioner Bake stated that the Commission suggests granting the change. However, they will discuss bringing the zoning from C-2 (General Commercial) to C-1 (Retail) to fit in with the other properties on that side of the street. Mayor Gregory stated that the application was presented as a C-2 but because of the type of business going into the location the P & Z did not want to hold the applicant up so they can begin preparing the business. Councilwoman Gerlich asked what the other properties on the street were zoned. Councilwoman Moczygemba stated that one side of the street is zoned C-1 and the other side of the street is zoned C-2. Councilwoman Moczygemba made a motion to approve Ordinance No. 041014-02 and Councilwoman Gerlich seconded. **Motion carried 4 – 0.**

Item No. 6.E. Public Hearing and Ordinances Mayor Gregory opened public hearing to receive public comments regarding the granting of a Specific Use Permit for a drive-thru lane for the end cap tenant on a spec retail or restaurant tenant space located at 14421 US Hwy 87 W, La Vernia, Texas 78121 at 6:50 p.m. With no comments the public hearing was closed at 6:50 p.m.

Item No. 6.F. Public Hearing and Ordinances Mayor Gregory explained ORDINANCE NO. 041014-03 AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE PURPOSES OF ALLOWING A DRIVE THRU LANE FOR THE END CAP TENANT ON A SPEC RETAIL OR RESTAURANT TENANT SPACE SPECIFICALLY KNOWN AS 14421 US HWY 87 W, CITY OF LA VERNIA, LOT 5A, BLOCK 1, LA VERNIA CROSSING SUBDIVISION ZONED C-1 RETAIL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. Councilman Leonard asked why a SUP is required. Councilwoman Moczygemba stated that all drive-thru lanes require a SUP. Councilwoman Gerlich asked about the address and City Secretary Cantu stated that after speaking with 9-1-1 addressing it has a Hwy 87 address because the building will face that way. Councilwoman Moczygemba made a motion to approve Ordinance No. 041014-03 and Councilman Leonard seconded. **Motion carried 4 – 0.**

Item No. 8.A. Resolutions Mayor Gregory explained RESOLUTION NO. R041014-01 A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS APPOINTING TO CANYON REGIONAL WATER AUTHORITY ONE MEMBER TO THE BOARD OF TRUSTEES FOR A TWO YEAR TERM OF OFFICE. He stated that this is the seat that is currently being held by Councilman Richter and he does not think that he would like to continue. Councilwoman Moczygemba asked what is required of the position. Mayor Gregory stated that the Board meets on the second Monday of the month. He also stated that while we purchase water from Canyon Regional he does not feel that we really have to have two reps at the meetings. The items on the agenda at most of their meetings do not pertain to us. He is also on the Board and attends the meetings but would like to have a back-up just in case he is not able to attend. He asked for volunteers who may have attend one to two meetings a year. Councilwoman Moczygemba stated that she will volunteer. Councilman Leonard made a motion to approve Resolution No. R041014-01 appointing Councilwoman Moczygemba to the Canyon Regional Board of Trustees for a two year term and Councilwoman Gerlich seconded. **Motion carried 4 – 0.**

Item No. 8.B. Resolutions Mayor Gregory explained RESOLUTION NO. R041014-02 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. Mayor Gregory stated that Public Works Director Mills is currently sitting on this Board. Councilwoman Moczygemba made a motion to approve keeping Public Works Director Mills on the Canyon Regional Board of Managers and Councilman Cormier seconded. **Motion carried 4 – 0.**

Item No. 9.B. Discussion/Action Mayor Gregory explained an appeal of the administrative decision of a mobile vendor/peddler's location agreement from Steel Magnolias. He asked Councilwoman Moczygemba to help gather information on this subject. He stated that he feels that we can't issue a Certificate of Occupancy (C of O) for a type of business we do not have on the books. Councilwoman Moczygemba stated that this really is a new issue and many cities she contacted did not respond. Mary Monaco and Crystal Kiolbassa, the owners of Steel Magnolias, presented council with their ideas and their reasons for pursuing this type of business in the community. Mayor Gregory stated that he believes that this is a subject that needs to be addressed. Councilwoman Moczygemba stated that it is new and cutting edge and when you talk to other municipalities there are no ordinances out there right now. She came up with a list of criteria to make sure that we are fair to our brick and mortar businesses as well. She stated that we have to accommodate parking questions and make sure the requirements set out in the Ordinance are being met including paving and space requirements. Councilman Leonard stated that guidelines need to be developed before we can allow for this type of business. Councilwoman Gerlich asked if Steel Magnolias has found a location to operate their business. Ms. Kiolbassa stated that they have. Originally they were looking to open two days a week but have gone down to once a week and Golden Chick has offered them every Friday. They were asked to open by The Vintage Heart but Ms. Kiolbassa told them there is not enough parking. Ms. Kiolbassa also stated that she understands that there need to be regulations. Councilwoman Moczygemba stated that since this is the first business of this kind we need to make sure we are fair to everyone. Ms. Monaco stated that she would like to operate Steel Magnolias here because this is where they are from and where they live. Councilwoman Moczygemba stated that the Council has a commitment to those who have invested in buildings, etc. and feels that it is necessary to make sure the regulations are fair to everyone. Ms. Monaco asked if Steel Magnolias could be the example. Councilwoman Moczygemba stated that when she first started the research on this subject she was against it but now feels differently as long as everyone is treated fairly. Mayor Gregory asked if Council would like to table this item to a future agenda. Councilman Leonard made a motion to table this item until the Planning and Zoning Commission has had the opportunity to review this subject and make a recommendation. Councilman Cormier seconded. **Motion carried 4 – 0.**

Item No. 7.A. Ordinances Mayor Gregory stated that this item will be postponed until the attorneys have had a chance to review it.

Item No. 9.A. Discussion/Action Mayor Gregory stated that there will be a pre-construction meeting on Wednesday, April 16th at 3 p.m. He also stated that he spoke with Clarence Littlefield about the future needs of our City and the need to continue with the Callaway lease. Mayor Gregory explained that there are changes coming to Canyon Regional Water Authority (CRWA) and feels that it would not be wise for us to give up our rights just yet. Councilman Leonard stated that he has never felt that the new well would produce enough to meet the City's demands and does not feel that we should get rid of CRWA. He stated that we have an 18 year

contract with CRWA and they are not going anywhere. The contract with Callaway is \$5,000 per year and even Mr. Littlefield did not suggest drilling on Callaway property. And we will not be in a position to drill in the next 5 years therefore we should terminate the Callaway contract. If we want to do a long term project, we can go to the Carizo and buy property there. Councilman Leonard also stated that we will probably be about \$200,000 short to complete the filtration system and we will have to decide where we can get the extra money we need. This \$5,000 a year could go towards this cost. He also suggests extending the contract with CRWA. Councilwoman Gerlich asked if there is a severability clause and Mayor Gregory stated that it is just a number of days notice. Councilwoman Moczygemba made a motion to table this item to a future agenda and Councilwoman Gerlich seconded. **Motion carried 4 – 0.**

Item No. 9.C. Discussion/Action Mayor Gregory explained that there is a need to amend the solicitor's ordinance and accompanying fee schedule resolution. City Secretary Cantu explained the current process for obtaining a solicitor's permit as well as the fees. She stated that the permits are good for one year and require a background check of every applicant. She suggested that the length of the permit be shortened to quarterly. Councilwoman Gerlich stated that we don't want to get in a bind and asked where we draw the line. Councilman Leonard stated that he feels that everyone should be accounted for and Councilwoman Moczygemba stated that she feels that even the vendors at the farmer's market should have background checks. Mayor Gregory stated that he thinks we need to look into this issue some more and will bring it up at a later meeting.

Item No. 9.D. Discussion/Action Mayor Gregory explained that D. Bradford Beck has submitted his resignation from the Municipal Development District Board. Councilman Leonard made a motion to accept D. Bradford Beck's letter of Resignation from the MDD Board and Councilman Cormier seconded. **Motion carried 4 – 0.**

Item No. 9.E. Discussion/Action Mayor Gregory has suggested that Eric Fredericks be appointed to the MDD Board. Councilman Leonard made a motion to appoint Eric Fredericks to the MDD Board and Councilman Cormier seconded. **Motion carried 4 – 0.**

Item No. 9.F. Discussion/Action Mayor Gregory stated that it is time to re-appoint Randy Leonard to the MDD Board. Councilwoman Gerlich made a motion to re-appoint Randy Leonard to the MDD Board and Councilwoman Moczygemba seconded. **Motion carried 4 – 0.**

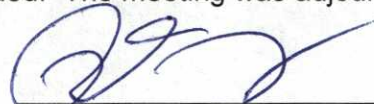
Item No. 9.G. Discussion/Action Mayor Gregory suggested that the Council enter into executive session under Texas Government Code §551.074 (Personnel Matters) to discuss hiring a City Administrator. Council entered into executive session at 7:49 p.m. Council returned from executive session at 8:09 p.m. Mayor Gregory stated that there will be no action taken at this time.

Item No. 9.H. Discussion/Action Mayor Gregory stated that he would like to have a couple of volunteers to help work on a review of the employee personnel policy handbook. Councilman Leonard asked if we can have a workshop to work on this subject. Mayor Gregory stated that he would like to have a committee begin to review the policy then bring it to a workshop for discussion. Councilwoman Moczygemba made a motion to appoint Councilman Leonard and Councilwoman Gerlich to an employee personnel policy handbook review committee and Councilman Cormier seconded. **Motion carried 4 – 0.**

Item No. 9.I. Discussion/Action Elaine Stephens from the Greater La Vernia Chamber of Commerce explained that the Chamber is hosting the Hammerfest this year. They would like to ask that the La Vernia City Council host Rest Stop #1. Councilman Cormier made a motion to approve the Council hosting rest stop #1 of the Hammerfest and Councilwoman Moczygemba seconded. **Motion carried 4 – 0.**

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 Cormier seconded. The meeting was adjourned at 8:19 p.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary-Treasurer

