

The La Vernia City Council held a Special City Council Meeting on October 24, 2012 at 3:00 p.m. at City Hall, La Vernia, Texas.

**Item No. 1. Call to Order** Mayor Robert Gregory called the meeting to order at 3:01 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, Municipal Development District Director Jennifer Kolbe, Public Works Director Jason Mills, Police Chief Bruce Ritchey, and Code Enforcement Officer/Project Coordinator Janet Thelen.

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

The following citizens came to be heard at the meeting:

- 1) Wes Ashburn came to discuss the smoking ordinance.
- 2) Barb Magor came to hear the council's decision on the smoking ordinance.

**Item No. 3.A. Presentation/Discussion** Mayor Gregory introduced Clarence Littlefield of Southwest Engineers, Inc. Mr. Littlefield introduced Neal Goedrich of Southwest Engineers and Kaveh Khorzad of Wet Rock Groundwater Services. Mr. Littlefield explained the proposal regarding the City's well projects. Mayor Gregory asked for more information on Well #5 and Mr. Littlefield stated that to refurbish the well we are looking at spending an additional \$145,000 and it still will not be able to pump enough water to meet the City's needs. Councilman Beck stated that there had been some previous discussion regarding selling water to a third party. Is that still a possibility? Mr. Littlefield stated that depending on which option Council wants to proceed with, it is a possibility. Councilman Beck stated that he would like to see an analysis regarding how much this project is going to affect our rate payers. Mayor Gregory stated that he will be working on that however he just needed to know which direction Council would like to proceed. Mr. Littlefield stated that in order to put in a treatment plant more land would be necessary. He stated that for the filter plant and backwash system approximately three more acres would be needed. Councilman Beck asked if the waste is toxic and Councilman Leonard stated that it depends and we can always get a permit or use it as irrigation. Code Enforcement Officer Thelen stated that if we change land parameters then another environmental study will need to be done. She also suggested that we attempt to obtain more property from one of the property owners we currently have easements for and Councilman B. Richter stated that the possibility of using a stock tank on one of the properties has already been addressed and from what he remembers the land owner was agreeable to this idea. Mr. Littlefield stated that digging a stock tank would be cheaper than purchasing land. Mayor Gregory stated that he would visit with the Bauman's regarding this possibility and report back to Council. Councilman B. Richter asked if another half an acre would be enough to fit what we need to install and Mr. Littlefield said that it should. Mayor Gregory stated that he will begin working on getting another half of an acre of land.

**No. 3.B. Presentation/Discussion** Mayor Gregory stated that we need to schedule a workshop to discuss which direction to move forward with based on the options given to us by Southwest Engineers. Councilman Leonard stated that the contract needs to be approved. Mayor Gregory asked if we give a task order then sign the contract and Councilman Leonard stated that first we approve the contract to hire Southwest Engineers then we have workshops to define tasks to then be able to give task orders. Councilman Leonard made a motion to approve a Master Agreement for Engineering Services between the City of La Vernia and Southwest Engineer and Councilman B. Richter seconded. **Motion carried 5 – 0.**

**Item No. 4.A. Discussion/Action** Mayor Gregory explained that there was an issue with a building permit that was issued just before the impact fees went into place. Code Enforcement Officer Thelen explained that at the time the permit was issued she was unaware of the expiration date of the permit that is in place according to the Local Government Code. She stated that she did not want to make the decision to honor what was originally told to M & B Development. Councilman J. Richter asked when the permit expires and Code Enforcement Officer Thelen stated that according to Local Government Code the permits are only good for 180 days however when the permit was issued there was no expiration date given. She also stated that she spoke with the City Attorney who said that if Council would like they can make a policy decision to extend the permit and honor the original agreement as they saw fit. Councilman Beck made a motion to honor the permit as it was issued and Councilman B. Richter seconded. **Motion carried 5 – 0.**

**Item No. 4.B. Discussion/Action** The discussion regarding a recycling program through the City's solid waste disposal company, IESI, was tabled due to lack of information at this time.

**Item No. 4.C. Discussion/Action** Mayor Gregory explained that while we still don't have the exact numbers, he feels that City Attorney Charlie Zech will help come up with a clear simple path to achieve our goal. He showed Council the list of items the State is requiring that Cub Country Child Care Center and Mesquite Bean Coffee Shop need to supply in order to be awarded the grant funds. MDD Director Kolbe stated that she feels that the City would not need anything beyond what the State requires and would like to use the State required documents to run a credit check and evaluate the information along with City Attorney Zech. Mayor Gregory explained that the point of this discussion was to inform the Council of the processes.

**Item No. 4.D. Discussion/Action** The discussion regarding changes to job descriptions for City employees was tabled due to lack of action in the workshop held on October 24, 2012.

**Item No. 4.E. Discussion/Action** Councilman Beck made a motion to table the discussion regarding how to proceed with the invoices received from Bain Medina Bain regarding the City's well projects. Mayor Gregory stated that he had spoken with City Attorney Zech and would like to relay that information if Council would like. Councilman Beck withdrew his motion to table. Mayor Gregory explained that while we can wait till a demand letter is sent, if Bain Medina Bain decided to sue and won we could end up paying the outstanding invoices as well as their attorney's fees. He continued to state that while LBG Guyton has not participated in this discussion to this point Attorney Zech can send them a letter to get them involved and give them a stake in the issue. Councilman B. Richter asked if LBG Guyton has been paid in full and Mayor Gregory stated that yes they had been. Councilman Beck made a motion to continue working with City Attorney Zech to contact LBG Guyton and Councilman Cormier seconded. **Motion carried 5 – 0.** Mayor Gregory asked if Council would like to read the letter before it was sent and they stated that was not necessary.

**Item No. 4.F. Discussion/Action** Mayor Gregory asked for volunteers for a hiring committee for a City Administrator. Councilman J. Richter asked if a City Administrator would be relieving other employee's duties. Councilman Beck stated that is why the job descriptions need to be reviewed so that a City Administrator could help streamline other positions. Councilman Leonard stated that we need to make sure that a City Administrator is able to do all other positions to be able to keep us afloat if someone were to get sick or have to be out for an

extended period of time. Councilman Beck made a motion to appoint himself and Councilman Leonard to a hiring committee for a City Administrator. **Motion died for lack of a second.** Councilman Beck made a motion to appoint Councilman Leonard and Mayor Gregory to a hiring committee for a City Administrator. **Motion died for lack of a second.**

**Item No. 5.A. Ordinance** Mayor Gregory read ORDINANCE NO. 102512-01 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS, AMENDING CHAPTER 16, HEALTH AND SANITATION, OF THE CODE OF ORDINANCES BY ADDING ARTICLE VII ENTITLED "PROHIBITING SMOKING IN CERTAIN PUBLIC AND PRIVATE AREAS"; PROVIDING DEFINITIONS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. He also explained that in the discussion of the ordinance at the workshop there was a key piece of language that was not discussed regarding if the ban on smoking is during the hours in which the business is open to the public. Councilman J. Richter stated that he would like to table this ordinance to get further information from business owners to be able to get their voice heard. Councilman Leonard made a motion to approve Ordinance No. 102512-01 to exclude the afterhours ability to smoke and Councilman Cormier seconded. **Motion passed 3 – 0 with Councilman B. Richter and Councilman J. Richter opposed.**

**Item No. 6. Adjourn** With no further business Councilman BB made a motion to adjourn and Councilman B. Richter seconded. Mayor Gregory adjourned the meeting at 4:15 p.m. a.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary-Treasurer

