

The La Vernia City Council held a Regular City Council Meeting on March 14, 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 Marie Gerlich, 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, 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 Leonard made a motion to approve the consent agenda and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 5.A. Public Hearing and Ordinances Mayor Gregory opened the public hearing regarding 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 202 S. FM 1346, City of la Vernia, Lot 6, Block 1, La Vernia Crossing Subdivision at 6:38 p.m. Councilwoman Gerlich asked where the property was located and Code Enforcement Officer Thelen stated that this is the shopping center that will be built at the La Vernia Crossing site. The public hearing was closed at 6:40 p.m.

Item No. 5.B. Public Hearing and Ordinances Mayor Gregory explained ORDINANCE NO. 031413-01 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 202 S. FM 1346, CITY OF LA VERNIA, LOT 6, BLOCK 1, LA VERNIA CROSSING SUBDIVISION ZONED C-1 RETAIL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. Jason Fuege from MD Architects stated that the developer is looking to provide a drive thru lane that meets the stacking requirements, etc. and would allow the retail center to be flexible. Council B. Richter asked if there is a tenant yet and Mr. Fuege stated that there is none yet. Mayor Gregory stated that this request is not a variance but a specific use permit. Councilman B. Richter asked if the request is being made by the developer and Mr. Fuege stated that it is. Councilman B. Richter then asked if the permit passes on with the property turn to the next tenant. Code Enforcement Officer Thelen stated that the permit is specific to the building and the only stipulation is that it expires in 90 days. Mayor Gregory read the Planning and Zoning Commission's recommendation in favor of granting the specific use permit. Councilman Leonard made a motion to approve ORDINANCE NO. 031413-01 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 202 S. FM 1346, CITY OF LA VERNIA, LOT 6, BLOCK 1, LA VERNIA CROSSING SUBDIVISION ZONED C-1 RETAIL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 5.C. Public Hearing and Ordinances Mayor Gregory opened the public hearing regarding amending the La Vernia Code of Ordinances Chapter 30 Subdivision, Article VII. Stormwater Management amending Section 30-703. Drainage Criteria and adjusting the numbering for the remaining sections of the article at 6:41 pm. Mr. Keith Johanson stated that he did not feel that the proposed changes provided any relief for what the La Vernia Church of Christ has been waiting for. He explained that he would like for Council to expand the square footage required to be allowed to build a road without the need of a hydrology study. The public hearing was closed at 6:43 p.m.

Item No. 5.D. Public Hearing and Ordinances Mayor Gregory explained ORDINANCE NO. 031413-02 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 30 SUBDIVISION, ARTICLE VII. STORMWATER MANAGEMENT AMENDING SECTION 30-703. DRAINAGE CRITERIA AND ADJUSTING THE NUMBERING FOR THE REMAINING SECTIONS OF THE ARTICLE; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Mayor Gregory also read the Planning and Zoning Commission's recommendation in favor of approving the ordinance. He also explained that he feels that the Council should look at the broad scope of the ordinance as a whole and he also feels that the tiered system is best of three options. Councilman Leonard asked if the square footage requirement could be increased to 7,500. Code Enforcement Officer Thelen stated that the engineers felt that 5,000 square feet was more comfortable and to increase that would mean that there would be a greater volume of water being displaced. Councilman B. Richter asked if there should be a difference when building a street as opposed to a roof top. Code Enforcement Officer Thelen stated that either way it is still impervious cover that is still pushing water. Councilman Cormier asked if the Church was planning on paving the road and Mr. Johanson stated that they are planning on using crushed limestone. Councilwoman Gerlich asked why the percentage is cumulative. Code Enforcement Officer Thelen stated that because we participate in the national flood insurance program, if we don't use the cumulative percentages then the resident may not be eligible for certain benefits. Mayor Gregory asked what the difference of impact would be between 7,500 square feet as opposed to 5,000 square feet. Councilman Leonard stated that there is still the possibility of review and believes that the three tier program will work. He also stated that he does not have a problem with increasing the square footage requirement to 7,500 in item #3 nor does he have a problem with staff making recommendation. Councilman Leonard also thinks, in all fairness, that we forced business to pave parking lots so thinks this is a fair solution. Councilman Leonard made a motion to approve with amending the square footage requirement to 7,500 in item number (b)(3) & (c)(1) as well as adding the language regarding cumulative total. Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

Item No. 5.G. Public Hearing and Ordinances Mayor Gregory opened the public hearing regarding amending the La Vernia Code of Ordinances Chapter 8 Business, Article V. Late Hour Licenses for Sale of Alcoholic Beverages amending Section 8-502 Same Selling or Offer for Sale Beer for a Retail Dealers On-Premise Late Hours License and to Include Mixed Beverage Late Hours Permit at 7:03 p.m. and closed at 7:03 p.m.

Item No. 5.H. Public Hearing and Ordinances Mayor explained ORDINANCE NO. 031413-04 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 8 BUSINESSES, ARTICLE V. LATE HOUR LICENSES FOR SALE OF ALCOHOLIC BEVERAGES AMENDING SECTION 8-502 SAME SELLING OR

OFFER FOR SALE BEER FOR A RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE AND TO INCLUDE MIXED BEVERAGE LATE HOURS PERMIT; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE and introduced Jen Tyson from Cowgirls Unlimited. Ms. Tyson stated that she has a client that has an event every year that goes past the normal hours and requires a late hour permit. She stated that the client is not in this County but because her business is here she has to have a late hours permit for here otherwise she will have to consider moving her "home" office. Councilman B. Richter asked if she were to get a permit here would she need a permit in the other County where the event will take place and Ms. Tyson stated that she will. Mayor Gregory stated that by doing this it would apply to any other business in town as well and we could be talking about other potential businesses as well. Councilman Leonard made a motion to approve Ordinance No. 031413-04 and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

Item No. 5.E. Public Hearing and Ordinances Mayor Gregory opened the public hearing regarding amending the La Vernia Code of Ordinances Chapter 38 Zoning, Article IV. Supplemental Regulations amending Section 38-402(c)(1) Off Street Parking and Loading Requirements at 7:14 p.m. The public hearing was closed at 7:15 p.m.

Item No. 5.F. Public Hearing and Ordinances Mayor Gregory explained ORDINANCE NO. 031413-03 AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING, ARTICLE IV. SUPPLEMENTAL REGULATIONS AMENDING SECTION 38-402(c)(1) OFF STREET PARKING AND LOADING REQUIREMENTS; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE and read the Planning and Zoning recommendation in favor of granting the ordinance. He stated that this is regarding changing the length of the parking spaces from 20 feet to 18 feet which we have already allowed twice. Councilman Cormier made a motion to approve Ordinance No. 031413-03 and Councilman Leonard seconded. Councilman B. Richter asked if this ordinance was just about the parking spaces because the heading leads him to believe there are other items being changed. Councilman Leonard stated those are all of the items covered in the chapter therefore they are listed in the heading. **Motion carried 5 – 0.**

Item No. 6.A. Resolution Mayor Gregory explained RESOLUTION NO. R031413-01 A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS AMENDING RESOLUTION NO. 111308-02, SECTION 11. COST ESTIMATE FOR WATER METER INSTALLATIONS; PROVIDING AN EFFECTIVE DATE AND A SEVERABILITY CLAUSE. Councilman Leonard asked how much the prices were increased and Code Enforcement Officer Thelen stated that the labor was increased by \$1.00 and the pick-up and backhoe increases were just for fuel. The other major change was the fixed cost of a meter was removed to use current market value of the meter in use at that time. Councilman Leonard asked if there are any administration type costs and Code Enforcement Officer Thelen stated that according to State law it has to be actual cost. Mayor Gregory stated that with the new self-read meters we can purchase them as we go to be able to replace all of the old meters with the self-reads. Councilman Leonard made a motion to approve Resolution R031413-01 and Councilman Cormier seconded. Councilman J. Richter asked what the difference is in short service and long service. Code Enforcement Officer Thelen stated that it refers to asphalt cutting and the expense and repair of it. She explained that the short service will not require any cuts and the long service will require it. She also stated that any existing customer or a new renter would not be charged these fees they are only for a new installation. **Motion carried 5 – 0.**

Item No. 7.A. Discussion/Action No one from the La Vernia Greater Park Foundation was in attendance so the item was tabled.

Item No. 7.B. Discussion/Action City Secretary Cantu stated that the changes were items that were discussed during last year's budget cycle and this is to make them official. Councilman Leonard stated that the salary ranges are just a range for advertisement purposes. Councilwoman Gerlich asked for example if the Code Enforcement Officer/Special Projects Coordinator were to quit we would advertise the position with a starting salary of \$17.20 per hour and Councilman Leonard stated that is correct. He stated that he wants to make sure that we do not reinvent the wheel every time we hire a new employee. Councilman B. Richter made a motion to approve the amendments to the City of La Vernia Personnel Policy Chapter 4 and Councilwoman Gerlich seconded. **Motion carried 5 – 0.**

Item No. 7.D. Discussion/Action Mayor Gregory explained that the Municipal Development District has recommended Kathy Garza be appointed to the MDD Board. Ms. Garza owns and operates Anytime Fitness and lives in the Westover Subdivision. Councilman B. Richter made a motion to approve the appointment of Kathy Garza to the Municipal Development District Board and Councilman Cormier seconded. **Motion carried 5 – 0.**

Item No. 7.C. Discussion/Action Mayor Gregory explained that after much deliberation the proposal from Southwest Engineer is here. He stated that Progressive will not be used because they are not up to TCEQ standards and not up to what we need for them to do. He also stated that we can still afford to complete this project and not raise the water rates and thinks we have everything covered. He recommends to Council that we move forward with drilling of well #6. Even with all of the new sequestration our funds are secure but have to utilize them by the end of December, 2013. Councilman J. Richter asked if we are talking about two sites, sealing well #5 and drilling well #6. Mayor Gregory stated that yes we are and we will move to well #7 in the future. Councilwoman Gerlich made a motion to approve the drilling of well #6 and Councilman Leonard seconded. Councilman Leonard stated that the total estimated cost is about \$1.4 million and feels that we have everything but the kitchen sink included. Councilman J. Richter asked if this includes storages and everything and Councilman Leonard stated that it does and if all goes well we will not need to spend any of the contingency money we have set aside and will not need to borrow any additional funds. **Motion carried 5 – 0.**

Item No. 8.A. Staff/Council Updates Police Chief Ritchey explained new enforcement stats report. Chief Ritchey also explained that Officer McBlain was arraigned on March 7th and has been placed on administrative leave pending the outcome of the internal investigation. Mayor Gregory explained that our investigation is just to see if she violated any City policies.

Item No. 8.B. Staff/Council Updates Public Works completed the valve installation last night without any hitches and with the help of the San Antonio River Authority.

Item No. 8.C. Staff/Council Updates Code Enforcement Officer Thelen stated lift station is almost complete.

Item No. 8.D. Staff/Council Updates City Secretary Cantu reminded everyone about the Hammerfest scheduled for April 6th.

Item No. 9. Items Specific to Future Line Items on the Agenda The following items will appear on future agendas:

- 1) City Secretary Cantu stated that the FELPS Youth Program matching funds will be before the Council next week so please think about who you want to donate the matching funds to.
- 2) Code Enforcement Officer Thelen stated that the Planning and Zoning Commission may have some items before the Council next month as well.

Item No. 10. Adjourn With no further business Councilman Cormier made a motion to adjourn and Councilman J. Richter seconded. The meeting was adjourned at 7:56 p.m.



Robert Gregory, Mayor



Angela Cantu, City Secretary-Treasurer

