



City of La Vernia
REGULAR CITY COUNCIL MEETING
City Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

June 8, 2017
6:30 PM

Minutes

Members Present: Mayor Gregory, Councilman Cormier, Councilman Doege, Councilman Hennette, Councilman Poore, Councilman Schott

Members Absent: None

1. Call to Order – Mayor Gregory called the meeting to order at 6:30 PM and declared a quorum.

2. Invocation, Pledge of Allegiance, and Texas Pledge – *Invocation was given by Councilman Schott, all in attendance recite the Pledge of Allegiance and the Texas Pledge.*

3. Citizens to be Heard-

Jennifer Moczygamba came to address the noise ordinance. Hopes that the council considers it carefully, would really like some teeth that the La Vernia PD can use
Carol Lohse spoke about the noise ordinance, states it was a very well thought out ordinance. Our community is growing so fast and stated it is much needed. She stated that the penalty section is written like San Antonio's. The 1st violation is a misdemeanor and she was wondering if the wording "to appear in court" could be added.
If there is a violation where do we call, who do we call? Is there some way of getting out once this ordinance is approved.

4. Consent Agenda

(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)

- A. Minutes from the May 11, 2017 Regular City Council Meeting
- B. La Vernia Police Department – Reports, Traffic Violations & Arrests; and Number of Occurrences by Offense for the month of May 2017;
- C. Check Register and financial report for the month of May 2017

MOTION: Councilman Cormier makes a motion to approve the consent agenda as presented, seconded by Councilman Schott. Motion passes: 5-0

5. Proclamation

- A. **Presentation to be given by Mayor Gregory/Castillo to proclaim the City of La Vernia as a Purple Heart City.**

Mayor Gregory read the proclamation out loud for all to hear. Mr. Castillo and Chapter 1836 presented two TX Dot approved signs to the City Council to proudly display in the city and keepsake coins for all of Council.

6. Discussion/Action

A. Discuss and consider FY 2017 Street Projects.

Mayor Gregory stated that the purpose of this was to look at several different paths and as a Council, find a happy medium. He stated that three or four years ago we contracted with a company called Cummings Paving, which did a recycling process on several streets. Last year we enlisted in M&S Engineering to provide engineering services on the streets which we did chip seal. He stated he looked at both processes went through the good and back of it and construction is going to have its complaints. Mayor Gregory stated he was not impressed with the chip & seal and received multiple complaints from the residents that lived on the streets in which the construction was done. He stated he looked at the before and after on both projects and noticed that there was a huge disparity in both estimates and types of work. Our problem right now is we are having difficulty getting three (3) bids without having specifications. He stated we need to go back through previous specifications and get it tweaked and send it out. Next month when we come back in for Council we can award a contractor for the street projects.

MOTION: Councilman Cormier makes a motion to move forward with M&S assisting, Councilman Hennette seconds. Motion Passes: 5-0

B. Discuss and consider appointing a liaison to the Planning & Zoning Commissioners Board.

Councilman Hennette volunteered to be the Liaison

MOTION: Councilman Schott makes a motion to appoint Councilman Hennette as the Planning & Zoning Liaison, seconded by Councilman Doege. Motion Passes: 5-0

C. Discuss and consider appointments on the La Vernia Municipal Development District, Planning & Zoning Commission & Park & Recreation Commission.

MOTION: Councilman Hennette makes a motion to appoint Carol Lohse to Planning & Zoning, seconded by Councilman Cormier. Motion passes: 5-0
Councilman Hennette makes a motion to appoint Jeff Richter to Planning & Zoning, seconded by Councilman Cormier. Motion Passes: 5-0

D. Discuss and consider action on approving engagement letter for audit with Armstrong, Vaughn & Associates, P.C.

MOTION: Councilman Schott makes a motion to approve engagement letter with Armstrong Vaughn & Associates, seconded by Councilman Cormier. **Motion passes: 5-0**

E. Discuss and consider action on approving a contract for new Municipal Court Software.

F. Discuss and consider action on approving a contract for Court Collection Services.

G. Discuss and consider action on approving a NET Data Credit Card Service Agreement.

City Administrator, Yvonne Griffin, stated that the Court Clerk, Paula, went to Nixon for a presentation with NET Data. She stated the Hill Country is not a user friendly software. NET Data will do everything for us, send out the collection, has standardized letter, will take care of

all of the reporting. As far as funding, the court technology fund is earmarked for that can only be used for municipal court for technology items that has \$5,000.00 in it. Total software cost is roughly \$8,800.00. We will have to come up with some additional funds to purchase the software.

She stated they also have a police package in which we could demo with the consent of the Chief of Police, to be the guinea pigs and get the software for free.

MOTION: Councilman Schott makes a motion to approve contract as discussed with NET Data with the City Attorneys approval, seconded by Councilman Hennette. Motion passes: 5-0

7. Ordinances

A. Discuss and consider approving Ordinance 060817-01, Firework prohibition.

Mayor Gregory stated in the ordinance now its states that you can have a public display of fireworks anywhere with an approved permit 14 days prior to the display. He would like to clean up the language to where it's very specific that a licensed pyro-technician is to perform the display and provide the proof of the fireworks in spread, safe zones and type of firework. He stated that fireworks purchased at a stand are not the quality grade that a professional pyrotechs use. He stated he is not sold on the fact of restricting it to the city park alone as there are other areas in the City that could constitute a public display. Mayor Gregory suggested to Council to sleep on it and put together thoughts to bring back to the July meeting.

MOTION: No action

B. Discuss and consider approving Ordinance 060817-02, Noise nuisance.

Mayor Gregory stated that we will need some additional dialogue on this ordinance. City of Bandera's was provided to the Council and Mayor Gregory stated it covered the school and events etc. Mayor Gregory stated you want to cover all loop holes because someone will try and find one and figure it out. The fine schedule allows the judge to give a minimum and maximum fine that gives the judge the latitude to fine.

Mayor Gregory stated we try to work with local establishments with the intention of knowing more businesses to come and when they are not cooperating we need to set forth an ordinance. OSHA's noise chart was provided and the public nuisance currently sits at 85. That is equivalent to a freight train stated Mayor Gregory. The part that is really before us is to specify and concern ourselves with is the sound levels. Chief Ritchey stated the office has a decibel reader, not a calibrator, and right now it is within range and is reading at 85, which is state law.

Mrs. Carol Lohse stated that the decibels is not the problem, the problem is the base. You cannot use a decibel meter on the base sounds because the frequency is too low. She stated that there are times where you may not hear vocals it's strictly base. Chief Ritchey stated vibration with 50 ft. is an ordinance and is in violation. Chief Ritchey stated he spoke with the Marshall at City of Bandera and asked since putting this ordinance into effect have there been any issues, and he stated their response was no. Mayor Gregory stated that the ordinance provided includes some other hidden benefits to the crafting of the ordinance provided by City of Bandera such as jake brakes.

Mayor Gregory stated that we have to try to bring the base and volume down to reason. He stated that on recent weekends he has heard the music from his back porch.

The complaints have come from Silverado Hills, Country Gardens and Cayetano.

Mayor Gregory stated that it's always something we can tweak down the road but we need to get relief to the homeowners that are affected by this, and get the police department the right equipment for this situation.

Chief Ritchey stated that he would have the officer's start reading decibels at 8 PM, 10 PM & 11 PM to gather data for the council an idea of where the noise level is sitting.

Councilman Schott asked how many complaints that were received and Chief Ritchey stated documented were three and Yvonne had a couple come into the office.

City Administrator also wanted to mention that under the special events it states they must notify the public via public notice in the local newspaper 14 days in advance which is something to consider when crafting the ordinance.

Councilman Poore asked if the bell was covered under the ordinance and Mayor Gregory assured it was covered.

Mayor Gregory stated to mark up the ordinance and we will bring it back to the table in July.

MOTION: No action.

8. Resolution

- A.** Discuss and consider approval of a resolution appointing a member of the Council to the Canyon Regional Water Authority Board of Trustees for a two-year term of office.

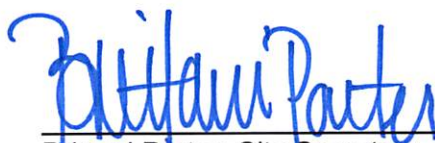
Mayor Gregory asked if anyone wants to volunteer to take the remainder of the term of Jennifer Moczygemba's term. Councilman Poore volunteered to take the remainder of the term.

MOTION: Councilman Hennette makes a motion to appoint Martin Poore to the CRWA Board of Trustees for the remainder of Jennifer Moczygemba's term, seconded by Councilman Cormier. Motion passes: 5-0

9. Items Specific to Future Line Items on the Agenda

- **Fireworks & Noise Ordinance**
- **Mayor Pro-Tem**

10. Adjourn - Councilman Schott made a motion to adjourn the meeting, seconded by Councilman Hennette. The meeting was adjourned at 8:20 PM.



Brittani Porter, City Secretary



Robert Gregory, City Mayor