

2/5/2013 - Minutes

**A. CALL TO ORDER**  
**B. PLEDGE OF ALLEGIANCE**  
**C. ROLL CALL**

**City Council Members Present:**

Ruge, Fletcher, Montoya, Haehn, Altmiller, Lane

**City Council Members Absent:**

None

**City Staff Present:**

City Manager Kenneth Williams, City Attorney Ross Fischer, City Secretary Danny Batts, Assistant City Manager Brian LaBorde, Planning Director Chance Sparks, Human Resources Manager Sylvia Hernandez, Finance Manager Sidonna Foust, City Engineer Stanley Fees, Public Works Director Mike Beggs, Police Chief Bo Kidd, Parks & Recreation Director Jack Jones, Tourism Director Alisha Workman, Executive Assistant Isabel Fernandez.

**D. PUBLIC COMMENTS**  
**E. CONSENT AGENDA**

The items on the consent agenda were considered routine and were approved by one motion, with the exception of Item E.7, which was pulled from the consent agenda and considered separately. Councilmember Fletcher moved to approve the remaining items on the consent agenda. Councilmember Montoya seconded the motion, which carried unanimously.

E.1 APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL CONTRACT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS, AGENT OF THE STATE OF LOUISIANA SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, FOR THE LICENSING OF MYPERMITNOW, MYPROJECTNOW, MYADDRESSNOW, INSPECTIONANYWHERE AND MYGOVERNMENTONLINE SOFTWARE.

E.2 APPROVAL OF AN ORDINANCE ON SECOND READING AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO CHANGE THE EXISTING ZONING OF ARTERIAL COMMERCIAL/OFFICE AND ARTERIAL RETAIL (C2/R2), MEDIUM DENSITY RESIDENTIAL (MR), AND AGRICULTURE (AG) TO LIGHT INDUSTRIAL/WAREHOUSING (I1) ON APPROXIMATELY 62.00 ACRES OF LAND INCLUDING LOTS 12-13, PART OF LOT 29, PART OF LOT 30, LOTS 31-40, LOTS 44-51 IN THE LIFSCHUTZ SUBDIVISION, HAYS COUNTY, TEXAS, BEING GENERALLY LOCATED BETWEEN WEST GOFORTH RD. AND RODRIGUEZ ST., WEST OF IH-35.

E.3 APPROVAL OF THE DEDICATION OF A DRAINAGE EASEMENT BY STONEFIELD MASTER COMMUNITY, INC. FOR THE STONEFIELD SECTION ONE AMENITY CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT.

E.4 APPROVAL OF THE SPECIAL EVENTS PACKET SUBMITTED BY ROADWAY PRODUCTIONS FOR THE 19TH ANNUAL LOUISIANA SWAMP THING AND CRAWFISH FESTIVAL TO BE HELD ON SATURDAY, APRIL 6 AT CITY PARK.

E.5 APPROVAL OF THE SPECIAL EVENTS PACKET SUBMITTED BY TEXAS LASSOS, IN ASSOCIATION WITH THE DOWN SYNDROME ASSOCIATION OF CENTRAL TEXAS, FOR THE 3.21 FUN RUN TO BE HELD ON SUNDAY MORNING, APRIL 14, 2013 AT HISTORIC STAGECOACH PARK.

E.6 APPROVAL OF THE SPECIAL EVENTS PACKET SUBMITTED BY THE TEXAS MARKET GUIDE FOR THE 2ND ANNUAL HILL COUNTRY WILDFLOWER FEST TO BE HELD ON SATURDAY, MARCH 23 AND SUNDAY, MARCH 24, 2013 AT CITY PARK.

E.7 APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 01/15/2013

Item E.7 was considered separately. Councilmember Montoya moved to approve the item. The motion was seconded by Mayor Pro Tem Lane and carried unanimously. Councilmember Haehn abstained from voting on this item.

## **F. PRESENTATION**

F.1 PRESENTATION AND DISCUSSION WITH DIRECTION TO STAFF REGARDING FINAL DRAFT OF THE CITY'S MASTER TRANSPORTATION PLAN.

Graham Moore, P.E., LAN. presented this item to the City Council. The consensus of Council was to move forward with approving the plan as presented. No action was taken by the City Council.

F.2 PRESENTATION AND DISCUSSION REGARDING DESIGN AND WIDENING OF RESIDENTIAL STREETS, AND ON-STREET PARKING ON RESIDENTIAL STREETS.

Chance Sparks, Director of Planning, presented this item to the City Council. He laid out several options regarding widening residential streets, including re-construction of streets, regulations restricting on-street parking in residential subdivisions, and prohibitions on on-street parking in residential subdivisions. No Action was taken by the City Council.

F.3 PRESENTATION, DISCUSSION AND POSSIBLE ACTION REGARDING PEDERNALES ELECTRIC COOPERATIVE'S DISCONTINUANCE OF THE OVER-THE-STREET EVENT BANNER PROGRAM AND POSSIBLE ALTERNATIVES

Chance Sparks, Director of Planning, presented this item to the City Council. He presented several options to City Council for replacement of the PEC sponsored banner sign program, including erecting the City's own pole & pulley system for over the street signs, a local radio broadcasting station for the broadcasting of public interest messages, and an electronic LED sign operated by the City. After the presentation, Mayor Pro Tem Lane moved that the City should move forward with construction an electronic LED sign. Councilmember Haehn seconded the motion, which carried unanimously.

## **G. PUBLIC HEARINGS**

G.1 HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND/OR ORAL COMMENTS IN REGARDS TO AMENDING THE CITY'S MASTER TRANSPORTATION PLAN.

The Mayor opened the public hearing at 9:57 p.m. Tommy Poer stated that Bluff Street was prone to flooding and should be improved. No other members of the public spoke and the hearing was closed at 9:58 p.m.

## **H. REGULAR AGENDA ITEMS**

H.1 CANVASS THE RETURNS OF THE JANUARY 26, 2013 SPECIAL ELECTION AND DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON JANUARY 26, 2013 TO ELECT A COUNCILMEMBER, PLACE 2 FOR THE CITY OF BUDA; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE

Danny Batts, City Secretary, presented this item to the City Council. He stated that, in the election for City

Councilmember Place 2 held on January 26, 2013, Wiley Hopkins had received 110 votes, Amy Proctor had received 64 votes, and Cathy Chilcote had received 55 votes. He further stated that no candidate had received the requisite majority of the vote to be elected, and that a runoff election would be necessary. Mayor Pro Tem Lane moved to approve the canvass. Mayor Ruge seconded the motion, which carried unanimously. Then Councilmember Altmiller moved to approve the resolution declaring the canvass. Mayor Pro Tem Lane seconded the motion, which carried unanimously.

H.2 DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, ORDERING A SPECIAL RUNOFF ELECTION TO BE HELD IN THE CITY OF BUDA, TEXAS TO FILL THE UNEXPIRED TERM FOR COUNCILMEMBER - PLACE 2 OF THE CITY OF BUDA, AND ESTABLISHING AN EARLY VOTING LOCATION AND POLLING PLACE FOR THIS ELECTION; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

Danny Batts, City Secretary, presented this item to the City Council. He stated that no candidate had received the requisite majority necessary to be elected in the January 26, 2013 election for Councilmember Place 2, and that a runoff election was now required to be held between the two candidates with highest vote totals, Hopkins and Proctor. Mayor Pro Tem Lane moved to approve the resolution. Councilmember Haehn seconded the motion, which carried unanimously.

H.3 DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION SUPPORTING THE TEXAS STATE LIBRARY AND ARCHIVE COMMISSION'S 2014-2015 LEGISLATIVE APPROPRIATIONS REQUEST.

Melinda Hodges, Library Director, presented this item to the City Council. She stated that the resolution encouraged the Legislature to protect funding for the State Library and Archives Commission. Councilmember Altmiller moved to approve the item. Councilmember Montoya seconded the motion, which carried unanimously.

H.4 DISCUSS AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO CHANGE THE EXISTING ZONING OF INTERSTATE COMMERCIAL/OFFICE AND INTERSTATE RETAIL (C3/R3) TO INTERSTATE COMMERCIAL/OFFICE AND INTERSTATE RETAIL (C3/R3) AND MULTIFAMILY RESIDENTIAL (MFR) ON APPROXIMATELY 20.09 ACRES OF LAND IN THE JOSEPHUS S. IRVINE SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THE 221 DRIVE COMMERCIAL SUBDIVISION.

Chance Sparks, Director of Planning, presented this item to the City Council. He stated that the item was not ready to be considered by the City Council and requested the item be tabled. Mayor Ruge then moved to table the item. Mayor Pro Tem Lane seconded the motion, which carried unanimously.

H.5 DISCUSS AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS MODIFYING ARTICLE 18.02 (?PARKS?) OF THE CITY'S CODE OF ORDINANCES, RELATING TO THE PERMITTED USES OF THE CITY PARKS; PROVIDING FOR PENALTIES FOR VIOLATIONS OF THESE REGULATIONS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Jack Jones, Director of Parks and Recreation, presented this item to the City Council. He stated that this ordinance was intended to update the parks rules and to provide for criminal penalties to help ensure compliance with the rules. After the presentation, Councilmember Altmiller moved to approve the item. Councilmember Haehn seconded the motion, which carried unanimously.

H.6 DISCUSS AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE ON AMENDING THE CITY'S MASTER TRANSPORTATION PLAN

Brian LaBorde, Assistant City Manager, presented this item to the City Council. Councilmember Fletcher

moved to approve the item. Mayor Pro Tem Lane seconded the motion, which carried on the following roll call vote: AYES - Fletcher, Montoya, Ruge, Altmiller Lane. NAYS- Haehn.

#### H.7 DISCUSS AND CONSIDER THE REQUIREMENTS, QUALIFICATIONS AND COMPOSITION OF CITY BOARDS AND COMMISSIONS.

Chance Sparks, Director of Planning, presented this item to the City Council. Councilmember Altmiller stated that she would like to have this topic address during an upcoming City Council retreat. Councilmember Altmiller then moved to table the item. Councilmember Montoya seconded the motion, which carried unanimously.

#### H.8 Discuss and consider a potential increase in the taxes imposed by Hays County Emergency Services District No. 8

City Manager Kenneth Williams introduced this item to the City Council. Fire Chief Clay Huckaby presented this item to the City Council. He gave a brief overview of the history behind the District's entitative to raise its sales tax rate outside of the City Limits. He stated that the District would work with the City to adopt an interlocal agreement which would ensure that the City would receive payments from the District equal to the amount of sales taxes that the City would be unable to collect from properties annexed after the District imposed its new tax rate, assuming the rate increase was approved by voters. He further stated that the District hoped to call the election for May 11, 2013.

### **I. EXECUTIVE SESSION**

The City Council convened in closed executive session at 7:06 p.m. to discuss the following matters:

I.1 PURSUANT TO GOV'T CODE 551.071, THE CITY COUNCIL WILL MEET IN CLOSED SESSION TO SEEK THE ADVICE OF LEGAL COUNSEL REGARDING PENDING LITIGATION: CITY OF BUDA V. AUSTIN BRIDGE AND ROAD, L.P., CAUSE NO. 09-2216, IN THE 207TH DISTRICT COURT, HAYS COUNTY.

I.2 PURSUANT TO GOVERNMENT CODE 551.071 AND 552.072, THE CITY COUNCIL WILL MEET IN CLOSED SESSION TO DELIBERATE THE ACQUISITION OF REAL PROPERTY FOR THE GARLIC CREEK FORCE MAIN PROJECT AND TO SEEK THE ADVICE OF THE CITY ATTORNEY ON LEGAL ISSUES RELATING TO SAID LAND ACQUISITION, INCLUDING CONTEMPLATED EMINENT DOMAIN PROCEEDINGS.

The City Council reconvened in open session at 8:20 p.m. and took no action.

### **J. STAFF REPORTS**

J.1 STAFF REPORT REGARDING PARKS AND RECREATION FEES.

Jack Jones, Director of Parks and Recreation, presented this item to the City Council. He gave a brief overview of the City's current parks and recreation fees along with the history of their promulgation. Councilmember Altmiller stated that she felt the fees assessed to for-profit organizations were too low considering the revenue generated by the events, especially considering that some events received additional aid from the City in the form of HOT tax grants. She further stated that she would like for the Council to address the parks fees during the budget process. The City Council took no action on this item.

J.2 STAFF REPORT REGARDING USE OF REAR CABELA'S PARKING LOT FOR FREIGHT SERVICE & STORAGE

Chance Sparks, Director of Planning, presented this item to the City Council. He stated that staff was working

with Cabela's to reduce the unauthorized use of their parking lots for freight service and storage. Councilmember Haehn distributed an ordinance from the City of Mesquite which made such storage illegal and empowered the City to act against the perpetrator instead of the property owner. Mr. Sparks stated that staff would review the ordinance and come back to Council at a later date with recommendations on what additional measures the City could take to address the problem and prevent it from happening again in the future.

#### **J.1. CITY MANAGER'S REPORT**

*City Manager Kenneth Williams reported on the following topics:*

- 1. Described the City's efforts to lobby the Legislature on black fire hydrant issues, Emergency Service District issues, and transportation issues.*
- 2. Noted that the City's annual report would be published in the next week.*
- 3. Recognized Jack Jones and Alisha Workman for their contributions to the City during their employment.*

#### **K. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

1. Mayor Ruge requested an future agenda item on the City's policy regarding allowing political signs in the City's right of way.
2. Councilmember Haehn asked for a report on the City's liability associated with employing volunteers on parks, trails, and right of way clean up projects.
3. Councilmember Altmiller reminded the Council of some of the issues that City voters experienced during the November 2012 election and asked for a future agenda item to discuss how the City could avoid similar incidents in the future.

#### **L. ADJOURNMENT**

There being no further business to come before the City Council, Councilmember Montoya moved to adjourn the meeting. Councilmember Haehn seconded the motion, which carried unanimously.

I certify that the above minutes were approved by the City Council of the City of Buda on 03/05/2013.

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Danny S. Batts II, City Secretary