

4/16/2013 - Minutes

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

**Members of the Buda City Council:**

Mayor Todd Ruge, Mayor Pro Tem Bobby Lane, and Councilmembers Ron Fletcher, Wiley Hopkins, Jose Montoya, George Haehn, and Eileen Altmiller

City Council Members Absent:

None

City Staff Present:

City Manager Kenneth Williams, City Attorney Erin Higginbotham, City Secretary Danny Batts, Assistant City Manager Brian LaBorde, Planning Director Chance Sparks, Finance Manager Sidonna Foust, City Engineer Stanley Fees, Public Works Director Mike Beggs, Police Chief Bo Kidd, Library Director Melinda Hodges, Human Resources Manager Sylvia Hernandez, Parks and Recreation Director Andy Czimskey, Executive Assistant Isabel Fernandez.

**D. RECOGNITION**

**D.1. NATIONAL CRIME VICTIMS' RIGHTS WEEK PROCLAMATION**

*City Secretary Danny Batts read the proclamation issued by the Mayor.*

**E. PUBLIC COMMENTS**

Bert Bronaugh stated that he believed that the LED message board recently installed by the City on Main St. was not consistent with the City's sign ordinance. He stated that he had attempted to get permission for a similar type of sign at a nearby church and had been turned down by City Staff. He concluded by asking the Council to consider letting other establishments have similar types of signs.

T.J. Higginbotham stated that he also felt that the recently installed LED message board conflicted with the principles and requirements of the City's sign ordinance.

**F. CONSENT AGENDA**

The items on the consent agenda were considered routine and were approved by one motion. Councilmember Montoya moved to approve the items on the consent agenda. Councilmember Altmiller seconded the motion, which carried unanimously.

**F.1. APPROVAL OF AN ORDINANCE ON SECOND READING PROHIBITING PARKING, STANDING AND LEAVING OF COMMERCIAL MOTOR VEHICLES UPON PUBLIC AND PRIVATE PROPERTY.**

*Approved by Consent*

**F.2. APPROVAL OF REVISION 1 TO A PRELIMINARY PLAN FOR SUNFIELD SUBDIVISION PHASE 1, LOCATED ON THE NORTHEAST CORNER OF FIRECRACKER DRIVE AND WHITE WING TRAIL (FUTURE FM 2001).**

*Approved by Consent*

**F.3. APPROVAL OF REVISION 1 TO THE PRELIMINARY PLAN FOR SUNFIELD SUBDIVISION PHASE 2, LOCATED ALONG SUN BRIGHT BOULEVARD.**

*Approved by Consent*

**F.4. APPROVAL OF THE APPOINTMENT OF SGT BILL KUYKENDALL'S TO SERVE AS THE CITY'S REPRESENTATIVE ON THE SAN MARCOS ANIMAL SHELTER ADVISORY BOARD.**

*Approved by Consent*

**G. PRESENTATION**

**G.1. PRESENTATION AND DISCUSSION REGARDING THE STREET INSPECTION PROCESS**

*Public Works Director Mike Beggs presented this item to the City Council. He briefly described the*

*inspection process utilized for the construction and acceptance of public infrastructure, especially City streets. He also gave an overview of the documentation produced during the inspections process.*

## **H. PUBLIC HEARINGS**

### **H.1. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO A PROPOSED AMENDMENT TO THE UNIFIED DEVELOPMENT CODE SECTION 9.3 RELATING TO THE GENERAL STANDARDS FOR ACCEPTANCE OF PUBLIC INFRASTRUCTURE IMPROVEMENTS.**

*The public hearing was opened at 7:28 p.m. No members of the public spoke. The hearing was closed 7:29 p.m.*

## **I. REGULAR AGENDA ITEMS**

### **I.1. DELIBERATION AND POSSIBLE ACTION REGARDING APPOINTMENT OF MEMBERS TO THE HISTORIC PRESERVATION COMMISSION.**

*Councilmember Altmiller moved to appoint J. B. Kolodzey, Thomas Hughes, and Bill Athearn to the commission. Mayor Ruge Seconded the motion, which carried unanimously.*

### **I.2. DELIBERATION AND POSSIBLE ACTION REGARDING APPOINTMENT OF MEMBERS TO THE PLANNING AND ZONING COMMISSION.**

*Mayor Pro Tem Lane moved to appoint Angela Kennedy to the Commission. Councilmember Altmiller seconded the motion, which carried unanimously.*

### **I.3. DELIBERATION AND POSSIBLE ACTION REGARDING APPOINTMENT OF MEMBERS TO THE ZONING BOARD OF ADJUSTMENT.**

*Councilmember Hopkins moved to appoint John Jackson to the Board. Councilmember Haehn seconded the motion, which carried unanimously.*

### **I.4. DELIBERATION AND DIRECTION TO STAFF REGARDING ABILITY TO CONTINUE SALE OF FIREWORKS FOLLOWING ANNEXATION OF PROPERTY.**

*Chance Sparks, Planning Director, presented this item to the City Council.*

*Members of the public addressed the City Council as follows:*

*Chester Davis, owner of the retail fireworks establishment subject to the annexation, stated that he appreciated everyone on staff and Council's efforts to try and accommodate his business.*

*Rose Marie Shelton stated that she felt the City's ordinance on fireworks should be enforced without exception, and questions what justification Council would have to enforce any City ordinance if they did not enforce this one.*

*Tommy Poer stated that she also felt that the City's ordinance prohibiting the sale of fireworks should be enforced on the newly annexed property without exception. She further stated that the owner of the establishment in question was not a resident of the City and that she did not know of any actual residents of the City that supported the continued sale of fireworks at the site after annexation.*

*After the public comment, Mayor Ruge stated that, given the proximity of the July 4th holiday, he felt that it would be appropriate for Council to adopt some mechanism to allow the sale of fireworks at the location to continue until the completion of the July 4th festivities. He further stated that from that point forward the ordinance should be fully enforced.*

*Councilmember Haehn then asked if granting a variance from the ordinance would create a binding precedent that would obligate the City to grant similar requests in the future. City Attorney Erin Higginbotham stated that it would not.*

*Councilmember Altmiller stated that she felt that the ordinance needed to be enforced, but that she might support allowing the sale of fireworks at the site throughout the July 4th holiday as outlined by the Mayor.*

*Councilmember Hopkins stated that all businesses in the City's ETJ know that they are subject to annexation at some point in the future and should have appropriate plans in place for that eventuality.*

*Councilmember Fletcher stated that allowing the sale of fireworks in the City while prohibiting their use would create an unacceptable conflict within the City's regulations. He further stated that he supported enforcing the City's ordinance as written for all of the newly annexed areas.*

*Councilmember Montoya stated that he supported allowing the sale of fireworks to continue through the upcoming July 4th holiday, and prohibiting further sales after that.*

*After the discussion, it was the consensus of the City Council that staff should further research three options for Council to consider at the May 7, 2013 City Council meeting. The three options were: 1. Enforce the ordinance as written, 2. Consider modifications of the ordinance that would allow for the sale of fireworks to continue through the July 4, 2013 holiday, and 3. Consider creation of a variance process that would allow the business to be wound down over a certain period of time, allowing the owner to recoup his investment and allowing the accumulation of resources to fund moving the business to a new location.*

**I.5. DISCUSSION AND POSSIBLE ACTION OF THE BUDGET CALENDAR FOR FY 2013-2014**

*Finance Director Sidonna Foust presented this item to the City Council. After the presentation, Mayor Ruge moved to approve the calendar with the stipulation that the dates for the adoption of the budget and the tax rate be adjusted to allow for two readings of the ordinances approving both. Mayor Pro Tem Lane seconded the motion, which carried unanimously.*

**I.6. DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION AMENDING THE ORDER OF BUSINESS OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS TO INCLUDE AN INVOCATION.**

*City Manager Kenneth Williams presented this item to the City Council. He briefly discussed the history of governmental prayer and noted that the Supreme Court has ruled that invocations before legislative assemblies, including City Councils, are constitutionally permissible. After discussing the background of legislative invocations, Mr. Williams stated that the Council had several options regarding the manner in which invocations could be conducted, should the Council choose to incorporate them into their order of business. He noted that one option available to the City Council would be to have Councilmembers offer the invocation on a rotating basis, or to have staff offer the invocation. He emphasized that no person could be compelled to offer an invocation under this option. As an alternative, He stated that the Buda Ministerial Alliance, in conjunction with Rear Admiral Don Muchow (USN ret), former Chaplain of the US Navy, would be willing to conduct the City's invocations.*

*After the presentation, Mayor Pro Tem Lane noted that Admiral Muchow had tremendous experience in the area of governmental prayer, and that he would like to see Admiral Muchow coordinate the Council's program of invocations.*

*Councilmember Montoya stated that he preferred to have Admiral Muchow and the Ministerial Alliance coordinate the Council's invocations, and further noted that a moment of silence could be utilized on occasions when no one was available to offer an invocation.*

*Councilmember Hopkins noted that Travis County had recently prevailed in a lawsuit challenging their use of invocations before meetings, and stated his preference for Admiral Muchow to coordinate the Council's invocations as Chaplain for the Council.*

*Councilmember Altmiller then stated that she had a firm commitment to the doctrine of separation of church and state, and did not believe that a formal prayer would be an appropriate offering for a City Council meeting. She further stated that she thought that a moment of silence before the meetings would be her favored alternative.*

*Councilmember Hopkins moved to adopt the resolution with the stipulation that it be amended to reflect the appointment of Admiral Muchow as the Chaplain for City Council, and that the Chaplain be tasked with working with the Buda ministerial alliance to provide a program of invocations for City Council meetings. Councilmember Haehn seconded the motion, which carried by the following vote: AYES - Fletcher, Hopkins, Montoya, Ruge, Lane, Haehn NAYS- Altmiller*

**I.7. DELIBERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE FIRST READING OF AN ORDINANCE ADOPTING THE INTERNATIONAL CODE COUNCIL (ICC) 2009 EDITION OF CERTAIN BUILDING CODES AND REGULATIONS.**

*City Engineer Stanley Fees presented this item to the City Council and stated that the item had been workshopped with Council at the previous meeting.*

*Mayor Pro Tem Lane move to approve the item. The motion was seconded by Councilmember Haehn and carried unanimously.*

**I.8. DELIBERATION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE SECTION 9.3 RELATING TO THE GENERAL STANDARDS FOR ACCEPTANCE OF PUBLIC INFRASTRUCTURE IMPROVEMENTS.**

*Chance Sparks, Planing Director, presented this item to the City Council. He stated that the proposed amendment would add additional safeguards to the public infrastructure acceptance process by requiring supplemental inspections with specialized equipment before acceptance. He stated that newer technology for inspecting infrastructure, especially water and wastewater lines, had become widely available since the ordinance was first adopted.*

*After the presentation, Mayor Pro Tem Lane moved to approve the item. Councilmember Altmiller seconded the motion, which carried unanimously.*

**I.9. DISCUSS AND CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 03/19/2013**

*Danny Batts, City Secretary, presented this item to the City Council. He stated that the minutes had been amended to reflect an executive session that had been added to the previous agenda by addendum and then left off the minutes as originally presented at the April 2, 2013 meeting.*

*After the presentation, Mayor Pro Tem Lane moved to approve the minutes. Councilmember Altmiller seconded the motion, which carried unanimously. Mayor Ruge abstained from consideration of this item.*

**I.10. DISCUSS AND CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 04/02/2013**

*Councilmember Altmiller moved to approve the minutes. Councilmember Haehn seconded the motion, which carried unanimously.*

**J. EXECUTIVE SESSION**

None

**K. STAFF REPORTS**

**K.1. STAFF REPORT ON MIDDLE CREEK NO PARKING STRIPING PLAN.**

*City Manager Kenneth Williams introduced this item to the City Council and noted that staff was bringing this item forward in response to a request from the City Council. City Engineer Stanley Fees presented this item to the City Council. He stated that the purpose of this plan was to paint street curbs at intersections to prevent vehicles from parking in the required turn radius of fire trucks within the Middle Creek area. He further stated that the plan, if implemented, would effectively prohibit on street parking in front of most corner lots in the subdivision.*

*After the presentation, the consensus of the Council was that staff should attempt to gather community feedback about the plan, possibly by conducting a meeting within the subdivision to discuss the issue, and then return to the Council with that input.*

**K.2. STAFF REPORT REGARDING THE ELECTRONIC READER BOARD**

*Chance Sparks, Planning Director, presented this item to the Council. He stated that the LED message board on Main St. was substantially complete and in operation.*

**K.3. STAFF REPORT: LEGISLATIVE UPDATE ON 83RD LEGISLATURE**

*Assistant City Manager Brian LaBorde presented this item to the City Council. He gave a brief overview of the City's efforts to secure the passage of several bills before the legislature.*

**K.4. CITY MANAGER'S REPORT**

*City Manager Kenneth Williams updated the Council on the following topics:*

- 1. He announced the the City's Project Status Report had been distributed.*
- 2. He noted that the Council retreat had been set for May 18, 2013*
- 3. He announced that the City would be hosting a TML Webinar on the current legislative session on Friday, April 19, and invited Councilmembers to attend.*
- 4. He commended the staff for the good work they were doing, especially in preparation for the annual budget process.*

**L. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

Councilmember Altmiller requested information on the following items: 1. A report on the City's plan to move forward and address the issues with Bonita Vista Dr. 2. Requested that the City conduct a salary survey to ensure that City salaries were competitive as the economy begins to recover.

Councilmember Haehn requested a report on the City's plan to enforce the newly adopted ordinance on the parking of commercial vehicles.

**M. ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Pro Tem Lane moved to adjourn the meeting at 9:03 p.m. 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 05/07/2013.

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Danny S. Batts II, City Secretary