

6/4/2013 - Minutes

A. CALL TO ORDER

B. INVOCATION

Pastor J.D. Elshoff of New Life Christian Church delivered the invocation.

C. PLEDGE OF ALLEGIANCE

D. 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:

Bobby Lane

City Staff Present:

City Manager Kenneth Williams, City Attorney Erin Higginbotham, City Secretary Danny Batts, Assistant City Manager Brian LaBorde, Finance Manager Sidonna Foust, City Engineer Stanley Fees, Public Works Director Mike Beggs, Police Chief Bo Kidd, Library Director Melinda Hodges, Parks and Recreation Director Andy Czimskey, Tourism Director Lysa Gonzalez, Animal Control Officer Jennifer Hall, and Executive Assistant Isabel Fernandez.

E. PUBLIC COMMENTS

Tirsta Fugate with PEC invited the Council and the public to PEC's 2013 annual meeting.

Holly Glickler stated that she wished to make sure that the Stagecoach House had applied for a state historical marker.

F. CONSENT AGENDA

The items on the consent agenda were considered routine and were approved by one motion, with the exception of item F.4, which was pulled from the consent agenda and considered separately. Councilmember Haehn moved to approve the items on the consent agenda. Councilmember Montoya seconded the motion, which carried unanimously.

F.1. APPROVAL OF A REQUEST FOR RED, WHITE AND BUDA STREET CLOSING

Approved by consent.

F.2. APPROVAL OF A REQUEST FOR A NEIGHBORHOOD BLOCK PARTY STREET CLOSURE ON ROCKHURST ST. IN THE BRADFIELD SUBDIVISION FROM 3 PM TO 9 PM ON SATURDAY, JUNE 8TH.

Approved by consent.

F.3. APPROVAL OF A RESOLUTION AUTHORIZING THE REVISION OF THE CORPORATE AUTHORIZATION RESOLUTION TO ALLOW THE MAYOR, CITY SECRETARY, FINANCE MANAGER, AND THE CITY MANAGER TO EXERCISE CERTAIN POWERS OF THE RESOLUTION REGARDING ALL ACCOUNTS HELD BY THE CITY.

Approved by consent.

F.4. APPROVAL OF REPRESENTATIVES TO SERVE ON THE PSAP CO-LOCATED PROJECT EXECUTIVE COMMITTEE AND PROJECT TASK FORCE.

Bo Kidd, Chief of Police, presented this item to the City Council.

After the presentation, Mayor Ruge moved to appoint Ron Fletcher and Kenneth Williams to the Executive Committee, and Bo Kidd to the Project Task Force. Councilmember Altmiller seconded the motion, which carried unanimously.

F.5. APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 05/21/2013

Approved by consent.

G. PRESENTATION

G.1. DISCUSSION ON THE ADMINISTRATION OF CITY ELECTIONS.

City Secretary Danny Batts introduced this item to the City Council. Hays County Elections Administrator Joyce Cowan was present and answered questions from the City Council. Mr. Batts noted that the numerous ballot styles utilized in the November 2012 election caused confusion among some poll workers, which resulted in some voters not receiving the correct ballot during the election. Ms. Cowan stated that redistricting had split Buda between numerous jurisdictions, resulting in one City ballot being attached to 8 different ballot styles, which was responsible for the poll worker confusion.

Councilmember Altmiller the asked Ms. Cowan how her office would guarantee that similar problems would not occur in the future.

Ms. Cowan stated that additional training was implemented when the issue was discovered, but she could not guarantee 100% that isolated mistakes would not happen in the future.

G.2. PRESENTATION AND DISCUSSION ON THE 2013 UPDATE TO THE PARTNERS AND STAKEHOLDERS OF THE PLUM CREEK WATERSHED PARTNERSHIP.

Mayor Ruge absented himself from the meeting during this item. Nick Dornack, Plum Creek Watershed Coordinator, presented this item to the City Council. He gave a general overview of his activities during the preceding year, and briefly explained the negative effects that failing septic systems in the Hillside Terrace subdivision were having on the Plum Creek Watershed.

H. PUBLIC HEARINGS

H.1. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS C3/R3, ON APPROXIMATELY 34.19 ACRES OF LAND GENERALLY LOCATED EAST OF OLD SAN ANTONIO ROAD, NORTH MAIN STREET, WEST OF INTERSTATE HIGHWAY 35 AND SOUTH MANCHACA SPRINGS ROAD.

Mayor Ruge returned to the meeting beginning with this item. No members of the Public spoke during the public hearing.

H.2. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS I1, ON APPROXIMATELY 1.00 ACRES OF LAND LOCATED AT 830 SOUTH LOOP 4 (SOUTH FM 967).

No members of the Public spoke during the public hearing.

H.3. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS I2, I1, C3/R3 AND C2/R2, ON APPROXIMATELY 619.77 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF TEXAS LEHIGH CEMENT COMPANY, NORTH OF THE CITY OF KYLE CITY LIMITS, WEST OF DACY LANE AND SOUTH OF WINDMILL WAY.

No members of the Public spoke during the public hearing.

H.4. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE SECTION 3.9 AND THE GLOSSARY PERTAINING TO CERTIFICATES OF DESIGN COMPLIANCE AND ADOPTION OF DESIGN STANDARDS & GUIDELINES.

No members of the Public spoke during the public hearing.

H.5. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE PERTAINING TO REGULATION OF ELECTRONIC READER BOARD SIGNS.

No members of the Public spoke during the public hearing.

I. REGULAR AGENDA ITEMS

I.1. DISCUSS AND CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 05/18/2013

This item was presented by City Secretary Danny Batts.

Councilmember Fletcher moved to approve this item. Mayor Ruge seconded the motion, which carried unanimously.

I.2. DISCUSSION AND POSSIBLE ACTION ON CITY POLICY REGARDING THE PLACEMENT OF POLITICAL SIGNAGE.

City Secretary Danny Batts presented this item to the City Council. He noted that this item was being brought forward at the request of City Council. Mr. Batts stated that the City currently had regulations prohibiting signs in the City's rights of way, but that exceptions had been made in the past to allow political signs at the intersection of Main St. and FM 967, as well as around City Hall, while voting was actually taking place. He further noted that this policy had never been formalized. Chance Sparks, Director of Planning, also stated that the City had no authority to regulate political signs placed on private property without the permission or knowledge of owners.

Mayor Ruge stated that he would like the City to inform City residents about their rights regarding political signs placed on their property.

Councilmember Fletcher stated that the City Council should consider formalizing its policy about allowing political signs at some point in the future.

City Attorney Higginbotham stated that any policy adopted would have to apply to all signs uniformly, and not single out

political signs for special treatment.

I.3. DELIBERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE CITY RESOLUTION FOR THE PERFORMANCE AGREEMENT BETWEEN THE BUDA EDC AND BUDA MILL & GRAIN.

Ann Miller with the Buda Economic Development Corporation presented this item to the City Council.

Councilmember Haehn asked if the agreement had standards in place for the types of jobs that would be created, and whether or not Buda Mill & Grain could satisfy the agreement with minimum wage jobs.

Ms. Miller stated that the agreement was written with a high degree of flexibility because the the types of jobs that would be provided would depend on the types of businesses that will occupy the retail spaces in the development. She went on to say that since there was no way of knowing which types of businesses would locate in the development at this time, the agreement could not place additional standards on the types of jobs to be created. She also noted that the funds approved for this project would be used to construct infrastructure facilities that would serve properties in addition to Buda Mill & Grain.

After the presentation, Mayor Ruge moved to approve the item. Councilmember Hopkins seconded the motion, which carried unanimously.

I.4. DELIBERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT IN THE FISCAL YEAR 2012-2013 BUDA ECONOMIC DEVELOPMENT CORPORATION BUDGET.

Ann Miller with the Buda Economic Development Corporation presented this item to the City Council. She stated that the budget amendment facilitated that agreement that the Council had approved on the previous item.

Mayor Ruge then moved to approve the item. Councilmember Haehn seconded the motion, which carried unanimously.

I.5. DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION DIRECTING PUBLICATION OF THE NOTICE OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION FOR A PROJECT WITH THE TEXAS WATER DEVELOPMENT BOARD FOR THE PLANNING AND DESIGN FOR THE EXTENSION OF WASTEWATER SERVICE TO THE HILLSIDE TERRACE SUBDIVISION AND AUTHORIZE THE LETTER OF ENGAGEMENT FOR MCCALL PARKHURST & HORTON LLP.

Stanley Fees, City Engineer, presented this item to the City Council. He stated that approving this notice would obligate the City undertake the design phase of a project intended to install wastewater infrastructure inside the Hillside Terrace subdivision and connect it to a treatment plant. However, he noted that most of the costs of the study and the costs associated with construction of the system would be born by state and county grants. He further noted that failure to approve the notice and proceed with the subsidized design phase would preclude any state or county funds from being utilized for construction of the system. Additionally, he also stated that undertaking the design phase of the project would not obligate the City to undertake the construction phase of the project.

After the presentation, Councilmember Fletcher moved to approve the item. Councilmember Hopkins seconded the motion, which carried by the following roll call vote: AYES - Fletcher, Hopkins, Montoya, Ruge, Altmiller. Nays - Haehn.

I.6. DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING CHAPTER 4 (ANIMALS), ARTICLE 4.01 (GENERAL PROVISIONS) OF THE CODE OF ORDINANCES OF THE CITY OF BUDA, TEXAS, BY ADDING REQUIREMENTS FOR THE CARE AND CONTROL OF ANIMALS WITHIN THE CITY; PROVIDING A PENALTY CLAUSE, REPEALER CLAUSE, SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

Police Chief Bo Kidd presented this item to the City Council. He noted that the current animal control ordinance was outdated and in need of revision, but that this item and the one after it were brought forward to address some critical needs identified by the City Council before a more comprehensive overhaul of the ordinance is finished.

After the presentation, Councilmember Fletcher read a letter from a constituent detailing the effectiveness of his electronic fence, and encouraging the Council to exempt properties with electronic fences from the fencing requirements outlined in the proposed ordinance. Councilmember Fletcher then stated that he would like to see the provisions regarding electronic fences removed, and instead would institute a three strikes rule whereby owners would be allowed to

utilize an electronic fence unless and until their dogs had escaped three times, after which time they would be required to leash their animals or build a fence.

Jeniffer Hall, Animal Control Officer for the City, then stated that, while electronic fences can be effective at keeping animals from straying off of their owner's property, they do not prevent children or other persons from straying onto property and into contact with the animals. She also noted that many dogs enclosed by an electronic fence system will still charge passersby, who are oftentimes scared because they do not know that an electronic fence is in use. Finally, she stated that electronic fences do not always stop charging dogs if they become excited enough.

After the discussion, Chief Kidd recommended that the Council table both of the animal control items and allow him to revise the proposed ordinance to incorporate additional uses for electronic fences. It was the consensus of Council that the item should be tabled. No action was taken by the Council on this item.

- 1.7. DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING CHAPTER 4 (ANIMALS), ARTICLE 4.04 (ANIMAL CARE AND CONTROL) OF THE CODE OF ORDINANCES OF THE CITY OF BUDA, TEXAS, BY ADDING REQUIREMENTS FOR THE CARE AND CONTROL OF ANIMALS WITHIN THE CITY; PROVIDING A PENALTY CLAUSE, REPEALER CLAUSE, SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

It was the consensus of Council that this item should be tabled. No action was taken by the Council on this item.

- 1.8. DELIBERATION AND POSSIBLE ACTION IN REGARD TO AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE PERTAINING TO REGULATION OF ELECTRONIC READER BOARD SIGNS AND PROHIBITED SIGNS.**

Chance Sparks, Planning Director, presented this item to the City Council. He stated that the proposed amendment to the UDC would allow electronic readerboard signs to be erected along major business corridors in the City, and would establish standards similar to those utilized in the construction of the public message readerboard recently constructed in the City. He further stated that electronic readerboard signs would not be allowed by right in or near the historic district.

After the presentation, Councilmember Altmiller moved to approve the item. Mayor Ruge seconded the motion, which carried unanimously.

- 1.9. DELIBERATION AND POSSIBLE ACTION IN REGARD TO AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE SECTION 3.9 AND THE GLOSSARY PERTAINING TO CERTIFICATES OF DESIGN COMPLIANCE AND ADOPTION OF DESIGN STANDARDS & GUIDELINES.**

Chance Sparks, Planning Director, presented this item to the City Council. He stated that this amendment represented the culmination of nearly a year of work by the Historic Preservation Commission to provide a more predictable process and improved technical assistance for historic district property owners and business owners. In addition, the amendment modernized the historic preservation regulations contained in the Unified Development Code to reflect the City's current environment and administrative capacity. He further stated that the amendment substantially improves upon demolition by neglect provisions.

After the presentation, Councilmember Fletcher moved to approve this item. Councilmember Haehn seconded the motion, which carried unanimously.

- 1.10. DELIBERATION AND POSSIBLE ACTION IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS C3/R3, ON APPROXIMATELY 34.19 ACRES OF LAND GENERALLY LOCATED EAST OF OLD SAN ANTONIO ROAD, NORTH MAIN STREET, WEST OF INTERSTATE HIGHWAY 35 AND SOUTH MANCHACA SPRINGS ROAD.**

Chance Sparks, Planning Director, presented this item to the City Council. He stated that the referenced tract was annexed on April 30th in accordance with the City's Growth Plan. Once annexed, the property defaulted to AG-Agricultural and now needed to be zoned in accordance with its expected uses.

After the presentation, Councilmember Haehn moved to approve the item. Councilmember Altmiller seconded the motion, which carried unanimously.

- 1.11. DELIBERATION AND POSSIBLE ACTION IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS I1, ON APPROXIMATELY 1.00 ACRES OF LAND LOCATED AT 830 SOUTH LOOP 4 (SOUTH FM 967).**

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After the presentation, Mayor Ruge moved to approve the item. Councilmember Montoya seconded the motion, which carried unanimously.

I.12. DELIBERATION AND POSSIBLE ACTION IN REGARD TO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO ESTABLISH THE INITIAL ZONING, PROPOSED AS I2, I1, C3/R3 AND C2/R2, ON APPROXIMATELY 619.77 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF TEXAS LEHIGH CEMENT COMPANY, NORTH OF THE CITY OF KYLE CITY LIMITS, WEST OF DACY LANE AND SOUTH OF WINDMILL WAY.

Chance Sparks, Planning Director, presented this item to the City Council. He stated that the referenced tract was annexed on April 30th in accordance with the City's Growth Plan. Once annexed, the property defaulted to AG-Agricultural and now needed to be zoned in accordance with its expected uses.

After the presentation, Councilmember Fletcher moved to approve the item. Councilmember Altmiller seconded the motion, which carried unanimously.

J. EXECUTIVE SESSION

The City Council convened in executive session at 7:11 p.m. The Council returned from executive session at 7:38 p.m. and took action as described below.

J.1. PURSUANT TO GOVERNMENT CODE 551.071 AND 552.072, THE CITY COUNCIL WILL MEET IN CLOSED SESSION TO DELIBERATE THE ACQUISITION OF REAL PROPERTY FROM THE TALIAFERRO S. HIGGINBOTHAM PROPERTY FOR THE GARLIC CREEK FORCE MAIN PROJECT AND TO SEEK THE ADVICE OF THE CITY ATTORNEY ON LEGAL ISSUES RELATED TO SAID LAND ACQUISITION, INCLUDING CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY.

J.2. CONSIDERATION AND POSSIBLE ACTION ON THE ACQUISITION OF REAL PROPERTY FROM THE TALIAFERRO S. HIGGINBOTHAM PROPERTY FOR THE GARLIC CREEK FORCE MAIN PROJECT, FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT WASTEWATER EASEMENT AND FIVE TEMPORARY CONSTRUCTION EASEMENTS TO EFFECTUATE THE GARLIC CREEK FORCE MAIN WASTEWATER UTILITY IMPROVEMENTS PROJECT.

Councilmember Fletcher moved that the City of Buda authorize the use of the power of eminent domain against Taliaferro S. Higginbotham IV by adopting the proposed Resolution No. 2013-19 to acquire the easements legally described in such resolution for the public uses so described therein. Mayor Ruge seconded the motion, which carried on the following roll call vote: AYES - Fletcher, Hopkins, Montoya, Ruge, Haehn, Altmiller. NAYS - None.

K. STAFF REPORTS

K.1. CITY MANAGER'S REPORT

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

1. Brian LaBorde, Assistant City Manager, informed Council that a survey had been developed for the residents of Whispering Hollow to provide feedback on the City's striping plan proposal.

2. Noted that TML would be holding a legislative review of the recently completed regular session of the legislature on June 17, 2013.

3. Noted that the City's law firm Denton, Navarro, Rocha, & Bernal would be holding their Annual Hog Wild event on June 28, 2013.

4. Noted that Movies in the Park would begin on Fridays in June.

5. Noted that the Library was preparing for its annual summer program kickoff party.

6. Noted that staff would be meeting with Jennifer Douglas to discuss the City's debt and tax rates.

L. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

1. Councilmember Fletcher asked for a future agenda item on the appropriate uses of public funds regarding grants to non-profit organizations.
2. Councilmember Hopkins asked for a future agenda item on incentives for rainwater harvesting.
3. Councilmember Montoya asked for a report on how the City could work with Hays County to improve the condition of Old Black Colony Road.
4. Councilmember Haehn asked for a report detailing the definitions of frontloaded and backloaded bonds, as well as detailing the pros and cons of each.

M. ADJOURNMENT

There being no further business to come before the Council, Mayor Ruge moved to adjourn the meeting. Councilmember Fletcher seconded the motion, which carried unanimously.

I certify that the above minutes were approved by the City Council of the City of Buda on 06/18/2013.