

City of Buda  
City Council Meeting Minutes  
January 19, 2010 – 7:00 p.m.

**A. CALL TO ORDER**

Mayor Lane called the January 19, 2010 City Council meeting to order at 7:02 p.m.

**B. ROLL CALL**

Mayor Bobby Lane – Present  
Councilmember Place 1 Ron Fletcher – Present  
Councilmember Place 2 Kelly Allen – Present  
Councilmember Place 3 Sandra Tenorio – Absent  
Councilmember Place 4 Cathy Chilcote – Present  
Councilmember Place 5 Tom Crouse – Present  
Councilmember Place 6 Scott Dodd – Present

**C. PUBLIC COMMENTS** At this time, comments will be taken from the audience on non-agenda related topics for a length of time not to exceed three minutes per person. To address the City Council, please submit a Citizen's Comment Form to the City Secretary **prior** to the start of the meeting. *No action may be taken by the City Council during Public Comments*

Resident Tommy Poer spoke regarding the wastewater system. Ms. Poer mentioned the broken clay pipes in old town Buda. The City at one time used cameras to find the breaks, the clay pipes have not been fixed, but the old Town Buda clay pipes need attention.

Clay Huckaby, Fire Chief of Buda spoke regarding correspondence received by the Fire Department. The Insurance Services Office completed its analysis of the structure fire suppression delivery system provided in Buda. The resulting classification has been lowered from a Class 7/9 to a 3. This means Buda's fire suppression services are improving in the face of the demands of a changing environment. This will amount to about a 33% savings to the homeowners, with an effective date of June 1, 2010 by the Texas Department of Insurance.

**D. PRESENTATION**

1. Mary Hensley, Ed.D., Executive Vice President, College Operations, Austin Community College District will present an overview of Austin Community College's Master Plan and future growth into Hays County; discussion and questions by Council.

*Mary Hensley, Ed.D., Executive Vice President, College Operations, Austin Community College District*

Terry Mazurek gave a synopsis of how the ACC got to where they are today, putting together a higher education committee. Petition drive has started and will have the required signatures by March so that the issue may be put on the November ballot. Mary Hensley with ACC gave a presentation to the Mayor and Council regarding the higher education. ACC serves an 8 county area. ACC offers Academic Transfer courses, whose credits will transfer to a university. Their Workforce Education programs (automotive technology, health sciences, business courses) are the primary trainer and re-trainer of workforce, healthcare, and first-responders with associate degrees and certificates available. Foundation Programs (GED, ESL, etc.) provide programs for the growing "not yet college-ready" population. ACC also provides Lifelong Learning (real-estate license, foreign

language) with continued education, professional development, and personal enrichment. ACC offers over 250 degree/certificate options, over 100 Workforce Education Degrees, and over 90 Workforce Certificates. ACC enrollment for the cities of Kyle, Buda, and Driftwood has risen 85.9%, 56.1%, and 85.7% respectively from Fall 2005-2009. From 2007-2008, Hayes CISD had 12,981 at-risk students, 1,614 with limited English proficiency, and 5,393 who were economically disadvantaged. Juniors and Seniors in high school can take college courses at ACC free of charge. ACC enrollment increased 56% in Del Valle and 33% in Round Rock during the fall semester after their annexation into ACC district service area. These numbers went up to 109% in Del Valle and 76% in Round Rock during the fall semester two years after their annexation. Applying the 33% increase in enrollment after one year and the 76% increase after two years to North Hays County, this area could hypothetically see enrollments of 1,162 after one year and 1,538 after two years. Joining the ACC District lowers tuition from \$137/credit hour to \$39/credit hour. It will cost tax payers \$0.09 cents for Maintenance and Operations. The state average for community colleges is 15 cents. ACC offers the most generous seniors/disabled exemption in Central Texas. Each community college tax dollar returns \$5.50 to the local economy. The average person in Buda will pay \$12.22/month in taxes. Seniors/disabled would pay \$3.94/month. Currently, ACC campuses are 16-21 miles away from Buda. If a new campus is built in Buda/Kyle, the closest campus will be 4 miles away. In the future, ACC will get with each community to hear suggestions on what kind of Workforce Education programs to offer, if annexation is approved.

2. Presentation and Council discussion regarding proposed amendments to the City of Buda Unified Development Code; directions to Staff.

*Ed Theriot/Thomas Rhodes, City Planner*

Discussed issues at conflict with existing codes and proposed Unified Development Code (UDC) amendments. The first item discussed was to update/revise Historic Preservation Commission by-laws to be consistent with Enabling Ordinance and UDC Changes. Revise Enabling Ordinances to remove regulatory language. Place all regulatory language into the UDC. There have been complaints as to the length of time it takes for businesses to get the Certificate of Design Compliance for Downtown Businesses and the required timing of notifications (newspaper and signs on property). Planner would like to hear from council possible amendments to both of these processes. Traffic Impact Analysis (TIA) regulations will be removed from Chapters 6 (Residential) & 7 (Non-Residential) and moved to Chapter 9 (Infrastructure and Public Improvements). Triggers for TIA can be amended to be with first subdivision related application that comes in to city. Threshold for TIA will be revised. The threshold is currently 5000 trips/day, but may be moved to peak-hour trips. Monopole towers are currently prohibited, but the FCC has recently said that you cannot do this. However, restrictions can be placed. Currently there is nothing in the code to address Building Permits and Certificates of Occupancy; it is done at the administrative level. Requirements and processes needs to be added to UDC. Currently a permit is not required if a business is moving into a "shell" building, so the city is often not aware of a new business until they apply for signage. Prohibited uses have been reported within zoning districts in the city, but the city does not have a way to track the uses of a building. The city can expand the Permitted Use Chart or require Special Use Permit. Maybe the city should require a business permit in order to better track the types of businesses coming into the city. Street lights are currently only required at major intersections. This becomes a problem at longer blocks. To solve this, a minimum spacing requirement could be added. Any change such as this must comply with PEC. There are currently terminology issues, such as the use of "Preliminary Plan" vs. "Preliminary Plat," and "Maintenance Bond" vs. "Warranty Bond." Warranty Bond is set to guarantee that the streets do not fail. There needs to be changes in the expiration of permits and inactive permits. There have been complaints about people speeding in areas. A speed study would conclude whether traffic calming devices are needed. Any fee paid by the city to a consultant can be reimbursed to the city, by the applicant. Any changes to UDC must go through public hearing process. Historic Preservation issues will be

discussed with P/Z and City Council first. City Council wishes for each item to be given its own ordinance before going through the adoption process. Council recommended adding items concerning parking on streets, private vs. public park issues related to new development, and allowable uses of purple pipe.

3. Presentation and Council discussion on Wastewater System & Treatment Plant capacity; directions to Staff.

*Stanley Fees, City Engineer*

Mayor Lane requested a 5 minute recess at 8:16 p.m. Mayor Lane called the regular order of business back to order at 8:25 p.m.

TCEQ requires a design for plant expansion after 75% of permitted flow for three consecutive months. Construction is to begin at 90% of permitted flow for three consecutive months. Plant capacity is currently 0.95 MGD and there are 11 lift stations. We discharge into Plum Creek (IH35/CR132). There are three wastewater flow sources; residential, commercial, other (point discharge, inflow and infiltration). Point discharge is something we currently do not allow, but TCEQ says that it is ok for a tanker truck to discharge at the plant. We do not have the capacity or process to do this, but it will be possible after the expansion. Inflow and infiltration is caused by openings in pipe joints, cracked manhole covers, or open cleanouts in yards. The MGD spike in October and November is caused by inflow and infiltration. The total for inflow and infiltration is identified at 86,400 GAL/day. The five manholes at Lifschultz were sealed in December 2009. One manhole at FM 967/Dove Drive was also repaired in December 2009. The situation at Stoneridge is being investigated by City Staff and LAN. The estimated flow repaired is 43,200 GAL/day. On schedule for plant expansion. 90% of the plans and specifications are due by February 22. 100% of the plans and specifications are due by March 22. Bid phase is expected to take from March 22 to construction on June 22. The permitted 1.5 MGD phase is in the existing permit, so that is already in place. The plan is not expected to bust any effluent quality requirements. We should be in compliance of 75-90 rule. During the study which concluded that the 1.5 MGD rate was sufficient, three cost benefit scenarios were also looked at: 1) Sunfield MUD plant only serve that MUD district; 2) divide flow into city along IH35; 3) decommission Buda plant in 2040, and pump everything to Sunfield MUD Plant. Phase III expansion is predicted to be needed, at current population growth rate, by 2018. Current economic state of 2% inflation and 1.5% interest favors year term capital investment over deferral of costs. Lowest collection system costs would be achieved by treating flows east of IH35 at Sunfield MUD plant. The most cost effective approach would be to divert all flows east of IH35 to Sunfield plant in conjunction with the expansion of that plant with a similar process that is at the Buda plant. The third cost benefit scenario was the least cost effective. It is not recommended for city to participate in Sunfield MUD plant as long as they continue to use existing treatment process.

- E. CONSENT AGENDA** All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Approval of the City Council minutes dated January 5, 2010.

*Toni Milam, City Secretary*

Motion by Councilmember Allen, with a second by Councilmember Crouse to approve the City Council minutes dated January 5, 2010. Motion approved.

**F. REGULAR AGENDA ITEMS**

1. Deliberation and possible action on changing the date of the March 2, 2010 Council meeting date to Wednesday, March 3, 2010 due to Primary Elections being held in Council Chambers on Tuesday, March 2, 2010.

***Toni Milam, City Secretary***

**Motion by Councilmember Allen, with a second by Councilmember Crouse to change the date of the March 2, 2010 Council meeting date to Wednesday, March 3, 2010 due to the Primary Elections being held in Council Chambers on Tuesday, March 2, 2010. Motion approved.**

2. Deliberation and possible action on the approval of the first reading of Ordinance, adopting and enacting a new code of ordinances; providing for the repeal of certain ordinances not included; providing a penalty for the violation; providing for the amendment of such code; and providing when such code and this ordinance shall become effective.

***Toni Milam, City Secretary***

***Kirk Franklin, Franklin Legal***

**Motion by Councilmember Crouse, with a second by Mayor Lane to approve the first reading of the Ordinance, adopting and Enacting a new code of ordinances; providing for the repeal of certain ordinances not Included; providing a penalty for the violation; providing for the amendment of such code And providing when such code and this ordinance shall become effective. Motion approved.**

3. Deliberation and possible action on the approval of the revision to the Corporate Authorization Resolution authorizing the Finance Director the ability to exercise the powers of the resolution.

***Chris Ruiz – Finance Director***

**Motion by Councilmember Dodd, with a second by Mayor Lane to approve the revision to the Corporate Authorization Resolution authorizing the Finance Director the ability to exercise the powers of the resolution. Motion approved with Councilmember Chilcote voting no.**

4. Deliberation and possible action on awarding a depository service contract and authorizing the Finance Director to execute the agreement.

***Chris Ruiz - Finance Director***

**Motion by Councilmember Allen, with a second by Councilmember Chilcote to award a depository service contract with Falcon Bank and authorizing the Finance Director to execute the agreement. Motion approved.**

5. Deliberation and possible action to accept the donation of Water and Wastewater Line Easements by TMJS Buda, LLC for the Rebel Drive Water and Wastewater Line extensions and authorizing the City Manager to execute the easements and contracts.

***Stanley R. Fees, City Engineer***

**Motion by Councilmember Dodd, with a second by Councilmember Chilcote to accept the donation of Water and Wastewater Line Easements by TMJS Buda, LLC for the Rebel Drive Water and Wastewater Line extensions and authorizing the City Manager to execute the easements and contracts. Motion approved.**

6. Deliberation and possible action concerning the Easement Purchase Contract and the dedication of a Drainage Easement and an Embankment Easement from the

Center Union Baptist Church for the Lifschutz Drainage Improvements Phase 4 project and authorizing the City Manager to accept and execute these easements and contract on behalf of the City.

***Stanley R. Fees, City Engineer***

Motion by Mayor Lane, with a second by Councilmember Chilcote, to approve the Easement Purchase Contract and the donation of a Drainage Easement and an Embankment Easement from the Center Union Baptist Church for the Lifschutz Drainage Improvements Phase 4 project and authorizing the City Manager to accept and execute these easements and contract on behalf of the City. Motion approved.

## G. STAFF REPORTS

### 1. City Manager's Report.

***Kenneth Williams, City Manager***

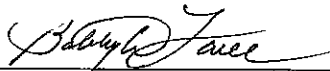
Automated meter reading system, used to take 6 employees about 3 days to read meters, now it only takes 1 employee ½ a day. Council/EDC workshop scheduled for 01-23-10; Mr. Williams also reported on the ISO Fire rating for the residents of Buda as previously reported by Fire Chief Clay Huckaby.

- Water projects
- Wastewater projects
- Drainage projects
- Road projects
- Capital Improvement projects
- Grant related projects
- Special projects
- Developments
- Law Enforcement

## H. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

*No deliberation or discussion may take place by the City Council during this agenda item*  
Councilmember Chilcote requested the consideration of having the bond election put on the May ballot, particularly the Library, water/wastewater in old town Buda, and the north/south road behind Crestview put on the first meeting in February.

## I. ADJOURNMENT 9:40 p.m.



Bobby D. Lane, Mayor



Tomi Milam, City Secretary, TRMC