

1/15/2013 - Minutes

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

**City Council Members Present:**

Fletcher, Ruge, Montoya, Altmiller, Lane

**City Council Members Absent:**

Haehn

**City Staff Present:**

City Manager Kenneth Williams, City Attorney Ross Fischer, City Secretary Danny Batts, Assistant City Manager Brian LaBorde, 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. RECOGNITION**

**E.1. RECOGNITION OF THE SERVICE OF DORIS MCWHORTER AND LANAN BEDWELL AS MEMBERS OF THE LIBRARY ADVISORY COMMISSION**

*Mayor Ruge issued certificates of appreciation to Doris McWhorter and Lanan Bewell for their service to the Citizens of the City of Buda.*

**E.2. RECOGNITION OF THE SERVICE OF DIANNA SHORT AS A MEMBER OF THE HISTORIC PRESERVATION COMMISSION**

*Ms. Short was unable to attend the meeting. Mayor Ruge issued a certificate of appreciation for her service to the Citizens of the City of Buda.*

**F. CONSENT AGENDA**

The items on the consent agenda were considered routine and were approved by one motion. Mayor Pro Tem Lane moved to approve the remaining items on the consent agenda. Councilmember Fletcher seconded the motion, which carried unanimously.

**F.1. APPROVAL OF A FINAL PLAT OF GARLIC CREEK WEST SUBDIVISION PHASE 3, SECTION 6A LOCATED NEAR THE INTERSECTION OF GARLIC CREEK DRIVE AND NIVENS DRIVE.**

*Approved by consent*

**F.2. APPROVAL OF DECLARATION DESIGNATING THE CITY'S OFFICIAL NEWSPAPER FOR 2013, IN ACCORDANCE WITH SECTION 10.05 OF THE CITY CHARTER**

*Approved by consent*

**F.3. APPROVAL OF A FINAL PLAT OF GARLIC CREEK WEST SUBDIVISION PHASE 3, SECTION 6B LOCATED NEAR THE END OF BOTANA WAY AND NIVENS DRIVE.**

*Approved by consent*

**F.4. APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 12/18/2012**

*Approved by consent*

**F.5. APPROVAL OF THE SPECIAL EVENTS PACKET SUBMITTED BY THE SANTA CRUZ CATHOLIC SCHOOL FOR THEIR 2ND ANNUAL CARDINAL CROSS COUNTRY RUN WITH PORTIONS OF THE RACE GOING THROUGH HISTORIC STAGECOACH PARK TO BE HELD ON SATURDAY MORNING, APRIL 13.**

*Approved by consent*

**F.6. APPROVAL OF THE SECOND READING OF AN ORDINANCE GRANTING TO CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF BUDA, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF NATURAL GAS.**

*Approved by consent*

## **G. PRESENTATION**

### **G.1. PRESENTATION AND DISCUSSION WITH DIRECTION TO STAFF REGARDING THE CITY OF BUDA'S GROWTH PLAN.**

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

*After the presentation, Councilmember Altmiller asked about the status of County Roads that were annexed into the City, specifically Old Black Colony Rd. Mr. Sparks explained that those streets would become a responsibility of the City and would have to be maintained from the date of annexation with City resources.*

*After the discussion, it was the consensus of the City Council that staff should proceed to execute the growth plan as presented in accordance with timeliness scenario 2, beginning on May 21, 2013 and ending on August 20, 2013, as outlined in the City Council packet.*

### **G.2. PRESENTATION AND DISCUSSION REGARDING THE HISTORY AND IMPLEMENTATION OF THE SUNFIELD (FORMERLY WINFIELD) MUNICIPAL UTILITY DISTRICT # 1 DEVELOPMENT AGREEMENTS.**

*Assistant City Manager Brian LaBorde presented this item to the City Council. He briefly described the provisions of the City's development agreements with Sunfield Municipal Utility No. 1, and gave a brief history of its negotiation and implementation.*

*No action was taken by the City Council.*

## **H. PUBLIC HEARINGS**

### **H.1. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO A REQUEST TO AMEND 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.**

*Mayor Ruge opened this public hearing at 7:44 p.m.*

*No members of the public spoke.*

*The public hearing was closed at 7:44 p.m.*

### **H.2. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS IN REGARD TO A REQUEST TO AMEND 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.**

*Mayor Ruge opened the public hearing at 7:44 p.m.*

*Richard Jenkins of Capitol City Steel spoke in opposition to approval of the zoning change, stating that he was opposed to the inclusion of multifamily housing so close to a major industrial facility.*

*David Putnam of Aquila Commercial, LLC spoke in favor of the proposed zoning change.*

The public hearing was closed at 7:52 p.m.

## **I. REGULAR AGENDA ITEMS**

### **I.1. DISCUSS AND CONSIDER APPROVAL OF REQUEST FROM ROADWAY PRODUCTIONS FOR HOT FUNDING FOR LOUISIANA SWAMP THING & CRAWFISH FESTIVAL THAT IS TO BE HELD APRIL 6, 2013**

*Alisha Workman, Tourism Director, presented this item to the City Council. She stated that Roadway Productions, which is responsible for the annual Louisiana Swamp Thing & Crawfish festival, was requesting \$5,000 from the City of Buda for the purpose of promoting their event through advertising.*

*Mr. French Smith, the owner of Roadway Productions, addressed the City Council and stated that he had not sought the funds during the budget process because he could not be sure at that time whether Buda would continue to be the venue for the event. However, he had since determined to hold the event in Buda and now sought the use of HOT Tax proceeds to promote the event. He further noted that the event would result in numerous local hotel bookings due to the needs of staff, bands, and visitors.*

*After the discussion, Mayor Pro Tem Lane moved to approve the item. Mayor Ruge seconded the motion, which carried unanimously.*

### **I.2. DISCUSS AND CONSIDER THE APPOINTMENT OF MEMBERS TO THE CITY OF BUDA ECONOMIC DEVELOPMENT CORPORATION.**

*City Manager Kenneth Williams presented this item to the City Council. He stated that a vacancy had occurred on the Economic Development Board, and further stated that the City Council was responsible for appointing a replacement.*

*After the presentation, Mayor Ruge moved to appoint Mayor Pro Tem Lane to the board of directors for the unexpired term. Councilmember Fletcher seconded the motion, which carried unanimously.*

### **I.3. DISCUSS AND CONSIDER APPOINTMENTS TO THE PLANNING & ZONING COMMISSION**

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

*After the presentation, Mayor Pro Tem Lane moved to appoint Michael Britton, Shawn Graham, and Colin Strother to the Planning Commission. The motion was seconded by Councilmember Fletcher and carried unanimously.*

### **I.4. DISCUSS AND CONSIDER THE APPOINTMENT OF MEMBERS TO THE CITY COUNCIL INFORMATION TECHNOLOGY COMMITTEE**

*City Secretary Danny Batts presented this item to the City Council. He stated that, due to the recent departure of Councilmember Schaeffer, the IT Committee had only one member (Lane) and needed to be brought back up to a full complement of members.*

*After the presentation, Mayor Ruge moved to appoint Councilmembers Altmiller and Montoya to the IT Committee. Mayor Pro Tem Lane seconded the motion, which carried unanimously.*

### **I.5. DISCUSS AND CONSIDER APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS.**

*Councilmember Altmiller moved to appoint Benita Gunn and Tom Dahlstrom to the Zoning Board of Adjustment and Appeals. Mayor Ruge seconded the motion, which carried unanimously.*

### **I.6. 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 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.**

*Planning Director Chance Sparks presented this item to the City Council. He stated that in May 2012, the City completed annexation of a substantial portion of the subject property. It was originally proposed for C3/R3, however, further study of ownership, existing uses and surrounding zoning revealed a number of issues that created a number of potential incompatibilities and nonconformities. In particular, the existing zoning designations made the former Danfoss/Chatliff light industrial site a nonconforming use. Due to the length of vacancy coupled with the incompatible zoning, the site couldn't realistically be reoccupied unless rezoned to an appropriate use. Due to these issues, the City chose to default the zoning to AG Agricultural and initiate a rezoning at a later date.*

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

- I.7. DISCUSS AND CONSIDER APPROVAL 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.*

*After the presentation, Richard Jenkins of Capitol City Steel spoke in opposition to the proposed zoning change, based on his belief that the current industrial use next to the subject site (Capitol City Steel's fabrication plant) was incompatible with the proposed use of the site (multifamily). He further stated that it would be impossible for Capitol City Steel to ensure that children from the proposed complex did not enter the plant property, especially without significant upgrading of the permitter fencing of the plant.*

*David Putnam of Aquila Commercial, Inc. Spoke in favor of the proposed zoning change. He noted that more sensitive uses, such as day care centers, were allowed under the current zoning.*

*After these statements, Mayor Ruge stated that he would like to see the owners of the neighboring tracts discuss their issues and try to reach a mutually acceptable resolution before the City Council acted on the request. Mayor Pro Tem Lane then moved to table the item until the City Council meeting on February 5, 2013. Councilmember Altmiller seconded the motion, which carried unanimously.*

## **J. STAFF REPORTS**

### **J.1. STAFF REPORT ON THE CITY OF BUDA MONUMENT SIGNS PROJECT**

*Brian LaBorde, Assistant City Manager, presented this item to the City Council. He stated that the City of Austin had been able to change the category assigned to the City of Buda's proposed monument sign, which is located in the City of Austin's ETJ. This action by the City of Austin means that the City of Buda will no longer have to seek a variance from the City of Austin sign regulations, but will be able to enter into an interlocal agreement with the City of Austin to permit the sign to be constructed at the proposed site.*

### **J.2. STAFF REPORT REGARDING THE 2012 BUDA TRAIL OF LIGHTS.**

*Jack Jones, Director of Parks and Recreation, presented this item to the City Council and gave a brief overview of the 2012 Trail of Lights program. Mayor Pro Tem Lane noted that, while the numbers of dollars dedicated to the program had gone down, the numbers of visitors had gone up. He commended City staff for the excellent job they did putting on the Trail of Lights event.*

### **J.3. CITY MANAGER'S REPORT**

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

- 1. Noted that Monarch Utilities had sent a letter to City residents regarding utility operations, and that the City would send a letter as well detailing perceived inaccuracies in the Monarch letter.*
- 2. Informed the Council that the new traffic signal at Bradfield Dr. would be operational on 1/23/2013*
- 3. Noted that a City Council Retreat was being planned.*
- 4. Announced that the Microtel grand opening would take place on 1/25/13*
- 5. Asked Councilmembers to let him know if they wished to attend the Chamber Banquet.*

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

1. Councilmember Fletcher stated that there appeared to be a problem with the Cabela's Parking Lot being used as long term storage of tractor trailers, and asked for a future agenda item on it.
2. Councilmember Montoya noted that there appeared to be a problem with speeding on Main St, between Bradfield Dr. and Cabela's Dr, and asked the City Manager to look into it.
3. Councilmember Altmiller asked for the following items:
  - A discussion about the City's park usage fees, especially as it relates to the charges for non-profit vs. for profit users
  - She noted that there was a chronic problem recruiting enough members of the public to serve on City Boards and Commissions, and requested a future agenda item to discuss the possibility of reducing the size of some City boards, as well as eliminating any term limits provisions.
  - A future workshop with Mary Stone of the Barton Springs Edwards Aquifer Conservation District.

## **L. ADJOURNMENT**

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

I certify that the above minutes were approved by the City Council of the City of Buda on 02/05/2013.

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Danny S. Batts II, City Secretary