

2/19/2013 - Minutes

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

**City Council Members Present:**

Fletcher, Ruge, Montoya, Heahn, 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, Controller Carolyn Reininger, Accountant Allison Chapman, 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 items E.1 and E.3, which were removed 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 SECOND READING OF AN ORDINANCE ON AMENDING THE CITY'S MASTER TRANSPORTATION PLAN**

*Graham Moore of LAN presented this item to the City Council. Councilmember Haehn asked if Bluff Street was slated for improvements under then plan. Mr. Moore stated that it was. After this discussion, Councilmember Montoya moved to approve the item. The motion was seconded by Councilmember Haehn and approved unanimously.*

**E.2. APPROVAL OF THE SECOND 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.**

*Approved by consent*

**E.3. APPROVAL OF THE SPECIAL EVENTS PACKET SUBMITTED BY THE BUDA LIONS CLUB AND ON A REQUEST TO CLOSE GARISON ROAD AND SAN ANTONIO STREET ON SATURDAY, APRIL 27 AND SUNDAY, APRIL 28 FOR THE 16TH ANNUAL BUDA COUNTRY FAIR AND WIENER DOG RACES TO BE HELD AT CITY PARK.**

*Brian LaBorde, Assistant City Manager, presented this item to the City Council. Mayor Ruge asked if the crowd size was expected to be larger or smaller than previous years. Representatives of the Buda Lions Club stated that they expect crowds to be on par with past years. Mayor Pro Tem Lane then moved to approve the item. Mayor Ruge seconded the motion, which carried unanimously.*

**E.4. APPROVAL ON A REQUEST BY THE BUDA DOWNTOWN MERCHANTS' GROUP TO CLOSE ASH STREET BETWEEN MAIN STREET AND AUSTIN STREET FROM 5-9 P.M. FOR FIRST THURSDAY TO BE HELD ON MARCH 7, 2013.**

*Approved by consent*

**E.5. POSSIBLE ACTION ON ACCEPTING THE DEDICATION OF A DRAINAGE EASEMENT BY STONEFIELD MASTER COMMUNITY, INC. NORTH OF THE STONEFIELD SECTION ONE AMENITY CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT.**

*Approved by consent*

**E.6. POSSIBLE ACTION ON ACCEPTING THE DEDICATION OF A WASTEWATER EASEMENT BY THE J.A. AGUIRRIE FAMILY PARTNERSHIP, LTD. FOR THE AGUIRRIE COMMERCIAL SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT.**

*Approved by consent*

**E.7. POSSIBLE ACTION ON ACCEPTING THE DEDICATION OF A REVISED DRAINAGE EASEMENT BY STONEFIELD MASTER COMMUNITY, INC. FOR THE STONEFIELD SECTION ONE AMENITY CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT.**

*Approved by consent*

**E.8. DELIBERATION AND CONSIDERATION OF INTERLOCAL AGREEMENT WITH HAYS COUNTY AND OTHER CITIES WITHIN HAYS COUNTY TO CREATE AND OPERATE A JOINT GANG TASK FORCE.**

*Approved by consent*

## **F. PRESENTATION**

### **F.1. PRESENTATION AND DISCUSSION OF RACIAL PROFILING STATISTICS FROM 2012**

*Police Chief Bo Kidd presented this item to the City Council. He stated that the report was required by state statute and showed that the City had no unusual enforcement activities adversely impacting racial minorities.*

## **G. REGULAR AGENDA ITEMS**

### **G.1. DELIBERATION AND POSSIBLE ACTION REGARDING CONSIDERATION OF A RESOLUTION GIVING CONSENT TO THE ISSUANCE OF UNLIMITED TAX ROAD BONDS BY SUNFIELD MUNICIPAL UTILITY DISTRICT NO.1, A CONSERVATION AND RECLAMATION DISTRICT LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY.**

*Brian LaBorde, Assistant City Manager, introduced this item to the City Council. Ron Burkhart, a representative of MUD No. 1, presented the item to the City Council. He stated that the District was required to obtain the approval of the City Council before it could issue road bonds, and further stated that the tax rate of the City within the City Limits would not be affected by the issuance of these bonds. Councilmember Fletcher then moved to approve the item. The motion was seconded by Councilmember Montoya and approved unanimously.*

### **G.2. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE 2010-2011 AUDITED FINANCIALS**

*Sidonna Foust, Finance Manager, presented this item to the City Council. She stated that the audit had been significantly delayed because incorrect accounting had been discovered dating back to 2007. This required the City Finance Department to correct the City's books for all years between 2007 and 2010/11 before they could accurately conduct the audit for fiscal year 2010-2011. She also stated that, while the audit revealed several deficiencies in accounting and record keeping by previous City Finance Directors, most of the noted deficiencies have already been resolved by City staff. After the presentation, Mayor Pro Tem Lane moved to approve the item. Councilmember Montoya seconded the motion, which carried unanimously.*

### **G.3. DELIBERATION AND POSSIBLE ACTION ON APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING STAFF TO PROVIDE FOR PUBLIC HEARING NOTIFICATION, PREPARE A SERVICE PLAN AND INITIATE ANNEXATION PROCEEDINGS ON APPROXIMATELY 1.02 ACRES OF LAND SURROUNDED BY THE CURRENT CITY OF BUDA CITY LIMITS, AND LOCATED NEAR THE NORTHWEST CORNER OF SOUTH FM 967/SOUTH LOOP 4/SOUTH MAIN STREET AND PRECISION DRIVE.**

*Chance Sparks, Director of Planning, presented this item to the City Council. He stated that this parcel was one that had been previously identified and approved for annexation by the City Council through the City's Growth Plan. Mayor Pro Tem Lane moved to approve the resolution and set the required public hearing for April 9, 2013 at 6:30 p.m. Councilmember Montoya seconded the motion, which carried unanimously.*

### **G.4. DELIBERATION AND POSSIBLE ACTION ON APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING STAFF TO PROVIDE FOR PUBLIC HEARING NOTIFICATION, PREPARE A SERVICE PLAN AND INITIATE ANNEXATION PROCEEDINGS ON APPROXIMATELY 3.35 ACRES OF LAND LOCATED ON FM 1626 IMMEDIATELY NORTH OF BROADWAY BANK.**

*Chance Sparks, Director of Planning, presented this item to the City Council. He stated that this parcel was one that had been previously identified and approved for annexation by the City Council through the City's Growth Plan. Councilmember Fletcher moved to approve the resolution and set the required public hearing for April 9, 2013 at 6:30 p.m. Mayor Pro Tem Lane seconded the motion, which carried unanimously.*

### **G.5. DELIBERATION AND POSSIBLE ACTION ON APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING STAFF TO PROVIDE FOR PUBLIC HEARING NOTIFICATION, PREPARE A SERVICE PLAN AND INITIATE ANNEXATION PROCEEDINGS ON APPROXIMATELY 36 ACRES OF LAND LOCATED NEAR THE NORTHWEST CORNER OF IH-35 AND MAIN STREET.**

*Chance Sparks, Director of Planning, presented this item to the City Council. He stated that this parcel was one that had been previously identified and approved for annexation by the City Council through the City's Growth Plan. Mayor Pro Tem Lane moved to approve the resolution and set the required public hearing for April 9, 2013 at 6:30 p.m. Councilmember Haehn seconded the motion, which carried unanimously.*

### **G.6. DELIBERATION AND POSSIBLE ACTION ON APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING STAFF TO PROVIDE FOR PUBLIC HEARING NOTIFICATION, PREPARE A SERVICE PLAN AND TO INITIATE ANNEXATION PROCEEDINGS ON APPROXIMATELY 700 ACRES OF LAND LOCATED EAST OF TEXAS LEHIGH CEMENT COMPANY, NORTH OF THE CITY OF KYLE CITY LIMITS, WEST OF DACY LANE AND SOUTH OF WINDMILL WAY.**

*Chance Sparks, Director of Planning, presented this item to the City Council. He stated that this parcel was one that had been previously identified and approved for annexation by the City Council through the City's Growth Plan. Mayor Ruge moved to approve the resolution and set the required public hearing for April 9, 2013 at 6:30 p.m. Mayor Pro Tem Lane seconded the motion, which carried unanimously.*

## **H. EXECUTIVE SESSION**

The City Council convened in close executive session at 8:05 p.m. to consider the items below. The Council returned from closed executive session at 8:43 p.m. and took action as described below.

- H.1. PURSUANT TO GOVERNMENT CODE 551.071, THE CITY COUNCIL WILL MEET IN CLOSED SESSION TO SEEK THE ADVICE OF THE CITY ATTORNEY REGARDING THE ALLOCATION OF SALES AND USE TAX IN ANNEXED AREAS, THE AUTHORITY AND SCOPE OF INTERLOCAL AGREEMENTS BETWEEN THE CITY AND AN EMERGENCY SERVICES DISTRICT, THE CITY'S LEGAL AUTHORITY RELATING TO A BALLOT MEASURE, AND RELATED LEGAL ISSUES
- H.2. PURSUANT TO GOVERNMENT CODE 551.074, CITY COUNCIL WILL MEET IN CLOSED SESSION TO DELIBERATE THE BENEFITS OF THE CITY MANAGER
- H.3. DISCUSSION AND ACTION ON ITEMS DISCUSSED IN CLOSED SESSION

*After returning from executive session, the City Council took the following actions:*

*Councilmember Fletcher moved to approve an interlocal agreement with Hays County Emergency Services District No. 8 regarding the distribution of Sales Tax between the City and the District after future annexations. Mayor Pro Tem Lane seconded the motion, which carried unanimously.*

*Mayor Pro Tem Lane then moved that the City Council authorize the City Manager enroll in a Master's Degree program of his choice, with the City bearing the full costs of the program, including but not limited to tuition, fees, books, and supplies. Councilmember Haehn seconded the motion, which carried unanimously.*

**I. STAFF REPORTS**

**I.1. STAFF REPORT ON SAFE ROUTES TO SCHOOLS GRANT PROJECT.**

*Stanley Fees, City Engineer, provided the City Council with an update of the City's Safe Routes to School grant. No action was taken by the City Council.*

**I.2. STAFF REPORT REGARDING OVERNIGHT & EXTENDED PERIOD TRUCK PARKING ON COMMERCIAL PROPERTIES**

*Chance Sparks, Director of Planning, presented this item to the City Council. He stated that progress had been made between the staff and Cabela's regarding the overnight storage of freight and 18 wheelers in their parking lots by non customers. Additionally, he stated that staff was working with the City Prosecutor to draft a new ordinance that would allow the City to act against perpetrators of off-site overnight freight storage without having to work through the property owner where the freight was being stored. No action was taken by the City Council.*

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

*Brian LaBorde, Assistant City Manager, presented this item to the City Council. He briefly reviewed the City's efforts to secure favorable legislation during this session of the legislature, including detailing meetings between City Staff and several members of both the House of Representatives and the State Senate. No action was taken by the City Council.*

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

*City Manager Williams updated the City Council on the following subjects:*

*1. He noted that the City was actively searching for a new Parks & Recreation Director and expected to have a new person on board by mid March.*

*2. He stated that was considering expanding the duties of the Tourism Director's position, possibly to include duties related to becoming a Main Street City.*

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

- 1. Councilmember Fletcher asked for a future agenda item on Economic Development Corporation activities.

**K. ADJOURNMENT**

There being no further business to come before the City Council, Mayor Ruge moved to adjourn the meeting. Mayor Pro Tem Lane 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.