

3/19/2013 - Minutes

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**City Council Members Present:**

Fletcher, Hopkins, Montoya, Haehn, Altmiller, Lane

**City Council Members Absent:**

Ruge

**City Staff Present:**

City Manager Kenneth Williams, City Attorney Ross Fischer, 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, Executive Assistant Isabel Fernandez.

**D. CITY COUNCIL ACTIONS**

- D.1. CANVASS THE RETURNS OF THE MARCH 9, 2013 SPECIAL ELECTION AND DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON MARCH 9, 2013 TO ELECT A COUNCILMEMBER, PLACE 2 FOR THE CITY OF BUDA; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE**

*City Secretary Danny Batts announced the canvass of the special runoff election on 3/09/2013, stating the Wiley Hopkins had received 162 votes and that Amy Proctor had received 81 votes. After the announcement, Councilmember Haehn moved to accept the canvass and adopt the resolution declaring the canvass. Councilmember Montoya seconded the motion, which carried unanimously.*

- D.2. ADMINISTER THE OATH OF OFFICE TO COUNCILMEMBER ELECT WILEY HOPKINS**

*Municipal Court Judge Beth Smith administered the oath of office to Councilmember -Elect Hopkins. After the the administration of the oath, Councilmember Hopkins took his seat on the dias.*

**E. PUBLIC COMMENTS**

**F. CONSENT AGENDA**

The items on the consent agenda were considered routine and were approved by one motion, with the exception of item F.5, which was removed for separate consideration. Councilmember Haehn moved to approve the items on the consent agenda. Councilmember Altmiller seconded the motion, which carried unanimously.

- F.1. APPROVAL OF A PROCLAMATION RELATING TO CHILD ABUSE AWARENESS & PREVENTION MONTH**

*Approved by consent.*

- F.2. APPROVAL OF A PROCLAMATION RELATING TO SEXUAL ASSAULT AWARENESS & PREVENTION MONTH**

*Approved by consent.*

- F.3. APPROVAL OF THE DEDICATION OF A TEMPORARY DRAINAGE EASEMENT AND TEMPORARY PUBLIC UTILITY EASEMENT BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD. FOR THE STONEFIELD SECTION 9 SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENTS.**

*Approved by consent.*

- F.4. APPROVAL OF THE DEDICATION OF A TEMPORARY WASTEWATER EASEMENT BY RH OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP FOR THE ELM GROVE SECTION 3B SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT.**

*Approved by consent.*

- F.5. APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 03/05/2013**

*City Secretary Danny Batts stated that the minutes provided in the packet had been corrected to show that Councilmember Haehn had been present at the 3/05/2013 Council meeting, and that Mayor Pro Tem Lane had been absent. Councilmember Altmiller moved that the minutes be approved with those corrections. Councilmember Haehn seconded the motion, which carried unanimously. Mayor Pro Tem Lane abstained from consideration of this item.*

- F.6. APPROVAL OF THE PERFORMANCE AGREEMENT BETWEEN THE BUDA EDC AND CSI PRINTING.**

*Approved by consent.*

**G. PRESENTATION**

- G.1. PRESENTATION BY THE TEXAS MAIN STREET PROGRAM REGARDING POTENTIAL PARTICIPATION IN THE PROGRAM.**

Chance Sparks, Director of Planning, introduced this item to the City Council. Debra Farst of the Texas Historical Commission presented this item to the City Council. She briefly detailed the purposes and requirements of the Texas Main Street Program. After the presentation, Councilmember Haehn noted that the program required that a position be created in the City dedicated to administering the Main Street Program. He asked Ms. Farst if those responsibilities could be assigned to a current City position. She stated that the program required that a position be primarily dedicated to the Main Street Program for at least three years, after which time the Main Street duties could become secondary to other responsibilities the City may wish to assign to the position. After this discussion, it was the consensus of Council that the City move forward with an application to join the main street program.

## **H. REGULAR AGENDA ITEMS**

### **H.1. DELIBERATION AND POSSIBLE ACTION ON AWARDING THE BID FOR CONSTRUCTION OF THE SAFE ROUTES TO SCHOOLS PROJECT CONTINGENT UPON TXDOT APPROVAL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.**

City Engineer Stanley Fees presented this item to the City Council. He stated that the City had received 13 bids for the project, the lowest of which was Qro-Mex Construction for \$458,261.50. After the presentation, Councilmember Montoya moved to award the project contract to Qro-Mex Construction. Councilmember Haehn seconded the motion, which carried unanimously.

### **H.2. DELIBERATION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BUDA TO CHANGE THE EXISTING ZONING OF C3/R3 TO C3/R3/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.**

*This item was pulled from the agenda.*

### **H.3. DISCUSS AND CONSIDER APPROVAL OF A SALARY SCALE FOR BUDA POLICE OFFICERS**

Police Chief Bo Kidd presented this item to the City Council. He stated that a salary scale, if adopted, would provide police officers with preset raises based on years of service with the department. He also said that such scales were used as a recruitment and retention tool by most of the agencies in the Buda area. He noted that the scale being proposed called for approximately a 2 percent raise for every year an officer is employed with the department, capping out at 15 years of service. He further stated that adopting a salary scale for the department generally means that the department does not participate in whatever annual raise the City Council may choose to award to other City employees. After the presentation, Councilmember Haehn asked if the plan allowed for a variation in the annual raise based on performance. Chief Kidd stated that the plan, as presented, would not allow for any variation, and that all officers would receive the same raise as dictated by their position on the scale, regardless of performance. He also stated that the City would not be obligated to grant the scale increase in future years if the Council choose not to do so. After the discussion, Councilmember Altmiller moved to approve the item as presented. Councilmember Montoya seconded the motion, which carried unanimously.

### **H.4. DELIBERATION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE LIMITING PARKING OF COMMERCIAL MOTOR VEHICLES UPON CERTAIN PUBLIC AND PRIVATE PROPERTIES.**

Keven Brenamen, Manager of the Microtel Hotel adjacent to Cabela's, stated that he was in support of an ordinance limiting overnight parking of 18 wheelers in commercial areas. However, he stated that a significant number of his customers parked their vehicles in the Cabela's parking lot while sleeping at the hotel, and an exception should be provided for truck drivers who are staying in local hotels vs. those who sleep in their rigs.

Chance Sparks, Director of Planning, presented this item to the City Council. He stated that prior to the meeting, Councilmember Haehn had presented staff with a revised ordinance. He further stated that staff had not had sufficient time to review the ordinance revisions proposed by Councilmember Haehn, and therefore requested that Council table this item so that staff could analyze the proposed changes and return at a future meeting to discuss this item with the proposed amendments included. Councilmember Haehn then moved to table this item. Mayor Pro Tem Lane seconded the motion, which carried unanimously.

### **H.5. DELIBERATION AND POSSIBLE ACTION ON THE SECOND READING OF AN ORDINANCE PROHIBITING OVERNIGHT PARKING OF COMMERCIAL MOTOR VEHICLES AND CAMPERS UPON PRIVATE PROPERTY.**

Chance Sparks, Director of Planning, presented this item to the City Council. He stated that the Council should consider tabling this item, since it could potentially conflict with item H.4 if Council chose to adopt it at a future meeting.

Councilmember Montoya then moved to table the item. Councilmember Haehn seconded the motion, which carried unanimously.

## **I. EXECUTIVE SESSION**

The City Council convened in close executive session at 7:11 p.m. to consider the items below. The Council returned from closed executive session at 8:15 p.m. and took the following actions.

### **I.1. PURSUANT TO 551.071, SEEK THE ADVICE OF THE CITY ATTORNEY ON LEGAL ISSUES RELATED TO THE APPEAL OF ZONING DECISIONS AND LITIGATION PENDING AGAINST THE CITY'S BOARD OF ADJUSTMENT,**

**CELLTEX SITE SERVICES, LTD. V. CITY OF BUDA AND THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BUDA.**

*This item was removed from the agenda.*

- I.2. PURSUANT TO GOV'T CODE 551.071, THE CITY COUNCIL WILL MEET IN CLOSED SESSION TO SEEK THE ADVICE OF LEGAL COUNSEL REGARDING PENDING LITIGATION: CITY OF BUDA V. AUSTIN BRIDGE AND ROAD, L.P., CAUSE NO. 09- 2216, IN THE 207TH DISTRICT COURT, HAYS COUNTY.**

*No Action was taken on this item.*

**J. STAFF REPORTS**

None

**J.1. CITY MANAGER'S REPORT**

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

- 1. Assistant City Manager Brian LaBorde gave Council a brief update on the City's legislative initiatives.*
- 2. Mr. Williams stated that he expected to be able to have the Hays County Elections Administrator attend a City Council meeting in May to discuss the November election with the Council.*
- 3. He also noted that City staff would be meeting with the City of Austin to review some of their Library initiatives.*

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

1. Councilmember Fletcher noted that he would like to have a presentation regarding the City's Effective and Rollback Tax Rates in time to assist with budget preparation.

**L. ADJOURNMENT**

There being no further business to come before the City Council, Councilmember Montoya moved to adjourn the meeting. 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 04/16/2013.

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Dannv S. Batts II, City Secretary