

5/7/2013 - Minutes

A. CALL TO ORDER

B. INVOCATION

The invocation was provided by City Council Chaplain Don Muchow.

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:

None

City Staff Present:

City Manager Kenneth Williams, City Attorney Erin Higginbotham, 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, Parks and Recreation Director Andy Czimskey, Executive Assistant Isabel Fernandez.

E. RECOGNITION

E.1. PROCLAMATION FOR HISTORIC PRESERVATION MONTH

Chance Sparks, Planning Director, received the proclamation from the Mayor.

F. PUBLIC COMMENTS

Tommy Poer wished Library Director Melinda Hodges a happy birthday.

G. 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 items on the consent agenda. Councilmember Montoya seconded the motion, which carried unanimously.

G.1. APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 04/09/2013

Approved by consent.

G.2. APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 04/16/2013

Approved by consent.

G.3. APPROVAL OF A FINAL PLAT OF GARLIC CREEK WEST SUBDIVISION PHASE 3, SECTION 7 LOCATED NEAR THE INTERSECTION OF GARLIC CREEK DRIVE AND FUTURE WINCLIFF DRIVE.

Approved by consent.

G.4. APPROVAL OF THE SECOND READING OF AN ORDINANCE ADOPTING THE INTERNATIONAL CODE COUNCIL (ICC) 2009 EDITION OF CERTAIN BUILDING CODES AND REGULATIONS.

Approved by consent.

G.5. APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE SECTION 9.3 AS IT RELATES TO STANDARDS FOR THE ACCEPTANCE OF PUBLIC IMPROVEMENTS.

Approved by consent.

G.6. APPROVAL OF THE POLICE FORFEITURE FUND BUDGET FOR THE EXPENDITURE OF FUNDS AS IDENTIFIED BY THE POLICE CHIEF FROM FORFEITED ASSETS TO THE BUDA POLICE DEPARTMENT

Approved by consent.

H. PRESENTATION

H.1. PRESENTATION REGARDING A POST-EVENT REPORT ON THE LOUISIANA SWAMP THING & CRAWFISH FESTIVAL HELD APRIL 6, 2013 IN BUDA CITY PARK.

This item was pulled from the agenda.

H.2. PRESENTATION AND DISCUSSION BY BUDA AREA CHAMBER OF COMMERCE MANAGING DIRECTOR J.R. GONZALES REGARDING CHAMBER ACTIVITIES AND UPDATES.

J. R. Gonzales, Managing Director of the Chamber of Commerce, gave a brief presentation on the activities of the Chamber, including the creation of a new Coffee & Connections event for chambers members every month.

H.3. PRESENTATION AND DISCUSSION WITH DIRECTION TO STAFF ON AN UPDATE TO THE ECONOMIC DEVELOPMENT STRATEGIC PLAN AND RETAIL LEAKAGE STUDY

This item was presented by Sean Garretson of Pegasus Planning LLC . He stated that the Buda Economic Development Corporation engaged the professional services of Pegasus Planning LLC with subconsultants The Retail Coach and TXP,

to perform an Economic Development Strategic Plan and Retail Leakage Study. He also stated that Pegasus Planning has performed their baseline data analysis and held a couple of steering committee meetings to review such data. He then gave an overview of the project to date, highlighting that Buda's opportunities for industrial development are hindered by limited land availability in the areas zoned for industrial, Buda's three main retail markets compete with Southpark Meadows, Kyle Marketplace, and San Marcos Outlets, and the total retail leakage of the to these areas is approximately \$247,967,000. Given these findings, he suggested that Buda concentrate on promoting Hospitality and Tourism, Office, Light Industrial, and Retail uses, especially those that encourage vertical development.

After the presentation, Councilmember Haehn stated that many citizens of Buda had chosen to locate here to get away from "vertical development", and that the City should be mindful of protecting it's unique small town character while pursuing development.

I. REGULAR AGENDA ITEMS

I.1. DELIBERATION AND POSSIBLE ACTION ON A REQUEST BY DODI SALAZAR FOR A 3:00 A.M. ACCESS TO STAGECOACH PARK ON MAY 18TH, 2013 FOR HER DAUGHTER'S GRADUATION PARTY.

Andrew Czimskey, Director of Parks & Recreation, presented this item to the City Council.

Rose Marie Shelton spoke in opposition to allowing the park to open early, stating that she did not want to be disturbed early in the morning by rowdy activity at the park.

Tommy Poer stated that she was opposed to granting the request, and stated that the applicant should do her pre party cooking somewhere else and bring the food to the park at a more appropriate time.

Dodi Salazar then stated that the reason she wished to occupy the park so early in the morning was to facilitate the cooking of briskets for her afternoon party. She further stated that very few people would actually be in the park until the time of the party at 2:00 p.m.

After the discussion, Councilmember Montoya moved to approve the item. Councilmember Fletcher seconded the motion, which carried by the following roll call vote: AYES- Mayor Ruge & Councilmembers Fletcher, Hopkins, Montoya, and Lane. NAYS- Councilmembers Haehn and Altmiller.

I.2. DELIBERATION AND POSSIBLE ACTION ON AN ORDINANCE AMENDING ARTICLE 14.03 OF THE CODE OF ORDINANCES REGARDING THE SALE OF FIREWORKS BY ESTABLISHING AN AMORTIZATION PROCESS FOR FIREWORKS SALES FACILITIES FOLLOWING ANNEXATION AND FURTHER PROHIBITING THE SALE OF FIREWORKS WITHIN 5,000 FEET OF THE CITY LIMITS.

Planning Director Chance Sparks presented this item to the City Council. He stated that the City Council had several options: 1. Do nothing and enforce the ordinance as is, 2. Amend the City's ordinance to allow for a one time 90 day extension of use after annexation for retail fireworks establishments, and/or 3. Extend the City's ban on fireworks establishments 5000ft into the ETJ to ensure that there would be no future annexations of such establishments.

Rose Marie Shelton stated that the City needed to enforce its ordinances as written without exception.

Tommy Poer stated that she agreed with Ms. Shelton's comments.

Chester Davis, the owner of a recently annexed retail fireworks business, stated that he had bought his stock over a year prior to the upcoming July 4th holiday, and further stated that he could not dispose of his surplus stock if not given the opportunity to operate on the upcoming holiday.

Councilmember Haehn then stated that he was opposed to extending the City's regulations into the ETJ, because those residents could not vote.

Mayor Ruge stated that he supported the short term exception without the 5000ft regulation extension.

Councilmembers Fletcher and Montoya then discussed with Mr. Davis various aspects of his business operations, including his lease arrangements, product distribution, and business locations.

Councilmember Altmiller then stated that she would support the short term exception and the 5000ft regulation extension.

Councilmember Fletcher stated that he was opposed to legalizing the sale of a product that was illegal to use.

Councilmember Hopkins stated that ETJ residents & businesses know that they will be annexed someday and should have contingency plans in place.

Councilmember Altmiller then moved to approve the first reading of an ordinance which would allow for the 90 day use exception and extend the City's fireworks regulations 5000ft into the ETJ. The motion was seconded by Mayor Ruge and failed by the following roll call vote: AYES - Mayor Ruge, Councilmembers Altmiller and Montoya. NAYS - Councilmembers Fletcher, Hopkins, Haehn, and Lane.

Councilmember Haehn then moved to approve the first reading of an ordinance which would allow for the 90 day use exception, without the extension of the City's fireworks regulations. Mayor Pro Tem Lane seconded the motion, which carried by the following roll call vote: AYES - Mayor Ruge, Councilmembers Montoya, Haehn, Altmiller, and Lane. NAYS - Councilmembers Fletcher and Hopkins.

I.3. DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF BUDA TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE REGION 4 EDUCATION SERVICE CENTER WHICH SPONSORS THE COOPERATIVE PURCHASING NETWORK (TCPN), PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES

Andrew Czimskey, Director of Parks & Recreation, presented this item to the City Council. He stated that participating in this cooperative would allow the City to taken advantage of competitive bidding while utilizing a less formal bidding process. He further stated that local vendors could sign up with the cooperative and participate on local projects.

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

I.4. DISCUSSION AND POSSIBLE ACTION ON AMENDING THE START TIME OF REGULAR MEETINGS OF THE CITY COUNCIL FROM 7:00PM TO 6:30PM

City Manager Kenneth Williams presented this item to the City Council, and noted that it had been placed on the agenda at the request of Councilmembers. He stated that moving the meeting start time back to 6:30 would cut back on staff down time between the City's close of business at 5:00 p.m. and the commencement of the City Council meeting. Additionally, he stated that the 6:30 start time would still allow sufficient time for citizens to get to City Hall from work and participate in the meeting.

After the presentation Mayor Pro Tem Lane made a motion to move the City Council regular meeting start time to 6:30 p.m. beginning with the first meeting in July. Mayor Ruge seconded the motion, which carried unanimously.

J. STAFF REPORTS

J.1. STAFF REPORT REGARDING CITY LIMITS AND ANNEXATION NEAR THE SPORTSPLEX ON FM 1626

Chance Sparks, Director of Planning, presented this item to the City Council. He stated that a mapping error had led to the City Limits being depicted inaccurately in the vicinity of the Sportsplex. He stated that the City's mapping contractor at the time had used a general hand drawn map of the annexation of the Sprotspdex property instead of the more accurate metes & bounds description contained in the annexation ordinance to produce the City Limits map. The resulting map indicated that the City Limits where much closer to FM 1626 than they actually were. However, he stated that the Appraisal District had used the metes & bonds for taxation purposes, so no taxes had been improperly collected. Mr. Sparks concluded by stating that the map had been corrected, and that Councilmembers could request a future agenda item if they wished to proceed with annexing the area previously thought to be in the City.

J.2. STAFF REPORT: LEGISLATIVE UPDATE ON 83RD LEGISLATURE

Assistant City Manager Brian LaBorde presented this item to the City Council. He gave a brief overview of the City's efforts to secure the passage of several bills before the legislature.

J.3. CITY MANAGER'S REPORT

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

1. Police Chief Bo Kidd gave a brief update on the enforcement of the new commercial vehicles ordinance on the Cabela's property. He stated that the Police Department had been issuing warnings to trucks illegally parked there and would soon begin issuing citations. He also stated that signs announcing the new regulations had been put up at the

entrances to the Cabela's property.

2. Mr. Williams noted that Councilmembers had previously asked for an update on the City's plans to address the issues with Bontia Vista Dr., and that staff was in the process of preparing to provide that update.

3. He stated that the City had received the bids for the new skate park and that staff was in negotiations with the low bidder for modification of the scope of the project to be completed by the contractor vs. the scope of the project to be completed by the City.

4. He announced that the City would soon be sending in a letter of intent to participate in the State's Main Street Program.

5. He introduced the City's new Tourism Director Lysa Gonzalez.

K. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Altmiller asked for a future agenda item to annex the portions of the City near FM 1626 that had previously been thought to be within the City limits. She also asked for a report on how the City had secured its water needs for future development.

Councilmember Haehn asked for a report on the allowable uses of Stagecoach House provided for in the deed ceding the property to the City. He also asked for a report on drainage along Oxbow St, asked for a future discussion on providing for staff to administratively approve extension of park use hours, and asked for a report on adding towing enforcement to the commercial vehicle parking ordinance.

Councilmember Fletcher requested that a presentation be given on the City's rollback and effective tax rates at the first Council budget retreat. He also asked for a future discussion on clarifying the distinction between commercial and retail in the City's development regulations.

Councilmember Montoya asked for an update on staff's plans for public input on the Garlic Creek striping program.

Mayor Pro Tem Lane asked for a formal presentation from CapMetro on their proposals for extending services to the City of Buda. He also asked for a report on how the City holds individuals responsible for damaging City property.

L. ADJOURNMENT

There being no further business to come before the 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 05/21/2013.

Danny S. Batts II, City Secretary