

4/2/2013 - Minutes

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. 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 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, Human Resources Manager Sylvia Hernandez, Parks and Recreation Director Andy Czimskey, Executive Assistant Isabel Fernandez.

**D. PUBLIC COMMENTS**

None

**E. 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 Altmiller seconded the motion, which carried unanimously.

**E.1. APPROVAL OF 2011-2012 AUDIT FIRM**

*Approved by consent.*

**E.2. APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, SUPPORTING A TRANSPORTATION PARTNERSHIP PROGRAM BETWEEN HAYS COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR HAYS COUNTY ROADWAY PROJECTS.**

*Approved by consent.*

**F. PRESENTATION**

**F.1. PRESENTATION ON POSSIBLE ADOPTION OF ICC BUILDING CODES 2009 EDITION.**

*Stanley Fees, City Engineer, introduced this item to the City Council. Dondi Atwell of ATS Engineers presented this item to the City Council. He noted that most of the surrounding communities had adopted the 2009 ICC family of codes and recommended that the City consider doing so as well, both to reduce compliance complications for contractors working across several jurisdictions on the area and to take advantage of new provisions in the updated codes designed to provide better protection to the public during and after the construction process. After Mr. Atwell's presentation, Fire Marshal Mike Duffey presented the 2009 Fire Code to the City Council and noted that the 2009 version, if adopted, would include a general, year round prohibition on open burning within the City Limits. He also noted that certain exceptions, such as campfires in designated areas of City parks, would be allowed by permit, while other exceptions such as back yard barbecue pits would be allowed by right. After the presentation, the consensus of the City Council was that staff should bring an ordinance forward to adopt the proposed codes for consideration at a future meeting.*

**G. PUBLIC HEARINGS**

**G.1. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS REGARDING THE SERVICE PLAN AND 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.**

*The public hearing was opened at 7:34 p.m.*

*Mark Smith spoke in opposition of the proposed annexation and stated that he did not need any of the services the City would provide to his property if annexed.*

*Craig Nelson spoke in opposition to the proposed annexation and stated that he did not believe that the City would in fact provide any service for the taxes that would be levied on his property.*

*Wallis Green and Chris Maass with Kloeckner Metals spoke in opposition to the annexation and stated that they did not believe that the City would in fact provide any service for the taxes that would be levied on his property.*

*The public Hearing was closed at 7:38 p.m.*

- G.2. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS REGARDING THE SERVICE PLAN AND ANNEXATION PROCEEDINGS ON APPROXIMATELY 1.02 ACRES OF LAND SURROUNDED BY THE CURRENT CITY OF BUDA CITY LIMITS LOCATED NEAR THE NORTHWEST CORNER OF SOUTH FM 967/SOUTH LOOP 4/SOUTH MAIN STREET AND PRECISION DRIVE**

*The public hearing was opened at 7:39 p.m.*

*Craig Sellman spoke in opposition to the annexation and stated that he did not believe that the City would in fact provide any service for the taxes that would be levied on his property.*

*The public hearing was closed at 7:40 p.m.*

- G.3. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS REGARDING THE SERVICE PLAN AND ANNEXATION PROCEEDINGS ON APPROXIMATELY 36 ACRES OF LAND LOCATED NEAR THE NORTHWEST CORNER OF IH-35 AND MAIN STREET.**

*The public hearing was opened at 7:41 p.m. No members of the public spoke and the hearing was closed at 7:41 p.m.*

- G.4. HOLD A PUBLIC HEARING TO RECEIVE WRITTEN AND ORAL COMMENTS REGARDING THE SERVICE PLAN AND ANNEXATION PROCEEDINGS ON APPROXIMATELY 3.35 ACRES OF LAND LOCATED ON FM 1626 IMMEDIATELY NORTH OF BROADWAY BANK.**

*The public hearing was opened at 7:42 p.m. No members of the public spoke and the hearing was closed at 7:42 p.m.*

## **H. REGULAR AGENDA ITEMS**

- H.1. DISCUSS AND CONSIDER APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF 03/19/2013**

*Councilmember Altmiller noted that an executive session item that had been added to the 3/19/2013 agenda by addendum had not been included in the minutes. City Secretary Danny Batts requested that the minutes be tabled and stated that he would correct the oversight and bring the minutes back for consideration at a future meeting. This item was tabled by general consent.*

- H.2. DELIBERATION AND POSSIBLE ACTION REGARDING ESTABLISHMENT OF A HISTORIC PRESERVATION AWARDS PROGRAM.**

*Chance Sparks, Director of Planning, presented this item to the City Council. He noted that the Historic Preservation Commission had been considering establishing an awards program in order to encourage investment in properties, develop a positive perception of the commission, promote the historic district, and encourage interest in local history. He also stated that the program, if approved, would be administered by the commission at an approximate cost of \$150 per award. He further stated that it was expected that the annual cost of the program would be approximately \$600. After the presentation, Mayor Ruge made a motion to approve this item. Councilmember Haehn seconded the motion, which carried unanimously.*

- H.3. DELIBERATION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE PROHIBITING PARKING, STANDING AND LEAVING OF COMMERCIAL MOTOR VEHICLES UPON PUBLIC AND PRIVATE PROPERTY.**

*Chance Sparks, Director of Planning, presented this item to the City Council. He stated that staff had reviewed a draft ordinance provided earlier by Councilmember Haehn and had modified it to be effective for the City of Buda. He noted that the proposed ordinance would essentially prevent large trucks and commercial vehicles from parking in commercial areas for extended periods of time unless they were actively involved in delivering or servicing the particular commercial location. He especially emphasized that 18 Wheelers would not be permitted to park in commercial areas while their drivers rested, unless they were parked in a lot associated with a hotel which they were staying in. After the presentation, Carl Urban spoke in favor of the ordinance and stated that large trucks did not belong in residential or commercial areas of the City. After these comments, Mayor Pro Tem Lane moved to approve the ordinance. Councilmember Haehn seconded the motion, which carried unanimously.*

- H.4. DELIBERATION AND DIRECTION TO STAFF REGARDING ABILITY TO CONTINUE SELL OF FIREWORKS FOLLOWING ANNEXATION OF PROPERTY.**

*Chance Sparks, Director of Planning, presented this item to the City Council. He stated that the City would soon be annexing an area that contained a retail fireworks establishment. He noted that in the past the City had required such establishments to cease operation upon annexation in accordance with the City's ordinances prohibiting the sale of fireworks within the City. However, he stated that the City's actions in the past had dealt with mobil stands, while the property soon to be annexed contained a warehouse with a permanent foundation. Mr. Sparks stated that, since the scale of this fireworks operation was different than that of previous operations regulated by the City, staff was seeking direction from the City Council on whether the ordinance should be enforced as written or amended to allow for operations of this type to continue or to cease after an amortization period. After the presentation, several members of the public spoke.*

*Billy Gray spoke in favor of granting a variance to allow this particular fireworks warehouse to continue operations after annexation.*

*Steve Davis stated that the owner of the business in question had permitted him to operate the business with local school students as a fundraiser for several youth athletic organizations and stated that he was in favor of the City allowing the continued use of the site as a retail fireworks establishment.*

*John Martel spoke in favor of granting a variance to allow the business to continue operations after annexation.*

*Rose Marie Shelton spoke in opposition to allowing the business to continue after annexation and stated that the City ordinances should be enforced as written.*

*Tommy Poer spoke in opposition to allowing the business to continue after annexation and stated that the City Council had an obligation to enforce the City ordinances as written.*

*Chester Davis, the owner of the business in question, addressed the City Council and stated that he was a proud member of the community who just wanted to continue operating his business at the current location long enough to find a suitable alternative outside the City Limits. He stated that if the Council would permit him to operate after annexation he would make a good faith effort to relocate his business as soon as feasibly possible.*

*After the public comment, Mayor Ruge stated that he felt the City had two options, one being to allow the business to operate until the owner was able to find a suitable replacement site outside of the City, or to annex the property and require the business to cease operations immediately as required by the current ordinance.*

*Councilmember Altmiller stated that the fireworks ordinance had been in place for a very long time and further stated that Council should not change such a longstanding ordinance.*

*Councilmember Haehn stated that he had a problem with putting a person out of business and favored granting the owner's request for time to relocate.*

*Councilmember Fletcher stated that the previous times the City had required retail fireworks establishments to cease operations the establishments were not actually put out of business but had simply relocated. He also stated that the building in question had been in operation for a substantial period of time, long enough to recover any investment that had been made in the property, therefore an amortization period allowing the owner to operate until his investment had been recouped was unnecessary.*

*Mayor Ruge then stated that he would like to see staff come back to Council at a future meeting with a more in depth list of options for council to consider.*

*Councilmember Hopkins stated that he would like staff bring forward options for allowing the business to operate for limited amount of time after annexation, but eventually requiring it to cease operations.*

*Councilmember Montoya stated the Council should make its decision based on what is in the best economic interest of the City.*

*Mayor Pro Tem Lane stated that he would like staff to bring forward options to allow the business to continue as a nonconforming use.*

*After the discussion, the consensus of the Council was that staff should further research the City's options and present a more in-depth report at a future meeting.*

## **I. STAFF REPORTS**

### **I.1. STAFF REPORT: LEGISLATIVE UPDATE ON 83RD LEGISLATURE**

*Assistant City Manager Brian LaBorde updated the Council on the City's efforts to secure passage of several bills during the current legislative session.*

### **I.2. CITY MANAGER'S REPORT**

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

*1. He reminded Council that there would be a special City Council Meeting on April 9, 2013 at 6:00 pm*

*2. He announced that the annual crawfish festival would be taking place on April 6, 2013.*

*3. He introduced the City's new Parks & Recreation Director, Andrew Czimskey*

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

Councilmember Hopkins Requested two future agenda items: 1. Consideration of adding an invocation to future City Council meetings. 2. An amendment to the City's animal and livestock ordinance.

Councilmember Haehn asked for three future agenda items: 1. Would like to review the permitting process for camping in a City park. 2. Would like to see a report on the City's needs for volunteers to help maintain the City's parks and trails. 3. Would like to see a report on new street construction inspections performed by the City,

## **K. ADJOURNMENT**

There being no further business to be brought before the City Council, the meeting was adjourned at 8:46 p.m.

I certify that the above minutes were approved by the City Council of the City of Buda on 04/16/2013.