

MINUTES
REGULAR CITY COUNCIL MEETING
September 24, 2018 at 6:00 p.m.

1. Call to order.

Mayor Danner called the meeting to order at 6:00 p.m.

2. Quorum check.

Mayor James W. Danner, Sr., Mayor Pro Tem Ann-Michelle Long, Councilman John McAnelly, Councilman Eric Torres, Councilman John Villa, Councilman Bobby Vela, City Attorney Jessie Lopez, City Manager Kim Davis, and City Secretary Miguel Cantu

Staff present: Police Chief Brian Valenzuela, Assistant Finance Director Dee Willman, Economic Development Director Genevieve Flores, Director of Aviation Ryan Elder, Assistant Public Works Director Mike Schmidt, City Planner II Shavon Caldwell, Police Lieutenant Rick Garza, Library Director Elsie Purcell, Library Aide Christina Leos, Animal Control Officer Kaitlin Rutherford.

3. Invocation by Reverend Steve Schur, Bethlehem Lutheran Church.

4. Pledge of Allegiance led by Mayor Danner.

5. Citizens' Comments. None made.

6. Discuss and consider approving the September 10, 2018 Regular meeting minutes.

Councilman Villa moved to approve the minutes. Motion was seconded by Councilman McAnelly.
Motion carried 5-0.

7. City Manager Report(s)

a. Presentation: Staff Appreciation

Mrs. Kim Davis called on Cristina Leos, Library Aide, recognizing her for 5 years of service to the City of Hondo and more importantly to the citizens and community. Mrs. Davis commented Mrs. Leos saying that she provides great work at the library and always greets the customers acknowledging them by name and the type of genre book the individual reads. This was a celebration of her service with the City. Councilman Villa presented Mrs. Leos with a plaque.

b. October Calendar

Provided were Recreation Center calendar, City of Hondo meetings, 2019 Council meeting calendar, Boards and Commissions' calendar, National Night Out on October 2nd, and the Library Calendar for viewing. Mayor Danner stated that he appreciated recently the City Council calendar and the Boards and Commission calendar; asking if the calendars would be provided to each board member. Mrs. Davis responded that the members would be receiving the calendar and will be available on the new website when launched. Mrs. Davis reminded the council that the next movie night is going to be a Halloween theme, Hocus Pocus and will be shown at Memorial Square on the 19th of October.

8. Hold second public hearing on proposed extension of the Hondo city municipal boundaries by annexation of approximately 5.733 acres of land adjoining the corporate city limits of Hondo, Medina County, Texas - Jimmy Mumme.

Mrs. Shavon Caldwell presented the annexation of the 5.73 acres. The property was listed as one of the priority areas for annexation and granted Development Agreements in accordance with 43.016 of Texas Local Government Code, which outlines the authority to annex Ag exempt properties. The property has since lost its Agriculture Exemption through the Medina Appraisal District making the grant development agreement no longer applicable. The Public Hearing serves as a follow-up to Resolution 321-18 and the First Public Hearing was held on September 10, 2018.

solutions on amending, or creating a new ordinance for the City of Hondo. He referred to his presentation and the City's current ordinance. No person shall keep fowl of any type of fowl of any type, chickens, roosters, ducks, geese within the city limits unless the pen space is provided at a minimum of five square feet per animal. All pens now to be located not nearer than twenty five feet from any residence other than that of the owner of the fowl. Chief Valenzuela informed City Council the steps they have taken to take care of the issues currently being addressed. The City conducts two chicken roundups per year, has purchased additional chicken traps to meet customer requests, has initiated stronger enforcement campaigns to control the chickens with zero tolerance, works with several ranchers to relocate the chickens that have been captured, and will be taking the topic to the Animal Care Advisory Board for recommendations. Chief provided other samples of ordinances from the City of Kyle:

- (a) No more than six hens and/or two other fowl and/or two rabbits may be kept at a residence.
- (b) All hens, other fowl, and rabbits kept at a residence shall have a pen, coop or hutch constructed and available to such hens, other fowl and rabbits. All hens, other fowl, and rabbits must remain on owner's property behind a fence, on a leash, or on a tether.
- (c) The pen, coop, or hutch shall be at least 20 feet from neighboring residences and at least ten feet from the owner's residence.
- (d) No more than six hens and/or two fowl and/or two rabbits may be kept at qualified zone property as defined herein unless the property operates as and qualifies as a commercial animal enterprise.
- (e) The keeping of roosters at a residence or qualified zone property, including a commercial animal enterprise, is prohibited.

Also, researching the City of Ralls:

Sec.2.05.001

- a) Any person desiring to keep chickens in a residential district within the city limits pursuant to this article shall make a written application to the city for a permit to harbor the chickens. The city administrator or mayor shall review and approve or reject each permit application. The form of the permit application shall be designed by the city administrator.
- (b) The permit, if granted by the city administrator or mayor, must be renewed by the applicant annually on the anniversary date of the permit, providing all restrictions and regulations have been met and there is no change in ownership or residency of the property, for each location on anniversary dates. The annual renewal permit fee shall be \$25.00.

Sec. 2.05.002 Chicken Hens – Residential Districts

- (a) After first obtaining an annual permit as required in Section 2.05.001 above, a person may keep up to six (6) chicken hens in R-1 Single-Family Residential Districts subject to the following conditions and requirements:

Any and all chicken hens so kept shall remain confined in a covered enclosure that prevents access by predators from sunset to sunrise. Chicken hens may be allowed outside of the enclosure during daylight hours so long as the chicken hens are in a fenced yard where the chicken enclosure is located that (i) prevents the chicken hens from escaping; (ii) prevents predators, including domestic dogs, from entering the yard; and (iii) where the chicken hens have continuous access to the enclosure.

Any such above-described enclosure shall be kept in a fenced yard.

Any and all enclosures or other such shelters provided for said permitted chicken hens shall be of a size sufficient to be conducive to good sanitation, shall provide adequate and sanitary drainage for the enclosure or shelter and shall be constructed or repaired as to prevent rodents from being harbored underneath, within, or within the walls of the enclosure.

The enclosure size shall, at a minimum, allow for a ratio of two (2) square feet per chicken hen.

No enclosure for chicken hens shall be located closer than: (i) ten (10) feet to any property line of an adjacent property; (ii) fifteen (15) feet to any residential structure on an

adjacent property unless consented to in writing by the owner of the adjacent property with such consent submitted at the time of submitting an application or receiving a renewal permit; or (iii) ten (10) feet to any residential structure on the same property.

No roosters shall be allowed or permitted.

After the Council packets had gone out the Police Department also researched the City of New Braunfels and they passed a chicken ordinance that reflects the same as the City of Ralls; including no roosters allowed. Chief Valenzuela asked if the Council had any questions and stated that he had Animal Control Officer Kaitlin Rutherford present to answer any questions. Councilman Vela stated some of the complaints he was receiving included noise from roosters. Chief Valenzuela stated that other cities do not allow roosters because they make noise and keep people up at night. Chief Valenzuela said the City could mirror off of other cities and eliminate the keep of any roosters completely. The only issue is the grandfather clause where you already have roosters in place. When contacting other cities, they suggested to create an application and a tagging system with identifying numbers. Chief Valenzuela added several roundups have been performed on 30th Street. Councilman Villa stated that there seems to be a concern because of one complaint and the chickens moved into the area; however, there are several roosters in Avenue T and no one complains in that area about the noise. Chief Valenzuela informed Council the rooster is that in the area would not be claimed by a resident. Councilman McAnelly stated that there were no provisions for free range chickens, and the majority of the concerns are handled with a work order system. Chief stated that there is about 1 complaint per 3 weeks. Councilman Torres asked if there were any cities that did not allow any chickens at all. Chief stated that the City of Wiley, City of Plano and other cities were in the process of passing ordinances. Cities are allowing chickens but no roosters; however, chickens and roosters can become a health issue. Councilman Torres declared he would like to put a stop to allowing any chickens or roosters in the city. The City has an ordinance for hogs, stated Council Villa, people have them in the City limits; so, why can't we just do the same thing with the roosters. Mrs. Davis stated city staff is looking for direction from the City Council if you would like to change the ordinance, limiting the number of chickens, prohibiting roosters, or changing from 25 feet to 50 feet. The 25 feet is from the residence area and not the property line. Staff has done everything that they can within the confines of the ordinance. Councilman McAnelly stated there are people who like to have chickens and like to have eggs that have really nice houses. He added, if the City can enforce the ordinance or strengthen it and create a permit because that implies a fee and implies a way the City can finance to check on the chickens. Councilman Vela stated that the concern was the roosters. Mayor Pro Tem Long asked Mrs. Davis what her recommendation would be. Mrs. Davis stated the City of Kyle's ordinance seems pretty substantial and does not require the permitting, but it limits the number of chickens, it creates a distance from abutting residence even further and it bans roosters. In the last legislative session, to restrict a municipality's authority to prohibit owning chickens was presented and failed; however, she feels the topic will be presented again and passed. Mrs. Davis asked for a recommendation from City Council. Mayor Danner stated the consensus appeared to be that the concerns be taken to the Animal Advisory Board and return to council with their recommendations and with a proposed ordinance.

13. Executive Session: The City Council of the City of Hondo may convene in Executive Session in accordance with the Texas Open Meetings Act, Texas Government Code, *Section 551.071* (Consultations with Attorney) on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly requires discussion in closed session); Pending or contemplated litigation; *Section 551.072* (Deliberations about Real Property); *Section 551.087* (Deliberations Regarding Economic Development Negotiations)
 - a. Discussion regarding potential lease, purchase or value of real property.
 - b. Discussion regarding potential lease/sale of property.
14. **Discuss and consider appropriate action resulting from Executive Session.**
No Executive Session held.

15. Adjourn.

Council Villa moved to adjourn the meeting at 6:43 p.m. Motion was seconded by Councilman Vela. Motion carried 5-0.

PASSED AND APPROVED THIS 8TH DAY OF OCTOBER, 2018.



JAMES W. DANNER, SR., MAYOR

ATTEST:



Miguel Cantu, City Secretary

