

MINUTES
REGULAR CITY COUNCIL MEETING
January 28, 2019 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 McAnelly, Councilman Eric Torres, Councilman John Villa, Councilman Bobby Vela, City Attorney Jessie Lopez, City Manager Kim Davis, City Secretary Miguel Cantu

Staff Present: Chief of Police Brian Valenzuela, Assistant Finance Director Dee Willman, Director of Aviation Ryan Elder, Director of Economic Development Genevieve Flores, Assistant Public Works Director Michael Schmidt, Assistant to the City Manager Elsa T. Robles, City Planner II Shavon Caldwell, Police Lieutenant Rick Garza, Parks Operator John Henry Martinez

3. Invocation by Reverend Lonnie Phillips, First United Methodist Church.

4. Pledge of Allegiance led by Mayor Danner.

5. Citizens' Comments

Chavel Lopez, Hondo Empowerment Committee, 1416 14th Street, discussed the brush policy passed by the City Council in 2018. He stated that there were eight foot high piles of brush and tree trunks throughout the City. He noted that the City did send out letters; however, he felt the people may not have read the information. He asked what the City would do next to eliminate the brush.

6. Discuss and consider approving the minutes from City Council meeting January 14, 2019 regular meeting.

Councilman Vela moved to approve the minutes for January 14, 2019. Motion seconded by Councilman Villa. Motion carried 5-0.

7. City Manager Report(s)

a. Recognition:

Mrs. Kim Davis recognized Mr. John Henry Martinez, Parks and Recreation Division, who is celebrating 10 years of service with the City of Hondo. Councilman Villa and Councilman Vela presented a plaque to Mr. Martinez and Mrs. Davis added that Mr. Martinez is an active member of the Hondo Volunteer Fire Department.

b. February Calendar

Mrs. Davis stated there was additional information on the calendar. She highlighted the February 22nd Gaming Challenge with the Hondo Police Officers at the Hondo Public Library. This is a great way for Police Officers to interact with the youth and to allow the youth to get to know the Police Officers. Mayor Danner asked about February City of Hondo Boards and Commission Meeting, City Secretary stated that the meetings had been left off the calendar and would correct them on the calendar.

c. Leadership Training March 4, 2019 and March 5, 2019.

Mrs. Davis wanted to remind everyone regarding the pre-budget workshop to be held March 4th and 5th, 2019.

d. Government Finance Officers Association Distinguished Budget Award

Mrs. Davis stated she had the honor to inform the public that the City of Hondo received the Government Finance Officers Association Distinguished Budget Award. She recognized Mrs. Dee Willman, all the City Departments, and Division Superintendents for their hard work throughout the year during budget season to ensure its success. Mrs.

Willman was presented with an award by Councilman McAnelly. Mayor Danner also mentioned that the City of San Antonio was also a winner of the award in the area. Mrs. Willman said she has prepared the application for next year's award and would mail it in the next few days.

8. **Public Hearing / Request 20th Street Overlay District / Zone Case P528-18.** Request from the City of Hondo for a Zone change from (R2) Residential Two and (20th MUD) 20th Street Mixed Use District to (R2) Residential Two and (CL) Commercial Light Overlay on the listed below lots situated within the corporate limits of the City of Hondo, in Medina County, Texas.

Mayer, Block 14, Lots 1-5	Hondo, Block 78, Lots 6-10
Mayer, Block 15, Lots 1-5	Hondo, Block 79, Lots 1-5
Mayer, Block 16, 6-10	Hondo, Block 80, Lots 1-5
Mayer, Block 17, Lots 4-8	Hondo, Block 19, Lots 1-5
Hondo, Block 23, Lots 1-4	Hondo, Block 55, Lots 1-4
Hondo, Block 24, Lots 1-5	Hondo, Block 56, Lots 1-5
Hondo, Block 25, Lots 6-10	Hondo Block 57, Lots 6-10
Hondo, Block 26, Lots 6-10	Hondo, Block 58, Lots 6-10
Hondo, Block 77, Lots 6-10	Hondo, Block 59, Lots 5, 6, and East ½ of Lot 7
Hondo, Block 60, Lots 1-4	Hondo, Block 60, parts of Lots 5-8

Request from the City of Hondo for a Zone change from (R1) Residential One and (20th MUD) 20th Street Mixed Use District to (R1) Residential One and (CL) Commercial Light Overlay on the listed below lots situated within the corporate limits of the City of Hondo, in Medina County, Texas.

Fly, Block C, Lots 6-10
Fly, Block D, Lots 6-10
Fly, Block D, South Half of Lots 9 and 10

Request from the City of Hondo for a Zone change from (MUD) Mixed Use District and (20th MUD) 20th Street Mixed Use District to (R2) Residential Two and (CL) Commercial Light Overlay on the listed lots situated within the corporate limits of the City of Hondo, in Medina County, Texas.

Hondo, Block 59, Lots 8 and West ½ of Lot 7

Request from the City of Hondo for a Zone change from Commercial (C) and (20th MUD) 20th Street Mixed Use District to Commercial (C) on the below listed lots situated within the corporate limits of the City of Hondo, in Medina County, Texas.

Fly, Block C, Lots 1-5
Fly, Block D, Lots 1-5
Fly, Block D, North 61 feet of Lots 9 and 10
Hondo, Block 55, Lot 5
Hondo, Block 60, parts of Lot 5-8
Hondo, HEB Subdivision, Block 1, Lot 1

Request from the City of Hondo for a Zone change from (CBD) Central Business District and (20th MUD) 20th Street Mixed Use District to (CBD) Central Business District on the listed lots situated within the corporate limits of the City of Hondo, in Medina County, Texas.

Hondo, Block 23, Lots 5-8

City Planner Mrs. Shavon Caldwell stated that she wanted to make sure everyone had the same understanding about the ordinance and she wanted to clarify that the zoning action does not change the base zoning of any of the properties listed for change on the agenda. Staff is recommending keeping the base zoning of all the properties the same as when the MUD was established in 2007. The agenda item is presented to clarify the zoning and zoning maps. On April 2, 2007, the City adopted Ordinance No. 877-04-07 establishing the 20th Street Mixed Use Zoning District (“20th Street MUD”). The purpose of the 20th Street MUD was to allow Commercial Light (CL) uses in the residential areas along 20th Street but, confusion had arisen regarding the properties included in the 20th Street MUD and the uses permitted within the district. The original ordinance 877-04-07 did not clearly define the properties to be included in the 20th Street MUD, what additional uses were to be allowed, and in general, how the 20th Street MUD should work. Additional confusion occurred when the district was drawn on the City’s zoning map and when the ordinance was carried over into the Unified Development Code. Despite the stated original purpose of the ordinance, to allow light commercial activities in residential areas along 20th Street, users of the zoning map and Unified Development Code are misinterpreting the allowed uses and purpose of the district due to the lack of clarity. The lack of clarity and purpose allowed uses and the extent of what the district was supposed to be is leading to some confusion. Anyone utilizing the UDC or the Zoning Map without reviewing the historic zoning maps P&Z and Council Minutes in the original ordinance would not have an understanding how the district was to work and what historically the City was attempting to accomplish.

Mrs. Caldwell proposed that the council repeal the 20th Street Mixed Use District Ordinance, to reflect the properties original zoning prior to the 20th Street MUD and to establish commercial light overlay on residential zoned properties. In summary, Mrs. Caldwell stated that nothing changes for those currently residing in the 20th Street MUD and all Commercial Light uses are already allowed in CBD (Commercial Business District), and C (Commercial) Districts with few exceptions. The item was not to prompt major change on the 20th Street Corridor. The Ordinance helps to achieve what the Planning & Zoning Commission and City Council intended by allowing flexibility for light commercial uses and office space along 20th Street. Additionally, the Ordinance eliminates the chance for error and creation of nonconformities; whereas, the previous ordinance was unclear and confusing. There were 271 mailed notices with three positive and one negative response. The Planner’s Office also held two full days’ office hours and also two open houses at the Hondo Public Library. Mrs. Caldwell added that there were no visitors and no appointments made with her office to discuss any concerns regarding the proposed revisions. Mrs. Caldwell further noted that a nonconforming use does not impact the sale of the property; any nonconforming uses along the corridor will remain nonconforming. The only thing that terminates the nonconforming status is if a property is vacant for a specified amount of time.

Councilman McAnelly asked if the residences in the CBD were allowed and if they were nonconforming. Mrs. Caldwell confirmed the residences are not allowed in CBDs and are nonconforming; however a resident can also apply for a rezone. Councilman McAnelly asked if the homes with disabled residents would be grandfathered in; Mrs. Caldwell assured Councilman McAnelly the homes would be.

Mr. Paul Guinn, 1104 20th Street handed out a coversheet along with a petition of sixty-one 20th Street property owners requesting that the 20th Street MUD not be changed from its current state. *NOTE: the documents Mr. Guinn provided are not official or validated documents.* Mr. Guinn read his cover letter.

Accompanying this cover letter is the 62nd signature to be added to the petition of sixty-one (61) 20th Street property owners requesting that the 20th Street MUD NOT be changed from its current state. The petition with sixty-one signatures was given to the city council at the January 14th meeting.

I hereby request that this more than 77% opposition to the city’s proposed zoning change be acknowledged and made part of this public hearing,

as I also requested that the petition be entered in the official record at the last council meeting.

As stated previously, I am not the only property owner on 20th Street to be harmed by this proposed change in zoning. The proposed zoning change takes my properties and others on 20th from being compliant use to non-compliant use. This will be a very expensive harm to these property owners if this endeavor succeeds.

/s/ Paul Guinn

Mayor Danner asked Mr. Guinn if he had informed the public that their zoning would be changed. Mr. Guinn did not comment. Mayor Danner continued by stating that if he had informed the public that their zoning would change he informed the public in error. Mr. Guinn stated that zoning was going to change and began to read the petition he asked his community to sign:

[handout from Mr. Paul Guinn]

Petition to keep 20th Street MUD as adopted April 2, 2007 [

We, the undersigned petitioners, request that the City of Hondo Official Zoning Map be corrected to show the 20th Street Mixed Use District (MUD) from Avenue E (SH 462) to avenue X as adopted by unanimous council vote on April 2, 2007. There was much public input into the formation of the 20th Street MUD, including the three public hearings cited in the City Council minutes for April 2, 2007.

The purpose of the 20th Street MUD was to allow the evolution of Mixed Use along 20th Street from Avenue E to Avenue X while protecting the residential nature of 20th Street.

The current Unified Development Code states, "The purpose of the 'MUD' Mixed-Use classification is to permit various type of developments and land uses within a single zoning district." Unified Development Code Section 9.7 requires that any costs for utility upgrades needed, due to negative public infrastructure impact, be covered by the developer.

Mr. Guinn read from the petition and was informing those who signed the petition about the zoning change. Mayor Danner explained to Mr. Guinn that he told them their zoning would change which is not the case.

Mayor Danner asked if there were any other public comments regarding this topic.

Mayor Danner closed the Public Hearing at 6:36 p.m.

9. **Discuss and consider Ordinance 1188-01-19, an ordinance of the City of Hondo repealing Ordinance No. 877-04-07; amending Chapter 4.1, Section 4.1 and Chapter 5, Section 5.3.2 of the Unified Development Code; rezoning various properties located along 20th Street between Avenue E and Avenue X; and providing an effective date of the ordinance.** Mayor Danner asked City Attorney Jessie Lopez about the ordinance of rezoning. Mr. Lopez stated that there is a rezone according to the Ordinance but will keep the base zoning. Councilman Vela moved to approve Ordinance 1188-01-19. Motion seconded by Councilman McAnelly. Motion carried 5-0.
10. **Presentation: Annual report by Texas Housing**
Mr. Mark A. Mayfield, President/CEO of Texas Housing Foundation stated the organization had closed [purchased] on the properties on December 20, 2018. He reminded Council that there were

16 properties throughout the State of Texas. In his state at the application that Texas Housing was purchasing and in the process Hurricane Harvey hit two properties in the State of Texas consisting of Rockport and Baytown which delayed the process. Mr. Mayfield noted that renovations had started at the Brian Place Apartments on Stagecoach Drive and Hondo Garden Place located on Avenue Q. The renovations for Brian Place will begin on April 1st. The work will mainly be to the interior and some exterior renovations. Collectively, the budget for Hondo Garden is \$884,680 and Hondo Brian Place \$1,517,866. He thanked the City Council for their support. Mayor Danner asked how long the remodel would take, and Mr. Mayfield stated approximately five to ten months. Councilman Villa asked what would happen to the tenants during renovation. Mr. Mayfield stated that tenants would be placed in a temporary home until the work is complete; however, if there was an extreme situation Texas Housing was prepared to place the family in a hotel with a per diem. Renovations also included the parking lot at Brian Place Apartments. Mayor Danner stated that Council prefers they use local businesses for their renovations.

11. Workshop: Code of Ordinances of the City of Hondo

Mr. Miguel Cantu informed City Council that in their packet they had received two sets of documents to review titled Code of Ordinances of the City of Hondo Editorial & Legal Review & City of Ordinances of the City of Hondo Memorandum of Understanding. Franklin Legal Publishing had informed the City Secretary they had done a comprehensive review of the City's Ordinances to include the City Charter. Mrs. Elsa Robles, City Manager's Assistant informed Council she had talked to Mr. Kirk Franklin, owner of the publishing company, and he informed her that the reason there was a complete review was because the Unified Development Code affected quite a few areas of the previous codified ordinances; therefore a thorough review was important. The review did not increase the cost which would remain the same. Mr. Cantu informed Council that the Memorandum of Understanding was the result of recommendations from staff after revising the Editorial & Legal Review document. Mr. Cantu presented the Editorial documents. The Charter Review of the documents could not be changed and revised at this time because the Charter was voted on by the citizens of Hondo. It was asked of the Franklin Publishing to make no changes to the Charter; however, Council could use the recommendations for changes to Charter during the upcoming Charter Review and preparing to a vote in the year 2020. Some items to consider are to clarify the number of years and the number of terms a Mayor and a Councilmember could run for office.

The following changes are also recommended by Franklin Publishing:

- Sec. 3.14 Emergency Ordinances
- Sec. 7.06 Proceeding on Adoption on Budget
- Sec. 11.04 Charter Review Commission
- Sec. 4.03 Municipal Court
- Article 5.07 Division 2, Rate Regulation
- Sec. 6.01.002, Arson Reward
- Sec. 7.01.002 Responsibility for Sanitation Services
- Sec. 7.01.003 Health Certificates, Section
- Sec. 7.06.006 Notice of Violation, Abatement of Violation
- Sec. 1.04.004 Jurisdiction (General Provisions)
- Sec. 2.05.066 Authority of the Mayor to Summon the Special Police
- Sec. 4.04.333 Special Rules (Building Regulations)
- Sec. 4.06.044 Variance Procedures
- Sec. 5.03.002 Annual Occupation Tax Levied (Business Regulations)
- Sec. 8.06.001 Definition of Junked Vehicle
- Sec. 9.01.002 Fee for Placement of Streetlights in New Developments, Unified Development Code
- Ordinance 1164-04-18 (omit)
- Ordinance 1165-04-18 (omit)
- Ordinance 1171-05-18 (amend)
- Article 10.08 Construction of Streets (Streets, Parks and other Public Places), Sidewalks, curbs and Setbacks
- Sec 10.08 Contractor's License

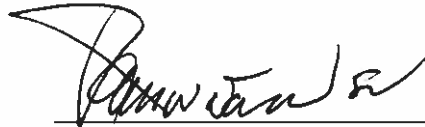
• Article 11.03 Traffic-Control Devices

• Sec 11.04.151 Maximum Speed
Generally

Mr. Cantu explained that there were changes to be made and Franklin Publishing would provide an updated Code of Ordinances for Council. After the review by City Council, they would be provided with an ordinance that would adopt all the current changes to the Code of Ordinances.


12. **Executive Session:** The City of Hondo convened into Executive Session at 6:30 p.m. and reconvened in Open Session at 7:22 p.m. 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 located at the South Texas Regional Airport.
13. **Discuss and consider appropriate action resulting from Executive Session.**
No action taken.
14. **Adjourn.**
Councilman McAnelly moved to adjourn the meeting at 7:22 p.m. Motion seconded by Councilman Vela. Motion carried 5-0.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY 2019.



JAMES W. DANNER, SR., MAYOR

ATTEST:



Miguel Cantu, City Secretary

