

MINUTES
REGULAR CITY COUNCIL MEETING
July 8, 2019 at 6:00 p.m.

1. Call to order.

Mayor Danner called the meeting to order at 6:01 p.m.

2. Quorum check.

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

Absent: Councilman Bobby Vela

Staff: Assistant Finance Director Dee Willman, Director of Aviation Ryan Elder, Economic Development Director Genevieve Flores, Public Works Director Michael Schmidt, Water Superintendent William "Buddy" Stewart, Code Enforcement Supervisor Joseph Ramon, Hondo Police Officer Brandon Teer, Parks and Recreation Manager Karissa Gonzalez, Assistant Recreation Manager Joe Alex Quintanilla

3. Invocation by Pastor Beverly Kelling, St. Paul Lutheran.

4. Pledge of Allegiance led by Mayor Danner.

5. Citizens' Comments

Mrs. Penny Solis, 2106 18th Street, requested the use of showers located near the airport to provide a location for the homeless to bathe. She said she has discussed her concern with Mrs. Davis, but felt she should address the City Council. Mrs. Solis stated that she has looked around the area and found that there are not many resources for the homeless.

Chavel Lopez, 1401 14th Street, Hondo Empowerment Group, talked about the services in the City. He took pictures of various locations that needed to be maintained, had high weeds, and/or high grass, to include Avenue P & 18th Street, Avenue Q & 16th Street, Alley between 17th Street & 18th Street, Alley between Avenue N & Avenue O, Avenue H & 16th Street, Avenue D and 16th Street, Avenue K & 11th Street, between Avenue N & Avenue O. Mr. Lopez stated that the city has started looking deplorable.

6. Discuss and consider approving the minutes from City Council meeting June 24, 2019 regular meeting.

Councilwoman Long moved to approve the minutes. Motion was seconded by Councilman Villa. Motion carried 4-0.

7. City Manager Report(s)

a. 4th of July Celebration

Mrs. Davis stated that during the 4th of July festivities various events were held to include the Red, White, & Boom!, Pet Parade and the new Dachshund Dash. Mrs. Davis recognized Debbie Krueger, Miguel Cantu, Genevieve Flores, Misty Hernandez, Public the Library staff and the Parks & Recreation. Mrs. Davis added that the sales from the raffles and the dash were going back to pet services to include the Huts for Mutts project. During the evening, the Red, White & Boom! was kicked off at the Fair Grounds where the fireworks display took place. Mrs. Davis emphasized that the attendance for the activities exceeded expectations.

b. July 30, 2019 and July 31, 2019 Budget Workshops

Mrs. Davis reminded City Council that Budget Workshops were scheduled for the end of the month.

8. Proclamation declaring July as Parks and Recreation Month.

Mayor Danner read the proclamation declaring July as Parks and Recreation Month. Mayor Pro Tem McAnelly, Councilman Torres, and Councilman Villa presented the proclamation to Parks and Recreation staff and board members to include Steve Wilson, Jackie Muennink, and Linda Quintero, Parks and Recreation Manager Karissa Gonzalez, and Assistant Recreation Manager Joe Alex Quintanilla.

9. Proclamation declaring July 9, 2019 as Roxanne Carter Day.

Mayor Danner read the proclamation declaring July 9, 2019 as Roxanne Carter Day. Mayor Danner informed the public that on July 9th there will be a Chamber of Commerce Reception for Mrs. Carter. Mayor Danner, Councilwoman Long, and City Manager Kim Davis presented Mrs. Carter with the proclamation.

10. Discuss and consider Resolution 331-19 congratulating D'Hanis Baseball and Softball Teams.

With no honorees present, Mayor Danner postponed the item to the next City Council agenda.

11. Discuss and consider authorizing the City Manager to enter into an agreement with Stratton Construction for construction of restroom facility at Torres Park in the amount of \$40,000.

Mrs. Karissa Gonzales stated that she is requesting City Council to authorize the City Manager to enter into an agreement with Stratton Construction for the development of a restroom facility for Torres Park in the amount of for \$40,000.00. In the FY 18 – 19 budget under New Park Development – Torres Park Restroom (01-51140411), \$29,000.000 was budgeted for the construction of a restroom facility. The proposed restroom is to serve Torres Park, which does not currently have, any restroom facilities for citizens visiting the park. The structure will be approximately 20' x 25' and will house a single - ADA accessible stall with adjoining fixtures for both the men and women's unit. Mrs. Gonzalez stated that \$29,000 was budgeted for the new restroom; however, the lowest bid was provided by Firenda Group in the amount of \$39,850, followed the bid by Stratton Construction in the amount of \$40,000, Lone Star Integrated Solutions at \$47,300 and Service Group LLC in the amount of \$85,000. Mrs. Gonzalez requested that City Council authorize the City Manager to enter into an agreement with Stratton Construction for the construction of a restroom facility in the amount of \$40,000. She added that staff would return at the next City Council meeting for an appropriate budget amendment. She noted that Stratton was not the lowest bidder with a difference of \$150 from Firenda Group. Because Stratton has had a good standing with the City of Hondo from previous projects, Mrs. Gonzalez's recommendation for the higher amount came from the City of Hondo's Purchasing Policy and Procedures Manual, "If two or more bidders have bids that are identical in nature and amount, with one bidder being a resident of the City and the other bidder or bidders being non-residents, the City must select the resident bidder." (see §271.901, TX. Local Government Code) The \$150 difference is within the policy recommendations. No references were provided by Firenda Group and there was no website. Previous restroom construction service has been provided by Stratton Construction. Mayor Danner asked Mrs. Gonzalez if the restrooms at the Nature Park were built for \$29,000. Mrs. Gonzalez stated that they were built for the cost of \$29,000. Councilman Torres stated that he was not comfortable with the amount presented and was concerned about vandalism. Mrs. Gonzales stated that the Nature Trail restroom were vandalized twice in the year since they have been built. The walls were broken with some plywood wall damage. The restrooms were vandalized during the day and were found to be damaged at approximately 7:00 p.m. Other city park restrooms are vandalized as well staff has switched porcelain toilets to stainless steel toilets.

Councilman Torres stated that he was not comfortable with the cost and would like to see the item tabled to get a lower cost for the construction. Councilman Torres asked about portable buildings and Mrs. Gonzalez stated that the costs for a portable building would be about \$90,000. Mrs. Davis stated that water service is existing, but sewer will be extended and completed in-house. Councilman Villa asked if the city could construct the restrooms in-house. Mrs. Davis stated that staff is not capable of constructing this type of facility. Councilman Villa asked how the bids were posted for the public to bid. Mrs. Davis informed Council the request for bids were posted on the website and the newspaper for two weeks. Councilman Torres said that the item should be tabled. Mayor Pro Tem McAnelly asked City Council to consider constructing a less expensive facility that serves the same purpose that is expected to be repaired. Councilman Torres stated that he was still not comfortable with the price and the City needed to place porta potty toilets until a solution was agreed upon.

Mayor Danner asked if there was a motion. No response from City Council. Agenda item died for a lack of a motion.

12. Discuss and consider approving Ordinance No. 1203-07-19 of the City Council of the City of Hondo, Texas, amending Chapter 8 offenses and additional provisions, section 9.03.03 (Discharge of Firearms), of the Code of Ordinances by adding a new subsection relating issuance of permits for the temporary discharge of firearms for education and charitable events in public parks and facilities; providing a severability clause; providing an effective date and providing for related matters.

Officer Teer stated that the City has received requests by charitable organizations involving the temporary discharge of firearms at public parks such as historical re-enactments, theatrical performances, and skeet shoot fundraisers. The City of Hondo Code of Ordinances currently prohibits any discharge of firearms within the City Limits of Hondo. He said the ordinance could be amended by adding a subsection that; "Would allow the City Manager, subject to provisions of this section, to issue a temporary permit authorizing the discharge of firearms for a period not to exceed 48 hours at a city park for charitable and educational events such as historical re-enactments, theatrical performances, and skeet fundraising events." To ensure public safety and welfare and to comply with this ordinance, the temporary permit may impose conditions of operation, location, other arrangements reasonably necessary to ensure public safety and welfare and to protect adjacent property from noise; shot, pellets or other debris; vibration; dust; dirt; smoke; fumes; gas; odor; explosions; glare; or other hazardous conditions. The permit will also require the permittee to provide proof of insurance with sufficient liability coverage to reasonably protect the city from claims arising from permittees discharge of firearms. Officer Teer stated that applicants will be required to consent to a criminal background check. He said that the City may require applicant to submit proof or other documentation reasonably necessary to demonstrate that the proposed permit will be used for purposes of an educational and/or charitable event. Also the City Manager shall deny applications submitted by applicant previously convicted of a felony, violent crimes, and moral turpitude. An applicant denied a permit may within 30 days of the City Manager's denial submit an appeal to the City Council whose decision will be deemed final. This ordinance would allow a temporary permit taking into consideration it will be at a safe location and direction and not affect the community. Mayor Danner asked if the shooting will be only allowed on city parks. Officer Teer stated it would only be allowed in parks and the ordinance does not pertain to fireworks. Mrs. Davis stated that it was only for historical re-enactments, theatrical performances, and skeet shoot fundraisers. She also added that the Chamber's Hunt Hondo event will be returning to inside the city limits. Councilman Villa asked who would do the skeet shooting competition and if you can change the ordinance at a later date. Mayor Danner responded that the ordinance could be changed at a later date. With no further discussion, Mayor Danner asked for a motion.

Mayor Pro Tem McAnelly moved to approve Ordinance 1203-07-19. Motion seconded by Councilwoman Long. Motion carried 4-0.

13. Workshop: Accessory Structures

Mr. Joe Ramon stated that the Development Services staff has identified conflicting information regarding accessory structure setbacks within the City of Hondo Code of Ordinances and the adopted model codes. Model codes are identified as the International Building Code, Fire Code, Residential Code etc. adopted by the City Council. Mr. Ramon stated he wanted to inform City Council of conflicting information in the model codes and city ordinance definitions. Currently, the ordinance does not specify a distance requirement from the main structure for carports located at the front of a residence. The ordinance allows carports to be located a minimum of five (5) feet from the front property line. The ordinance also requires accessory building to be located a minimum of ten (10) feet from other structures on a lot. A safety concern identified was the distance between structures to assure that fires do not spread as there have been during recent fires in the community with structures located relatively close in proximity. With a ten-foot requirement, it would provide ample time for emergency responders to activate. Subdivision rehabilitation and revitalization is important. Currently, if a structure is not in compliance it will remain in noncompliance until the structure is rebuilt. Conflicting codes were identified that the most restrictive code shall govern stated Mr. Ramon. He further added that “building” is defined in the International Building Code (IBC) as any structure used or intended for supporting or sheltering any use or occupancy. Detached Building, in the IBC, is described as a separate single-story building, without a basement or crawl space, used for the storage or use of hazardous materials and located an approved distance from all structures. City of Hondo Code of Ordinances identifies building as any structure built for the support, shelter or enclosure of persons, chattels or removable property of any kind and which is affixed to the land. Accessory Use was noted to be one customarily a part thereof, which is clearly incidental and secondary to a permitted use and which does not change the character therefor. Finally, “structure” is defined as an edifice or building of any kind, or any piece of work built up or composed of parts joined together in some definite manner. Per Mr. Ramon, a carport is identified as an accessory building in the City of Hondo’s Unified Development Code and conflicts with the IBC. At this time, there is a five-foot building setback at the front of the property; however, the distance requirement is ten feet and many of the builders or those seeking to install a carport, considered an accessory building, do not have ample space. There are many Board of Adjustment cases regarding this ordinance because residents cannot comply with the current ordinance. Mr. Ramon is looking to remove the ten foot requirement Councilman Villa asked if a permit would be required to cover all sides of the structure. Mr. Ramon confirmed that a resident was required to pull a permit. Mayor Pro Tem McAnelly asked what the distance would be to demonstrate it is a detached garage. The current minimum would be ten feet explained Mr. Ramon; however, if the carport is attached to the residence it will need to meet the twenty-five foot front setback. Councilwoman Long and Councilman Torres thanked Mr. Ramon for the information and on seeking to make the City of Hondo more development friendly.

- 14. 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 located at the South Texas Regional Airport.

15. **Discuss and consider appropriate action resulting from Executive Session.**
No action taken.

16. **Adjourn.**
Councilwoman Long moved to adjourn the meeting at 7:06 p.m. Motion seconded by Councilman Torres. Motion carried 4-0.

PASSED AND APPROVED THIS 22nd DAY OF JULY 2019.



JAMES W. DANNER, SR., MAYOR

ATTEST:



Miguel Cantu, City Secretary



