

MINUTES
REGULAR CITY COUNCIL MEETING
March 11, 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., Councilman John McAnelly, Councilman Eric Torres, Councilman John Villa, Councilman Bobby Vela, City Attorney Jessie Lopez, City Manager Kim Davis, City Secretary Miguel Cantu

Absent: Mayor Pro Tem Ann-Michelle Long

Staff present: Police Chief Brian Valenzuela, Economic Development Director Genevieve Flores, Director of Aviation Ryan Elder, Assistant Finance Director Dee Willman, Public Works Director Michael Schmidt, Police Lieutenant Rick Garza, Police Officer Brandon Teer, Water Superintendent William "Buddy" Stewart, City Planner II Lora Robinns, and City Intern Michael Garcia

3. Invocation by Reverend Lonnie Phillips, First Methodist Church

4. Pledge of Allegiance led by Mayor Danner.

5. Citizens' Comments

Chavel Lopez, Hondo Empowerment Committee, 1401 14th Street, expressed his concern regarding shade for animals. He stated that shade protects the dogs from high heat over 100 degrees in South Texas and hopes for Council's consideration on the matter. He informed Council that the animal shelter needs more shade and that the plastic cover is not sufficient. Also of concern was high speed trains coming through Hondo. He added that Union Pacific is committed on having safety in our communities by providing Positive Train Control (PTC) which is an advance system which prevents trains from colliding, derailment, train movements, and unauthorized train entry into work zones. He would like Council to speak to Union Pacific to guarantee that every train is equipped with PTC to prevent a derailment in order to make the City of Hondo safe.

6. Discuss and consider approving City Council meeting minutes for February 11, 2019, February 25, 2019, and March 5, 2019 special meeting minutes.

Councilman Vela moved to approve the minutes for February 11, 2019, February 25, 2019, and March 5, 2019 special meeting minutes. Motion seconded by Councilman McAnelly. Motion carried 4-0.

7. City Manager Report(s)

a. Hondo Economic Development Corporation: Certificate of Achievement for Economic Excellence from the Texas Economic Development Council.

Mrs. Davis highlighted that the Texas Economic Development Corporation has announced its Annual Economic Excellence Program recognitions and the City of Hondo EDC was one of fifty one recipients in the State of Texas to receive the prestigious award.

She asked for members of the City of Hondo EDC Board to join the Council to receive a copy of the award as a cohesive group. Recipients qualify for recognition based on training taken by their governing board as well as the City of Hondo Economic Development Director and professional staff. Genevieve Flores and Mayor Danner presented the plaques to Hondo EDC Board Members to include Chairperson Bobby Ainsley, Mr. Ronnie Miller, Councilman John McAnelly, and Mrs. Ashley Lowe.

8. Discuss and consider authorizing the City Manager to enter into a contract with Willdan Financial Services for Water/Wastewater Rate Study. (Dee Willman and Michael Schmidt).

Mrs. Davis stated that the City of Hondo has not had a water/wastewater rate study for a long time. The request for proposal was issued on January 24, 2019 and the city received six responses by the February 25, 2019 deadline. Out of the six proposals, the recommendation was to move forward with Willdan Financial Services due to the best suited value met for this project. She is pleased with the company's experience and services offered. \$40,000 was allocated for the study; half budgeted for water and half for wastewater. The proposed rate study came out to be \$29, 820 which is well within the budgeted amount. She recommended for Council to authorize her to move forward with the contract between the City of Hondo and Willdan Financial Services to conduct the water/wastewater rate study. The study will begin as soon as the contract is initiated and the preliminary meetings will be scheduled.

Mrs. Davis will present the results to Council by late May-early June. She mentioned that the water/wastewater rate study will look at what the rates currently are and the consumption based on the customers. This is very similar to the electric study done for 2015. The study would look at various variables such as; the lifespan of the current infrastructure, the development required for the future, and preparation for preventive maintenance vs. reactionary repair. It will give the flexibility to keep maintaining our systems.

Councilman Villa moved to approve the City Manager Kim Davis to enter into a contract with Willdan Financial Services. Motion seconded by Councilman Vela. Motion carried 4-0.

9. **Discuss and consider authorizing the City Manager to enter into a Utility License Agreement with JW Hondo I, LTD. for a private sanitary sewer force main to be located within an existing 20-foot Utility Easement which was dedicated to the City of Hondo in the 1881 Hondo City Subdivision, Hondo, Medina County, Texas of record at Volume 10, Page 251, Official Public Records of Medina County, Texas.**

Ms. Lora Robbins stated that the request is in conjunction with the Tractor Supply Co. project that is going in the East side of town. The Utility License Agreement would do one piece of the overall project and is request to extend roughly 477 linear feet of a private force main through the public easement. The reason for this agreement is to tie in to an existing six foot public sanitary sewer line that runs in that easement off of 22nd Street down towards the Tractor Supply Co. project. The line has sufficient capacity but does not have sufficient fall for the gravity line to get to that point. Ms. Robbins is addressing a request to extend that force main to that point to tap into city sewer service. The reason that it is a private line vs. a public line is due to only serving the Tractor Supply project and that's why they are requesting it to be a private line. Ms. Robbins is requesting the Council to consider authorizing the City Manager Kim Davis to enter into such agreement in order to ensure the city is protected and that the future maintenance of that private line remains in the ownership of the property. Mrs. Davis expressed that The City of Hondo is not considering any other costs for the extension of private utilities. This agreement would serve as recording documents for a future reference in case of a maintenance issue which states that the owner was allowed to run the private utilities which has to be paid by the owner.

Councilman Vela moved to approve authorizing the City Manager Kim Davis to enter into a Utility License Agreement with JW Hondo I, LTD. Motion seconded by Councilman McAnelly. Motion carried 4-0.

10. **Discuss and consider Ordinance No. 1193-03-19, an ordinance of the City Council of the City of Hondo, Texas, authorizing amendments to the adopted annual budget of the City of Hondo, Texas for the 2018-2019 fiscal year providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing for other matters related to the subject.**

Mrs. Willman expressed that the budget amendment Number 11 is for the payment of land appraisals. There were ten properties up for sale. Two of the properties are the post office and the electric utility yard which will be paid through the general fund. She mentioned that the other eight properties will be paid through the airport. The airport's initial budget was for \$6,000 but the total is \$20,000 so the city will need \$9,400 for the airport to pay for the eight properties appraisals.

Mrs. Willman added that Amendment 12 is to relocate the emergency management building. The purpose is to relocate the equipment and shed which house the servers and equipment which are required to operate for the emergency communication equipment. Mrs. Willman stated that three invoices were received by accounts payable; J2 Vision for \$2,100, Advantage Towers for \$3,000, Advantage Communications and for \$16,000. The Advantage Communications provided three VHF repeater stations, three new antenna systems at the public works campus, and they installed and tested the repeater stations. All three invoices totaled \$21,918 and additional invoices are expected totaling approximately \$5,000. Mrs. Willman is requesting to have \$30,000 for this project. The cost for this project was not anticipated on the budget. The ESD will reimburse half of the total amount needed for this project. A significant amount of money was saved by repurposing the old portable structure which was located at the collection station to house all the equipment. The \$21,918 is for the relocation of the current structure versus the purchase of the new structure. Mrs. Willman stated that Amendment 13 is for payment for AED defibrillators as part of the City's new safety program. There had been several public buildings identified which do not have this safety equipment in it. This amendment will allow the city to move forward with the immediate purchase in this fiscal year instead of the next budget year. Mrs. Kim Davis clarified that the \$6,700 that is being asked for is just to buy a portion of the defibrillators. She was able to come up the other funds in the existing budget. The total will be \$20,000 or more for the defibrillators which will be placed in all the electric trucks, and all facilities that serve the public such as; the recreational center, the library, public works, and the police department. Twenty nine defibrillators will be bought with the \$20,000. She is asking for \$6,700 which buys seven or eight defibrillators. She said we would benefit by buying all the defibrillators in bulk all at once. Councilman McAnelly moved to approve the Ordinance No. 1193-03-19. Motion seconded by Councilman Vela. Motion carried 4-0.

11. Workshop: Shade for Animals. (Brandon Teer).

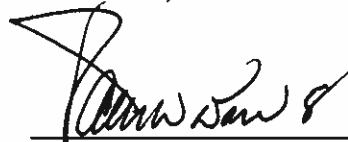
Officer Brandon Teer stated that he is going to be addressing the workshop in relationship to act on taking motion by the Animal Care Advisory Board. The Police Department is proposing and Amendment to the City of Hondo Code of Ordinances, Shelter Definitions, 2.01.001. The reasons for the proposed change are to: reflect a similar ordinance by the City of San Antonio Ordinances requiring additional shade. The Standard of Care by an owner, keeper or temporary owner of an animal is required to provide his animal with humane care and treatment as follows: (1) Access to an adequate supply of fresh air; (2) Species-specific food; (3) Fresh water; (4) Exercise; (5) Shelter, as defined by this Code; (6) Access to adequate natural or artificial shade from direct sunlight at all times that is large enough to contain all outdoor pets at one time and is separate from any shade from the designated shelter; and (7) Veterinary care when needed to prevent suffering. The Animal Care Advisory Board recommended moving forward with presenting the issue to City Council for consideration by adding the requirements to our current ordinance. The argument presented is that a secondary shade source is needed to ensure animals do not become overheated in the hot summer months, citing examples that metal roofs and metal structures absorb heat. The City of Hondo shelter requirements are: A clean and sturdy structure with a roof and three (3) sides and a fourth side allowing access that is protected from the elements and a floor that is elevated enough to keep the shelter dry. A shelter shall provide protection from rain, hail, sleet, snow, and subfreezing temperatures and must be large enough to allow the dog or animal to stand erect, sit, turn around and lie down in a normal manner. The size of the shelter must be conducive to the size of the animal to allow movement within the interior without restraint. (Ordinance 1147-12-17 adopted 12/11/17). Currently Animal Care Services and the Hondo Police Department are currently educating the public by trying to gain compliance from the community to comply with the current guidelines set for a shelter. If an officer sees a shelter out in direct sun, the officer is speaking with residents and asking them to move them to a more shaded area. With education and common sense, the Police Department feels that the system is working for the most part. For those who fail to comply, there is already a State Law in place to address the issue, Penal Code 42.092: Cruelty to Non-livestock animals. This charge is arrestable and can range from a Class A Misdemeanor up to a 2nd Degree felony, depending on the situation. Officer Teer elaborated on the Animal Cruelty law stating that it is a Class A Misdemeanor if a person knowingly, intentionally, or recklessly, causes bodily injury without the owner's consent, or fails unreasonably to provide necessary food, water, care, or shelter for one in his/her custody, or abandons unreasonably an

animal in his/her custody, or transports or confines in a cruel manner, or seriously overworks an animal. Animal cruelty is also a 3rd Degree Felony and additionally does one of the following: cruelly kills or causes serious bodily injury, or tortures, or kills, poisons, or causes serious bodily injury. A 2nd Degree Felony then commits 3rd Degree Felony and was previously convicted of certain types of animal cruelty.

Officer Teer further stated that an amendment would be beneficial. The Police Department as well as Animal Control has been asked to brief City Council on the issue and ask them to make a decision on whether to move forward with this item. While the City of San Antonio felt it was beneficial for them to pass an ordinance, is it right for Hondo? What works for San Antonio may not work for Hondo. Police Department interactions with the residents of Hondo have experienced that most residents not in compliance can barely afford to get shelters in place to meet current standards. Asking to add secondary shade, would be even more impactful to an already struggling family. When officers receive numerous complaints requiring a response to repeatedly reported issues, residents indicate that the City of Hondo is harassing them and becoming overly strict. This creates animosity. If it becomes an issue and citations are issued, the resident who cannot afford to correct the issue also cannot afford fines imposed by the court. Conclusively Animal Care Services will continue their efforts to educate the public on proper animal care. Working with the community and gaining voluntary compliance is a goal they have been trying to achieve. There is already a state law in place. Passing an ordinance at a lower level charge, may force Officers to take that route first before moving to the state level charge. When considering more stringent guidelines, the City must take into account the financial impact it will have on its residents when related to fines. Also, having the leverage to file animal cruelty against an individual would be more impactful to a violator than just a citation, as they will have to weigh the option of spending time in jail. Mayor Danner asked what the difference is from the proposed ordinance to what is already in the present ordinance. Officer Teer stated that the current ordinance does state that the animal is required to have shelter with three sides; whereas, the shade ordinance would require an additional section on the property for additional shade other than just the primary shelter. Officer Teer stated the ordinance was overkill for what is attempting to be accomplished. [from the crowd Mr. Chavel Lopez asked Officer Teer to repeat himself] Councilman McAnelly asked about the leverage to file animal cruelty and how often it occurs. Officer Teer stated that in the past less than 10 within the last 14 years. Voluntary compliance has been working with the residents. Councilman Villa stated the issue might be with residents that cannot afford to build an additional shade. Councilman Vela asked what the City could additionally do to educate the community about proper shade and proper food. Mrs. Davis stated the City could continue to add something in the City Utility Bill Newsletter and the City could continue to participate in Pet Faire on the Square in conjunction with the 4th of July event. Education is also presented at the Spay and Neuter Clinic(s), at National Night Out, and also working with the younger age group Animal Care Services to go to day cares and do public education. Councilman Torres stated that the residents that will be really impacted will be those who cannot afford to have a really nice dog house. So, it would appear that the City would target those who cannot afford the dog houses and he does not feel the City needs to pursue any more in trying to change the ordinance and it needs to be left alone. He added that the Animal Control and Police Department are doing a great job and they're properly responding. Councilman McAnelly asked about an initiative called Huts for Mutts and how would meet the needs for the community. Officer Teer stated that the shelter would meet the needs and the animal shelter does have some that are loaned out the residents to help get them in compliance. Mrs. Davis asked if the current ordinance requiring a dog house is considered adequate shade or should the ordinance be modified by adding that the dog house has to be shaded. Councilman Vela stated that he felt that the City should continue to do what it is doing and leave the ordinance alone. Chief Valenzuela stated that the ultimate decision rests on the City Council but the Police Department is making contact with the pet owners educating them. Basically Animal Control is asking to move the dog house under shade and residents are complying. The current ordinance is working. Mayor Danner asked if the consensus is to leave the ordinance alone. There was a consensus not to continue to pursue the amendment to the shelter definition.

12. **Discuss and consider Resolution No 327-19, a resolution off the City of Hondo in opposition to the adoption of Senate Bill 2 filed in the eight-six legislature; and setting an effective date.** Mayor Danner stated he requested the resolution be prepared and the City Attorney responded accordingly. The resolution deals with Senate Bill 2: which would require an election when local governments want to collect more than an additional 2.5 percent or more in tax revenue from existing properties, regardless of the total taxable values assigned to properties. The cap limits the amount of total revenue a local government can collect without voter approval, even if its tax rate is not increased. Mayor Danner commented that this Bill may be a result of the school's taxation. He is requesting that the resolution be passed so that it can be forwarded to the legislative members. Councilman McAnelly stated that the resolution will be useful for our representatives in Austin to have the City's resolution as well as other entities' resolutin. Councilman McAnelly moved to approve Resolution No 327-19. Motion seconded by Councilman Vela. Motion carried 4-0.
13. **Executive Session:** The City Council of the City of Hondo convened into Executive Session at 6:57 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
14. **Discuss and consider appropriate action resulting from Executive Session.** Councilman Villa moved to authorize the City Manager to enter into a license agreement for grass and hay mowing of areas between Watkins Farm Services and the South Texas Regional Airport. Motion was seconded by Councilman McAnelly. Motion carried 4-0.
15. **Adjourn.** Councilman Villa moved to adjourn the meeting at 7:12 p.m. Motion was seconded by Councilman McAnelly. Motion carried 4-0.

PASSED AND APPROVED THIS 25TH DAY OF MARCH, 2019.



JAMES W. DANNER, SR., MAYOR

ATTEST:



Miguel Cantu, City Secretary



