

The City of Balcones Heights
Regular City Council Meeting
3300 Hillcrest Drive
Balcones Heights, TX 78201

Minutes

Date: May 21, 2018

TIME: 6:01 p.m.

Members Present: Suzanne de Leon Miguel Valverde Jack Burton
Lamar Gillian Charles White Stephen Lara

Members Absent: None

Sign In Sheet: Angelina Gonzalez HJ Hannasch Leticia Vela
Bill Johnson Johnny Rodriguez Lisa Rodriguez
Leroy Alloway Yon Kim

CALL TO ORDER AND RECORDING OF QUORUM

Meeting was called to order and quorum was present.

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U. S. A. AND TEXAS FLAGS

Councilmember Valverde gave the invocation and led pledges.

OATH OF OFFICE:

- Newly elected officials will take the Oath of Office.

City Secretary Delia Sanchez gave the Oath of Office to Council, Place 2 Jesse M. Pacheco

Mayor de Leon gave the Oath of Office to Council, Place 1 Stephen R. Lara

City Secretary Delia Sanchez gave the Oath of Office to Mayor de Leon.

PRESENTATIONS:

- Recognition and Plaque – Outgoing Council, Place 2 Miguel C. Valverde (Mayor)

Mayor de Leon recognized and presented outgoing Councilmember Valverde with an appreciation plaque from the City of Balcones Heights.

PUBLIC COMMENT PERIOD:

Gilbert Lopez – resident of Balcones Heights – absence of Bond on Election Day

1. CONSENT AGENDA ITEMS:

- a. Approval of minutes for Special meeting of April 9, 2018
- b. Approval of minutes for Regular meeting of April 30, 2018

c. Finance Report for the month of April 2018

MOTION: Motion to approve in its entirety with change noted by Councilmember White to remove drainage from item #9 in the April 30, 2018 minutes.

Motion by: Councilmember Gillian Second: Councilmember Lara 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

PUBLIC HEARING:

2. City Council will conduct a **PUBLIC HEARING** on amending Ordinance 2018-04 as it pertains to regulating oversized vehicles storage and parking of recreational vehicles, boats, trailers and vehicles in residential districts. *(Planning and Zoning Commission tabled item at the meeting held on May 15, 2018)*

Public Hearing opened at 6:19 p.m. and recessed for June 25, 2018 regular City Council Meeting.

BOARD AND COMMISSION APPOINTMENTS:

3. Consideration and **ACTION** to appoint new members and re-appoint members with expired terms of June 2018. to the Planning and Zoning Commission

MOTION: Motion to approve re-appointment of Ashley Leising.

Motion by: Councilmember White Second: Councilmember Burton 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

4. Consideration and **ACTION** to appoint members to the Board of Adjustments with expired terms of June 2018.

MOTION: Motion to approve Henry Hannasch, Shana Halpin, and David Sellars for re-appointment to the Board of Adjustments and Appeals.

Motion by: Councilmember Gillian Second: Councilmember Lara 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

BUSINESS ITEMS:

Item #10 was addressed before Item #5

5. Consideration and **ACTION** to approve a Resolution declaring the results of the General Election held in Balcones Heights, Texas, on Saturday, May 5, 2018, for the election of Mayor, Council Place One, and Council Place Two.

Motion: Motion to approve.

Motion by: Councilmember Gillian Second: Councilmember Burton 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

6. Consideration and **ACTION** to appoint Mayor Pro Tempore. (Mayor/White)

Councilmember White stated that Texas Local Government Code references the appointment of Mayor Pro Tempore.

Mayor de Leon stated that the decision had been made to go down the line and appoint each place. She stated that Council, Place 3 Jack Burton had served as Mayor Pro Tempore and that next to appoint was Council, Place 4 Lamar Gillian.

MOTION: Councilmember Pacheco asked Councilmember Burton if he is receptive to be reappointed as Mayor Pro Tem and made motion.to reappoint.

Motion by: Councilmember Pacheco Second: Councilmember White 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

7. Consideration and **ACTION** to adopt an ordinance to repeal Chapter 120: Annual Business Registration in the Code Book of Ordinances. (Mayor)

Mayor de Leon recommended the repeal of the ordinance for annual business registration form and fee due to the duplication of information with other forms required.

MOTION: Motion to approve.

Motion by: Councilmember White Second: Councilmember Gillian 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

8. Consideration and **ACTION** to adopt an ordinance to amend the budget for FY 2017/2018 Hotel/Motel funds to enhance the Balcones Heights Jazz Festival on its 25th anniversary. (Nastasi/Messick)

Finance Director Messick came up to address this item as it pertains to finance. Director of Economic Development Nastasi came up and explained the purpose for the request.

Councilmember Pacheco stated some concerns on the increase of funds.

MOTION: I make a motion to approve the budget increase.

Motion by: Councilmember White Second: Councilmember Gillian 4/1/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Nay Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

9. Discussion and possible **ACTION** to suspend all committee assignments. (White)

Councilmember White stated committee assignments on this item are in reference to council committee appointments. He stated he would like to work as a team as opposed to separate as committees and also save staff time.

Mayor de Leon stated the purpose of committees was to promote transparency and assign those council members with the special talents and interest to the committees where their input would be of great value.

MOTION: I make a motion that all council committee assignments shall be suspended and all finance and infrastructure committee will be presented to council as a body or whole.

During discussion the following recommendations were made:

Councilmember Burton: - Call it a workshop and everyone should be in on it.

Councilmember Pacheco – Receptive to being invited even just to listen in the Infrastructure and Finance committee meetings.

Councilmember Lara – Keep the Infrastructure and Finance committees

Motion Amended by Councilmember White: Council committee assignments will exist and all council members are welcomed to it and can make comments.

City Administrator recommended a standing work session workshop on agenda.

Motion Amended by Councilmember White: Council committee assignments shall continue provided that any council members that wants to come to committee meetings may be able to do so, that notice shall be given; and the meetings shall be open to the public.

Motion by: Councilmember White Second: Councilmember Pacheco 3/2/0 PASSED

Pl. 1 Lara-Nay Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Nay Pl. 5 White-Yea

10. Discussion and possible **ACTION** to publish each council members vote per action item on the Council Update published in the newsletter. (White)

Mayor de Leon stated that there will be a voice vote on every action item on the council agenda to be recorded in the minutes.

Councilmember White recommended that each vote per action item be recorded in the newsletter council update.

MOTION: I make a motion that the City's newspaper (newsletter) will publish each councilmember's vote per action item.

Motion by: Councilmember White Second: Councilmember Pacheco 4/1/0 PASSED

Pl. 1 Lara-Nay Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

Mayor de Leon introduced Yon Kim from the Lions Sports Bar that will be opening soon. Grand opening and ribbon cutting to be announced.

Item #5 was addressed after item #10.

11. Discussion and possible **ACTION** to amend application fee from \$250.00 to \$125.00 for residents applying for a variance in a zoned R1 and R2 district. (White)

Council discussed this item on each of their concerns on both sides of the issue whether or not to decrease the fee.

MOTION: To amend application fee for residents in R1 from \$250.00 to \$125.00 and R2 is excluded.

Motion by: Councilmember White Second: Councilmember Pacheco 3/2/0 PASSED

Pl. 1 Lara-Nay Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Nay Pl. 5 White-Yea

Mayor called for a recess at 8:02 p.m. and reconvened at 8:10 p.m.

12. Discussion and possible **ACTION** regarding business temporary sign permit fees, use and registration. (White)

Councilmember White recommended registration and a one-time fee good for the entire year.

City Administrator David Harris asked for council to table to allow staff to research and come back with a proposed change to our ordinance to allow for an annual temporary sign program.

MOTION: Motion to table to next month's meeting.

Motion by: Councilmember White Second: Councilmember Burton 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

13. Discussion and possible **ACTION** regarding C6 Disposal's delivery of late payment or unpaid notices to residents or businesses by city employees. (White)

Councilmember White had concerns that city employees were delivering late notices for non-payment.

MOTION: I make a motion that no city employee will act as an agent for C6 to deliver late or non-payment of bills.

Motion by: Councilmember White Second: Councilmember Pacheco

Councilmember Lara asked for clarification. Mrs. Hoyl stated that what is done is enforcement of the city ordinances from a public nuisance standpoint.

Councilmember Pacheco had questions on nuisance vs billing.

Councilmember Gillian stated that the agenda item caption has misinformation and needs to be worded correctly.

MOTION AMENDED: I'm amending my motion to table. (Caption wording on agenda)

Amended by Councilmember White Second: Councilmember Gillian 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

Item #16 was addressed before Item #14

14. Discussion and possible **ACTION** to reduce the shopping cart collection fee from \$75.00 to \$25.00. (White)

Councilmember White proposing to lower the shopping cart collection fee from \$75.00 to \$25.00 to create a bond with businesses.

Councilmember Pacheco proposed to the Police Chief to give citations to those citizens that have the shopping carts. Chief Volz stated that you will not find a retailer in this town or any town that will support that.

MOTION: Motion to reduce shopping cart fee from \$75.00 to \$25.00.

Motion by: Councilmember White Second: Councilmember Pacheco 2/3/0 FAILED

Pl. 1 Lara-Nay Pl. 2 Pacheco-Yea Pl. 3 Burton-Nay Pl. 4 Gillian-Nay Pl. 5 White-Yea

15. Discussion and possible **ACTION** regarding non-conforming rear setback and right to build to the front set back of the property. (White)

There was discussion and a question and answer period on requirements already stated in the code book of ordinances.

MOTION: Motion to deny.

Motion by: Councilmember Pacheco Second: Councilmember Gillian 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

16. Discussion, direction, and possible **ACTION** to lower VIA ½ cent tax to ¼ cent tax and create a special use fund to pay for city's infrastructure needs. (White)

City Attorney stated that the City Council does not have the authority to lower the tax and stated they could only call an election to discontinue the tax. City Attorney also answered Councilmember White's question about the option to go to the Board and stated that is an option but that at this time VIA is actually looking to increase rates.

Leroy Alloway representative from VIA came up to give council an explanation of the services provided and fees.

MOTION: I would like to table this until we get more information.

Motion by: Councilmember Pacheco Second: Councilmember White 5/0/0 PASSED

Pl. 1 Lara-Yea Pl. 2 Pacheco-Yea Pl. 3 Burton-Yea Pl. 4 Gillian-Yea Pl. 5 White-Yea

Item #14 was addressed after Item #16

ANNOUNCEMENTS AND REQUESTS:

17. Department Report and Q&A (Police Department, Fire Department, Community Development, Economic Development and Public Affairs, Finance)

Police Chief – CID and Patrol group has been changed out – Sgt. Martin Garcia and Sgt. Mike Russo on Patrol with Lt. Joyce Pena in charge of Patrol and Sgt. Ben Crum and Sgt. Ken Ortiz in CID with Lt. John Jahanara in charge of CID.

Chrissie Kolb – Ribbon Cutting at the Lion’s Bar, Thursday, May 24, 2018 at 5:00 p.m.

Ms. Hoyl – Update on Chick-fil-A, Planet Fitness, Texsan Hospital Update

18. Announcements by City Administrator

- a. Citizen Kudos
 - b. Recognition of City employee actions
 - c. New Departmental Initiatives
- Memorial Day Holiday – May 28th
 - Kudos to Dispatch Leadership – TCIC Audit
 - CPS Energy working on Glenarm
 - Update Ipads and increase email security
 - Mr. Harris out of office ½ day Wednesday, May 23-25, 2018 – Ms. Hoyl in charge
 - TCMA Conference – June 20-24 – To pass title of President

19. Requests by Mayor and Council Members for items to be placed on a future City Council agenda.

20. Announcements by Mayor and Council Members

- a. City and community events attended and to be attended
 - b. City Council Committee and Liaison Assignments
 - c. Continuing education events attended and to be attended
 - d. Recognition of actions by City employees
 - e. Recognition of actions by community volunteers
- Mayor – Owner of Jim’s gave kudos to the Police Department, Metro 911 update, AACOG Board appointment.

EXECUTIVE SESSION: 9:35 p.m.

21. Discussion pursuant to §551.086 (Economic Development) of the Texas Government Code regarding possible business development near or around Fredericksburg Road.

RE-CONVENE IN OPEN SESSION: 9:51 p.m.

22. Council may take **ACTION** in open session on items discussed in Executive Session.

No action was taken.

ADJOURNMENT:

Meeting was adjourned at 9:51 p.m.

Submitted by:

DELIA R. SANCHEZ
City Secretary

Minutes approved at the City Council Meeting held June 25, 2018.