



CITY OF UHLAND

Uhlend Regular City Council Meeting Minutes

Wednesday, November 4, 2020 at 6:00 p.m.

City Hall Council Chambers, 15 North Old Spanish Trail, Uhlend, Texas

The City Council Meeting was held via Zoom Conference. Mayor Hunter and Councilmembers D. Heideman, Schrock and Garonzik were present in City Hall. Councilmembers Hodge and B. Heideman; as well as members of the public, attended the meeting remotely by web or telephone.

A. CALL TO ORDER. Mayor Hunter called the meeting to order at 6:04 p.m.

Roll Call. Mayor Vicki Hunter, Councilmembers Jessica Hodge, Brian Heideman, Daniel Heideman, Naomi Schrock and Mark Garonzik were present.

Staff in attendance: City Administrator Karen Gallaher, Legal Counsel Amy Akers, City Secretary Traci R. McGinley, City Engineers Hugo Elizondo, Jr., P.E. and Chris Elizondo, E.I.T., Cuatro Consultants, LTD.

B. PUBLIC COMMENTS

Mark Garonzik provided public comment as attached.

Gregory Walt provided public comment as attached.

C. PUBLIC HEARING

1. Harvest Creek – Zoning Change from Agricultural to PDD (Residential) for the Following Described Property:

TITLE SURVEY OF 34.083 ACRES OF LAND, SITUATED IN THE ALBERT PACE SURVEY NUMBER 55, ABSTRACT NUMBER 367, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 48.725 ACRE TRACT OF LAND CONVEYED TO DIANE GARONZIK IN VOLUME 2583, PAGE 504, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS (COMPLETE DESCRIPTIONS ARE AVAILABLE AT CITY HALL).

Mayor Hunter opened the public hearing.

Scott Miller, Ranch Road Development, provided an overview of the project.

No one else requested to speak regarding this item therefore Mayor Hunter closed the public hearing.

2. Water Line Project, 7218489 - Texas Community Development Block Grant (TxCDBG) Program Grant from the Texas Department of Agriculture for a Water Improvements Project

Mayor Hunter opened the public hearing, no one requested to speak regarding this item therefore the public hearing was closed.

County Line SUD Manager Daniel Heideman stated that the grant saved County Line customers \$250,000.00.

D. CONSENT AGENDA

- 1. October 7, 2020 Regular City Council Meeting Minutes**
- 2. Financials of September 2020**

Moved by Councilmember Schrock to approve the Consent Agenda, seconded by Councilmember Hodge. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

E. CITY STAFF REPORTS

- 1. Coming Up:
December – Calling 2021 General Election (Mayor, Alderpersons Place 4 and Place 5)**

City Administrator added that the amendment to the Fee Schedule would be coming to Council as well.

F. DISCUSSION ONLY ITEMS

None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS

- 1. Appointment of Economic Development Corporation Board Member (2020-2022 Term – Place 3)**

Moved by Councilmember Garonzik to appoint Gregory Walt (Place 3), seconded by Councilmember Hodge. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

2. Terms of Office for Economic Development Corporation (EDC) – 2020-2021 Board of Directors

Moved by Schrock to approve 2020-2021 EDC Board of Directors Terms of Office, seconded by Councilmember D. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.
Nay: None.
Abstain: None.

3. Harvest Creek – Zoning Change

a. Final Report

b. Zoning Change from Agricultural to Planned Development District (PDD) (Residential)

Moved by Councilmember D. Heideman to approve the zoning change from Agricultural to Planned Development District (PDD), Ordinance No. 253, seconded by Councilmember Schrock. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.
Nay: None.
Abstain: None.

4. Harvest Creek Planned Development District (PDD) Preliminary Plat

City Engineer Hugo Elizondo, Jr., stated that Cuatro Consultants reviewed the project and recommend approval of the preliminary plat.

Moved by Councilmember D. Heideman to approve preliminary plat, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.
Nay: None.
Abstain: None.

5. Millcreek - Conditional Approval of Phase 3 Final Plat

City Engineer Chris Elizondo stated that Cuatro Consultants completed the review, the construction drawings are not compliant with the Property Subdivision and Land Development Code (Ordinance No. 245) and all technical comments have not been addressed; therefore, recommend disapproval of the final plat.

Moved by Councilmember D. Heideman to disapprove Millcreek Phase 3 final plat based on the fact that the construction drawings are not compliant with adopted Property Subdivision and Land Development Code (Ordinance No. 245) and the technical review comments have not been cleared, seconded by Councilmember Hodge. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

6. El Camino Ranch RV Resort Planned Development District (PDD) Ordinance No. 240 – First Amendment - Ordinance Approving First Amendment to El Camino Ranch RV Resort Planned Development District (PDD)

Legal Counsel Akers stated that Council was provided with the latest version of the document.

Thomas Rhodes, on behalf of developer / property owner, stated that they were in agreement with the City Attorney's recommendations, but thought the City Engineer had suggested changes regarding the traffic impact analysis (TIA).

City Engineer Hugo Elizondo, Jr., recommended that the TIA segment of the PDD be left in and expanded to reflect that the TIA will be updated to include all uses in the development. There was also discussion about increasing the \$20,000 road impact fee to \$40,000.

Thomas Rhodes stated that he understood that they would be required to make improvements on Gristmill Road, or if the TIA were to show that no improvements were required they would pay a road impact fee of \$40,000. He suggested deleting Section 7 and have that information incorporated into the document, it should be either make the improvements or pay the fee.

Legal Counsel Akers responded that it was Section 6 not Section 7 and explained that if something is not exempt in the agreement it may still be required per the Ordinance.

City Engineer Hugo Elizondo, Jr., explained that PDD documents give the City and developer an opportunity to negotiate certain items and understood what Legal Counsel Akers was saying as far as a TIA being part of the platting process, but that was not the normal protocol throughout Texas. The time to determine what impact traffic would have is with zoning and the PDD is zoning. It was not initially written that way but the developer was willing to have it in the agreement.

Legal Counsel Akers agreed with the City Engineer that the amendment should include the TIA, but did not agree that Section 7 should be deleted. She stated that fees in Section 7 were negotiated down for the purpose of the development agreement because the development was not a permitted use in the City Codes.

Thomas Rhodes stated that he disagreed, Section 7 has two fees: a road impact fee of \$20,000 that they don't believe is required as a result of the amendment, Section 6.4 and a site development and application fee that is \$20,000 that they are not arguing about. He reiterated that they were concerned about a road impact fee that was originally contemplated for improvements to Gristmill Road, if language is included that requires improvements to Gristmill Road they do not believe it is appropriate to pay road impact fees going to Gristmill Road.

Legal Counsel Akers explained that road impact fees are for the impact of the traffic from that development on City roads as a whole, not the impact to the roads directly adjacent to that development.

Thomas Rhodes responded that Gristmill Road was the only City regulated roadway adjacent to the development. If they do a TIA and make improvements on Gristmill Road subject to City Engineer recommendations per the TIA why should they also pay additional fees to make improvements that have already been made. He asked Council to evaluate the application of road impact fees in accordance with Local Government Code Section 395.

City Engineer Hugo Elizondo, Jr., confirmed that the developer / property owner was proposing that Section 7 remain in the agreement, modifying the dollar amount from \$20,000 to \$40,000 and that the TIA would be conducted now.

City Engineer Hugo Elizondo, Jr., recommended having a combined TIA for the entire area. Getting the developers together and review the impact to the road system, particularly SH 21 and the intersections in the City. A cohesive plan can be developed where they all share in the cost of a TIA of the entire area. After that is completed we could approach TxDOT on timing of the improvements in this area so we can have a cohesive plan. He then offered to reach out to the developers.

Thomas Rhodes concurred with the City Engineer's recommendation, he stated that they would be happy to coordinate on an overall TIA with any other developments going on in the region.

Councilmember D. Heideman asked if Millcreek paid a fee for road improvements. City Administrator Gallaher responded that they paid a per

lot fee. Councilmember D. Heideman asked why the City was asking this developer to pay both. Legal Counsel Akers explained that the other development did a TIA and no additional improvements were required. City Administrator Gallaher added that they were only paying Twenty Thousand Dollars (\$20,000.00), not a two percent (2%) site development fee. Legal Counsel Akers stated that if they had paid the development fees it would have been more than these costs combined.

Councilmember Garonzik asked how this was done at other cities. City Engineer Hugo Elizondo, Jr., explained that they were not involved in the original drafting of the PDD, but have reviewed a few since they have been engaged by the City and there were things that they would do differently. Some cities zone the property but cap the trips, once the uses are set they amend the zoning with the formal TIA numbers and the true impact from the end users. Due to the request for the amendment there was an opportunity to review the overall impact of the project.

Thomas Rhodes noted that they were in agreement with performing a TIA for the entire development and not opposed to looking at the subdivision fees. They would be willing to recalculate the site permitting fees if they could forego roadway impact fees. City Engineer Hugo Elizondo, Jr., noted that he believed that it was fair and the City would not be exposed.

Moved by Councilmember D. Heideman to table the El Camino Ranch RV Resort PDD First Amendment for a future meeting in order to negotiate fees and costs language in the agreement, seconded by Councilmember Hodge. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

7. Rocky Road Ranch Subdivision – Ordinance for Voluntary Annexation (24.901 Acre Tract out of the Lewis L. Joseph Survey, Abstract No. 164, Caldwell County)

City Administrator Gallaher stated that the developer does not wish to annex if the Planned Development District (PDD) is not approved.

Property owner Patrick Tighe provided an overview of the project, he explained that it is a 25-acre tract, his home is on 10 acres and on the remaining 15 acres they want to develop 22 lots mostly for single family residential, up to 8 could be used as multi-family and the 2 lots that face Rocky Road they would like commercial. At the back of the property there would be a pond with trails and vegetation. They would like to offer low to middle income housing, but all stick built.

Legal Counsel Akers informed Council that the engineer on this project and the City Engineer were one in the same.

Legal Counsel Akers advised Mr. Tighe that his most recent draft did not include his agreement to make the road private. Patrick Tighe responded that it was included in Section 3.5, but was open to whatever amendment was needed. Legal Counsel Akers stated that the verbiage would basically work, she further recommended that there also be no street parking.

Legal Counsel Akers continued, stating that this development would be bar ditches instead of curb and gutter and asked if school buses would go down private streets. The developer is asking that they only pay \$1,200 per lot instead of the standard \$2,400 and that they not be required to provide the 20% of entire development park space. She recommended waiving the open space requirement because even though it will be private open space, one lot is 10 acres. She did however recommend that they pay \$2,400 for the small lots. Legal Counsel Akers further suggested Council consider having another engineer firm review the project.

Patrick Tighe stated that the road is only an 800-foot cul-de-sac. He stated that they were considering designating an area as a school bus pick-up location.

City Engineer Hugo Elizondo, Jr., stated that Cuatro Consultants was the engineer on this project prior to becoming Uhland's Consultant Engineer and there was no question that a third party needs to review the plans. He added that the PDD has pretty much been negotiated between legal counsel and Patrick Tighe.

Daniel Heideman, County Line SUD, asked about the road being private and stated that they do not typically go down private roads. Patrick Tighe stated that the intent of making the road private was for maintenance purposes. Discussion was held regarding the initial funding for the maintenance.

Councilmember D. Heideman suggested verbiage be added to the PDD regarding the funding of the maintenance and asked about receiving yearly reports.

Legal Counsel Akers recommended Section 3.5 be amended to include verbiage that the road is private and that initial money will be set-aside for maintenance. Patrick Tighe stated that he was in agreement with those items as well as restricting on-street parking.

After discussion it was agreed that an area would be included with the cluster mailboxes to accommodate drop-off and pick-up of children for the school bus.

Councilmember Garonzik stated that there was a development in Dallas where a sidewalk was built into a bar ditch.

Legal Counsel Akers asked Mr. Tighe if he saw her last recommendation not to charge any extra for open space, but \$2,400 for all of the small lots.

Patrick Tighe explained that he got the \$1,200 figure from the fee schedule. City Administrator Gallaher explained that it was from the previous fee schedule. Legal Counsel Akers asked if there was a plat application and it was revoked. City Administrator Gallaher explained that it was not revoked, she talked them into annexing. There was discussion regarding the timing of the filing. Legal Counsel Akers stated that technically they should be charged \$2,400, but she understood what the City Administrator was saying.

Legal Counsel Akers reiterated the proposed changes. Section 3.5 will be amended to note that the road will be private with additional language of the initial road maintenance fund deposit and an annual report to the City. There will be no street parking. A section will be added to set aside a 6x6 space for a bus stop to be combined with a cluster mailbox location on lot 22. \$1,200 per lot for open space with the exception of the 10 acres.

Moved by Councilmember Schrock to adopt Rocky Road Ranch Subdivision, Voluntary Annexation Ordinance, Ordinance No. 251, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

8. Rocky Road Ranch Subdivision - Development Agreement - Planned Development District (PDD) Ordinance (24.901 Acre Tract out of the Lewis L. Joseph Survey, Abstract No. 164, Caldwell County)

Moved by Councilmember Schrock to adopt Planned Development District (PDD) Ordinance No. 252 with amendments as provided by legal, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

9. Review Responses and Provide Staff Direction - Request for Qualifications for Professional Consulting Services to Prepare a Public Improvement District (PID) Feasibility Report

Mayor Hunter noted that upon review of the responses submitted it was recommended that the City hire the Knight Law Firm for the Public Improvement District developments. The remainder of the responses were consultants and the City needs to start with legal aspects.

Moved by Councilmember Garonzik to accept Knight Law Firm, LLP for the Feasibility Report, seconded by Councilmember D. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

10. Contract Legal Services Agreement

Mayor Hunter stated that this would be addressed after the remainder of the agenda items immediately prior to adjourning to Executive Session.

11. Consultant City Planning Professional Services Agreement

City Administrator Gallaher explained that per the Mayor's recommendation she looked for a consultant planner, two provided costs and hourly consultant rate fees for passthrough. She recommended utilizing both firms to see how they fit with the City and depending on the type of development.

Councilmember B. Heideman asked what a Planner would do. Mayor Hunter explained that they would work with the developers and guide them in the direction Council desires.

City Engineer Hugo Elizondo, Jr., explained that Planners typically address subdivision ordinance requirements. Engineers look at infrastructure and the technical side of the ordinance. The Planner will issue comments, meet with developers, review subdivision plats, etc. As the portal to the City they should have the planning vision of the City, work closely with Council and the Planning and Zoning Commission and portray that vision to developers.

Councilmember D. Heideman asked who would benefit. It was explained that the City would benefit but it would be a passthrough fee.

Councilmember Hodge asked about the fees and expressed concern that the City would be charging additional fees that developers were not aware that they would have to pay. City Engineer Chris Elizondo explained that the

fees would relatively stay the same because currently the City Administrator, Legal Counsel and the City Engineer are doing the job.

Moved by Councilmember D. Heideman to contract with both Freese and Nichols, Inc. and Vincent Gerard and Associates, Inc. for Consultant Planning Services as needed, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

12. Revised Interlocal Cooperation Agreement between Caldwell County and City of Umland for Subdivision Regulations within the Extraterritorial Jurisdiction (ETJ) of the City of Umland (1445 Agreement)

Legal Counsel Akers explained that Legal, Engineering and the City Administrator were in favor of the proposed agreement.

In response to Councilmember D. Heideman, Legal Counsel Akers stated that the new agreement will only impact future submittals.

Legal Counsel Akers added that the new agreement requires the City request consent from the County if a development agreement does not provide for annexation to the City or if a development has variances to the County standards.

Moved by Councilmember Schrock to accept the Amended 1445 Agreement between Caldwell County and City for Subdivision Regulations within the ETJ, seconded by Councilmember Hodge. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

13. Resolution Accepting Caldwell County Tax Assessor's 2020 Certified Tax Roll Totaling \$28,604.42

Moved by Councilmember D. Heideman to approve Resolution No. 11042020a, Accepting Caldwell County Tax Assessor's 2020 Certified Tax Roll Totaling \$28,604.42, seconded by Councilmember Schrock. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.
Abstain: None.

14. Resolution Requesting Texas Department of Transportation (TxDOT) Install a Continuous Turn Lane on SH 21 Starting at Cotton Gin Road and Continuing until Connected to the Current Turn Lane at High Road

Discussion was held regarding the turn lane being continuous throughout the City limits.

Moved by Councilmember B. Heideman to approve Resolution No. 11042020b as amended Requesting Texas Department of Transportation (TxDOT) Install a Continuous Turn Lane from City of Uhland's most Southern City Limit Boarder to the City's most Northern City Limit Boarder along SH 21, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

15. City of Uhland City Limits and Extraterritorial Jurisdiction (ETJ) Map

City Administrator Gallaher stated that with all of the new growth and change of boundaries with the City's ETJ (and new development for planning and zoning), errors were found in prior maps (changes had not been appropriately identified). Every ordinance was reviewed and new maps were created, as well as a future development map.

City Engineer Chris Elizondo, explained that anytime an annexation or PDD is approved, the zoning map and ETJ will be updated. The ETJ map also shows the ETJ's of Kyle, San Marcos, Lockhart and Niederwald so Uhland knows where it can expand.

Discussion was held as to how these maps will be updated. Council thanked Cuatro for the excellent work they had performed.

Moved by Councilmember Garonzik to accept the City Limit and ETJ Map, due to a lack of second the motion failed because Legal Counsel Akers informed Council that there was no requirement to have a City Limit and ETJ Map and therefore no action was necessary.

16. City of Umland Zoning Map

Legal Counsel Akers stated that it was not appropriate to adopt the map because there were no zoning changes; however, Council could accept the corrected map due to errors in prior maps.

Moved by Councilmember D. Heideman to accept the zoning map dated November 2, 2020 as the official corrected zoning map, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

17. Review Response and Provide Staff Direction – Request for Proposal for Depository and Banking Services, Authorize Execution of Required Documentation and Approve Funds Transfer Resolution

Moved by Councilmember D. Heideman to table Depository and Banking Services RFP to allow staff to review, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

10. Contract Legal Services Agreement

Moved by Councilmember D. Heideman to table Contract Legal Services Agreement as not all Councilmembers were physically in attendance at the meeting, seconded by Councilmember B. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

H. EXECUTIVE SESSION

None.

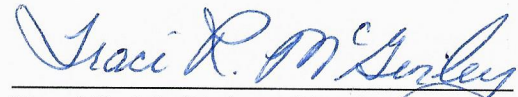
I. ANNOUNCEMENTS

None.

ADJOURNMENT

Meeting adjourned at 8:47 p.m.

Approved December 2, 2020.



Traci R. McGinley, City Secretary

Public Comment Submitted

From: Mark Garonzik
Sent: Wednesday, November 4, 2020 8:28 AM
To: City <city@uhlandtx.us>
Subject: Public Statement for Tonights meeting

Public comment please by me on the need for Cluster mailboxes and city directive with US Post Office to switch mailboxes to cluster boxes at least in the new developments.

Also, a request for road work on Cotton Gin Rd at HWY 21...repair work needed to minimize spin outs and potential wrecks entering onto Hwy 21

Sincerely,

Mark Garonzik
Councilman City of Umland
(806) 670.8028
mark.garonzik@uhlandtx.us

Public Comment Submitted

From: Gregory Walt <bullevit@gmail.com>
Sent: Wednesday, November 4, 2020 10:31 AM
To: City Secretary
Subject: City Council Meeting Public Comment

Gregory Walt
153 Ella Marie Circle
Uhland, TX 78640

- The Highlands at Gristmill subdivision has a significant youth population that continues to grow as the subdivision further develops
- Many children actively play outside on bikes, scooters, and the usual walking and running that children do
- The community has seen a significant increase in speeding vehicles over the past several months
- In addition the community has many vehicles parked on the street in both directions increasing the chance that a vehicle doing the posted speed limit would have limited reaction time
- A car traveling 30 MPH in dry conditions with normal tread can take 75 feet to come to a complete stop (reaction time included)
- A car traveling 20 MPH in dry conditions with normal tread can take 40 feet to come to a complete stop (reaction time included)
- Due to both of these considerations the residents of this community feel that 30 MPH is not an appropriate speed limit and would like the council to consider the following
 - Reduction in posted speed limit to 20 MPH
 - Addition of children at play signage to stop signs within the community
- These requests have significant support from the community as represented through our community Facebook group which is currently 109 members strong

Thank you,
Gregory Walt