



REGULAR CITY COUNCIL MEETING

November 28, 2022 at 6:00 p.m.

City Council Chambers

1600 Avenue M, Hondo, TX

AGENDA

Notice is hereby given that a Regular City Council Meeting of the governing body of the City of Hondo will be held November 28, 2022 at 6:00 p.m. in the City Council Chambers, City Hall at 1600 Avenue M, Hondo, Texas, for the purpose of discussing matters incident and related to the City of Hondo. The following items will be discussed, to-wit:

The public may also access the meeting remotely through video/conference from your computer, tablet or smart phone at: <https://boxcast.tv/channel/aetaajdf64jalxx20o9a>

Persons may submit questions or comments for items on the agenda by email to: sreyes@hondo-tx.org. Questions or comments submitted by email must be received by the city at least 1 hour prior to the scheduled start of the meeting in order to be presented to the City Council during the meeting

1. Call to order.
2. Quorum check.
3. Invocation by Pastor Steve Peyton, New Fountain United Methodist Church.
4. Pledge of Allegiance.
5. Citizens'/Public Comments: *Persons who desire to address the City of Hondo City Council will be received at this time. Those persons wishing to speak should complete a Public Comment Form and submit it to the City Secretary prior to the meeting. If the speaker wishes to comment on a particular agenda item, then the speaker should indicate such item(s) to on the form. Public comment is limited to 3 minutes per speaker. Speakers must conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the City of Hondo City Council cannot deliberate or take action on items not listed on the meeting agenda.*
6. Discuss and consider approving the minutes from the October 24, 2022 regular meeting.
7. City Manager's Report. (Scott Albert)
8. Public Works Report. (Rene Saenz)
9. Discuss and consider action regarding new electric rates. (Steve Moffitt & Scott Albert)
10. Discuss and consider an ordinance amending Chapter 3 Animal Control of the city's code of ordinances. (Scott Albert)

11. Discuss and approve appointments to various boards and commissions.
12. 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(1) (A) and (2) (Consultations with Attorney) and Section 551.072 (Deliberations about Real Property), Section 551.074 (Personnel Matters), Section 551.076 (Deliberations about Security Devices), or Section 551.087 (Deliberations Regarding Economic Development Negotiations); Section 551.086 (Meeting concerning municipally owned utility-competitive matters);
 - a. Discussion regarding the forensic audit concerning the various employees who received pay adjustments and title changes during the tenure of Interim City Manager Brian Valenzuela. (Scott Albert & Alan Nelson)
 - b. Discussion regarding the proposed El Cortijo subdivision. (Scott Albert)
 - c. Discussion regarding the Specific Use Permit for Ace Bail Bonds. (Scott Albert)
 - d. Discussion regarding the purchase of the Stronghold property (3.22 acres) (Scott Albert)
13. Discuss and consider appropriate action on items resulting from Executive Session.
14. Adjourn.

I hereby certify that the above Notice of Regular City Council Meeting of the governing body of the City of Hondo was posted on the bulletin board in City Hall, 1600 Avenue M, Hondo, Texas, at a place convenient and readily accessible to the general public at all times on November 23, 2022, at 5:00 p.m.

ATTEST:


SueAnn Reyes, TRMC
City Secretary



The City Council of the City of Hondo reserves the right to convene in Executive Session in accordance with the Texas Open Meetings Act, Texas Government Code: Section 551.071 (Consultations with Attorney), Section 551.072 (Deliberations about Real Property), Section 551.074 (Personnel Matters), Section 551.076 (Deliberations about Security Devices), or Section 551.087 (Deliberations Regarding Economic Development Negotiations) on any of the above items.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

The City of Hondo City Council Meetings is available to all persons regardless of disability. If you require special assistance, contact the City Secretary forty-eight (48) hours prior to the meeting time at 830-426-3378.

MINUTES
CITY OF HONDO
REGULAR CITY COUNCIL MEETING
October 24, 2022 at 6:00 p.m.

1. Called the meeting to order.
Mayor McAnelly called the meeting to order at 6:00 p.m.
2. Quorum check.
Mayor John McAnelly, Mayor Pro Tem Bobby Vela, Council Member Jose "Porky" Ytuarte, Council Member Brett Williams, Council Member Wesley Huesser, Council Member John E. Villa.

Absent: None.

Staff Present: City Manager Scott Albert, City Attorney Molly Solis, City Secretary Sue Ann Reyes, Human Resources Director Sharon Garcia, IT Network Administrator Josh Rodriguez, IT Support Specialist Adolfo Tellez, Community Programs & Projects Coordinator Jamie Kindred, Development Services Director Jason Lutz, Park and Recreation Director Lora Robbins, Water Division Superintendent Jeremiah Socarras, Chief Financial Officer Chris Hill.

3. Invocation by Mayor John McAnelly.
4. Pledge of Allegiance.
5. Citizens'/Public Comments: *Persons who desire to address the City of Hondo City Council will be received at this time. Those persons wishing to speak should complete a Public Comment Form and submit it to the City Secretary prior to the meeting. If the speaker wishes to comment on a particular agenda item, then the speaker should indicate such item(s) to on the form. Public comment is limited to 3 minutes per speaker. Speakers must conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the City of Hondo City Council cannot deliberate or take action on items not listed on the meeting agenda)*

No public comment.

6. Discuss and consider approving the minutes from the September 19, 2022 Special Meeting and the September 26, 2022 regular meeting.

Mayor McAnelly stated the amount in paragraph four should have read \$213,000.00. The votes on Item number name should read Councilman Villa as absent. The minutes from September 26, item number 9 should read TMRS retirement system instead of TML. Item number 18 should read Councilman Villa as present.

Council Member Vela made a motion to approve the minutes with corrections from the September 19, 2022 special meeting and the September 26, 2022 regular meeting; seconded by Council Member Williams. The motion carried by the following vote: AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: Villa from September 19, 2022 special meeting. ABSENT: None.

7. City Manager's Report. (Scott Albert)

City Manager Scott Albert reported Bulk pick up would be on November 07, 2022, residents could start putting items out on November 01, 2022.

8. Public Works Report. (Rene Saenz)

Public Work Director Rene Saenz was out due to an emergency. No public works report was given.

9. Water Forecast Report. (Jeremiah Socarras)

Water Division Superintendent Jeremiah Socarras reported on the third quarter water report. He stated the City was still in a drought and still on water restrictions. Mr. Socarras reported the City did go into stage four restrictions on November 08, 2022. Mr. Socarras presented Council with a graph on file noting the City was about 4.5% over from last year and real close to the allotment. He stated there was 517 acre feet that could be brought from the airport if needed. The City would more than like be out of stage four in a week but would remain at stage three for the remainder of the year.

10. New Website Report. (Josh Rodriguez)

IT Manager Josh Rodriguez gave an update on the new CivicEngage website noting Civic Engage was currently milling in the content the City currently has into the new website. He stated staff would be verifying the information as it is translating to the new website. There will be three days of training for the website team due to the many modules included in the new website. In November, the team will be working with staff and divisions to verify and update the content on each division page. Mr. Rodriguez reported the new website would go live on January 02, 2023. The website would also be tied into the new CivicClerk module, which would be producing the agendas electronically.

Mayor McAnelly suggested adding to the current website an announcement regarding the changes.

11. Discuss and consider Resolution 394-22 for use of an alternative project delivery method, the Design-Build Method, for the City Hall Renovation Project and appointment of the City's Consultant Engineer, Freese and Nichols Inc., as the City's Design-Build Advisor for the duration of the project. (Lora Robbins)

Parks and Recreation Director Lora Robbins gave an update on the renovation improvement project, which was a part of the fiscal year 2022/2023 budget. Ms. Robbins stated it was important to involve Council in the process, as city hall was a vital facility for the City.

John New representing Freese and Nichols gave an overview of the Design-Build Method, the competitive bid method and the Construction Manager at risk method and presented a slide show on file. Mr. New stated he had met with staff and they both agreed the best approach was the Design-Build Method. He stated by state law a resolution needed to be approved before staff could move forward with this type of approach.

Council Member Ytuarte stated he would like a special meeting for more questions and answers. He asked if the project would exceed the approved budgeted amount. Mr. New stated it would not unless Council approved a new higher amount. Mr. Albert explained that once they had a designed floor plan they would guarantee the maximum amount but not until the project was designed. Mr. New stated when the RFQ is issued everyone who submits a proposal will know the budgeted amount of \$450,000.00.

Council Member Williams stated he felt this would be efficient and run smoother and quicker. Mr. Albert stated for clarification there was \$450,000, earmarked for the project. Once the design work done is done, the City will know how much the project would cost. The project did not include the council chambers or the restrooms. It included only the office spaces in the building.

Council Member Williams made a motion to approve the design build method for City Hall Renovation Project through the adoption of the attached resolution which is number 394-22 and approve the City's utilization of the City's existing consultant engineer Freese and Nichols, Incorporated as the City's design build advisor for the duration of the project in accordance with a task authorization for such services to be approved by the City Manager in an amount not to exceed \$26,893.00; seconded by Council Member Huesser. The motion carried by the following vote: AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: None. ABSENT: None.

12. Hold a public hearing on a request from Ace Bail Bonds of Uvalde, represented by Sandra Herrera, for a Specific Use Permit to allow the subject property, 1106 18th Street, to be used as a Bail Bonds Office. (Jason Lutz)

Development Services Director Jason Lutz gave an overview of the request for the Specific Use Permit on file. Staff recommended approval of the Specific Use Permit. The Planning and Zoning Committee recommended approval unanimously.

Mayor McAnelly opened the public hearing at 6:41 p.m.

Brenda Luna, owner of ACE Bail Bonds stated she was the owner of Ace Bail Bonds and they have been in operation for over 17 years. She stated their prior location was across the street on Highway 90 but that the building was falling apart. She stated they are in the office approximately 12 to 15 times a month. Clients only come to the office to do the paperwork when they were bonded. Clients check in by phone thereafter. Ms. Luna asked for approval of the Specific Use Permit.

Councilman Villa asked if there had been any negative feedback from the community. Mayor McAnelly stated there were two letters in favor and two in opposition along with a note from the Chamber of Commerce. Mayor McAnelly asked if any of the persons appeared in person at the Planning and Zoning Commission meeting. Mr. Lutz stated they had not appeared in person but the letters were presented to the Planning and Zoning Commission.

With no one wishing to speak in favor or opposition, Mayor McAnelly closed the public hearing at 6:44 p.m.

13. Discuss and consider a request from Ace Bail Bonds of Uvalde, represented by Sandra Herrera, for a Specific Use Permit to allow the subject property, 1106 18th Street, to be used as a Bail Bonds Office. (Jason Lutz)

Council Member Williams stated the area was the face of the downtown area and the last thing he wanted to see there was a bail bonds business. He stated it had been painted black and it looked horrible.

Council Member Ytuarte asked if Council Member Williams was allowed to participate in the vote, as his wife was the sister-in-law of one of the persons that disagreed with the Specific Use Permit. City Attorney Molly Solis stated as long as Council Member Williams or his wife did not have any ownership interest or were benefiting from it he could participate.

Council Member Villa made a motion to approve the Specific Use Permit to allow the subject property, 1106 18th Street as proposed; seconded by Council Member Huesser. The motion carried by the following vote: AYE: Ytuarte, Huesser, Villa. NAY: Vela, Williams. ABSTAIN: None. ABSENT: None.

14. Discuss and Consider Water and Waste Water Division promotions. (Rene Saenz)

City Manager Scott Albert stated there were five employees who obtained their water and wastewater certificates moving them from Operator I to Operator II. Staff was requesting Council to approve the promotions in the amount of roughly \$24,000.00.

Council Member Villa made a motion to approve Water and Waste Water Division promotions; seconded by Council Member Williams. The motion carried by the following vote: AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: None. ABSENT: None.

15. Discuss and consider approving Ordinance 1266-10-22 amending the City of Hondo Investment Policy as required by Chapter 2256 of the Texas Government Code; and setting an effective date. (Chris Hill)

Chief Financial Officer Chris Hill stated he had been reviewing the investment policy and that the current policy did not allow for US securities or money market accounts. Mr. Hill explained the percentage difference in investing in each accounts and stated the changes could improve the City's earning by almost \$400,000.00 compared from last year. He stated he wanted to align the investment policy with the future goals of the city and still keep it safe and liquid. Mr. Hill stated the requested change would be that the City would allow all investment options in the current policy, which would add US Securities and USA agencies as well as money market accounts. Mr. Hill suggested removing specific pools that were not necessarily going to fit with the City moving forward and changing it to any Triple A rated Texas investment pool because those were in the category the City could use with the current investment policy. The changes were in the resolution to open up all the options and add any triple A rated Texas government investment pool, not just specific ones.

Council suggested presenting a quarterly report on investments moving forward.

Council Member Ytuarte made a motion to approve Ordinance 1266-10-22 amending the City of Hondo Investment Policy as required by Chapter 2256 of the Texas Government Code; and setting an effective date; seconded by Council Member Villa. The motion carried by the following vote: AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: None. ABSENT: None.

16. Discuss and consider approving proposal for banking services and authorize City Manager to sign contract and any related documents. (Chris Hill)

Chief Financial Officer Chris Hill stated they received two proposals from TXN Bank and Vantage Bank. Mr. Hill gave an overview of the two proposals on file. Mr. Hill stated TXN bank charges were the better savings and recommended TXN Bank for banking services.

Council Member Ytuarte made a motion to approve the proposal by TXN Bank and approve the City Manager to sign a five-year contract with TXN Bank and any other documents; seconded by Council Member Williams. The motion carried by the following vote: AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: None. ABSENT: None.

17. Discuss and consider a change order to the Aqua Metrics Master Services Agreement. (Scott Albert/Jeremiah Socarras)

Council Member Vela made a motion to table the item; seconded by Council Member Villa. AYE: Ytuarte, Vela, Williams, Huesser, Villa. The motion carried by the following vote: NAY: None. ABSTAIN: None. ABSENT: None.

18. Discuss and consider grave markers/head stones for the new section at the Hondo Cemetery. (Councilman Ytuarte/Councilman Villa)

Mayor McAnelly stated he requested staff to provide the existing regulation from 2017 when the new section of the cemetery was put in. Council Member Ytuarte stated he felt himself and not anyone on the dais was in a position to tell the citizens of Hondo what they can and cannot buy for their loved ones buried at the cemetery. Mayor McAnelly stated you have to abide by the rules of the cemetery and when the new section was established, there were rules that only flush markers were permitted in that section. Discussion ensued regarding use of different parts of the cemetery and the availability. Director of Parks and Recreation Lora Robbins stated there needed to be a lot of research to figure out the rationale behind the regulations and why the changes were made. Council Member Villa stated there did need to be more research on the rules as he also did not feel Council should be able to determine what type of headstones to use. Council suggested Ms. Robbins get input from the cemetery board and brief council at a later meeting.

Councilman Vela made a motion to reconsider item Number 13 on the agenda; seconded by Councilman Williams. The motion carried by the following vote: AYE: Ytuarte, Vela, Williams, Huesser. NAY: Villa. ABSTAIN: None. ABSENT: None.

Council Member Vela stated he wanted to amend the motion to change the paint of the building exterior to match the exterior stated he would like to make an amendment to

the item suggesting changing the painting of the exterior match or resemble the existing building that were occupied there currently. Council Member Vela stated he did not see a problem with the signage but for common courtesy of other business in the area and the aesthetics of downtown, he would like to propose Council make the amendment to change the paint color. Council Member Huesser stated he did not have an issue with the business itself but did feel the color should be uniform since it was the face of Hondo. Discussion ensued regarding the Council's authority to request the tenant to change the paint color of the building and the UDC. Director of Parks and Recreation Lora Robbins stated Council could always make a recommendation.

Council Member Vela made a motion to grant the specific use permit with the condition as per section 3.12 of the UDC that the façade be returned to a like or similar color based on the condition that it is either offensive or undesirable; seconded by Councilman Williams. AYE: Vela, Williams, Huesser. NAY: Ytuarte, Villa. ABSTAIN: None. ABSENT: None.

The City Council of the City of Hondo convened into executive session at 7:23 p.m.

19. 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(1) (A) and (2) (Consultations with Attorney) and Section 551.072 (Deliberations about Real Property), Section 551.074 (Personnel Matters), Section 551.076 (Deliberations about Security Devices), or Section 551.087 (Deliberations Regarding Economic Development Negotiations); Section 551.086 (Meeting concerning municipally owned utility-competitive matters);

- a. Discussion regarding CPS proposal for purchasing power. (Scott Albert & Steve Moffitt)
- b. Discussion regarding a forensic audit concerning the various employees who received pay adjustments and title changes during the tenure of Interim City Manager Brian Valenzuela. (Scott Albert, Alan Nelson, & Victoria Thomas)
- c. Discussion regarding investigation of actions HPD personnel related to the investigation of former HPD employee R. Rodriguez. (Victoria Thomas)
- d. Discussion regarding actions of City Manager and HR Director in hiring/promotion process and procedures with city employees. (Councilmen Vela, Villa, Ytuarte and Huesser)

The City Council of the City of Hondo reconvened into regular session at 8:00 p.m.

20. Discuss and consider appropriate action on items resulting from Executive Session.

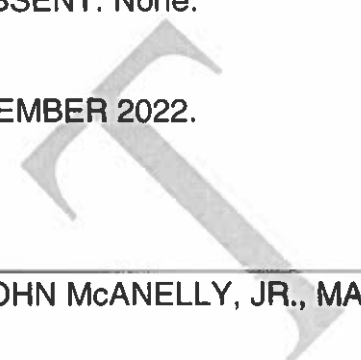
Council Member Vela made a motion to accept the CPS proposal for purchasing power; seconded by Council Member Williams. AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Ytuarte made a motion to accept the proposal from Alan Nelson with Witham & Smith for the forensic audit not to exceed the amount of \$65,000.00; seconded by Council Member Huesser. AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: None. ABSENT: None.

21. Adjourn.

Council Member Villa made a motion to adjourn; seconded by Council Member Williams. The motion carried by the following vote: AYE: Ytuarte, Vela, Williams, Huesser, Villa. NAY: None. ABSTAIN: None. ABSENT: None.

PASSED AND APPROVED THIS 28th DAY OF NOVEMBER 2022.



JOHN McANELLY, JR., MAYOR

ATTEST:

SueAnn Reyes, TRMC
City Secretary

Public Works Department Report

Period of: November 8, 2022 – November 21, 2022

Streets Division

- **Work Orders: Open: 4 Secondary: 2 Pending: 0**
 - Barricades, tree trimming, replace yield sign, patching
 - **CLOSED: 6 Primary 0 Secondary**
- **Active Projects:** Complete incoming work orders, patching potholes, street sweeping, and Alley project ongoing, finish repair on 31st and Ave O.
- **Upcoming Projects:** Complete incoming work orders
- **Notes:**

Electric Division

- **Work Orders: Open: 5 Secondary: 0 Pending: 0**
 - Line Locate, Utility Review, Banners
 - **CLOSED: Primary 104 1 Secondary**
- **Active Projects:** Complete incoming work orders, Continue straightening poles and tensioning lines on 18th St.
- **Upcoming Projects:** Complete incoming work orders, installation of underground service to residential homes, commence re-conductor of Hwy 90, CDL Training
- **Notes:** All positions filled

Water Division

- **Work Orders: Open: 2 Secondary: 4 Pending: 0**
 - Water leak, re-read, Line Locates
 - **CLOSED: 20 Primary 19 Secondary**
- **Active Projects:** Incoming work orders,
- **Upcoming Projects:** Complete incoming work orders, Spatz well re-route
- **Notes:** Currently in Stage 3 water restrictions. Water conservation literature available at City Hall, Library, Rec Center and public works office.

Facilities Division

- **Work Orders: Open: 9 Secondary: 0 Pending: 0**
 - Reservations, STRTC upgrades, Christmas in God's Country, Leaking faucet, HVAC issues in different facilities, light repair, sheetrock
 - **CLOSED: 52 Primary 0 Secondary**
- **Active Projects:** Complete incoming work orders, STRTC project, anchor evidence room at PD, Preparing for Christmas in God's Country
- **Upcoming Projects:** City facilities maintenance and complete incoming work orders, working with Parks on TA Lopez facility restroom completion pending contractor to replace piping
- **Notes:**

Wastewater Division

- **Work Orders: Open: 2 Secondary: 2 Pending: 0**
 - Oil change on compressor, drain and inspect clarifier
 - **CLOSED: 16 Primary 8 Secondary**
- **Active Projects:** U/V gate repairs, TCEQ Inspection next week
- **Upcoming Projects:** Incoming work orders, finishing renewal of Wastewater Treatment Permit. Engineer reviewing plans to replacement of sewer main Ave H to Ave F between 21st and 22nd.

Public Works Division Summary:

Total completed:	226
Total open:	22
Total secondary open:	8
Total pending:	0

Secondary Open Work Orders

Secondary		Work		Work Site		Work Order Created
Work Order Date	Secondary Division	Division Status	Description	Problem Code	Address	
11/21/2022	Water	001:Open	Line Locate	Line Locate	1106 30TH ST	83904 053: Stephen W
11/21/2022	Water	001:Open	Line Locate	Line Locate	1303 Kollman Drive	83903 053: Stephen W
11/18/2022	Water	001:Open	Line Locate: I	Line Locate	702 Disoway	83883 056 BHoward
11/17/2022	Water	001:Open	Line Locate:	Line Locate	2001 Boerne Ave / 22nd St	83863 056 BHoward
11/16/2022	Street	001:Open	patch water	Water Leak	Ave R & 15th St	83808 063: Stephanie H.
11/15/2022	Street	001:Open	patch water	Water Miscella	2208 14th ST	83779 007: BD

Primary Open Work Orders

Work Order #	Work Date	Work Site Address	Problem Code	Priority Level	Work Description	Primary Dept	Primary Status	Work Order Created
83905	11/21/2022	109 15th st	Water Miscellaneous	0	See Notes	Water	001: Open	067: Michael Arcos
83904	11/21/2022	1106 30TH ST	Line Locate	002: Level	Line Locate	Electric	001: Open	053: Stephen W
83903	11/21/2022	1303 Kollman Drive	Line Locate	002: Level	Line Locate	Electric	001: Open	053: Stephen W
83902	11/21/2022	Fair Hall	Facility Rental	0	Reservation	Facilities	001: Open	067: Michael Arcos
83867	11/17/2022	25th & Ave K	Street Signs	0	See Notes	Streets	001: Open	063: Stephanie H.
83864	11/17/2022	City Hall	Facilities Miscellaneous:	0	See Notes	Facilities	001: Open	067: Michael Arcos
83861	11/17/2022	Ave M	Tree Trimming	0	See Notes	Streets	001: Open	063: Stephanie H.
83821	11/16/2022	West Location(Lonesta	Electric Banner Installa	0	Electric Banner Installa	Electric	001: Open	063: Stephanie H.
83820	11/16/2022	East Location (Peter Ra	Electric Banner Installa	0	Electric Banner Installa	Electric	001: Open	063: Stephanie H.
83814	11/16/2022	Community Center	Facility Rental	0	Facility Rental	Facilities	001: Open	063: Stephanie H.
83809	11/16/2022	1030 AVE Y	Other	0	Install ties to buld/pen	Facilities	001: Open	046: Mari R.
83806	11/16/2022	1118 31ST STREET	Water Leak	0	Water Leak	Water	001: Open	024:Valeria
83775	11/15/2022	2400 Ave P	Street Miscellaneous	0	Block Party	Streets	001: Open	067: Michael Arcos
83752	11/14/2022	Community Center	Facility Rental	0	Reservation	Facilities	001: Open	067: Michael Arcos
83739	11/14/2022	City Hall	Parks Miscellaneous	001: Level	Take picnic tables to c	Facilities	001: Open	066:Len
83723	11/10/2022	Community Center	Facility Rental	0	Facility Rental	Waste Water	001: Open	063: Stephanie H.
83696	11/9/2022	202 plant drive	WW clarifier maint	0	Drain and Inspect Clar	Streets	001: Open	016: Isaiah
83664	11/9/2022	18th ST & Ave K	Street Miscellaneous	0	See Notes	Facilities	001: Open	007: BD
83662	11/9/2022	Community Center	Facility Rental	0	Facility Rental	Facilities	001: Open	063: Stephanie H.
83617	11/8/2022	Community Center	Facility Rental	0	Facility Rental	Waste Water	001: Open	063: Stephanie H.
83608	11/8/2022	202 Plant Drive	WW Maint. Lubricator	0	change oil BFP air com	Facilities	001: Open	053: Stephen W
83584	11/8/2022	402 Carter	Facilities Miscellaneous:	0	Entry signs		001: Open	004: ABBY



THIS IS GOD'S COUNTRY

City Council Communication

Title: Discuss and consider amending Chapter 3 (Animal Control) of the code of ordinances by revising Article 3.01 General Provisions and Article 3.04 Impoundment to comply with changes to state laws.

Date: November 28, 2022 **From:** Scott L. Albert

INFORMATION:

On January 11, 2022, the Animal Care Services Advisory Board (ACSAB) met and unanimously voted to bring to the City Council for review and possible consideration revisions to the City's animal control ordinance. The modifications from the ACSAB were made per the new state law that went into effect on January 18, 2022.

Dawn Hoover, who served as the Chairperson of the ACSAB until recently, has reviewed the revisions to the city code and stated "the amendments are well-written and address the spirit of the ACSAB's recommendations".

A few of the significant revisions to the City's Animal Control code are;

New Definitions:

Adequate Shelter – A clean and sturdy structure that:

- (1) has a roof, walls on at least three sides, and an opening on the fourth side allowing the dog access to the interior of the structure; and
- (2) has a floor that is elevated enough to keep the interior surface of the structure dry from precipitation; and
- (3) provides the dog protection from inclement weather; and
- (4) with dimensions that are appropriate based on the size and weight of the dog; and
- (5) with dimensions that allow the dog, while in the shelter, to stand erect, sit, turn around, and lie down in a normal position.

Properly fitted – with respect to a collar or harness, a collar or harness that:

- (1) is appropriately sized for the dog based on the dog's measurements and body weight; and
- (2) does not choke the dog or impede the dog's normal breathing or swallowing; and
- (3) does not cause pain or injury to the dog.

Shade – Comparative darkness and coolness caused by shelter from direct sunlight; as in sitting in the shade.

Unlawful Restraint of Dog

General Provisions –

- (1) An owner may not leave a dog outside unless the owner provides the dog access to:
 - (A) adequate shelter; and
 - (B) an area that allows the dog to avoid standing water and exposure to excessive animal waste; and

(C) 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 created from the designated shelter; and

(D) potable water, which must be available at all times.

(2) An owner may not restrain a dog outside and unattended by use of a restraint that;

(A) is a chain;

(B) has weight(s) attached;

(C) is shorter in length than the greater of, or attached to a trolley system that allows a dog to move along a running line for a distance less than the greater of:

(i) five times the length of the dog' as measured from the tip of the dog's nose to the base of the dog's tail; or

(ii) 10 feet; or

(D) is attached to a collar or harness that is not properly fitted.

ATTACHMENTS:

- Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS AMENDING CHAPTER 3 *ANIMAL CONTROL* BY REVISING ARTICLE 3.01 *GENERAL PROVISIONS* AND ARTICLE 3.04 *IMPOUNDMENT* IN ORDER TO COMPLY WITH RECENT CHANGES TO STATE LAWS REGARDING UNLAWFUL RESTRAINT OF A DOG; AUTHORIZING THE CITY ANIMAL CONTROL OFFICER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HERewith; AND SETTING AN EFFECTIVE DATE.

WHEREAS, on October 25, 2021, the Governor signed Texas Senate Bill No. 5 (SB5) relating to the unlawful restraint of a dog and creating a criminal offense; and

WHEREAS, SB5 became effective on January 18, 2022, and the City Council of the City of Hondo has determined that the City Code should be amended to reflect the revisions made by SB5 to Chapter 821 of the Texas Health and Safety Code; and

WHEREAS, Texas has determined that the ordinance amendments herein are necessary and appropriate to promote the health, safety and general welfare of the citizens of the City of Hondo, and are consistent with current state laws regarding unlawful restraint of a dog.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HONDO, TEXAS THAT:

SECTION 1. AMENDMENTS. The municipal code of ordinances shall hereafter be amended at Chapter 3 – Animal Control, Article 3.01 – General Provisions, Sections 3.01.001 - Definitions, 3.01.002 - Penalty, and 3.01.014 – Fastening animals with rope, chain or choker collar, which shall hereafter read as follows (revisions in RED):

Chapter 3 – ANIMAL CONTROL

Article 3.01 GENERAL PROVISIONS

Sec. 3.01.001 Definitions

When used in this chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

Adequate shelter. A clean and sturdy structure that:

- (1) has a roof, walls on at least three (3) sides, and an opening on the fourth side allowing the dog to access the interior of the structure; and
- (2) has a floor that is elevated enough to keep the interior surface of the structure dry from precipitation; and
- (3) provides the dog protection from inclement weather; and
- (4) with dimensions that are appropriate based upon the size and weight of the dog; and
- (5) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

Cat. Any live or dead cat (*Felis catus*).

Choker collar. A length of chain or nylon cord or rope with rings at either end such that the collar can be formed into a loop around the animal's neck that slips (adjusts) tighter when pulled and slips looser when tension is released.

Collar. A band of material specifically designed to be placed around the neck of a dog.

Currently vaccinated. Vaccinated and satisfying the following criteria:

- (1) The animal must have been at least three months of age at the time of vaccination.
- (2) At least thirty (30) days have elapsed since the initial vaccination.
- (3) Not more than twelve (12) months have elapsed since the most recent vaccination.

Dangerous dog. A dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog. A domesticated animal that is a member of the canine family.

Domestic animal. Includes all species of animals commonly and universally accepted as being domesticated.

Harboring. The act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care for a period of three (3) days.

Harness. A set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

Inclement weather. Includes rain, hail, sleet, snow, high winds, extreme low temperatures (below 32 degrees Fahrenheit), extreme high temperatures (above 100 degrees Fahrenheit), or any combination thereof.

Owner. A person who owns or has custody or control of the animal.

Pet animal. Includes dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include skunks, nonhuman primates and any other species of wild or carnivorous animal that may be further restricted in this law.

Police chief or local health authority. The persons designated by the city to receive reports of animal bites, investigate bite reports, insure quarantine of possibly rabid animals and otherwise carry out provisions of the state law pertaining to control and eradication of rabies.

Properly fitted. With respect to a collar or harness, a collar or harness that:

- (1) is appropriately sized for the dog based on the dog's measurements and body weight;
- (2) does not choke the dog or impede the dog's normal breathing or swallowing; and
- (3) does not cause pain or injury to the dog.

~~; a collar that measures the circumference of a dog's neck plus at least one inch.~~

Restraint. A chain, rope, tether, leash, cable or other device that attaches a dog to a stationary object or trolley system.

Running at large. Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. An animal within an automobile or other vehicle of its owner shall not be deemed "running at large."

Secure enclosure. A fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the local animal control authority.

Serious bodily injury. An injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization, without regard to whether the person actually sought medical treatment.

~~Shelter. 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.~~

Shade. Comparative darkness and coolness caused by shelter from direct sunlight; as in 'sitting in the shade'.

Stray animal. Any animal for which there is no identifiable owner or harborer.

Unenclosed shaded space. An unenclosed space that provides natural and/or artificial shade from direct sunlight at all times across an area large enough to accommodate all outdoor pets at once and is separate and apart from any shade created by adequate shelter.

Vaccinated. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state.

Vicious animal. Any individual animal or any species who has on two previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which the local health authority has reason to believe has a dangerous disposition, or any species of animal which the local police chief has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

Wild animal. Includes all species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

Sec. 3.01.002 Penalty

It shall be unlawful for any person, organization, association, or corporation to violate any of the provisions of this chapter. Any person, organization, association or corporation violating the provisions of this chapter shall, upon conviction, be fined in accordance with the general penalty provision found in section 1.01.009 of this code. ~~unless otherwise specified in this chapter.~~

....

Sec. 3.01.014 Unlawful Restraint of Dog ~~Fastening animals with rope, chain or choker collar~~

(a) General restrictions. No animal shall be hitched, tied, fastened or otherwise restrained by any rope, chain or cord that is directly attached to the animal's neck or other body part; rather, such restraint must utilize a properly fitted collar or harness made of leather or nylon to attach to the animal. Choker collars are strictly prohibited. This chapter does not prohibit a person from walking a dog with a handheld leash, provided that it utilizes a properly fitted collar or harness to attach to the animal.

(1) An owner may not leave a dog outside unless the owner provides the dog access to:

- (A) adequate shelter;
- (B) an area that allows the dog to avoid standing water and exposure to excessive animal waste;
- (C) 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 created from the designated shelter; and
- (D) potable water, which must be available at all times.

- (2) An owner may not restrain a dog outside and unattended by use of a restraint that:
- (A) is a chain;
 - (B) has weight(s) attached;
 - (C) is shorter in length than the greater of, or attached to a trolley system that allows a dog to move along a running line for a distance less than the greater of:
 - (i) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - (ii) 10 feet; or
 - (D) is attached to a collar or harness that is not properly fitted.
- (3) Exceptions. The requirements of subsections (a)(1) and (a)(2) of this section shall not apply to the following:
- (A) The use of a restraint on a dog:
 - (i) while in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state or local authority or jurisdiction;
 - (ii) while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;
 - (iii) while the owner and dog engage in conduct directly related to:
 - (1) the business of shepherding or herding cattle or livestock; or
 - (2) the business of cultivating agricultural products;
 - (3) participating in, or actively training for, hunting or field trialing;
 - (B) A dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed; and
 - (C) A dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained.

No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This does not prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length and must have a swivel device on the anchor and collar end to prevent tangling.

(b) Width of dog collars. No person shall chain their dog using a collar exceeding one and one-half (1-1/2) inches wide for any dog weighing less than sixty (60) pounds. Dogs weighing sixty (60) pounds or more shall not be tethered using a collar exceeding two (2) inches in width.

(c) Access to shelter. An animal that is tethered must have access to adequate shelter at all times.

(d) Weight of chain or tether. A person shall not chain or tether a dog with a chain or tether that weighs more than one-eighth (1/8) of the dog's body weight.

(e) Female dogs in estrus. No person shall tether their female dog while the dog is in estrus.

(f) Extreme weather conditions. Leaving a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit, a heat advisory has been issued by a local or state authority or jurisdiction, or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service, is a state law violation punishable by fine and/or jail time in accordance with the Texas Health and Safety Code.

(g) Violations; penalty.

- (1) A person commits an offense if the person knowingly violates this section.
- (2) A peace officer or animal control officer who has probable cause to believe that an owner is violating this section shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.
- (3) A person commits an offense if the person is provided a statement described by subsection (2) above and fails to comply with this section within 24 hours of the time the owner is provided the statement. ~~An offense under this section is a class-C misdemeanor.~~
- (4) ~~An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted of, or completed deferred adjudication for, an offense under this section. A person commits an offense if the person violates this section and previously has been convicted of an offense under this section. An offense under this subsection is a class B misdemeanor.~~
- (5) If a person fails to comply with this section with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.
- (6) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Commented [AB1]:
CONSULT WITH ANIMAL CONTROL – this provision may not be necessary not that "properly fitted" is included in the definitions.

SECTION 2. RECITALS. The City Council finds all of the above recitals to be true and correct and hereby incorporates said recitals herein as findings of fact.

SECTION 3. REMAINING PROVISIONS UNCHANGED. The remainder of the existing Chapter 3 – Animal Control remains unchanged and shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION 5. REPEALER AND SAVINGS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 6. EFFECTIVE DATE: This Ordinance shall be effective following publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO,
TEXAS, THIS ____ DAY OF _____, 2022.**

**JOHN MCANELLY
MAYOR**

ATTEST:

**SUE ANN REYES
CITY SECRETARY**

APPROVED AS TO FORM BY:

**JESSIE LOPEZ
CITY ATTORNEY**